

HOUSE BILL 238

A2, P1

(6lr2081)

ENROLLED BILL

— Economic Matters/Education, Health, and Environmental Affairs —

Introduced by ~~Delegate Sophocles~~ Anne Arundel County Delegation

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Anne Arundel County – Alcoholic Beverages – Disposition of Fees**

3 FOR the purpose of requiring the Anne Arundel County Board of License Commissioners
4 to remit a certain administrative fee to the ~~Office of the~~ Comptroller instead of using
5 the fee to cover certain expenses; requiring the Board to remit to the ~~Office of the~~
6 Comptroller, rather than to Anne Arundel County, all fees that the Board collects;
7 requiring the ~~Office of the~~ Comptroller, ~~rather than the county,~~ *from certain fees,* to
8 *approve and remit to the county certain amounts necessary to pay from* certain
9 ~~receipts certain~~ salaries, *benefits,* and expenses; *requiring the Comptroller and* to
10 remit the balance *of certain fees* to the county for certain purposes; and generally
11 relating to the disposition of fees related to alcoholic beverages licenses in Anne
12 Arundel County.

13 ~~BY repealing and reenacting, with amendments,~~
14 ~~Article 2B – Alcoholic Beverages~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 ~~Section 10-104(e)(1) and 10-204(e)~~
 2 ~~Annotated Code of Maryland~~
 3 ~~(2011 Replacement Volume and 2015 Supplement)~~

4 ~~BY repealing and reenacting, without amendments,~~
 5 ~~Article 2B—Alcoholic Beverages~~
 6 ~~Section 10-204(a)~~
 7 ~~Annotated Code of Maryland~~
 8 ~~(2011 Replacement Volume and 2015 Supplement)~~

9 BY repealing and reenacting, without amendments,
 10 Article – Alcoholic Beverages
 11 Section 11-102
 12 Annotated Code of Maryland
 13 (As enacted by Chapter ____ (S.B. 724) of the Acts of the General Assembly of 2016)

14 BY repealing and reenacting, with amendments,
 15 Article – Alcoholic Beverages
 16 Section 11-207, 11-1405, and 11-1406
 17 Annotated Code of Maryland
 18 (As enacted by Chapter ____ (S.B. 724) of the Acts of the General Assembly of 2016)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 20 That the Laws of Maryland read as follows:

21 ~~**Article 2B—Alcoholic Beverages**~~

22 ~~10-104.~~

23 ~~(e) (1) (I) In Anne Arundel County, any administrative action that~~
 24 ~~requires a hearing, including an application for a new license, a transfer of a license to a~~
 25 ~~third party, or a change of ownership of a majority interest in a license, shall be~~
 26 ~~accompanied by payment of an administrative fee of \$200 payable to the Board.~~

27 ~~(H) This sum is in addition to any other fee required for a license in~~
 28 ~~Anne Arundel County, and the administrative fee may not be returned whether the~~
 29 ~~requested administrative action is granted or denied.~~

30 ~~(HH) The administrative fee shall be [used by the Board to cover the~~
 31 ~~expenses of the Board in connection with its functions] REMITTED TO THE OFFICE OF~~
 32 ~~THE COMPTROLLER AS REQUIRED UNDER § 10-204(C) OF THIS TITLE.~~

33 ~~(IV) The provisions of this subsection do not apply to any application~~
 34 ~~for a license by way of renewal.~~

35 ~~10-204.~~

1 ~~(a) (1) Except as otherwise provided in this section, the local collecting agent~~
2 ~~shall remit all license fees collected under this article to the board of county commissioners~~
3 ~~or county fiscal officer for the county, or to the Mayor and City Council of Baltimore, as the~~
4 ~~case may be.~~

5 ~~(2) The board of county commissioners or Mayor and City Council of~~
6 ~~Baltimore shall use the portion of the receipts as may be necessary to pay refunds as~~
7 ~~provided in this section, and devote the balance to the general purposes of the county or~~
8 ~~city, as the case may be.~~

9 ~~(3) The Comptroller's office may retain from the license and permit fees~~
10 ~~collected by the office for the use of the State of Maryland sums necessary to pay refunds~~
11 ~~on licenses issued by the office and the expenses incurred by the office in the discharge of~~
12 ~~the duties imposed by this article.~~

13 ~~(c) (1) Except for licenses granted to places of business located in the City of~~
14 ~~Annapolis, the Anne Arundel County Board of License Commissioners shall:~~

15 ~~(i) Collect all alcoholic beverages license fees; and~~

16 ~~(ii) Issue all alcoholic beverages licenses authorized under this~~
17 ~~article for Anne Arundel County.~~

18 ~~(2) (i) The Anne Arundel County Board of License Commissioners shall~~
19 ~~remit to the [county] OFFICE OF THE COMPTROLLER all fees collected by the Board.~~

20 ~~(ii) The [county] OFFICE OF THE COMPTROLLER shall:~~

21 ~~1. APPROVE AND pay from the receipts the salaries and~~
22 ~~expenses of the Board and [of] its employees[, as approved by the State Comptroller,]; and~~
23 ~~[shall devote]~~

24 ~~2. REMIT the balance of the receipts to THE COUNTY FOR~~
25 ~~the general purposes of the county.~~

26 ~~(3) The City Clerk of the City of Annapolis shall:~~

27 ~~(i) Collect all alcoholic beverages license fees for licenses granted to~~
28 ~~places of business located in the City of Annapolis; and~~

29 ~~(ii) Issue all alcoholic beverages licenses authorized under this~~
30 ~~article for the City of Annapolis.~~

31 ~~(4) (i) The City Clerk of the City of Annapolis shall remit to the City of~~
32 ~~Annapolis all fees collected by the City Clerk.~~

1 (ii) ~~The City of Annapolis shall devote the receipts to the general~~
2 ~~purposes of the City.~~

3 **Article – Alcoholic Beverages**

4 11-102.

5 This title applies only in Anne Arundel County.

6 11-207.

7 ~~The~~ **FROM THE FEES RECEIVED, THE [County] COMPTROLLER** shall:

8 (1) **APPROVE AND REMIT TO THE COUNTY THE AMOUNTS NECESSARY**
9 **TO** pay the salaries and ~~expenses~~ **BENEFITS** of the Board and its employees[, as approved
10 **by the Comptroller,]** ~~from the fees received; and~~

11 (2) **APPROVE AND REMIT TO THE COUNTY THE AMOUNT NECESSARY**
12 **TO PAY THE EXPENSES OF THE BOARD; AND**

13 ~~(2)~~ (3) [devote] **AT THE END OF EACH FISCAL YEAR, REMIT** the
14 **balance of the fees received to the COUNTY FOR THE** general purposes of the County.

15 11-1405.

16 (a) (1) An administrative fee shall be charged for an administrative action by
17 the County that requires a hearing, including:

18 (i) an application for a new license; and

19 (ii) a change of ownership of a majority interest in a license.

20 (2) The administrative fee does not apply to the renewal of a license for the
21 same premises.

22 (b) The administrative fee is:

23 (1) \$200 payable to the Board, in addition to any other fee required for a
24 license; and

25 (2) nonrefundable, whether the requested administrative action is granted
26 or denied.

27 [(c) The Board shall use the administrative fee to cover its expenses.]

1 11-1406.

2 The Board shall:

3 (1) collect all license fees required under this article;

4 (2) issue all licenses in the County; and

5 (3) remit all fees collected to the [County] **COMPROLLER.**

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
7 1, 2016.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.