

SENATE BILL 175

A2, P1

6lr0379
CF HB 238

By: **Senator Astle**

Introduced and read first time: January 18, 2016

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 4, 2016

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 ~~and~~; requiring the Comptroller 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~~
15 ~~Section 10-104(e)(1) and 10-204(e)~~
16 ~~Annotated Code of Maryland~~
17 ~~(2011 Replacement Volume and 2015 Supplement)~~

18 ~~BY repealing and reenacting, without amendments,~~
19 ~~Article 2B – Alcoholic Beverages~~
20 ~~Section 10-204(a)~~
21 ~~Annotated Code of Maryland~~
22 ~~(2011 Replacement Volume and 2015 Supplement)~~

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.



1 BY repealing and reenacting, without amendments,

2 Article – Alcoholic Beverages

3 Section 11–102

4 Annotated Code of Maryland

5 (As enacted by Chapter ____ (S.B. 724) of the Acts of the General Assembly of 2016)

6 BY repealing and reenacting, with amendments,

7 Article – Alcoholic Beverages

8 Section 11–207, 11–1405, and 11–1406

9 Annotated Code of Maryland

10 (As enacted by Chapter ____ (S.B. 724) of the Acts of the General Assembly of 2016)

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

13 ~~**Article 2B – Alcoholic Beverages**~~

14 ~~10–104.~~

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

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

22 ~~(III) The administrative fee shall be [used by the Board to cover the~~
23 ~~expenses of the Board in connection with its functions] REMITTED TO THE OFFICE OF~~
24 ~~THE COMPTROLLER AS REQUIRED UNDER § 10–204(C) OF THIS TITLE.~~

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

27 ~~10–204.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Article – Alcoholic Beverages

11-102.

This title applies only in Anne Arundel County.

1 11-207.

2 [The County] FROM THE FEES RECEIVED, THE COMPTROLLER shall:

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

6 (2) APPROVE AND REMIT TO THE COUNTY THE AMOUNT NECESSARY
7 TO PAY THE EXPENSES OF THE BOARD; AND

8 [(2)] (3) [devote] AT THE END OF EACH FISCAL YEAR, REMIT the
9 balance of the fees received to the COUNTY FOR THE general purposes of the County.

10 11-1405.

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

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

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

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

17 (b) The administrative fee is:

18 (1) \$200 payable to the Board, in addition to any other fee required for a
19 license; and

20 (2) nonrefundable, whether the requested administrative action is granted
21 or denied.

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

23 11-1406.

24 The Board shall:

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

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

27 (3) remit all fees collected to the [County] COMPTROLLER.

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.