

HOUSE BILL 831

A2

EMERGENCY BILL
ENROLLED BILL

(4lr3036)

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

Introduced by **Delegates Branch, Anderson, Carter, Conaway, Glenn, Hammen, Harper, McHale, McIntosh, Mitchell, Oaks, B. Robinson, Stukes, Tarrant, and M. Washington**

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 **Baltimore City – Alcoholic Beverages Act of 2014**

3 FOR the purpose of authorizing the Board of Liquor License Commissioners for
4 Baltimore City to waive a certain food requirement for a restaurant owned and
5 operated by a not-for-profit organization in a certain area of the City;
6 authorizing the Board to waive certain restrictions on license transfers in
7 certain areas under certain circumstances; *prohibiting, beginning on a certain*
8 *date, certain alcoholic beverages licenses from being issued within or transferred*
9 *into a certain area*; requiring the Board or its designee to examine each
10 application for the issuance or transfer of a license within a certain time;
11 specifying requirements to be met before an application for the issuance,
12 transfer, or renewal of a license may be considered complete; specifying certain
13 requirements to be met before a certain hearing; providing procedures for

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 making changes to an application; requiring the Board to digitize and post
2 online certain records by a certain date and adopt certain regulations; requiring
3 that certain revenue be payable to the director of finance; requiring the Board to
4 submit a budget request to the City annually in a certain form and to provide
5 certain other material to the City; requiring the Board to ensure that each fee or
6 fine that the Board imposes and collects is prominently listed on the Web site of
7 the Board; requiring the Mayor and City Council to pay, from the general fund
8 of the City that includes revenue from the Board, the salaries and expenses of
9 the Board and its employees and devote the balance of the revenue from the
10 Board to the general purposes of the City; requiring the Board annually to
11 establish performance measures for certain activities; requiring the Board to
12 make the performance measures available to the public on a certain Web site;
13 requiring that on request, the Board submit certain reports to the Office of
14 Legislative Audits; providing for certain salaries and benefits for members of
15 the Board; requiring the Board to employ an executive secretary and deputy
16 executive secretary based on certain criteria; repealing certain restrictions
17 concerning the removal of the executive secretary and deputy executive
18 secretary; ~~repealing the requirement that the executive secretary or deputy~~
19 ~~executive secretary be a member of the Bar of the State~~; repealing a requirement
20 that the executive secretary or the deputy executive secretary be a member of the
21 State Bar; prohibiting a member or employee of the Board from having certain
22 financial interests or soliciting or receiving certain items from certain persons;
23 requiring a member of the Board to resign under certain circumstances;
24 requiring, under certain circumstances, a member of the Board to certify to the
25 City Board of Elections that the individual is no longer a member of the Board;
26 specifying that the Board or its designee performs certain tasks, including
27 reviewing the zoning of licenses; requiring a certain period for public comment
28 before the Board may adopt a regulation; ~~requiring the Board to post certain~~
29 ~~regulations online~~ requiring that regulations adopted by the Board be posted
30 online; requiring the Board to review its regulations at a certain time for a
31 certain purpose; repealing the requirement that the Board employ and set
32 salaries for certain part-time inspectors; requiring the Board to employ certain
33 individuals; providing for the salary of the position of attorney; specifying that
34 certain employees of the Board are in the classified civil service of the City;
35 requiring that, to the extent possible, all employees of the Board be residents of
36 the City; requiring the Board to provide to the director of finance certain
37 information; requiring the Board to determine the salaries of the employees of
38 the Board under certain circumstances; specifying that the Board may consider
39 an employee's performance and experience in determining the appropriate
40 salary level; repealing a certain pay schedule for certain employees of the
41 Board; specifying that the Board consists of a certain number of regular and
42 alternate members; providing for the qualifications, term, and appointment of
43 the members; defining certain terms; altering a certain definition; making
44 certain stylistic and conforming changes; making this Act an emergency
45 measure; providing for the effective date of certain provisions of this Act;
46 providing for the termination of certain provisions of this Act; and generally

1 relating to alcoholic beverages and the Board of Liquor License Commissioners
2 for Baltimore City.

3 BY repealing and reenacting, without amendments,
4 Article 2B – Alcoholic Beverages
5 Section 1–102(a)(1)
6 Annotated Code of Maryland
7 (2011 Replacement Volume and 2013 Supplement)

8 BY repealing and reenacting, with amendments,
9 Article 2B – Alcoholic Beverages
10 Section 1–102(a)(22)(i), 9–204.3, 10–204(d), 15–101(d), 15–109(d), and
11 15–112(d)
12 Annotated Code of Maryland
13 (2011 Replacement Volume and 2013 Supplement)

14 BY adding to
15 Article 2B – Alcoholic Beverages
16 Section 9–204.1(i) and 10–202(a)(4)
17 Annotated Code of Maryland
18 (2011 Replacement Volume and 2013 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article – State Government
21 Section 15–807(a)
22 Annotated Code of Maryland
23 (2009 Replacement Volume and 2013 Supplement)

24 BY repealing and reenacting, with amendments,
25 Article – General Provisions
26 Section 5–801(c)(1)
27 Annotated Code of Maryland
28 (As enacted by Chapter _____ (H.B. 270) of the Acts of the General Assembly of
29 2014)

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

32 **Article 2B – Alcoholic Beverages**

33 1–102.

34 (a) (1) In this article the following words have the meanings indicated.

35 (22) (i) 1. “Restaurant” means an establishment:

36 A. Which accommodates the public;

1 B. Which is equipped with a dining room with facilities
2 for preparing and serving regular meals; and

3 C. In which the average daily receipts from the sale of
4 foods exceed the average daily receipts from the sale of alcoholic beverages.

5 2. However the board of license commissioners in any
6 county by regulation may prescribe a different standard as to what constitutes a
7 restaurant.

8 3. [For] **SUBJECT TO SUBSUBPARAGRAPH 4 OF THIS**
9 **SUBPARAGRAPH, FOR** a restaurant in Baltimore City, the average daily receipts from
10 the sale of food must be at least 40% of the total daily receipts of the establishment.

11 **4. THE BOARD OF LIQUOR LICENSE**
12 **COMMISSIONERS FOR BALTIMORE CITY MAY WAIVE THE FOOD REQUIREMENT**
13 **SPECIFIED UNDER SUBSUBPARAGRAPH 3 OF THIS SUBPARAGRAPH FOR A**
14 **RESTAURANT OWNED AND OPERATED BY A NOT-FOR-PROFIT ORGANIZATION IN**
15 **THE AREA BOUNDED BY SOUTH ELLWOOD AVENUE ON THE WEST, BANK**
16 **STREET ON THE NORTH, SOUTH BOULDIN STREET ON THE EAST, AND FLEET**
17 **STREET ON THE SOUTH.**

18 9-204.1.

19 (1) BEGINNING JULY 1, 2015, A NEW ALCOHOLIC BEVERAGES LICENSE
20 MAY NOT BE ISSUED WITHIN AND AN EXISTING LICENSE MAY NOT BE
21 TRANSFERRED INTO THE AREA BOUNDED BY NORTHERN PARKWAY ON THE
22 NORTH, BELLONA AVENUE ON THE WEST, ORKNEY ROAD ON THE SOUTH, AND
23 EVESHAM AVENUE ON THE EAST.

24 9-204.3.

25 (a) (1) Except as **OTHERWISE** provided in [paragraph (2) of this
26 subsection] **THIS SECTION**, in Baltimore City, no new license, or removal of an
27 existing license, shall be granted to sell alcoholic beverages in any building located
28 within 300 feet of the nearest point of the buildings of a church or school, but the
29 license of any person now holding a license for any building located within such
30 distance of the building grounds of a church or school may be renewed or extended for
31 the same building.

32 (2) In the 45th Legislative District in Baltimore City, a new Class A
33 license of any type may not be issued for the sale of alcoholic beverages in a building
34 located within 500 feet of the nearest point of the building of a place of worship or
35 school.

1 (b) The restrictions regarding distance in subsection (a)(1) of this section do
2 not apply to the following licenses, which may be issued within the 300 feet limitation:

3 (1) Except in the 46th Legislative District, Class B beer and wine;

4 (2) Except in the 46th Legislative District, Class B beer, wine and
5 liquor;

6 (3) Class C beer and wine; and

7 (4) Class C beer, wine and liquor.

8 (c) Except in the 46th Legislative District, the governing body of any church
9 in writing may waive the restrictions of this section regarding licenses not specified in
10 subsection (b) with respect to cafes or restaurants located within 250 feet of a theater
11 having a capacity of not less than 300 seats, which theater is operated by a nonprofit
12 theater association.

13 (D) (1) **THIS SUBSECTION APPLIES ONLY TO AN AREA BOUNDED BY:**

14 (I) **HIGH STREET ON THE WEST, FAWN STREET ON THE**
15 **NORTH, CENTRAL AVENUE ON THE EAST, AND EASTERN AVENUE ON THE**
16 **SOUTH; OR**

17 (II) **WEST CROSS STREET ON THE WEST, CLIFFORD STREET**
18 **ON THE NORTH, SCOTT STREET ON THE EAST, AND CARROLL STREET ON THE**
19 **SOUTH.**

20 (2) **THE BOARD OF LIQUOR LICENSE COMMISSIONERS FOR**
21 **BALTIMORE CITY MAY WAIVE THE RESTRICTIONS OF THIS SECTION REGARDING**
22 **DISTANCE IN SUBSECTION (A)(1) OF THIS SECTION FOR AN APPLICATION FOR A**
23 **LICENSE TRANSFER INTO AN AREA SPECIFIED IN PARAGRAPH (1) OF THIS**
24 **SUBSECTION IF:**

25 (I) **THE APPLICATION IS APPROVED BY:**

26 1. **EACH COMMUNITY ASSOCIATION REPRESENTING**
27 **THE AREA;**

28 2. **EACH BUSINESS ASSOCIATION IN THE AREA; AND**

29 3. **THE PASTOR AND CHURCH BOARD OF DIRECTORS**
30 **OR PASTORAL COUNCIL FOR EACH CHURCH WITHIN 300 FEET OF THE**

1 PROPOSED LOCATION FOR THE ESTABLISHMENT FOR WHICH THE LICENSE
2 TRANSFER IS SOUGHT; AND

3 (II) A MEMORANDUM OF UNDERSTANDING IS EXECUTED BY
4 THE APPLICANT FOR THE LICENSE TRANSFER AND EACH COMMUNITY
5 ASSOCIATION IN THE AREA.

6 10-202.

7 (a) (4) (I) THIS PARAGRAPH APPLIES ONLY IN BALTIMORE CITY.

8 (II) IN THIS PARAGRAPH, "BOARD" MEANS THE BOARD OF
9 LIQUOR LICENSE COMMISSIONERS.

10 (III) THE BOARD OR THE BOARD'S DESIGNEE SHALL
11 EXAMINE EACH APPLICATION FOR THE ISSUANCE OR TRANSFER OF A LICENSE
12 WITHIN 45 DAYS OF RECEIPT OF THE APPLICATION TO DETERMINE WHETHER
13 THE APPLICATION IS COMPLETE.

14 (IV) AN APPLICATION FOR THE ISSUANCE, TRANSFER, OR
15 RENEWAL IS NOT COMPLETE UNLESS THE APPLICANT HAS:

16 1. OBTAINED ZONING APPROVAL OR VERIFICATION
17 OF ZONING IF THE APPLICATION IS FOR RENEWAL;

18 2. SUBMITTED ALL DOCUMENTS REQUIRED IN THE
19 APPLICATION; AND

20 3. PAID ALL FINES AND FEES THAT ARE DUE.

21 (V) 1. A LICENSE HEARING MAY NOT BE SCHEDULED
22 UNLESS THE BOARD DETERMINES THAT THE APPLICATION IS COMPLETE.

23 2. A COMPLETE APPLICATION WITH ALL SUBMITTED
24 DOCUMENTS SHALL BE POSTED ONLINE AT LEAST 14 DAYS BEFORE THE
25 HEARING DATE.

26 (VI) THE POSTPONEMENT OF A HEARING SHALL BE POSTED
27 ONLINE NOT LESS THAN 72 HOURS BEFORE THE HEARING DATE.

28 (VII) 1. TO INCORPORATE A CHANGE IN THE
29 APPLICATION DOCUMENT AFTER THE BOARD OR THE BOARD'S DESIGNEE HAS
30 DETERMINED THE APPLICATION TO BE COMPLETE, THE APPLICANT SHALL

1 SUBMIT THE CHANGE TO THE BOARD NOT LATER THAN 15 DAYS BEFORE THE
2 SCHEDULED HEARING.

3 ~~2. AN APPLICANT MAY OFFER A LATER CHANGE TO~~
4 ~~THE APPLICATION ON THE RECORD AT THE HEARING.~~

5 ~~3.~~ 2. AFTER THE HEARING ON THE APPLICATION, AN
6 APPLICANT MAY CHANGE THE APPLICATION ONLY AT A NEW HEARING.

7 (VIII) THE BOARD SHALL:

8 1. STARTING ON JULY 1, 2015, DIGITIZE AND POST
9 ONLINE ALL RECORDS FOR PUBLIC REVIEW; AND

10 2. ADOPT REGULATIONS TO CARRY OUT THIS
11 SUBPARAGRAPH.

12 (IX) THE BOARD SHALL IMPOSE A FINE THAT IT
13 DETERMINES FOR FAILURE TO COMPLY WITH THE REQUIREMENTS UNDER THIS
14 PARAGRAPH.

15 10-204.

16 (d) (1) IN THIS SUBSECTION, "BOARD" MEANS THE BOARD OF
17 LIQUOR LICENSE COMMISSIONERS OF BALTIMORE CITY.

18 (2) THIS SUBSECTION APPLIES ONLY IN BALTIMORE CITY.

19 (3) THE REVENUE FROM LICENSE FEES, PERMIT FEES, FINES,
20 AND ADVERTISING FEES SHALL BE PAYABLE TO THE DIRECTOR OF FINANCE.

21 (4) THE BOARD SHALL:

22 (i) SUBMIT A BUDGET REQUEST TO BALTIMORE CITY
23 ANNUALLY IN THE FORM THAT THE DIRECTOR OF FINANCE REQUIRES; AND

24 (ii) PROVIDE ADDITIONAL BUDGET JUSTIFICATION
25 MATERIAL THAT THE DIRECTOR OF FINANCE REQUESTS.

26 (5) THE BOARD SHALL ENSURE THAT EACH FEE OR FINE THAT
27 THE BOARD IMPOSES AND COLLECTS IS PROMINENTLY LISTED ON THE WEB
28 SITE OF THE BOARD.

1 **(6)** [In Baltimore City the] **THE** Mayor and City Council of Baltimore
2 shall [pay]:

3 **(I)** **PAY** from the [receipts] **GENERAL FUND OF BALTIMORE**
4 **CITY THAT INCLUDES REVENUE FROM THE BOARD**, the salaries and **EXPENSES** of
5 the Board [of License Commissioners of Baltimore City] and its employees[, as
6 approved by the State Comptroller]; **AND**

7 **(II)** **DEVOTE THE BALANCE OF THE REVENUE FROM THE**
8 **BOARD TO THE GENERAL PURPOSES OF THE CITY.**

9 **(7)** **(I)** **THE BOARD ANNUALLY SHALL ESTABLISH**
10 **PERFORMANCE MEASURES USING THE CITISTAT PROGRAM OF THE CITY OF**
11 **BALTIMORE FOR SUCH ACTIVITIES AS:**

12 1. **FINANCIAL MANAGEMENT;**

13 2. **ISSUANCE OF LICENSES; AND**

14 3. **ENFORCEMENT OF ALCOHOLIC BEVERAGES LAWS.**

15 **(II)** **THE BOARD SHALL MAKE THE PERFORMANCE**
16 **MEASURES AVAILABLE TO THE PUBLIC ON THE OPEN BALTIMORE WEB SITE.**

17 **(8)** **ON REQUEST, THE BOARD SHALL SUBMIT TO THE OFFICE OF**
18 **LEGISLATIVE AUDITS PERFORMANCE ACCOUNTABILITY REPORTS TO ENSURE**
19 **THAT THE BOARD IS ON TRACK TO MEET ITS ANNUAL PERFORMANCE**
20 **MEASURES.**

21 15–109.

22 (d) In Baltimore City:

23 (1) **(I)** The chairman **AND EACH OTHER REGULAR MEMBER** of
24 the Board shall receive an annual salary [of] **THAT:**

25 1. **IS NOT LESS THAN \$28,500**[, and the other members
26 of the Board shall receive an annual salary of \$28,000];

27 2. **IS SET IN THE ORDINANCE OF ESTIMATES; AND**

28 3. **INCLUDES ANY COST OF LIVING INCREASE**
29 **AVAILABLE TO MEMBERS OF THE CITY COUNCIL.**

1 (ii) May not have any interest, direct or indirect, in any
2 business wholly or partially devoted to the manufacture, distribution, or sale of
3 alcoholic beverages;

4 (iii) May not own any stock in any corporation which has any
5 interest, proprietary or otherwise, direct or indirect, in any premises where alcoholic
6 beverages are manufactured, distributed, or sold or in any business wholly or partially
7 devoted to the manufacture, distribution, or sale of alcoholic beverages; [or]

8 (iv) May not receive any salary or other compensation or any
9 other thing of value from a business engaged in the manufacture, distribution, or sale
10 of alcoholic beverages;

11 (v) **MAY NOT SOLICIT OR RECEIVE DIRECTLY OR**
12 **INDIRECTLY OR ON BEHALF OF ANOTHER PERSON, A COMMISSION, POLITICAL**
13 **CONTRIBUTION, REMUNERATION OR GIFT, FROM:**

14 **1. A PERSON WHO IS ENGAGED IN THE**
15 **MANUFACTURE, DISTRIBUTION, OR SALE OF ALCOHOLIC BEVERAGES; OR**

16 **2. AN AGENT OR EMPLOYEE OF A PERSON WHO IS**
17 **ENGAGED IN THE MANUFACTURE, DISTRIBUTION, OR SALE OF ALCOHOLIC**
18 **BEVERAGES; AND**

19 (vi) **SHALL COMPLY WITH BALTIMORE CITY PUBLIC ETHICS**
20 **LAWS AND FINANCIAL DISCLOSURE PROVISIONS ENACTED BY THE MAYOR AND**
21 **CITY COUNCIL.**

22 (3) [An employee of the Board may not hold any other federal, State,
23 or local public office or employment.

24 (4) A [commissioner] **MEMBER OR AN EMPLOYEE** of the Board may
25 hold any other public office or employment, federal, State or local, unless that public
26 office or employment would pose a conflict of interest.

27 (4) **A MEMBER OF THE BOARD WHO APPLIES FOR GOVERNMENT**
28 **EMPLOYMENT THAT WOULD POSE A CONFLICT OF INTEREST AS DETERMINED BY**
29 **THE BALTIMORE CITY BOARD OF ETHICS SHALL RESIGN FROM THE BOARD BY**
30 **A LETTER ADDRESSED TO THE GOVERNOR.**

31 (5) (i) **ON FILING A CERTIFICATE OF CANDIDACY FOR**
32 **ELECTION TO A PUBLIC OFFICE OR WITHIN 30 DAYS BEFORE THE FILING**
33 **DEADLINE FOR THE PRIMARY ELECTION FOR THE PUBLIC OFFICE SOUGHT,**

1 **WHICHEVER OCCURS LATER, AN INDIVIDUAL WHO IS A MEMBER OF THE BOARD**
2 **OR AN EMPLOYEE OF THE BOARD SHALL CERTIFY TO THE CITY BOARD OF**
3 **ELECTIONS UNDER OATH THAT THE INDIVIDUAL IS NO LONGER A MEMBER OF**
4 **THE BOARD.**

5 **(II) THE CERTIFICATION SHALL BE ACCOMPANIED BY A**
6 **LETTER ADDRESSED TO THE GOVERNOR CONTAINING THE RESIGNATION OF**
7 **THE MEMBER OF THE BOARD.**

8 **[(5)] (6)** (i) Every employee of the Board:

9 1. Shall devote that employee's whole time and attention
10 to the business of the Board during the hours designated by the Board for the
11 performance of official duties;

12 2. May not engage in any occupation, business or
13 profession in any way connected or associated, directly or indirectly, with the
14 manufacture or sale of alcoholic beverages; and

15 3. May not transact business of any kind whatsoever
16 beyond his or her official duties with any licensee, or in connection with the operation
17 of any establishment licensed for the manufacture or sale of alcoholic beverages.

18 (ii) Any employee of the Board who violates any of the
19 provisions of this subsection shall be removed.

20 **[(6)] (7)** (i) As to any entity licensed under the provisions of this
21 article, a **[commissioner] MEMBER** or **AN** employee of the Board may not solicit or
22 receive directly or indirectly any commission, remuneration or gift whatsoever from
23 any:

24 1. Person or corporation engaged in the manufacture or
25 sale of beer or other alcoholic beverages;

26 2. Agent or employee of that person or corporation; or

27 3. Licensee licensed under the provisions of this article.

28 (ii) A person or corporation engaged in the manufacture or sale
29 of beer or other alcoholic beverages, any agent or employee of that person or
30 corporation, and a licensee licensed under the provisions of this article may not, either
31 directly or indirectly, offer to pay any commission, profit or remuneration or make any
32 gift to any **[commissioner] MEMBER** or employee of the Board or to anyone on behalf
33 of that **[commissioner] MEMBER** or employee of the Board.

34 **[(7)] (8)** The **[chairman of the] Board**:

1 (i) Is its administrative officer and is charged with the duty of
 2 enforcing] **OR THE BOARD'S DESIGNEE GOVERNS, ADMINISTERS, AND ENFORCES**
 3 the provisions of this article[;] **IN BALTIMORE CITY, INCLUDING PERFORMING**
 4 **SUCH TASKS AS:**

5 [(ii)] **(I)** [Shall personally supervise] **SUPERVISING** the
 6 activities and investigations of the several inspectors and other employees of the
 7 Board;

8 [(iii)] **(II)** [Shall examine] **EXAMINING** the location and general
 9 character of the licensees in the City; [and]

10 **(III) REVIEWING THE ZONING OF LICENSES DURING THE**
 11 **LICENSE APPLICATION, LICENSE TRANSFER, AND LICENSE RENEWAL**
 12 **PROCESSES; AND**

13 (iv) [Shall make recommendations to the Board] **ADOPTING**
 14 **REGULATIONS** concerning zoning of licensees[,] **AND** methods of enforcement[, and
 15 promulgation of regulations] to carry out the purposes **AND ENFORCEMENT** of this
 16 article.

17 **[(8)] (9) (I) BEFORE THE BOARD MAY ADOPT A REGULATION:**

18 **1. THE BOARD SHALL PROVIDE A PERIOD OF AT**
 19 **LEAST 30 DAYS FOR PUBLIC COMMENT; AND**

20 **2. THE CITY SOLICITOR SHALL REVIEW THE**
 21 **REGULATIONS TO ENSURE THAT THE REGULATIONS COMPLY WITH THE**
 22 **AUTHORITY GRANTED TO THE BOARD BY THE STATE.**

23 **(II)** Regulations adopted by the Board shall be published,
 24 **POSTED ONLINE**, and distributed to whichever licensees are affected by them.

25 **(III)** The Board may require any licensee to display prominently
 26 in the licensee's place of business any regulation of the Board, or any excerpt or
 27 statement from this article.

28 **(IV) THE BOARD SHALL REVIEW ITS REGULATIONS ON OR**
 29 **BEFORE OCTOBER 31, 2015, AND AT LEAST ONCE EVERY 5 YEARS THEREAFTER,**
 30 **TO ENSURE THAT THE REGULATIONS COMPLY WITH:**

31 **1. CURRENT POLICIES AND PRACTICES OF THE**
 32 **BOARD; AND**

2. FEDERAL, STATE, AND LOCAL LAW.

1 [(9) The Board shall:

2 (i) Employ 12 permanent part-time inspectors; and

3 (ii) Set the annual salary for permanent part-time inspectors at
4 not less than \$3,600.]

5 (10) The Board shall:

6 (i) [Employ] **SUBJECT TO PARAGRAPH (13) OF THIS**
7 **SUBSECTION, EMPLOY** a qualified attorney to serve as appellate counsel for the
8 Board in actions of appeal; [and]

9 (ii) [Set for appellate counsel the same compensation and
10 benefits as are set for the Assistant Chief Inspector-Grade 097 or the Chief
11 Inspector-Grade 099] **USE AS NEEDED THE ADVICE OF THE BALTIMORE CITY**
12 **LAW DEPARTMENT;**

13 **(III) EMPLOY AN EXECUTIVE SECRETARY AND A DEPUTY**
14 **EXECUTIVE SECRETARY, WHO BOTH SHALL SERVE AT THE PLEASURE OF THE**
15 **BOARD; AND**

16 **(IV) EMPLOY INSPECTORS, CLERICAL STAFF, AND OTHER**
17 **ASSISTANTS AS NECESSARY TO FULFILL THE MISSION OF THE BOARD AND**
18 **ENFORCE THE ALCOHOLIC BEVERAGES LAWS OF THE STATE.**

19 [(11) (i) 1. In this paragraph, "inspectors" means full-time
20 inspectors who are employees of the Board. "Inspectors" does not include an inspector
21 supervisor or assistant inspector supervisor.

22 2. Inspectors who were appointed prior to October 1,
23 1997, shall continue their appointment after that date unless removed in accordance
24 with classified civil service procedures.

25 (ii) As of October 1, 1997:

26 1. Inspectors are part of the classified civil service of the
27 City;

28 2. The Board may appoint and remove inspectors only in
29 accordance with the provisions of law that govern classified civil service employees of
30 the City;
31

1 3. An employee of the Board may not solicit or receive,
2 directly or indirectly or on behalf of another person, a commission, political
3 contribution, remuneration, or gift from:

4 A. A licensee or other person who is engaged in the
5 manufacture or sale of alcoholic beverages; or

6 B. An agent or employee of a licensee or other person
7 who is engaged in the manufacture or sale of alcoholic beverages; and

8 4. An employee or other person specified in
9 subsubparagraph 3 of this subparagraph who violates the provisions of that
10 subsubparagraph is subject to the penalties specified in § 16–503 of this article.

11 (iii) The provisions of this paragraph do not alter the process by
12 which inspectors' salaries are funded.

13 (iv) The inspector supervisor and assistant inspector supervisor
14 shall be residents of Baltimore City.

15 (v) The inspector supervisor, assistant inspector supervisor,
16 office assistant, accounting assistant, secretary III, office supervisor, and applications
17 investigator appointed prior to October 1, 1998 shall continue their appointment after
18 that date unless removed in accordance with classified civil service procedures.

19 (vi) As of October 1, 1998:

20 1. The inspector supervisor, assistant inspector
21 supervisor, office assistant, accounting assistant, secretary III, and office supervisor
22 are part of the classified civil service of Baltimore City.

23 2. There shall be an assistant executive secretary which
24 position shall replace the position of administrative coordinator. The assistant
25 executive secretary shall be part of the classified civil service of Baltimore City.]

26 **(11) THE SALARY FOR THE POSITION OF ATTORNEY SPECIFIED**
27 **UNDER PARAGRAPH (I) OF THIS SUBSECTION SHALL BE AT LEAST THE SALARY**
28 **ASSIGNED ON MAY 30, 2014, TO THAT POSITION.**

29 **(12) ALL EMPLOYEES OF THE BOARD, EXCEPT FOR THE**
30 **EXECUTIVE SECRETARY AND THE DEPUTY EXECUTIVE SECRETARY, ARE IN THE**
31 **CLASSIFIED CIVIL SERVICE OF THE CITY AND MAY BE HIRED AND REMOVED**
32 **ONLY IN ACCORDANCE WITH THE LAW THAT GOVERNS CLASSIFIED CIVIL**
33 **SERVICE EMPLOYEES OF THE CITY.**

1 **(13) TO THE EXTENT POSSIBLE, ALL EMPLOYEES OF THE BOARD**
2 **SHALL BE RESIDENTS OF BALTIMORE CITY.**

3 [(12) (i) Subject to the provisions in subparagraph (ii) of this
4 paragraph, the salaries of employees of the Board shall be determined by the members
5 of the Board with the advice and consent of the senators from Baltimore City.]

6 **(14) (I) THE BOARD SHALL PROVIDE TO THE DIRECTOR OF**
7 **FINANCE THE ESTIMATES OF THE BOARD FOR THE NEXT FISCAL YEAR OF THE**
8 **APPROPRIATIONS NEEDED TO EFFECTIVELY AND EFFICIENTLY ACHIEVE THE**
9 **MISSION AND GOALS OF THE BOARD, IN ACCORDANCE WITH ART. VI, SECTION 4**
10 **OF THE BALTIMORE CITY CHARTER.**

11 **(II) SUBJECT TO SUBPARAGRAPHS (III) AND (IV) OF THIS**
12 **PARAGRAPH, THE MEMBERS OF THE BOARD SHALL DETERMINE THE SALARIES**
13 **OF EMPLOYEES OF THE BOARD.**

14 **(III) FOR CIVIL SERVICE EMPLOYEES, SALARY LEVELS AND**
15 **ADJUSTMENTS SHALL CONFORM TO THE POLICIES OF THE CITY'S BOARD OF**
16 **ESTIMATES, CIVIL SERVICE COMMISSION, AND DEPARTMENT OF HUMAN**
17 **RESOURCES, INCLUDING THE CITY UNION OF BALTIMORE SALARY SCALES.**

18 [(ii) (IV) The Board may consider an employee's ~~length of~~
19 ~~service]~~ **PERFORMANCE, PERFORMANCE, AND EXPERIENCE** in determining the
20 appropriate salary level.

21 **[(13) The following is the schedule of City Union of Baltimore (CUB)**
22 **salary grade levels for employees of the Board:**

23 (i) Office Assistant – Grade 082;

24 (ii) Inspector I – Grade 082;

25 (iii) Inspection Division Office Assistant – Grade 082;

26 (iv) Inspector II – Grade 085;

27 (v) Accounting Assistant II – Grade 085;

28 (vi) Secretary III – Grade 086;

29 (vii) 311 Call Center Supervisor – Grade 093;

30 (viii) Inspector III – Grade 088;

1 (ix) Assistant Executive Secretary – Grade 099;

2 (x) Assistant Chief Inspector – Grade 097; and

3 (xi) Chief Inspector – Grade 099.]

4 [(14)] (15) (i) Subject to subparagraph (ii) of this paragraph, each
5 inspector employed by the Board may examine any identification used as proof of age
6 by a person for the purchase of alcoholic beverages in the City.

7 (ii) An examination shall be made on the premises of the
8 licensed establishment where the purchase is attempted.

9 [(15)] (16) An action of a [commissioner] MEMBER or employee of the
10 Board is subject to State requirements for open or public meetings, including
11 requirements for open sessions under Title 10, Subtitle 5 of the State Government
12 Article.

13 (17) A PERSON WHO VIOLATES THIS SUBSECTION IS SUBJECT TO
14 THE PENALTIES SPECIFIED IN § 16–503 OF THIS ARTICLE.

15 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
16 read as follows:

17 **Article – State Government**

18 15–807.

19 (a) In Baltimore City, “local official” includes:

20 (1) city employees and officials of the Baltimore City Health
21 Department;

22 (2) **EMPLOYEES AND MEMBERS OF THE BALTIMORE CITY BOARD**
23 **OF LIQUOR LICENSE COMMISSIONERS;**

24 [(2)] (3) the Police Commissioner of Baltimore City and the civilian
25 employees and police officers of the Police Department of Baltimore City; and

26 [(3)] (4) each member of and the employees of the Civilian Review
27 Board.

28 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland
29 read as follows:

30 **Article – General Provisions**

1 5-801.

2 (c) (1) In Baltimore City, "local official" includes:

3 (i) city employees and officials of the Baltimore City Health
4 Department;

5 (ii) EMPLOYEES AND MEMBERS OF THE BALTIMORE CITY
6 BOARD OF LIQUOR LICENSE COMMISSIONERS;

7 [(ii)] (iii) the Police Commissioner of Baltimore City and the
8 civilian employees and police officers of the Police Department of Baltimore City; and

9 [(iii)] (iv) members and employees of the Civilian Review Board.

10 SECTION 4. AND BE IT FURTHER ENACTED, That the Laws of Maryland
11 read as follows:

12 **Article 2B – Alcoholic Beverages**

13 15-101.

14 (d) (1) [The provisions of this section apply] **THIS SUBSECTION APPLIES**
15 **in Baltimore City.**

16 (2) (I) **THE BOARD OF LIQUOR LICENSE COMMISSIONERS**
17 **CONSISTS OF THREE REGULAR MEMBERS AND ONE ALTERNATE MEMBER.**

18 (II) **THE GOVERNOR SHALL APPOINT ALL OF THE MEMBERS**
19 **OF THE BOARD.**

20 (III) **THE APPOINTMENTS SHALL BE MADE:**

21 1. **IF THE SENATE IS IN SESSION, WITH THE ADVICE**
22 **AND CONSENT OF THE SENATE; OR**

23 2. **IF THE SENATE IS NOT IN SESSION, BY THE**
24 **GOVERNOR ALONE.**

25 (IV) **THE ALTERNATE MEMBER MAY SERVE ON THE BOARD**
26 **IF ANY PERMANENT MEMBER OF THE BOARD IS ABSENT OR RECUSED.**

1 (V) EACH APPOINTEE SHALL BE A RESIDENT AND VOTER OF
2 BALTIMORE CITY AND BE AN INDIVIDUAL OF HIGH CHARACTER AND INTEGRITY
3 AND OF RECOGNIZED BUSINESS CAPACITY.

4 (VI) AT LEAST ONE APPOINTEE SHALL BE A MEMBER OF THE
5 BAR OF THE COURT OF APPEALS OF MARYLAND.

6 (3) (I) THE TERM OF A MEMBER OF THE BOARD IS 2 YEARS
7 AND BEGINS ON JULY 1.

8 (II) THE TERMS OF THE MEMBERS ARE STAGGERED AS
9 REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON JULY 1,
10 2014.

11 (III) AT THE END OF A TERM, A MEMBER CONTINUES TO
12 SERVE UNTIL A SUCCESSOR IS APPOINTED.

13 (IV) A MEMBER WHO IS APPOINTED AFTER A TERM HAS
14 BEGUN SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS
15 APPOINTED.

16 SECTION ~~3~~ 5. AND BE IT FURTHER ENACTED, That:

17 (1) the Governor shall make the initial appointments to the Board of
18 Liquor License Commissioners for Baltimore City required under Section 2 of this Act
19 on or before May 30, 2014; and

20 (2) the terms of the members of the Board of Liquor License
21 Commissioners for Baltimore City serving on July 1, 2014, end as follows:

22 (i) two regular members on June 30, 2015; and

23 (ii) one regular member and the alternate member on June 30,
24 2016.

25 SECTION ~~4~~ 6. AND BE IT FURTHER ENACTED, That ~~Section 1~~ Sections 1
26 and 2 of this Act shall take effect July 1, 2014.

27 SECTION 7. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall
28 take effect on the taking effect of Chapter (H.B. 270) of the Acts of the General
29 Assembly of 2014. If Section 3 of this Act takes effect, Section 2 of this Act shall be
30 abrogated and of no further force and effect.

31 SECTION ~~5~~ 8. AND BE IT FURTHER ENACTED, That, except as provided in
32 ~~Section 4~~ Sections 6 and 7 of this Act, this Act is an emergency measure, is necessary

1 for the immediate preservation of the public health or safety, has been passed by a yea
2 and nay vote supported by three-fifths of all the members elected to each of the two
3 Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.