

HOUSE BILL 831

A2

EMERGENCY BILL

4lr3036
CF SB 846

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

Introduced and read first time: February 5, 2014

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 7, 2014

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; requiring the Board or its designee
8 to examine each application for the issuance or transfer of a license within a
9 certain time; specifying requirements to be met before an application for the
10 issuance, transfer, or renewal of a license may be considered complete;
11 specifying certain requirements to be met before a certain hearing; providing
12 procedures for making changes to an application; requiring the Board to digitize
13 and post online certain records by a certain date and adopt certain regulations;
14 requiring that certain revenue be payable to the director of finance; requiring
15 the Board to submit a budget request to the City annually in a certain form and
16 to provide certain other material to the City; requiring the Board to ensure that
17 each fee or fine that the Board imposes and collects is prominently listed on the
18 Web site of the Board; requiring the Mayor and City Council to pay, from the
19 general fund of the City that includes revenue from the Board, the salaries and
20 expenses of the Board and its employees and devote the balance of the revenue
21 from the Board to the general purposes of the City; requiring the Board
22 annually to establish performance measures for certain activities; requiring the
23 Board to make the performance measures available to the public on a certain

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 Web site; requiring that on request, the Board submit certain reports to the
 2 Office of Legislative Audits; providing for certain salaries and benefits for
 3 members of the Board; requiring the Board to employ an executive secretary
 4 and deputy executive secretary; repealing certain restrictions concerning the
 5 removal of the executive secretary and deputy executive secretary; ~~repealing the~~
 6 ~~requirement that the executive secretary or deputy executive secretary be a~~
 7 ~~member of the Bar of the State~~; prohibiting a member or employee of the Board
 8 from having certain financial interests or soliciting or receiving certain items
 9 from certain persons; requiring a member of the Board to resign under certain
 10 circumstances; requiring, under certain circumstances, a member of the Board
 11 to certify to the City Board of Elections that the individual is no longer a
 12 member of the Board; specifying that the Board or its designee performs certain
 13 tasks, including reviewing the zoning of licenses; requiring a certain period for
 14 public comment before the Board may adopt a regulation; requiring the Board
 15 to post certain regulations online; requiring the Board to review its regulations
 16 at a certain time for a certain purpose; repealing the requirement that the
 17 Board employ and set salaries for certain part-time inspectors; requiring the
 18 Board to employ certain individuals; providing for the salary of the position of
 19 attorney; specifying that certain employees of the Board are in the classified
 20 civil service of the City; requiring that, to the extent possible, all employees of
 21 the Board be residents of the City; requiring the Board to provide to the director
 22 of finance certain information; requiring the Board to determine the salaries of
 23 the employees of the Board under certain circumstances; specifying that the
 24 Board may consider an employee's performance and experience in determining
 25 the appropriate salary level; repealing a certain pay schedule for certain
 26 employees of the Board; specifying that the Board consists of a certain number
 27 of regular and alternate members; providing for the qualifications, term, and
 28 appointment of the members; defining certain terms; altering a certain
 29 definition; making certain stylistic changes; making this Act an emergency
 30 measure; providing for the effective date of certain provisions of this Act;
 31 providing for the termination of certain provisions of this Act; and generally
 32 relating to alcoholic beverages and the Board of Liquor License Commissioners
 33 for Baltimore City.

34 BY repealing and reenacting, without amendments,
 35 Article 2B – Alcoholic Beverages
 36 Section 1–102(a)(1)
 37 Annotated Code of Maryland
 38 (2011 Replacement Volume and 2013 Supplement)

39 BY repealing and reenacting, with amendments,
 40 Article 2B – Alcoholic Beverages
 41 Section 1–102(a)(22)(i), 9–204.3, 10–204(d), 15–101(d), 15–109(d), and
 42 15–112(d)
 43 Annotated Code of Maryland
 44 (2011 Replacement Volume and 2013 Supplement)

1 BY adding to
2 Article 2B – Alcoholic Beverages
3 Section 10–202(a)(4)
4 Annotated Code of Maryland
5 (2011 Replacement Volume and 2013 Supplement)

6 BY repealing and reenacting, with amendments,
7 Article – State Government
8 Section 15–807(a)
9 Annotated Code of Maryland
10 (2009 Replacement Volume and 2013 Supplement)

11 BY repealing and reenacting, with amendments,
12 Article – General Provisions
13 Section 5–801(c)(1)
14 Annotated Code of Maryland
15 (As enacted by Chapter (H.B. 270) of the Acts of the General Assembly of
16 2014)

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

19 **Article 2B – Alcoholic Beverages**

20 1–102.

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

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

23 A. Which accommodates the public;

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

26 C. In which the average daily receipts from the sale of
27 foods exceed the average daily receipts from the sale of alcoholic beverages.

28 2. However the board of license commissioners in any
29 county by regulation may prescribe a different standard as to what constitutes a
30 restaurant.

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

1 **4. THE BOARD OF LIQUOR LICENSE**
2 **COMMISSIONERS FOR BALTIMORE CITY MAY WAIVE THE FOOD REQUIREMENT**
3 **SPECIFIED UNDER SUBSUBPARAGRAPH 3 OF THIS SUBPARAGRAPH FOR A**
4 **RESTAURANT OWNED AND OPERATED BY A NOT-FOR-PROFIT ORGANIZATION IN**
5 **THE AREA BOUNDED BY SOUTH ELLWOOD AVENUE ON THE WEST, BANK**
6 **STREET ON THE NORTH, SOUTH BOULDIN STREET ON THE EAST, AND FLEET**
7 **STREET ON THE SOUTH.**

8 9-204.3.

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

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

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

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

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

25 (3) Class C beer and wine; and

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

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

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

33 **(I) HIGH STREET ON THE WEST, FAWN STREET ON THE**
34 **NORTH, CENTRAL AVENUE ON THE EAST, AND EASTERN AVENUE ON THE**
35 **SOUTH; OR**

1 **(II) WEST CROSS STREET ON THE WEST, CLIFFORD STREET**
2 **ON THE NORTH, SCOTT STREET ON THE EAST, AND CARROLL STREET ON THE**
3 **SOUTH.**

4 **(2) THE BOARD OF LIQUOR LICENSE COMMISSIONERS FOR**
5 **BALTIMORE CITY MAY WAIVE THE RESTRICTIONS OF THIS SECTION REGARDING**
6 **DISTANCE IN SUBSECTION (A)(1) OF THIS SECTION FOR AN APPLICATION FOR A**
7 **LICENSE TRANSFER INTO AN AREA SPECIFIED IN PARAGRAPH (1) OF THIS**
8 **SUBSECTION IF:**

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

10 **1. EACH COMMUNITY ASSOCIATION REPRESENTING**
11 **THE AREA;**

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

13 **3. THE PASTOR AND CHURCH BOARD OF DIRECTORS**
14 **OR PASTORAL COUNCIL FOR EACH CHURCH WITHIN 300 FEET OF THE**
15 **PROPOSED LOCATION FOR THE ESTABLISHMENT FOR WHICH THE LICENSE**
16 **TRANSFER IS SOUGHT; AND**

17 **(II) A MEMORANDUM OF UNDERSTANDING IS EXECUTED BY**
18 **THE APPLICANT FOR THE LICENSE TRANSFER AND EACH COMMUNITY**
19 **ASSOCIATION IN THE AREA.**

20 10-202.

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

22 **(II) IN THIS PARAGRAPH, “BOARD” MEANS THE BOARD OF**
23 **LIQUOR LICENSE COMMISSIONERS.**

24 **(III) THE BOARD OR THE BOARD’S DESIGNEE SHALL**
25 **EXAMINE EACH APPLICATION FOR THE ISSUANCE OR TRANSFER OF A LICENSE**
26 **WITHIN 45 DAYS OF RECEIPT OF THE APPLICATION TO DETERMINE WHETHER**
27 **THE APPLICATION IS COMPLETE.**

28 **(IV) AN APPLICATION FOR THE ISSUANCE, TRANSFER, OR**
29 **RENEWAL IS NOT COMPLETE UNLESS THE APPLICANT HAS:**

1 1. **OBTAINED ZONING APPROVAL OR VERIFICATION**
2 **OF ZONING IF THE APPLICATION IS FOR RENEWAL;**

3 2. **SUBMITTED ALL DOCUMENTS REQUIRED IN THE**
4 **APPLICATION; AND**

5 3. **PAID ALL FINES AND FEES THAT ARE DUE.**

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

8 2. **A COMPLETE APPLICATION WITH ALL SUBMITTED**
9 **DOCUMENTS SHALL BE POSTED ONLINE AT LEAST 14 DAYS BEFORE THE**
10 **HEARING DATE.**

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

13 (VII) 1. **TO INCORPORATE A CHANGE IN THE**
14 **APPLICATION DOCUMENT AFTER THE BOARD OR THE BOARD'S DESIGNEE HAS**
15 **DETERMINED THE APPLICATION TO BE COMPLETE, THE APPLICANT SHALL**
16 **SUBMIT THE CHANGE TO THE BOARD NOT LATER THAN 15 DAYS BEFORE THE**
17 **SCHEDULED HEARING.**

18 ~~2. **AN APPLICANT MAY OFFER A LATER CHANGE TO**~~
19 ~~**THE APPLICATION ON THE RECORD AT THE HEARING.**~~

20 ~~3.~~ 2. **AFTER THE HEARING ON THE APPLICATION, AN**
21 **APPLICANT MAY CHANGE THE APPLICATION ONLY AT A NEW HEARING.**

22 (VIII) **THE BOARD SHALL:**

23 1. **STARTING ON JULY 1, 2015, DIGITIZE AND POST**
24 **ONLINE ALL RECORDS FOR PUBLIC REVIEW; AND**

25 2. **ADOPT REGULATIONS TO CARRY OUT THIS**
26 **SUBPARAGRAPH.**

27 (IX) **THE BOARD SHALL IMPOSE A FINE THAT IT**
28 **DETERMINES FOR FAILURE TO COMPLY WITH THE REQUIREMENTS UNDER THIS**
29 **PARAGRAPH.**

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

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

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

6 (4) THE BOARD SHALL:

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

9 (ii) PROVIDE ADDITIONAL BUDGET JUSTIFICATION
10 MATERIAL THAT THE DIRECTOR OF FINANCE REQUESTS.

11 (5) THE BOARD SHALL ENSURE THAT EACH FEE OR FINE THAT
12 THE BOARD IMPOSES AND COLLECTS IS PROMINENTLY LISTED ON THE WEB
13 SITE OF THE BOARD.

14 (6) [In Baltimore City the] THE Mayor and City Council of
15 Baltimore shall [pay]:

16 (i) PAY from the [receipts] GENERAL FUND OF BALTIMORE
17 CITY THAT INCLUDES REVENUE FROM THE BOARD, the salaries and EXPENSES of
18 the Board [of License Commissioners of Baltimore City] and its employees[, as
19 approved by the State Comptroller]; AND

20 (ii) DEVOTE THE BALANCE OF THE REVENUE FROM THE
21 BOARD TO THE GENERAL PURPOSES OF THE CITY.

22 (7) (i) THE BOARD ANNUALLY SHALL ESTABLISH
23 PERFORMANCE MEASURES USING THE CITISTAT PROGRAM OF THE CITY OF
24 BALTIMORE FOR SUCH ACTIVITIES AS:

25 1. FINANCIAL MANAGEMENT;

26 2. ISSUANCE OF LICENSES; AND

27 3. ENFORCEMENT OF ALCOHOLIC BEVERAGES LAWS.

28 (ii) THE BOARD SHALL MAKE THE PERFORMANCE
29 MEASURES AVAILABLE TO THE PUBLIC ON THE OPEN BALTIMORE WEB SITE.

1 **(8) ON REQUEST, THE BOARD SHALL SUBMIT TO THE OFFICE OF**
2 **LEGISLATIVE AUDITS PERFORMANCE ACCOUNTABILITY REPORTS TO ENSURE**
3 **THAT THE BOARD IS ON TRACK TO MEET ITS ANNUAL PERFORMANCE**
4 **MEASURES.**

5 15–109.

6 (d) In Baltimore City:

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

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

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

12 **3. INCLUDES ANY COST OF LIVING INCREASE**
13 **AVAILABLE TO MEMBERS OF THE CITY COUNCIL.**

14 **(II) THE ALTERNATE MEMBER OF THE BOARD SHALL**
15 **RECEIVE AN ANNUAL SALARY OF \$16,000.**

16 (2) The chairman and the other members of the Board **EXCEPT THE**
17 **ALTERNATE MEMBER** are eligible to receive the same health benefits that full–time
18 [liquor inspectors] **EMPLOYEES** of the Board receive.

19 (3) The Board shall [appoint] **EMPLOY** an executive secretary and a
20 deputy executive secretary whose salaries shall be fixed by the Board[, subject to
21 approval by the State Comptroller].

22 (4) The executive secretary and the deputy executive secretary shall
23 be residents of Baltimore City and of high character and integrity.

24 **[(5) The executive secretary and the deputy executive secretary shall**
25 **be appointed upon the basis of their executive skill and ability and once appointed**
26 **shall hold office during good behavior regardless of changes in members constituting**
27 **the Board. They shall be removed only for incompetency or immorality upon charges**
28 **furnished in writing by the Board setting forth the grounds for dismissal and after**
29 **opportunity for hearing.]**

30 ~~(6)~~ **(5)** Either the executive secretary or the deputy executive
31 secretary shall be a member of the Bar of this State.‡

1 15-112.

2 (d) (1) This subsection applies only in Baltimore City.

3 (2) A [commissioner] **MEMBER** or employee of the Board:

4 (i) May not have any [interest,] direct or indirect[, either
5 proprietary or by means of any loan, mortgage or lien, or in any other manner,]
6 **INTEREST** in or on any premises where alcoholic beverages are manufactured,
7 distributed, or sold **WHETHER THE INTEREST IS:**

8 1. **PROPRIETARY;**

9 2. **HELD BY MEANS OF A LOAN, MORTGAGE, OR LIEN;**

10 3. **BENEFICIALLY OWNED THROUGH AN**
11 **INVESTMENT VEHICLE, ESTATE, TRUST, OR OTHER INTERMEDIARY WHEN THE**
12 **BENEFICIARY DOES NOT CONTROL THE INTERMEDIARY OR MAY SUPERVISE OR**
13 **PARTICIPATE IN THE INTERMEDIARY'S INVESTMENT DECISIONS; OR**

14 4. **HELD IN ANY OTHER MANNER;**

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

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

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

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

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

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

4 **(VI) SHALL COMPLY WITH BALTIMORE CITY PUBLIC ETHICS**
5 **LAWS AND FINANCIAL DISCLOSURE PROVISIONS ENACTED BY THE MAYOR AND**
6 **CITY COUNCIL.**

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

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

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

16 **(5) (I) ON FILING A CERTIFICATE OF CANDIDACY FOR**
17 **ELECTION TO A PUBLIC OFFICE OR WITHIN 30 DAYS BEFORE THE FILING**
18 **DEADLINE FOR THE PRIMARY ELECTION FOR THE PUBLIC OFFICE SOUGHT,**
19 **WHICHEVER OCCURS LATER, AN INDIVIDUAL WHO IS A MEMBER OF THE BOARD**
20 **OR AN EMPLOYEE OF THE BOARD SHALL CERTIFY TO THE CITY BOARD OF**
21 **ELECTIONS UNDER OATH THAT THE INDIVIDUAL IS NO LONGER A MEMBER OF**
22 **THE BOARD.**

23 **(II) THE CERTIFICATION SHALL BE ACCOMPANIED BY A**
24 **LETTER ADDRESSED TO THE GOVERNOR CONTAINING THE RESIGNATION OF**
25 **THE MEMBER OF THE BOARD.**

26 **[(5)] (6) (i) Every employee of the Board:**

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

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

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

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

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

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

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

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

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

20 **[(7)] (8)** The **[chairman of the] Board**:

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

25 **[(ii)] (I)** **[Shall personally supervise] SUPERVISING** the
26 activities and investigations of the several inspectors and other employees of the
27 Board;

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

30 **(III) REVIEWING THE ZONING OF LICENSES DURING THE**
31 **LICENSE APPLICATION, LICENSE TRANSFER, AND LICENSE RENEWAL**
32 **PROCESSES; AND**

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

5 **[(8) (9) (I) BEFORE THE BOARD MAY ADOPT A REGULATION:**

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

8 **2. THE CITY SOLICITOR SHALL REVIEW THE**
 9 **REGULATIONS TO ENSURE THAT THE REGULATIONS COMPLY WITH THE**
 10 **AUTHORITY GRANTED TO THE BOARD BY THE STATE.**

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

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

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

19 **1. CURRENT POLICIES AND PRACTICES OF THE**
 20 **BOARD; AND**

21 **2. FEDERAL, STATE, AND LOCAL LAW.**

22 **[(9) The Board shall:**

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

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

26 **(10) The Board shall:**

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

30 (ii) **[Set for appellate counsel the same compensation and**
 31 **benefits as are set for the Assistant Chief Inspector-Grade 097 or the Chief**

1 Inspector–Grade 099] **USE AS NEEDED THE ADVICE OF THE BALTIMORE CITY**
2 **LAW DEPARTMENT;**

3 **(III) EMPLOY AN EXECUTIVE SECRETARY AND A DEPUTY**
4 **EXECUTIVE SECRETARY, WHO BOTH SHALL SERVE AT THE PLEASURE OF THE**
5 **BOARD; AND**

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

9 [(11) (i) 1. In this paragraph, “inspectors” means full–time
10 inspectors who are employees of the Board. “Inspectors” does not include an inspector
11 supervisor or assistant inspector supervisor.

12 2. Inspectors who were appointed prior to October 1,
13 1997, shall continue their appointment after that date unless removed in accordance
14 with classified civil service procedures.

15 (ii) As of October 1, 1997:

16 1. Inspectors are part of the classified civil service of the
17 City;

18 2. The Board may appoint and remove inspectors only in
19 accordance with the provisions of law that govern classified civil service employees of
20 the City;

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

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

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

28 4. An employee or other person specified in
29 subparagraph 3 of this subparagraph who violates the provisions of that
30 subparagraph is subject to the penalties specified in § 16–503 of this article.

31 (iii) The provisions of this paragraph do not alter the process by
32 which inspectors’ salaries are funded.

1 (iv) The inspector supervisor and assistant inspector supervisor
2 shall be residents of Baltimore City.

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

7 (vi) As of October 1, 1998:

8 1. The inspector supervisor, assistant inspector
9 supervisor, office assistant, accounting assistant, secretary III, and office supervisor
10 are part of the classified civil service of Baltimore City.

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

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

17 **(12) ALL EMPLOYEES OF THE BOARD, EXCEPT FOR THE**
18 **EXECUTIVE SECRETARY AND THE DEPUTY EXECUTIVE SECRETARY, ARE IN THE**
19 **CLASSIFIED CIVIL SERVICE OF THE CITY AND MAY BE HIRED AND REMOVED**
20 **ONLY IN ACCORDANCE WITH THE LAW THAT GOVERNS CLASSIFIED CIVIL**
21 **SERVICE EMPLOYEES OF THE CITY.**

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

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

27 **(14) (I) THE BOARD SHALL PROVIDE TO THE DIRECTOR OF**
28 **FINANCE THE ESTIMATES OF THE BOARD FOR THE NEXT FISCAL YEAR OF THE**
29 **APPROPRIATIONS NEEDED TO EFFECTIVELY AND EFFICIENTLY ACHIEVE THE**
30 **MISSION AND GOALS OF THE BOARD, IN ACCORDANCE WITH ART. VI, SECTION 4**
31 **OF THE BALTIMORE CITY CHARTER.**

32 **(II) SUBJECT TO SUBPARAGRAPHS (III) AND (IV) OF THIS**
33 **PARAGRAPH, THE MEMBERS OF THE BOARD SHALL DETERMINE THE SALARIES**
34 **OF EMPLOYEES OF THE BOARD.**

1 **(iii) FOR CIVIL SERVICE EMPLOYEES, SALARY LEVELS AND**
2 **ADJUSTMENTS SHALL CONFORM TO THE POLICIES OF THE CITY'S BOARD OF**
3 **ESTIMATES, CIVIL SERVICE COMMISSION, AND DEPARTMENT OF HUMAN**
4 **RESOURCES, INCLUDING THE CITY UNION OF BALTIMORE SALARY SCALES.**

5 **[(ii) (iv)]** The Board may consider an employee's ~~length of~~
6 ~~service]~~ **PERFORMANCE, PERFORMANCE, AND EXPERIENCE** in determining the
7 appropriate salary level.

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

- 10 (i) Office Assistant – Grade 082;
- 11 (ii) Inspector I – Grade 082;
- 12 (iii) Inspection Division Office Assistant – Grade 082;
- 13 (iv) Inspector II – Grade 085;
- 14 (v) Accounting Assistant II – Grade 085;
- 15 (vi) Secretary III – Grade 086;
- 16 (vii) 311 Call Center Supervisor – Grade 093;
- 17 (viii) Inspector III – Grade 088;
- 18 (ix) Assistant Executive Secretary – Grade 099;
- 19 (x) Assistant Chief Inspector – Grade 097; and
- 20 (xi) Chief Inspector – Grade 099.]

21 **[(14)] (15)** (i) Subject to subparagraph (ii) of this paragraph, each
22 inspector employed by the Board may examine any identification used as proof of age
23 by a person for the purchase of alcoholic beverages in the City.

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

26 **[(15)] (16)** An action of a **[commissioner] MEMBER** or employee of the
27 Board is subject to State requirements for open or public meetings, including
28 requirements for open sessions under Title 10, Subtitle 5 of the State Government
29 Article.

1 **Article 2B – Alcoholic Beverages**

2 15–101.

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

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

7 (II) **THE GOVERNOR SHALL APPOINT ALL OF THE MEMBERS**
8 **OF THE BOARD.**

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

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

12 2. **IF THE SENATE IS NOT IN SESSION, BY THE**
13 **GOVERNOR ALONE.**

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

16 (V) **EACH APPOINTEE SHALL BE A RESIDENT AND VOTER OF**
17 **BALTIMORE CITY AND BE AN INDIVIDUAL OF HIGH CHARACTER AND INTEGRITY**
18 **AND OF RECOGNIZED BUSINESS CAPACITY.**

19 (VI) **AT LEAST ONE APPOINTEE SHALL BE A MEMBER OF THE**
20 **BAR OF THE COURT OF APPEALS OF MARYLAND.**

21 (3) (I) **THE TERM OF A MEMBER OF THE BOARD IS 2 YEARS**
22 **AND BEGINS ON JULY 1.**

23 (II) **THE TERMS OF THE MEMBERS ARE STAGGERED AS**
24 **REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON JULY 1,**
25 **2014.**

26 (III) **AT THE END OF A TERM, A MEMBER CONTINUES TO**
27 **SERVE UNTIL A SUCCESSOR IS APPOINTED.**

1 (IV) A MEMBER WHO IS APPOINTED AFTER A TERM HAS
 2 BEGUN SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS
 3 APPOINTED.

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

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

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

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

11 (ii) one regular member and the alternate member on June 30,
 12 2016.

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

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

19 SECTION ~~5~~ 8. AND BE IT FURTHER ENACTED, That, except as provided in
 20 ~~Section 4~~ Sections 6 and 7 of this Act, this Act is an emergency measure, is necessary
 21 for the immediate preservation of the public health or safety, has been passed by a yea
 22 and nay vote supported by three-fifths of all the members elected to each of the two
 23 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.