

HOUSE BILL 953

A2

EMERGENCY BILL

11r2189
CF SB 580

By: **Allegany County Delegation**

Introduced and read first time: February 11, 2011

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Allegany County – Alcoholic Beverages – 1-Day Special License**

3 FOR the purpose of authorizing the Allegany County Board of License Commissioners
4 to grant a certain 1-day special license for use at an entertainment event;
5 limiting the duration of a certain license; authorizing the Allegany County
6 Board of County Commissioners to determine the amount of a certain fee based
7 on a certain recommendation; requiring license holders to exercise the privileges
8 of the license on county-owned property; requiring the Board of County
9 Commissioners to distribute a certain amount of a certain license fee to the
10 Board of License Commissioners and donate the balance of a certain license fee
11 to a certain nonprofit charitable organization; requiring license holders, with
12 the approval of County Commissioners, to designate the recipient of a certain
13 donation; requiring that application for a certain license be made not less than a
14 certain number of days before a certain date; making this Act an emergency
15 measure; and generally relating to the establishment of a 1-day special license
16 in Allegany County.

17 BY repealing and reenacting, without amendments,
18 Article 2B – Alcoholic Beverages
19 Section 7-101(a)
20 Annotated Code of Maryland
21 (2005 Replacement Volume and 2010 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article 2B – Alcoholic Beverages
24 Section 7-101(h)
25 Annotated Code of Maryland
26 (2005 Replacement Volume and 2010 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article 2B – Alcoholic Beverages

7–101.

(a) (1) On approval by the board of license commissioners for that jurisdiction, if any, of a proper application, made on forms prescribed by the State Comptroller, signed and sworn to, the license issuing authority may grant the types of special licenses for the periods and at the fees specified in this section.

(2) For an application for a statewide license, the Comptroller may grant the license.

(3) In Anne Arundel County, the provisions of §§ 10–103(b) and 10–202 of this article and § 10–501 of the State Government Article do not apply to an applicant for a special Class C beer license, special Class C beer and wine license, or special Class C beer, wine and liquor license for a period not to exceed 7 consecutive days from the effective date of the license.

(h) (1) The provisions of this subsection apply only in Allegany County.

(2) The Board of License Commissioners may grant special licenses of any class, except manufacturer's and wholesaler's, which entitles their holder to exercise any of the privileges conferred by the respective classes of licenses at any bona fide entertainment held or conducted by any club, society, or association at the place described in the license, for a period not exceeding seven consecutive days from the effective date of the license, upon the payment, before the license is issued, to the Board of License Commissioners of a fee of:

(i) \$20 per day for any beer or beer and light wine license; or

(ii) \$50 per day, for not more than 14 consecutive days, for any beer, wine and liquor license.

(3) (i) The Board of License Commissioners may issue a special permit to holders of Class D beer and Class D beer and light wine licenses that allows the sale of beer, wine and liquor by the drink for consumption on the premises.

(ii) A holder of this special permit may continue to sell beer or beer and wine for consumption on or off the premises, but the holder may not sell liquor for consumption off the premises, or purchase or possess liquor on the premises in any size container smaller than 23 ounces or 680 milliliters.

(iii) Application for this special permit shall be made not less than 30 days prior to the day on which the permit is to take effect.

(iv) The annual fee for this special permit is \$500.

1 (4) (I) THE BOARD OF LICENSE COMMISSIONERS MAY ISSUE A
2 1-DAY SPECIAL RETAIL LICENSE OF ANY CLASS THAT ENTITLES THE HOLDER TO
3 EXERCISE ANY PRIVILEGE CONFERRED BY THAT CLASS OF LICENSE AT A BONA
4 FIDE ENTERTAINMENT EVENT.

5 (II) THE LICENSE IS VALID FOR A PERIOD NOT EXCEEDING 5
6 CONSECUTIVE DAYS.

7 (III) THE FEE FOR THE LICENSE SHALL BE SET BY THE
8 BOARD OF COUNTY COMMISSIONERS ON THE RECOMMENDATION OF THE
9 BOARD OF LICENSE COMMISSIONERS.

10 (IV) THE LICENSE HOLDER MAY EXERCISE THE PRIVILEGES
11 OF THE LICENSE ONLY ON COUNTY-OWNED PROPERTY.

12 (V) THE BOARD OF COUNTY COMMISSIONERS SHALL:

13 1. DISTRIBUTE \$100 OF THE LICENSE FEE TO THE
14 BOARD OF LICENSE COMMISSIONERS; AND

15 2. DONATE THE BALANCE OF THE LICENSE FEE TO A
16 BONA FIDE NONPROFIT CHARITABLE ORGANIZATION THAT IS TAX EXEMPT
17 UNDER § 501(C)(3) OR (4) OF THE UNITED STATES INTERNAL REVENUE CODE.

18 (VI) THE LICENSE HOLDER, WITH THE APPROVAL OF THE
19 COUNTY COMMISSIONERS, SHALL DESIGNATE THE BONA FIDE CHARITABLE
20 ORGANIZATION TO BE THE RECIPIENT OF THE DONATION UNDER
21 SUBPARAGRAPH (V) OF THIS PARAGRAPH.

22 (VII) TO QUALIFY FOR THE LICENSE, A PERSON SHALL
23 SUBMIT AN APPLICATION NOT LESS THAN 30 DAYS BEFORE THE DAY ON WHICH
24 THE LICENSE IS TO TAKE EFFECT.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
26 measure, is necessary for the immediate preservation of the public health or safety,
27 has been passed by a yea and nay vote supported by three-fifths of all the members
28 elected to each of the two Houses of the General Assembly, and shall take effect from
29 the date it is enacted.