

SENATE BILL 22

A2

4lr1085

(PRE-FILED)

By: **Senator Hayes**

Requested: October 23, 2023

Introduced and read first time: January 10, 2024

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City – Alcoholic Beverages – Board of License Commissioners**

3 FOR the purpose of requiring the Governor, rather than the Mayor and the President of
4 the City Council of Baltimore City, to appoint the members of the Board of License
5 Commissioners for Baltimore City with the advice and consent of the Senate;
6 authorizing the Governor, rather than the Mayor and the President of the City
7 Council of Baltimore City, to remove a member of the Board for certain infractions;
8 clarifying that the Board and employees of the Board must comply with State ethics
9 requirements, rather than Baltimore City ethics requirements; and generally
10 relating to the Board of License Commissioners for Baltimore City.

11 BY repealing and reenacting, without amendments,
12 Article – Alcoholic Beverages and Cannabis
13 Section 12–102
14 Annotated Code of Maryland
15 (2016 Volume and 2023 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Alcoholic Beverages and Cannabis
18 Section 12–202 and 12–207
19 Annotated Code of Maryland
20 (2016 Volume and 2023 Supplement)

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

23 **Article – Alcoholic Beverages and Cannabis**

24 12–102.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 This title applies only in Baltimore City.

2 12–202.

3 (a) (1) The [Mayor] **GOVERNOR** shall appoint [two regular members to the
4 Board and the President of the City Council shall appoint one regular member] **THREE**
5 **REGULAR MEMBERS** and one substitute member to the Board.

6 (2) The appointments shall be made:

7 (i) if the Senate is in session, with the advice and consent of the
8 Senate; or

9 (ii) if the Senate is not in session, by the [Mayor or President of the
10 City Council] **GOVERNOR ALONE**, subject to the advice and consent of the Senate when
11 the Senate next convenes.

12 (b) (1) Each member of the Board shall be:

13 (i) a resident and voter of the City; and

14 (ii) an individual of high character and integrity and of recognized
15 business capacity.

16 (2) At least one member of the Board shall be a member of the Bar of the
17 Supreme Court of Maryland.

18 (3) When evaluating an applicant for membership on the Board, the
19 [Mayor and the President of the City Council] **GOVERNOR** shall consider the need for
20 geographic, political, racial, ethnic, cultural, and gender diversity on the Board.

21 (c) The substitute member may serve on the Board if a regular member is absent
22 or recused.

23 (d) (1) The term of a member is 2 years and begins on July 1.

24 (2) The terms of the members are staggered as required by the terms
25 provided for members of the Board on July 1, 2016.

26 (3) At the end of a term, a member continues to serve until a successor is
27 appointed and qualifies.

28 (4) A member who is appointed after a term has begun serves only for the
29 rest of the term and until a successor is appointed and qualifies.

1 (e) (1) To fill a vacancy that occurs during the term of office, **THE GOVERNOR**
2 **SHALL APPOINT** an eligible individual [shall be appointed by:

3 (i) the Mayor, if the vacancy occurs during the term of office of an
4 individual originally appointed by the Mayor; or

5 (ii) the President of the City Council, if the vacancy occurs during
6 the term of office of an individual originally appointed by the President of the City Council].

7 (2) An appointment under paragraph (1) of this subsection shall be made
8 within 15 days after the vacancy occurs.

9 (3) A member who is appointed after a term has begun serves only for the
10 rest of the term and until a successor is appointed and qualifies.

11 (f) (1) The [Mayor or President of the City Council] **GOVERNOR** may remove
12 a member for misconduct in office, incompetence, or willful neglect of duty.

13 (2) [In this subsection, “appointing officer” means the Mayor or the
14 President of the City Council.

15 (3) A member who is charged shall be given by the [appointing officer who
16 appointed the member] **GOVERNOR** a copy of the charges against the member and, with
17 at least 10 days’ notice, an opportunity to be heard publicly in person or by counsel.

18 [(4) (3) If a member is removed, the [appointing officer who removed the
19 member] **GOVERNOR** shall file with the Office of the Secretary of State a statement of
20 charges against the member and the [appointing officer’s] **GOVERNOR’S** findings made on
21 the charges.

22 12–207.

23 (a) (1) In this subsection, “direct or indirect interest” means an interest that
24 is:

25 (i) proprietary;

26 (ii) obtained by a loan, mortgage, or lien or in any other manner; or

27 (iii) beneficially owned through an investment vehicle, estate, trust,
28 or other intermediary when the beneficiary does not control the intermediary or may
29 supervise or participate in the intermediary’s investment decisions.

30 (2) A member or an employee of the Board may not:

1 (i) have a direct or indirect interest in or on a premises where
2 alcoholic beverages are manufactured, distributed, or sold;

3 (ii) have a direct or indirect interest in a business wholly or partly
4 devoted to the manufacture, distribution, or sale of alcoholic beverages;

5 (iii) own stock in a corporation that has a direct or indirect interest
6 in:

7 1. a premises where alcoholic beverages are manufactured,
8 distributed, or sold; or

9 2. a business wholly or partly devoted to the manufacture,
10 distribution, or sale of alcoholic beverages;

11 (iv) receive a salary or other compensation or any other thing of value
12 from a business engaged in the manufacture, distribution, or sale of alcoholic beverages;

13 (v) solicit or receive, directly or indirectly or on behalf of another
14 person, a commission, political contribution, remuneration, or gift from a person engaged
15 in the manufacture, distribution, or sale of alcoholic beverages or an agent or employee of
16 the person; or

17 (vi) solicit or receive, directly or indirectly, a commission,
18 remuneration, or gift from:

19 1. a person engaged in the manufacture, distribution, or sale
20 of alcoholic beverages or an agent or employee of the person; or

21 2. a license holder.

22 (b) (1) Unless the public office or employment poses a conflict of interest, a
23 member or an employee of the Board may hold any other federal, State, or local public office
24 or employment.

25 (2) A member of the Board who applies for government employment that
26 poses a conflict of interest as determined by the [Baltimore City Board of Ethics] **STATE**
27 **ETHICS COMMISSION** shall resign from the Board by a letter addressed to the Governor.

28 (3) (i) If an individual who is a member or an employee of the Board
29 seeks election to an office that would pose a conflict of interest, on filing a certificate of
30 candidacy for election or within 30 days before the filing deadline for the primary election
31 for the office sought, whichever occurs later, the individual shall certify to the City Board
32 of Elections under oath that the individual is no longer a member or an employee of the
33 Board.

1 (ii) The certification shall be accompanied by a letter addressed to
2 the Governor containing the resignation of the member from the Board.

3 (c) (1) An employee of the Board shall devote the employee's whole time and
4 attention to the business of the Board during the hours designated by the Board for the
5 performance of official duties.

6 (2) An employee of the Board may not:

7 (i) engage in an occupation, a business, or a profession that in any
8 way is connected or associated, directly or indirectly, with the manufacture, distribution,
9 or sale of alcoholic beverages; or

10 (ii) transact any business beyond the official duties of the employee:

11 1. with a license holder; or

12 2. in connection with the operation of an establishment
13 licensed for the manufacture, distribution, or sale of alcoholic beverages.

14 (3) Subject to § 12-206(e)(1) of this subtitle, an employee of the Board who
15 violates this subsection shall be removed.

16 (d) (1) A member or an employee of the Board shall comply with the public
17 ethics laws of the [City] STATE and the financial disclosure [provisions enacted by the
18 Mayor and City Council] **REQUIREMENTS SET BY THE STATE ETHICS COMMISSION.**

19 (2) An action of a member or an employee of the Board is subject to State
20 requirements for open or public meetings, including requirements for open sessions under
21 Title 3 of the General Provisions Article.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
23 1, 2024.