

REVISOR'S NOTE

This section is new language added to state expressly what was only implied in the former law, that an entity known as the Board of License Commissioners for Charles County exists.

Former Art. 2B, § 15-112(j), which provided that former Art. 2B, § 15-112(j) applied only in

Charles County and that the Board is the alcoholic beverages license issuing authority, is deleted as unnecessary in light of the organization of this revised article and § 4-202 of this article, which gives each local licensing board in the State the authority to issue licenses.

§ 18-202. Membership.

(a) *Composition; appointment of members.* — The County Commissioners shall appoint five members to the Board.

(b) *Qualifications.* — (1) Of the members of the Board:

(i) at least one shall be from each of the County Commissioner districts; and

(ii) one shall be at large.

(2) Each member of the Board shall be a registered voter of the county.

(3) Preferably, at least one member of the Board before being appointed shall have some familiarity or experience with the alcoholic beverages industry.

(c) *Restrictions.* — (1) In this subsection, "direct or indirect interest" means an interest that is proprietary or obtained by a loan, mortgage, or lien or in any other manner.

(2) A member of the Board may not:

(i) have a direct or indirect interest in or on a premises where alcoholic beverages are sold;

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

(iii) own stock in:

1. a corporation that has a direct or indirect interest in a premises where alcoholic beverages are sold; or

2. a business wholly or partially devoted to the sale of alcoholic beverages;

(iv) hold any other public office or employment; or

(v) solicit or receive, directly or indirectly, a commission, remuneration, or gift from:

1. a person engaged in the sale of alcoholic beverages or an agent or employee of the person; or

2. a license holder.

(3) A person engaged in the manufacture or sale of alcoholic beverages, an agent or employee of the person, or a license holder may not directly or indirectly offer a commission, remuneration, or gift to:

(i) a member of the Board; or

(ii) someone on behalf of a member of the Board.

(d) *Tenure.* — (1) The term of a member is 4 years.

(2) A member may not serve more than two consecutive terms.

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

(b) *Removal* — The County Commissioners may remove a member for:

- (1) a violation of subsection (c) of this section or other misconduct in office;
- (2) incompetence; or
- (3) willful neglect of duty; (An. Code 1957, art. 2B, §§ 15-104(b)(1)(i)-(iii), (2), 15-110(b); 2016, ch. 8, § 5; ch. 41, § 2.)

REVISOR'S NOTE

In subsection (c)(2) of this section, the former reference to "profit" is deleted as included in the reference to "remuneration".

In subsection (d)(1) of this section, the former reference to "the initial term of one member authorized on October 1, 1993" is deleted as obsolete.

In subsection (d)(3) of this section, the requirement that the terms of the members of the Board be staggered, as required on July 1, 2016, is substituted for the former obsolete requirement that the terms of members be staggered, as required by the terms provided for members on October 1, 1993. This substitution is not intended to alter the term of any member of the Board of License Commissioners for Charles County.

In the introductory language of subsection (e) of this section, the former reference to the County Commissioners removing a member of a board of license commissioners appointed by them" is deleted as unnecessary because all of the members are appointed by the County Commissioners.

In subsection (e) of this section, the references to "misconduct in office", "incompetence", and "willful neglect of duty" are substituted for the former reference to "the causes in this section prescribed for clarity."

Former art. 2B, § 15-101(g), which provided that the provisions of former art. 2B, § 15-104 apply in Charles County, is deleted as unnecessary in light of the organization of this revised article.

This section is new language derived without substantive change from former art. 2B, §§ 15-104(b)(1)(i) through (iii) and (2) and the first sentence of 15-110(b).

In subsection (a) of this section, the reference to "members" is substituted for the former reference to "persons" to conform to the terminology used throughout this subtitle. Similarly, in the introductory language of subsection (c)(2) of this section, the reference to a "member of the Board" is substituted for the former reference to a "Commissioner", and in the introductory language of subsection (e) of this section, the reference to a "member" is substituted for the former reference to a "License Commissioner".

Also in subsection (a) of this section, the former reference to members "constituting" the Board of License Commissioners for the county" is deleted as surplusage.

In subsection (c)(2)(i) of this section, the former reference to an interest "to a premises" is deleted as included in the reference to an interest "in" a premises.

In subsection (c)(2)(v) of this section, the former reference to any gift, "whatsoever" is deleted as surplusage.

In subsection (c)(2)(v)1 and (3) of this section, the former reference to a "corporation" are deleted as included in the reference to a "person".

Also in subsection (c)(2)(v)1 and (3) of this section, the former references to "beer or other alcoholic beverages" are deleted as included in the defined term "alcoholic beverage".

In subsection (c)(2)(v)2 and (3) of this section, the defined term "license holder" is substituted for the former references to a "licensee, licensed under the provisions of this article" to conform to the terminology used throughout this article.

Defined terms:

- "Alcoholic beverage"
- "Board"
- "County"
- "License holder"
- "Person"

Editor's note.—Pursuant to § 5, ch. 8, Acts 2016, "county" was substituted for "County" in (b)(2).

§ 18-203. Chair.

(a) *Election by members of Board*. — From among its members, the Board annually shall elect a chair.

This section is substituted for former art. 2B, § 18-203. The first sentence of this section is substituted for former art. 2B, § 18-203(a). The second sentence of this section is substituted for former art. 2B, § 18-203(b). The third sentence of this section is substituted for former art. 2B, § 18-203(c). The fourth sentence of this section is substituted for former art. 2B, § 18-203(d). The fifth sentence of this section is substituted for former art. 2B, § 18-203(e). The sixth sentence of this section is substituted for former art. 2B, § 18-203(f). The seventh sentence of this section is substituted for former art. 2B, § 18-203(g). The eighth sentence of this section is substituted for former art. 2B, § 18-203(h). The ninth sentence of this section is substituted for former art. 2B, § 18-203(i). The tenth sentence of this section is substituted for former art. 2B, § 18-203(j). The eleventh sentence of this section is substituted for former art. 2B, § 18-203(k). The twelfth sentence of this section is substituted for former art. 2B, § 18-203(l). The thirteenth sentence of this section is substituted for former art. 2B, § 18-203(m). The fourteenth sentence of this section is substituted for former art. 2B, § 18-203(n). The fifteenth sentence of this section is substituted for former art. 2B, § 18-203(o). The sixteenth sentence of this section is substituted for former art. 2B, § 18-203(p). The seventeenth sentence of this section is substituted for former art. 2B, § 18-203(q). The eighteenth sentence of this section is substituted for former art. 2B, § 18-203(r). The nineteenth sentence of this section is substituted for former art. 2B, § 18-203(s). The twentieth sentence of this section is substituted for former art. 2B, § 18-203(t). The twenty-first sentence of this section is substituted for former art. 2B, § 18-203(u). The twenty-second sentence of this section is substituted for former art. 2B, § 18-203(v). The twenty-third sentence of this section is substituted for former art. 2B, § 18-203(w). The twenty-fourth sentence of this section is substituted for former art. 2B, § 18-203(x). The twenty-fifth sentence of this section is substituted for former art. 2B, § 18-203(y). The twenty-sixth sentence of this section is substituted for former art. 2B, § 18-203(z).