

**PRINCE GEORGE'S COUNTY DELEGATION  
LAW ENFORCEMENT AND STATE APPOINTED  
BOARDS SUBCOMMITTEE**

**Minutes for Thursday, January 19, 2012**

**Called to Order: 9:17 a.m.**

**Adjourned: 9:52 a.m.**

**Members in Attendance:** Delegate Doyle Niemann, Vice-Chair; Delegates Melony Griffith and Michael Summers.

**Members Absent:** Delegates Dereck Davis, Kriselda Valderrama (Chair), and Joseph Vallario were absent.

**DLS:** Mr. Guy Cherry (Counsel) and Mr. Andy Lantner .

**Staff:** Krystal Medley-Greene

This was an informational meeting presided over by Vice Chair Delegate Doyle Niemann. Vice Chair Niemann stated that there are eight bills in the Law Enforcement and State Appointed Boards subcommittee (LESAB) – four alcohol beverage related. Discussion then ensued concerning these four bills with a decision that they would be further clarified at the next LESAB subcommittee meeting with, hopefully, voting following. These bills are:

**PG 301-12 Prince George's County – Alcoholic Beverages Licensee – Retail Delivery to Consumer – Prohibition (Delegates Davis and Frush)**

This bill prohibits an alcoholic beverages licensee in Prince George's County from making an off-site retail delivery of alcoholic beverages to the residence of a consumer. The bill's effective date is July 1, 2012.

*It was suggested by Delegate Melony Griffith, Delegation Chair, to get an update from Mr. Jackson of the Liquor Board Commission in regard to this bill, as well as, invite him to our next meeting.*

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**PG 302-12 Prince George's County – Issuance, Transfer, and Renewal of Alcoholic Beverages Licenses – Payment of Taxes (Delegate Niemann)**

This bill prohibits the Board of License Commissioners from issuing or renewing an alcoholic beverages license unless the Board is provided with verification from the

Comptroller and Prince George's County that the applicant has: (1) paid all undisputed taxes payable to the Comptroller and the county; or (2) provided for satisfactory payment of such taxes. If a license application is made on the behalf of a corporation, club, or other entity, the tax payment verification requirements apply to undisputed taxes payable by each owner and principal of the entity, as well as each immediate relative of the owner or principal. The bill authorizes the Board to condition the issuance of a license for which a transfer has been approved on the same verifications. The bill's effective date is July 1, 2012.

*The history of this bill was presented by Vice Chair Delegate Niemann. He stated the Comptroller's Office had brought this problem to his attention, as this issue is quite severe in Prince George's County.*

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**PG 307-12 Prince George's County – City of Bowie – Alcoholic Beverages Licenses for Supermarkets (Senator Peters and Delegates Holmes, Hubbard, and Valentino-Smith)**

This bill authorizes the Prince George's County Board of License Commissioners to issue a Class D beer and light wine license with an off-sale privilege for use by a supermarket or similar type of premises in the City of Bowie. A license applicant must present a copy of valid lease in Bowie for at least five years and have already occupied that premises for at least one year. If there is governmental economic participation in the licensed premises, the license applicant must seek to obtain a certain memorandum of understanding with any labor organization representing the employees of the licensed premises. A licensee may not have an ownership interest in more than one Class D beer and light wine license with an off-sale privilege issued to a supermarket in Bowie.

The bill also increases, from 55 to 58, the maximum number of Class D beer and light wine licenses that may be issued in the county. The Board may not issue a Class D beer and light wine license with an off-sale privilege to a business primarily engaged in general merchandise sales that also sells groceries or a business that allows the purchase of alcohol at any customer-operated machine or stand located on the business premises. The bill is effective July 1, 2012.

*Vice Chair Delegate Niemann stated that Delegate Valentino-Smith has informed him she plans on presenting an amendment to this bill. It was proposed by Vice Chair Delegate Niemann we get some information concerning the county's distribution of these establishments from Mr. Jackson of the Liquor Board Commission, as well as, find out the history of this legislation.*

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**PG 308-12 Prince George's County – Hyattsville – Arts and Entertainment District – Licensed Alcoholic Beverages Establishments – Distance from Churches (Senator Pinsky)**

This bill prohibits the granting of an alcoholic beverages license from being granted to sell such beverages in a building located within 350 feet of a church in the Gateway Arts and Entertainment District located in the City of Hyattsville. Currently, such a license may not be granted within 500 feet of a church or 1,000 feet of a school building, county-wide. The bill specifies how the 350 feet restriction must be measured. The bill is effective June 1, 2012.

*It was noted by Vice Chair Delegate Niemann that an amendment is being submitted by Senator Pinsky. More information as to the history of this bill is also being sought for presentation at the next subcommittee meeting.*

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**PG 303-12 Prince George's County – Volunteer Fire Departments – Poker events (Delegate Vallario)**

This bill authorizes a volunteer fire department in Prince George's County to conduct poker card game events that are open to the public, on a Friday or Saturday only. The bill limits a volunteer fire department to no more than one poker event per month. Qualified organizations must obtain a permit from the Prince George's County Department of Environmental Resources before conducting a poker event. Only a volunteer fire department that has operated in the county for at least 10 years may apply for a permit. No more than 30 permits may be active at any time. A permit is valid for six months and may be renewed. A lottery must be held if more than 30 applications are received.

The conditions under which a poker event permit is issued must generally be the same as those established in Prince George's County Code for a charitable gaming event, including requirements for permit applications, use of proceeds, hours of operation, worker licensing, organizational reporting, fees, and prize amounts. The bill takes effect July 1, 2012. Similar delegation bills were introduced in 2010 (HB 572) and 2011 (HB 1099).

**PG 305-12 Prince George's County – Poker events (Delegate Valderrama)**

This bill authorizes volunteer fire departments and other specified qualified organizations in Prince George's County to conduct poker card game events open to the public if issued a permit by the Prince George's County Department of Environmental Resources. Only a volunteer fire department or a nonprofit organization that promotes the arts and preserves the culture that have operated in the county for at least 10 years since its incorporation are considered qualified to apply for a permit. The bill limits such events to no more than one poker event per month, on a Friday or Saturday, for each organization with a permit.

A permit is valid for six months and may be renewed. No more than 30 permits may be active at any time. A lottery must be held if more than 30 applications are received. A permit application must include a list of persons participating in the management or operation of the poker event, a copy of the applicant's most recent IRS form 990, and an authorization by an official of the applicant to allow a specified examination of IRS records over the prior 3 years. An applicant must also apply for a State and national criminal history records check. The bill details the circumstances under which the department may deny a permit to an applicant or revoke a permit. A permit holder must maintain a separate poker event bank account and deposit all receipts from poker events to that account. The bill further details obligations of permit holders relating to operations, the separate bank accounts, quarterly and annual reports of receipts and disbursements, allowable uses of poker event proceeds, prohibited uses of proceeds, and maintenance of records. The Department of Environmental Resources is required to adopt complementary regulations. The bill takes effect July 1, 2012.

*Due to the similarities of these two bills, Vice Chair Delegate Niemann said they would be heard at the same subcommittee meeting.*

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**PG 306-12 State Lottery – Licenses – Prince George’s County Veterans’ Organizations (Delegate Valentino-Smith)**

This bill authorizes the Maryland State Lottery Agency to issue a license for up to five instant ticket lottery machines to a tax exempt veterans’ organization in Prince George’s County. The machines must be located and operated at the organization’s principal meeting hall in Prince George’s County. After deduction of any commission and validation prize payout, the licensed veterans’ organization must credit the remaining receipts to the State Lottery Fund. A licensed veterans’ organization must purchase or lease the lottery machines from the State Lottery Agency, but may not use receipts from the sale of lottery tickets to cover the costs of the purchase or lease of the lottery machines.

The Comptroller is required, after June 30, 2013, to distribute into the Maryland Veterans Trust Fund 10% of the money that remains in the State Lottery Fund from the proceeds of sales of tickets from instant ticket lottery machines by veterans’ organizations, after other distributions required by law. The bill also requires the State Lottery Agency to ensure that the conduct of gaming and the operation of the lottery ticket terminals authorized by the bill are consistent with the holding in the case of *Chesapeake Amusements Inc. v. Riddle*, 363 Md. 16 (2001).

*It was determined that the State Lottery Agency (Mr. James Butler) be included in discussion of this bill. It was also noted that Delegate Valentino-Smith may have an amendment to this bill.*

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**PG 304-12 Prince George's County – Deer Hunting on Private Property – Sundays (Delegate Valderrama)**

This bill authorizes Sunday deer hunting on private property in Prince George's County. Under the bill, deer hunting on Sunday with bow and arrow or crossbow may be done on private property during open season on the last three Sundays in October and the Second Sunday in November. This is now allowed in Allegany, Calvert, Carroll, Charles, Dorchester, Frederick, Garrett, St. Mary's, Somerset, Talbot, Washington, Wicomico, and Worcester counties.

The bill also allows deer hunting in the county on private property on the first Sunday of the bow hunting season in November and each Sunday of the deer firearms season. This is now allowed in Calvert, Charles, and St. Mary's counties.

The bill is effective July 1, 2012.

*In attendance was Delegate Holmes who gave some history on prior legislation concerning this issue. Vice Chair Delegate Niemann indicated that this bill will be heard at the final subcommittee meeting.*

**It was agreed to invite Delegate Vaughn, Chair, Alcohol Beverages Workgroup, to present at the next Law Enforcement and State Appointed Boards subcommittee on Thursday, January 26<sup>th</sup>; 9:00 a.m.; Room 150.**