

CITY OF BALTIMORE

SHEILA DIXON, Mayor



DEPARTMENT OF LAW

GEORGE A. NILSON, City Solicitor  
101 City Hall  
Baltimore, Maryland 21202

June 22, 2009

The Honorable James B. Kraft, Chair  
Judiciary and Legislative Investigations Committee  
City Council of Baltimore  
c/o Karen Randle, Executive Secretary  
Room 409, City Hall  
100 N. Holliday Street  
Baltimore, Maryland 21202

Re: City Council Bill 08-0163 {Live Entertainment – Licensing and Regulation – Hospitality Services – Promotion and Coordination}

Dear Councilman Kraft:

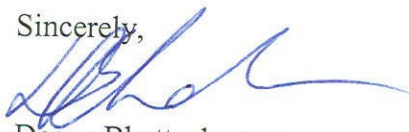
At your request, the Law Department has reconsidered the question regarding City Council Rule 11-3's applicability to City Council Bill 08-0163, in light of proposed amendments. After further consultation with Solicitor Nilson, the Law Department's opinion is unchanged. Proposed amendments to the bill are not prohibited by City Council Rule 11-3, because the proposed amendments would not change the original bill's basic purpose.

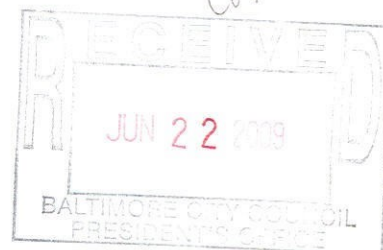
Pursuant to advice of the Department of Legislative Reference, City Council Rule 11-3 was adapted, almost verbatim, from Maryland State Senate Rule 46(a), which is somewhat clearer with the same intent – to substantively prohibit amendments that would change the original bill's basic purpose. The substance, and not the form, of the amendments is significant. Additionally, the purpose of the procedural rule, evidently, is to avoid changing a bill so extensively that the public lacks notice of the proposed law. In this case, multiple hearings were held on both versions of the bill, and newspaper notice was published containing the proposed amended purpose of the bill.

Therefore, while the proposed amendments to the bill would change the mechanisms used to regulate and govern live entertainment, the basic purpose of the bill would remain unchanged. Therefore, City Council Rule 11-3 would not be violated. Of course, in the interest of an abundance of caution, the City Council may suspend City Council Rule 11-3 on the Council floor prior to voting, but in our opinion, this would be unnecessary.

Please feel free to contact me if you have any further questions.

Sincerely,

  
Deepa Bhattacharyya



cc: The Honorable Stephanie Rawlings-Blake  
The Honorable Edward Reisinger  
The Honorable Robert Curran  
The Honorable Mary Pat Clarke  
The Honorable Rochelle "Rikki" Spector  
The Honorable Agnes Welch  
The Honorable William Cole  
The Honorable Belinda Conaway  
The Honorable Sharon Green Middleton  
The Honorable Bernard C. "Jack" Young  
George Nilson, City Solicitor  
Elena R. DiPietro, Chief Solicitor  
Ashlea Brown, Assistant Solicitor  
Hilary Ruley, Assistant Solicitor  
Marguerite Murray, Staff, Judiciary and Legislative Investigations Committee  
Larry Greene, Staff, Land use and Transportation Committee  
Diane Hutchins, Director, Mayor's Office of Government Relations  
Angela C. Gibson, Mayor's Legislative Liaison  
Tom Stosur, Director of Planning  
Gary Cole, Planning  
Eric Tiso, Planning  
Avery Aisenstark, Legislative Reference