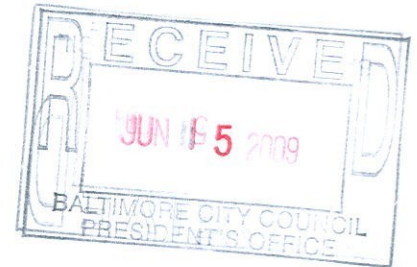


June 5, 2009

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

Dear Councilman Kraft:

You asked the Law Department to provide a response to your question of whether the newest draft of City Council Bill 08-0163 [with proposed amendments] violates City Council Rule 11-3. Specifically, you asked:

- (1) If the Council were to pass Bill 08-0163 with the proposed amendments, would this be a violation of Rule 11-3 due to either the extent of the language stricken from the original purpose clause or an effective change of the bill's original purpose?
- (2) If the bill, as presently presented, is violative of the said rule, then what options are available to the committee to remedy this violation?

#### Analysis

City Council Rule 11-3 provides: "A bill may not be amended during its passage in the Council by a direction to "strike out everything after the words 'AN ORDINANCE concerning'" or by any other amendment or series of amendments that would have the effect of changing the original bill's basic purpose." Therefore, the bill could violate Rule 11-3 in one of two ways – (1) it could be amended so that everything after the words "AN ORDINANCE concerning" is stricken; or (2) it could be amended so that the original bill's basic purpose is changed.

First, in this case, proposed amendments to City Council Bill 08-0163, while extensive, would not strike out everything in the bill that appears after the words "AN ORDINANCE concerning." Second, if the proposed amendments to the bill are adopted, the bill's basic purpose would not change. The bill's original purpose, as introduced, was:

"For the purpose of deleting live entertainment and dancing as a zoning use category; requiring the licensing of certain establishments that provide live entertainment or dancing; establishing the Board of

*Comments*



Licenses for Live Entertainment and providing for its powers and duties; establishing an Office of Hospitality Services and providing for its powers and duties; defining certain terms; imposing certain penalties; and generally relating to the licensing and regulation of live entertainment and to the promotion and coordination of hospitality services.”

The original bill proposed a change to the Zoning Code as well as a licensing scheme for the basic purpose of *regulating and governing where and under what circumstances live entertainment would be allowed in the City*.

If the currently proposed amendments to the bill are adopted, they would not change this basic purpose of the bill. Even if the bill is amended so that live entertainment is not deleted as a zoning use category, the licensing scheme is not established, and amendments are made to the Zoning Code, the basic purpose of the bill will continue to be *regulating and governing where and under what circumstances live entertainment would be allowed in the City*. If amended in this way, while the mechanisms used to regulate and govern may change, the basic purpose of the bill will remain unchanged. Thus, City Council Rule 11-3 would not be violated.

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  
Marguerite Murray, Staff, Judiciary and Legislative Investigations Committee ✓  
Larry Greene, Staff, Land use and Transportation Committee  
Angela C. Gibson, Mayor’s Legislative Liaison  
George Nilson, City Solicitor  
Elena R. DiPietro, Chief Solicitor  
Ashlea Brown, Assistant Solicitor  
Hilary Ruley, Assistant Solicitor  
Tom Stosur, Director of Planning  
Gary Cole, Planning  
Eric Tiso, Planning  
Avery Aisenstark, Legislative Reference