

HOUSE BILL 260

C7, P1

71r1145

By: **Delegates Impallaria and McDonough**
Introduced and read first time: January 29, 2007
Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Gaming Commission Act of 2007**

3 FOR the purpose of establishing the Maryland Gaming Commission; reorganizing the
4 State Lottery Agency by making it a division of the Maryland Gaming
5 Commission; transferring certain duties, responsibilities, authorities, functions,
6 and units of the State Lottery Agency to the Maryland Gaming Commission;
7 providing that the Maryland Gaming Commission consists of a certain number
8 of members appointed by the Governor with the advice and consent of the
9 Senate; requiring the Attorney General to conduct a certain investigation of
10 each nominee; requiring that a criminal background report be provided to the
11 Attorney General by each nominee; establishing the qualifications and terms for
12 Commission members; requiring the Governor to appoint the Chair of the
13 Commission with the advice and consent of the Senate; establishing rules
14 governing quorums, meetings, and compensation; requiring the Commission to
15 appoint an Executive Director; establishing duties, responsibilities, and
16 eligibility requirements for the Executive Director; providing staff for the
17 Commission; requiring that a criminal background report be provided to the
18 Commission by the Executive Director and each staff member under certain
19 circumstances; establishing a legislative oversight committee; requiring the
20 Legislative Auditor to audit the Commission on an annual basis; specifying
21 powers and duties for the Commission; authorizing the Commission to issue
22 certain types of gaming licenses; requiring the Commission to deny an
23 application for an initial or renewed license or suspend or revoke a license
24 under certain circumstances; establishing procedures for hearings and appeals;
25 authorizing the Commission to issue cease and desist orders under certain
26 circumstances; establishing a Division of Gaming Enforcement in the Office of

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 the Attorney General; requiring that the Division be under the immediate
2 supervision of a Director who is an assistant Attorney General and is appointed
3 by the Attorney General; providing staff for the Division; requiring that a
4 criminal background report be provided to the Attorney General or the Director
5 by each staff member under certain circumstances; providing that the Director
6 is legal adviser to the Commission; specifying powers and duties of the Division;
7 authorizing certain audits of gaming establishments; establishing a Maryland
8 Gaming Commission Fund; specifying that this Fund is a special continuing,
9 nonlapsing fund; specifying certain uses for the Fund; prohibiting certain
10 actions; establishing certain penalties; defining certain terms; providing that
11 certain persons and entities are not subject to the licensing requirements of this
12 Act until a certain date; establishing certain provisions relating to conversion of
13 certain positions and terms of employment and the continuation of certain
14 policies and actions; providing for certain technical corrections that may be
15 necessitated by this Act; and generally relating to the regulation of gaming
16 activities.

17 BY transferring

18 Article – State Government

19 Section 9–101 through 9–103, 9–107 through 9–120, 9–120.1, and 9–121
20 through 9–125, respectively, and the subtitle “Subtitle 1. State Lottery
21 Agency”

22 Annotated Code of Maryland

23 (2004 Replacement Volume and 2006 Supplement)

24 to be

25 Article 41 – Governor – Executive and Administrative Departments

26 Section 23–101 through 23–123, respectively, and the title “Title 23. State
27 Lottery Agency”

28 Annotated Code of Maryland

29 (2003 Replacement Volume and 2006 Supplement)

30 BY repealing

31 Article – State Government

32 Section 9–104, 9–105, and 9–106

33 Annotated Code of Maryland

34 (2004 Replacement Volume and 2006 Supplement)

35 BY adding to

36 Article 41 – Governor – Executive and Administrative Departments

37 Section 22–101 through 22–701 to be under the new title “Title 22. Maryland
38 Gaming Commission – General Provisions and Charitable Gaming”

39 Annotated Code of Maryland

40 (2003 Replacement Volume and 2006 Supplement)

1 BY repealing and reenacting, with amendments,
2 Article 41 – Governor – Executive and Administrative Departments
3 Section 23–101(b) and (c), 23–103, 23–104, 23–105, and 23–117(b) to be under
4 the amended title “Title 23. Maryland Control Gaming
5 Commission – Lottery Agency Division”
6 Annotated Code of Maryland
7 (2003 Replacement Volume and 2006 Supplement)
8 (As enacted by Section 1 of this Act)

9 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
10 MARYLAND, That Section(s) 9–101 through 9–103, 9–107 through 9–120, 9–120.1,
11 and 9–121 through 9–125, respectively, and the subtitle “Subtitle 1. State Lottery
12 Agency” of Article – State Government of the Annotated Code of Maryland be
13 transferred to be Section(s) 23–101 through 23–123, respectively, to be under the title
14 “Title 23. State Lottery Agency” of Article 41 – Governor – Executive and
15 Administrative Departments of the Annotated Code of Maryland.

16 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 9–104, 9–105,
17 and 9–106 of Article – State Government of the Annotated Code of Maryland be
18 repealed.

19 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland
20 read as follows:

21 **Article 41 – Governor – Executive and Administrative Departments**

22 **TITLE 22. MARYLAND GAMING COMMISSION – GENERAL PROVISIONS AND**
23 **CHARITABLE GAMING.**

24 **SUBTITLE 1. DEFINITIONS; SCOPE.**

25 **22–101.**

26 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS
27 INDICATED.

28 (B) “APPLICANT” MEANS A PERSON WHO HAS APPLIED FOR A LICENSE
29 UNDER THIS TITLE.

30 (C) “CHAIR” MEANS THE CHAIR OF THE COMMISSION.

1 (D) **“CHARITABLE ORGANIZATION” MEANS AN ORGANIZATION**
2 **DESCRIBED IN § 170(C) OF THE INTERNAL REVENUE CODE.**

3 (E) **“COMMISSION” MEANS THE MARYLAND GAMING COMMISSION.**

4 (F) **“COUNTY” MEANS A COUNTY OR BALTIMORE CITY.**

5 (G) **“DIRECTOR” MEANS THE DIRECTOR OF THE DIVISION.**

6 (H) **“DIVISION” MEANS THE DIVISION OF GAMING ENFORCEMENT IN**
7 **THE OFFICE OF THE ATTORNEY GENERAL.**

8 (I) **“ELIGIBLE GAMING APPLICANT” MEANS A PERSON THAT:**

9 (1) **IS AUTHORIZED TO CONDUCT GAMING ACTIVITIES UNDER**
10 **TITLES 12 AND 13 OF THE CRIMINAL LAW ARTICLE; AND**

11 (2) **OTHERWISE MEETS THE LICENSING REQUIREMENTS**
12 **ESTABLISHED UNDER THIS TITLE AND THE REGULATIONS ADOPTED UNDER**
13 **THIS TITLE.**

14 (J) **“ELIGIBLE GAMING ESTABLISHMENT APPLICANT” MEANS THE**
15 **OWNER, OPERATOR, OR MANAGER OF A GAMING ESTABLISHMENT:**

16 (1) **AT WHICH GAMING ACTIVITIES MAY BE CONDUCTED UNDER**
17 **TITLES 12 AND 13 OF THE CRIMINAL LAW ARTICLE; AND**

18 (2) **THAT OTHERWISE MEETS THE LICENSING REQUIREMENTS**
19 **ESTABLISHED UNDER THIS TITLE AND THE REGULATIONS ADOPTED UNDER**
20 **THIS TITLE.**

21 (K) **“ELIGIBLE VENDOR APPLICANT” MEANS A VENDOR THAT:**

22 (1) **MEETS ANY APPLICABLE REQUIREMENTS ESTABLISHED**
23 **UNDER TITLES 12 AND 13 OF THE CRIMINAL LAW ARTICLE; AND**

1 **(2) OTHERWISE MEETS THE LICENSING REQUIREMENTS**
2 **ESTABLISHED UNDER THIS TITLE AND THE REGULATIONS ADOPTED UNDER**
3 **THIS TITLE.**

4 **(L) “EXECUTIVE DIRECTOR” MEANS THE EXECUTIVE DIRECTOR OF**
5 **THE COMMISSION.**

6 **(M) (1) “GAMING” MEANS ANY GAME OF CHANCE THAT IS PLAYED**
7 **FOR MONEY OR ANY OTHER PRIZE.**

8 **(2) “GAMING” INCLUDES:**

9 **(I) BINGO;**

10 **(II) CARD GAMES;**

11 **(III) CHANCE BOOKS;**

12 **(IV) DICE GAMES;**

13 **(V) PUNCHBOARDS;**

14 **(VI) PADDLE WHEELS, WHEELS OF FORTUNE, AND ANY**
15 **OTHER GAME INVOLVING WHEELS OF CHANCE;**

16 **(VII) RAFFLES;**

17 **(VIII) ROULETTE;**

18 **(IX) SLOT MACHINES;**

19 **(X) TIP JARS;**

20 **(XI) LOTTERIES CONDUCTED UNDER TITLE 22 OF THIS**
21 **ARTICLE;**

22 **(XII) FREE-PLAY CONSOLE MACHINES AND FREE-PLAY**
23 **PINBALL MACHINES THAT ARE LICENSED UNDER TITLE 17, SUBTITLE 4, PARTS**
24 **I AND II OF THE BUSINESS REGULATION ARTICLE;**

1 **(XIII) PINBALL MACHINES FOR PUBLIC USE IN WICOMICO**
2 **COUNTY THAT ARE LICENSED UNDER TITLE 17, SUBTITLE 4, PART III OF THE**
3 **BUSINESS REGULATION ARTICLE;**

4 **(XIV) AMUSEMENT DEVICES FOR PUBLIC USE IN GARRETT**
5 **COUNTY THAT ARE LICENSED UNDER TITLE 17, SUBTITLE 4, PART IV OF THE**
6 **BUSINESS REGULATION ARTICLE; AND**

7 **(XV) GAMING ABOARD A PASSENGER CRUISE VESSEL THAT IS**
8 **AUTHORIZED UNDER § 6-209 OF THE TRANSPORTATION ARTICLE.**

9 **(N) “GAMING EQUIPMENT” MEANS ANY DEVICE, MECHANISM, MACHINE,**
10 **PRINTED MATTER, MATERIAL, FIXTURE, FURNITURE, CONSTRUCTION,**
11 **INSTALLATION, OR OTHER THING USED IN CONNECTION WITH GAMING.**

12 **(O) “GAMING ESTABLISHMENT” MEANS THE BUILDING, ROOM,**
13 **ENCLOSURE, OR OTHER PLACE IN WHICH GAMING IS CONDUCTED.**

14 **(P) “GROSS REVENUE” MEANS THE TOTAL AMOUNT OF MONEY**
15 **RECEIVED BY A LICENSEE FOR GAMING ACTIVITIES MINUS THE TOTAL AMOUNT**
16 **OF MONEY PAID OUT AS WINNINGS TO PATRONS OR THE TOTAL COST OF PRIZES**
17 **DISTRIBUTED TO PATRONS.**

18 **(Q) “LICENSEE” MEANS A PERSON LICENSED UNDER THIS TITLE:**

19 **(1) TO CONDUCT GAMING ACTIVITIES;**

20 **(2) AS A GAMING ESTABLISHMENT; OR**

21 **(3) AS A VENDOR.**

22 **(R) “PERSON” MEANS AN INDIVIDUAL, RECEIVER, TRUSTEE, GUARDIAN,**
23 **PERSONAL REPRESENTATIVE, FIDUCIARY, REPRESENTATIVE OF ANY KIND,**
24 **PARTNERSHIP, FIRM, ASSOCIATION, ORGANIZATION, GROUP, CORPORATION,**
25 **LIMITED LIABILITY COMPANY, OR OTHER ENTITY.**

1 (S) **“VENDOR” MEANS ANY PERSON WHO MANUFACTURES ANY GAMING**
2 **EQUIPMENT OR SELLS, LEASES, DELIVERS, DISTRIBUTES, OR SUPPLIES ANY**
3 **GAMING EQUIPMENT TO ANY PERSON.**

4 **22-102.**

5 (A) **THIS TITLE APPLIES IN ADDITION TO THE PROVISIONS OF TITLES**
6 **12 AND 13 OF THE CRIMINAL LAW ARTICLE.**

7 (B) **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THIS**
8 **TITLE MAY NOT BE CONSTRUED TO PREEMPT THE AUTHORITY OF ANY COUNTY**
9 **OR MUNICIPAL CORPORATION OF THE STATE UNDER TITLE 13 OF THE**
10 **CRIMINAL LAW ARTICLE OR ANY OTHER PUBLIC GENERAL LAW, PUBLIC LOCAL**
11 **LAW, LOCAL ORDINANCE, OR LOCAL RESOLUTION IN EFFECT BEFORE, ON, OR**
12 **AFTER THE EFFECTIVE DATE OF THIS TITLE.**

13 (2) **IF ANY LAW GRANTING AUTHORITY TO ANY COUNTY OR**
14 **MUNICIPAL CORPORATION CONFLICTS WITH THIS TITLE, THIS TITLE SHALL**
15 **PREEMPT THAT LAW.**

16 **SUBTITLE 2. MARYLAND GAMING COMMISSION.**

17 **22-201.**

18 (A) **THERE IS A MARYLAND GAMING COMMISSION THAT IS AN**
19 **INDEPENDENT UNIT OF STATE GOVERNMENT.**

20 (B) **THE COMMISSION SHALL BE FUNDED AS PROVIDED IN THE STATE**
21 **BUDGET.**

22 (C) **IN ADDITION TO THE UNITS CREATED UNDER THIS TITLE, THE**
23 **LOTTERY AGENCY DIVISION, ESTABLISHED UNDER TITLE 23 OF THIS ARTICLE,**
24 **IS PART OF THE COMMISSION.**

25 **22-202.**

26 (A) **(1) THE COMMISSION CONSISTS OF THE FOLLOWING 13**
27 **MEMBERS:**

1 **(I) FOUR MEMBERS APPOINTED BY THE GOVERNOR;**

2 **(II) FOUR MEMBERS APPOINTED BY THE PRESIDENT OF**
3 **THE SENATE OF MARYLAND;**

4 **(III) FOUR MEMBERS APPOINTED BY THE SPEAKER OF THE**
5 **HOUSE OF DELEGATES; AND**

6 **(IV) THE EXECUTIVE DIRECTOR OF THE COMMISSION,**
7 **APPOINTED BY THE COMMISSION UNDER § 22-205 OF THIS SUBTITLE.**

8 **(2) IN MAKING APPOINTMENTS TO THE COMMISSION, THE**
9 **GOVERNOR, PRESIDENT OF THE SENATE, AND SPEAKER OF THE HOUSE SHALL**
10 **GIVE CONSIDERATION TO BASING THE MEMBERSHIP ON FACTORS RELATING TO**
11 **THE EQUITABLE GEOGRAPHIC REPRESENTATION OF THE REGIONS OF THE**
12 **STATE.**

13 **(3) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH,**
14 **THE POLITICAL COMPOSITION OF THE COMMISSION SHALL REFLECT THE**
15 **POLITICAL AFFILIATION OF THE REGISTERED VOTERS IN THE STATE IN THE**
16 **MOST RECENT STATE ELECTION FOR WHICH INFORMATION IS AVAILABLE.**

17 **(II) THE POLITICAL COMPOSITION OF THE COMMISSION**
18 **SHALL REFLECT THE NUMBER OF REGISTERED VOTERS WHO ARE**
19 **UNAFFILIATED OR AFFILIATED TO A POLITICAL PARTY ATTRACTING AT LEAST**
20 **5% OF ALL REGISTERED VOTERS.**

21 **(B) EACH MEMBER:**

22 **(1) SHALL BE AT LEAST 25 YEARS OLD AT THE TIME OF**
23 **APPOINTMENT;**

24 **(2) SHALL BE A RESIDENT OF THE STATE WHO HAS RESIDED IN**
25 **THE STATE FOR AT LEAST THE PREVIOUS 5 YEARS AT THE TIME OF**
26 **APPOINTMENT;**

27 **(3) SHALL BE A REGISTERED VOTER OF THE STATE;**

1 (4) SHALL BE A PERSON WHO HAS NOT BEEN CONVICTED OF OR
2 PLEADED GUILTY TO A FELONY UNDER THE LAWS OF THIS STATE OR ANY OTHER
3 STATE OR FEDERAL LAW OR A CRIME THAT INVOLVES MORAL TURPITUDE;

4 (5) MAY NOT HAVE ANY DIRECT OR INDIRECT FINANCIAL
5 INTEREST BY OWNERSHIP, OPERATION, OR MANAGEMENT IN ANY GAMING
6 ACTIVITY, GAMING ESTABLISHMENT, OR VENDOR IN THIS STATE OR IN ANY
7 OTHER STATE OR FOREIGN JURISDICTION, INCLUDING LOTTERIES;

8 (6) MAY NOT RECEIVE OR SHARE IN, DIRECTLY OR INDIRECTLY,
9 THE RECEIPTS OF ANY GAMING ACTIVITY, INCLUDING LOTTERIES;

10 (7) MAY NOT HAVE A BENEFICIAL INTEREST IN ANY CONTRACT
11 FOR:

12 (I) THE MANUFACTURE, SALE, RENTAL, DISTRIBUTION,
13 DELIVERY, OR SUPPLY OF GAMING EQUIPMENT;

14 (II) THE CONDUCT OF ANY GAMING ACTIVITY;

15 (III) THE OPERATION OR MANAGEMENT OF ANY GAMING
16 ESTABLISHMENT; OR

17 (IV) THE PROVISION OF ANY INDEPENDENT CONSULTANT
18 SERVICES IN CONNECTION WITH ANY GAMING ACTIVITY, GAMING
19 ESTABLISHMENT, OR VENDOR; AND

20 (8) MAY NOT BE EMPLOYED BY ANY VENDOR, ANY PERSON THAT
21 CONDUCTS GAMING ACTIVITIES, OR ANY PERSON THAT OWNS OR OPERATES A
22 GAMING ESTABLISHMENT.

23 (C) (1) PRIOR TO NOMINATION, THE GOVERNOR, PRESIDENT OF THE
24 SENATE, OR SPEAKER OF THE HOUSE OF DELEGATES SHALL REQUEST THAT
25 THE ATTORNEY GENERAL INVESTIGATE A POTENTIAL NOMINEE'S BACKGROUND
26 TO ENSURE THAT THE PERSON:

27 (I) MEETS THE ELIGIBILITY REQUIREMENTS ESTABLISHED
28 UNDER SUBSECTION (B) OF THIS SECTION; AND

1 **(II) IS OTHERWISE A PERSON OF GOOD CHARACTER AND**
2 **REPUTATION.**

3 **(2) EACH NOMINEE SHALL SUBMIT A CRIMINAL BACKGROUND**
4 **REPORT TO THE ATTORNEY GENERAL, INCLUDING A COMPLETE SET OF**
5 **LEGIBLE FINGERPRINTS TAKEN ON STANDARD FINGERPRINT CARDS AT A STATE**
6 **OR FEDERAL LAW ENFORCEMENT AGENCY AND THE RESULTS OF A STATE AND**
7 **FEDERAL BACKGROUND INVESTIGATION OF THE NOMINEE.**

8 **(3) ANY INFORMATION OBTAINED BY THE ATTORNEY GENERAL**
9 **ABOUT ANY CRIMINAL CHARGES AGAINST ANY NOMINEE AND THE DISPOSITION**
10 **OF THE CHARGES SHALL BE USED TO DETERMINE A NOMINEE'S ELIGIBILITY TO**
11 **SERVE ON THE COMMISSION.**

12 **(4) EXCEPT AS PROVIDED UNDER PARAGRAPH (3) OF THIS**
13 **SUBSECTION OR AS OTHERWISE DIRECTED BY A COURT ORDER, ANY**
14 **INFORMATION OBTAINED BY THE ATTORNEY GENERAL ABOUT ANY CRIMINAL**
15 **CHARGES AGAINST ANY NOMINEE AND THE DISPOSITION OF THE CHARGES MAY**
16 **NOT BE TRANSMITTED OUTSIDE THE OFFICE OF THE ATTORNEY GENERAL AND**
17 **IS CONFIDENTIAL.**

18 **(D) BEFORE TAKING OFFICE, EACH APPOINTEE TO THE COMMISSION**
19 **SHALL TAKE THE OATH REQUIRED BY ARTICLE I, § 9 OF THE MARYLAND**
20 **CONSTITUTION.**

21 **(E) (1) THE TERM OF THE EXECUTIVE DIRECTOR IS 8 YEARS, AND**
22 **THE TERM OF EACH OTHER COMMISSION MEMBER IS 4 YEARS.**

23 **(2) EACH TERM BEGINS ON JULY 1.**

24 **(3) THE TERMS OF MEMBERS, EXCEPT FOR THE EXECUTIVE**
25 **DIRECTOR, ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR**
26 **MEMBERS OF THE COMMISSION ON JULY 1, 2007.**

27 **(4) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE**
28 **UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.**

1 **(5) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN**
2 **SERVES ONLY FOR THE REMAINDER OF THE TERM AND UNTIL A SUCCESSOR IS**
3 **APPOINTED AND QUALIFIES.**

4 **(F) A MEMBER OF THE COMMISSION MAY BE REMOVED BY THE PERSON**
5 **WHO APPOINTED THE MEMBER FOR INEFFICIENCY, MISCONDUCT IN OFFICE,**
6 **NEGLECT OF DUTY, OR OTHER CONDUCT EVIDENCING INCOMPETENCE OR LACK**
7 **OF FITNESS FOR THE POSITION.**

8 **22-203.**

9 **(A) THE GOVERNOR SHALL DESIGNATE A CHAIR FROM AMONG THE**
10 **MEMBERS OF THE COMMISSION.**

11 **(B) THE MEMBER WHO IS DESIGNATED AS CHAIR BY THE GOVERNOR**
12 **SHALL SERVE AS CHAIR THROUGHOUT THE MEMBER'S TERM OR UNTIL A**
13 **SUCCESSOR HAS BEEN DESIGNATED BY THE GOVERNOR.**

14 **22-204.**

15 **(A) A MAJORITY OF THE MEMBERS THEN SERVING ON THE COMMISSION**
16 **IS A QUORUM.**

17 **(B) THE EXECUTIVE DIRECTOR MAY VOTE ON A MATTER BEFORE THE**
18 **COMMISSION ONLY IN CASE OF A TIE.**

19 **(C) THE COMMISSION SHALL MEET IN THE STATE AT THE TIMES AND**
20 **PLACES THAT THE COMMISSION DETERMINES.**

21 **(D) THE COMMISSION'S PRINCIPAL OFFICE SHALL BE LOCATED AT A**
22 **PLACE IN THE STATE AS DETERMINED BY THE COMMISSION.**

23 **(E) EACH MEMBER OF THE COMMISSION SHALL BE:**

24 **(1) COMPENSATED IN ACCORDANCE WITH THE STATE BUDGET;**
25 **AND**

1 **(2) REIMBURSED UNDER THE STANDARD STATE TRAVEL**
2 **REGULATIONS FOR EXPENSES FOR EACH COMMISSION MEETING ATTENDED**
3 **AND OTHER NECESSARY EXPENSES, AS PROVIDED IN THE STATE BUDGET.**

4 **22-205.**

5 **(A) THE COMMISSION SHALL APPOINT AN EXECUTIVE DIRECTOR FOR**
6 **THE COMMISSION.**

7 **(B) THE EXECUTIVE DIRECTOR SHALL SERVE AT THE PLEASURE OF**
8 **THE COMMISSION.**

9 **(C) THE EXECUTIVE DIRECTOR SHALL:**

10 **(1) APPOINT AN ASSISTANT WHO SHALL:**

11 **(I) COLLECT THE FEES IMPOSED BY REGULATIONS**
12 **ADOPTED BY THE COMMISSION UNDER THIS TITLE AND DEPOSIT THEM TO THE**
13 **CREDIT OF THE MARYLAND GAMING COMMISSION FUND ESTABLISHED UNDER**
14 **§ 22-505 OF THIS TITLE;**

15 **(II) KEEP THE RECORDS AND PAPERS OF THE COMMISSION,**
16 **INCLUDING A RECORD OF EACH PROCEEDING OR MEETING OF THE**
17 **COMMISSION; AND**

18 **(III) ISSUE THE LICENSES AUTHORIZED UNDER THIS TITLE;**

19 **(2) PREPARE, ISSUE, AND SUBMIT REPORTS OF THE**
20 **COMMISSION;**

21 **(3) ADMINISTER THE DAILY OPERATION OF THE OFFICE OF THE**
22 **COMMISSION;**

23 **(4) SIGN AND ISSUE SUBPOENAS ON BEHALF OF THE**
24 **COMMISSION;**

25 **(5) SUPERVISE AND DIRECT THE OFFICERS AND UNITS IN THIS**
26 **TITLE AND IN TITLE 23 OF THIS ARTICLE; AND**

1 **(6) PERFORM ANY OTHER DUTY THAT THE COMMISSION**
2 **DIRECTS.**

3 **(D) THE EXECUTIVE DIRECTOR SHALL BE:**

4 **(1) COMPENSATED IN ACCORDANCE WITH THE STATE BUDGET;**
5 **AND**

6 **(2) REIMBURSED FOR EXPENSES UNDER THE STANDARD STATE**
7 **TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.**

8 **22-206.**

9 **(A) WITH THE APPROVAL OF THE COMMISSION AND SUBJECT TO THE**
10 **STATE PERSONNEL MANAGEMENT SYSTEM, THE EXECUTIVE DIRECTOR SHALL**
11 **APPOINT A STAFF TO THE COMMISSION.**

12 **(B) THE STAFF MAY INCLUDE INSPECTORS, INVESTIGATORS,**
13 **EXAMINERS, AUDITORS, TYPISTS, CLERKS, AND ANY OTHER PROFESSIONAL,**
14 **TECHNICAL, AND OPERATIONAL PERSONNEL THAT ARE NECESSARY TO ASSIST**
15 **THE EXECUTIVE DIRECTOR AND THE COMMISSION IN CARRYING OUT THEIR**
16 **POWERS AND DUTIES UNDER THIS TITLE.**

17 **(C) EACH MEMBER OF THE COMMISSION'S STAFF SHALL BE:**

18 **(1) COMPENSATED IN ACCORDANCE WITH THE STATE BUDGET;**
19 **AND**

20 **(2) REIMBURSED FOR EXPENSES UNDER THE STANDARD STATE**
21 **TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.**

22 **22-207.**

23 **(A) A MEMBER OF THE COMMISSION'S STAFF, INCLUDING THE**
24 **EXECUTIVE DIRECTOR:**

25 **(1) SHALL BE A PERSON WHO HAS NOT BEEN CONVICTED OF OR**
26 **PLEADED GUILTY TO A FELONY UNDER THE LAWS OF THIS STATE OR ANY OTHER**
27 **STATE OR FEDERAL LAW OR A CRIME THAT INVOLVES MORAL TURPITUDE;**

1 **(2) MAY NOT HAVE ANY DIRECT OR INDIRECT FINANCIAL**
2 **INTEREST BY OWNERSHIP, OPERATION, OR MANAGEMENT IN ANY GAMING**
3 **ACTIVITY, GAMING ESTABLISHMENT, OR VENDOR IN THIS STATE OR IN ANY**
4 **OTHER STATE OR FOREIGN JURISDICTION, INCLUDING LOTTERIES;**

5 **(3) MAY NOT RECEIVE OR SHARE IN, DIRECTLY OR INDIRECTLY,**
6 **THE RECEIPTS OF ANY GAMING ACTIVITY, INCLUDING LOTTERIES;**

7 **(4) MAY NOT HAVE A BENEFICIAL INTEREST IN ANY CONTRACT**
8 **FOR:**

9 **(I) THE MANUFACTURE, SALE, RENTAL, DISTRIBUTION,**
10 **DELIVERY, OR SUPPLY OF GAMING EQUIPMENT;**

11 **(II) THE CONDUCT OF ANY GAMING ACTIVITY;**

12 **(III) THE OPERATION OR MANAGEMENT OF ANY GAMING**
13 **ESTABLISHMENT; OR**

14 **(IV) THE PROVISION OF ANY INDEPENDENT CONSULTANT**
15 **SERVICES IN CONNECTION WITH ANY GAMING ACTIVITY, GAMING**
16 **ESTABLISHMENT, OR VENDOR; AND**

17 **(5) MAY NOT BE EMPLOYED BY ANY VENDOR, ANY PERSON WHO**
18 **CONDUCTS GAMING ACTIVITIES, OR ANY PERSON WHO OWNS OR OPERATES A**
19 **GAMING ESTABLISHMENT.**

20 **(B) (1) THE EXECUTIVE DIRECTOR SHALL SUBMIT A CRIMINAL**
21 **BACKGROUND REPORT TO THE COMMISSION, INCLUDING A COMPLETE SET OF**
22 **LEGIBLE FINGERPRINTS TAKEN ON STANDARD FINGERPRINT CARDS AT A STATE**
23 **OR FEDERAL LAW ENFORCEMENT AGENCY AND THE RESULTS OF A STATE AND**
24 **FEDERAL BACKGROUND INVESTIGATION OF THE EXECUTIVE DIRECTOR.**

25 **(2) THE COMMISSION MAY REQUEST THAT AN APPLICANT FOR**
26 **EMPLOYMENT WITH OR EMPLOYEE OF THE COMMISSION PROVIDE TO IT A**
27 **CRIMINAL BACKGROUND REPORT, INCLUDING A COMPLETE SET OF LEGIBLE**
28 **FINGERPRINTS TAKEN ON STANDARD FINGERPRINT CARDS AT A STATE OR**

1 FEDERAL LAW ENFORCEMENT AGENCY AND THE RESULTS OF A STATE AND
2 FEDERAL BACKGROUND INVESTIGATION OF THE APPLICANT OR EMPLOYEE.

3 (C) ANY INFORMATION OBTAINED BY THE COMMISSION UNDER
4 SUBSECTION (B) OF THIS SECTION ABOUT ANY CRIMINAL CHARGES AGAINST
5 THE EXECUTIVE DIRECTOR OR ANY OTHER APPLICANT OR EMPLOYEE AND THE
6 DISPOSITION OF SUCH CHARGES SHALL BE USED TO DETERMINE THE PERSON'S
7 ELIGIBILITY FOR EMPLOYMENT WITH THE COMMISSION.

8 (D) EXCEPT AS PROVIDED UNDER SUBSECTION (C) OF THIS SECTION OR
9 AS OTHERWISE DIRECTED BY A COURT ORDER, ANY INFORMATION OBTAINED BY
10 THE COMMISSION UNDER SUBSECTION (B) OF THIS SECTION ABOUT ANY
11 CRIMINAL CHARGES AGAINST THE EXECUTIVE DIRECTOR OR ANY OTHER
12 APPLICANT OR EMPLOYEE AND THE DISPOSITION OF SUCH CHARGES MAY NOT
13 BE TRANSMITTED OUTSIDE THE COMMISSION AND IS CONFIDENTIAL.

14 **22-208.**

15 (A) THE PRESIDENT OF THE SENATE OF MARYLAND AND THE SPEAKER
16 OF THE HOUSE OF DELEGATES SHALL APPOINT A JOINT COMMITTEE ON THE
17 OVERSIGHT OF GAMING ACTIVITIES IN THE STATE.

18 (B) THE COMMITTEE CONSISTS OF 10 MEMBERS, FIVE OF WHOM SHALL
19 BE MEMBERS OF THE SENATE APPOINTED BY THE PRESIDENT, AND FIVE OF
20 WHOM SHALL BE MEMBERS OF THE HOUSE OF DELEGATES APPOINTED BY THE
21 SPEAKER.

22 (C) THE MEMBERS OF THE JOINT COMMITTEE SERVE AT THE
23 PLEASURE OF THE PRESIDING OFFICER WHO APPOINTED THEM.

24 (D) THE PRESIDENT AND THE SPEAKER SHALL JOINTLY APPOINT A
25 SENATOR AND DELEGATE EACH TO SERVE AS COCHAIRS.

26 (E) THE DEPARTMENT OF LEGISLATIVE SERVICES SHALL PROVIDE
27 STAFF ASSISTANCE TO THE JOINT COMMITTEE.

28 (F) THE JOINT COMMITTEE SHALL MEET PERIODICALLY WITH THE
29 COMMISSION TO REVIEW THE ACTIVITIES AND REPORTS OF THE COMMISSION.

1 **(G) THE JOINT COMMITTEE SHALL MONITOR THE ACTIVITIES OF THE**
2 **COMMISSION, REVIEW AND EVALUATE THE LAWS OF THE STATE RELATING TO**
3 **GAMING, AND CONSULT WITH THE COMMISSION AND ADVISE THE GENERAL**
4 **ASSEMBLY ON ANY NECESSARY CHANGES TO THE LAWS.**

5 **22-209.**

6 **(A) THE LEGISLATIVE AUDITOR SHALL AUDIT THE BOOKS, RECORDS,**
7 **AND MANAGEMENT AND OTHER PRACTICES OF THE COMMISSION ON AN**
8 **ANNUAL BASIS.**

9 **(B) THE COMMISSION MAY, SUBJECT TO THE APPROVAL OF THE BOARD**
10 **OF PUBLIC WORKS, CONTRACT WITH CERTIFIED PUBLIC ACCOUNTANTS IN THE**
11 **PRIVATE SECTOR FOR ADDITIONAL AUDITS.**

12 **(C) ANY RECORD OR DOCUMENT RELATING TO AN AUDIT CONDUCTED**
13 **UNDER THIS SECTION IS A PUBLIC RECORD.**

14 **SUBTITLE 3. LICENSING AND REGULATORY AUTHORITY.**

15 **22-301.**

16 **(A) THE COMMISSION UNDER THIS TITLE OR THROUGH ITS LOTTERY**
17 **DIVISION UNDER TITLE 23 OF THIS ARTICLE SHALL:**

18 **(1) ISSUE A LICENSE TO AN ELIGIBLE APPLICANT;**

19 **(2) DETERMINE THE ELIGIBILITY OF AN APPLICANT FOR A**
20 **LICENSE;**

21 **(3) ENFORCE THE LAWS REGULATING GAMING IN THE STATE TO**
22 **ENSURE THAT GAMING ACTIVITIES ARE CONDUCTED IN THE PUBLIC INTEREST;**

23 **(4) ENSURE THE BONA FIDE NATURE AND CHARACTER AND THE**
24 **VIABILITY OF CHARITABLE AND NONPROFIT ORGANIZATIONS ALLOWED TO**
25 **CONDUCT GAMING ACTIVITIES IN THE STATE AND THAT THE NET PROCEEDS OF**
26 **THOSE ACTIVITIES INURE ONLY TO CHARITABLE OR NONPROFIT PURPOSES AS**
27 **REQUIRED BY LAW;**

1 (5) FOR PURPOSES OF ITEM (4) OF THIS SUBSECTION, IF
2 ANOTHER PROVISION OF LAW REQUIRES THAT THE PROCEEDS, IN WHOLE OR IN
3 PART, OF GAMING ACTIVITIES BE USED TO BENEFIT CHARITY, THE COMMISSION
4 SHALL REQUIRE THAT THE PROCEEDS, OR THE APPLICABLE PORTION OF THE
5 PROCEEDS, BE USED BY OR DISTRIBUTED TO A CHARITABLE ORGANIZATION;

6 (6) REGULARLY REVIEW ONGOING AND PROPOSED GAMING
7 ACTIVITIES IN THE STATE;

8 (7) REGULARLY REVIEW AND EVALUATE STATE, COUNTY, AND
9 MUNICIPAL LAWS GOVERNING GAMING ACTIVITIES AND ADVISE THE GOVERNOR
10 AND GENERAL ASSEMBLY ON ANY CHANGES TO THOSE LAWS THAT ARE NEEDED
11 TO PROTECT THE PUBLIC HEALTH, SAFETY, OR WELFARE OR TO MAINTAIN THE
12 GOALS OF UNIFORMITY, CONSISTENCY, AND CLARITY;

13 (8) COLLECT AND ACCOUNT FOR THE LICENSE FEES IMPOSED
14 UNDER THIS TITLE OR THE REGULATIONS ADOPTED UNDER THIS TITLE;

15 (9) PUBLISH AND MAKE AVAILABLE, ON REQUEST, AT THE
16 COMMISSION'S OFFICE OR ELSEWHERE, A LIST OF THE LICENSES ISSUED BY
17 THE COMMISSION, INCLUDING THE NAME, ADDRESS, TYPE OF LICENSE, AND
18 LICENSE NUMBER OF EACH LICENSEE;

19 (10) PROVIDE INFORMATION AND EXPERTISE TO THE DIVISION TO
20 ASSIST IN ENFORCING THIS TITLE AND THE OTHER GAMING LAWS OF THE
21 STATE, INCLUDING, ON REQUEST, ANY INFORMATION OBTAINED BY THE
22 COMMISSION UNDER THIS TITLE; AND

23 (11) ESTABLISH REASONABLE LICENSE APPLICATION AND
24 RENEWAL FEES TO COVER THE DIRECT AND INDIRECT COSTS OF
25 ADMINISTERING THIS TITLE.

26 (B) THE COMMISSION SHALL ADOPT REGULATIONS TO CARRY OUT
27 THIS TITLE, INCLUDING REGULATIONS THAT REQUIRE A LICENSEE TO:

28 (1) MAINTAIN BOOKS, RECORDS, LOGS, ACCOUNTS, INVENTORY
29 LISTS, LISTS OF GAMING EQUIPMENT SERIAL NUMBERS, GAMING EQUIPMENT
30 MAINTENANCE AND REPAIR DATA, OR ANY OTHER DOCUMENTATION OR
31 INFORMATION THAT THE COMMISSION CONSIDERS NECESSARY, IN WHATEVER

1 **FORMAT AND FOR WHATEVER LENGTH OF TIME THE COMMISSION MAY**
2 **REQUIRE;**

3 **(2) MAINTAIN ALL BOOKS, RECORDS, DOCUMENTS, AND OTHER**
4 **INFORMATION IN THE STATE IDENTIFIED IN ITEM (1) OF THIS SUBSECTION AND**
5 **INFORM THE COMMISSION OF THE PRECISE LOCATION OF THE BOOKS,**
6 **RECORDS, DOCUMENTS, AND OTHER INFORMATION;**

7 **(3) IDENTIFY ANY PERSON WHO IS INVOLVED IN THE**
8 **MANAGEMENT OR OPERATION OF GAMING ACTIVITIES OR A GAMING**
9 **ESTABLISHMENT;**

10 **(4) IDENTIFY ANY PAYMENTS RELATED TO GAMING ACTIVITIES**
11 **MADE BY ANY LICENSEE TO ANY PERSON;**

12 **(5) RECORD AND REPORT ALL INCOME AND EXPENSES THAT**
13 **RELATE TO GAMING ACTIVITIES TO THE COMMISSION IN A MANNER AND ON A**
14 **SCHEDULE TO BE ESTABLISHED BY THE COMMISSION, INCLUDING:**

15 **(I) SUFFICIENT AND CLEAR DATA ON GROSS REVENUE;**

16 **(II) ALL EXPENSES AND OTHER PAYMENTS MADE FROM**
17 **GROSS REVENUE;**

18 **(III) THE IDENTITY OF ALL RECIPIENTS OF ANY PORTION OF**
19 **THE GROSS REVENUE;**

20 **(IV) THE AMOUNT OF THE GROSS REVENUE THAT IS**
21 **DISTRIBUTED TO ANY CHARITABLE ORGANIZATION OR ANY OTHER PERSON; AND**

22 **(V) THE AMOUNT OF THE GROSS REVENUE THAT IS USED IN**
23 **FURTHERANCE OF ANY GAMING ACTIVITY FOR THE PURPOSES OF A GAMING**
24 **ESTABLISHMENT;**

25 **(6) DISPLAY ITS LICENSE CONSPICUOUSLY IN THE PLACE OR ON**
26 **THE PREMISES WHERE THE GAMING ACTIVITY IS HELD OR, IN THE CASE OF A**
27 **VENDOR, AT THE VENDOR'S PRINCIPAL PLACE OF BUSINESS;**

1 **(7) DOCUMENT EXPENSES ASSOCIATED WITH ANY GAMING**
2 **ACTIVITY OR GAMING ESTABLISHMENT AND JUSTIFY SUCH EXPENSES AS**
3 **COMMERCIALLY REASONABLE; AND**

4 **(8) SEPARATELY ACCOUNT FOR ALL REVENUES AND PROCEEDS**
5 **FROM GAMING ACTIVITIES AND ENSURE THAT SUCH REVENUES AND PROCEEDS**
6 **ARE NOT COMMINGLED WITH OTHER FUNDS.**

7 **(c) THE COMMISSION MAY:**

8 **(1) ISSUE SUBPOENAS FOR THE ATTENDANCE OF WITNESSES TO**
9 **TESTIFY OR TO PRODUCE BOOKS, RECORDS, DOCUMENTS, OR OTHER EVIDENCE;**

10 **(2) INSPECT, EXAMINE, OR AUDIT THE BOOKS, DOCUMENTS, AND**
11 **RECORDS OF ANY LICENSEE, ANY PERSON LENDING MONEY TO A LICENSEE OR**
12 **OTHERWISE IN ANY MANNER FINANCING ANY GAMING ACTIVITY, OR ANY**
13 **APPLICANT;**

14 **(3) INSPECT AND CALIBRATE GAMING EQUIPMENT;**

15 **(4) REQUIRE A LICENSEE TO DEVELOP AND MAINTAIN A LIST OF**
16 **PERSONS WHO ARE TO BE EXCLUDED OR EJECTED FROM THE LICENSEE'S**
17 **ESTABLISHMENT;**

18 **(5) REQUIRE THAT ANY PERSON WHO IS INVOLVED IN THE**
19 **MANAGEMENT OR OPERATION OF GAMING ACTIVITIES OR A GAMING**
20 **ESTABLISHMENT BE A PERSON WHO HAS NOT BEEN CONVICTED OF OR PLEADED**
21 **GUILTY TO A FELONY UNDER THE LAWS OF THIS STATE OR ANY OTHER STATE**
22 **OR FEDERAL LAW OR A CRIME THAT INVOLVES MORAL TURPITUDE;**

23 **(6) ESTABLISH STANDARDS AND QUALIFICATIONS FOR ANY**
24 **EMPLOYEE OR AGENT OF A LICENSEE WHO PARTICIPATES IN THE MANAGEMENT**
25 **OR OPERATION OF GAMING ACTIVITIES OR A GAMING ESTABLISHMENT; AND**

26 **(7) EXERCISE ANY OTHER POWER NECESSARY TO CARRY OUT THE**
27 **PURPOSES OF THIS TITLE.**

28 **22-302.**

1 (A) **THE COMMISSION MAY ISSUE A LICENSE TO AN APPLICANT IF THE**
2 **APPLICANT PROVES BY CLEAR AND CONVINCING EVIDENCE THAT THE**
3 **APPLICANT IS AN ELIGIBLE GAMING APPLICANT, ELIGIBLE GAMING**
4 **ESTABLISHMENT, OR ELIGIBLE VENDOR APPLICANT.**

5 (B) **THE COMMISSION MAY ISSUE A LICENSE TO AN ELIGIBLE**
6 **APPLICANT FOR A PERIOD NOT TO EXCEED 2 YEARS.**

7 (C) **A LICENSE ISSUED UNDER THIS TITLE IS NOT TRANSFERABLE.**

8 (D) **A LICENSE ISSUED UNDER THIS TITLE IS A REVOCABLE PRIVILEGE**
9 **AND IS NOT A VESTED PROPERTY RIGHT.**

10 **22-303.**

11 **THE COMMISSION MAY WAIVE ANY LICENSE OR FEE REQUIREMENT OR**
12 **ANY PHOTOGRAPHING, FINGERPRINTING, OR CRIMINAL BACKGROUND CHECK**
13 **REQUIREMENT UNDER THIS TITLE IF THE COMMISSION FINDS THAT**
14 **APPLICABLE LOCAL LAW IS SUFFICIENT TO SUBSTITUTE FOR ANY SUCH**
15 **REQUIREMENT.**

16 **22-304.**

17 (A) **THE COMMISSION MAY DENY AN APPLICATION FOR AN INITIAL OR**
18 **RENEWED LICENSE OR SUSPEND OR REVOKE A LICENSE ISSUED BY IT UNDER**
19 **THIS TITLE IF THE APPLICANT OR LICENSEE:**

20 (1) **FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO**
21 **OBTAIN OR RENEW A LICENSE FOR THE APPLICANT OR ANOTHER PERSON;**

22 (2) **FRAUDULENTLY OR DECEPTIVELY USES THE LICENSE;**

23 (3) **HAS HAD A SIMILAR LICENSE DENIED, SUSPENDED, OR**
24 **REVOKED;**

25 (4) **WILLFULLY FAILS TO PROVIDE OR WILLFULLY**
26 **MISREPRESENTS ANY INFORMATION REQUIRED TO BE PROVIDED UNDER THIS**
27 **TITLE OR ANY REGULATION ADOPTED UNDER THIS TITLE;**

1 **(5) VIOLATES OR HAS VIOLATED:**

2 **(I) ANY OF THE PROVISIONS OF THIS TITLE OR ANY**
3 **REGULATION ADOPTED UNDER THIS TITLE; OR**

4 **(II) ANY OTHER LAW;**

5 **(6) KNOWINGLY CAUSES, AIDS, ABETS, OR CONSPIRES WITH**
6 **ANOTHER PERSON TO VIOLATE:**

7 **(I) ANY OF THE PROVISIONS OF THIS TITLE OR ANY**
8 **REGULATION ADOPTED UNDER THIS TITLE; OR**

9 **(II) ANY OTHER LAW;**

10 **(7) HAS BEEN CONVICTED OF OR PLEADED GUILTY TO ANY**
11 **FELONY UNDER THE LAWS OF THIS STATE OR ANY OTHER STATE OR FEDERAL**
12 **LAW OR ANY CRIME THAT INVOLVES MORAL TURPITUDE;**

13 **(8) HAS MADE, DIRECTLY OR INDIRECTLY, ANY UNLAWFUL**
14 **PAYMENT TO ANY PERSON IN CONNECTION WITH ANY GAMING ACTIVITY;**

15 **(9) DENIES THE COMMISSION OR THE DIVISION, ANY**
16 **AUTHORIZED REPRESENTATIVE OF THE COMMISSION OR THE DIVISION, OR ANY**
17 **LAW ENFORCEMENT AGENCY ACCESS TO ANY PLACE OR PREMISES WHERE**
18 **GAMING ACTIVITY IS CONDUCTED;**

19 **(10) FAILS TO PRODUCE FOR INSPECTION OR AUDIT ANY BOOK,**
20 **RECORD, DOCUMENT, OR ITEM REQUIRED BY THIS TITLE OR ANY REGULATION**
21 **ADOPTED UNDER THIS TITLE;**

22 **(11) FAILS TO DISPLAY ITS LICENSE AS REQUIRED BY THIS TITLE**
23 **OR ANY OTHER LAW; OR**

24 **(12) FAILS TO PROVE BY CLEAR AND CONVINCING EVIDENCE THAT**
25 **THE APPLICANT OR LICENSEE IS AN ELIGIBLE GAMING APPLICANT, ELIGIBLE**
26 **GAMING ESTABLISHMENT APPLICANT, OR ELIGIBLE VENDOR APPLICANT.**

1 **(B) THE COMMISSION MAY NOT DENY AN APPLICATION FOR AN INITIAL**
2 **OR RENEWED LICENSE OR SUSPEND, REVOKE, OR FAIL TO ISSUE A LICENSE FOR**
3 **ANY REASON BASED ON RACE, COLOR, CREED, SEX, RELIGIOUS AFFILIATION,**
4 **NATIONAL ORIGIN, OR PHYSICAL DISABILITY.**

5 **22-305.**

6 **(A) BEFORE THE COMMISSION TAKES ANY FINAL ACTION UNDER**
7 **§ 22-304 OF THIS SUBTITLE, THE COMMISSION SHALL GIVE ANY PERSON**
8 **AGAINST WHOM THE ACTION IS PROPOSED AN OPPORTUNITY FOR A HEARING**
9 **BEFORE THE COMMISSION.**

10 **(B) THE COMMISSION SHALL GIVE NOTICE AND HOLD THE HEARING IN**
11 **ACCORDANCE WITH THE PROVISIONS OF TITLE 10, SUBTITLE 2 OF THE STATE**
12 **GOVERNMENT ARTICLE.**

13 **(C) IF, AFTER DUE NOTICE, THE PERSON AGAINST WHOM THE ACTION IS**
14 **CONTEMPLATED DOES NOT APPEAR, THE COMMISSION MAY HEAR AND**
15 **DETERMINE THE MATTER.**

16 **(D) A PARTY TO A PROCEEDING UNDER THIS TITLE WHO IS AGGRIEVED**
17 **BY A FINAL DECISION OF THE COMMISSION IN A CONTESTED CASE, AS DEFINED**
18 **IN § 10-201 OF THE STATE GOVERNMENT ARTICLE, MAY TAKE AN APPEAL AS**
19 **AUTHORIZED UNDER §§ 10-222 AND 10-223 OF THE STATE GOVERNMENT**
20 **ARTICLE.**

21 **22-306.**

22 **(A) IF THE COMMISSION FINDS THAT A LICENSEE UNDER THIS TITLE OR**
23 **TITLE 23 OF THIS ARTICLE HAS VIOLATED THIS TITLE OR ANY REGULATION**
24 **ADOPTED UNDER IT, THE COMMISSION MAY SUMMARILY ISSUE A CEASE AND**
25 **DESIST ORDER UNDER SUBSECTION (B) OF THIS SECTION.**

26 **(B) THE COMMISSION MAY SUMMARILY ISSUE A CEASE AND DESIST**
27 **ORDER TO THE VIOLATOR IF THE COMMISSION:**

28 **(1) FINDS THAT THE PUBLIC HEALTH, SAFETY, OR WELFARE**
29 **REQUIRES EMERGENCY ACTION;**

1 (2) **GIVES THE VIOLATOR WRITTEN NOTICE OF THE ORDER, THE**
2 **REASONS FOR THE ORDER, AND THE RIGHT OF THE VIOLATOR TO REQUEST A**
3 **HEARING UNDER SUBSECTION (C) OF THIS SECTION; AND**

4 (3) **REFERS THE MATTER TO THE DIVISION.**

5 (c) (1) **IF THE COMMISSION ISSUES A CEASE AND DESIST ORDER**
6 **UNDER THIS SUBSECTION, THE PERSON TO WHOM THE ORDER APPLIES MAY**
7 **REQUEST A HEARING FROM THE COMMISSION.**

8 (2) **WITHIN 30 DAYS AFTER A REQUEST IS SUBMITTED, THE**
9 **COMMISSION SHALL HOLD A HEARING IN ACCORDANCE WITH THE PROVISIONS**
10 **OF TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.**

11 (3) **A PARTY TO A PROCEEDING UNDER THIS SUBSECTION WHO IS**
12 **AGGRIEVED BY A FINAL DECISION OF THE COMMISSION, MAY TAKE AN APPEAL**
13 **AS ALLOWED UNDER §§ 10-222 AND 10-223 OF THE STATE GOVERNMENT**
14 **ARTICLE.**

15 **SUBTITLE 4. DIVISION OF GAMING ENFORCEMENT.**

16 **22-401.**

17 **THERE IS A DIVISION OF GAMING ENFORCEMENT IN THE OFFICE OF THE**
18 **ATTORNEY GENERAL.**

19 **22-402.**

20 (A) **THE DIVISION SHALL BE UNDER THE IMMEDIATE SUPERVISION OF A**
21 **DIRECTOR.**

22 (B) **THE DIRECTOR SHALL:**

23 (1) **BE AN ASSISTANT ATTORNEY GENERAL; AND**

24 (2) **ADMINISTER THE WORK OF THE DIVISION UNDER THE**
25 **DIRECTION AND SUPERVISION OF THE ATTORNEY GENERAL.**

1 **(C) THE DIRECTOR SHALL BE APPOINTED BY THE ATTORNEY**
2 **GENERAL.**

3 **(D) THE DIRECTOR SHALL SERVE AT THE PLEASURE OF THE ATTORNEY**
4 **GENERAL.**

5 **22-403.**

6 **(A) THE DIRECTOR SHALL ORGANIZE THE WORK OF THE DIVISION IN**
7 **SUCH ORGANIZATIONAL UNITS AS MAY BE NECESSARY FOR THE EFFICIENT AND**
8 **EFFECTIVE OPERATION OF THE DIVISION.**

9 **(B) WITH THE APPROVAL OF THE ATTORNEY GENERAL AND SUBJECT**
10 **TO THE STATE PERSONNEL MANAGEMENT SYSTEM, THE DIRECTOR SHALL**
11 **APPOINT A STAFF TO THE DIVISION.**

12 **(C) THE STAFF MAY INCLUDE OTHER ASSISTANT ATTORNEYS GENERAL**
13 **AND ANY INSPECTORS, INVESTIGATORS, EXAMINERS, AUDITORS, TYPISTS,**
14 **CLERKS, AND OTHER PROFESSIONAL, TECHNICAL, AND OPERATIONAL**
15 **PERSONNEL WHO ARE NECESSARY TO ASSIST THE DIRECTOR AND THE DIVISION**
16 **IN CARRYING OUT THEIR POWERS AND DUTIES UNDER THIS TITLE.**

17 **(D) EACH MEMBER OF THE DIVISION'S STAFF SHALL BE:**

18 **(1) COMPENSATED IN ACCORDANCE WITH THE STATE BUDGET;**
19 **AND**

20 **(2) REIMBURSED FOR EXPENSES UNDER THE STANDARD STATE**
21 **TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.**

22 **22-404.**

23 **(A) A MEMBER OF THE DIVISION'S STAFF, INCLUDING THE DIRECTOR:**

24 **(1) SHALL BE A PERSON WHO HAS NOT BEEN CONVICTED OF OR**
25 **PLEADED GUILTY TO A FELONY UNDER THE LAWS OF THIS STATE OR ANY OTHER**
26 **STATE OR FEDERAL LAW OR A CRIME THAT INVOLVES MORAL TURPITUDE;**

1 (2) MAY NOT HAVE ANY DIRECT OR INDIRECT FINANCIAL
2 INTEREST BY OWNERSHIP, OPERATION, OR MANAGEMENT IN ANY GAMING
3 ACTIVITY, GAMING ESTABLISHMENT, OR VENDOR IN THIS STATE OR IN ANY
4 OTHER STATE OR FOREIGN JURISDICTION, INCLUDING LOTTERIES OR HORSE
5 RACING;

6 (3) MAY NOT RECEIVE OR SHARE IN, DIRECTLY OR INDIRECTLY,
7 THE RECEIPTS OF ANY GAMING ACTIVITY, INCLUDING LOTTERIES AND HORSE
8 RACING;

9 (4) MAY NOT HAVE A BENEFICIAL INTEREST IN ANY CONTRACT
10 FOR:

11 (I) THE MANUFACTURE, SALE, RENTAL, DISTRIBUTION,
12 DELIVERY, OR SUPPLY OF GAMING EQUIPMENT;

13 (II) THE CONDUCT OF ANY GAMING ACTIVITY;

14 (III) THE OPERATION OR MANAGEMENT OF ANY GAMING
15 ESTABLISHMENT; OR

16 (IV) THE PROVISION OF ANY INDEPENDENT CONSULTANT
17 SERVICES IN CONNECTION WITH ANY GAMING ACTIVITY, GAMING
18 ESTABLISHMENT, OR VENDOR; AND

19 (5) MAY NOT BE EMPLOYED BY ANY VENDOR, ANY PERSON WHO
20 CONDUCTS GAMING ACTIVITY, OR ANY PERSON WHO OWNS OR OPERATES A
21 GAMING ESTABLISHMENT.

22 (B) (1) THE DIRECTOR SHALL SUBMIT A CRIMINAL BACKGROUND
23 REPORT TO THE ATTORNEY GENERAL, INCLUDING A COMPLETE SET OF
24 LEGIBLE FINGERPRINTS TAKEN ON STANDARD FINGERPRINT CARDS AT A STATE
25 OR FEDERAL LAW ENFORCEMENT AGENCY AND THE RESULTS OF A STATE AND
26 FEDERAL BACKGROUND INVESTIGATION OF THE DIRECTOR.

27 (2) THE DIRECTOR MAY REQUEST THAT AN APPLICANT FOR
28 EMPLOYMENT WITH OR EMPLOYEE OF THE DIVISION PROVIDE TO THE
29 DIRECTOR A CRIMINAL BACKGROUND REPORT, INCLUDING A COMPLETE SET OF
30 LEGIBLE FINGERPRINTS TAKEN ON STANDARD FINGERPRINT CARDS AT A STATE

1 OR FEDERAL LAW ENFORCEMENT AGENCY AND THE RESULTS OF A STATE AND
2 FEDERAL BACKGROUND INVESTIGATION OF THE APPLICANT OR EMPLOYEE.

3 (C) ANY INFORMATION OBTAINED BY THE ATTORNEY GENERAL OR
4 DIRECTOR UNDER SUBSECTION (B) OF THIS SECTION ABOUT ANY CRIMINAL
5 CHARGES AGAINST THE DIRECTOR OR ANY OTHER APPLICANT OR EMPLOYEE
6 AND THE DISPOSITION OF THE CHARGES SHALL BE USED TO DETERMINE THE
7 PERSON'S ELIGIBILITY FOR EMPLOYMENT WITH THE DIVISION.

8 (D) EXCEPT AS PROVIDED UNDER SUBSECTION (C) OF THIS SECTION OR
9 AS OTHERWISE DIRECTED BY A COURT ORDER, ANY INFORMATION OBTAINED BY
10 THE ATTORNEY GENERAL OR DIRECTOR UNDER SUBSECTION (B) OF THIS
11 SECTION ABOUT ANY CRIMINAL CHARGES AGAINST THE DIRECTOR OR ANY
12 OTHER APPLICANT OR EMPLOYEE AND THE DISPOSITION OF THE CHARGES MAY
13 NOT BE TRANSMITTED OUTSIDE THE OFFICE OF THE ATTORNEY GENERAL.

14 **22-405.**

15 (A) THE DIRECTOR IS THE LEGAL ADVISER TO THE COMMISSION.

16 (B) THE DIRECTOR AND THE OTHER ASSISTANT ATTORNEYS GENERAL
17 ASSIGNED TO THE DIVISION SHALL GIVE THE LEGAL AID, ADVICE, AND COUNSEL
18 REQUIRED BY THE COMMISSION, INCLUDING, ON REQUEST, ASSISTANCE IN
19 CONSIDERATION AND ADOPTION OF REGULATIONS.

20 **22-406.**

21 (A) THE DIVISION SHALL:

22 (1) INVESTIGATE ANY APPLICANT FOR A LICENSE UNDER THIS
23 TITLE OR TITLE 23 OF THIS ARTICLE BEFORE A LICENSE IS ISSUED BY THE
24 COMMISSION TO DETERMINE WHETHER THE APPLICANT IS ELIGIBLE FOR A
25 LICENSE;

26 (2) INVESTIGATE ANY ALLEGED VIOLATION OF THIS TITLE OR
27 TITLE 23 OF THIS ARTICLE OR THE REGULATIONS ADOPTED UNDER THIS TITLE
28 AND ANY ALLEGED VIOLATION OF ANY LAW RELATING TO GAMING ACTIVITIES;

1 (3) INITIATE, PROSECUTE, AND DEFEND ANY PROCEEDING
2 BEFORE THE COMMISSION ARISING UNDER ITEM (2) OF THIS SUBSECTION OR
3 ANY OTHER PROVISION OF THIS TITLE OR TITLE 23 OF THIS ARTICLE OR THE
4 REGULATIONS ADOPTED UNDER THIS TITLE AND ANY APPEAL FROM ANY SUCH
5 PROCEEDING;

6 (4) PROSECUTE ANY CRIMINAL CASE ARISING OUT OF A
7 VIOLATION OF THIS TITLE OR TITLE 23 OF THIS ARTICLE OR THE REGULATIONS
8 ADOPTED UNDER THIS TITLE OR TITLE 23 OF THIS ARTICLE OR ANY VIOLATION
9 OF ANY LAW RELATING TO GAMING ACTIVITIES;

10 (5) CONDUCT CONTINUING REVIEWS OF GAMING ACTIVITIES
11 THROUGH ON-SITE OBSERVATION AND OTHER REASONABLE MEANS TO ASSURE
12 COMPLIANCE WITH THIS TITLE OR TITLE 23 OF THIS ARTICLE OR THE
13 REGULATIONS ADOPTED UNDER THIS TITLE OR TITLE 23 OF THIS ARTICLE; AND

14 (6) TAKE ANY OTHER ACTION THAT IS NECESSARY TO ASSIST THE
15 COMMISSION IN ENFORCING THE PROVISIONS OF THIS TITLE OR TITLE 23 OF
16 THIS ARTICLE AND THE REGULATIONS ADOPTED UNDER THIS TITLE OR TITLE
17 23 OF THIS ARTICLE.

18 (B) IN CONNECTION WITH ANY ACTION UNDER SUBSECTION (A) OF THIS
19 SECTION, THE DIVISION MAY:

20 (1) INSPECT, EXAMINE, AND AUDIT THE BOOKS, DOCUMENTS,
21 AND RECORDS OF ANY LICENSEE UNDER THIS TITLE OR TITLE 23 OF THIS
22 ARTICLE, ANY PERSON LENDING MONEY TO A LICENSEE UNDER THIS TITLE OR
23 TITLE 23 OF THIS ARTICLE, OR OTHERWISE IN ANY MANNER FINANCING ANY
24 GAMING ACTIVITY, OR ANY APPLICANT; AND

25 (2) ADMINISTER OATHS AND ISSUE SUBPOENAS FOR THE
26 ATTENDANCE OF WITNESSES TO TESTIFY OR TO PRODUCE BOOKS, RECORDS,
27 DOCUMENTS, OR OTHER EVIDENCE.

28 **22-407.**

29 (A) IF THE DIVISION FINDS THAT A LICENSEE UNDER THIS TITLE OR
30 TITLE 23 OF THIS ARTICLE HAS VIOLATED THIS TITLE OR TITLE 23 OF THIS
31 ARTICLE OR ANY REGULATION ADOPTED UNDER IT, THE DIVISION MAY

1 **REQUEST THAT THE COMMISSION SUMMARILY ISSUE A CEASE AND DESIST**
2 **ORDER UNDER SUBSECTION (B) OF THIS SECTION.**

3 **(B) THE COMMISSION MAY SUMMARILY ISSUE A CEASE AND DESIST**
4 **ORDER TO THE VIOLATOR IF THE COMMISSION:**

5 **(1) FINDS THAT THE PUBLIC HEALTH, SAFETY, OR WELFARE**
6 **REQUIRES EMERGENCY ACTION; AND**

7 **(2) GIVES THE VIOLATOR WRITTEN NOTICE OF THE ORDER, THE**
8 **REASONS FOR THE ORDER, AND THE RIGHT OF THE VIOLATOR TO REQUEST A**
9 **HEARING UNDER SUBSECTION (C) OF THIS SECTION.**

10 **(C) IF THE COMMISSION ISSUES A CEASE AND DESIST ORDER UNDER**
11 **THIS SECTION, THE PERSON TO WHOM THE ORDER APPLIES MAY REQUEST A**
12 **HEARING FROM THE COMMISSION UNDER § 22-306(C) OF THIS TITLE.**

13 **22-408.**

14 **(A) AT THE DIRECTOR'S REQUEST, AN EMPLOYEE OR AGENT OF THE**
15 **DIVISION MAY, WITHOUT NOTICE OR WARRANT:**

16 **(1) INSPECT AND EXAMINE THE PREMISES OF ANY LOCATION**
17 **WHERE:**

18 **(I) GAMING IS CONDUCTED;**

19 **(II) GAMING EQUIPMENT IS MANUFACTURED, SOLD,**
20 **RENTED, DISTRIBUTED, DELIVERED, OR SUPPLIED; OR**

21 **(III) RECORDS OR ANY ACTIVITIES IDENTIFIED IN ITEMS (I)**
22 **AND (II) OF THIS ITEM ARE KEPT OR MAINTAINED;**

23 **(2) INSPECT ALL GAMING EQUIPMENT AND SUPPLIES IN, ON, OR**
24 **ABOUT ANY PREMISES IDENTIFIED IN ITEM (1) OF THIS SUBSECTION;**

25 **(3) SUMMARILY SEIZE, REMOVE, AND IMPOUND ANY GAMING**
26 **EQUIPMENT AND SUPPLIES IN, ON, OR ABOUT ANY PREMISES IDENTIFIED IN**

1 ITEM (1) OF THIS SUBSECTION FOR THE PURPOSE OF EXAMINATION AND
2 INSPECTION;

3 (4) INSPECT, EXAMINE, AND AUDIT ANY BOOKS, DOCUMENTS, AND
4 RECORDS IN, ON, OR ABOUT ANY PREMISES IDENTIFIED IN ITEM (1) OF THIS
5 SUBSECTION;

6 (5) SUMMARILY SEIZE, REMOVE, AND IMPOUND ANY BOOK,
7 DOCUMENT, RECORD, CASH BOX, OR COUNTING ROOM EQUIPMENT IN, ON, OR
8 ABOUT ANY PREMISES IDENTIFIED IN ITEM (1) OF THIS SUBSECTION; AND

9 (6) INSPECT THE PERSON AND PERSONAL EFFECTS OF ANY
10 LICENSEE WHILE THAT PERSON IS IN, ON, OR ABOUT ANY PREMISES IDENTIFIED
11 IN ITEM (1) OF THIS SUBSECTION.

12 (B) THIS SECTION MAY NOT BE CONSTRUED TO LIMIT THE DIVISION'S
13 POWER, OR THE POWER OF ANY EMPLOYEE OR AGENT OF THE DIVISION, TO
14 UNDERTAKE OTHER LAWFUL WARRANTLESS SEARCHES, SEIZURES, AND
15 INSPECTIONS.

16 SUBTITLE 5. MISCELLANEOUS PROVISIONS.

17 22-501.

18 (A) A PERSON, AS A CONDITION OF LICENSURE UNDER THIS TITLE,
19 SHALL ALLOW AN AUTHORIZED LAW ENFORCEMENT OFFICER, A MEMBER OF
20 THE COMMISSION, THE EXECUTIVE DIRECTOR, THE DIRECTOR OF THE
21 DIVISION, OR ANY MEMBER OF THE STAFF OF THE COMMISSION OR DIVISION,
22 ON THE PRESENTATION OF PROPER CREDENTIALS BY THE APPROPRIATE
23 PERSON, TO ENTER THE PREMISES DURING BUSINESS HOURS TO INSPECT:

24 (1) ANY RECORD OR OTHER DOCUMENT REQUIRED TO BE KEPT
25 UNDER THIS TITLE OR ANY REGULATION ADOPTED UNDER THIS TITLE; OR

26 (2) ANY GAMING EQUIPMENT.

27 (B) IF THE COMMISSION FINDS THAT THE RECORDS OR ACCOUNTS OF
28 ANY LICENSEE ARE INADEQUATE OR INADEQUATELY KEPT OR POSTED, THE

1 COMMISSION MAY EMPLOY EXPERTS TO REWRITE, POST, OR BALANCE THEM AT
2 THE EXPENSE OF THE LICENSEE.

3 (C) (1) THE EXPENSES INCURRED IN ANY EXAMINATION, AUDIT, OR
4 INVESTIGATION OF AN APPLICANT OR LICENSEE UNDER THIS TITLE SHALL BE
5 PAID BY THE LICENSEE OR APPLICANT, WITHIN 30 DAYS AFTER THE
6 EXAMINATION, AUDIT, OR INVESTIGATION.

7 (2) EACH LICENSEE OR APPLICANT THAT IS EXAMINED, AUDITED,
8 OR INVESTIGATED UNDER THIS TITLE SHALL, WITHIN 30 DAYS AFTER THE
9 EXAMINATION, AUDIT, OR INVESTIGATION, PAY TO THE COMMISSION
10 REASONABLE TRAVEL EXPENSES AND PER DIEM LABOR EXPENSES ASSESSED BY
11 THE COMMISSION IN ACCORDANCE WITH REGULATIONS ADOPTED UNDER THIS
12 TITLE.

13 (3) A DETAILED ACCOUNT OF THE EXPENSES INCURRED UNDER
14 PARAGRAPH (1) OF THIS SUBSECTION SHALL BE PRESENTED BY THE
15 COMMISSION TO THE LICENSEE OR APPLICANT AT THE TIME THAT THE
16 COMMISSION REQUESTS PAYMENT.

17 (4) A PERSON MAY NOT PAY AND AN INVESTIGATOR, EXAMINER,
18 OR AUDITOR MAY NOT ACCEPT ANY ADDITIONAL EMOLUMENT IN CONNECTION
19 WITH ANY EXAMINATION, AUDIT, OR INVESTIGATION UNDER THIS TITLE.

20 **22-502.**

21 (A) THE DIVISION SHALL PREPARE AND SUBMIT AN ANNUAL REPORT
22 TO THE GOVERNOR AND, SUBJECT TO THE PROVISIONS OF § 2-1312 OF THE
23 STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY BY JANUARY 1 OF
24 EACH YEAR ON ALL MATTERS RELATING TO THE DIVISION'S DUTIES AND
25 RESPONSIBILITIES UNDER THIS TITLE.

26 (B) THE GOVERNOR OR THE GENERAL ASSEMBLY MAY REQUIRE THAT
27 OTHER REPORTS FROM THE COMMISSION OR DIVISION BE SUBMITTED ON A
28 MORE FREQUENT BASIS ON ANY MATTER RELATING TO THIS TITLE.

29 (C) THE REPORTS MADE UNDER THIS SECTION ARE PUBLIC RECORDS.

30 **22-503.**

1 **THE COMMISSION MAY CONDUCT PUBLIC HEARINGS FOR THE PURPOSE**
2 **OF GATHERING INFORMATION ON ANY ISSUE PERTAINING TO GAMING**
3 **ACTIVITIES IN THE STATE.**

4 **22-504.**

5 **(A) THERE IS A MARYLAND GAMING COMMISSION FUND.**

6 **(B) ALL FEES COLLECTED UNDER THIS TITLE SHALL BE PAID INTO THE**
7 **MARYLAND GAMING COMMISSION FUND.**

8 **(C) THE MARYLAND GAMING COMMISSION FUND IS A SPECIAL**
9 **CONTINUING, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7-302 OF THE**
10 **STATE FINANCE AND PROCUREMENT ARTICLE.**

11 **(D) (1) SUBJECT TO THE APPROPRIATION PROCESS IN THE STATE**
12 **BUDGET, THE COMMISSION SHALL USE THE FUND:**

13 **(I) FIRST, TO PAY ADMINISTRATIVE EXPENSES OF THE**
14 **COMMISSION;**

15 **(II) USING ANY AMOUNT OF THE REMAINING BALANCE, TO**
16 **SUPPORT CAPITAL PROJECTS; AND**

17 **(III) USING NOT MORE THAN 10% OF THE REMAINING**
18 **BALANCE, TO SUPPORT DEVELOPMENT IN SECTORS OF THE STATE ECONOMY**
19 **SUCH AS THE HORSE RACING INDUSTRY.**

20 **(2) REVENUE PAID INTO THE FUND MAY NOT BE USED TO**
21 **LEVERAGE REVENUE BONDS.**

22 **(E) THE STATE TREASURER SHALL HOLD AND THE STATE**
23 **COMPROLLER SHALL ACCOUNT FOR THE FUND.**

24 **(F) THE FUND SHALL BE INVESTED AND REINVESTED IN THE SAME**
25 **MANNER AS OTHER STATE FUNDS.**

26 **(G) INVESTMENT EARNINGS ACCRUE TO THE BENEFIT OF THE FUND.**

1 **22-505.**

2 (A) STATE AND LOCAL LAW ENFORCEMENT AGENCIES SHALL
3 COOPERATE WITH THE COMMISSION AND DIVISION TO ENFORCE THIS TITLE
4 AND TITLE 23 OF THIS ARTICLE AND THE REGULATIONS ADOPTED UNDER THIS
5 TITLE AND TITLE 23 OF THIS ARTICLE.

6 (B) THE COMMISSION OR DIVISION MAY REQUEST THAT THE
7 SECRETARY OF STATE POLICE ASSIGN LAW ENFORCEMENT OFFICERS TO
8 ENFORCE THIS TITLE AND TITLE 23 OF THIS ARTICLE AND REGULATIONS
9 ADOPTED UNDER THIS TITLE AND TITLE 23 OF THIS ARTICLE OR OTHERWISE
10 PREVENT UNAUTHORIZED GAMING ACTIVITIES.

11 (C) THE COMMISSION AND DIVISION SHALL PROVIDE EACH OTHER
12 WITH ACCESS TO DOCUMENTS AND OTHER INFORMATION WITHIN THE CUSTODY
13 OF EACH UNIT OF STATE GOVERNMENT THAT RELATE TO ANY LICENSEE OR
14 APPLICANT.

15 (D) (1) THE COMMISSION AND DIVISION SHALL HAVE ACCESS TO ANY
16 RECORDS OR OTHER INFORMATION WITHIN THE CUSTODY OF THE FOLLOWING
17 UNITS OF STATE AND LOCAL GOVERNMENT THAT RELATE TO ANY LICENSEE,
18 APPLICANT, OR OTHER MATTER RELATING TO GAMING ACTIVITIES:

19 (I) THE OFFICE OF THE SECRETARY OF STATE;

20 (II) THE DEPARTMENT OF ASSESSMENTS AND TAXATION;

21 (III) THE COMPTROLLER OF THE TREASURY;

22 (IV) THE DEPARTMENT OF LABOR, LICENSING, AND
23 REGULATION; AND

24 (V) ANY COUNTY OR MUNICIPAL AGENCY.

25 (2) THE UNITS LISTED IN PARAGRAPH (1) OF THIS SUBSECTION
26 SHALL COOPERATE WITH THE COMMISSION AND DIVISION IN IMPLEMENTING
27 THE PROVISIONS OF THIS TITLE AND TITLE 23 OF THIS ARTICLE AND THE
28 REGULATIONS ADOPTED UNDER THIS TITLE AND TITLE 23 OF THIS ARTICLE.

SUBTITLE 6. PENALTIES.

1

2 **22-601.**

3 (A) **A PERSON WHO VIOLATES ANY PROVISION OF THIS TITLE IS GUILTY**
4 **OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT**
5 **EXCEEDING \$25,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.**

6 (B) **AT THE INITIATIVE OF THE DIVISION AND IN ACCORDANCE WITH**
7 **ANY APPLICABLE PROCEDURES ESTABLISHED UNDER STATE LAW, A PERSON**
8 **SHALL FORFEIT ANY GAMING EQUIPMENT TO THE STATE IF:**

9 (1) **THE PERSON OWNS, OPERATES, SELLS, LEASES, SUPPLIES,**
10 **DELIVERS, OR DISTRIBUTES THE EQUIPMENT WITHOUT OBTAINING ANY**
11 **LICENSE REQUIRED BY THIS TITLE, OR ANY OTHER LAW; OR**

12 (2) **THE PERSON OWNS, OPERATES, SELLS, LEASES, SUPPLIES,**
13 **DELIVERS, OR DISTRIBUTES THE EQUIPMENT IN VIOLATION OF ANY PROVISION**
14 **OF THIS TITLE OR THE REGULATIONS ADOPTED UNDER THIS TITLE.**

15 (C) **EACH VIOLATION OF THIS TITLE IS A SEPARATE OFFENSE.**

SUBTITLE 7. SHORT TITLE.

16

17 **22-701.**

18 **THIS TITLE MAY BE CITED AS THE MARYLAND GAMING COMMISSION ACT.**

19 Title 23. **MARYLAND GAMING CONTROL COMMISSION** – [State] Lottery Agency
20 **DIVISION.**

21 **23-101.**

22 (b) **“Agency” means the [State] Lottery Agency DIVISION.**

23 (c) **“Commission” means the [State Lottery] MARYLAND GAMING**
24 **Commission.**

25 **23-103.**

1 There is a [State] Lottery Agency **DIVISION IN THE COMMISSION.**

2 23–104.

3 (a) [With the advice and consent of the Senate, the Governor] **THE**
4 **COMMISSION** shall appoint the Director of the Agency, who is the executive officer of
5 the Agency [and secretary of the Commission].

6 [(b) The Director serves at the pleasure of the Governor.]

7 [(c) **(B)** The Director must have the training and experience needed to
8 direct the work of the Agency.

9 [(d) **(C)** The Director shall devote full time to the duties of office and may
10 not engage in another profession or occupation.

11 [(e) **(D)** In addition to any duties set forth elsewhere in this subtitle, the
12 Director shall have immediate supervision and direction over the Agency.

13 [(f) **(E)** The Director is entitled to the salary provided in the State budget.

14 23–105.

15 [(a) (1) A majority of the full authorized membership of the Commission is
16 a quorum.

17 (2) The Commission may not act unless at least 3 members concur.

18 (b) The Commission shall determine the times and places of its meetings.

19 (c) (1) The secretary of the Commission promptly shall send the Governor
20 a certified copy of the minutes of each meeting of the Commission.

21 (2) The minutes shall include a copy of each regulation of the Agency
22 that is adopted.

23 (d) As provided in the State budget, a member of the Commission:

24 (1) may receive compensation as payment for attendance at
25 Commission meetings or other lottery functions in the amount of:

1 (i) \$125 per meeting attended, not to exceed \$1,500 annually
2 for a Commission member who is not the chairman; and

3 (ii) \$165 per meeting attended, not to exceed \$2,000 annually
4 for the Commission chairman; and

5 (2) is entitled to reimbursement for reasonable expenses incurred in
6 the performance of the duties as a member.]

7 [(e) (1)] (A) With the advice of the Commission, the Director may employ
8 deputy directors and other staff in accordance with the State budget.

9 [(2)] (B) Except as provided in paragraph (3) of this subsection or
10 otherwise by law, the staff of the Commission is in the State Personnel Management
11 System.

12 [(3)] (C) A deputy director is in the executive service of the State
13 Personnel Management System. However, a deputy director may be removed only for
14 cause after being given notice and an opportunity for a hearing.

15 23-117.

16 (b) (1) Promptly after the 1st day of each month, the Comptroller shall
17 pay:

18 (i) [into] **INTO** the Maryland Stadium Facilities Fund the
19 money that remains in the State Lottery Fund from the proceeds of the sports lotteries
20 conducted for the benefit of the Maryland Stadium Authority **DIVISION**, after the
21 distribution under subsection (a) of this section; and

22 (ii) [into] **INTO** the General Fund of the State the money that
23 remains in the State Lottery Fund from the proceeds of all other lotteries after the
24 distribution under subsection (a) of this section.

25 (2) The money paid into the General Fund under this subsection is
26 available in the fiscal year in which the money accumulates in the State Lottery Fund.

27 SECTION 4. AND BE IT FURTHER ENACTED, That the terms of the initial
28 members of the Maryland Gaming Commission shall expire as follows:

29 (1) 4 members on July 1, 2008;

1 (2) 4 members on July 1, 2009; and

2 (3) 4 members on July 1, 2010.

3 SECTION 5. AND BE IT FURTHER ENACTED, That the Maryland Gaming
4 Commission, as soon as possible after its formation and organization, shall develop a
5 workable, efficient, and clearly understandable plan to ensure that all persons who are
6 required to be licensed by the Commission under the provisions of this Act shall be
7 licensed by July 1, 2008.

8 SECTION 6. AND BE IT FURTHER ENACTED, That any person that is
9 authorized to conduct gaming activities, own or operate a gaming establishment, or act
10 as a vendor under State law on or before the effective date of this Act is not required to
11 obtain a license as required by Article 41, § 21-501 of the Code as provided in this Act
12 until July 1, 2008, but shall be subject to all other provisions of this Act, including all
13 restrictions and requirements that apply to licensees under this Act.

14 SECTION 7. AND BE IT FURTHER ENACTED, That if any provision of this
15 Act conflicts with or duplicates the powers and duties of the Secretary of State under
16 Title 6 (Charitable Organizations) of the Business Regulation Article, or any other
17 provision of that title, the Secretary of State and the Maryland Gaming Commission
18 shall, by January 1, 2008, develop legislation, in consultation with the Department of
19 Legislative Services, to resolve the conflicts or duplication of powers, authority, or any
20 other provisions of law affecting the Secretary of State and the Commission.

21 SECTION 8. AND BE IT FURTHER ENACTED, That the Maryland Gaming
22 Commission is the successor of the State Lottery Agency, the Executive Director of the
23 Maryland Gaming Commission is the successor of the Director of the State Lottery
24 Agency, and in every law, executive order, rule, regulation, policy, or document created
25 by any official, agency, or unit of the State: (1) the term "State Lottery Commission
26 and Agency", and every variation of that term means the Maryland Gaming
27 Commission and (2) the term "Director of the State Lottery Agency", and every
28 variation of that term means Executive Director of the Maryland Gaming Commission.

29 SECTION 9. AND BE IT FURTHER ENACTED, That every person who, as of
30 June 30, 2007, is employed by the State Lottery Agency, in a position authorized by
31 the State budget and not abolished by this Act is hereby transferred to the Maryland
32 Gaming Commission effective July 1, 2007, without any change or loss of rights,
33 benefits, entitlements, or status, including, if any, merit system and retirement status,
34 except as otherwise specifically provided in this Act.

35 SECTION 10. AND BE IT FURTHER ENACTED, That, except as otherwise
36 expressly provided in this Act, nothing in this Act affects the term of office of an

1 appointed member of any board, commission, committee, or other agency or unit, and
2 a person who is a member of such a unit on the effective date of this Act shall remain a
3 member of that unit or, as the case may be, shall become a member of any successor
4 unit for the balance of the term to which the person was appointed, unless the person
5 sooner dies, resigns, or is removed pursuant to law.

6 SECTION 11. AND BE IT FURTHER ENACTED, That, except as expressly
7 provided to the contrary in this Act, any transaction affected by or flowing from any
8 statute amended, repealed, or transferred, and validly entered into before the effective
9 date of this Act and every right, duty, or interest flowing from it remains valid after
10 the effective date of this Act and may be terminated, completed, consummated, or
11 enforced pursuant to law.

12 SECTION 12. AND BE IT FURTHER ENACTED, That, except as otherwise
13 provided in this Act, all permits and licenses, applications for permits and licenses,
14 rules and regulations, proposed rules and regulations, standards and guidelines,
15 orders and other directives, forms, plans, memberships, special funds, appropriations,
16 grants, applications for grants, contracts, property, investigations, administrative and
17 judicial proceedings, and all other duties and responsibilities associated with those
18 functions transferred by this Act shall continue in effect under the Executive Director
19 of the Maryland Gaming Commission or the appropriate board, council, or other unit
20 with the Commission, until completed, withdrawn, canceled, modified, or otherwise
21 changed pursuant to law.

22 SECTION 13. AND BE IT FURTHER ENACTED, That the publisher of the
23 Annotated Code of Maryland, in consultation with and subject to the approval of the
24 Department of Legislative Services, shall correct, with no further action required by
25 the General Assembly, cross-references and terminology rendered incorrect by this
26 Act or by any other Act of the General Assembly of 2007 that affects provisions
27 enacted by this Act. The publisher shall adequately describe any such correction in an
28 editor's note following the section affected.

29 SECTION 14. AND BE IT FURTHER ENACTED, That this Act shall take
30 effect July 1, 2007.