

# SENATE BILL 441

C7

4r1418  
CF HB 367

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By: **Senator Mathias**

Introduced and read first time: January 24, 2014

Assigned to: Budget and Taxation

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Committee Report: Favorable

Senate action: Adopted

Read second time: February 11, 2014

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Worcester County – Bingo Board – Repeal**

3 FOR the purpose of abolishing the Worcester County Bingo Board; repealing the  
4 provisions describing the composition, qualifications of members, salaries,  
5 expenses, tenure, filling of vacancies, and all other elements pertaining to the  
6 Bingo Board; providing that the Worcester County Department of Development  
7 Review and Permitting take the place of the Bingo Board and that the  
8 Department adopt reasonable regulations to administer and enforce the bingo  
9 laws in the county; requiring the Department to exercise control and  
10 supervision over all games of bingo and to prevent bingo from being conducted  
11 in a certain manner; authorizing the Department and its inspectors to enter  
12 certain places at any time; requiring an applicant for a bingo license to submit  
13 to the Department a certain application; requiring an applicant to pay to the  
14 Department a certain license fee; requiring the Department to pay license fees  
15 to the county commissioners, issue licenses, and approve certain lease  
16 agreements; authorizing the Department to deny or revoke a license under  
17 certain circumstances; requiring that a licensee's employees and terms of  
18 employment be approved by the Department; requiring licensees to submit  
19 certain statements at certain times to the Department; requiring the  
20 Department to submit certain reports to the county commissioners; requiring a  
21 certain representative to consult with the Department and to send certain  
22 materials to the Department by a certain date; defining a certain term; and  
23 generally relating to bingo in Worcester County.

24 BY repealing and reenacting, without amendments,

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Article – Criminal Law  
 2 Section 13–2601 and 13–2602  
 3 Annotated Code of Maryland  
 4 (2012 Replacement Volume and 2013 Supplement)

5 BY repealing and reenacting, with amendments,  
 6 Article – Criminal Law  
 7 Section 13–2605, 13–2606, and 13–2608 through 13–2615  
 8 Annotated Code of Maryland  
 9 (2012 Replacement Volume and 2013 Supplement)

10 BY repealing  
 11 Article – Criminal Law  
 12 Section 13–2607  
 13 Annotated Code of Maryland  
 14 (2012 Replacement Volume and 2013 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
 16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article – Criminal Law**

18 13–2601.

19 In this subtitle, “county commissioners” means the Board of County  
 20 Commissioners of Worcester County.

21 13–2602.

22 This subtitle applies only in Worcester County.

23 13–2605.

24 In this part, [“board” means the Worcester County Bingo Board]  
 25 **“DEPARTMENT” MEANS THE WORCESTER COUNTY DEPARTMENT OF**  
 26 **DEVELOPMENT REVIEW AND PERMITTING.**

27 13–2606.

28 The following organizations may conduct bingo in accordance with this part:

29 (1) a bona fide religious organization that has conducted religious  
 30 services at a fixed location in the county for at least 6 years before applying for a  
 31 license under this part;

32 (2) a municipal corporation in the county;

1 (3) a volunteer fire company in the county;

2 (4) a local unit of a nationwide bona fide nonprofit organization or club  
3 that consists solely of members who served in the armed forces of the United States; or

4 (5) a nonprofit organization that:

5 (i) intends to raise money for an exclusively charitable or  
6 educational purpose that is specifically described in the license application filed with  
7 the [board] DEPARTMENT; and

8 (ii) has operated as a nonprofit organization in the county for at  
9 least 5 years before applying for a license under this part.

10 [13-2607.

11 (a) There is a Worcester County Bingo Board.

12 (b) The board consists of three members appointed by the Governor with the  
13 advice and consent of the Senate.

14 (c) Each member of the board shall:

15 (1) be a registered voter of the county; and

16 (2) be an owner of real property according to the assessment records of  
17 the county.

18 (d) (1) Each member of the board is entitled to:

19 (i) an annual salary of at least \$1,000 as determined by the  
20 county commissioners; and

21 (ii) a reasonable travel and expense allowance.

22 (2) The county commissioners shall pay the cost of the payments made  
23 under paragraph (1) of this subsection and all administrative expenses of the board  
24 from the proceeds paid to the county commissioners under this part.

25 (e) (1) The term of a member is 6 years and begins on June 1.

26 (2) The terms of members are staggered as required by the terms  
27 provided for members of the board on October 1, 2002.

28 (3) The Governor shall fill any vacancy on the board occurring during  
29 the term of an appointed member for the unexpired term with the advice and consent  
30 of the Senate.]

1 **[13–2608.] 13–2607.**

2 (a) The [board] **DEPARTMENT** may adopt reasonable regulations to  
3 administer and enforce this part.

4 (b) A copy of the regulations adopted by the [board] **DEPARTMENT** shall be  
5 made available at a reasonable cost.

6 **[13–2609.] 13–2608.**

7 (a) (1) The [board] **DEPARTMENT** shall exercise control and supervision  
8 over all games of bingo to ensure that the games are conducted fairly in accordance  
9 with the provisions of the licenses issued under § [13–2610] **13–2609** of this subtitle,  
10 the regulations adopted by the [board] **DEPARTMENT**, and this part.

11 (2) The [board] **DEPARTMENT** shall prevent bingo from being  
12 conducted for a commercial purpose, for private profit, or in any manner other than as  
13 provided in this part.

14 (b) For purposes of inspection, the [board, its officers, and its agents]  
15 **DEPARTMENT AND ITS INSPECTORS** may enter at any time any place where:

16 (1) bingo is being or will be conducted; or

17 (2) any equipment that is being or will be used to conduct bingo is  
18 located.

19 **[13–2610.] 13–2609.**

20 (a) An organization or municipal corporation described in § 13–2606 of this  
21 subtitle that intends to conduct bingo under this part must obtain:

22 (1) an annual license to conduct bingo for more than 15 days in a year;

23 or

24 (2) a temporary license to conduct bingo for 15 days or fewer in a year.

25 (b) (1) An applicant for a license shall submit to the [board]  
26 **DEPARTMENT** an application on the form that the [board] **DEPARTMENT** by  
27 regulation requires.

28 (2) The application form shall require:

29 (i) the name of the applicant;

- 1 (ii) the name of each principal officer of the applicant; and
- 2 (iii) a certification that no person will conduct bingo except a  
3 person who:
- 4 1. is a salaried employee or bona fide member of the  
5 applicant; and
- 6 2. shall not receive any form of commission or bonus.
- 7 (c) (1) An applicant shall pay to the [board] DEPARTMENT a license fee  
8 of:
- 9 (i) \$100 for an annual license; or
- 10 (ii) \$25 in addition to \$5 for each day bingo is conducted for a  
11 temporary license.
- 12 (2) The [board] DEPARTMENT shall pay to the county commissioners  
13 all license fees collected under this part.
- 14 (d) The [board] DEPARTMENT shall issue a license to each applicant who  
15 meets the requirements of this part and the regulations adopted under this part.
- 16 (e) If an applicant conducts bingo on premises that are leased by the  
17 applicant, the lease agreement must be approved by the [board] DEPARTMENT before  
18 a license may be issued.
- 19 (f) The [board] DEPARTMENT may deny a license to an applicant or  
20 suspend or revoke a license if the applicant or licensee has violated this part or any  
21 regulation adopted under this part.
- 22 **[13–2611.] 13–2610.**
- 23 (a) The charge for admission to a place in order to participate in bingo  
24 conducted under this part may not exceed \$5.
- 25 (b) (1) Except as provided in paragraphs (2) and (3) of this subsection, the  
26 value of a prize in money, merchandise, or services for any one game of bingo  
27 conducted under this part may not exceed \$200.
- 28 (2) Jackpot prizes may be offered in a maximum amount of \$5,000.
- 29 (3) “Winner Take All” games may be offered without a prize limit.

1 (c) A licensee's employees and the terms of their employment must be  
2 approved by the [board] DEPARTMENT before they may conduct bingo under this  
3 part.

4 (d) A minor may not be allowed to participate in bingo conducted under this  
5 part.

6 (e) Bingo may not be conducted under this part in a room or area where  
7 alcoholic beverages are sold or served during the game.

8 (f) A licensee under this part may not conduct bingo on more than 125 days  
9 in a year.

10 **[13-2612.] 13-2611.**

11 Unless otherwise prohibited by county or municipal law, all forms of advertising  
12 for bingo are allowed.

13 **[13-2613.] 13-2612.**

14 (a) Each licensee under this part shall submit to the [board] DEPARTMENT,  
15 at monthly intervals or at any other interval that the [board] DEPARTMENT sets, a  
16 statement of its gross receipts and expenses.

17 (b) For each game of bingo conducted by the licensee, the statement shall  
18 include:

19 (1) the amount of gross receipts derived from the game;

20 (2) each item of expense incurred in the conduct of the game;

21 (3) each item of expenditure made in connection with the game; and

22 (4) the net profit derived from the conduct of the game.

23 **[13-2614.] 13-2613.**

24 (a) (1) Each licensee shall pay to the county commissioners 3% of the  
25 gross receipts derived from bingo for each day that bingo is conducted by the licensee  
26 under this part.

27 (2) The licensee shall pay the money at the time the licensee submits  
28 to the [board] DEPARTMENT the statement required under § [13-2613] 13-2612 of  
29 this subtitle.

1 (b) (1) An organization described in § 13–2606(5) of this subtitle may  
2 retain up to one–half of the proceeds derived from bingo conducted under this part for  
3 the benefit of the organization.

4 (2) The organization shall distribute any remaining proceeds for  
5 educational or charitable purposes.

6 (c) If bingo is conducted in a municipal corporation in the county, the county  
7 commissioners shall pay one–third of the 3% of the gross receipts received under  
8 subsection (a) of this section to the municipal corporation, to be used for its general  
9 purposes.

10 (d) (1) From the percentage of the gross receipts retained by the county  
11 commissioners, the county commissioners shall first pay the expenses necessary to  
12 administer this part.

13 (2) All additional funds shall be credited by the county commissioners  
14 to the general funds of the county.

15 **[13–2615.] 13–2614.**

16 (a) Each licensee under this part shall maintain the books and reports that  
17 the [board] DEPARTMENT requires for the purposes of this part.

18 (b) The [board] DEPARTMENT shall submit to the county commissioners a  
19 detailed annual report of all statements submitted to the [board] DEPARTMENT.

20 SECTION 2. AND BE IT FURTHER ENACTED, That a representative of the  
21 members of the Worcester County Bingo Board who were in office on September 30,  
22 2014, shall:

23 (1) consult with the Worcester County Department of Development  
24 Review and Permitting on what materials from the Bingo Board should be stored  
25 permanently; and

26 (2) send those materials to the Department of Development Review  
27 and Permitting no later than November 1, 2014.

28 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
29 October 1, 2014.