

# SENATE BILL 441

C7

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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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## A BILL ENTITLED

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,  
25 Article – Criminal Law  
26 Section 13–2601 and 13–2602  
27 Annotated Code of Maryland  
28 (2012 Replacement Volume and 2013 Supplement)

29 BY repealing and reenacting, with amendments,

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Criminal Law  
 2 Section 13–2605, 13–2606, and 13–2608 through 13–2615  
 3 Annotated Code of Maryland  
 4 (2012 Replacement Volume and 2013 Supplement)

5 BY repealing  
 6 Article – Criminal Law  
 7 Section 13–2607  
 8 Annotated Code of Maryland  
 9 (2012 Replacement Volume and 2013 Supplement)

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

12 **Article – Criminal Law**

13 13–2601.

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

16 13–2602.

17 This subtitle applies only in Worcester County.

18 13–2605.

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

22 13–2606.

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

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

27 (2) a municipal corporation in the county;

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

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

31 (5) a nonprofit organization that:

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

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

6 [13–2607.

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

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

10 (c) Each member of the board shall:

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

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

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

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

17 (ii) a reasonable travel and expense allowance.

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

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

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

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

27 [13–2608.] **13–2607.**

28 (a) The [board] DEPARTMENT may adopt reasonable regulations to  
29 administer and enforce this part.

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

3 **[13–2609.] 13–2608.**

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

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

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

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

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

16 **[13–2610.] 13–2609.**

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

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

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

22 (b) (1) An applicant for a license shall submit to the [board]  
23 DEPARTMENT an application on the form that the [board] DEPARTMENT by  
24 regulation requires.

25 (2) The application form shall require:

26 (i) the name of the applicant;

27 (ii) the name of each principal officer of the applicant; and

28 (iii) a certification that no person will conduct bingo except a  
29 person who:

1                                   1.     is a salaried employee or bona fide member of the  
2 applicant; and

3                                   2.     shall not receive any form of commission or bonus.

4           (c)   (1)   An applicant shall pay to the [board] **DEPARTMENT** a license fee  
5 of:

6                                   (i)    \$100 for an annual license; or

7                                   (ii)   \$25 in addition to \$5 for each day bingo is conducted for a  
8 temporary license.

9                                   (2)    The [board] **DEPARTMENT** shall pay to the county commissioners  
10 all license fees collected under this part.

11           (d)   The [board] **DEPARTMENT** shall issue a license to each applicant who  
12 meets the requirements of this part and the regulations adopted under this part.

13           (e)   If an applicant conducts bingo on premises that are leased by the  
14 applicant, the lease agreement must be approved by the [board] **DEPARTMENT** before  
15 a license may be issued.

16           (f)   The [board] **DEPARTMENT** may deny a license to an applicant or  
17 suspend or revoke a license if the applicant or licensee has violated this part or any  
18 regulation adopted under this part.

19 **[13-2611.] 13-2610.**

20           (a)   The charge for admission to a place in order to participate in bingo  
21 conducted under this part may not exceed \$5.

22           (b)   (1)   Except as provided in paragraphs (2) and (3) of this subsection, the  
23 value of a prize in money, merchandise, or services for any one game of bingo  
24 conducted under this part may not exceed \$200.

25                                   (2)    Jackpot prizes may be offered in a maximum amount of \$5,000.

26                                   (3)    “Winner Take All” games may be offered without a prize limit.

27           (c)   A licensee’s employees and the terms of their employment must be  
28 approved by the [board] **DEPARTMENT** before they may conduct bingo under this  
29 part.

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

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

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

5 **[13-2612.] 13-2611.**

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

8 **[13-2613.] 13-2612.**

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

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

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

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

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

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

18 **[13-2614.] 13-2613.**

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

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

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

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

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

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

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

10 **[13-2615.] 13-2614.**

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

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

15 **SECTION 2. AND BE IT FURTHER ENACTED,** That a representative of the  
16 members of the Worcester County Bingo Board who were in office on September 30,  
17 2014, shall:

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

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

23 **SECTION 3. AND BE IT FURTHER ENACTED,** That this Act shall take effect  
24 October 1, 2014.