

**Maryland General Assembly
Department of Legislative Services**

**Emergency/Proposed Regulation
Maryland State Lottery and Gaming Control Agency
(DLS Control No. 14-299)**

Overview and Legal and Fiscal Impact

This emergency/proposed regulation alters the manner in which a video lottery terminal maintenance log is maintained.

The regulation presents no legal issue of concern.

There is no fiscal impact on State or local agencies.

Regulation of COMAR Affected

Maryland State Lottery and Gaming Control Agency:

Video Lottery Terminals: Video Lottery Technical Standards: COMAR 36.04.01.20

Legal Analysis

Background

Current regulations require a manufacturer to equip a video lottery terminal with a maintenance log for use in documenting each time that the terminal is entered or that a device affecting its operation is connected to the terminal. The maintenance log is to be signed by each individual accessing the area. Specified information must be recorded in the maintenance log in a certain manner for a certain period of time. Finally, the log must be maintained in a book with bound numbered pages that cannot be readily removed.

Summary of Regulation

The regulation allows a maintenance log to be maintained either as a book with bound numbered pages that cannot be readily removed (the current standard) or maintained in the functional equivalent of the bound book that has been reviewed and approved by the commission.

Legal Issue

The regulation presents no legal issue of concern.

Statutory Authority and Legislative Intent

The State Lottery and Gaming Control Agency cites §§ 9-1A-02(b) and 9-1A-04(d) of the State Government Article as authority for the regulations. Section 9-1A-02(b) states that the agency must provide assistance to the State Lottery and Gaming Control Commission in the performance of the commission's duties. Section 9-1A-04(d) provides that the commission must adopt regulations, including the method of operation of the video lottery terminals. This authority is correct and complete. The regulations comply with the legislative intent of the law.

Reason for Emergency Status

The agency requests emergency status to begin October 14, 2014 and to expire April 9, 2015. The agency provides that the reason for the request for emergency status is to "incorporate provisions that refine the requirements and procedures of VLT operations." The requested period is within normal timeframes approved by the committee, but the necessity for requesting emergency status is unclear based on the information provided by the agency in the transmittal sheet accompanying the regulation. It should be noted that the requested date for commencement of emergency status is earlier than permissible under the Administrative Procedure Act; the date of commencement will coincide with the date of approval by the committee of the request for emergency status.

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The regulation implements procedural rules on video lottery terminal entry logs. The agency advises that the regulation has no impact on State or local governments. The Department of Legislative Services concurs.

Impact on Budget

There is no impact on the State operating or capital budget because the regulation is procedural in nature and does not directly affect governmental finances.

Agency Estimate of Projected Small Business Impact

The agency advises that the regulation has minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

Contact Information

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