

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	09/17/2015	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 10/16/2015

2. COMAR Codification

Title Subtitle Chapter Regulation

36	03	11	04
36	04	01	11
36	04	01	30

3. Name of Promulgating Authority

Maryland State Lottery and Gaming Control Agency

4. Name of Regulations Coordinator

James B Butler

Telephone Number

410-230-8781

Mailing Address

1800 Washington Blvd., Ste. 330

City	State	Zip Code
Baltimore	MD	21230

Email

jbutler@maryland.gov

5. Name of Person to Call About this Document

James B. Butler

Telephone No.

(410) 230-8781

Email Address

jbutler@maryland.gov

6. Check applicable items:

New Regulations

Amendments to Existing Regulations

Date when existing text was downloaded from COMAR online: September 16, 2015.

Repeal of Existing Regulations

Recodification

Incorporation by Reference of Documents Requiring DSD Approval

Reproposal of Substantively Different Text:

: Md. R
(vol.) (issue) (page nos) (date)

Under Maryland Register docket no.: --P.

7. Is there emergency text which is identical to this proposal:

Yes No

8. Incorporation by Reference

Check if applicable: Incorporation by Reference (IBR) approval form(s) attached and 18 copies of documents proposed for incorporation submitted to DSD. (Submit 18 paper copies of IBR document to DSD and one copy to AELR.)

9. Public Body - Open Meeting

OPTIONAL - If promulgating authority is a public body, check to include a sentence in the Notice of Proposed Action that proposed action was considered at an open meeting held pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

OPTIONAL - If promulgating authority is a public body, check to include a paragraph that final action will be considered at an open meeting.

10. Children's Environmental Health and Protection

Check if the system should send a copy of the proposal to the Children's Environmental Health and Protection Advisory Council.

11. Certificate of Authorized Officer

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by Robert T. Fontaine, Assistant Attorney General, (telephone #(410) 230-8780) on August 27, 2015. A written copy of the approval is on file at this agency.

Name of Authorized Officer

Gordon Medenica

Title

Director

Telephone No.

(410) 230-8790

Date

September 17, 2015

Title 36
MARYLAND STATE LOTTERY AND GAMING
CONTROL AGENCY

Subtitle 03 GAMING PROVISIONS

36.03.11 Facility Standards

Subtitle 04 VIDEO LOTTERY TERMINALS

36.04.01 Video Lottery Technical Standards

Subtitle 04 VIDEO LOTTERY TERMINALS

36.04.01 Video Lottery Technical Standards

Authority: 36.03.11: State Government Article, §§9-1A-02 and 9-1A-04, Annotated Code of Maryland; 36.04.01: State Government Article, §§9-1A-02, 9-1A-04, and 9-1A-22 Annotated Code of Maryland; and

Notice of Proposed Action

[]

The Maryland Lottery and Gaming Control Agency proposes to amend Regulation .04 under COMAR 36.03.11 Facility Standards; and amend Regulations .11 and .30 under COMAR 36.04.01 Video Lottery Technical Standards.

This action was considered at the Maryland Lottery and Gaming Control Commission open meeting held on August 27, 2015, notice of which was given pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

- The purpose of this action is to
- (1) Increase the surveillance recording retention requirements from 7 to 14 days;
 - (2) Allow the floor average payout percentage to be between 87% and 95%;
 - (3) Lower disclosure requirements for progressive jackpot transfers from 30 days to 14 days; and
 - (4) Correct numbering, reference, and regulation style errors.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to James B. Butler, Director of Legislative and Policy Affairs, Maryland Lottery and Gaming Control Agency, 1800 Washington Blvd., Suite 330, Baltimore, MD 21230, or call (410) 230-8781, or email to jbutler@maryland.gov, or fax to (410) 230-8727. Comments will be accepted through November 16, 2015. A public hearing has not been scheduled.

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 2016

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

Yes

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

Special (Gaming Proceeds)

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

E. If these regulations have no economic impact under Part A, indicate reason briefly:

To incorporate provisions that better define and refine the requirements for VLT and Table Games operations and better conform to the Agency's oversight responsibilities to monitor casino gambling.

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

To incorporate provisions that better define and refine the requirements for VLT and Table Games operations and better conform to the Agency's oversight responsibilities to monitor casino gambling.

G. Small Business Worksheet:

Attached Document:

(September 16, 2015)

36.03.11 Facility Standards

Authority: State Government Article, §§9-1A-02 and 9-1A-04, Annotated Code of Maryland

.04 Table Games Surveillance Requirements.

A. – B. (text unchanged)

C. Retention.

(1) The surveillance recordings required under §B of this regulation shall be retained for a minimum of [7] 14 days.

(2) A surveillance recording of suspicious activity, suspected or alleged regulatory violations, or suspected or alleged criminal activity shall be retained for a minimum of 30 days.

(3) A surveillance recording shall be made available for review upon request by law enforcement.

D. (text unchanged)

36.04.01 Video Lottery Technical Standards

Authority: State Government Article, §§9-1A-02, 9-1A-04, and 9-1A-22, Annotated Code of Maryland

.11 Average Payout Percentage.

A. – D. (text unchanged)

E. A facility's gaming floor shall be configured to collectively achieve, at all times, an average payout percentage which:

(1) Exceeds [90] 87 percent; and

(2) Does not exceed 95 percent.

F. (text unchanged)

I. A video lottery terminal:

(1) May not:

(a) Offer a winning combination where the odds exceed [50 million] 50,000,000 to one; and

(b) (text unchanged)

(2) (text unchanged)

.30 Progressive Proposal.

A. – C. (text unchanged)

D. A transfer of an available progressive jackpot amount under §C(2) of this regulation shall involve:

(1) – (2) (text unchanged)

(3) Disclosure of the intent to transfer an available progressive jackpot amount on the front of a video lottery terminal in a manner specified by the Commission for at least [30] 14 days prior to the intended date of transfer.

E. Removal from the gaming floor of a video lottery terminal offering a progressive jackpot under §C(3) of this regulation shall require:

(1) If the removal involves one or more linked video lottery terminals offered in:

[(i)] (a) A single facility, that at least two linked video lottery terminals offering the same progressive jackpot remain on the gaming floor; and

[(ii)] (b) More than one facility, that the facility operator retain at least one linked video lottery terminal offering the same progressive jackpot on its gaming floor; and

(2) In every case, disclosure of the intent to transfer an available progressive jackpot on the front of a video lottery terminal in a manner specified by the Commission for at least [30] 14 days prior to the intended date of transfer.

F. (text unchanged)

