

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulation
Department of Labor, Licensing, and Regulation
(DLS Control No. 16-195)**

Overview and Legal and Fiscal Impact

This regulation amends COMAR 09.10.05.05 to conform to recent statutory changes relating to public hearing requirements for satellite simulcast betting.

The regulation presents no legal issues of concern.

There is no fiscal impact on State or local agencies.

Regulation of COMAR Affected

Department of Labor, Licensing, and Regulation:

Racing Commission: Satellite Simulcast Betting: COMAR 09.10.05.05

Legal Analysis

Background

In early 2016, the Maryland State Fair and Agricultural Society, owner of the State Fairgrounds in Timonium, attempted to secure satellite simulcast betting at the Baltimore County facility. After some community members and elected officials expressed concerns about the effort due to a perceived inadequate public hearing process and insufficient transparency measures, Chapter 496 of 2016 altered § 11-819 of the Business Regulation Article to strengthen the relevant public hearing requirements. Specifically, Chapter 496 requires the Maryland Racing Commission, before granting a satellite simulcast betting permit, to (1) hold a public hearing within 10 miles of the proposed facility; (2) advertise the date, time, and location of the public hearing at least 30 days before the hearing; (3) provide written notice to each of the senators, delegates, and county-elected officials that represent the jurisdiction within which the facility is to be located; (4) post notice of the hearing on the commission's website at least 30 days before the hearing; (5) require the applicant, at least 30 days before the hearing, to post a sign in a conspicuous location at the facility stating that an application is pending and specifying the date, time, and location of the hearing; and (6) request from the applicant a list of community associations that were notified of the hearing.

Summary of Regulation

Section 11-819 of the Business Regulation Article requires the Maryland Racing Commission, before granting a satellite simulcast betting permit, to meet certain requirements relating to a public hearing. This regulation conforms COMAR 09.10.05.05 to reflect the statutory changes in Chapter 496 of 2016.

Legal Issues

The regulation presents no legal issues of concern.

Statutory Authority and Legislative Intent

The Department of Labor, Licensing, and Regulation cites § 11-210 of the Business Regulation Article as statutory authority for the regulation. Section 11-210 generally authorizes the Maryland Racing Commission to adopt regulations and conditions to govern racing and betting on racing.

This authority is correct and complete. The regulation complies with the legislative intent of the law.

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The regulation implements Chapter 496 of 2016 (House Bill 727), which relates to public hearing requirements for satellite simulcast betting. The department advises that the regulation has no impact on State or local governments. The Department of Legislative Services concurs because the change is procedural in nature.

Impact on Budget

There is no impact on the State operating or capital budget.

Agency Estimate of Projected Small Business Impact

The department 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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