

MARYLAND REGISTER

## Proposed Action on Regulations

<b>Transmittal Sheet</b>  <b>PROPOSED OR REPROPOSED</b>  <b>Actions on Regulations</b>	<b>Date Filed with AELR Committee</b>	<b>TO BE COMPLETED BY DSD</b>
	08/18/2016	Date Filed with Division of State Documents
		Document Number
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**1. Desired date of publication in Maryland Register: 8/19/2016**

**2. COMAR Codification**

**Title Subtitle Chapter Regulation**

09 10 05 05

**3. Name of Promulgating Authority**

Department of Labor, Licensing, and Regulation

**4. Name of Regulations Coordinator Telephone Number**  
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**Title 09**  
**DEPARTMENT OF LABOR, LICENSING, AND**  
**REGULATION**

**Subtitle 10 RACING COMMISSION**

**09.10.05 Satellite Simulcast Betting**

Authority: Business Regulation Article, § 11-210, Annotated Code of Maryland

**Notice of Proposed Action**

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The Maryland Racing Commission proposes to amend regulation .05 under COMAR 09.10.05, Satellite Simulcast Betting.

This action was considered by the Maryland Racing Commission during a public meeting held on July 12, 2016.

**Statement of Purpose**

The purpose of this action is to expand the requirements for the notice of a public hearing when the Maryland Racing Commission is considering an application for a Satellite Simulcast Betting permit.

**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 J. Michael Hopkins, Executive Director, Maryland Racing Commission, 300 East Towsontown Boulevard, Towson, Md. 212896, or call 410-296-9682, or email to [mike.hopkins@maryland.gov](mailto:mike.hopkins@maryland.gov), or fax to 410-296-9687. Comments will be accepted through October 14, 2016. A public hearing has not been scheduled.

## Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 2017

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:

General

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:  
Amendments require the Racing Commission to place a notice 30 days instead of the current 15 days prior to a public meeting

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

Amendments require the Racing Commission to place a notice 30 days instead of the current 15 days prior to a public meeting

G. Small Business Worksheet:

Impact Statement Part C — Legislative Information

Part C requests agencies to provide information required by the Department of Legislative Services in its report to the AELR Committee. Answer the questions in the space provided. Part C is not printed in the Maryland Register.

### Small Business Analysis Worksheet

This worksheet is designed to assist the agency in determining if and how the proposal impacts small businesses. Quantify the number of affected small businesses and estimates of costs and benefits to small businesses if possible. State Government Article, §2-1505.2, includes the following definitions which are relevant to the analysis:

“Economic impact analysis” means an estimate of the cost or the economic benefit to small businesses that may be affected by a regulation proposed by an agency pursuant to Title 10, Subtitle 1 of this article.

“Small business” means a corporation, partnership, sole proprietorship, or other business entity, including its affiliates, that: (i) is independently owned and operated; (ii) is not dominant in its field; and (iii) employs 50 or fewer full-time employees.

1a. Intended Beneficiaries. Who are the intended beneficiaries of the proposed regulation? Are these intended beneficiaries primarily households or businesses?

Households.

1b. Intended Beneficiaries: Households. If households are the primary intended

beneficiaries, will the proposal affect their income or purchasing power such that the volume or patterns of their consumer spending will change? If so, what directions of change would you anticipate? Will these expected spending changes have a disproportionate impact on small businesses? Can you descriptively identify the industries or types of business activities that are impacted?

No.

1c. Intended Beneficiaries: Businesses. If businesses are the intended beneficiaries, identify the businesses by industry or by types of business activities. How will businesses be impacted? Are these Maryland establishments disproportionately small businesses? If so, how will these Maryland small businesses be affected? Can you identify or estimate the present number of small businesses affected? Can you estimate the present total payroll or total employment of small businesses affected?

N/A.

2a. Other Direct or Indirect Impacts: Adverse. Businesses may not be the intended beneficiaries of the proposal. Instead, the proposal may direct or otherwise cause businesses to incur additional expenses of doing business in Maryland. Does this proposal require Maryland businesses to respond in such a fashion that they will incur additional work-time costs or monetary costs in order to comply? Describe how Maryland establishments may be adversely affected. Will Maryland small businesses bear a disproportionate financial burden or suffer consequences that affect their ability to compete? Can you estimate the possible number of Maryland small businesses adversely affected? (Note that small business compliance costs in the area of regulation are the sum of out-of-pocket (cash) costs plus time costs — usually expressed as payroll, akin to calculations for legislative fiscal notes. Precise compliance costs may be difficult to estimate, but the general nature of procedures that businesses must accomplish to comply can be described.)

N/A.

2b. Other Direct or Indirect Impacts: Positive. Maryland businesses may positively benefit by means other than or in addition to changed consumer spending patterns. How may Maryland businesses be positively impacted by this initiative? Will Maryland small businesses share proportionately or disproportionately in these gains? Can you estimate the possible number of Maryland small businesses positively affected?

N/A

3. Long-Term Impacts. There are instances where the longer run economic impact effect from regulations differ significantly from immediate impact. For example, regulations may impose immediate burdens on Maryland small businesses to comply, but the overall restructuring of the industry as a consequence of monitoring and compliance may provide offsetting benefits to the affected small businesses in subsequent years. Can you identify any long run economic impact effects on Maryland small businesses that over time (a) may compound or further aggravate the initial economic impact described above, or (b) may mitigate or offset the initial economic impact described above?

N/A.

No. 4. Estimates of Economic Impact. State Government Article, §2-1505.2 requires that an agency include estimates, as appropriate, directly relating to: (1) cost of providing goods and services; (2) effect on the work force; (3) effect on the cost of housing; (4) efficiency in production and marketing; (5) capital investment, taxation, competition, and

economic development; and (6) consumer choice.  
N/A.

Attached Document:

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**Title 09**  
**Department of Labor, Licensing and Regulation**  
**Subtitle 10 Racing Commission**  
**Chapter 05 Satellite Simulcast Betting**

Authority: Business Regulation Article, § 11-210, Annotated Code of Maryland

**.05 Procedures for Considering an Application.**

Before considering the issuance of a permit, the Commission shall:

A. Advertise the date, time, and location of a public hearing on the application in a local publication at least [15] 30 days before the hearing being conducted;

B. [Inform] *Provide written notice to* the executive and legislative branches of the county and local governments for the jurisdiction within which the proposed satellite simulcast betting facility is to be located of the date, time, and location of the public meeting;

*C. Post the notice of the public hearing on the Commission web site at least 30 days before the public hearing;*

*D. Require the applicant, at least 30 days before the public hearing, to post a sign in a conspicuous location at the facility for which the application for the permit was submitted stating that an application is pending for use of the facility for satellite simulcast betting and specifying the date, time, and location of the public hearing;*

*E. Request from the applicant a list of community associations that were notified of the public hearing;*

[C] *F. Conduct the public hearing within 10 miles of the requested satellite simulcast betting facility and, at this hearing, the Commission shall consider comments, if any, from:*

- (1) The public,
- (2) The officials from the jurisdiction where the satellite simulcast betting facility is to be located,
- (3) The applicable track licensee,
- (4) The applicable group that represents a majority of the owners and trainers licensed in the State,
- (5) The applicable group that represents a majority of the breeders in the State, and
- (6) Other interested parties in the racing industry; and

[D] *G. Among other things, consider the extent to which the satellite simulcast betting facility may interfere with attendance at the mile thoroughbred and harness tracks in Maryland.*

**J. Michael Hopkins**  
**Executive Director**