

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulation
Maryland State Lottery and Gaming Control Agency
(DLS Control No. 16-206)**

Overview and Legal and Fiscal Impact

The regulation specifies the requirements that must be met to repair or replace electronic instant bingo machines in Anne Arundel County and Calvert County.

The regulation presents no legal issues of concern.

There is no fiscal impact on State or local agencies.

Regulation of COMAR Affected

Maryland State Lottery and Gaming Control Agency:

Instant Bingo Machines in Anne Arundel and Calvert Counties: General:
COMAR 36.07.01.03

Legal Analysis

Background

Under Chapter 603 of 2012, a limited number of electronic instant bingo machines continue to be operated in Anne Arundel County and Calvert County by certain entities who are qualified nonprofit organizations or holders of commercial bingo licenses.

Summary of Regulation

The regulation specifies the steps that an entity must take to repair or replace certain electronic instant bingo machines. The regulation requires that documentation be submitted to the State Lottery and Gaming Control Commission, including manufacturer invoices, independent testing laboratory reports, records from county license authorities, or other records deemed acceptable by the commission, showing that (1) the machines operate in the same manner as any that were in operation by that licensee on February 28, 2008 and (2) the entity does not operate more than the number of instant bingo machines the entity had in operation on February 28, 2008. The commission must evaluate and determine the sufficiency of the documentation; the determination by the commission is not appealable. Finally, instant bingo machines that are repaired or serve as replacement machines must comply with certain technical standards.

Legal Issues

The regulation presents no legal issues of concern.

Statutory Authority and Legislative Intent

The State Lottery and Gaming Control Agency cites §§ 12-301.1 and 12-308 of the Criminal Law Article and § 9-110 of the State Government Article as statutory authority for the regulation.

Section 12-303.1 of the Criminal Law Article concerns the regulation by the commission of activities related to electronic gaming devices, including the repair and replacement of electronic bingo machines. Section 12-308 of the Criminal Law Article concerns the ability of certain entities to continue to operate a game of instant bingo using electronic machines under certain circumstances. Section 9-110 of the State Government Article authorizes the director to adopt regulations of the agency.

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 specifies the process for requesting repair or replacement of instant bingo machines. The agency advises that the regulation has no impact on State or local governments. The Department of Legislative Services concurs because the regulation 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 agency advises that the regulation has minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

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