
By: **Delegates Gordon and Conway**
Introduced and read first time: February 11, 2004
Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Gaming Commission Act of 2004**

3 FOR the purpose of establishing the Maryland Gaming Commission; reorganizing the
4 State Lottery Agency, the State Racing Commission, and the Maryland Stadium
5 Authority by making them divisions of the Maryland Gaming Commission;
6 transferring certain duties, responsibility, authority, functions, and units of the
7 State Lottery Agency, the State Racing Commission, and the Maryland Stadium
8 Authority to the Maryland Gaming Commission; providing that the Maryland
9 Gaming Commission consists of a certain number of members appointed by the
10 Governor with the advice and consent of the Senate; requiring the Attorney
11 General to conduct a certain investigation of each nominee; requiring that a
12 criminal background report be provided to the Attorney General by each
13 nominee; establishing the qualifications and terms for Commission members;
14 requiring the Governor to appoint the Chairman of the Commission with the
15 advice and consent of the Senate; establishing rules governing quorums,
16 meetings, and compensation; requiring the Commission to appoint an Executive
17 Director; establishing duties, responsibilities, and eligibility requirements for
18 the Executive Director; providing staff for the Commission; requiring that a
19 criminal background report be provided to the Commission by the Executive
20 Director and each staff member under certain circumstances; establishing a
21 legislative oversight committee; requiring the Legislative Auditor to audit the
22 Commission on an annual basis; authorizing the Governor to appoint citizens'
23 advisory committees; specifying powers and duties for the Commission;
24 authorizing the Commission to issue certain types of gaming licenses; requiring
25 the Commission to deny an application for an initial or renewed license or
26 suspend or revoke a license under certain circumstances; establishing
27 procedures for hearings and appeals; authorizing the Commission to issue cease
28 and desist orders under certain circumstances; establishing a Division of
29 Gaming Enforcement in the Office of the Attorney General; requiring that the
30 Division be under the immediate supervision of a Director who is an assistant
31 Attorney General and is appointed by the Attorney General; providing staff for
32 the Division; requiring that a criminal background report be provided to the
33 Attorney General or the Director by each staff member under certain
34 circumstances; providing that the Director is legal adviser to the Commission;
35 specifying powers and duties of the Division; authorizing certain audits of

1 gaming establishments; establishing a Maryland Gaming Commission Fund;
2 specifying that this Fund is a special continuing, nonlapsing fund; prohibiting
3 certain actions; establishing certain penalties; defining certain terms; providing
4 that certain persons and entities are not subject to the licensing requirements of
5 this Act until a certain date; establishing certain provisions relating to
6 conversion of certain positions and terms of employment and the continuation of
7 certain policies and actions; providing for certain technical corrections that may
8 be necessitated by this Act; and generally relating to the regulation of gaming
9 activities.

10 BY transferring

11 Article - State Government
12 Section 9-101 through 9-103, 9-107 through 9-120, 9-120.1, and 9-121
13 through 9-125, respectively, and the subtitle "Subtitle 1. State Lottery
14 Agency"
15 Annotated Code of Maryland
16 (1999 Replacement Volume and 2003 Supplement)
17 to be
18 Article 41 - Governor - Executive and Administrative Departments
19 Section 22-101 through 22-123, respectively, and the title "Title 22. State
20 Lottery Agency"
21 Annotated Code of Maryland
22 (2003 Replacement Volume)

23 BY transferring

24 Article - Business Regulation
25 Section 11-101 through 11-1208, respectively, and the title "Title 11. Horse
26 Racing"
27 Annotated Code of Maryland
28 (1998 Replacement Volume and 2003 Supplement)
29 to be
30 Article 41 - Governor - Executive and Administrative Departments
31 Section 23-101 through 23-1208, respectively, and the title "Title 23. Horse
32 Racing"
33 Annotated Code of Maryland
34 (2003 Replacement Volume)

35 BY transferring

36 Article - Financial Institutions
37 Section 13-701, 13-702, and 13-705 through 13-724, respectively, and the
38 subtitle "Subtitle 7. Maryland Stadium Authority"
39 Annotated Code of Maryland
40 (2003 Replacement Volume)
41 to be

1 Article 41 - Governor - Executive and Administrative Departments
2 Section 24-101 through 24-129, respectively, and the title "Title 24. Maryland
3 Stadium Authority"
4 Annotated Code of Maryland
5 (2003 Replacement Volume)

6 BY repealing
7 Article - State Government
8 Section 9-104, 9-105, and 9-106
9 Annotated Code of Maryland
10 (1999 Replacement Volume and 2003 Supplement)

11 BY repealing
12 Article - Business Regulation
13 Section 11-202, 11-203, 11-204, and 11-214
14 Annotated Code of Maryland
15 (1998 Replacement Volume and 2003 Supplement)

16 BY repealing
17 Article - Financial Institutions
18 Section 13-703 and 13-704
19 Annotated Code of Maryland
20 (2003 Replacement Volume)

21 BY adding to
22 Article 41 - Governor - Executive and Administrative Departments
23 Section 21-101 through 21-701 to be under the new title "Title 21. Maryland
24 Gaming Commission - General Provisions and Charitable Gaming"
25 Annotated Code of Maryland
26 (2003 Replacement Volume)

27 BY repealing and reenacting, with amendments,
28 Article 41 - Governor - Executive and Administrative Departments
29 Section 22-101(b) and (c), 22-103, 22-104, 22-105, and 22-117(b) to be under
30 the amended title "Title 22. Maryland Control Gaming Commission -
31 Lottery Agency Division"
32 Annotated Code of Maryland
33 (2003 Replacement Volume)
34 (As enacted by Section 1 of this Act)

35 BY repealing and reenacting, with amendments,
36 Article 41 - Governor - Executive and Administrative Departments
37 Section 23-101(d); and 23-201, 23-202, 23-203, and 23-204(a) to be under the
38 amended subtitle "Subtitle 2. Division Duties" and the amended title "Title

1 23. Maryland Gaming Commission - Racing Division"
2 Annotated Code of Maryland
3 (2003 Replacement Volume)
4 (As enacted by Section 1 of this Act)

5 BY repealing and reenacting, with amendments,
6 Article 41 - Governor - Executive and Administrative Departments
7 Section 24-101(b), 24-102, 24-103, 24-106(a), 24-125(6), 24-128, and
8 24-129(b) to be under the amended title "Title 24. Maryland Gaming
9 Commission - Stadium Authority Division"
10 Annotated Code of Maryland
11 (2003 Replacement Volume)
12 (As enacted by Section 1 of this Act)

13 BY adding to
14 Article 41 - Governor - Executive and Administrative Departments
15 Section 24-101(g-1)
16 Annotated Code of Maryland
17 (2003 Replacement Volume)
18 (As enacted by Section 1 of this Act)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
20 MARYLAND, That Section(s) 9-101 through 9-103, 9-107 through 9-120, 9-120.1,
21 and 9-121 through 9-125, respectively, and the subtitle "Subtitle 1. State Lottery
22 Agency" of Article - State Government of the Annotated Code of Maryland be
23 transferred to be Section(s) 22-101 through 22-122, respectively, to be under the title
24 "Title 22. State Lottery Agency" of Article 41 - Governor - Executive and
25 Administrative Departments of the Annotated Code of Maryland.

26 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 11-101
27 through 11-1208, respectively, and the title "Title 11. Horse Racing" of Article -
28 Business Regulation of the Annotated Code of Maryland be transferred to be
29 Section(s) 23-101 through 23-1208, respectively, and the title "Title 23. Horse
30 Racing" of Article 41 - Governor - Executive and Administrative Departments of the
31 Annotated Code of Maryland.

32 SECTION 3. AND BE IT FURTHER ENACTED, That Section(s) 13-701,
33 13-702, and 13-705 through 13-724, respectively, and the subtitle "Subtitle 7.
34 Maryland Stadium Authority" of Article - Financial Institutions of the Annotated
35 Code of Maryland be transferred to be Section(s) 24-101 through 24-129,
36 respectively, and the title "Title 24. Maryland Stadium Authority" of Article 41 -
37 Governor - Executive and Administrative Departments of the Annotated Code of
38 Maryland.

1 SECTION 4. AND BE IT FURTHER ENACTED, That Section(s) 9-104, 9-105,
2 and 9-106 of Article - State Government of the Annotated Code of Maryland be
3 repealed.

4 SECTION 5. AND BE IT FURTHER ENACTED, That Section(s) 11-202,
5 11-203, 11-204, and 11-214 of Article - Business Regulation of the Annotated Code of
6 Maryland be repealed.

7 SECTION 6. AND BE IT FURTHER ENACTED, That Section(s) 13-703 and
8 13-704 of Article - Financial Institutions of the Annotated Code of Maryland be
9 repealed.

10 SECTION 7. AND BE IT FURTHER ENACTED, That the Laws of Maryland
11 read as follows:

12 **Article 41 - Governor - Executive and Administrative Departments**

13 **TITLE 21. MARYLAND GAMING COMMISSION - GENERAL PROVISIONS AND**
14 **CHARITABLE GAMING.**

15 **SUBTITLE 1. DEFINITIONS; SCOPE.**

16 21-101.

17 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

18 (B) "APPLICANT" MEANS A PERSON WHO HAS APPLIED FOR A LICENSE UNDER
19 THIS TITLE.

20 (C) "CHAIRMAN" MEANS THE CHAIRMAN OF THE COMMISSION.

21 (D) "CHARITABLE ORGANIZATION" MEANS AN ORGANIZATION DESCRIBED IN §
22 170(C) OF THE INTERNAL REVENUE CODE.

23 (E) "COMMISSION" MEANS THE MARYLAND GAMING COMMISSION.

24 (F) "COUNTY" MEANS A COUNTY OR BALTIMORE CITY.

25 (G) "DIRECTOR" MEANS THE DIRECTOR OF THE DIVISION.

26 (H) "DIVISION" MEANS THE DIVISION OF GAMING ENFORCEMENT IN THE
27 OFFICE OF THE ATTORNEY GENERAL.

28 (I) "ELIGIBLE GAMING APPLICANT" MEANS A PERSON THAT:

29 (1) IS AUTHORIZED TO CONDUCT GAMING ACTIVITIES UNDER TITLES 12
30 AND 13 OF THE CRIMINAL LAW ARTICLE; AND

31 (2) OTHERWISE MEETS THE LICENSING REQUIREMENTS ESTABLISHED
32 UNDER THIS TITLE AND THE REGULATIONS ADOPTED UNDER THIS TITLE.

1 (J) "ELIGIBLE GAMING ESTABLISHMENT APPLICANT" MEANS THE OWNER,
2 OPERATOR, OR MANAGER OF A GAMING ESTABLISHMENT:

3 (1) AT WHICH GAMING ACTIVITIES MAY BE CONDUCTED UNDER TITLES
4 12 AND 13 OF THE CRIMINAL LAW ARTICLE; AND

5 (2) THAT OTHERWISE MEETS THE LICENSING REQUIREMENTS
6 ESTABLISHED UNDER THIS TITLE AND THE REGULATIONS ADOPTED UNDER THIS
7 TITLE.

8 (K) "ELIGIBLE VENDOR APPLICANT" MEANS A VENDOR THAT:

9 (1) MEETS ANY APPLICABLE REQUIREMENTS ESTABLISHED UNDER
10 TITLES 12 AND 13 OF THE CRIMINAL LAW ARTICLE; AND

11 (2) OTHERWISE MEETS THE LICENSING REQUIREMENTS ESTABLISHED
12 UNDER THIS TITLE AND THE REGULATIONS ADOPTED UNDER THIS TITLE.

13 (L) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF THE
14 COMMISSION.

15 (M) (1) "GAMING" MEANS ANY GAME OF CHANCE THAT IS PLAYED FOR
16 MONEY OR ANY OTHER PRIZE.

17 (2) "GAMING" INCLUDES:

18 (I) BINGO;

19 (II) CARD GAMES;

20 (III) CHANCE BOOKS;

21 (IV) DICE GAMES;

22 (V) PUNCHBOARDS;

23 (VI) PADDLE WHEELS, WHEELS OF FORTUNE, AND ANY OTHER
24 GAME INVOLVING WHEELS OF CHANCE;

25 (VII) RAFFLES;

26 (VIII) ROULETTE;

27 (IX) SLOT MACHINES;

28 (X) TIP JARS;

29 (XI) LOTTERIES CONDUCTED UNDER TITLE 22 OF THIS ARTICLE;

30 (XII) HORSE RACING CONDUCTED UNDER TITLE 23 OF THIS ARTICLE;

1 (XIII) GAMING ACTIVITIES CONDUCTED AT FACILITIES DEVELOPED
2 BY THE MARYLAND STADIUM DIVISION UNDER TITLE 24 OF THIS ARTICLE;

3 (XIV) FREE-PLAY CONSOLE MACHINES AND FREE-PLAY PINBALL
4 MACHINES THAT ARE LICENSED UNDER TITLE 17, SUBTITLE 4, PARTS I AND II OF THE
5 BUSINESS REGULATION ARTICLE;

6 (XV) PINBALL MACHINES FOR PUBLIC USE IN WICOMICO COUNTY
7 THAT ARE LICENSED UNDER TITLE 17, SUBTITLE 4, PART III OF THE BUSINESS
8 REGULATION ARTICLE;

9 (XVI) AMUSEMENT DEVICES FOR PUBLIC USE IN GARRETT COUNTY
10 THAT ARE LICENSED UNDER TITLE 17, SUBTITLE 4, PART IV OF THE BUSINESS
11 REGULATION ARTICLE; AND

12 (XVII) GAMING ABOARD A PASSENGER CRUISE VESSEL THAT IS
13 AUTHORIZED UNDER § 6-209 OF THE TRANSPORTATION ARTICLE.

14 (N) "GAMING EQUIPMENT" MEANS ANY DEVICE, MECHANISM, MACHINE,
15 PRINTED MATTER, MATERIAL, FIXTURE, FURNITURE, CONSTRUCTION,
16 INSTALLATION, OR OTHER THING USED IN CONNECTION WITH GAMING.

17 (O) "GAMING ESTABLISHMENT" MEANS THE BUILDING, ROOM, ENCLOSURE,
18 OR OTHER PLACE IN WHICH GAMING IS CONDUCTED.

19 (P) "GROSS REVENUE" MEANS THE TOTAL AMOUNT OF MONEY RECEIVED BY A
20 LICENSEE FOR GAMING ACTIVITIES MINUS THE TOTAL AMOUNT OF MONEY PAID
21 OUT AS WINNINGS TO PATRONS OR THE TOTAL COST OF PRIZES DISTRIBUTED TO
22 PATRONS.

23 (Q) "LICENSEE" MEANS A PERSON LICENSED UNDER THIS TITLE:

24 (1) TO CONDUCT GAMING ACTIVITIES;

25 (2) AS A GAMING ESTABLISHMENT; OR

26 (3) AS A VENDOR.

27 (R) "PERSON" MEANS AN INDIVIDUAL, RECEIVER, TRUSTEE, GUARDIAN,
28 PERSONAL REPRESENTATIVE, FIDUCIARY, REPRESENTATIVE OF ANY KIND,
29 PARTNERSHIP, FIRM, ASSOCIATION, ORGANIZATION, GROUP, CORPORATION,
30 LIMITED LIABILITY COMPANY, OR OTHER ENTITY.

31 (S) "VENDOR" MEANS ANY PERSON WHO MANUFACTURES ANY GAMING
32 EQUIPMENT OR SELLS, LEASES, DELIVERS, DISTRIBUTES, OR SUPPLIES ANY GAMING
33 EQUIPMENT TO ANY PERSON.

34 21-102.

35 (A) THIS TITLE APPLIES IN ADDITION TO THE PROVISIONS OF TITLES 12 AND
36 13 OF THE CRIMINAL LAW ARTICLE.

1 (B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THIS TITLE MAY
2 NOT BE CONSTRUED TO PREEMPT THE AUTHORITY OF ANY COUNTY OR MUNICIPAL
3 CORPORATION OF THE STATE UNDER TITLE 13 OF THE CRIMINAL LAW ARTICLE OR
4 ANY OTHER PUBLIC GENERAL LAW, PUBLIC LOCAL LAW, LOCAL ORDINANCE, OR
5 LOCAL RESOLUTION IN EFFECT BEFORE, ON, OR AFTER THE EFFECTIVE DATE OF
6 THIS TITLE.

7 (2) IF ANY LAW GRANTING AUTHORITY TO ANY COUNTY OR MUNICIPAL
8 CORPORATION CONFLICTS WITH THIS TITLE, THIS TITLE SHALL PREEMPT THAT LAW.

9 SUBTITLE 2. MARYLAND GAMING COMMISSION.

10 21-201.

11 (A) THERE IS A MARYLAND GAMING COMMISSION THAT IS AN INDEPENDENT
12 UNIT OF STATE GOVERNMENT.

13 (B) THE COMMISSION SHALL BE FUNDED AS PROVIDED IN THE STATE
14 BUDGET.

15 (C) IN ADDITION TO THE UNITS CREATED UNDER THIS TITLE, THE
16 FOLLOWING UNITS ARE PART OF THE COMMISSION:

17 (1) THE LOTTERY AGENCY DIVISION, ESTABLISHED UNDER TITLE 22 OF
18 THIS ARTICLE;

19 (2) THE RACING DIVISION, ESTABLISHED UNDER TITLE 23 OF THIS
20 ARTICLE; AND

21 (3) THE STADIUM AUTHORITY DIVISION, ESTABLISHED UNDER TITLE 24
22 OF THIS ARTICLE.

23 21-202.

24 (A) (1) THE COMMISSION CONSISTS OF 15 MEMBERS APPOINTED BY THE
25 GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE OF MARYLAND.

26 (2) IN MAKING APPOINTMENTS TO THE COMMISSION, THE GOVERNOR
27 SHALL GIVE CONSIDERATION TO BASING THE MEMBERSHIP ON FACTORS RELATING
28 TO THE EQUITABLE GEOGRAPHIC REPRESENTATION OF THE REGIONS OF THE
29 STATE.

30 (B) EACH MEMBER:

31 (1) SHALL BE AT LEAST 25 YEARS OLD AT THE TIME OF APPOINTMENT;

32 (2) SHALL BE A RESIDENT OF THE STATE WHO HAS RESIDED IN THE
33 STATE FOR AT LEAST THE PREVIOUS 5 YEARS AT THE TIME OF APPOINTMENT;

34 (3) SHALL BE A REGISTERED VOTER OF THE STATE;

1 (4) SHALL BE A PERSON WHO HAS NOT BEEN CONVICTED OF OR
2 PLEADED GUILTY TO A FELONY UNDER THE LAWS OF THIS STATE OR ANY OTHER
3 STATE OR FEDERAL LAW OR A CRIME THAT INVOLVES MORAL TURPITUDE;

4 (5) MAY NOT HAVE ANY DIRECT OR INDIRECT FINANCIAL INTEREST BY
5 OWNERSHIP, OPERATION, OR MANAGEMENT IN ANY GAMING ACTIVITY, GAMING
6 ESTABLISHMENT, OR VENDOR IN THIS STATE OR IN ANY OTHER STATE OR FOREIGN
7 JURISDICTION, INCLUDING LOTTERIES OR HORSE RACING;

8 (6) MAY NOT RECEIVE OR SHARE IN, DIRECTLY OR INDIRECTLY, THE
9 RECEIPTS OF ANY GAMING ACTIVITY, INCLUDING LOTTERIES AND HORSE RACING;

10 (7) MAY NOT HAVE A BENEFICIAL INTEREST IN ANY CONTRACT FOR:

11 (I) THE MANUFACTURE, SALE, RENTAL, DISTRIBUTION, DELIVERY,
12 OR SUPPLY OF GAMING EQUIPMENT;

13 (II) THE CONDUCT OF ANY GAMING ACTIVITY;

14 (III) THE OPERATION OR MANAGEMENT OF ANY GAMING
15 ESTABLISHMENT; OR

16 (IV) THE PROVISION OF ANY INDEPENDENT CONSULTANT
17 SERVICES IN CONNECTION WITH ANY GAMING ACTIVITY, GAMING ESTABLISHMENT,
18 OR VENDOR; AND

19 (8) MAY NOT BE EMPLOYED BY ANY VENDOR, ANY PERSON THAT
20 CONDUCTS GAMING ACTIVITIES, OR ANY PERSON THAT OWNS OR OPERATES A
21 GAMING ESTABLISHMENT.

22 (C) (1) PRIOR TO NOMINATION, THE GOVERNOR SHALL REQUEST THAT THE
23 ATTORNEY GENERAL INVESTIGATE A POTENTIAL NOMINEE'S BACKGROUND TO
24 ENSURE THAT THE PERSON:

25 (I) MEETS THE ELIGIBILITY REQUIREMENTS ESTABLISHED
26 UNDER SUBSECTION (B) OF THIS SECTION; AND

27 (II) IS OTHERWISE A PERSON OF GOOD CHARACTER AND
28 REPUTATION.

29 (2) EACH NOMINEE SHALL SUBMIT A CRIMINAL BACKGROUND REPORT
30 TO THE ATTORNEY GENERAL, INCLUDING A COMPLETE SET OF LEGIBLE
31 FINGERPRINTS TAKEN ON STANDARD FINGERPRINT CARDS AT A STATE OR FEDERAL
32 LAW ENFORCEMENT AGENCY AND THE RESULTS OF A STATE AND FEDERAL
33 BACKGROUND INVESTIGATION OF THE NOMINEE.

34 (3) ANY INFORMATION OBTAINED BY THE ATTORNEY GENERAL ABOUT
35 ANY CRIMINAL CHARGES AGAINST ANY NOMINEE AND THE DISPOSITION OF THE
36 CHARGES SHALL BE USED TO DETERMINE A NOMINEE'S ELIGIBILITY TO SERVE ON
37 THE COMMISSION.

1 (4) EXCEPT AS PROVIDED UNDER PARAGRAPH (3) OF THIS SUBSECTION
2 OR AS OTHERWISE DIRECTED BY A COURT ORDER, ANY INFORMATION OBTAINED BY
3 THE ATTORNEY GENERAL ABOUT ANY CRIMINAL CHARGES AGAINST ANY NOMINEE
4 AND THE DISPOSITION OF THE CHARGES MAY NOT BE TRANSMITTED OUTSIDE THE
5 OFFICE OF THE ATTORNEY GENERAL AND IS CONFIDENTIAL.

6 (D) NOT MORE THAN EIGHT MEMBERS OF THE COMMISSION MAY BE
7 AFFILIATED WITH THE SAME POLITICAL PARTY.

8 (E) BEFORE TAKING OFFICE, EACH APPOINTEE TO THE COMMISSION SHALL
9 TAKE THE OATH REQUIRED BY ARTICLE I, § 9 OF THE MARYLAND CONSTITUTION.

10 (F) (1) THE TERM OF A MEMBER OF THE COMMISSION IS 5 YEARS AND
11 BEGINS ON JULY 1, PROVIDED, HOWEVER, THAT A MEMBER MAY NOT SERVE FOR
12 MORE THAN A TOTAL OF 10 YEARS.

13 (2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE
14 TERMS PROVIDED FOR MEMBERS OF THE COMMISSION ON JULY 1, 2004.

15 (3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A
16 SUCCESSOR IS APPOINTED AND QUALIFIES.

17 (4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES
18 ONLY FOR THE REMAINDER OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED
19 AND QUALIFIES.

20 (G) THE GOVERNOR MAY REMOVE A MEMBER OF THE COMMISSION FOR
21 INEFFICIENCY, MISCONDUCT IN OFFICE, NEGLECT OF DUTY, OR OTHER CONDUCT
22 EVIDENCING INCOMPETENCE OR LACK OF FITNESS FOR THE POSITION.

23 21-203.

24 (A) THE GOVERNOR SHALL DESIGNATE A CHAIRMAN FROM AMONG THE
25 MEMBERS OF THE COMMISSION.

26 (B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE MEMBER WHO IS
27 DESIGNATED AS CHAIRMAN BY THE GOVERNOR SHALL SERVE AS CHAIRMAN
28 THROUGHOUT THE MEMBER'S TERM OR UNTIL A SUCCESSOR HAS BEEN
29 DESIGNATED BY THE GOVERNOR.

30 (C) A MEMBER MAY NOT SERVE MORE THAN 5 YEARS AS CHAIRMAN.

31 21-204.

32 (A) A MAJORITY OF THE MEMBERS THEN SERVING ON THE COMMISSION IS A
33 QUORUM.

34 (B) THE COMMISSION SHALL MEET IN THE STATE AT THE TIMES AND PLACES
35 THAT THE COMMISSION DETERMINES.

1 (C) THE COMMISSION'S PRINCIPAL OFFICE SHALL BE LOCATED AT A PLACE IN
2 THE STATE AS DETERMINED BY THE COMMISSION.

3 (D) EACH MEMBER OF THE COMMISSION SHALL BE:

4 (1) COMPENSATED IN ACCORDANCE WITH THE STATE BUDGET; AND

5 (2) REIMBURSED UNDER THE STANDARD STATE TRAVEL REGULATIONS
6 FOR EXPENSES FOR EACH COMMISSION MEETING ATTENDED AND OTHER
7 NECESSARY EXPENSES, AS PROVIDED IN THE STATE BUDGET.

8 21-205.

9 (A) THE COMMISSION SHALL APPOINT AN EXECUTIVE DIRECTOR FOR THE
10 COMMISSION.

11 (B) THE EXECUTIVE DIRECTOR SHALL SERVE AT THE PLEASURE OF THE
12 COMMISSION.

13 (C) THE EXECUTIVE DIRECTOR SHALL:

14 (1) APPOINT AN ASSISTANT WHO SHALL:

15 (I) COLLECT THE FEES IMPOSED BY REGULATIONS ADOPTED BY
16 THE COMMISSION UNDER THIS TITLE AND DEPOSIT THEM TO THE CREDIT OF THE
17 MARYLAND GAMING COMMISSION FUND ESTABLISHED UNDER § 21-505 OF THIS
18 TITLE;

19 (II) KEEP THE RECORDS AND PAPERS OF THE COMMISSION,
20 INCLUDING A RECORD OF EACH PROCEEDING OR MEETING OF THE COMMISSION;
21 AND

22 (III) ISSUE THE LICENSES AUTHORIZED UNDER THIS TITLE;

23 (2) PREPARE, ISSUE, AND SUBMIT REPORTS OF THE COMMISSION;

24 (3) ADMINISTER THE DAILY OPERATION OF THE OFFICE OF THE
25 COMMISSION;

26 (4) SIGN AND ISSUE SUBPOENAS ON BEHALF OF THE COMMISSION;

27 (5) SUPERVISE AND DIRECT THE OFFICERS AND UNITS IN THIS TITLE
28 AND IN TITLES 22, 23, AND 24 OF THIS ARTICLE; AND

29 (6) PERFORM ANY OTHER DUTY THAT THE COMMISSION DIRECTS.

30 (D) THE EXECUTIVE DIRECTOR SHALL BE:

31 (1) COMPENSATED IN ACCORDANCE WITH THE STATE BUDGET; AND

1 (2) REIMBURSED FOR EXPENSES UNDER THE STANDARD STATE TRAVEL
2 REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

3 21-206.

4 (A) WITH THE APPROVAL OF THE COMMISSION AND SUBJECT TO THE STATE
5 PERSONNEL MANAGEMENT SYSTEM, THE EXECUTIVE DIRECTOR SHALL APPOINT A
6 STAFF TO THE COMMISSION.

7 (B) THE STAFF MAY INCLUDE INSPECTORS, INVESTIGATORS, EXAMINERS,
8 AUDITORS, TYPISTS, CLERKS, AND ANY OTHER PROFESSIONAL, TECHNICAL, AND
9 OPERATIONAL PERSONNEL THAT ARE NECESSARY TO ASSIST THE EXECUTIVE
10 DIRECTOR AND THE COMMISSION IN CARRYING OUT THEIR POWERS AND DUTIES
11 UNDER THIS TITLE.

12 (C) EACH MEMBER OF THE COMMISSION'S STAFF SHALL BE:

13 (1) COMPENSATED IN ACCORDANCE WITH THE STATE BUDGET; AND

14 (2) REIMBURSED FOR EXPENSES UNDER THE STANDARD STATE TRAVEL
15 REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

16 21-207.

17 (A) A MEMBER OF THE COMMISSION'S STAFF, INCLUDING THE EXECUTIVE
18 DIRECTOR:

19 (1) SHALL BE A PERSON WHO HAS NOT BEEN CONVICTED OF OR
20 PLEADED GUILTY TO A FELONY UNDER THE LAWS OF THIS STATE OR ANY OTHER
21 STATE OR FEDERAL LAW OR A CRIME THAT INVOLVES MORAL TURPITUDE;

22 (2) MAY NOT HAVE ANY DIRECT OR INDIRECT FINANCIAL INTEREST BY
23 OWNERSHIP, OPERATION, OR MANAGEMENT IN ANY GAMING ACTIVITY, GAMING
24 ESTABLISHMENT, OR VENDOR IN THIS STATE OR IN ANY OTHER STATE OR FOREIGN
25 JURISDICTION, INCLUDING LOTTERIES OR HORSE RACING;

26 (3) MAY NOT RECEIVE OR SHARE IN, DIRECTLY OR INDIRECTLY, THE
27 RECEIPTS OF ANY GAMING ACTIVITY, INCLUDING LOTTERIES AND HORSE RACING;

28 (4) MAY NOT HAVE A BENEFICIAL INTEREST IN ANY CONTRACT FOR:

29 (I) THE MANUFACTURE, SALE, RENTAL, DISTRIBUTION, DELIVERY,
30 OR SUPPLY OF GAMING EQUIPMENT;

31 (II) THE CONDUCT OF ANY GAMING ACTIVITY;

32 (III) THE OPERATION OR MANAGEMENT OF ANY GAMING
33 ESTABLISHMENT; OR

1 (IV) THE PROVISION OF ANY INDEPENDENT CONSULTANT
2 SERVICES IN CONNECTION WITH ANY GAMING ACTIVITY, GAMING ESTABLISHMENT,
3 OR VENDOR; AND

4 (5) MAY NOT BE EMPLOYED BY ANY VENDOR, ANY PERSON WHO
5 CONDUCTS GAMING ACTIVITIES, OR ANY PERSON WHO OWNS OR OPERATES A
6 GAMING ESTABLISHMENT.

7 (B) (1) THE EXECUTIVE DIRECTOR SHALL SUBMIT A CRIMINAL
8 BACKGROUND REPORT TO THE COMMISSION, INCLUDING A COMPLETE SET OF
9 LEGIBLE FINGERPRINTS TAKEN ON STANDARD FINGERPRINT CARDS AT A STATE OR
10 FEDERAL LAW ENFORCEMENT AGENCY AND THE RESULTS OF A STATE AND
11 FEDERAL BACKGROUND INVESTIGATION OF THE EXECUTIVE DIRECTOR.

12 (2) THE COMMISSION MAY REQUEST THAT AN APPLICANT FOR
13 EMPLOYMENT WITH OR EMPLOYEE OF THE COMMISSION PROVIDE TO IT A CRIMINAL
14 BACKGROUND REPORT, INCLUDING A COMPLETE SET OF LEGIBLE FINGERPRINTS
15 TAKEN ON STANDARD FINGERPRINT CARDS AT A STATE OR FEDERAL LAW
16 ENFORCEMENT AGENCY AND THE RESULTS OF A STATE AND FEDERAL
17 BACKGROUND INVESTIGATION OF THE APPLICANT OR EMPLOYEE.

18 (C) ANY INFORMATION OBTAINED BY THE COMMISSION UNDER SUBSECTION
19 (B) OF THIS SECTION ABOUT ANY CRIMINAL CHARGES AGAINST THE EXECUTIVE
20 DIRECTOR OR ANY OTHER APPLICANT OR EMPLOYEE AND THE DISPOSITION OF
21 SUCH CHARGES SHALL BE USED TO DETERMINE THE PERSON'S ELIGIBILITY FOR
22 EMPLOYMENT WITH THE COMMISSION.

23 (D) EXCEPT AS PROVIDED UNDER SUBSECTION (C) OF THIS SECTION OR AS
24 OTHERWISE DIRECTED BY A COURT ORDER, ANY INFORMATION OBTAINED BY THE
25 COMMISSION UNDER SUBSECTION (B) OF THIS SECTION ABOUT ANY CRIMINAL
26 CHARGES AGAINST THE EXECUTIVE DIRECTOR OR ANY OTHER APPLICANT OR
27 EMPLOYEE AND THE DISPOSITION OF SUCH CHARGES MAY NOT BE TRANSMITTED
28 OUTSIDE THE COMMISSION AND IS CONFIDENTIAL.

29 21-208.

30 (A) THE PRESIDENT OF THE SENATE OF MARYLAND AND THE SPEAKER OF
31 THE HOUSE OF DELEGATES SHALL APPOINT A JOINT COMMITTEE ON THE
32 OVERSIGHT OF GAMING ACTIVITIES IN THE STATE.

33 (B) THE COMMITTEE CONSISTS OF 10 MEMBERS, FIVE OF WHOM SHALL BE
34 MEMBERS OF THE SENATE APPOINTED BY THE PRESIDENT, AND FIVE OF WHOM
35 SHALL BE MEMBERS OF THE HOUSE OF DELEGATES APPOINTED BY THE SPEAKER.

36 (C) THE MEMBERS OF THE JOINT COMMITTEE SERVE AT THE PLEASURE OF
37 THE PRESIDING OFFICER WHO APPOINTED THEM.

38 (D) THE PRESIDENT AND THE SPEAKER SHALL JOINTLY APPOINT A SENATOR
39 AND DELEGATE EACH TO SERVE AS COCHAIRMEN.

1 (E) THE DEPARTMENT OF LEGISLATIVE SERVICES SHALL PROVIDE STAFF
2 ASSISTANCE TO THE JOINT COMMITTEE.

3 (F) THE JOINT COMMITTEE SHALL MEET PERIODICALLY WITH THE
4 COMMISSION TO REVIEW THE ACTIVITIES AND REPORTS OF THE COMMISSION.

5 (G) THE JOINT COMMITTEE SHALL MONITOR THE ACTIVITIES OF THE
6 COMMISSION, REVIEW AND EVALUATE THE LAWS OF THE STATE RELATING TO
7 GAMING, AND CONSULT WITH THE COMMISSION AND ADVISE THE GENERAL
8 ASSEMBLY ON ANY NECESSARY CHANGES TO THE LAWS.

9 21-209.

10 (A) THE LEGISLATIVE AUDITOR SHALL AUDIT THE BOOKS, RECORDS, AND
11 MANAGEMENT AND OTHER PRACTICES OF THE COMMISSION ON AN ANNUAL BASIS.

12 (B) THE COMMISSION MAY, SUBJECT TO THE APPROVAL OF THE BOARD OF
13 PUBLIC WORKS, CONTRACT WITH CERTIFIED PUBLIC ACCOUNTANTS IN THE PRIVATE
14 SECTOR FOR ADDITIONAL AUDITS.

15 (C) ANY RECORD OR DOCUMENT RELATING TO AN AUDIT CONDUCTED UNDER
16 THIS SECTION IS A PUBLIC RECORD.

17 21-210.

18 (A) THE GOVERNOR MAY APPOINT ONE OR MORE CITIZENS' ADVISORY
19 COMMITTEES TO ADVISE THE COMMISSION ON ITS GOALS, REGULATIONS, POLICIES,
20 AND OTHER MATTERS RELATING TO THE COMMISSION'S ACTIVITIES.

21 (B) (1) A CITIZENS' ADVISORY COMMITTEE APPOINTED BY THE GOVERNOR:

22 (I) SHALL BE BASED ON EQUITABLE GEOGRAPHIC
23 REPRESENTATION; AND

24 (II) SHALL MEET AT THE TIMES AND PLACES THAT IT DETERMINES.

25 (2) THE MEMBERS OF A CITIZENS' ADVISORY COMMITTEE MAY NOT BE
26 COMPENSATED.

27 SUBTITLE 3. LICENSING AND REGULATORY AUTHORITY.

28 21-301.

29 (A) THE COMMISSION UNDER THIS TITLE OR THROUGH ITS LOTTERY
30 DIVISION UNDER TITLE 22 OF THIS ARTICLE OR ITS RACING DIVISION UNDER TITLE
31 23 OF THIS ARTICLE, SHALL:

32 (1) ISSUE A LICENSE TO AN ELIGIBLE APPLICANT;

33 (2) DETERMINE THE ELIGIBILITY OF AN APPLICANT FOR A LICENSE;

1 (3) ENFORCE THE LAWS REGULATING GAMING IN THE STATE TO
2 ENSURE THAT GAMING ACTIVITIES ARE CONDUCTED IN THE PUBLIC INTEREST;

3 (4) ENSURE THE BONA FIDE NATURE AND CHARACTER AND THE
4 VIABILITY OF CHARITABLE AND NONPROFIT ORGANIZATIONS ALLOWED TO
5 CONDUCT GAMING ACTIVITIES IN THE STATE AND THAT THE NET PROCEEDS OF
6 THOSE ACTIVITIES INURE ONLY TO CHARITABLE OR NONPROFIT PURPOSES AS
7 REQUIRED BY LAW;

8 (5) FOR PURPOSES OF PARAGRAPH (4) OF THIS SUBSECTION, IF
9 ANOTHER PROVISION OF LAW REQUIRES THAT THE PROCEEDS, IN WHOLE OR IN
10 PART, OF GAMING ACTIVITIES BE USED TO BENEFIT CHARITY, THE COMMISSION
11 SHALL REQUIRE THAT THE PROCEEDS, OR THE APPLICABLE PORTION OF THE
12 PROCEEDS, BE USED BY OR DISTRIBUTED TO A CHARITABLE ORGANIZATION;

13 (6) REGULARLY REVIEW ONGOING AND PROPOSED GAMING ACTIVITIES
14 IN THE STATE;

15 (7) REGULARLY REVIEW AND EVALUATE STATE, COUNTY, AND
16 MUNICIPAL LAWS GOVERNING GAMING ACTIVITIES AND ADVISE THE GOVERNOR
17 AND GENERAL ASSEMBLY ON ANY CHANGES TO THOSE LAWS THAT ARE NEEDED TO
18 PROTECT THE PUBLIC HEALTH, SAFETY, OR WELFARE OR TO MAINTAIN THE GOALS
19 OF UNIFORMITY, CONSISTENCY, AND CLARITY;

20 (8) COLLECT AND ACCOUNT FOR THE LICENSE FEES IMPOSED UNDER
21 THIS TITLE OR THE REGULATIONS ADOPTED UNDER THIS TITLE;

22 (9) PUBLISH AND MAKE AVAILABLE, ON REQUEST, AT THE
23 COMMISSION'S OFFICE OR ELSEWHERE, A LIST OF THE LICENSES ISSUED BY THE
24 COMMISSION, INCLUDING THE NAME, ADDRESS, TYPE OF LICENSE, AND LICENSE
25 NUMBER OF EACH LICENSEE;

26 (10) PROVIDE INFORMATION AND EXPERTISE TO THE DIVISION TO ASSIST
27 IN ENFORCING THIS TITLE AND THE OTHER GAMING LAWS OF THE STATE,
28 INCLUDING, ON REQUEST, ANY INFORMATION OBTAINED BY THE COMMISSION
29 UNDER THIS TITLE; AND

30 (11) ESTABLISH REASONABLE LICENSE APPLICATION AND RENEWAL
31 FEES TO COVER THE DIRECT AND INDIRECT COSTS OF ADMINISTERING THIS TITLE.

32 (B) THE COMMISSION SHALL ADOPT REGULATIONS TO CARRY OUT THE
33 PROVISIONS OF THIS TITLE, INCLUDING REGULATIONS THAT REQUIRE A LICENSEE
34 TO:

35 (1) MAINTAIN BOOKS, RECORDS, LOGS, ACCOUNTS, INVENTORY LISTS,
36 LISTS OF GAMING EQUIPMENT SERIAL NUMBERS, GAMING EQUIPMENT
37 MAINTENANCE AND REPAIR DATA, OR ANY OTHER DOCUMENTATION OR
38 INFORMATION THAT THE COMMISSION CONSIDERS NECESSARY, IN WHATEVER
39 FORMAT AND FOR WHATEVER LENGTH OF TIME THE COMMISSION MAY REQUIRE;

1 (2) MAINTAIN ALL BOOKS, RECORDS, DOCUMENTS, AND OTHER
2 INFORMATION IDENTIFIED IN PARAGRAPH (1) OF THIS SUBSECTION IN THE STATE
3 AND INFORM THE COMMISSION OF THE PRECISE LOCATION OF SUCH BOOKS,
4 RECORDS, DOCUMENTS, AND OTHER INFORMATION;

5 (3) IDENTIFY ANY PERSON WHO IS INVOLVED IN THE MANAGEMENT OR
6 OPERATION OF GAMING ACTIVITIES OR A GAMING ESTABLISHMENT;

7 (4) IDENTIFY ANY PAYMENTS RELATED TO GAMING ACTIVITIES MADE
8 BY ANY LICENSEE TO ANY PERSON;

9 (5) RECORD AND REPORT ALL INCOME AND EXPENSES THAT RELATE TO
10 GAMING ACTIVITIES TO THE COMMISSION IN A MANNER AND ON A SCHEDULE TO BE
11 ESTABLISHED BY THE COMMISSION, INCLUDING:

12 (I) SUFFICIENT AND CLEAR DATA ON GROSS REVENUE;

13 (II) ALL EXPENSES AND OTHER PAYMENTS MADE FROM GROSS
14 REVENUE;

15 (III) THE IDENTITY OF ALL RECIPIENTS OF ANY PORTION OF THE
16 GROSS REVENUE;

17 (IV) THE AMOUNT OF THE GROSS REVENUE THAT IS DISTRIBUTED
18 TO ANY CHARITABLE ORGANIZATION OR ANY OTHER PERSON; AND

19 (V) THE AMOUNT OF THE GROSS REVENUE THAT IS USED IN
20 FURTHERANCE OF ANY GAMING ACTIVITY OR THE PURPOSES OF A GAMING
21 ESTABLISHMENT;

22 (6) DISPLAY ITS LICENSE CONSPICUOUSLY IN THE PLACE OR ON THE
23 PREMISES WHERE THE GAMING ACTIVITY IS HELD OR, IN THE CASE OF A VENDOR, AT
24 THE VENDOR'S PRINCIPAL PLACE OF BUSINESS;

25 (7) DOCUMENT EXPENSES ASSOCIATED WITH ANY GAMING ACTIVITY OR
26 GAMING ESTABLISHMENT AND JUSTIFY SUCH EXPENSES AS COMMERCIALY
27 REASONABLE; AND

28 (8) SEPARATELY ACCOUNT FOR ALL REVENUES AND PROCEEDS FROM
29 GAMING ACTIVITIES AND ENSURE THAT SUCH REVENUES AND PROCEEDS ARE NOT
30 COMMINGLED WITH OTHER FUNDS.

31 (C) THE COMMISSION MAY:

32 (1) ISSUE SUBPOENAS FOR THE ATTENDANCE OF WITNESSES TO
33 TESTIFY OR TO PRODUCE BOOKS, RECORDS, DOCUMENTS, OR OTHER EVIDENCE;

34 (2) INSPECT, EXAMINE, OR AUDIT THE BOOKS, DOCUMENTS, AND
35 RECORDS OF ANY LICENSEE, ANY PERSON LENDING MONEY TO A LICENSEE OR

1 OTHERWISE IN ANY MANNER FINANCING ANY GAMING ACTIVITY, OR ANY
2 APPLICANT;

3 (3) INSPECT AND CALIBRATE GAMING EQUIPMENT;

4 (4) REQUIRE A LICENSEE TO DEVELOP AND MAINTAIN A LIST OF
5 PERSONS WHO ARE TO BE EXCLUDED OR EJECTED FROM THE LICENSEE'S
6 ESTABLISHMENT;

7 (5) REQUIRE THAT ANY PERSON WHO IS INVOLVED IN THE
8 MANAGEMENT OR OPERATION OF GAMING ACTIVITIES OR A GAMING
9 ESTABLISHMENT BE A PERSON WHO HAS NOT BEEN CONVICTED OF OR PLEADED
10 GUILTY TO A FELONY UNDER THE LAWS OF THIS STATE OR ANY OTHER STATE OR
11 FEDERAL LAW OR A CRIME THAT INVOLVES MORAL TURPITUDE;

12 (6) ESTABLISH STANDARDS AND QUALIFICATIONS FOR ANY EMPLOYEE
13 OR AGENT OF A LICENSEE WHO PARTICIPATES IN THE MANAGEMENT OR OPERATION
14 OF GAMING ACTIVITIES OR A GAMING ESTABLISHMENT; AND

15 (7) EXERCISE ANY OTHER POWER NECESSARY TO CARRY OUT THE
16 PURPOSES OF THIS TITLE.

17 21-302.

18 (A) THE COMMISSION MAY ISSUE A LICENSE TO AN APPLICANT IF THE
19 APPLICANT PROVES BY CLEAR AND CONVINCING EVIDENCE THAT THE APPLICANT IS
20 AN ELIGIBLE GAMING APPLICANT, ELIGIBLE GAMING ESTABLISHMENT, OR ELIGIBLE
21 VENDOR APPLICANT.

22 (B) THE COMMISSION MAY ISSUE A LICENSE TO AN ELIGIBLE APPLICANT FOR
23 A PERIOD NOT TO EXCEED 2 YEARS.

24 (C) A LICENSE ISSUED UNDER THIS TITLE IS NOT TRANSFERABLE.

25 (D) A LICENSE ISSUED UNDER THIS TITLE IS A REVOCABLE PRIVILEGE AND IS
26 NOT A VESTED PROPERTY RIGHT.

27 21-303.

28 THE COMMISSION MAY WAIVE ANY LICENSE OR FEE REQUIREMENT OR ANY
29 PHOTOGRAPHING, FINGERPRINTING, OR CRIMINAL BACKGROUND CHECK
30 REQUIREMENT UNDER THIS TITLE IF THE COMMISSION FINDS THAT APPLICABLE
31 LOCAL LAW IS SUFFICIENT TO SUBSTITUTE FOR ANY SUCH REQUIREMENT.

32 21-304.

33 (A) THE COMMISSION MAY DENY AN APPLICATION FOR AN INITIAL OR
34 RENEWED LICENSE OR SUSPEND OR REVOKE A LICENSE ISSUED BY IT UNDER THIS
35 TITLE IF THE APPLICANT OR LICENSEE:

- 1 (1) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO
2 OBTAIN OR RENEW A LICENSE FOR THE APPLICANT OR ANOTHER PERSON;
- 3 (2) FRAUDULENTLY OR DECEPTIVELY USES THE LICENSE;
- 4 (3) HAS HAD A SIMILAR LICENSE DENIED, SUSPENDED, OR REVOKED;
- 5 (4) WILLFULLY FAILS TO PROVIDE OR WILLFULLY MISREPRESENTS ANY
6 INFORMATION REQUIRED TO BE PROVIDED UNDER THIS TITLE OR ANY REGULATION
7 ADOPTED UNDER THIS TITLE;
- 8 (5) VIOLATES OR HAS VIOLATED:
- 9 (I) ANY OF THE PROVISIONS OF THIS TITLE OR ANY REGULATION
10 ADOPTED UNDER THIS TITLE; OR
- 11 (II) ANY OTHER LAW;
- 12 (6) KNOWINGLY CAUSES, AIDS, ABETS, OR CONSPIRES WITH ANOTHER
13 PERSON TO VIOLATE:
- 14 (I) ANY OF THE PROVISIONS OF THIS TITLE OR ANY REGULATION
15 ADOPTED UNDER THIS TITLE; OR
- 16 (II) ANY OTHER LAW;
- 17 (7) HAS BEEN CONVICTED OF OR PLEADED GUILTY TO ANY FELONY
18 UNDER THE LAWS OF THIS STATE OR ANY OTHER STATE OR FEDERAL LAW OR ANY
19 CRIME THAT INVOLVES MORAL TURPITUDE;
- 20 (8) HAS MADE, DIRECTLY OR INDIRECTLY, ANY UNLAWFUL PAYMENT TO
21 ANY PERSON IN CONNECTION WITH ANY GAMING ACTIVITY;
- 22 (9) DENIES THE COMMISSION OR THE DIVISION, ANY AUTHORIZED
23 REPRESENTATIVE OF THE COMMISSION OR THE DIVISION, OR ANY LAW
24 ENFORCEMENT AGENCY ACCESS TO ANY PLACE OR PREMISES WHERE GAMING
25 ACTIVITY IS CONDUCTED;
- 26 (10) FAILS TO PRODUCE FOR INSPECTION OR AUDIT ANY BOOK, RECORD,
27 DOCUMENT, OR ITEM REQUIRED BY THIS TITLE OR ANY REGULATION ADOPTED
28 UNDER THIS TITLE;
- 29 (11) FAILS TO DISPLAY ITS LICENSE AS REQUIRED BY THIS TITLE OR ANY
30 OTHER LAW; OR
- 31 (12) FAILS TO PROVE BY CLEAR AND CONVINCING EVIDENCE THAT THE
32 APPLICANT OR LICENSEE IS AN ELIGIBLE GAMING APPLICANT, ELIGIBLE GAMING
33 ESTABLISHMENT APPLICANT, OR ELIGIBLE VENDOR APPLICANT.
- 34 (B) THE COMMISSION MAY NOT DENY AN APPLICATION FOR AN INITIAL OR
35 RENEWED LICENSE OR SUSPEND, REVOKE, OR FAIL TO ISSUE A LICENSE FOR ANY

1 REASON BASED ON RACE, COLOR, CREED, SEX, RELIGIOUS AFFILIATION, NATIONAL
2 ORIGIN, OR PHYSICAL DISABILITY.

3 21-305.

4 (A) BEFORE THE COMMISSION TAKES ANY FINAL ACTION UNDER § 21-304 OF
5 THIS TITLE, THE COMMISSION SHALL GIVE ANY PERSON AGAINST WHOM THE
6 ACTION IS PROPOSED AN OPPORTUNITY FOR A HEARING BEFORE THE COMMISSION.

7 (B) THE COMMISSION SHALL GIVE NOTICE AND HOLD THE HEARING IN
8 ACCORDANCE WITH THE PROVISIONS OF TITLE 10, SUBTITLE 2 OF THE STATE
9 GOVERNMENT ARTICLE.

10 (C) IF, AFTER DUE NOTICE, THE PERSON AGAINST WHOM THE ACTION IS
11 CONTEMPLATED DOES NOT APPEAR, THE COMMISSION MAY HEAR AND DETERMINE
12 THE MATTER.

13 (D) A PARTY TO A PROCEEDING UNDER THIS TITLE WHO IS AGGRIEVED BY A
14 FINAL DECISION OF THE COMMISSION IN A CONTESTED CASE, AS DEFINED IN §
15 10-201 OF THE STATE GOVERNMENT ARTICLE, MAY TAKE AN APPEAL AS AUTHORIZED
16 UNDER §§ 10-222 AND 10-223 OF THE STATE GOVERNMENT ARTICLE.

17 21-306.

18 (A) IF THE COMMISSION FINDS THAT A LICENSEE UNDER THIS TITLE OR
19 TITLE 22 OR TITLE 23 OF THIS ARTICLE HAS VIOLATED THIS TITLE OR ANY
20 REGULATION ADOPTED UNDER IT, THE COMMISSION MAY SUMMARILY ISSUE A
21 CEASE AND DESIST ORDER UNDER SUBSECTION (B) OF THIS SECTION.

22 (B) THE COMMISSION MAY SUMMARILY ISSUE A CEASE AND DESIST ORDER
23 TO THE VIOLATOR IF THE COMMISSION:

24 (1) FINDS THAT THE PUBLIC HEALTH, SAFETY, OR WELFARE
25 REQUIRES EMERGENCY ACTION;

26 (2) GIVES THE VIOLATOR WRITTEN NOTICE OF THE ORDER, THE
27 REASONS FOR THE ORDER, AND THE RIGHT OF THE VIOLATOR TO REQUEST A
28 HEARING UNDER SUBSECTION (C) OF THIS SECTION; AND

29 (3) REFERS THE MATTER TO THE DIVISION.

30 (C) (1) IF THE COMMISSION ISSUES A CEASE AND DESIST ORDER UNDER
31 THIS SUBSECTION, THE PERSON TO WHOM THE ORDER APPLIES MAY REQUEST A
32 HEARING FROM THE COMMISSION.

33 (2) WITHIN 30 DAYS AFTER A REQUEST IS SUBMITTED, THE
34 COMMISSION SHALL HOLD A HEARING IN ACCORDANCE WITH THE PROVISIONS OF
35 TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

1 (3) A PARTY TO A PROCEEDING UNDER THIS SUBSECTION WHO IS
2 AGGRIEVED BY A FINAL DECISION OF THE COMMISSION, MAY TAKE AN APPEAL AS
3 ALLOWED UNDER §§ 10-222 AND 10-223 OF THE STATE GOVERNMENT ARTICLE.

4 SUBTITLE 4. DIVISION OF GAMING ENFORCEMENT.

5 21-401.

6 THERE IS A DIVISION OF GAMING ENFORCEMENT IN THE OFFICE OF THE
7 ATTORNEY GENERAL.

8 21-402.

9 (A) THE DIVISION SHALL BE UNDER THE IMMEDIATE SUPERVISION OF A
10 DIRECTOR.

11 (B) THE DIRECTOR SHALL:

12 (1) BE AN ASSISTANT ATTORNEY GENERAL; AND

13 (2) ADMINISTER THE WORK OF THE DIVISION UNDER THE DIRECTION
14 AND SUPERVISION OF THE ATTORNEY GENERAL.

15 (C) THE DIRECTOR SHALL BE APPOINTED BY THE ATTORNEY GENERAL.

16 (D) THE DIRECTOR SHALL SERVE AT THE PLEASURE OF THE ATTORNEY
17 GENERAL.

18 21-403.

19 (A) THE DIRECTOR SHALL ORGANIZE THE WORK OF THE DIVISION IN SUCH
20 ORGANIZATIONAL UNITS AS MAY BE NECESSARY FOR THE EFFICIENT AND
21 EFFECTIVE OPERATION OF THE DIVISION.

22 (B) WITH THE APPROVAL OF THE ATTORNEY GENERAL AND SUBJECT TO THE
23 STATE PERSONNEL MANAGEMENT SYSTEM, THE DIRECTOR SHALL APPOINT A STAFF
24 TO THE DIVISION.

25 (C) THE STAFF MAY INCLUDE OTHER ASSISTANT ATTORNEYS GENERAL AND
26 ANY INSPECTORS, INVESTIGATORS, EXAMINERS, AUDITORS, TYPISTS, CLERKS, AND
27 OTHER PROFESSIONAL, TECHNICAL, AND OPERATIONAL PERSONNEL WHO ARE
28 NECESSARY TO ASSIST THE DIRECTOR AND THE DIVISION IN CARRYING OUT THEIR
29 POWERS AND DUTIES UNDER THIS TITLE.

30 (D) EACH MEMBER OF THE DIVISION'S STAFF SHALL BE:

31 (1) COMPENSATED IN ACCORDANCE WITH THE STATE BUDGET; AND

32 (2) REIMBURSED FOR EXPENSES UNDER THE STANDARD STATE TRAVEL
33 REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

1 21-404.

2 (A) A MEMBER OF THE DIVISION'S STAFF, INCLUDING THE DIRECTOR:

3 (1) SHALL BE A PERSON WHO HAS NOT BEEN CONVICTED OF OR
4 PLEADED GUILTY TO A FELONY UNDER THE LAWS OF THIS STATE OR ANY OTHER
5 STATE OR FEDERAL LAW OR A CRIME THAT INVOLVES MORAL TURPITUDE;

6 (2) MAY NOT HAVE ANY DIRECT OR INDIRECT FINANCIAL INTEREST BY
7 OWNERSHIP, OPERATION, OR MANAGEMENT IN ANY GAMING ACTIVITY, GAMING
8 ESTABLISHMENT, OR VENDOR IN THIS STATE OR IN ANY OTHER STATE OR FOREIGN
9 JURISDICTION, INCLUDING LOTTERIES OR HORSE RACING;

10 (3) MAY NOT RECEIVE OR SHARE IN, DIRECTLY OR INDIRECTLY, THE
11 RECEIPTS OF ANY GAMING ACTIVITY, INCLUDING LOTTERIES AND HORSE RACING;

12 (4) MAY NOT HAVE A BENEFICIAL INTEREST IN ANY CONTRACT FOR:

13 (I) THE MANUFACTURE, SALE, RENTAL, DISTRIBUTION, DELIVERY,
14 OR SUPPLY OF GAMING EQUIPMENT;

15 (II) THE CONDUCT OF ANY GAMING ACTIVITY;

16 (III) THE OPERATION OR MANAGEMENT OF ANY GAMING
17 ESTABLISHMENT; OR

18 (IV) THE PROVISION OF ANY INDEPENDENT CONSULTANT
19 SERVICES IN CONNECTION WITH ANY GAMING ACTIVITY, GAMING ESTABLISHMENT,
20 OR VENDOR; AND

21 (5) MAY NOT BE EMPLOYED BY ANY VENDOR, ANY PERSON WHO
22 CONDUCTS GAMING ACTIVITY, OR ANY PERSON WHO OWNS OR OPERATES A GAMING
23 ESTABLISHMENT.

24 (B) (1) THE DIRECTOR SHALL SUBMIT A CRIMINAL BACKGROUND REPORT
25 TO THE ATTORNEY GENERAL, INCLUDING A COMPLETE SET OF LEGIBLE
26 FINGERPRINTS TAKEN ON STANDARD FINGERPRINT CARDS AT A STATE OR FEDERAL
27 LAW ENFORCEMENT AGENCY AND THE RESULTS OF A STATE AND FEDERAL
28 BACKGROUND INVESTIGATION OF THE DIRECTOR.

29 (2) THE DIRECTOR MAY REQUEST THAT AN APPLICANT FOR
30 EMPLOYMENT WITH OR EMPLOYEE OF THE DIVISION PROVIDE TO THE DIRECTOR A
31 CRIMINAL BACKGROUND REPORT, INCLUDING A COMPLETE SET OF LEGIBLE
32 FINGERPRINTS TAKEN ON STANDARD FINGERPRINT CARDS AT A STATE OR FEDERAL
33 LAW ENFORCEMENT AGENCY AND THE RESULTS OF A STATE AND FEDERAL
34 BACKGROUND INVESTIGATION OF THE APPLICANT OR EMPLOYEE.

35 (C) ANY INFORMATION OBTAINED BY THE ATTORNEY GENERAL OR DIRECTOR
36 UNDER SUBSECTION (B) OF THIS SECTION ABOUT ANY CRIMINAL CHARGES AGAINST
37 THE DIRECTOR OR ANY OTHER APPLICANT OR EMPLOYEE AND THE DISPOSITION OF

1 THE CHARGES SHALL BE USED TO DETERMINE THE PERSON'S ELIGIBILITY FOR
2 EMPLOYMENT WITH THE DIVISION.

3 (D) EXCEPT AS PROVIDED UNDER SUBSECTION (C) OF THIS SECTION OR AS
4 OTHERWISE DIRECTED BY A COURT ORDER, ANY INFORMATION OBTAINED BY THE
5 ATTORNEY GENERAL OR DIRECTOR UNDER SUBSECTION (B) OF THIS SECTION ABOUT
6 ANY CRIMINAL CHARGES AGAINST THE DIRECTOR OR ANY OTHER APPLICANT OR
7 EMPLOYEE AND THE DISPOSITION OF THE CHARGES MAY NOT BE TRANSMITTED
8 OUTSIDE THE OFFICE OF THE ATTORNEY GENERAL.

9 21-405.

10 (A) THE DIRECTOR IS THE LEGAL ADVISER TO THE COMMISSION.

11 (B) THE DIRECTOR AND THE OTHER ASSISTANT ATTORNEYS GENERAL
12 ASSIGNED TO THE DIVISION SHALL GIVE THE LEGAL AID, ADVICE, AND COUNSEL
13 REQUIRED BY THE COMMISSION, INCLUDING, ON REQUEST, ASSISTANCE IN
14 CONSIDERATION AND ADOPTION OF REGULATIONS.

15 21-406.

16 (A) THE DIVISION SHALL:

17 (1) INVESTIGATE ANY APPLICANT FOR A LICENSE UNDER THIS TITLE OR
18 TITLE 22 OR TITLE 23 OF THIS ARTICLE BEFORE A LICENSE IS ISSUED BY THE
19 COMMISSION TO DETERMINE WHETHER THE APPLICANT IS ELIGIBLE FOR A
20 LICENSE;

21 (2) INVESTIGATE ANY ALLEGED VIOLATION OF THIS TITLE OR TITLE 22
22 OR TITLE 23 OF THIS ARTICLE OR THE REGULATIONS ADOPTED UNDER THIS TITLE
23 AND ANY ALLEGED VIOLATION OF ANY LAW RELATING TO GAMING ACTIVITIES;

24 (3) INITIATE, PROSECUTE, AND DEFEND ANY PROCEEDING BEFORE THE
25 COMMISSION ARISING UNDER ITEM (2) OF THIS SUBSECTION OR ANY OTHER
26 PROVISION OF THIS TITLE OR TITLE 22, TITLE 23, OR TITLE 24 OF THIS ARTICLE OR
27 THE REGULATIONS ADOPTED UNDER THIS TITLE AND ANY APPEAL FROM ANY SUCH
28 PROCEEDING;

29 (4) PROSECUTE ANY CRIMINAL CASE ARISING OUT OF A VIOLATION OF
30 THIS TITLE OR TITLE 22, TITLE 23, OR TITLE 24 OF THIS ARTICLE OR THE
31 REGULATIONS ADOPTED UNDER THIS TITLE OR TITLE 22, TITLE 23, OR TITLE 24 OF
32 THIS ARTICLE OR ANY VIOLATION OF ANY LAW RELATING TO GAMING ACTIVITIES;

33 (5) CONDUCT CONTINUING REVIEWS OF GAMING ACTIVITIES THROUGH
34 ON-SITE OBSERVATION AND OTHER REASONABLE MEANS TO ASSURE COMPLIANCE
35 WITH THIS TITLE OR TITLE 22, TITLE 23, OR TITLE 24 OR THE REGULATIONS ADOPTED
36 UNDER THIS TITLE OR TITLE 22, TITLE 23, OR TITLE 24 OF THIS ARTICLE; AND

37 (6) TAKE ANY OTHER ACTION THAT IS NECESSARY TO ASSIST THE
38 COMMISSION IN ENFORCING THE PROVISIONS OF THIS TITLE OR TITLE 22, TITLE 23,

1 AND TITLE 24 OF THIS ARTICLE AND THE REGULATIONS ADOPTED UNDER THIS TITLE
2 OR TITLE 22, TITLE 23, AND TITLE 24 OF THIS ARTICLE.

3 (B) IN CONNECTION WITH ANY ACTION UNDER SUBSECTION (A) OF THIS
4 SECTION, THE DIVISION MAY:

5 (1) INSPECT, EXAMINE, AND AUDIT THE BOOKS, DOCUMENTS, AND
6 RECORDS OF ANY LICENSEE UNDER THIS TITLE OR TITLE 22, OR TITLE 23 OF THIS
7 ARTICLE, ANY PERSON LENDING MONEY TO A LICENSEE UNDER THIS TITLE OR TITLE
8 22 OR TITLE 23 OF THIS ARTICLE OR OTHERWISE IN ANY MANNER FINANCING ANY
9 GAMING ACTIVITY, OR ANY APPLICANT; AND

10 (2) ADMINISTER OATHS AND ISSUE SUBPOENAS FOR THE ATTENDANCE
11 OF WITNESSES TO TESTIFY OR TO PRODUCE BOOKS, RECORDS, DOCUMENTS, OR
12 OTHER EVIDENCE.

13 21-407.

14 (A) IF THE DIVISION FINDS THAT A LICENSEE UNDER THIS TITLE OR TITLE 22
15 OR TITLE 23 OF THIS ARTICLE HAS VIOLATED THIS TITLE OR TITLE 22 OR TITLE 23 OF
16 THIS ARTICLE OR ANY REGULATION ADOPTED UNDER IT, THE DIVISION MAY
17 REQUEST THAT THE COMMISSION SUMMARILY ISSUE A CEASE AND DESIST ORDER
18 UNDER SUBSECTION (B) OF THIS SECTION.

19 (B) THE COMMISSION MAY SUMMARILY ISSUE A CEASE AND DESIST ORDER
20 TO THE VIOLATOR IF THE COMMISSION:

21 (1) FINDS THAT THE PUBLIC HEALTH, SAFETY, OR WELFARE REQUIRES
22 EMERGENCY ACTION; AND

23 (2) GIVES THE VIOLATOR WRITTEN NOTICE OF THE ORDER, THE
24 REASONS FOR THE ORDER, AND THE RIGHT OF THE VIOLATOR TO REQUEST A
25 HEARING UNDER SUBSECTION (C) OF THIS SECTION.

26 (C) IF THE COMMISSION ISSUES A CEASE AND DESIST ORDER UNDER THIS
27 SECTION, THE PERSON TO WHOM THE ORDER APPLIES MAY REQUEST A HEARING
28 FROM THE COMMISSION UNDER SECTION 21-306(C) OF THIS TITLE.

29 21-408.

30 (A) AT THE DIRECTOR'S REQUEST, AN EMPLOYEE OR AGENT OF THE DIVISION
31 MAY, WITHOUT NOTICE OR WARRANT:

32 (1) INSPECT AND EXAMINE THE PREMISES OF ANY LOCATION WHERE:

33 (I) GAMING IS CONDUCTED;

34 (II) GAMING EQUIPMENT IS MANUFACTURED, SOLD, RENTED,
35 DISTRIBUTED, DELIVERED, OR SUPPLIED; OR

1 (III) RECORDS OR ANY ACTIVITIES IDENTIFIED IN ITEMS (I) AND (II)
2 OF THIS ITEM ARE KEPT OR MAINTAINED;

3 (2) INSPECT ALL GAMING EQUIPMENT AND SUPPLIES IN, ON, OR ABOUT
4 ANY PREMISES IDENTIFIED IN ITEM (1) OF THIS SUBSECTION;

5 (3) SUMMARILY SEIZE, REMOVE, AND IMPOUND ANY GAMING
6 EQUIPMENT AND SUPPLIES IN, ON, OR ABOUT ANY PREMISES IDENTIFIED IN ITEM (1)
7 OF THIS SUBSECTION FOR THE PURPOSE OF EXAMINATION AND INSPECTION;

8 (4) INSPECT, EXAMINE, AND AUDIT ANY BOOKS, DOCUMENTS, AND
9 RECORDS IN, ON, OR ABOUT ANY PREMISES IDENTIFIED IN ITEM (1) OF THIS
10 SUBSECTION;

11 (5) SUMMARILY SEIZE, REMOVE, AND IMPOUND ANY BOOK,
12 DOCUMENTS, RECORD, CASH BOX, OR COUNTING ROOM EQUIPMENT IN, ON, OR
13 ABOUT ANY PREMISES IDENTIFIED IN ITEM (1) OF THIS SUBSECTION; AND

14 (6) INSPECT THE PERSON AND PERSONAL EFFECTS OF ANY LICENSEE
15 WHILE THAT PERSON IS IN, ON, OR ABOUT ANY PREMISES IDENTIFIED IN ITEM (1) OF
16 THIS SUBSECTION.

17 (B) THIS SECTION MAY NOT BE CONSTRUED TO LIMIT THE DIVISION'S POWER,
18 OR THE POWER OF ANY EMPLOYEE OR AGENT OF THE DIVISION, TO UNDERTAKE
19 OTHER LAWFUL WARRANTLESS SEARCHES, SEIZURES, AND INSPECTIONS.

20 SUBTITLE 5. MISCELLANEOUS PROVISIONS.

21 21-501.

22 (A) A PERSON, AS A CONDITION OF LICENSURE UNDER THIS TITLE, SHALL
23 ALLOW AN AUTHORIZED LAW ENFORCEMENT OFFICER, A MEMBER OF THE
24 COMMISSION, THE EXECUTIVE DIRECTOR, THE DIRECTOR OF THE DIVISION, OR ANY
25 MEMBER OF THE STAFF OF THE COMMISSION OR DIVISION, ON THE PRESENTATION
26 OF PROPER CREDENTIALS BY THE APPROPRIATE PERSON, TO ENTER THE PREMISES
27 DURING BUSINESS HOURS TO INSPECT:

28 (1) ANY RECORD OR OTHER DOCUMENT REQUIRED TO BE KEPT UNDER
29 THIS TITLE OR ANY REGULATION ADOPTED UNDER THIS TITLE; OR

30 (2) ANY GAMING EQUIPMENT.

31 (B) IF THE COMMISSION FINDS THAT THE RECORDS OR ACCOUNTS OF ANY
32 LICENSEE ARE INADEQUATE OR INADEQUATELY KEPT OR POSTED, THE COMMISSION
33 MAY EMPLOY EXPERTS TO REWRITE, POST, OR BALANCE THEM AT THE EXPENSE OF
34 THE LICENSEE.

35 (C) (1) THE EXPENSES INCURRED IN ANY EXAMINATION, AUDIT, OR
36 INVESTIGATION OF AN APPLICANT OR LICENSEE UNDER THIS TITLE SHALL BE PAID

1 BY THE LICENSEE OR APPLICANT, WITHIN 30 DAYS AFTER THE EXAMINATION, AUDIT,
2 OR INVESTIGATION.

3 (2) EACH LICENSEE OR APPLICANT THAT IS EXAMINED, AUDITED, OR
4 INVESTIGATED UNDER THIS TITLE SHALL, WITHIN 30 DAYS AFTER THE
5 EXAMINATION, AUDIT, OR INVESTIGATION, PAY TO THE COMMISSION REASONABLE
6 TRAVEL EXPENSES AND PER DIEM LABOR EXPENSES ASSESSED BY THE COMMISSION
7 IN ACCORDANCE WITH REGULATIONS ADOPTED UNDER THIS TITLE.

8 (3) A DETAILED ACCOUNT OF THE EXPENSES INCURRED UNDER
9 PARAGRAPH (1) OF THIS SUBSECTION SHALL BE PRESENTED BY THE COMMISSION TO
10 THE LICENSEE OR APPLICANT AT THE TIME THAT THE COMMISSION REQUESTS
11 PAYMENT.

12 (4) A PERSON MAY NOT PAY AND AN INVESTIGATOR, EXAMINER, OR
13 AUDITOR MAY NOT ACCEPT ANY ADDITIONAL EMOLUMENT IN CONNECTION WITH
14 ANY EXAMINATION, AUDIT, OR INVESTIGATION UNDER THIS TITLE.

15 21-502.

16 (A) THE DIVISION SHALL PREPARE AND SUBMIT AN ANNUAL REPORT TO THE
17 GOVERNOR AND, SUBJECT TO THE PROVISIONS OF § 2-1312 OF THE STATE
18 GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY BY JANUARY 1 OF EACH YEAR
19 ON ALL MATTERS RELATING TO THE DIVISION'S DUTIES AND RESPONSIBILITIES
20 UNDER THIS TITLE.

21 (B) THE GOVERNOR OR THE GENERAL ASSEMBLY MAY REQUIRE THAT OTHER
22 REPORTS FROM THE COMMISSION OR DIVISION BE SUBMITTED ON A MORE
23 FREQUENT BASIS ON ANY MATTER RELATING TO THIS TITLE.

24 (C) THE REPORTS MADE UNDER THIS SECTION ARE PUBLIC RECORDS.

25 21-503.

26 THE COMMISSION MAY CONDUCT PUBLIC HEARINGS FOR THE PURPOSE OF
27 GATHERING INFORMATION ON ANY ISSUE PERTAINING TO GAMING ACTIVITIES IN
28 THE STATE.

29 21-504.

30 (A) THERE IS A MARYLAND GAMING COMMISSION FUND.

31 (B) ALL FEES COLLECTED UNDER THIS TITLE SHALL BE PAID INTO THE
32 MARYLAND GAMING COMMISSION FUND.

33 (C) THE MARYLAND GAMING COMMISSION FUND IS A SPECIAL CONTINUING,
34 NONLAPSING FUND THAT IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND
35 PROCUREMENT ARTICLE.

1 (D) SUBJECT TO THE APPROPRIATION PROCESS IN THE STATE BUDGET, THE
2 COMMISSION SHALL USE THE FUND FOR THE EXPENSES INCURRED UNDER THIS
3 TITLE.

4 (E) THE STATE TREASURER SHALL HOLD AND THE STATE COMPTROLLER
5 SHALL ACCOUNT FOR THE FUND.

6 (F) THE FUND SHALL BE INVESTED AND REINVESTED IN THE SAME MANNER
7 AS OTHER STATE FUNDS.

8 (G) INVESTMENT EARNINGS ACCRUE TO THE BENEFIT OF THE FUND.

9 21-505.

10 (A) STATE AND LOCAL LAW ENFORCEMENT AGENCIES SHALL COOPERATE
11 WITH THE COMMISSION AND DIVISION TO ENFORCE THIS TITLE AND TITLES 22, 23,
12 AND 24 OF THIS ARTICLE AND THE REGULATIONS ADOPTED UNDER THIS TITLE AND
13 TITLES 22, 23, AND 24 OF THIS ARTICLE.

14 (B) THE COMMISSION OR DIVISION MAY REQUEST THAT THE SECRETARY OF
15 STATE POLICE ASSIGN LAW ENFORCEMENT OFFICERS TO ENFORCE THIS TITLE AND
16 TITLES 22, 23, AND 24 OF THIS ARTICLE AND REGULATIONS ADOPTED UNDER THIS
17 TITLE AND TITLES 22, 23, AND 24 OF THIS ARTICLE OR OTHERWISE PREVENT
18 UNAUTHORIZED GAMING ACTIVITIES.

19 (C) THE COMMISSION AND DIVISION SHALL PROVIDE EACH OTHER WITH
20 ACCESS TO DOCUMENTS AND OTHER INFORMATION WITHIN THE CUSTODY OF EACH
21 UNIT OF STATE GOVERNMENT THAT RELATE TO ANY LICENSEE OR APPLICANT.

22 (D) (1) THE COMMISSION AND DIVISION SHALL HAVE ACCESS TO ANY
23 RECORDS OR OTHER INFORMATION WITHIN THE CUSTODY OF THE FOLLOWING
24 UNITS OF STATE AND LOCAL GOVERNMENT THAT RELATE TO ANY LICENSEE,
25 APPLICANT, OR OTHER MATTER RELATING TO GAMING ACTIVITIES:

26 (I) THE OFFICE OF THE SECRETARY OF STATE;

27 (II) THE DEPARTMENT OF ASSESSMENTS AND TAXATION;

28 (III) THE COMPTROLLER OF THE TREASURY;

29 (IV) THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION;

30 AND

31 (V) ANY COUNTY OR MUNICIPAL AGENCY.

32 (2) THE UNITS LISTED IN PARAGRAPH (1) OF THIS SUBSECTION SHALL
33 COOPERATE WITH THE COMMISSION AND DIVISION IN IMPLEMENTING THE
34 PROVISIONS OF THIS TITLE AND TITLES 22, 23, AND 24 OF THIS ARTICLE AND THE
35 REGULATIONS ADOPTED UNDER THIS TITLE AND TITLES 22, 23, AND 24 OF THIS
36 ARTICLE.

SUBTITLE 6. PENALTIES.

21-601.

(A) A PERSON WHO VIOLATES ANY PROVISION OF THIS TITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$25,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.

(B) AT THE INITIATIVE OF THE DIVISION AND IN ACCORDANCE WITH ANY APPLICABLE PROCEDURES ESTABLISHED UNDER STATE LAW, A PERSON SHALL FORFEIT ANY GAMING EQUIPMENT TO THE STATE IF:

(1) THE PERSON OWNS, OPERATES, SELLS, LEASES, SUPPLIES, DELIVERS, OR DISTRIBUTES THE EQUIPMENT WITHOUT OBTAINING ANY LICENSE REQUIRED BY THIS TITLE, OR ANY OTHER LAW; OR

(2) THE PERSON OWNS, OPERATES, SELLS, LEASES, SUPPLIES, DELIVERS, OR DISTRIBUTES THE EQUIPMENT IN VIOLATION OF ANY PROVISION OF THIS TITLE OR THE REGULATIONS ADOPTED UNDER THIS TITLE.

(C) EACH VIOLATION OF THIS TITLE IS A SEPARATE OFFENSE.

SUBTITLE 7. SHORT TITLE.

21-701.

THIS TITLE MAY BE CITED AS THE MARYLAND GAMING COMMISSION ACT.

Title 22. MARYLAND GAMING CONTROL COMMISSION - [State] Lottery Agency
DIVISION.

22-101.

(b) "Agency" means the [State] Lottery Agency DIVISION.

(c) "Commission" means the [State Lottery] MARYLAND GAMING
COMMISSION.

22-103.

There is a [State] Lottery Agency DIVISION IN THE COMMISSION.

22-104.

(a) [With the advice and consent of the Senate, the Governor] THE
COMMISSION shall appoint the Director of the Agency, who is the executive officer of
the Agency [and secretary of the Commission].

[(b) The Director serves at the pleasure of the Governor.]

1 [(c)] (B) The Director must have the training and experience needed to direct
2 the work of the Agency.

3 [(d)] (C) The Director shall devote full time to the duties of office and may not
4 engage in another profession or occupation.

5 [(e)] (D) In addition to any duties set forth elsewhere in this subtitle, the
6 Director shall have immediate supervision and direction over the Agency.

7 [(f)] (E) The Director is entitled to the salary provided in the State budget.
8 22-105.

9 [(a)] (1) A majority of the full authorized membership of the Commission is a
10 quorum.

11 (2) The Commission may not act unless at least 3 members concur.

12 (b) The Commission shall determine the times and places of its meetings.

13 (c) (1) The secretary of the Commission promptly shall send the Governor a
14 certified copy of the minutes of each meeting of the Commission.

15 (2) The minutes shall include a copy of each regulation of the Agency
16 that is adopted.

17 (d) As provided in the State budget, a member of the Commission:

18 (1) may receive compensation as payment for attendance at Commission
19 meetings or other lottery functions in the amount of:

20 (i) \$125 per meeting attended, not to exceed \$1,500 annually for a
21 Commission member who is not the chairman; and

22 (ii) \$165 per meeting attended, not to exceed \$2,000 annually for
23 the Commission chairman; and

24 (2) is entitled to reimbursement for reasonable expenses incurred in the
25 performance of the duties as a member.]

26 [(e)] [(1)] (A) With the advice of the Commission, the Director may employ
27 deputy directors and other staff in accordance with the State budget.

28 [(2)] (B) Except as provided in paragraph (3) of this subsection or
29 otherwise by law, the staff of the Commission is in the State Personnel Management
30 System.

31 [(3)] (C) A deputy director is in the executive service of the State
32 Personnel Management System. However, a deputy director may be removed only for
33 cause after being given notice and an opportunity for a hearing.

1 22-117.

2 (b) (1) Promptly after the 1st day of each month, the Comptroller shall pay:

3 (i) into the Maryland Stadium Facilities Fund the money that
4 remains in the State Lottery Fund from the proceeds of the sports lotteries conducted
5 for the benefit of the Maryland Stadium Authority DIVISION, after the distribution
6 under subsection (a) of this section; and

7 (ii) into the General Fund of the State the money that remains in
8 the State Lottery Fund from the proceeds of all other lotteries after the distribution
9 under subsection (a) of this section.

10 (2) The money paid into the General Fund under this subsection is
11 available in the fiscal year in which the money accumulates in the State Lottery
12 Fund.

13 Title 23. MARYLAND GAMING COMMISSION - [Horse] Racing DIVISION.

14 23-101.

15 (d) "Commission" means the [State Racing] MARYLAND GAMING
16 Commission.

17 Subtitle 2. [State Racing Commission] DIVISION DUTIES.

18 23-201.

19 There is a [State] Racing [Commission] DIVISION in the [Department]
20 COMMISSION.

21 23-202.

22 (a) (1) [With the approval of the Governor, the Secretary] THE
23 COMMISSION shall appoint an executive director for the [Commission] RACING
24 DIVISION [from a list of at least 3 nominees submitted by the Commission.

25 (2) The executive director is in the executive service in the State
26 Personnel Management System and serves at the pleasure of the Secretary].

27 (b) The executive director shall:

28 (1) collect the taxes and fees imposed under this [title] SUBTITLE or
29 RACING regulations adopted by the Commission;

30 (2) keep the records and papers of the [Commission] RACING DIVISION,
31 including a record of each proceeding;

32 (3) administer the licensing of individuals who work in connection with
33 racing;

1 (4) prepare, issue, and submit reports of the [Commission] RACING
2 DIVISION;

3 (5) administer the daily operation of the office of the [Commission]
4 RACING DIVISION; and

5 (6) perform any other duty that the Commission directs.

6 (c) With the approval of the Commission, the executive director shall set the
7 conditions under which a licensee must add to, change, make a reasonable
8 improvement to, or repair property that a licensee owns or leases for racing.

9 (d) The executive director is entitled to:

10 (1) compensation in accordance with the State budget; and

11 (2) reimbursement for expenses under the Standard State Travel
12 Regulations, as provided in the State budget.

13 23-203.

14 (a) With the approval of the [Commission] RACING DIVISION and, except as
15 otherwise provided by law, subject to the provisions of the State Personnel and
16 Pensions Article, the executive director shall appoint a staff of the [Commission]
17 RACING DIVISION.

18 (b) (1) The [Commission] RACING DIVISION may employ 4 stewards and 4
19 harness judges.

20 (2) The stewards and harness judges shall be recommended by the
21 executive director.

22 (3) Each licensee and organization that represents owners and trainers
23 may recommend individuals to the [Commission] RACING DIVISION and executive
24 director for appointment as stewards or harness judges.

25 (4) The stewards and harness judges are special appointments of the
26 skilled service or the professional service in the State Personnel Management
27 System.

28 (c) Each member of the staff of the [Commission] RACING DIVISION, steward,
29 and harness judge is entitled to:

30 (1) compensation in accordance with the State budget; and

31 (2) reimbursement for expenses under the Standard State Travel
32 Regulations, as provided in the State budget.

33 (d) An individual who holds a position under the [Commission] RACING
34 DIVISION may not hold an official relation to a licensee or hold any stocks, bonds, or
35 other financial interest in a licensee.

1 23-204.

2 (a) [On the recommendation of the executive director, the Commission] THE
3 RACING DIVISION may employ additional employees or agents, including auditors,
4 experts, guards, inspectors, a breathalyzer operator at each harness racing track,
5 scientists, [Commission] RACING DIVISION secretaries, specimen collectors,
6 veterinarians, and others whom the [Commission] EXECUTIVE DIRECTOR considers
7 to be essential at or in connection with a race meeting in the best interests of racing.

8 Title 24. Maryland GAMING COMMISSION - Stadium Authority DIVISION.

9 24-101.

10 (b) "Authority" means the [Maryland] Stadium Authority DIVISION.

11 (G-1) "COMMISSION" MEANS THE MARYLAND GAMING COMMISSION.

12 24-102.

13 (a) There is a body corporate and politic known as the [Maryland] Stadium
14 Authority DIVISION IN THE COMMISSION.

15 (b) The Authority is an instrumentality of the State and a public corporation
16 by that name, style, and title.

17 (c) [The Authority is an independent unit in the Executive Branch of State
18 government.

19 (d)] The exercise by the Authority of the powers conferred by this subtitle is the
20 performance of an essential public function.

21 24-103.

22 (a) The [Authority] COMMISSION, with the approval of the Governor, shall
23 appoint an Executive Director, who is the chief administrative officer and secretary of
24 the Authority.

25 (b) The Executive Director serves at the pleasure of the [Authority]
26 COMMISSION subject to the concurrence of the Governor.

27 (c) In addition to any other duties set forth in this subtitle, the Executive
28 Director shall:

29 (1) Direct and supervise the administrative affairs and activities of the
30 Authority, in accordance with its rules, regulations, and policies;

31 [(2) Attend all meetings of the Authority;

32 (3) Keep minutes of all proceedings of the Authority;]

1 [(4)] (2) Approve all accounts for salaries, per diem payments, and
2 allowable expenses of the Authority and its employees and consultants and approve
3 all expenses incidental to the operation of the Authority;

4 [(5)] (3) Report and make recommendations to the [Authority]
5 COMMISSION on the merits and status of any proposed facility; and

6 [(6)] (4) Perform any other duty that the [Authority] COMMISSION
7 requires for carrying out the provisions of this [subtitle] TITLE.

8 24-106.

9 (a) In addition to the powers set forth elsewhere in this [subtitle] TITLE, the
10 COMMISSION MAY DELEGATE POWER TO THE Authority [may] TO:

11 (1) Adopt and alter an official seal;

12 (2) Sue and be sued, plead and be impleaded;

13 (3) Adopt bylaws, rules, and regulations to carry out the provisions of
14 this subtitle, in accordance with the provisions of Title 10, Subtitle 1 of the State
15 Government Article;

16 (4) Maintain an office at such place as the Authority may designate;

17 (5) Employ, either as regular employees or independent contractors,
18 consultants, engineers, architects, accountants, attorneys, financial experts,
19 construction experts and personnel, superintendents, managers and other
20 professional personnel, personnel, and agents as may be necessary in the judgment of
21 the Authority, and fix their compensation;

22 (6) Appoint advisory committees composed of local officials, business
23 interests, representatives of the convention, hotel, and tourism business, and such
24 other experts as may be appropriate;

25 (7) Review and make recommendations on proposed convention center
26 facilities and the Hippodrome Performing Arts Center facility, including the
27 expansion and enhancement of the Baltimore City Convention Center and the Ocean
28 City Convention Center and the development and construction of the Montgomery
29 County Conference Center and the Hippodrome Performing Arts Center, with respect
30 to location, purpose, design, function, capacity, parking, costs, funding mechanisms,
31 and revenue alternatives, with specific recommendations on:

32 (i) The level of support from the private sector;

33 (ii) The type of support from the private sector;

34 (iii) Special taxing sources;

35 (iv) Projected revenues;

- 1 (v) Bonding authority and the source of debt service; and
- 2 (vi) The fiscal impact on the State of any alternatives;
- 3 (8) Determine the locations of, develop, establish, construct, erect,
4 acquire, own, repair, remodel, add to, extend, improve, equip, operate, regulate,
5 maintain, and contribute to the maintenance and operating costs of facilities to the
6 extent necessary to accomplish the purposes of the Authority;
- 7 (9) Subject to the provisions of [§ 13-711] § 24-110 of this [subtitle]
8 TITLE, acquire, hold, lease (as lessor or lessee), use, encumber, transfer, or dispose of
9 real and personal property;
- 10 (10) Enter into contracts of any kind, and execute all instruments
11 necessary or convenient with respect to its carrying out the powers in this subtitle to
12 accomplish the purposes of the Authority;
- 13 (11) Regulate the use and operation of facilities developed under the
14 provisions of this subtitle;
- 15 (12) Fix and revise from time to time and charge and collect rates, rents,
16 fees, or other charges for the use of facilities or for services rendered in connection
17 with the facilities;
- 18 (13) Subject to the approval of the Board of Public Works, borrow money
19 from any source for any corporate purpose, including working capital for its
20 operations, reserve funds, or interest, and to mortgage, pledge, or otherwise encumber
21 the property or funds of the Authority and to contract with or engage the services of
22 any person in connection with any financing, including financial institutions, issuers
23 of letters of credit, or insurers;
- 24 (14) Subject to the provisions of [§ 13-712] § 24-111 of this [subtitle]
25 TITLE, issue bonds under this subtitle;
- 26 (15) Subject to the approval of the Board of Public Works, receive and
27 accept from any source, private or public, contributions, gifts, or grants of money or
28 property and invest the funds or proceeds in whole or in part;
- 29 (16) Exercise all the corporate powers granted Maryland corporations
30 under the Maryland General Corporation Law;
- 31 (17) With respect to site acquisition, construction, and development of the
32 Hippodrome Performing Arts Center facility, establish and participate in Authority
33 affiliates;
- 34 (18) Impose the admissions and amusement tax authorized under § 4-102
35 of the Tax - General Article; and
- 36 (19) Do all things necessary or convenient to carry out the powers granted
37 by this subtitle.

1 24-125.

2 In addition to the duties set forth elsewhere in this [subtitle] TITLE, the
3 Authority shall:

4 (6) Submit a report prepared in cooperation with the [State] Lottery
5 Agency DIVISION and the Department of Budget and Management on the effect of the
6 lotteries conducted under [§ 9-120.1 of the State Government Article] § 22-118 OF
7 THIS ARTICLE on the lottery revenues earned for the General Fund;

8 24-128.

9 This [subtitle] TITLE may be cited as the [Maryland] MARYLAND GAMING
10 COMMISSION - Stadium Authority DIVISION Act.

11 24-129.

12 (b) Except as provided in subsection (c) of this section, proceeds derived from
13 the sale of permanent seat licenses at a professional sports stadium constructed in the
14 State by the [Maryland] Stadium Authority DIVISION may be used only for:

15 (1) Amounts that are owed to a national sports league or association as a
16 result of the costs of the relocation of a professional sports team to the State;

17 (2) The design and construction costs of necessary training facilities;

18 (3) The reasonable costs of moving and relocation, including:

19 (i) The physical movement of property;

20 (ii) Land and air travel costs;

21 (iii) Employee severance costs; and

22 (iv) Employee relocation costs;

23 (4) Amounts owed to the state or other jurisdiction from which the
24 professional sports team has relocated and to other interested parties claiming rights
25 as a result of the relocation of the team to the State, including any amounts paid to
26 the other state or jurisdiction or interested parties to settle or otherwise resolve the
27 claims;

28 (5) The repayment of bonds or other indebtedness incurred by or for the
29 benefit of the professional sports team in connection with facilities that the
30 professional sports team used or occupied in the state or other jurisdiction from which
31 the professional sports team has relocated;

32 (6) Payments to the Authority; or

33 (7) Other reasonable costs and expenses incurred or losses sustained
34 resulting from the relocation of the professional sports team to the State.

1 SECTION 8. AND BE IT FURTHER ENACTED, That the terms of the initial
2 members of the Maryland Gaming Commission shall expire as follows:

- 3 (1) 5 members on July 1, 2005;
- 4 (2) 5 members on July 1, 2006; and
- 5 (3) 5 member on July 1, 2007.

6 SECTION 9. AND BE IT FURTHER ENACTED, That the Maryland Gaming
7 Commission, as soon as possible after its formation and organization, shall develop a
8 workable, efficient, and clearly understandable plan to ensure that all persons who
9 are required to be licensed by the Commission under the provisions of this Act shall be
10 licensed by July 1, 2005.

11 SECTION 10. AND BE IT FURTHER ENACTED, That any person that is
12 authorized to conduct gaming activities, own or operate a gaming establishment, or
13 act as a vendor under State law on or before the effective date of this Act is not
14 required to obtain a license as required by Article 41, § 21-501 of the Code as provided
15 in this Act until July 1, 2005, but shall be subject to all other provisions of this Act,
16 including all restrictions and requirements that apply to licensees under this Act.

17 SECTION 11. AND BE IT FURTHER ENACTED, That if any provision of this
18 Act conflicts with or duplicates the powers and duties of the Secretary of State under
19 Title 6 (Charitable Organizations) of the Business Regulation Article, or any other
20 provision of that title, the Secretary of State and the Maryland Gaming Commission
21 shall, by January 1, 2005, develop legislation, in consultation with the Department of
22 Legislative Services, to resolve the conflicts or duplication of powers, authority, or any
23 other provisions of law affecting the Secretary of State and the Commission.

24 SECTION 12. AND BE IT FURTHER ENACTED, That the Maryland Gaming
25 Commission is the successor of the State Lottery Agency, the State Racing
26 Commission, and the Maryland Stadium Authority, the Executive Director of the
27 Maryland Gaming Commission is the success or of the Director of the State Lottery
28 Agency, the Executive Director of the State Racing Commission, and the Executive
29 Director of the Maryland Stadium Authority, and in every law, executive order, rule,
30 regulation, policy, or document created by any official, agency, or unit of the State: (1)
31 the terms "State Lottery Commission and Agency", "State Racing Commission", and
32 "Maryland Stadium Authority", and every variation of those terms means the
33 Maryland Gaming Commission and (2) the terms "Director of the State Lottery
34 Agency", "Executive Director of the State Racing Commission", and "Executive
35 Director of the Maryland Stadium Authority", and every variation of those terms
36 means Executive Director of the Maryland Gaming Commission.

37 SECTION 13. AND BE IT FURTHER ENACTED, That every person who, as of
38 June 30, 2004, is employed by the State Lottery Agency, the State Racing
39 Commission, or the Maryland Stadium Authority in a position authorized by the
40 State budget and not abolished by this Act is hereby transferred to the Maryland
41 Gaming Commission effective July 1, 2004, without any change or loss of rights,

1 benefits, entitlements, or status, including, if any, merit system and retirement
2 status, except as otherwise specifically provided in this Act.

3 SECTION 14. AND BE IT FURTHER ENACTED, That, except as otherwise
4 expressly provided in this Act, nothing in this Act affects the term of office of an
5 appointed member of any board, commission, committee, or other agency or unit, and
6 a person who is a member of such a unit on the effective date of this Act shall remain
7 a member of that unit or, as the case may be, shall become a member of any successor
8 unit for the balance of the term to which the person was appointed, unless the person
9 sooner dies, resigns, or is removed pursuant to law.

10 SECTION 15. AND BE IT FURTHER ENACTED, That, except as expressly
11 provided to the contrary in this Act, any transaction affected by or flowing from any
12 statute amended, repealed, or transferred, and validly entered into before the
13 effective date of this Act and every right, duty, or interest flowing from it remains
14 valid after the effective date of this Act and may be terminated, completed,
15 consummated, or enforced pursuant to law.

16 SECTION 16. AND BE IT FURTHER ENACTED, That, except as otherwise
17 provided in this Act, all permits and licenses, applications for permits and licenses,
18 rules and regulations, proposed rules and regulations, standards and guidelines,
19 orders and other directives, forms, plans, memberships, special funds, appropriations,
20 grants, applications for grants, contracts, property, investigations, administrative and
21 judicial proceedings, and all other duties and responsibilities associated with those
22 functions transferred by this Act shall continue in effect under the Executive Director
23 of the Maryland Gaming Commission or the appropriate board, council, or other unit
24 with the Commission, until completed, withdrawn, canceled, modified, or otherwise
25 changed pursuant to law.

26 SECTION 17. AND BE IT FURTHER ENACTED, That the publisher of the
27 Annotated Code of Maryland, in consultation with and subject to the approval of the
28 Department of Legislative Services, shall correct, with no further action required by
29 the General Assembly, cross-references and terminology rendered incorrect by this
30 Act or by any other Act of the General Assembly of 2004 that affects provisions
31 enacted by this Act. The publisher shall adequately describe any such correction in an
32 editor's note following the section affected.

33 SECTION 18. AND BE IT FURTHER ENACTED, That this Act shall take
34 effect July 1, 2004.