

Department of Legislative Services  
Maryland General Assembly  
2011 Session

FISCAL AND POLICY NOTE

Senate Bill 490  
Finance

(Senator Peters)

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State Racing Commission - Meetings - Notice of Agenda Items

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This bill requires the State Racing Commission to post the agenda for an open meeting of the commission on the commission's website at least seven business days before the meeting. The commission may include a disclaimer on the agenda that is subject to change. The commission is prohibited from amending an agenda that has been posted except under specified circumstances, and an amended agenda must be posted on the commission's website within 24 hours after the agenda has been amended.

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Fiscal Summary

**State Effect:** None. The bill's requirements can be handled with the State Racing Commission's existing budgeted resources.

**Local Effect:** None.

**Small Business Effect:** None.

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Analysis

**Current Law:** The State Racing Commission must meet in the State at the times and places that are determined by the commission.

Under Maryland's Open Meetings Act, with limited exceptions, a "public body" must meet in open session. A public body is any entity that (1) consists of at least two individuals; and (2) is created by the Maryland Constitution; a State statute; a county or municipal charter; an ordinance; a rule, resolution, or bylaw; or an executive order of the Governor or of the chief executive authority of a political subdivision. Exclusions from

the definition of “public body” include juries, the Governor’s cabinet and executive council, and single-member entities.

Public bodies may conduct closed sessions under specified circumstances, including when discussing employment matters, consulting with legal counsel, and considering the investment of public funds. Before meeting in a closed session, the presiding officer of the public body must conduct a recorded vote on the closing of the session and make a written statement of the reason for closing the meeting. The public body may only meet in a closed session if a majority of its voting members who are present vote in favor of closing the session.

The public notice of a meeting must be in writing and include the date, time, and place of the meeting. Notice can be provided in the following ways: (1) for a unit of State government, by publication in the Maryland Register; (2) through the news media; (3) by either posting the notice at a convenient public location at or near the meeting or on an Internet website used by the public body to provide information to the public.

Complaints made to the State Open Meetings Law Compliance Board may be filed at any time. They must be signed by the person making the complaint; identify the public body; and specify the action of the public body, the date of the action, and surrounding circumstances of the action.

**Background:** Horse racing is financed by the receipts from controlled legalized gambling on horses and is subject to extensive regulation. Since 1920, the State Racing Commission has regulated horse racing in Maryland and sought to protect and promote the public interest in all matters pertaining to horse racing and wagering.

The commission is responsible for regulating, with few exceptions, the conduct of all pari-mutuel wagering and other aspects of horse racing in the State. The commission: (1) approves racing dates; (2) approves specific types of wagering and collects wagering taxes; (3) regulates the size of the purse and stake and the price of admission; (4) regulates the charge made for an article or service sold at the meets; and (5) operates a drug testing laboratory to protect the integrity of horse racing for the benefit of the betting public and competing jockeys.

Each individual, association, or corporation involved with horse racing must be licensed by the commission. The commission may suspend or revoke the license of a person engaged in racing within the State who violates the racing laws or commission rules and regulations.

The commission licenses owners, trainers, assistant trainers, jockeys, veterinarians, farriers, stable employees, mutuel employees, track employees, vendors, caterer

employees, and maintenance employees. Any person engaged in racing in Maryland under an assumed name must register with the commission for permission to use the name.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** HB 531 (Delegate Valentino-Smith, *et al.*) - Ways and Means.

**Information Source(s):** Department of Labor, Licensing, and Regulation; Department of Legislative Services

**Fiscal Note History:** First Reader - February 22, 2011  
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