

(2) THE CONVENIENCE OF BUYERS OF STATE LOTTERY TICKETS AND SHARES AND OF THE HOLDERS OF A WINNING TICKET OR SHARE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 88D, § 8(j) and the first clause of the second sentence of § 7(b).

In subsections (a) and (b) of this section, the word "regulations" is substituted for the former word "rules", to conform to the revision of § 10-101(e) of this article.

In subsection (a) of this section, the power to "adopt regulations of the Agency" is substituted for the former language "amend, repeal, or supplement the [regulations] from time to time ... in accordance with the Administrative Procedure Act". The former language, which was enacted by Ch. 269, Acts of 1979, reflected the intent of that Act to shift, from the Commission to the Director, authority as to the adoption of regulations for the State lottery. In doing so, Ch. 269 struck then Art. 88D, § 7(c) and in its stead, enacted § 8(j) and also struck references to the "[regulations] of the Commission" and substituted "[regulations] of the Agency, as approved by the Commission". The language in subsection (a) of this section reflects that, as of this time, the regulations of the Agency are the cumulative result of the regulations that the Commission adopted initially under former Art. 88D, § 7(b) and, before its repeal, (c) and that the Director subsequently adopted under former Art. 88D, § 8(j). This language also reflects that, under the Administrative Procedure Act, the repeal or amendment of a regulation is effected through the adoption of a later regulation.

Also in subsection (a) of this section, the former specific reference to compliance with the Administrative Procedure Act is deleted as unnecessary since that Act would apply in any event.

The first sentence of former Art. 88D, § 7(b), which enabled the Commission to adopt regulations "in order that a lottery shall be initiated at the earliest possible time", is deleted as obsolete. The Attorney General has opined that the power in former Art. 88D, § 7(b) was fully exhausted on adoption of the initial regulations. See 64 Op. Att'y Gen. 218, 224 and 228 (1979). However, the second sentence of former § 7(b) specified certain limitations that the initial regulations must include. It seemed unlikely that the intent of the General Assembly would be satisfied if those limitations later were removed from the initial