

HOUSE BILL 868

C7

EMERGENCY BILL

11r1627
CF SB 373

By: **Delegates Hixson, Barve, Boteler, Frick, Ivey, Kaiser, Luedtke, Ross, Stukes, ~~and F. Turner~~ F. Turner, and Howard**

Introduced and read first time: February 11, 2011

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: March 24, 2011

CHAPTER _____

1 AN ACT concerning

2 **Video Lottery Operation Licensees – Noninterference**

3 FOR the purpose of prohibiting a video lottery operation licensee from directly or
4 indirectly interfering with, hindering, obstructing, impeding, or taking any
5 action to delay the implementation or establishment of a video lottery facility by
6 any other video lottery operation licensee or applicant; requiring the State
7 Lottery Commission to adopt regulations to carry out the provisions of this Act;
8 requiring that the regulations adopted by the State Lottery Commission include
9 certain provisions; providing for the application of this Act; making this Act an
10 emergency measure; and generally relating to video lottery facilities and video
11 lottery operation licenses.

12 BY repealing and reenacting, without amendments,
13 Article – State Government
14 Section 9–1A–24(a)
15 Annotated Code of Maryland
16 (2009 Replacement Volume and 2010 Supplement)

17 BY adding to
18 Article – State Government
19 Section 9–1A–24(g)
20 Annotated Code of Maryland
21 (2009 Replacement Volume and 2010 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article – State Government**

4 9–1A–24.

5 (a) Except as provided in subsection (b) of this section, the Commission shall
6 ensure that a video lottery operation licensee complies with the requirements of this
7 section as a condition of holding the video lottery operation license.

8 **(G) (1) A VIDEO LOTTERY OPERATION LICENSEE MAY NOT, DIRECTLY**
9 **OR INDIRECTLY, INTERFERE WITH, HINDER, OBSTRUCT, IMPEDE, OR TAKE ANY**
10 **ACTION TO DELAY THE IMPLEMENTATION OR ESTABLISHMENT OF A VIDEO**
11 **LOTTERY FACILITY BY ANY OTHER LICENSEE OR APPLICANT FOR A VIDEO**
12 **LOTTERY OPERATION LICENSE AWARDED OR ISSUED UNDER THIS SUBTITLE.**

13 **(2) (I) THE COMMISSION SHALL ADOPT REGULATIONS, TO THE**
14 **FULLEST EXTENT ALLOWED BY THE FIRST AMENDMENT OF THE CONSTITUTION**
15 **OF THE UNITED STATES, TO CARRY OUT THE PROVISIONS OF THIS SUBSECTION.**

16 **(II) THE REGULATIONS ADOPTED UNDER THIS SUBSECTION**
17 **SHALL INCLUDE PROVISIONS:**

18 **1. THAT EXPRESSLY PROHIBIT:**

19 **A. TAKING ANY OF THE ACTIONS DESCRIBED IN**
20 **PARAGRAPH (1) OF THIS SUBSECTION RELATING TO THE ISSUANCE OF**
21 **REQUIRED STATE OR LOCAL GOVERNMENTAL APPROVALS FOR THE**
22 **ESTABLISHMENT OF A VIDEO LOTTERY FACILITY; OR**

23 **B. PROVIDING FUNDING OR OTHER MATERIAL**
24 **SUPPORT TO ENGAGE IN ANY OF THE ACTIONS DESCRIBED IN PARAGRAPH (1)**
25 **OF THIS SUBSECTION; ~~AND~~**

26 **2. THAT PROHIBIT, AS UNLAWFUL INDIRECT**
27 **CONDUCT, ACTIVITY:**

28 **A. BY AN ENTITY IN WHICH THE LICENSEE OWNS A**
29 **BENEFICIAL OR PROPRIETARY INTEREST; OR**

30 **B. BY AN ENTITY IN WHICH AN AFFILIATE OF THE**
31 **LICENSEE OWNS A BENEFICIAL OR PROPRIETARY INTEREST; AND**

1 3. THAT ALLOW THE COMMISSION TO IMPOSE
 2 SANCTIONS AND PENALTIES IN ACCORDANCE WITH § 9-1A-25 OF THIS
 3 SUBTITLE IF A LICENSEE KNOWINGLY VIOLATES PARAGRAPH (1) OF THIS
 4 SUBSECTION.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
 6 construed to apply only prospectively and may not be applied or interpreted to apply to
 7 any action taken before the effective date of this Act.

8 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act ~~shall take~~
 9 ~~effect October 1, 2011~~ is an emergency measure, is necessary for the immediate
 10 preservation of the public health or safety, has been passed by a yea and nay vote
 11 supported by three-fifths of all of the members elected to each of the two Houses of the
 12 General Assembly, and shall take effect from the date it is enacted.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.