

Chapter 233

(House Bill 868)

AN ACT concerning

Video Lottery Operation Licensees – Noninterference

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

BY repealing and reenacting, without amendments,

Article – State Government

Section 9–1A–24(a)

Annotated Code of Maryland

(2009 Replacement Volume and 2010 Supplement)

BY adding to

Article – State Government

Section 9–1A–24(g)

Annotated Code of Maryland

(2009 Replacement Volume and 2010 Supplement)

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

Article – State Government

9–1A–24.

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

(G) (1) A VIDEO LOTTERY OPERATION LICENSEE MAY NOT, DIRECTLY OR INDIRECTLY, INTERFERE WITH, HINDER, OBSTRUCT, IMPEDE, OR TAKE ANY ACTION TO DELAY THE IMPLEMENTATION OR ESTABLISHMENT OF A VIDEO

LOTTERY FACILITY BY ANY OTHER LICENSEE OR APPLICANT FOR A VIDEO LOTTERY OPERATION LICENSE AWARDED OR ISSUED UNDER THIS SUBTITLE.

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

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

1. THAT EXPRESSLY PROHIBIT:

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

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

2. THAT PROHIBIT, AS UNLAWFUL INDIRECT CONDUCT, ACTIVITY:

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

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

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

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

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

Approved by the Governor, May 10, 2011.