

SENATE BILL 373

C7

EMERGENCY BILL
ENROLLED BILL

(1lr1628)

— *Budget and Taxation / Ways and Means* —

Introduced by **Senators Kasemeyer and DeGrange**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

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)

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.

Italics indicate opposite chamber / conference committee amendments.



1 Annotated Code of Maryland
2 (2009 Replacement Volume and 2010 Supplement)

3 BY adding to
4 Article – State Government
5 Section 9–1A–24(g)
6 Annotated Code of Maryland
7 (2009 Replacement Volume and 2010 Supplement)

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

10 **Article – State Government**

11 9–1A–24.

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

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

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

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

25 **1. THAT EXPRESSLY PROHIBIT:**

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

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

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

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

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

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

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.