

# SENATE BILL 383

C7, P2

8lr0361

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By: **Senators Benson, Conway, Currie, King, Lee, Manno, Middleton, Muse, Peters, Robinson, and Young**

Introduced and read first time: January 25, 2018

Assigned to: Budget and Taxation

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## A BILL ENTITLED

1 AN ACT concerning

2 **Video Lottery Terminals – Minority Business Participation Goals – Sunset**  
3 **Extension**

4 FOR the purpose of providing that a certain applicant or licensee is subject to a certain  
5 minority business participation goal established for a unit by the Special Secretary  
6 for the Office of Small, Minority, and Women Business Affairs under certain  
7 provisions of law; requiring that a certain minority business participation goal  
8 applies to certain construction and procurement related to video lottery terminals;  
9 altering the termination date for certain provisions of law concerning minority  
10 business participation for certain construction and procurement related to video  
11 lottery terminals; and generally relating to video lottery terminals and minority  
12 business participation.

13 BY repealing and reenacting, with amendments,  
14 Article – State Government  
15 Section 9–1A–10  
16 Annotated Code of Maryland  
17 (2014 Replacement Volume and 2017 Supplement)

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

20 **Article – State Government**

21 9–1A–10.

22 (a) [(1) For the construction and procurement, including the procurement of  
23 equipment and ongoing services, related to the operation of video lottery terminals, the  
24 applicant or licensee shall at a minimum meet the same requirements of a designated unit

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 for minority business participation as described under Title 14, Subtitle 3 of the State  
2 Finance and Procurement Article.]

3 (1) (I) AN APPLICANT OR A LICENSEE IS SUBJECT TO:

4 1. THE MINORITY BUSINESS PARTICIPATION GOAL  
5 ESTABLISHED FOR A UNIT BY THE SPECIAL SECRETARY FOR THE OFFICE OF SMALL,  
6 MINORITY, AND WOMEN BUSINESS AFFAIRS UNDER § 14-302(A)(1)(II) OF THE  
7 STATE FINANCE AND PROCUREMENT ARTICLE; AND

8 2. ANY OTHER CORRESPONDING PROVISIONS OF LAW  
9 UNDER TITLE 14, SUBTITLE 3 OF THE STATE FINANCE AND PROCUREMENT  
10 ARTICLE.

11 (II) THE MINORITY BUSINESS PARTICIPATION GOAL SHALL  
12 APPLY TO:

13 1. CONSTRUCTION RELATED TO VIDEO LOTTERY  
14 TERMINALS; AND

15 2. PROCUREMENT RELATED TO THE OPERATION OF  
16 VIDEO LOTTERY TERMINALS, INCLUDING PROCUREMENT OF EQUIPMENT AND  
17 ONGOING SERVICES.

18 (2) If the county in which a video lottery facility will be located has higher  
19 minority business participation requirements than the State as described in paragraph (1)  
20 of this subsection, the applicant shall meet the county's minority business participation  
21 requirements to the extent possible.

22 (3) A county in which a video lottery facility will be located may impose  
23 local business, local minority business participation, and local hiring requirements to the  
24 extent authorized by local law and permitted by the United States Constitution.

25 (4) Any collective bargaining agreement or agreements, including a project  
26 labor agreement or a neutrality agreement, entered into by an applicant or licensee may  
27 not negate the requirements of this subsection.

28 (5) If an applicant for employment at a video lottery facility believes that  
29 the applicant has been discriminated against in the employment process, the applicant may  
30 appeal the employment decision to the local human relations board in the county where the  
31 facility is located.

32 (6) Notwithstanding any collective bargaining agreement or agreements, a  
33 licensee shall:

1 (i) provide health insurance coverage for its employees; and

2 (ii) give a preference to hiring qualified employees from the  
3 communities within 10 miles of the video lottery facility.

4 (7) A licensee shall:

5 (i) provide retirement benefits for its employees; and

6 (ii) if the licensee is a racetrack licensee, provide retirement benefits  
7 to its video lottery operation employees that are equivalent to the level of benefits provided  
8 to the racetrack employees who are eligible under the Maryland Racetrack Employees  
9 Pension Fund.

10 (8) Notwithstanding any collective bargaining agreement or agreements, if  
11 the licensee is a racetrack location, the licensee shall provide health insurance coverage to  
12 all employees of the racetrack, including the employees of the racetrack on the backstretch  
13 of the racetrack.

14 (b) (1) The Commission shall ensure that a video lottery operation licensee  
15 complies with the requirements of subsection (a)(1) and (2) of this section as a condition of  
16 holding the video lottery operation license.

17 (2) The Governor's Office of Small, Minority, and Women Business Affairs  
18 shall monitor a licensee's compliance with subsection (a)(1) and (2) of this section.

19 (3) The Governor's Office of Small, Minority, and Women Business Affairs  
20 shall report to the Commission at least every 6 months on the compliance of licensees with  
21 subsection (a)(1) and (2) of this section.

22 (4) If the Governor's Office of Small, Minority, and Women Business Affairs  
23 reports that a licensee is not in compliance with subsection (a)(1) and (2) of this section, the  
24 Commission may take immediate action to ensure the compliance of the licensee.

25 (c) On or after July 1, [2018] **2028**, the provisions of subsections (a)(1) and (2)  
26 and (b) of this section and any regulations adopted under subsections (a)(1) and (2) and (b)  
27 of this section shall be of no effect and may not be enforced.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June  
29 1, 2018.