



To: House Ways & Means Committee  
 Re: HB 403 (Video Lottery Operation License-Renewal)

January 21, 2021

Maryland’s six VLT Licensees support HB 403 with amendment. The VLT Licensees support clarifying the process and standard for renewal of a video lottery operation license at the end of the initial 15 year term of each license as provided in HB 403. The VLT Licensees oppose the renewal fee that this bill would impose, and request that this part of the bill be stricken.

**Facts About Maryland Gaming**

- Maryland, with the 19th largest population in the country, generates the 4th highest gaming tax revenues in the nation.
- Maryland’s six commercial casinos create 15,000+ direct jobs, generate \$3.0 billion in economic impact; and a \$962.2 million tax impact (AGA)
- Maryland currently has the second highest tax rate in the country (2nd only to PA)- (41% Blended Tax Rate)
- Maryland has the highest gaming tax revenues as a percentage of corporate income tax collected in the country - 71%. In other words, the 6 casinos in Maryland pay nearly as much tax annually as **ALL OTHER BUSINESSES IN THE STATE COMBINED**. (\$735 million Gaming Tax v \$1.03 billion corporate income tax - Source State Comptroller)
- Maryland casinos spent over \$3 billion in initial construction
- **Maryland casinos have provided nearly \$3.7 billion to the Maryland Education Trust Fund and nearly \$5 billion in overall taxes since the program began**

**We SUPPORT clarifying the process and legal standard for renewal of the VLT licenses.**

- Under current law, each VLT license expires 15 years after issuance. Although the law provides for continued 10-year VLT license terms after the initial 15 year terms, the law is unclear regarding the process for a VLT licensee to renew its license and the legal standard for renewal.
- As the expiration of the initial terms of the six VLT licenses approaches (the first VLT license expires in only five years), clarifying the existing law regarding the process and the legal standard for renewal of VLT licenses is very important. One problem that this lack of clarity causes for VLT licensees is in dealing with financial institutions, lenders and/or investors, such as when a licensee is looking to raise capital to reinvest in its facilities to keep them attractive and competitive. A bank or institutional investor may be reluctant to commit funding to a project when the law is not clear as to whether the licensee will be able to renew its license when the initial term is up, an issue that will only get more significant as the initial terms get closer to their expiration dates.
- The legal standard for VLT license renewal in HB 403 is the appropriate one. Specifically, the bill provides that the license shall be renewed (upon proper application and payment of the renewal fee) unless the Commission finds that the licensee is no longer qualified (based on the stringent standards for qualification under the VLT statute and regulations) to hold the license. HB 1126 also provides for an appropriate renewal process, and directs the Commission to establish the complete application process by regulation.

**We OPPOSE the renewal fee proposed in HB 403.**



- The bill proposes an annual license renewal fee that would be equivalent (over the renewal term) to the fee for the original licenses. The VLT Licensees believe that this level of fee is excessive and not appropriate for the renewal of the VLT licenses. The license fee for the original licenses were set by the General Assembly at a very high level in order to ensure that only qualified, financially sound bidders would be considered for the grant of a license in the competitive bidding process before the Video Lottery Facility Location Commission. That issue is irrelevant to the renewal of the VLT licenses because the licensees have already proven their financial soundness and qualifications to hold their licenses and have invested \$3.3 billion in their casinos in total to date. In 2020 testimony the bill sponsor stated the initial license fees were in large part to ensure Maryland's operators had the financial capital to bring a robust and stable gaming industry to the state. In 2008, the State justifiably needed licenses fees to create the infrastructure to support the gaming industry. That justification no longer exists.
- The current law provides that the renewal fee will be established by the General Assembly in the future. The VLT licensees request that the Committee amend HB 403 to leave the current law in place and establish the renewal fee in a future legislative session. The uncertainty in the renewal process and legal standard in the current law, not the amount of the renewal fee, is the pressing issue that should be addressed in the 2021 session.
- The hospitality industry has been among the hardest hit and will be among the slowest to recover from the global pandemic. Maryland's casino operators believe that, if a fee is required, it needs to be reasonable and with an understanding that our first focus should be getting Marylanders back to work.
- Finally, the State of Maryland already collects fees of a similar total annually. By statute, **"Maryland's casino operators pay annual assessments into the Problem Gambling Fund of \$425 per slot machine and \$500 per table game to fund programs to combat gambling addiction."** An additional matching fee yearly equates to a double tax on the highest taxpayers in the state of Maryland.
- Accordingly, the VLT Licensees request that the renewal fee provisions beginning on page 2, line 27 through line 31 be stricken, and that the existing law providing for a license fee to be established by statute (page 2, line 18-19) be retained.