

**SB 537\_MGM\_FAV - W&M 03-30-2023.pdf**

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Position: FAV



To: House Ways & Means Committee

From: MGM National Harbor

Date: March 30, 2023

Re: SB 537 (Gaming – Video Lottery Operation License – Renewal)

Position: Favorable

MGM National Harbor supports SB 537 which will clarify the process for renewal of a video lottery operation license at the end of the initial 15-year term of each, and authorize the Maryland Lottery and Gaming Control Commission (“MLGCC”) to establish a reasonable renewal fee (as it already does for every other type of gaming license under Maryland law).

### **Facts About MGM National Harbor and 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 one of the highest gaming tax revenues as a percentage of corporate income tax collected in the country - 52%. In other words, the 6 casinos in Maryland pay over half as much tax annually as the thousands of other corporations doing business in the state each year. (\$832 million Gaming Tax v \$1.6 billion corporate income tax - Source DLS fiscal briefing).
- Maryland casinos spent over \$3 billion in initial construction. **MGM National Harbor alone spent over \$1.4 billion in initial construction.**
- Maryland casinos have provided \$4.9 billion to the Maryland Education Trust Fund (ETF) and \$6.5 billion in overall taxes since the program began.
- **In the less than six years of MGM National Harbor’s existence, alone it has already generated more than \$1 billion in total contributions to the ETF.**
- Maryland’s casino operators also 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



## **MGM National Harbor supports clarifying the process and legal standard for renewal of a VLT license.**

- 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 two 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 remain 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 SB 537 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. SB 537 also provides for an appropriate renewal process, and directs the Commission to establish the complete application process by regulation.

## **MGM National Harbor supports allowing the MLGCC to establish a reasonable renewal fee.**

- Surrounding states (Pennsylvania, Delaware and Virginia) have no annual license renewal fee. Most other states have annual license renewal fees of \$100,000 or less. The only states with higher licensing renewal fees have tax rates that are dramatically lower than Maryland's casino tax.
- The MLGCA has been always been authorized to set the renewal fee for all of the other gaming licenses (see §9-1A-07(b)(2)).
- The license fee for the original video lottery operation licenses was established by the General Assembly was set 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 consideration is irrelevant to the renewal of these licenses because the licensees have already proven their financial soundness and qualifications to hold their licenses and have invested a total of \$3.3 billion in their casinos to date. Additionally, in 2008, fees for the initial video lottery operation licenses needed to raise revenues for the infrastructure to support the gaming industry, another consideration that does not exist for the renewal of these licenses.
- MGM National Harbor supports allowing the MLGCA to establish a reasonable renewal fee, consistent with other states and taking into account Maryland's high casino tax rate.

# **SB537 Sponsor House Testimony.pdf**

Uploaded by: Senator Nancy King

Position: FAV

NANCY J. KING  
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MAJORITY LEADER

Budget and Taxation Committee

*Chair*

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THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

**Senate Bill 537 – Gaming - Video Lottery Operation License – Renewal**

**March 30, 2023**

Madam Chair and Members of the Ways and Means Committee:

Under current law, an initial license for a video lottery operation expires after 15 years and a license holder must file a notice of intent to reapply for a renewal two years prior to the expiration of the license. The first license was issued in 2010 and the license will expire in 2025, so their notice of renewal will be due this year.

The lack of a clear process and standard for renewing the licenses in the current law will create problems as licensees try to raise capital to reinvest in their facilities to keep them competitive and attractive, and potential lenders and investors look for clarity around the process to renew licenses before they commit funding for capital improvements.

Senate Bill 537 clarifies the process to renew the State's Video Lottery Terminal (VLT) operation licenses at the end of their initial and any subsequent terms and sets the renewal term to ten years. The bill further allows the State Lottery and Gaming Control Commission (Commission) to establish a renewal application process and to set the license fee for renewal.

The bill also sets a process for VLT licensees to appeal should the Commission find that the licensee no longer qualifies to hold a license. By allowing the Commission to set the standards for renewal, we will ensure that VLT operators continue to meet and uphold the rigorous qualification requirements imposed on them through Maryland law.

I respectfully request a favorable report on Senate Bill 537.

**SB537 LOI - MLGCA updated.pdf**

Uploaded by: Sean Ford

Position: INFO



March 30, 2023

Ways and Means Committee  
Room 131, House Office Building  
Annapolis, MD 21401

## Letter of Information – Senate Bill 537 - Gaming - Video Lottery Operation License - Renewal

Dear Chair Atterbeary, Vice Chair Wilkins, and Members of the Ways and Means Committee:

The Maryland Lottery and Gaming Control Agency (“MLGCA” or “Agency”) submits this letter of information to the Ways and Means Committee (“Committee”), as background information regarding Senate Bill 537 - Gaming - Video Lottery Operation License – Renewal.

This proposed legislation would amend the current statute (State Government Article §9-1A-13) by describing the application process for renewal of an initial video lottery operation license and each subsequent renewal thereafter. The Maryland Lottery and Gaming Control Commission (“MLGCC” or “Commission”) would renew the license using existing qualification requirements unless it finds, after conducting background investigations, that the licensee is no longer qualified to hold a license. The 7-member Commission would set a license renewal fee after considering the initial video lottery operator license fee and other states license renewal fees. Any renewal fee set by the Commission would be subject to AELR review. Fees collected to renew an initial video lottery operator license would be transferred into the Education Trust Fund.

Establishing an application process for initial video lottery operation license renewal is critical this legislative session as the first Casino (Hollywood Casino in Perryville, Cecil County) will have to begin the renewal process this year.

Thank you for your consideration of this information, as the Agency takes no position on this proposed bill. If you should have any questions or need more information about this subject, please do not hesitate to contact Sean Ford, MLGCA’s Director of Legislation and Policy Development, at 410-230-8988 or [sean.ford@maryland.gov](mailto:sean.ford@maryland.gov).

Sincerely,

John A. Martin  
Director

cc: All Committee Members  
Senator King