

# SENATE BILL 373

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EMERGENCY BILL

11r1628  
CF HB 868

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By: **Senators Kasemeyer and DeGrange**

Introduced and read first time: February 3, 2011

Assigned to: Budget and Taxation

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 22, 2011

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## 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; making this Act an emergency measure; and generally  
10 relating to video lottery facilities and video lottery operation licenses.

11 BY repealing and reenacting, without amendments,  
12 Article – State Government  
13 Section 9–1A–24(a)  
14 Annotated Code of Maryland  
15 (2009 Replacement Volume and 2010 Supplement)

16 BY adding to  
17 Article – State Government  
18 Section 9–1A–24(g)  
19 Annotated Code of Maryland  
20 (2009 Replacement Volume and 2010 Supplement)

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

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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.



1 **Article – State Government**

2 9–1A–24.

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

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

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

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

16 **1. THAT EXPRESSLY PROHIBIT:**

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

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

24 **2. THAT PROHIBIT, AS UNLAWFUL INDIRECT**  
25 **CONDUCT, ACTIVITY:**

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

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

30 **3. THAT ALLOW THE COMMISSION TO IMPOSE**  
31 **SANCTIONS AND PENALTIES IN ACCORDANCE WITH § 9–1A–25 OF THIS**

1 SUBTITLE IF A LICENSEE KNOWINGLY VIOLATES PARAGRAPH (1) OF THIS  
2 SUBSECTION.

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

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.