

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**  
**2014 Legislative Session**

Bill No. CB-7-2014

Chapter No. 6

Proposed and Presented by Council Members Franklin, Campos, Davis and Toles

Introduced by Council Members Franklin, Campos, Davis and Toles

Co-Sponsors \_\_\_\_\_

Date of Introduction April 8, 2014

**BILL**

1 AN ACT concerning

2 Video Lottery Facility Economic Opportunities

3 For the purpose of requiring compliance with local business, local minority business, and local  
4 hiring requirements in a development agreement negotiated by the County Executive and a video  
5 lottery operator, subject to the approval of the same by County Council resolution, as a condition  
6 of the use of a video lottery facility.

7 BY adding:

8 SUBTITLE 10. FINANCE AND TAXATION.

9 Sections 10-308 and 10-309,

10 The Prince George's County Code

11 (2011 Edition; 2013 Supplement).

12 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,  
13 Maryland, that Sections 10-308 and 10-309 of the Prince George's County Code be and the same  
14 are hereby added:

15 SUBTITLE 10. FINANCE AND TAXATION.

16 **DIVISION 22. VIDEO LOTTERY FACILITY LOCAL BUSINESS AND HIRING**  
17 **REQUIREMENTS.**

18 **Sec. 10-308. Definitions.**

19 In this Division, the following definitions have the following meanings:

20 (a) “Best efforts” has the meaning set forth in the development agreement.

1 (b) "Compliance with the development agreement" in this Division means a video lottery  
 2 operator is not in breach of the development agreement.

3 (c) "County based business" means a business whose principal place of operation, as  
 4 determined by the Office of Central Services, is in Prince George's County, MD.

5 (d) "County based business participation" means the percentage of the video lottery facility's  
 6 total purchase value paid to County based businesses, including such dollars paid to  
 7 subcontractors. "Total purchase value" shall have the meaning set forth in the development  
 8 agreement.

9 (e) "County based minority business" means a business enterprise that both

10 (1) is a County based business; and

11 (2) has a valid minority business certification recognized by the Office of Central  
 12 Services.

13 (f) "County based minority business participation" means the percentage of the video lottery  
 14 facility's total purchase value paid to County based minority businesses, including such dollars  
 15 paid to subcontractors. "Total purchase value" shall have the meaning set forth in the  
 16 development agreement.

17 (g) "County resident" has the meaning set forth in Section 10A-101 of the Code.

18 (h) "Development agreement" in this Division means an executed, written agreement  
 19 between the County and a video lottery operator, negotiated by the County Executive or the  
 20 County Executive's designee and the video lottery operator, approved by resolution of the  
 21 County Council.

22 (i) "Procure" means to buy, rent, lease, lease-purchase, or otherwise obtain any supplies,  
 23 services, or construction. "Procurement" is the noun or adjective form of this term.

24 (j) "Table games" as set forth in Section 9-1A-01(w-2), State Government Article,  
 25 Annotated Code of Maryland, means:

26 (1) roulette, baccarat, blackjack, craps, big six wheel, minibaccarat, poker, pai gow  
 27 poker, and sic bo, or any variation and composites of such games; and

28 (2) gaming tournaments in which players compete against one another in one or more of  
 29 the games authorized under State Law.

30 (k) "Video lottery facility" means a facility being constructed and then being operated for  
 31 players to play video lottery terminals and/or table games. For the purposes of this Division,  
 32 "video lottery facility" also includes any Recreational or Entertainment Establishment of a

1 Commercial Nature, as defined in Section 27-107.01(192) of the Code, which includes a video  
 2 lottery facility. Video lottery facility shall also mean a facility as set forth in Sections 9-1A-  
 3 01(aa), 9-1A-01(w-2), and 9-1A-04(a)(11), State Government Article, Annotated Code of  
 4 Maryland.

5 (l) “Video lottery operation license” as set forth in Sections 9-1A-01(bb) and 9-1A-  
 6 04(a)(11), State Government Article, Annotated Code of Maryland, means a license awarded by  
 7 the Video Lottery Facility Location Commission and issued by the State Lottery and Gaming  
 8 Control Commission to a person or entity that allows players to operate video lottery terminals  
 9 and/or table games.

10 (m) “Video lottery operator” means a person or entity

11 (1) awarded a video lottery operation license; or

12 (2) issued a video lottery operation license.

13 Video lottery operator shall also mean an operator as set forth in Section 9-1A-01(cc), State  
 14 Government Article, Annotated Code of Maryland.

15 (n) “Video lottery terminal” as set forth in Section 9-1A-01(dd), State Government Article,  
 16 Annotated Code of Maryland, means:

17 (1) a machine or other device, that, on insertion of a bill, coin, token, voucher, ticket,  
 18 coupon, or similar item, or on payment of any consideration:

19 (i) is available to play or simulate the play of any game of chance in which the results,  
 20 including the options available to the player, are randomly determined by the machine or other  
 21 device; and

22 (ii) by the element of chance, may deliver or entitle the player who operates the  
 23 machine or device to receive cash, premiums, merchandise, tokens, or anything of value, whether  
 24 the payout is made automatically from the device or in any other manner.

25 (2) “Video lottery terminal” includes a machine or device:

26 (i) that does not directly dispense money, tokens, or anything of value to winning  
 27 players; and

28 (ii) described under paragraph (1) of this subsection that uses an electronic credit  
 29 system making the deposit of bills, coins, or tokens unnecessary.

30 (3) “Video lottery terminal” does not include an authorized slot machine operated by an  
 31 eligible organization under Title 12, Subtitle 3 of the Criminal Law Article, Annotated Code of  
 32 Maryland.

1 **Sec. 10-309. Video Lottery Facility Economic Opportunities.**

2 (a) Pursuant to authority set forth in Section 9-1A-10(a)(3), State Government Article,  
 3 Annotated Code of Maryland, a video lottery operator shall comply with the following  
 4 requirements:

5 (1) In the construction and operation of any video lottery facility located in the County, a  
 6 video lottery operator shall use best efforts to meet or exceed annual percentages of county based  
 7 business participation set forth in a development agreement negotiated between the video lottery  
 8 operator and the County Executive or the County Executive's designee, subject to approval of  
 9 the development agreement by resolution of the County Council.

10 (2) In the construction and operation of any video lottery facility located in the County, a  
 11 video lottery operator shall use best efforts to meet or exceed annual percentage goal(s) for  
 12 county based minority business participation set forth in a development agreement negotiated  
 13 between the video lottery operator and the County Executive or the County Executive's  
 14 designee, subject to approval of the development agreement by resolution of the County Council.

15 (3) In the construction and operation of any video lottery facility located in the County, a  
 16 video lottery operator shall use best efforts to meet or exceed annual percentage requirements for  
 17 the employment of County residents set forth in a development agreement negotiated between  
 18 the video lottery operator and the County Executive or the County Executive's designee, subject  
 19 to approval of the development agreement by resolution of the County Council.

20 (b) Video Lottery Facility Compliance and Reporting Plan.

21 Any development agreement authorized by this Division shall include a Video Lottery  
 22 Facility Compliance and Reporting Plan to facilitate and ensure satisfaction of the requirements  
 23 of the agreement. A Video Lottery Facility Compliance and Reporting Plan shall include, but  
 24 not be limited to including, reasonable procurement and employment reporting requirements,  
 25 standards and procedures for determining best efforts, employment training and preparation  
 26 efforts, local business capacity building, enforcement provisions, and community outreach  
 27 components to be complied with by the video lottery operator on an ongoing basis.

28 (c) Any development agreement authorized by this Division shall include a statement  
 29 detailing any opportunities in relation to the video lottery facility to be made available to Prince  
 30 George's County residents or businesses via direct monetary or other equity investment,  
 31 ownership of independent in-line businesses, ownership of retail pad sites, ownership of business  
 32 franchises, ownership of service businesses, and/or ownership of any other for-profit businesses.

1        (d) Approval of a development agreement by resolution of the County Council under this  
 2 Division shall occur prior to the issuance of any use and occupancy permits for the video lottery  
 3 facility and compliance with the development agreement shall be a stated condition of approval  
 4 for any use and occupancy permits for the video lottery facility. A development agreement  
 5 authorized by this Division may be adjusted by mutual consent of the video lottery operator and  
 6 the County Executive or County Executive’s designee, subject to approval of any such  
 7 adjustment by County Council resolution.

8        (e) Regardless of the timing of approval of the development agreement, the requirements of  
 9 subsections (a)(1)-(a)(3) of this Section shall apply to the entire construction and operation  
 10 phases of the video lottery facility, from commencement to completion.

11        SECTION 2. BE IT FURTHER ENACTED that within six (6) months after the first building  
 12 permit is issued to the video lottery operator and semi-annually thereafter, the video lottery  
 13 operator shall prepare and submit a report to the County Council and Compliance Manager  
 14 detailing the video lottery operator’s performance in fulfilling the requirements of the Video  
 15 Lottery Facility Compliance and Reporting Plan, specifically the utilization of county based  
 16 business participation, county based minority business participation, and the employment of  
 17 County residents as it relates to the construction phase of any video lottery facility located in the  
 18 County until the construction is completed. Beginning on July 1, 2017 and annually thereafter,  
 19 the video lottery operator shall be responsible for providing an annual briefing to the County  
 20 Council and Compliance Manager detailing the video lottery operator’s performance in fulfilling  
 21 the requirements of the Video Lottery Facility Compliance and Reporting Plan, specifically the  
 22 utilization of county based business participation, county based minority business participation,  
 23 and the employment of County residents as it relates to the operation phase of any video lottery  
 24 facility located in the County.

25        SECTION 3. BE IT FURTHER ENACTED that the provisions of this Act are hereby  
 26 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,  
 27 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of  
 28 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining  
 29 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this  
 30 Act, since the same would have been enacted without the incorporation in this Act of any such  
 31 invalid or unconstitutional word, phrase, clause, sentence, subparagraph, subsection, or section.

1 SECTION 4. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)  
2 calendar days after it becomes law.

Adopted this 6<sup>th</sup> day of May, 2014.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY: \_\_\_\_\_  
Mel Franklin  
Chairman

ATTEST:

\_\_\_\_\_  
Redis C. Floyd  
Clerk of the Council

APPROVED:

DATE: \_\_\_\_\_ BY: \_\_\_\_\_  
Rushern L. Baker, III  
County Executive

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks \*\*\* indicate intervening existing Code provisions that remain unchanged.