

**HB0940/365361/1**

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 940  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, strike “certain fees and”; in line 5, after “circumstances;” insert “authorizing the State Lottery and Gaming Control Commission to impose a certain fee for the registration of a fantasy competition operator;”; and in line 13, after “State;” insert “requiring the State Lottery and Gaming Control Commission to consider the use of certain technology to carry out certain duties;”.

On page 2, in line 21, strike “the State Lottery and Gaming Control Commission and”; and in line 26, after “regulations;” insert “requiring the Sports Wagering Application Review Commission, in a certain manner, to seek to achieve racial, ethnic, and gender diversity when awarding certain licenses and to conduct certain outreach to certain small, minority, and women business owners and entrepreneurs for certain purposes;”.

AMENDMENT NO. 2

On page 5, in line 26, after “WAGERING” insert “, PARTICIPATION IN FANTASY COMPETITIONS, AND OTHER FORMS OF WAGERING, WHETHER LEGAL OR ILLEGAL, CONDUCTED IN THE STATE OR THROUGH ONLINE MEANS”.

On page 8, in line 14, before “The” insert “(A)”; and after line 15, insert:

“(B) THE REGULATIONS ADOPTED UNDER THIS SECTION MAY INCLUDE REQUIREMENTS FOR THE ESTABLISHMENT OF A VOLUNTARY EXCLUSION LIST.”.

AMENDMENT NO. 3

On page 6, after line 28, insert:

(Over)

“(2) “FANTASY COMPETITION OPERATOR” INCLUDES, FOR PURPOSES OF THE FEDERAL BANK SECRECY ACT OF 1970 AND ITS RELATED REGULATIONS, A GAMING ESTABLISHMENT HAVING AT LEAST \$1,000,000 IN ANNUAL GROSS REVENUE.”.

On page 7, in line 1, strike “(2)” and substitute “(3)”.

On page 8, after line 20, insert:

“(C) “GAMING ESTABLISHMENT” MEANS, FOR PURPOSES OF THE FEDERAL BANK SECRECY ACT OF 1970 AND ITS RELATED REGULATIONS, A SPORTS WAGERING LICENSEE HAVING AT LEAST \$1,000,000 IN ANNUAL GROSS REVENUE.”;

and in lines 21 and 26, strike “(C)” and “(D)”, respectively, and substitute “(D)” and “(E)”, respectively.

On page 9, in lines 1, 7, 10, and 13, strike “(E)”, “(F)”, “(G)”, and “(H)”, respectively, and substitute “(F)”, “(G)”, “(H)”, and “(I)”, respectively.

On page 10, in lines 11, 16, 19, 22, 24, 26, and 28, strike “(I)”, “(J)”, “(K)”, “(L)”, “(M)”, “(N)”, and “(O)”, respectively, and substitute “(J)”, “(K) (1)”, “(L)”, “(M)”, “(N)”, “(O)”, and “(P)”, respectively; and after line 18, insert:

“(2) “SPORTS WAGERING FACILITY LICENSEE” INCLUDES THE HOLDER OF A CLASS A SPORTS WAGERING FACILITY LICENSE OR A CLASS B SPORTS WAGERING FACILITY LICENSE ISSUED UNDER § 9-1E-06 OF THIS SUBTITLE.”.

**HB0940/365361/1 Committee on Ways and Means  
Amendments to HB 940  
Page 3 of 14**

AMENDMENT NO. 4

On page 7, in line 31, strike “AND PAY AN INITIAL REGISTRATION FEE OF \$50,000”.

On page 8, in line 1, strike “(1)”; strike beginning with “PAYMENT” in line 2 down through the second “FEE” in line 3 and substitute “INITIAL DATE OF REGISTRATION”; and strike in their entirety lines 4 through 6, inclusive, and substitute:

“(C) THE COMMISSION MAY IMPOSE A FEE FOR THE REGISTRATION OF A FANTASY COMPETITION OPERATOR IN ACCORDANCE WITH THIS SECTION.”.

AMENDMENT NO. 5

On page 9, strike beginning with “BUT” in line 11 down through “SUBTITLE” in line 12 and substitute “, INCLUDING THE CASH EQUIVALENTS OF ANY MERCHANDISE OR THING OF VALUE AWARDED AS A PRIZE TO SUCCESSFUL BETTORS, LESS:

(1) FREE BETS AND PROMOTIONAL CREDITS REDEEMED BY BETTORS; AND

(2) ALL EXCISE TAXES PAID BY A SPORTS WAGERING LICENSEE PURSUANT TO FEDERAL LAW”.

On page 10, in line 3, strike “OR”; and in line 6, after “EVENT” insert “; OR

(VIII) AN AWARD EVENT OR COMPETITION OF NATIONAL OR INTERNATIONAL PROMINENCE IF EXPRESSLY AUTHORIZED BY THE COMMISSION”.

AMENDMENT NO. 6

(Over)

**HB0940/365361/1 Committee on Ways and Means  
Amendments to HB 940  
Page 4 of 14**

On page 11, in line 3, after “OF” insert “MINORITIES, WOMEN, AND”.

On page 11 in line 4, and on page 31 in line 6, in each instance, after “INDUSTRY” insert “, INCLUDING THROUGH THE OWNERSHIP OF ENTITIES LICENSED TO CONDUCT SPORTS WAGERING UNDER THIS SUBTITLE”.

On page 13, strike in their entirety lines 7 through 29, inclusive.

On page 14, in line 8, after “INDIVIDUAL” insert “DIRECTLY”; and in line 24, strike “ON” and substitute “EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, ON”.

On page 15, after line 4, insert:

**“(3) EXCEPT AS PROVIDED UNDER THIS SUBTITLE OR IN REGULATION, THE COMMISSION MAY NOT GRANT AN EXEMPTION OR A WAIVER OF A LICENSING REQUIREMENT ADOPTED BY THE SPORTS WAGERING APPLICATION REVIEW COMMISSION IN ACCORDANCE WITH § 9-1E-15(H)(2) OF THIS SUBTITLE TO IMPLEMENT REMEDIAL MEASURES BASED ON THE FINDINGS OF A STUDY OF THE SPORTS WAGERING INDUSTRY AND MARKET.”.**

On page 16, in line 27, strike “AN APPLICATION” and substitute “, ON OR BEFORE THE DATE SET BY THE COMMISSION”; in line 28, before “IN” insert “AN APPLICATION”; after line 28, insert:

**“(2) IF THE APPLICANT IS APPLYING FOR A SPORTS WAGERING LICENSE, AN AFFIDAVIT ATTESTING TO:**

**(I) THE NUMBER OF MINORITY AND WOMEN OWNERS OF THE APPLICANT;**

(II) THE OWNERSHIP INTEREST OF ANY MINORITY AND WOMEN OWNERS OF THE APPLICANT;

(III) THE NUMBER OF MINORITY AND WOMEN EMPLOYEES OF THE APPLICANT; AND

(IV) ANY OTHER INFORMATION CONSIDERED NECESSARY BY THE COMMISSION OR THE SPORTS WAGERING APPLICATION REVIEW COMMISSION ESTABLISHED UNDER § 9-1E-15 OF THIS SUBTITLE.”;

and strike line 29 in its entirety.

On page 27, after line 22, insert:

“(A) ON OR BEFORE JULY 1 EACH YEAR, EACH SPORTS WAGERING LICENSEE SHALL REPORT TO THE COMMISSION ON:

(1) THE NUMBER OF MINORITY AND WOMEN OWNERS OF THE APPLICANT;

(2) THE OWNERSHIP INTEREST OF ANY MINORITY AND WOMEN OWNERS OF THE APPLICANT;

(3) THE NUMBER OF MINORITY AND WOMEN EMPLOYEES OF THE APPLICANT; AND

(4) ANY OTHER INFORMATION CONSIDERED NECESSARY BY THE COMMISSION.”;

(Over)

**HB0940/365361/1 Committee on Ways and Means  
Amendments to HB 940  
Page 6 of 14**

and in line 23, before “ON” insert “(B)”.

On page 31, in lines 4 and 5, strike “MINORITY AND WOMEN APPLICANTS” and substitute “MINORITIES, WOMEN,”; after line 10, insert:

**“(3) THE SPORTS WAGERING APPLICATION REVIEW COMMISSION  
SHALL:**

**(I) TO THE EXTENT PERMITTED BY FEDERAL AND STATE  
LAW, ACTIVELY SEEK TO ACHIEVE RACIAL, ETHNIC, AND GENDER DIVERSITY  
WHEN AWARDING LICENSES; AND**

**(II) ENCOURAGE APPLICANTS WHO QUALIFY AS A MINORITY  
BUSINESS ENTERPRISE, AS DEFINED IN § 14-301 OF THE STATE FINANCE AND  
PROCUREMENT ARTICLE, OR WHO ARE SMALL, MINORITY, OR WOMEN-OWNED  
BUSINESS ENTITIES TO APPLY FOR SPORTS WAGERING LICENSES UNDER THIS  
SUBTITLE.”;**

and in lines 16, 18, 25, and 31, in each instance, after “MINORITY” insert “AND  
WOMEN”.

On page 33, in line 27, after “shall” insert “:

**(1) evaluate the studies of the sports and event wagering industry  
conducted by National Economic Research Associates, Inc., and Keen Independent  
Research and any other information that the Commission deems necessary;**

**(2);**

and in line 31, after “industry” insert “; and

**HB0940/365361/1 Committee on Ways and Means**  
**Amendments to HB 940**  
**Page 7 of 14**

(3) in order to maintain the competitiveness of the State's gaming program, conduct its work as expeditiously as possible and in a manner that is in the best interests of Maryland and its citizens".

On page 34, in line 1, after "shall" insert ":

(1);

in the same line, after "of" insert "the following to evaluate compliance with any federal and constitutional requirements:

(i);

in line 2, strike "§ 10A-404 of the State Finance and Procurement Article and" and substitute "§ 9-1E-07(b) of the State Government Article, as enacted by Section 2 of this Act:

(ii) any remedial measures implemented in accordance with § 9-1E-15 of the State Government Article, as enacted by Section 2 of this Act; and

(iii);

and strike beginning with "to" in line 4 down through "and" in line 5 and substitute "and

(2)".

AMENDMENT NO. 7

On page 11, in line 6, after "(A)" insert "(1)"; and after line 11, insert:

(Over)

“(2) THE COMMISSION SHALL CONSIDER THE USE OF TECHNOLOGY, REMOTE SURVEILLANCE, AND OTHER SIMILAR MEASURES TO CARRY OUT ITS DUTIES UNDER THIS SUBSECTION.”.

On page 12, in line 17, strike “OR ONLINE SPORTS WAGERING OPERATOR”; and in line 19, after “RESERVES” insert “OR OTHER FINANCIAL SECURITY”.

AMENDMENT NO. 8

On page 8, in line 21, after “MEANS” insert “:

(I)”;

and in line 23, after “ARTICLE” insert “, INCLUDING, IN THE CASE OF A SUBSIDIARY OF THE MARYLAND STATE FAIR AND AGRICULTURAL SOCIETY, INC., A SUBSIDIARY OF THE LICENSE HOLDER; AND

(II) THE HOLDER OF A PERMIT ISSUED UNDER TITLE 11, SUBTITLE 8, PART III OF THE BUSINESS REGULATION ARTICLE TO HOLD SATELLITE SIMULCAST BETTING IN CHARLES COUNTY”.

On page 15, in line 6, strike “THE” and substitute “ON AN AWARD OF A LICENSE BY THE”; in line 7, strike “MAY” and substitute “, THE COMMISSION SHALL”; in line 9, after “APPLICANT” insert “THAT MEETS THE REQUIREMENTS FOR LICENSURE UNDER THIS SUBTITLE”; in the same line, after “IS” insert “:

1.”;

in the same line, strike “OR” and substitute “;

2.”;



in the same line, after “LICENSEE” insert “;OR”

**3. A. THE OWNER OF A STADIUM IN PRINCE GEORGE’S COUNTY THAT IS PRIMARILY USED FOR PROFESSIONAL FOOTBALL;**

**B. THE OWNER OF A PROFESSIONAL FOOTBALL FRANCHISE THAT IS A LESSEE OF A STADIUM IN BALTIMORE CITY; OR**

**C. THE OWNER OF A PROFESSIONAL MAJOR LEAGUE BASEBALL FRANCHISE THAT IS A LESSEE OF A STADIUM IN BALTIMORE CITY”;**

in line 11, strike “FIVE” and substitute “10”; in line 14, strike “10” and substitute “15”; in line 18, strike “ISSUE” and substitute “AWARD”; in line 24, after “LOCATED” insert “:”

**1. WITHIN A 15-MILE RADIUS OF A CLASS A SPORTS WAGERING FACILITY LOCATED IN ALLEGANY COUNTY, CECIL COUNTY, OR WORCESTER COUNTY; OR**

**2.**”;

in line 25, strike “10-MILE” and substitute “1.5-MILE”; in the same line, strike “ANY” and substitute “A”; in the same line, after “FACILITY” insert “LOCATED IN A COUNTY NOT DESCRIBED UNDER ITEM 1 OF THIS ITEM”; after line 26, insert:

**“(3) A FOR-PROFIT ENTITY, NONPROFIT ORGANIZATION, OR PUBLIC-PRIVATE PARTNERSHIP OPERATING AT THE RACING LOCATION DESCRIBED UNDER TITLE 11, SUBTITLE 7 OF THE BUSINESS REGULATION**

(Over)

**ARTICLE LOCATED ON LANDS OWNED BY THE DEPARTMENT OF NATURAL RESOURCES MAY APPLY FOR A CLASS B SPORTS WAGERING FACILITY LICENSE.**;

in line 27, strike “(3)” and substitute “(4)”; in the same line, strike “AN” and substitute “IN ADDITION TO ANY OTHER PERSON, AN”; and in the same line, after “FOR” insert “OR HOLDER OF”.

On page 16, in line 15, strike “MAY” and substitute “SHALL”; in line 19, strike “GROSS SPORTS WAGERING REVENUES” and substitute “PROCEEDS FROM SPORTS WAGERING”; and in line 20, strike “5-YEAR” and substitute “3-YEAR”.

On page 17, in line 28, strike “INITIAL LICENSE” and substitute “APPLICATION”.

On page 21, in line 18, after “DAYS” insert “OR DAYS ON WHICH AN EVENT WITH AN ANTICIPATED ATTENDANCE OF AT LEAST 2,000 INDIVIDUALS IS HELD”; in line 19, strike “OR IN TIMONIUM”; in line 20, after the second “LICENSEE” insert “UNDER TITLE 11, SUBTITLE 5, PART II OF THE BUSINESS REGULATION ARTICLE”; after line 20, insert:

**“(III) AT THE MARYLAND STATE FAIRGROUNDS IN TIMONIUM, IF THE SPORTS WAGERING LICENSEE IS A HORSE RACING LICENSEE UNDER TITLE 11, SUBTITLE 5, PART III OF THE BUSINESS REGULATION ARTICLE;**

**(IV) AT A FACILITY IDENTIFIED IN THE PERMIT ISSUED UNDER TITLE 11, SUBTITLE 8, PART III OF THE BUSINESS REGULATION ARTICLE TO HOLD SATELLITE SIMULCAST BETTING IN CHARLES COUNTY, IF THE SPORTS WAGERING LICENSEE IS A HORSE RACING LICENSEE;**

**(V) SUBJECT TO SUBSECTION (D) OF THIS SECTION, AT A STADIUM PRIMARILY USED FOR PROFESSIONAL FOOTBALL OR PROFESSIONAL MAJOR LEAGUE BASEBALL, IF THE SPORTS WAGERING LICENSEE IS THE OWNER OR A LESSEE OF THE STADIUM; OR**”;

in line 21, strike “**(III)**” and substitute “**(VI) SUBJECT TO SUBSECTION (E) OF THIS SECTION,**”; and strike in their entirety lines 25 through 28, inclusive.

On page 22, in line 12, strike “**(A)(1)(IV)**” and substitute “**(A)(1)(V)**”; strike beginning with the colon in line 12 down through “**(1)**” in line 13; in line 13, after “**ONLY**” insert “**IN TICKETED AREAS AND ONLY**”; in the same line, after “**DAYS**” insert “**AND DAYS ON WHICH AN EVENT WITH AN ANTICIPATED ATTENDANCE OF AT LEAST 10,000 INDIVIDUALS IS HELD**”; strike beginning with the semicolon in line 13 down through “**EQUIPMENT**” in line 16; and after line 16, insert:

**“(E) A SPORTS WAGERING FACILITY LICENSEE AUTHORIZED TO ACCEPT IN-PERSON WAGERS AT THE RACING LOCATION DESCRIBED UNDER TITLE 11, SUBTITLE 7 OF THE BUSINESS REGULATION ARTICLE LOCATED ON LANDS OWNED BY THE DEPARTMENT OF NATURAL RESOURCES MAY ONLY ACCEPT WAGERS IN THE SPECIAL EVENT ZONE.”**

On page 30, in line 12, strike “**FIVE**” and substitute “**10**”; and in line 13, strike “**10**” and substitute “**15**”.

On page 33, in line 2, strike “**FIVE**” and substitute “**10**”; and in line 3, strike “**10**” and substitute “**15**”.

**AMENDMENT NO. 9**

On page 17, strike in their entirety lines 1 through 11, inclusive, and substitute:

(Over)

“(B) (1) THE FINDINGS AND EVIDENCE RELIED ON BY THE GENERAL ASSEMBLY FOR THE CONTINUATION OF THE MINORITY BUSINESS ENTERPRISE PROGRAM UNDER TITLE 14, SUBTITLE 3 OF THE STATE FINANCE AND PROCUREMENT ARTICLE ARE INCORPORATED IN THIS SUBSECTION.

(2) TO THE EXTENT PRACTICABLE AND AUTHORIZED BY THE UNITED STATES CONSTITUTION, A SPORTS WAGERING LICENSEE SHALL COMPLY WITH THE STATE’S MINORITY BUSINESS ENTERPRISE PROGRAM.

(3) (I) ON OR BEFORE 6 MONTHS AFTER THE ISSUANCE OF A SPORTS WAGERING LICENSE UNDER THIS SUBTITLE, THE GOVERNOR’S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS, IN CONSULTATION WITH THE OFFICE OF THE ATTORNEY GENERAL AND THE SPORTS WAGERING LICENSEE, SHALL ESTABLISH A CLEAR PLAN FOR SETTING REASONABLE AND APPROPRIATE MINORITY BUSINESS ENTERPRISE PARTICIPATION GOALS AND PROCEDURES FOR THE PROCUREMENT OF GOODS AND SERVICES RELATED TO SPORTS WAGERING, INCLUDING PROCUREMENT OF CONSTRUCTION, EQUIPMENT, AND ONGOING SERVICES.

(II) TO THE EXTENT PRACTICABLE, THE GOALS AND PROCEDURES SPECIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE BASED ON THE REQUIREMENTS OF TITLE 14, SUBTITLE 3 OF THE STATE FINANCE AND PROCUREMENT ARTICLE AND THE REGULATIONS IMPLEMENTING THAT SUBTITLE.”;

and in line 12, strike “(3)” and substitute “(4)”.

AMENDMENT NO. 10

**HB0940/365361/1 Committee on Ways and Means  
Amendments to HB 940  
Page 13 of 14**

On page 19, in line 18, before “**THE**” insert “**UNLESS THE APPLICANT OR LICENSEE ALREADY HAS A COLLECTIVE BARGAINING AGREEMENT,**”; and in line 30, after “**OPERATIONS**” insert “**CONDUCTED BY THE APPLICANT OR LICENSEE**”.

**AMENDMENT NO. 11**

On page 22, strike beginning with “**IF**” in line 6 down through “**LICENSEE,**” in line 7; in line 11, after “**ACCEPT**” insert “**IN-PERSON**”; and in line 29, after “**A**” insert “**MOBILE**”.

On page 23, in line 1, after “**ALL**” insert “**MOBILE**”; in line 2, after “**SINGLE**” insert “**MOBILE**”; and in line 11, after “**ONE**” insert “**MOBILE**”.

**AMENDMENT NO. 12**

On page 12, in line 11, after “**LICENSEE**” insert “**AND PROHIBITED WAGERS, SUCH AS WAGERS ON INJURIES, PENALTIES, AND OTHER TYPES OR FORMS OF WAGERING THAT ARE CONTRARY TO PUBLIC POLICY OR UNFAIR TO BETTORS**”.

On page 25, in line 28, strike “**THE**” and substitute “**AFTER CONDUCTING A PUBLIC HEARING ON A REQUEST SUBMITTED UNDER PARAGRAPH (2) OF THIS SUBSECTION, THE**”; in the same line, strike “**A**” and substitute “**THE**”; and strike beginning with “**SUBMITTED**” in line 28 down through “**SUBSECTION**” in line 29.

**AMENDMENT NO. 13**

On page 26, in line 6, after “**WAGERING**” insert “**, LESS THE AMOUNT RETAINED BY THE LICENSEE UNDER SUBSECTION (B)(1) OF THIS SECTION,**”; in line 11, strike “**DAILY**” and substitute “**MONTHLY**”; and strike beginning with “**THE**” in line 31 down through “**ARTICLE**” in line 32 and substitute “**THE PROBLEM GAMBLING FUND ESTABLISHED UNDER § 9-1A-33 OF THIS TITLE**”.

(Over)

**HB0940/365361/1 Committee on Ways and Means  
Amendments to HB 940  
Page 14 of 14**

On page 27, in line 2, strike “ON ANY DAY” and substitute “IN ANY MONTH”; and in line 3, strike “90 FOLLOWING DAYS” and substitute “THE THREE FOLLOWING MONTHS”.

AMENDMENT NO. 14

On page 29, in line 9, after “THAT” insert “IS APPLYING FOR OR”; in line 10, after “SUBTITLE” insert “OR SUBTITLE 1D OF THIS TITLE”; and in line 14, after “TERMINALS,” insert “FANTASY COMPETITIONS,”.

On page 30, in lines 10 and 23, in each instance, strike “LICENSURE” and substitute “SPORTS WAGERING LICENSES”.