

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL NO. 205

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after “Commission;” insert “altering a certain geographic cost of education index grant that reflects regional differences in the cost of education that are due to factors outside the control of local jurisdictions to be a mandatory education funding requirement; requiring the Department of Health and Mental Hygiene to establish certain regional centers and to conduct a certain prevalence study; requiring the Secretary of Health and Mental Hygiene to make certain grants from certain funds; altering the membership of the State Lottery Commission; specifying certain requirements for members of the State Lottery Commission; requiring the Governor to appoint a member of the State Lottery Commission as a liaison to the State Racing Commission; providing that members of the State Lottery Commission may be compensated as provided in the State budget; authorizing the operation of video lottery terminals connected to a certain central computer that allows the State Lottery Commission to monitor a video lottery terminal and that has certain capabilities; prohibiting access to the central computer by certain licensees with a certain exception; providing that only a person with a certain video lottery operation license may offer a video lottery terminal for public use in the State; providing that this Act is statewide and exclusive in effect and that certain laws do not apply to video lottery terminals authorized under this Act; requiring the State Lottery Commission to conduct certain investigations and hearings; requiring the State Lottery Commission to adopt certain regulations; requiring the State Lottery Commission to require a certain bond and collect certain fees, civil penalties, and taxes; authorizing the State Lottery Commission to inspect and seize certain equipment, financial information, and records without notice or warrant; requiring certain video lottery terminal manufacturers, video lottery operators, video lottery employees, and other individuals required by the State Lottery Commission to be licensed; providing for the application and licensing process; providing for review of a denial of an application for a certain license by the State Board of Contract Appeals; establishing the misdemeanor of giving false information in an application for a license under this Act or in any”

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supplemental information required by the State Lottery Commission; establishing certain penalties; establishing certain eligibility criteria and disqualifying criteria for a video lottery operation license; requiring a person that contracts with a video lottery operation licensee to meet certain requirements under certain circumstances; requiring certain video lottery operation licensees to maintain certain numbers of live racing days; providing that the license of certain video lottery operation licensees may be revoked if a certain horse racing event or trade names and other items related to the event are transferred out of the State; requiring a certain licensee to permit a certain annual race to be conducted with certain exceptions; requiring certain video lottery operation licensees to submit to the State Lottery Commission certain plans to improve the quality and marketing of horse racing and to spend a certain amount on capital renovation of horse racing facilities each year; requiring the State Racing Commission to monitor the compliance of certain video lottery operation licensees and certain other licensees with certain plans; requiring certain applicants and video lottery operation licensees to comply with certain provisions of law relating to minority business participation; specifying that certain collective bargaining agreements do not negate certain provisions of this Act; requiring a video lottery operation licensee to provide certain health insurance to its employees; authorizing certain applicants for employment to appeal to certain local human relations boards under certain circumstances; providing for the monitoring of certain provisions of this Act by the Governor's Office of Minority Affairs; requiring that a video lottery operation license not issued for locations specified under this Act reverts to the State; requiring a licensee to commence operation of video lottery terminals within a certain time period and authorizing the State Lottery Commission to grant extensions under certain circumstances; providing for the term of a video lottery operation license and for reapplication for the license at the end of the term; providing for certain eligibility criteria and disqualifying criteria for certain licenses; providing for certain waivers of certain licensing requirements under certain circumstances; providing for certain license terms and renewals; stating the intent of the General Assembly relating to video lottery operation licenses; prohibiting a video lottery operation license from being transferred or pledged as collateral; prohibiting certain video lottery operation licensees from selling or otherwise transferring more than a certain percentage of the legal or beneficial interest unless certain conditions are met; requiring that the transfer of a certain interest in a person that holds a video lottery operation license be approved by the State Lottery Commission; requiring the Department of State Police to conduct certain background investigations in a certain manner; requiring the State Lottery Commission to buy or lease the video lottery terminals, associated equipment, and central computer authorized under this Act; prohibiting more than a certain number of video lottery terminals from being allocated in one county or to licenses held by the same entity; prohibiting an individual or business entity from

holding an interest in more than a certain number of video lottery operation licenses under certain circumstances; providing the minimum payout percentage for video lottery terminals and authorizing the State Lottery Commission to adopt certain video lottery terminal payout percentages; providing for the hours of operation of video lottery terminals; prohibiting certain games offered by the State Lottery Commission from being offered for sale in a video lottery facility; prohibiting the State Lottery Commission from issuing certain licenses under certain circumstances; prohibiting a video lottery operation licensee from offering food or beverages at no cost with a certain exception or from offering food and beverages below certain prices; requiring a video lottery operation licensee to ensure that certain individuals are not permitted to play video lottery terminals and are not permitted in certain areas; requiring the State Lottery Commission to adopt certain regulations to reduce or mitigate the effects of problem gambling; authorizing the State Lottery Commission to reprimand a licensee or deny, suspend, or revoke certain licenses under certain circumstances; requiring the Comptroller to collect and distribute certain money in specified ways; establishing a Purse Dedication Account under the authority of the State Racing Commission; providing for a certain distribution from video lottery proceeds to the Purse Dedication Account for horse racing; providing for certain distributions from the Purse Dedication Account for horse racing in a certain manner; establishing the Education Trust Fund; requiring certain distributions from video lottery proceeds to the Education Trust Fund to be used for certain purposes; requiring the Governor to provide certain funding for public school construction from the Education Trust Fund for certain fiscal years; providing for the creation of certain local development councils; providing for appointment and membership of certain local development councils; requiring certain counties to develop certain plans to be reviewed by certain local development councils; specifying that a certain percentage of certain local development grants should be used for certain purposes; authorizing the State to pay certain transportation costs; requiring the Department of Transportation to facilitate certain negotiations; requiring a certain transportation plan to be developed by certain counties; authorizing certain fees and providing for a certain distribution from certain fees to the Compulsive Gambling Fund; creating a Compulsive Gambling Fund in the Department of Health and Mental Hygiene; providing for certain disbursements from the Compulsive Gambling Fund for certain purposes; requiring the State Lottery Commission to make a certain annual report by a certain date; exempting certain procurements by the State Lottery Agency from certain requirements; establishing a Video Lottery Facility Location Commission; establishing the membership of the Video Lottery Facility Location Commission; requiring the approval of the Legislative Policy Committee for certain appointments to the Video Lottery Facility Location Commission; establishing certain eligibility

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requirements for membership on the Video Lottery Facility Location Commission; providing for certain reimbursements and staffing; requiring the Department of Budget and Management to contract with a certain consultant; requiring the Video Lottery Facility Location Commission to establish a certain application fee; prohibiting the Video Lottery Facility Location Commission from awarding more than a certain number of video lottery operation licenses; requiring certain bids for video lottery operation licenses to include certain information and to meet certain requirements; prohibiting the Video Lottery Facility Location Commission from issuing more than two licenses in one county or more than a certain number of video lottery terminals in one county; requiring the Video Lottery Facility Location Commission to consider certain factors; requiring certain initial video lottery operation license fees to be placed in the Education Trust Fund; requiring the State Lottery Commission to make certain determinations and be responsible for certain matters relating to racetrack locations and nonracetrack destination locations; providing for review of a denial of an application for a certain license by the State Board of Contract Appeals; providing for certain appeals to be made directly to the Court of Appeals of Maryland; allowing the operation of video lottery terminals in a temporary facility under certain circumstances; providing for the construction of certain provisions of this Act; making the provisions of this Act severable; requiring a certain certification entity to conduct certain studies and make certain reports; requiring the Department of Transportation to conduct a certain study and make a certain report by a certain date; providing for the staggering of the terms of certain new members of the State Lottery Commission; making certain stylistic changes; providing for the termination of certain provisions of this Act; providing that certain provisions of this Act are contingent on the termination of another Act; defining certain terms; and generally relating to the operation of video lottery terminals at certain locations in the State.”.

On pages 1 through 3, strike in their entirety the lines beginning with line 6 on page 1 through line 28 on page 3, inclusive.

AMENDMENT NO. 2

On page 3, in line 34, strike “without” and substitute “with”; and after line 38, insert:

“BY repealing and reenacting, without amendments,

Article - Health - General

Section 19-801 and 19-802

Annotated Code of Maryland

(2000 Replacement Volume and 2004 Supplement)

BY repealing and reenacting, with amendments,

Article - Health - General

Section 19-803 and 19-804

Annotated Code of Maryland

(2000 Replacement Volume and 2004 Supplement)".

On page 4, in line 24, strike "(1) and (2)" and substitute "(3)".

AMENDMENT NO. 3

On page 6, strike beginning with "To" in line 6 down through "in" in line 7 and substitute "IN"; in line 8, strike "may" and substitute "SHALL"; in line 10, strike "Subject to paragraph (4) of this subsection, the" and substitute "THE"; in lines 13, 14, 15, 16, and 17, strike "2006", "2007", "2008", "2009", and "2010", respectively, and substitute "2007", "2008", "2009", "2010", and "2011", respectively; strike beginning with "(4)" in line 18 down through "boards." in line 25; and after line 25, insert:

"Article - Health - General

19-801.

In this subtitle, "compulsive gambler" means an individual:

(1) Who is preoccupied chronically and progressively with gambling and the urge to gamble; and

(2) Whose gambling behavior compromises, disrupts, or damages the individual's personal, family, or vocational pursuits.

19-802.

The General Assembly finds that:

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(1) Compulsive gambling is a serious social problem;

(2) There is evidence that the availability of gambling increases the risk of becoming a compulsive gambler; and

(3) This State, with its extensive legalized gambling, has an obligation to provide a program of treatment for compulsive gamblers.

19-803.

[As a pilot project, the] THE Secretary shall establish [a center for] REGIONAL CENTERS TO PROVIDE SERVICES TO compulsive gamblers [at a place that the Secretary determines to be accessible to a major population center of this State].

19-804.

(a) (1) The Secretary [may] SHALL make grants from or agreements for the use of State FUNDS, INCLUDING THE FUNDS PROVIDED UNDER § 9-1A-32 OF THE STATE GOVERNMENT ARTICLE, and federal funds to help public agencies or nonprofit organizations operate the [center] REGIONAL CENTERS for compulsive gamblers AND THEIR IMMEDIATE FAMILY MEMBERS and establish and operate ADDITIONAL local programs to provide the following for compulsive gamblers:

(i) Inpatient services[.];

(ii) Outpatient services[.];

(iii) Partial care services[.];

(iv) Aftercare services[.];

(v) Consultative services[.];

(vi) Educational services[.];

(vii) SERVICES FOR VICTIMS OF DOMESTIC VIOLENCE; AND

(VIII) Other preventive or rehabilitative services or treatment.

(2) Research and training that are designed to improve or extend these services are proper items of expense.

(B) THE SECRETARY SHALL CONDUCT A PREVALENCE STUDY AND REPLICATION PREVALENCE STUDIES TO MEASURE THE RATE OF PROBLEM AND PATHOLOGICAL GAMBLING IN MARYLAND.

(C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE SECRETARY SHALL CONTRACT WITH AN INDEPENDENT RESEARCHER TO CONDUCT THE PREVALENCE STUDIES.

(2) THE SECRETARY SHALL UTILIZE THE MOST CURRENT PSYCHIATRIC OR DIAGNOSTIC CRITERIA FOR PROBLEM AND PATHOLOGICAL GAMBLING AS THE BASIS FOR THE PREVALENCE STUDIES.

(D) THE INITIAL PREVALENCE STUDY SHALL BE COMPLETED ON OR BEFORE SEPTEMBER 30, 2006.

(E) REPLICATION PREVALENCE STUDIES SHALL BE CONDUCTED NO LESS THAN EVERY 5 YEARS WITH MEASURES TAKEN TO PERMIT COMPARISONS BETWEEN THE INITIAL PREVALENCE STUDY AND SUBSEQUENT REPLICATION PREVALENCE STUDIES.

[(b)] (F) Services under this subtitle shall be provided by public agencies or, under contract, by nonprofit organizations.”.

AMENDMENT NO. 4

On page 9, in line 8, strike “AND”; after line 8, insert:

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“(2) RETRIEVAL OF THE WIN AND LOSS DETERMINATION FROM VIDEO LOTTERY TERMINALS; AND”;

and in line 9, strike “(2)” and substitute “(3)”.

On page 10, after line 28, insert:

“(V) “RACETRACK LOCATION” MEANS A LOCATION AT A RACETRACK THAT HOLDS A LICENSE FROM THE STATE RACING COMMISSION TO HOLD A RACE MEETING THAT IS ELIGIBLE FOR OR HAS BEEN AWARDED A VIDEO LOTTERY OPERATION LICENSE IN THE MANNER PROVIDED BY LAW.”;

and in lines 29, 31, 33, and 35, strike “(V)”, “(W)”, “(X)”, and “(Y) “, respectively, and substitute “(W)”, “(X)”, “(Y)”, and “(Z)”, respectively.

On page 11, in line 1, strike “(Z)” and substitute “(AA)”; and strike beginning with “CONFORMING” in line 32 down through “(II)” in line 34.

On page 12, in lines 1, 3, and 6, strike “(III)”, “(IV)”, and “(V)”, respectively, and substitute “(II)”, “(III)”, and “(IV)”, respectively.

AMENDMENT NO. 5

On page 12, in line 25, strike “SECTION” and substitute “SUBTITLE, INCLUDING THE AUTHORITY PROVIDED TO THE COMMISSION UNDER THIS SUBTITLE,”; in line 31, after “(4)” insert “OTHER”; and strike beginning with “BY” in line 31 down through “ORGANIZATION” in line 33.

On page 15, in line 20, strike “MAY” and substitute “SHALL”; and strike beginning with “IF” in line 24 down through “SUBSECTION,” in line 25.

On page 16, in line 26, after “THE” insert “VIDEO LOTTERY FACILITY LOCATION”; in the same line, strike “MAY” and substitute “ESTABLISHED UNDER § 9-1A-34 OF THIS SUBTITLE MAY NOT”; in the same line, strike “NO”; and in the same line, strike “SIX” and

substitute "SEVEN".

One pages 16 and 17, strike in their entirety the lines beginning with line 28 on page 16 through line 11 on page 17, inclusive, and substitute:

"(B) A LICENSE ISSUED UNDER THIS SUBTITLE IS NOT VALID AT A GEOGRAPHIC LOCATION OTHER THAN THE GEOGRAPHIC LOCATION OF THE RACETRACK LOCATION OR THE NONRACETRACK DESTINATION LOCATION AT THE TIME THE LICENSE IS ISSUED.

(C) (1) IN THIS SUBSECTION, "OWNER" INCLUDES ANY TYPE OF OWNER OR BENEFICIARY OF THE BUSINESS ENTITY INCLUDING AN OFFICER DIRECTOR, PRINCIPAL EMPLOYEE, PARTNER, INVESTOR, STOCKHOLDER, OR BENEFICIAL OWNER OF THE BUSINESS ENTITY AND NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS SUBTITLE, INCLUDES ANY PERCENTAGE OF OWNERSHIP.

(2) A VIDEO LOTTERY OPERATION LICENSEE AT A RACETRACK LOCATION IN THE STATE MAY NOT HOLD A VIDEO LOTTERY OPERATION LICENSE OR BE AN OWNER OF A BUSINESS ENTITY THAT HOLDS A VIDEO LOTTERY OPERATION LICENSE AT A DESTINATION LOCATION IN THE STATE.

(3) A VIDEO LOTTERY OPERATION LICENSEE AT A NONRACETRACK DESTINATION LOCATION IN THE STATE MAY NOT HOLD A VIDEO LOTTERY OPERATION LICENSE OR BE AN OWNER OF A BUSINESS ENTITY THAT HOLDS A VIDEO LOTTERY OPERATION LICENSE AT A RACETRACK LOCATION IN THE STATE.

(4) AN INDIVIDUAL OR BUSINESS ENTITY MAY NOT OWN AN INTEREST IN MORE THAN TWO VIDEO LOTTERY FACILITIES AT RACETRACK LOCATIONS.

(5) AN INDIVIDUAL OR BUSINESS ENTITY MAY NOT OWN AN INTEREST IN MORE THAN ONE VIDEO LOTTERY FACILITY AT A NONRACETRACK DESTINATION LOCATION."

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On page 18, in line 8, strike “MAY” and substitute “SHALL”; and in line 10, strike “IF THE COMMISSION ESTABLISHES A FEE FOR A LICENSE,”.

AMENDMENT NO. 6

On page 23, strike in their entirety lines 3 through 30, inclusive.

On page 23, in line 34, after “(B)” insert “A RACETRACK LOCATION SHALL MAINTAIN,”; and strike beginning with “A VIDEO” in line 34 down through “RACING:” in line 35 and substitute “AT LEAST THE SAME NUMBER OF LIVE RACING DAYS AS WERE AUTHORIZED BY THE STATE RACING COMMISSION FOR THAT LOCATION IN 2004 UNLESS THE LICENSEE IS PREVENTED BY WEATHER, ACTS OF GOD, OR OTHER CIRCUMSTANCES BEYOND THE CONTROL OF THE LICENSEE.”.

On pages 23 and 24, strike in their entirety the lines beginning with line 36 on page 23 through line 3 on page 24, inclusive.

On page 24, in line 4, after “IF” insert “A”; in the same line, strike “LICENSES HAVE” and substitute “LICENSE HAS”; in the same line, after “FOR” insert “A RACETRACK LOCATION AT”; in line 5, strike “AND” and substitute “OR”; in line 6, strike “LICENSES FOR EACH” and substitute “LICENSE FOR”; in line 11, strike “THE LICENSEES” and substitute “A LICENSEE”; in line 21, after “FOR” insert “A RACETRACK LOCATION AT”; in line 22, after “PARK,” insert “THE LICENSEE SHALL PERMIT”; and in the same line, strike “SHALL” and substitute “TO”.

On page 25, in line 2, after “COMMISSION;” insert “AND”; strike beginning with “THAT” in line 4 down through “COUNTY” in line 7; in line 8, strike “\$1,150,000” and substitute “\$1,000,000”; after line 23, insert:

“(G) IF A VIDEO LOTTERY OPERATION LICENSE HAS BEEN ISSUED FOR A RACETRACK LOCATION AT THE PIMLICO RACE COURSE, IN THE PLAN SUBMITTED BY A LICENSEE AT THE PIMLICO RACE COURSE UNDER SUBSECTION (E) OF THIS SECTION, ONE OF THE CAPITAL MAINTENANCE AND IMPROVEMENT ITEMS IN THE PLAN SHALL BE THE CREATION OF A PREMIER CLASSIC RACETRACK AND MUSEUM AS A PART OF THE PIMLICO RACE COURSE.”;

and in line 24, strike “(G)” and substitute “(H)”.

AMENDMENT NO. 7

On pages 25 through 27, strike in their entirety the lines beginning with line 28 on page 25 through line 21 on page 27, inclusive.

On page 27, in line 22, strike “(G)” and substitute “(A)”; in line 38, strike “IN CLOSE PROXIMITY TO” and substitute “WITHIN 10 MILES OF”; and after line 39, insert:

“(5) IF AN APPLICANT FOR EMPLOYMENT AT A VIDEO LOTTERY FACILITY BELIEVES THAT THEY HAVE BEEN DISCRIMINATED AGAINST IN THE EMPLOYMENT PROCESS, THE APPLICANT MAY APPEAL THE EMPLOYMENT DECISION TO THE LOCAL HUMAN RELATIONS BOARD IN THE COUNTY WHERE THE VIDEO LOTTERY FACILITY IS LOCATED.

(6) (I) NOTWITHSTANDING ANY COLLECTIVE BARGAINING AGREEMENT OR AGREEMENTS, A LICENSEE SHALL PROVIDE HEALTH INSURANCE COVERAGE FOR ITS EMPLOYEES.

(II) IF THE LICENSEE IS A RACETRACK LOCATION, THE LICENSEE SHALL PROVIDE HEALTH INSURANCE COVERAGE TO ALL EMPLOYEES OF THE RACETRACK, INCLUDING THE EMPLOYEES ON THE BACKSTRETCH OF THE RACETRACK.”.

On page 28, in lines 1 and 12, strike “(H)” and “(I)”, respectively, and substitute “(B)” and “(C)”, respectively; strike in their entirety lines 16 through 31, inclusive; in line 32, strike “(D)” and substitute “(A)”; and after line 34, insert:

“(B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A LICENSEE SHALL COMMENCE OPERATION OF VIDEO LOTTERY TERMINALS AT THE LOCATION FOR WHICH THE VIDEO LOTTERY FACILITY LICENSE HAS BEEN ISSUED WITHIN 18 MONTHS AFTER THE LICENSE IS ISSUED.

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(C) (1) UPON A DETERMINATION BY THE COMMISSION THAT EXTENUATING CIRCUMSTANCES EXIST WHICH ARE BEYOND THE CONTROL OF A LICENSEE AND HAVE PREVENTED THE LICENSEE FROM COMPLYING WITH THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION, THE COMMISSION MAY ALLOW THE LICENSEE AN EXTENSION OF 6 MONTHS TO COMPLY WITH THE REQUIREMENTS.

(2) THE COMMISSION MAY NOT GRANT MORE THAN TWO EXTENSIONS TO A LICENSEE UNDER THIS SUBSECTION.

(D) IF A VIDEO LOTTERY OPERATION LICENSEE FAILS TO COMPLY WITH THE REQUIREMENTS OF SUBSECTIONS (B) AND (C) OF THIS SECTION, THE LICENSE ISSUED TO THE LICENSEE SHALL BE REVOKED AND SHALL AUTOMATICALLY REVERT TO THE STATE.”.

On page 29, after line 14, insert:

“(C) ONE YEAR BEFORE THE EXPIRATION OF THE TERM OF A VIDEO LOTTERY OPERATION LICENSE, THE LICENSEE SHALL FILE WITH THE COMMISSION A NOTICE OF INTENT TO REAPPLY FOR THE LICENSE UNDER THIS SUBTITLE.”;

and in lines 15 and 18, strike “(C)” and “(D)”, respectively, and substitute “(D)” and “(E)”, respectively.

AMENDMENT NO. 8

On page 34, in line 17, strike “(1)”; and strike in their entirety lines 23 through 30, inclusive, and substitute:

“(C) THE COMMISSION SHALL DEVELOP REGULATIONS GOVERNING THE SALE OR LEASE OF VIDEO LOTTERY TERMINALS BY THE COMMISSION UNDER THIS SUBTITLE IN A MANNER THAT PROVIDES A COMPETITIVE PROCESS AMONG LICENSED MANUFACTURERS WITH INCENTIVES TO LICENSED MANUFACTURERS BASED ON THE PERFORMANCE OF THE MANUFACTURER’S VIDEO LOTTERY

TERMINALS.”.

On pages 34 and 35, strike in their entirety the lines beginning with line 32 on page 34 through line 5 on page 35, inclusive, and substitute:

“(A) THE VIDEO LOTTERY FACILITY LOCATION COMMISSION ESTABLISHED UNDER § 9-1A-34 OF THIS SUBTITLE MAY AWARD UP TO 15,500 VIDEO LOTTERY TERMINALS FOR OPERATION AT VIDEO LOTTERY FACILITIES IN THE STATE.

(B) THE VIDEO LOTTERY FACILITY LOCATION COMMISSION SHALL AWARD THE NUMBER OF VIDEO LOTTERY TERMINALS TO VIDEO LOTTERY OPERATION LICENSEES AS PROVIDED IN THIS SECTION AND § 9-1A-34 OF THIS SUBTITLE.

(C) (1) BEGINNING 3 YEARS AFTER THE OPERATION OF VIDEO LOTTERY TERMINALS AT RACETRACK AND NONRACETRACK DESTINATION LOCATIONS AND EVERY 3 YEARS THEREAFTER, IF ALL OF THE VIDEO LOTTERY TERMINALS AUTHORIZED UNDER THIS SUBTITLE ARE NOT ALLOCATED OR HAVE BEEN ALLOCATED BUT ARE NOT IN REGULAR OPERATION, THE STATE LOTTERY COMMISSION MAY ALLOCATE OR REALLOCATE VIDEO LOTTERY TERMINALS TO VIDEO LOTTERY OPERATION LICENSEES IN A MANNER THAT ENSURES THAT THE HIGHEST POTENTIAL REVENUES ARE ACHIEVED.

(2) IN DETERMINING THE HIGHEST POTENTIAL REVENUE TO BE ACHIEVED BY ADDITIONAL VIDEO LOTTERY TERMINALS AT EACH POTENTIAL LOCATION, THE STATE LOTTERY COMMISSION SHALL CONSIDER THE MARKET PERFORMANCE OF THE EXISTING VIDEO LOTTERY TERMINALS AT EACH LOCATION.

(D) THE VIDEO LOTTERY FACILITY LOCATION COMMISSION AND THE STATE LOTTERY COMMISSION MAY NOT ALLOCATE VIDEO LOTTERY TERMINALS IN A MANNER THAT RESULTS IN MORE THAN 7,500 VIDEO LOTTERY TERMINALS BEING LOCATED IN ANY COUNTY IN THE STATE.

(E) THE VIDEO LOTTERY FACILITY LOCATION COMMISSION AND THE

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STATE LOTTERY COMMISSION MAY NOT ALLOCATE VIDEO LOTTERY TERMINALS IN A MANNER THAT RESULTS IN MORE THAN:

(1) 5,000 VIDEO LOTTERY TERMINALS BEING ALLOCATED FOR OPERATION UNDER ONE VIDEO LOTTERY OPERATION LICENSE; OR

(2) 6,000 VIDEO LOTTERY TERMINALS BEING ALLOCATED FOR OPERATION UNDER ONE OR MORE VIDEO LOTTERY OPERATION LICENSES HELD BY THE SAME INDIVIDUAL OR BUSINESS ENTITY.”.

On page 35, in lines 9 and 11, in each instance, strike “87%” and substitute “90%”; and after line 18, insert:

“(D) ANY STATE LOTTERY GAMES THAT ARE OFFERED BY OR THROUGH THE COMMISSION MAY NOT BE OFFERED FOR SALE AT A VIDEO LOTTERY FACILITY IN THE STATE.”.

AMENDMENT NO. 9

On pages 38 through 41, strike in their entirety the lines beginning with line 33 on page 38 through line 22 on page 41, inclusive, and substitute:

“(B) THE COMPTROLLER SHALL PAY FROM THE PROCEEDS OF VIDEO LOTTERY TERMINALS AT EACH VIDEO LOTTERY FACILITY:

(1) ON A PROPERLY APPROVED TRANSMITTAL PREPARED BY THE COMMISSION, THE PERCENTAGE STATED IN THE ACCEPTED BID TO THE VIDEO LOTTERY OPERATION LICENSEE;

(2) ON A PROPERLY APPROVED TRANSMITTAL PREPARED BY THE COMMISSION, 5% IN A LOCAL DEVELOPMENT GRANT TO THE COUNTY IN WHICH A VIDEO LOTTERY FACILITY IS LOCATED, SUBJECT TO A REQUIREMENT THAT IF A VIDEO LOTTERY FACILITY OPERATION LICENSE IS ISSUED TO A RACETRACK LOCATION AT LAUREL PARK, THE LOCAL DEVELOPMENT GRANT SHALL BE DISTRIBUTED IN THE FOLLOWING MANNER:

(I) 73% TO ANNE ARUNDEL COUNTY;

(II) 17% TO HOWARD COUNTY; AND

(III) 10% TO THE CITY OF LAUREL;

(3) (I) IN THE FIRST YEAR OF VIDEO LOTTERY TERMINAL OPERATION, 5.1% TO THE PURSE DEDICATION ACCOUNT ESTABLISHED UNDER § 9-1A-28 OF THIS SUBTITLE; AND

(II) IN THE SECOND YEAR OF VIDEO LOTTERY TERMINAL OPERATION AND EACH YEAR THEREAFTER, ON A PROPERLY APPROVED TRANSMITTAL PREPARED BY THE COMMISSION, 5.8% TO THE PURSE DEDICATION ACCOUNT ESTABLISHED UNDER § 9-1A-28 OF THIS SUBTITLE; AND

(4) THE REMAINDER TO THE EDUCATION TRUST FUND ESTABLISHED UNDER § 9-1A-29 OF THIS SUBTITLE.

(C) IF THE COSTS OF THE STATE LOTTERY AGENCY UNDER THIS SECTION ARE LESS THAN 5% IN THE FIRST YEAR OF VIDEO LOTTERY TERMINAL OPERATION, OR LESS THAN 4.3% IN THE SECOND YEAR OF VIDEO LOTTERY TERMINAL OPERATION, AND EACH YEAR THEREAFTER, ANY AMOUNT NOT DISTRIBUTED TO THE STATE LOTTERY AGENCY SHALL BE DIVIDED EQUALLY AND PAID TO:

(1) THE EDUCATION TRUST FUND ESTABLISHED UNDER § 9-1A-29 OF THIS SUBTITLE; AND

(2) THE PURSE DEDICATION ACCOUNT ESTABLISHED UNDER § 9-1A-28 OF THIS SUBTITLE.”.

AMENDMENT NO. 10

On page 42, strike in their entirety lines 4 through 19, inclusive, and substitute:

(Over)

“(C) SUBJECT TO THE PROVISIONS OF SUBSECTIONS (D) AND (E) OF THIS SECTION, THE STATE RACING COMMISSION SHALL ALLOCATE A PERCENTAGE OF THE FUNDS IN THE ACCOUNT EACH YEAR TO THE THOROUGHBRED INDUSTRY AND TO THE STANDARD BRED INDUSTRY BASED ON THE PERCENTAGE OF THE TOTAL WAGERING ON LIVE RACING AT RACETRACKS IN THE STATE THAT CAN BE ATTRIBUTED TO EACH INDUSTRY DURING THE PRIOR CALENDAR YEAR.”;

in line 20, strike “(E)” and substitute “(D)”; in line 22, after “PURSES” insert “AT THE PIMLICO RACECOURSE, LAUREL PARK, THE RACECOURSE IN ALLEGANY COUNTY, AND THE RACECOURSE IN TIMONIUM”; in line 24, strike “(F)” and substitute “(E)”; in line 26, after “PURSES” insert “AT THE ROSECROFT RACEWAY, OCEAN DOWNS RACE COURSE, AND THE RACECOURSE IN ALLEGANY COUNTY”; in line 28, strike “(G)” and substitute “(F)”; in line 31, strike “(H)” and substitute “(G)(1)”; in line 32, after “SECTION” insert “SHALL GO TO THE MARYLAND HORSEMEN’S ASSISTANCE FUND, INC., ESTABLISHED UNDER § 11-909 OF THE BUSINESS REGULATION ARTICLE,”; strike beginning with “PROVIDING” in line 33 down through “STATE” in line 34 and substitute “THE MARYLAND STANDARD BRED HORSEMEN’S ASSISTANCE FUND, INC., ESTABLISHED UNDER § 11-909 OF THE BUSINESS REGULATION ARTICLE”; and after line 34, insert:

“(2) THE AMOUNTS ALLOCATED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE USED TO PROVIDE HEALTH BENEFITS FOR JOCKEYS AND HARNESS RACING DRIVERS IN THE STATE.

(3) WITH THE ADVICE OF THE STATE RACING COMMISSION, FUNDS FOR HEALTH BENEFITS FOR JOCKEYS AND HARNESS RACING DRIVERS SHALL BE DISTRIBUTED BY THE HORSEMEN’S ASSISTANCE FUNDS BASED ON:

- (I) NEED;
- (II) DOCUMENTED MARYLAND RESIDENCY; AND
- (III) NUMBER OF RACES RIDDEN OR DRIVEN PER YEAR ON MARYLAND TRACKS.”.

AMENDMENT NO. 11

On page 43, strike in their entirety lines 21 through 27, inclusive, and substitute:

“(D) THE GOVERNOR SHALL INCLUDE IN THE BUDGET FOR FISCAL YEAR 2007 AND EACH FISCAL YEAR THEREAFTER THROUGH FISCAL YEAR 2014, \$150,000,000 FROM THE EDUCATION TRUST FUND FOR THE FUNDING OF PUBLIC SCHOOL CONSTRUCTION AND CAPITAL IMPROVEMENTS ON A PAY-AS-YOU-GO BASIS.

“(E) EXPENDITURES FROM THE EDUCATION TRUST FUND SHALL BE MADE EACH FISCAL YEAR IN ACCORDANCE WITH THE STATE BUDGET.”.

AMENDMENT NO. 12

On page 45, after line 12, insert:

“(E) (1) IN THIS SUBSECTION, “ELIGIBLE CERTIFIED COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION” MEANS A FINANCIAL INSTITUTION CERTIFIED BY THE UNITED STATES DEPARTMENT OF THE TREASURY AS A CERTIFIED COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION THAT HAS:

(I) INVESTED IN SMALL, MINORITY, AND WOMEN-OWNED BUSINESSES IN THE STATE FOR AT LEAST A 5-YEAR PERIOD; AND

(II) AT LEAST 75% OF ITS ENTIRE INVESTMENT PORTFOLIO IN EQUITY AND NEAR EQUITY TYPES OF INVESTMENTS MADE FOR THE PURPOSE OF CREATING AND RETAINING JOBS IN ECONOMICALLY DISTRESSED COMMUNITIES IN THE STATE.

(2) SUBJECT TO THE PROVISIONS OF PARAGRAPH (3) OF THIS SUBSECTION, A COUNTY THAT RECEIVES A LOCAL DEVELOPMENT GRANT UNDER THIS SUBTITLE SHALL ALLOCATE AT LEAST 20% OF THE LOCAL DEVELOPMENT GRANT FUNDS EACH YEAR TO THE COUNTY’S ECONOMIC DEVELOPMENT OFFICE FOR INVESTMENTS IN ELIGIBLE CERTIFIED COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS.

(Over)

(3) THE FUNDS PROVIDED TO ELIGIBLE CERTIFIED COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS UNDER THIS SUBSECTION SHALL BE USED TO PROVIDE INVESTMENT CAPITAL AND LOANS TO SMALL, MINORITY, AND WOMEN-OWNED BUSINESSES IN THE COUNTY WITH SPECIFIC FOCUS ON ECONOMICALLY DISTRESSED COMMUNITIES IN THE COUNTY AND COMMUNITIES SURROUNDING THE VIDEO LOTTERY FACILITY.”.

AMENDMENT NO. 13

On page 46, in line 18, strike “A”; and in line 19, strike “PROGRAM” and substitute “PROGRAMS, INCLUDING THE PROGRAMS ESTABLISHED UNDER TITLE 19, SUBTITLE 8 OF THE HEALTH - GENERAL ARTICLE”.

AMENDMENT NO. 14

On page 48, in line 1, after “(1)” insert “(I)”; and after line 2, insert:

“(II) APPOINTMENTS TO THE VIDEO LOTTERY FACILITY LOCATION COMMISSION SHALL BE SUBJECT TO THE APPROVAL OF THE LEGISLATIVE POLICY COMMITTEE.”.

On pages 48 through 50, strike in their entirety the lines beginning with line 9 on page 48 through line 33 on page 50, inclusive, and substitute:

“(3) THE MEMBERSHIP OF THE COMMISSION APPOINTED UNDER THIS SUBSECTION SHOULD REFLECT THE RACE, GENDER, AND GEOGRAPHIC DIVERSITY OF THE POPULATION OF THE STATE.

(4) THE MEMBERS OF THE VIDEO LOTTERY FACILITY LOCATION COMMISSION SHALL CHOOSE A CHAIRMAN FROM AMONG THE MEMBERS.

(C) A MEMBER OF THE VIDEO LOTTERY FACILITY LOCATION COMMISSION:

(1) SHALL BE AT LEAST 21 YEARS OF AGE;

- (2) SHALL BE A CITIZEN OF THE UNITED STATES;
- (3) SHALL BE A RESIDENT OF THE STATE;
- (4) SHALL BE KNOWLEDGEABLE AND EXPERIENCED IN FISCAL MATTERS AND SHALL HAVE AT LEAST 10 YEARS SUBSTANTIAL EXPERIENCE:
 - (I) AS AN EXECUTIVE WITH FIDUCIARY RESPONSIBILITIES IN CHARGE OF A LARGE ORGANIZATION OR FOUNDATION;
 - (II) IN AN ACADEMIC FIELD RELATING TO FINANCE OR ECONOMICS; OR
 - (III) AS AN ECONOMIST, FINANCIAL ANALYST, ACCOUNTANT, OR AS A PROFESSIONAL IN A SIMILAR PROFESSION RELATING TO FISCAL MATTERS OR ECONOMICS;
- (5) MAY NOT HAVE BEEN CONVICTED OF OR GRANTED PROBATION BEFORE JUDGMENT FOR A SERIOUS CRIME OR A CRIME THAT INVOLVES GAMBLING OR MORAL TURPITUDE;
- (6) MAY NOT HAVE AN OFFICIAL RELATIONSHIP TO A PERSON WHO HOLDS A LICENSE UNDER THIS SUBTITLE;
- (7) MAY NOT HAVE ANY DIRECT OR INDIRECT FINANCIAL INTEREST, OWNERSHIP, OR MANAGEMENT, INCLUDING HOLDING ANY STOCKS, BONDS, OR OTHER SIMILAR FINANCIAL INTERESTS IN ANY GAMING ACTIVITIES, INCLUDING HORSE RACING, VIDEO LOTTERY TERMINALS, OR LOTTERY;
- (8) MAY NOT RECEIVE OR SHARE IN, DIRECTLY OR INDIRECTLY, THE RECEIPTS OR PROCEEDS OF ANY GAMING ACTIVITIES, INCLUDING HORSE RACING OR LOTTERY; AND
- (9) MAY NOT HAVE A BENEFICIAL INTEREST IN ANY CONTRACT FOR

(Over)

THE MANUFACTURE OR SALE OF GAMING DEVICES, THE CONDUCT OF ANY GAMING ACTIVITY, OR THE PROVISION OF ANY INDEPENDENT CONSULTING SERVICES IN CONNECTION WITH ANY GAMING ESTABLISHMENT OR GAMBLING ACTIVITY.

(D) A MEMBER OF THE VIDEO LOTTERY FACILITY LOCATION COMMISSION:

(1) MAY NOT RECEIVE COMPENSATION FOR SERVING ON THE VIDEO LOTTERY FACILITY LOCATION COMMISSION; BUT

(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

(E) (1) THE STATE LOTTERY COMMISSION, THE DEPARTMENT OF BUDGET AND MANAGEMENT, AND THE DEPARTMENT OF LEGISLATIVE SERVICES SHALL PROVIDE STAFF TO THE VIDEO LOTTERY FACILITY LOCATION COMMISSION.

(2) THE DEPARTMENT OF BUDGET AND MANAGEMENT SHALL CONTRACT WITH AN INDEPENDENT CONSULTANT THAT HAS AT LEAST 10 YEARS SUBSTANTIAL EXPERIENCE IN CONSULTING ON MATTERS RELATING TO THE GAMING INDUSTRY TO ASSIST AND ADVISE THE VIDEO LOTTERY FACILITY LOCATION COMMISSION IN THE REVIEW AND ANALYSIS OF BIDS SUBMITTED UNDER THIS SECTION.

(F) (1) THE VIDEO LOTTERY FACILITY LOCATION COMMISSION MAY NOT AWARD MORE THAN A TOTAL OF SEVEN VIDEO LOTTERY OPERATION LICENSES.

(2) THE VIDEO LOTTERY FACILITY LOCATION COMMISSION SHALL AWARD LICENSES TO QUALIFIED BIDDERS THROUGH A COMPETITIVE PROCESS CONSISTENT WITH THE PROCESS ESTABLISHED FOR COMPETITIVE SEALED BIDS UNDER TITLE 13 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(3) THE VIDEO LOTTERY FACILITY LOCATION COMMISSION MAY AWARD UP TO FOUR VIDEO LOTTERY OPERATION LICENSES TO RACETRACK

LOCATIONS.

(4) (I) THE VIDEO LOTTERY FACILITY LOCATION COMMISSION MAY AWARD UP TO THREE VIDEO LOTTERY OPERATION LICENSES TO NONRACETRACK DESTINATION LOCATIONS.

(II) A NONRACETRACK DESTINATION LOCATION UNDER THIS SECTION MAY NOT BE LOCATED ON THE SITE OF ANY RACETRACK IN THE STATE EXISTING ON JULY 1, 2004.

(5) THE VIDEO LOTTERY FACILITY LOCATION COMMISSION MAY NOT AWARD MORE THAN:

(I) TWO VIDEO LOTTERY OPERATION LICENSES IN ONE COUNTY; AND

(II) A TOTAL OF 7,500 VIDEO LOTTERY TERMINALS FOR OPERATION UNDER VIDEO LOTTERY OPERATION LICENSES IN ONE COUNTY.

(G) THE VIDEO LOTTERY FACILITY LOCATION COMMISSION SHALL SET AN APPLICATION FEE TO BE SUBMITTED BY BIDDERS FOR A VIDEO LOTTERY OPERATION LICENSE THAT IS SUFFICIENT TO COVER THE COSTS ASSOCIATED WITH CONSIDERATION OF THE BID AND QUALIFICATION OF THE BIDDER BY THE VIDEO LOTTERY FACILITY LOCATION COMMISSION AND THE STATE LOTTERY COMMISSION.

(H) (1) A BID SUBMITTED FOR A VIDEO LOTTERY OPERATION LICENSE UNDER THIS SECTION:

(I) SHALL BE SUBMITTED BY OCTOBER 1, 2005;

(II) SHALL INCLUDE THE INFORMATION NECESSARY FOR APPLICATION FOR A VIDEO LOTTERY OPERATION LICENSE AS REQUIRED BY THIS

(Over)

SUBTITLE:

(III) SHALL INCLUDE AN APPLICATION FEE ESTABLISHED BY THE VIDEO LOTTERY FACILITY LOCATION COMMISSION FOR THE PURPOSE OF COVERING EXPENSES THAT WILL BE INCURRED BY THE VIDEO LOTTERY FACILITY LOCATION COMMISSION IN CONSIDERING A BID;

(IV) SHALL INCLUDE PROOF THAT FUNDS ARE AVAILABLE TO PAY THE INITIAL LICENSE FEE ESTABLISHED UNDER SUBSECTION (L) OF THIS SECTION IF A VIDEO LOTTERY FACILITY LICENSE IS AWARDED; AND

(V) EXCEPT FOR A RACETRACK LOCATION, MAY NOT OFFER A PERCENTAGE SHARE FOR THE APPLICANT THAT EXCEEDS 30% OF THE GROSS PROCEEDS FROM VIDEO LOTTERY TERMINALS.

(2) A BID SUBMITTED FOR A VIDEO LOTTERY OPERATION LICENSE AT A RACETRACK LOCATION MAY NOT OFFER A PERCENTAGE SHARE FOR THE APPLICANT THAT EXCEEDS 36% OF THE GROSS PROCEEDS FROM VIDEO LOTTERY TERMINALS.

(3) A BID SUBMITTED FOR A VIDEO LOTTERY OPERATION LICENSE UNDER THIS SECTION SHALL PROVIDE FOR AT LEAST \$15,000,000 IN DIRECT INVESTMENT BY THE APPLICANT IN CONSTRUCTION AND RELATED COSTS FOR EACH 500 VIDEO LOTTERY TERMINALS CONTAINED IN THE PROPOSED BID THAT SHALL BE PRORATED BASED ON THE EXACT NUMBER OF VIDEO LOTTERY TERMINALS CONTAINED IN THE BID.

(I) (1) IN AWARDING A VIDEO LOTTERY OPERATION LICENSE, THE VIDEO LOTTERY FACILITY LOCATION COMMISSION SHALL CONSIDER THE FACTORS UNDER THIS SUBSECTION IN THE MANNER SPECIFIED.

(2) THE DECISION BY THE VIDEO LOTTERY FACILITY LOCATION COMMISSION TO AWARD A LICENSE SHALL BE WEIGHTED BY 70% BASED ON BUSINESS AND MARKET FACTORS INCLUDING:

(I) THE HIGHEST POTENTIAL BENEFIT AND HIGHEST PROSPECTIVE TOTAL REVENUE TO BE DERIVED BY THE STATE;

(II) THE POTENTIAL REVENUE FROM A PROPOSED LOCATION BASED ON A MARKET ANALYSIS;

(III) THE ABILITY TO ATTRACT OUT-OF-STATE GAMING PARTICIPANTS;

(IV) THE EXTENT TO WHICH THE PROPOSED LOCATION DEMONSTRATES THAT THE FACILITY WILL BE A SUBSTANTIAL REGIONAL AND NATIONAL TOURIST DESTINATION;

(V) THE PROPOSED FACILITY CAPITAL CONSTRUCTION PLANS AND COMPETITIVENESS OF THE PROPOSED FACILITY;

(VI) THE AMOUNT OF GROSS REVENUES TO BE ALLOCATED TO THE OPERATOR OVER THE TERM OF THE LICENSE;

(VII) THE AMOUNT OF THE INITIAL LICENSE FEE TO BE PAID;
AND

(VIII) THE PERCENTAGE OF OWNERSHIP BY ENTITIES MEETING THE DEFINITION OF MINORITY BUSINESS ENTERPRISE UNDER TITLE 14, SUBTITLE 3 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(3) THE DECISION BY THE VIDEO LOTTERY FACILITY LOCATION COMMISSION TO AWARD A LICENSE SHALL BE WEIGHTED BY 15% BASED ON ECONOMIC DEVELOPMENT FACTORS INCLUDING:

(I) THE NUMBER OF NEW JOBS TO BE CREATED; AND

(Over)

(II) ANY ADDITIONAL ECONOMIC DEVELOPMENT PLANNED IN THE AREA OF THE PROPOSED FACILITY.

(4) THE DECISION BY THE VIDEO LOTTERY FACILITY LOCATION COMMISSION TO AWARD A LICENSE SHALL BE WEIGHTED BY 15% BASED ON LOCATION SITING FACTORS INCLUDING:

(I) THE EXISTING TRANSPORTATION INFRASTRUCTURE SURROUNDING THE PROPOSED FACILITY LOCATION;

(II) EXCEPT FOR A RACETRACK LOCATION, THE PROXIMITY OF THE PROPOSED FACILITY LOCATION TO INTERSTATE 95, U.S. ROUTE 50, AND OTHER PARTS OF THE INTERSTATE HIGHWAY SYSTEM;

(III) THE NEED FOR ADDITIONAL PUBLIC INFRASTRUCTURE EXPENDITURES AT THE PROPOSED FACILITY; AND

(IV) THE NEGATIVE IMPACT, IF ANY, OF THE LOCATION ON A RESIDENTIAL COMMUNITY.

(J) (1) A PERSON THAT IS AWARDED A VIDEO LOTTERY OPERATION LICENSE UNDER THIS SECTION SHALL PAY AN INITIAL LICENSE FEE PRIOR TO THE ISSUANCE OF THE LICENSE THAT IS EQUAL TO \$3,000,000 PER 500 VIDEO LOTTERY TERMINALS AWARDED TO THE LICENSEE THAT SHALL BE PRORATED BASED ON THE EXACT NUMBER OF VIDEO LOTTERY TERMINALS AWARDED BY THE VIDEO LOTTERY FACILITY LOCATION COMMISSION.

(2) ALL INITIAL LICENSE FEES SUBMITTED UNDER THIS SUBTITLE SHALL ACCRUE TO THE EDUCATION TRUST FUND UNDER § 9-1A-29 OF THIS SUBTITLE.

(K) THE VIDEO LOTTERY FACILITY LOCATION COMMISSION MAY NOT AWARD A VIDEO LOTTERY FACILITY OPERATION LICENSE TO A PERSON THAT IS NOT QUALIFIED UNDER THIS SECTION OR THIS SUBTITLE.

(L) (1) THE VIDEO LOTTERY FACILITY LOCATION COMMISSION SHALL REFER TO THE STATE LOTTERY COMMISSION THE NAME AND ALL RELEVANT INFORMATION CONCERNING A PERSON THAT MAKES A BID UNDER THIS SECTION.

(2) ON RECEIPT OF THE INFORMATION IN PARAGRAPH (1) OF THIS SUBSECTION, THE STATE LOTTERY COMMISSION SHALL DETERMINE WHETHER A BIDDER IS QUALIFIED TO HOLD A VIDEO LOTTERY FACILITY OPERATION LICENSE UNDER THIS SUBTITLE.

(3) ON COMPLETION OF ITS DETERMINATION, THE STATE LOTTERY COMMISSION SHALL NOTIFY THE VIDEO LOTTERY FACILITY LOCATION COMMISSION OF THE DETERMINATION AS TO WHETHER A BIDDER IS QUALIFIED TO HOLD A VIDEO LOTTERY FACILITY OPERATION LICENSE UNDER THIS SUBTITLE.

(M) AFTER THE AWARD OF A VIDEO LOTTERY OPERATION LICENSE UNDER THIS SECTION, THE STATE LOTTERY COMMISSION SHALL BE RESPONSIBLE FOR ALL MATTERS RELATING TO REGULATION OF THE LICENSEE.

(N) (1) AN UNSUCCESSFUL BIDDER FOR A VIDEO LOTTERY OPERATION LICENSE UNDER THIS SECTION MAY SEEK, UNDER TITLE 15 OF THE STATE FINANCE AND PROCUREMENT ARTICLE, REVIEW BY THE STATE BOARD OF CONTRACT APPEALS OF THE AWARDED OF THE VIDEO LOTTERY OPERATION LICENSE BY THE VIDEO LOTTERY FACILITY LOCATION COMMISSION.

(2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN APPEAL OF A DECISION OF THE STATE BOARD OF CONTRACT APPEALS UNDER THIS SUBSECTION SHALL BE MADE DIRECTLY TO THE COURT OF APPEALS OF MARYLAND.

(O) (1) NOTHING IN THIS SECTION MAY BE CONSTRUED TO PROHIBIT A VIDEO LOTTERY OPERATION LICENSEE THAT IS AWARDED A LICENSE AT A RACETRACK LOCATION FROM BEGINNING VIDEO LOTTERY TERMINAL OPERATIONS

IN A TEMPORARY FACILITY THAT MEETS THE MINIMUM REQUIREMENTS ESTABLISHED IN REGULATIONS ADOPTED BY THE STATE LOTTERY COMMISSION.

(2) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION, A VIDEO LOTTERY OPERATION LICENSEE AT A RACETRACK LOCATION SHALL BE FULLY OPERATIONAL IN A PERMANENT FACILITY NO LATER THAN 2 YEARS AFTER THE ISSUANCE OF THE VIDEO LOTTERY OPERATION LICENSE.

(P) (1) NOTHING IN THIS SUBTITLE MAY BE CONSTRUED TO REQUIRE THE VIDEO LOTTERY FACILITY LOCATION COMMISSION TO ISSUE ALL SEVEN VIDEO LOTTERY OPERATION LICENSES AUTHORIZED UNDER THIS SUBTITLE.

(2) NOTWITHSTANDING ANY OF THE PROVISIONS OF THIS SUBTITLE, THE VIDEO LOTTERY FACILITY LOCATION COMMISSION MAY NOT AWARD A VIDEO LOTTERY OPERATION LICENSE UNDER THIS SUBTITLE UNLESS THE VIDEO LOTTERY FACILITY LOCATION COMMISSION DETERMINES AND DECLARES THAT A BID SELECTED FOR AWARD OF THE LICENSE IS IN THE PUBLIC INTEREST AND IS CONSISTENT WITH THE PURPOSES OF THIS SUBTITLE.”.

AMENDMENT NO. 15

On page 52, in line 5, after “That” insert “, if a license is issued for a location at the Pimlico Race Course,”; in line 20, strike “1 year” and substitute “2 years”; strike beginning with “on” in line 10 down through “2005” in line 11; in line 11, after “Article” insert “, within 6 months after the issuance of the license for a location at the Pimlico Race Course”; in lines 21 and 23, in each instance, strike “second” and substitute “seventh”; and strike beginning with “for” in line 21 down through “location” in line 22.