

HOUSE BILL 1143

C7

3lr2053

By: **Delegates Rosenberg, Carter, and Oaks**

Introduced and read first time: February 8, 2013

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Gaming – Racetrack Facility Renewal Account – Pimlico Historic**
3 **Preservation Commission**

4 FOR the purpose of establishing the Pimlico Historic Preservation Commission;
5 requiring that a certain grant from the Racetrack Facility Renewal Account and
6 made available to Pimlico Race Course be used for certain purposes; requiring
7 that a holder of a racing license to race at Pimlico Race Course include certain
8 plans as part of a certain capital construction plan; requiring the holder of the
9 racing license to consult with certain entities in developing certain plans;
10 requiring that the State Racing Commission consult with the Commission when
11 monitoring the implementation of a certain capital construction plan; specifying
12 the membership of the Commission; requiring that the Governor and Mayor of
13 Baltimore City appoint certain members; providing for the term of a member;
14 specifying that a member is entitled to the reimbursement of certain expenses
15 under certain circumstances; providing for the removal of members from office,
16 the selection of a Commission chair and vice chair, and the composition of a
17 quorum; requiring the Commission to determine the times and places of its
18 meetings; authorizing the Commission to direct that funds be used to ensure
19 that the cultural heritage of Pimlico is kept alive; requiring the Commission to
20 file annually a certain report with certain public bodies; requiring the
21 Commission to adopt certain procedures; and generally relating to the creation
22 of the Pimlico Historic Preservation Commission.

23 BY repealing and reenacting, with amendments,
24 Article – State Government
25 Section 9–1A–29(c),(f), and (i)
26 Annotated Code of Maryland
27 (2009 Replacement Volume and 2012 Supplement)

28 BY adding to
29 Article – State Government

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 9–1A–29.1
2 Annotated Code of Maryland
3 (2009 Replacement Volume and 2012 Supplement)

4 Preamble

5 WHEREAS, Pimlico is an area in northwestern Baltimore City that is home to
6 historic Pimlico Race Course; and

7 WHEREAS, Pimlico Race Course, the second oldest racetrack in the nation
8 behind Saratoga Race Course, began hosting horse races on October 25, 1870; and

9 WHEREAS, Pimlico Race Course has been the home since 1873 of the world
10 famous Preakness Stakes, the second jewel of the Triple Crown races; and

11 WHEREAS, Several diverse communities surrounding Pimlico Race Course are
12 impacted greatly by the racetrack and thus have a deep interest in its operation; and

13 WHEREAS, Pimlico Race Course is the beneficiary of significant State support
14 from proceeds of video lottery terminals allocated for purses, facility renewal, and
15 economic and community development in the surrounding communities; now,
16 therefore,

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

19 **Article – State Government**

20 9–1A–29.

21 (c) Funds from the Account shall be used to provide a grant to the holder of a
22 license to hold a race meeting in the State:

23 (1) for racetrack facility capital construction and improvements; [and]

24 **(2) FROM A GRANT TO PIMLICO RACE COURSE, FOR PROGRAMS,**
25 **PARTNERSHIPS, AND STUDIES BY THE PIMLICO HISTORIC PRESERVATION**
26 **COMMISSION AS PROVIDED UNDER § 9–1A–29.1(K) OF THIS SUBTITLE; AND**

27 **[(2)] (3)** for Laurel Park and Pimlico Race Course, up to \$6,000,000
28 per year for operating assistance to support a minimum of 146 annual live racing days
29 in calendar years 2012 and 2013, unless the racing licensee is prevented by weather,
30 acts of God, or other circumstances beyond the racing licensee's control.

31 (f) **(1)** In order to obtain a capital grant, a holder of a license to hold a
32 race meeting in the State shall:

1 **[(1)] (I)** submit a capital construction plan to be implemented within
2 a specified time frame to the State Racing Commission for approval; and

3 **[(2)] (II)** except as provided in subsection (g) of this section, provide
4 and expend a matching fund.

5 **(2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE**
6 **HOLDER OF A RACING LICENSE TO RACE AT PIMLICO RACE COURSE, AS PART**
7 **OF A CAPITAL CONSTRUCTION PLAN SUBMITTED UNDER PARAGRAPH (1)(I) OF**
8 **THIS SUBSECTION, SHALL INCLUDE:**

9 **(I) THE LICENSEE'S PLAN TO ACCOMMODATE THE NEEDS**
10 **FOR EMPLOYMENT AND ECONOMIC DEVELOPMENT IN THE NEIGHBORHOODS**
11 **ELIGIBLE FOR LOCAL IMPACT GRANTS UNDER § 9-1A-31(A) OF THIS SUBTITLE**
12 **FOR AN AREA IN THE PARK HEIGHTS MASTER PLAN, WITHIN 1 MILE OF**
13 **PIMLICO RACE COURSE, OR IN THE NORTHWEST COMMUNITY PLANNING**
14 **FORUM STRATEGIC NEIGHBORHOOD ACTION PLAN; AND**

15 **(II) THE LICENSEE'S PLAN TO MITIGATE THE TEMPORARY**
16 **AND PERMANENT IMPACTS ON EMPLOYEES OF LOCAL BUSINESSES FROM A LOSS**
17 **OF PARKING RESULTING FROM CAPITAL CONSTRUCTION AND IMPROVEMENTS**
18 **AT THE PIMLICO RACE COURSE.**

19 **(3) IN DEVELOPING THE PLANS REQUIRED UNDER PARAGRAPH**
20 **(2) OF THIS SUBSECTION, THE HOLDER OF A RACING LICENSE TO RACE AT**
21 **PIMLICO RACE COURSE SHALL CONSULT WITH THE AFFECTED COMMUNITY**
22 **ASSOCIATIONS AND INSTITUTIONS IN THE NEIGHBORHOODS ELIGIBLE FOR**
23 **LOCAL IMPACT GRANTS DESCRIBED IN PARAGRAPH (2)(I) OF THIS SUBSECTION.**

24 (i) After a capital grant has been provided under this section, the State
25 Racing Commission shall:

26 (1) [in consultation with the Department of General Services,]
27 monitor the implementation of the approved capital construction plan **IN**
28 **CONSULTATION WITH:**

29 **(I) THE DEPARTMENT OF GENERAL SERVICES; AND**

30 **(II) FOR A GRANT TO PIMLICO RACE COURSE, THE PIMLICO**
31 **HISTORIC PRESERVATION COMMISSION, AS PROVIDED UNDER § 9-1A-29.1(K)**
32 **OF THIS SUBTITLE; and**

1 (2) make provisions for recapture of grant moneys if the capital
2 construction plan is not implemented within the time frame approved by the State
3 Racing Commission.

4 **9-1A-29.1.**

5 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
6 MEANINGS INDICATED.

7 (2) “COMMISSION” MEANS THE PIMLICO HISTORIC
8 PRESERVATION COMMISSION.

9 (3) “PIMLICO” MEANS THE AREA IN WHICH NEIGHBORHOODS
10 ELIGIBLE FOR LOCAL IMPACT GRANTS UNDER § 9-1A-31(A)(1)(II) OF THIS
11 SUBTITLE ARE LOCATED.

12 (B) THERE IS A PIMLICO HISTORIC PRESERVATION COMMISSION.

13 (C) (1) THE COMMISSION CONSISTS OF SEVEN MEMBERS WITH A
14 DEMONSTRATED INTEREST OR SPECIFIC KNOWLEDGE OF HISTORY,
15 ARCHITECTURE, HISTORIC PRESERVATION, COMMUNITY DEVELOPMENT, OR
16 URBAN DESIGN.

17 (2) OF THE COMMISSION MEMBERS:

18 (I) FOUR SHALL BE RESIDENTS OF PIMLICO;

19 (II) TWO SHALL BE RESIDENTS OF BALTIMORE CITY
20 OUTSIDE PIMLICO; AND

21 (III) ONE SHALL BE A RESIDENT OF THE STATE OUTSIDE
22 BALTIMORE CITY.

23 (D) (1) THE GOVERNOR SHALL APPOINT:

24 (I) TWO RESIDENTS OF PIMLICO;

25 (II) ONE RESIDENT OF BALTIMORE CITY OUTSIDE PIMLICO;
26 AND

27 (III) ONE RESIDENT OF THE STATE OUTSIDE BALTIMORE
28 CITY.

29 (2) THE MAYOR OF BALTIMORE CITY SHALL APPOINT:

1 (I) TWO RESIDENTS OF PIMLICO; AND

2 (II) ONE RESIDENT OF BALTIMORE CITY OUTSIDE PIMLICO.

3 (E) (1) THE TERM OF A MEMBER IS 3 YEARS AND BEGINS ON JULY 1.

4 (2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY
5 THE TERMS PROVIDED FOR MEMBERS OF THE COMMISSION ON OCTOBER 1,
6 2013.

7 (3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE
8 UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

9 (4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN
10 SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS
11 APPOINTED AND QUALIFIES.

12 (F) EACH MEMBER IS ENTITLED TO REIMBURSEMENT FOR EXPENSES
13 INCURRED IN THE PERFORMANCE OF DUTIES, AS PROVIDED IN THE BALTIMORE
14 CITY BUDGET AND APPROVED IN ADVANCE BY THE DIRECTOR OF FINANCE OF
15 BALTIMORE CITY.

16 (G) (1) THE GOVERNOR MAY REMOVE FOR INCOMPETENCE OR
17 MISCONDUCT A MEMBER THAT THE GOVERNOR APPOINTED.

18 (2) THE MAYOR OF BALTIMORE CITY MAY REMOVE FOR
19 INCOMPETENCE OR MISCONDUCT A MEMBER THAT THE MAYOR APPOINTED.

20 (H) (1) THE COMMISSION SHALL SELECT A CHAIR AND A VICE CHAIR
21 FROM AMONG ITS MEMBERS.

22 (2) THE MANNER OF SELECTION OF OFFICERS AND THE TERMS
23 OF OFFICE SHALL BE AS THE COMMISSION DETERMINES.

24 (I) (1) FOUR MEMBERS CONSTITUTE A QUORUM.

25 (2) A MAJORITY OF THE MEMBERS PRESENT IS NEEDED FOR THE
26 COMMISSION TO TAKE ACTION.

27 (J) THE COMMISSION SHALL DETERMINE THE TIMES AND PLACES OF
28 COMMISSION MEETINGS.

1 **(K) (1) THE USES OF A GRANT PROVIDED TO PIMLICO RACE COURSE**
2 **UNDER § 9-1A-29(C) OF THIS SUBTITLE SHALL BE APPROVED BY THE**
3 **COMMISSION.**

4 **(2) IN APPROVING THE USES OF A GRANT PROVIDED TO PIMLICO**
5 **RACE COURSE, THE COMMISSION MAY DIRECT THAT FUNDS BE USED TO**
6 **ENSURE THAT THE CULTURAL HERITAGE OF PIMLICO IS KEPT ALIVE, SUCH AS:**

7 **(I) DEVELOPING EDUCATIONAL PROGRAMS AND**
8 **PARTNERSHIPS WITH OTHER AGENCIES AND ORGANIZATIONS; AND**

9 **(II) DIRECTING STUDIES TO IDENTIFY HISTORICALLY,**
10 **CULTURALLY, OR ARCHITECTURALLY SIGNIFICANT SITES AND STRUCTURES IN**
11 **PIMLICO.**

12 **(L) ON OR BEFORE MARCH 1 OF EACH YEAR, THE COMMISSION SHALL**
13 **SUBMIT A REPORT TO THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY**
14 **AND, SUBJECT TO § 2-1246 OF THIS ARTICLE, THE GENERAL ASSEMBLY**
15 **SUMMARIZING THE COMMISSION'S ACTIVITIES.**

16 **(M) THE COMMISSION SHALL ADOPT PROCEDURES TO GOVERN ITS**
17 **ACTIVITIES UNDER THIS SECTION, INCLUDING:**

18 **(1) AUTHORIZING ANY INDIVIDUAL TO APPEAR AND BE HEARD AT**
19 **ANY PUBLIC HEARING THAT THE COMMISSION CONDUCTS;**

20 **(2) REQUIRING THAT THE COMMISSION KEEP A RECORD OF ITS**
21 **PROCEEDINGS ON FILE FOR PUBLIC VIEWING; AND**

22 **(3) PUBLISHING NOTICE OF COMMISSION MEETINGS AT LEAST 7**
23 **DAYS BEFORE THE MEETINGS.**

24 SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial
25 members of the Commission shall expire as follows:

26 (1) two members in 2014;

27 (2) two members in 2015; and

28 (3) three members in 2016.

29 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2013.