

Chapter 357

(Senate Bill 1122)

AN ACT concerning

Education – Commercial Gaming Revenues – Constitutional Amendment

FOR the purpose of proposing an amendment to the Maryland Constitution to limit the uses of certain revenues for the education of the children of the State in certain grades in public schools to certain purposes; requiring the Governor to include in the budget submission certain amounts of certain revenues in certain fiscal years as supplemental funding for certain purposes; requiring that certain funding be in addition to certain State funding provided for certain grades in public schools ~~in fiscal year 2020~~; requiring the Governor, beginning in a certain fiscal year, to identify in the annual budget as introduced how certain revenues are being used to supplement certain spending on education in certain grades in public schools; requiring a certain question to be submitted to the qualified voters of the State at a certain election; and submitting this amendment to the qualified voters of the State for their adoption or rejection.

BY proposing an amendment to the Maryland Constitution
 Article XIX – Video Lottery Terminals
 Section 1(c)(1) and (f)

BY proposing an addition to the Maryland Constitution
 Article XIX – Video Lottery Terminals
 Section 1(f)

Preamble

WHEREAS, Article VIII, § 1 of the Maryland Constitution requires the General Assembly to establish throughout the State a thorough and efficient system of free public schools; and

WHEREAS, Article XIX of the Maryland Constitution was ratified by the voters of Maryland in 2008 to provide State funding for public education from the revenues of video lottery facilities; and

WHEREAS, The voters of Maryland approved a referendum in the 2012 general election to expand the number of video lottery facilities to six and allow the facilities to offer table games; and

WHEREAS, The Bridge to Excellence in Public Schools Act of 2002 established funding requirements for the State and local governments in order to provide all students an opportunity to achieve State standards for academic achievement; and

WHEREAS, The Bridge to Excellence in Public Schools Act required the General Assembly to review and update the funding requirements established in the Act; and

WHEREAS, Chapters 701 and 702 of the Acts of the General Assembly of 2016 established the Commission on Innovation and Excellence in Education, which was charged with, among other responsibilities, updating the funding requirements and making recommendations that would enable Maryland students to achieve at a globally competitive level; and

WHEREAS, The Commission on Innovation and Excellence in Education has made preliminary recommendations and will make final recommendations by December 2018, including ensuring that Maryland public school students receive a world-class education that prepares them for college, careers, and the global economy of the 21st century; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, (Three-fifths of all the members elected to each of the two Houses concurring), That it be proposed that the Maryland Constitution read as follows:

Article XIX – Video Lottery Terminals

1.

(c) (1) Except as provided in subsection (e) of this section, the State may issue up to five video lottery operation licenses throughout the State for the primary purpose of raising revenue for:

(i) Education for the children of the State in public schools, prekindergarten through grade 12; AND

(ii) Public school construction and public school capital improvements[; and

(iii) Construction of capital projects at community colleges and public senior higher education institutions].

(F) (1) SUBJECT TO THE REQUIREMENTS OF PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, FROM THE REVENUES RAISED UNDER SUBSECTION (C)(1) OF THIS SECTION AND ANY OTHER COMMERCIAL GAMING REVENUES DEDICATED TO PUBLIC EDUCATION, THE GOVERNOR’S BUDGET SUBMISSION SHALL INCLUDE NOT LESS THAN THE FOLLOWING AMOUNTS AS SUPPLEMENTAL FUNDING FOR PUBLIC EDUCATION:

(I) FOR FISCAL YEAR ~~2021~~ 2020, \$125,000,000;

(II) FOR FISCAL YEAR ~~2022~~ 2021, \$250,000,000;

(III) FOR FISCAL YEAR ~~2023~~ 2022, \$375,000,000; AND

(IV) FOR FISCAL YEAR ~~2024~~ 2023 AND FOR EACH FISCAL YEAR THEREAFTER, 100% OF REVENUES RAISED FOR PUBLIC EDUCATION UNDER SUBSECTION (C)(1) OF THIS SECTION AND ANY OTHER COMMERCIAL GAMING REVENUES DEDICATED TO PUBLIC EDUCATION.

(2) THE SUPPLEMENTAL FUNDING SHALL BE USED TO:

(I) ENSURE ACCESS TO PUBLIC EDUCATION THAT ALLOWS CHILDREN IN THE STATE TO COMPETE IN THE GLOBAL ECONOMY OF THE FUTURE;

(II) PROVIDE FUNDING FOR HIGH-QUALITY EARLY CHILDHOOD EDUCATION PROGRAMS;

(III) PROVIDE OPPORTUNITIES FOR PUBLIC SCHOOL STUDENTS TO PARTICIPATE IN CAREER AND TECHNICAL EDUCATION PROGRAMS THAT LEAD TO AN IDENTIFIED JOB SKILL OR CERTIFICATE;

(IV) ALLOW STUDENTS TO OBTAIN COLLEGE CREDIT AND DEGREES WHILE IN HIGH SCHOOL AT NO COST TO THE STUDENTS;

(V) SUPPORT THE ADVANCEMENT AND PROFESSIONALIZATION OF EDUCATORS IN PUBLIC SCHOOLS; AND

(VI) MAINTAIN, RENOVATE, OR CONSTRUCT PUBLIC SCHOOLS.

(3) (I) THE SUPPLEMENTAL FUNDING REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE IN ADDITION TO THE STATE FUNDING PROVIDED THROUGH THE FUNDING FORMULAS ESTABLISHED IN THE BRIDGE TO EXCELLENCE IN PUBLIC SCHOOLS ACT OF 2002 FOR PREKINDERGARTEN THROUGH GRADE 12 IN PUBLIC SCHOOLS ~~IN FISCAL YEAR 2020~~.

(II) BEGINNING IN FISCAL YEAR ~~2021~~ 2020 AND FOR EACH FISCAL YEAR THEREAFTER, THE GOVERNOR SHALL IDENTIFY IN THE ANNUAL BUDGET AS INTRODUCED HOW THE REVENUE REQUIRED UNDER THIS SECTION IS BEING USED TO SUPPLEMENT AND NOT SUPPLANT SPENDING ON PUBLIC EDUCATION FOR PREKINDERGARTEN THROUGH GRADE 12.

[(f)] (G) The General Assembly may, from time to time, enact such laws not inconsistent with this section, as may be necessary and proper to carry out its provisions.

SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly determines that the amendment to the Maryland Constitution proposed by Section 1 of this Act affects multiple jurisdictions and that the provisions of Article XIV, § 1 of the Maryland Constitution concerning local approval of constitutional amendments do not apply.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) The amendment to the Maryland Constitution proposed by Section 1 of this Act shall be submitted to the qualified voters of the State at the next general election to be held in November 2018 for adoption or rejection pursuant to Article XIV of the Maryland Constitution.

(b) (1) At that general election, the vote on the proposed amendment to the Constitution shall be by ballot, and on each ballot there shall be printed the words “For the Constitutional Amendment” and “Against the Constitutional Amendment”, as now provided by law.

(2) At that general election, a question substantially similar to the following shall be submitted to the qualified voters of the State:

“Question ___ – Constitutional Amendment

Requiring Commercial Gaming Revenues that are for Public Education to Supplement Spending for Education in Public Schools

Requires the Governor to include in the annual State budget, as supplemental funding for prekindergarten through grade 12 in public schools, the revenues from video lottery operation licenses and any other commercial gaming dedicated to public education in an amount above the level of State funding for education in public schools ~~in fiscal year 2020~~ provided by the Bridge to Excellence in Public Schools Act of 2002 (otherwise known as the Thornton legislation) in not less than the following amounts: \$125 million in fiscal year ~~2021~~ 2020; \$250 million in fiscal year ~~2022~~ 2021; \$375 million in fiscal year ~~2023~~ 2022; and 100% of commercial gaming revenues dedicated to public education in fiscal year ~~2024~~ 2023 and each fiscal year thereafter. State law currently authorizes video lottery operation licenses for the primary purpose of raising money for public education. The amendment also requires the Governor to show in the annual budget how the revenues from video lottery operation licenses and other commercial gaming are being used in a manner that is in addition to the level of State funding for public education ~~in fiscal year 2020~~ provided by the funding formulas established by the Bridge to Excellence in Public Schools Act.

(c) Immediately after the election, all returns shall be made to the Governor of the vote for and against the proposed amendment, as directed by Article XIV of the Maryland Constitution, and further proceedings had in accordance with Article XIV.

Approved by the Governor, assigned a chapter number, enactment subject to constitutional referendum, May 8, 2018.