

SENATE BILL 325

C7

CONSTITUTIONAL AMENDMENT

01r0308
CF HB 605

By: **Senators King, Augustine, Beidle, Elfreth, Ellis, Feldman, Griffith, Guzzone, Hayes, Hester, Kelley, Kramer, Miller, Patterson, Peters, Rosapepe, Smith, Waldstreicher, Young, and Zucker**

Introduced and read first time: January 22, 2020

Assigned to: Budget and Taxation

Committee Report: Favorable

Senate action: Adopted

Read second time: February 14, 2020

CHAPTER _____

1 AN ACT concerning

2 **Constitutional Amendment – Gaming – Expansion**

3 FOR the purpose of proposing an amendment to the Maryland Constitution to repeal a
4 certain prohibition on the authority of the General Assembly to authorize additional
5 forms or the expansion of commercial gaming; repealing the authority of the General
6 Assembly to authorize, through the use of a certain referendum, additional forms or
7 the expansion of commercial gaming; conforming certain provisions of the Maryland
8 Constitution to changes made by a certain referendum; making a certain conforming
9 change; and submitting this amendment to the qualified voters of the State of
10 Maryland for their adoption or rejection.

11 BY proposing an amendment to the Maryland Constitution
12 Article XIX – Video Lottery Terminals
13 Section 1

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

17 **Article XIX – Video Lottery Terminals**

18 1.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (a) [This article does not apply to:

2 (1) Lotteries conducted under Title 9, Subtitle 1 of the State Government
3 Article of the Annotated Code of Maryland;

4 (2) Wagering on horse racing conducted under Title 11 of the Business
5 Regulation Article of the Annotated Code of Maryland; or

6 (3) Gaming conducted under Title 12 or Title 13 of the Criminal Law
7 Article of the Annotated Code of Maryland.

8 (b)] In this article, “video lottery operation license” means a license issued to a
9 person that allows players to operate video lottery terminals.

10 [(c) (B) (1) [Except as provided in subsection (e) of this section, the] **THE**
11 State may issue up to [five] **SIX** video lottery operation licenses throughout the State for
12 the primary purpose of raising revenue for:

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

15 (ii) Public school construction and public school capital
16 improvements.

17 (2) [Except as provided in subsection (e) of this section, the] **THE** State
18 may not authorize the operation of more than [15,000] **16,500** video lottery terminals in
19 the State.

20 (3) [Except as provided in subsection (e) of this section, a] **A** video lottery
21 operation license only may be awarded for a video lottery facility in the following locations:

22 (i) Anne Arundel County, within 2 miles of MD Route 295;

23 (ii) Cecil County, within 2 miles of Interstate 95;

24 (iii) Worcester County, within 1 mile of the intersection of Route 50
25 and Route 589;

26 (iv) On State property located within Rocky Gap State Park in
27 Allegany County; [or]

28 (v) **PRINCE GEORGE’S COUNTY; OR**

29 (VI) Baltimore City, if the video lottery facility is:

30 1. Located:

- 1 A. In a nonresidential area;
- 2 B. Within one-half mile of Interstate 95;
- 3 C. Within one-half mile of MD Route 295; and
- 4 D. On property that is owned by Baltimore City on the date
- 5 on which the application for a video lottery operation license is submitted; and

6 2. Not adjacent to or within one-quarter mile of property

7 that is:

8 A. Zoned for residential use; and

9 B. Used for a residential dwelling on the date the application

10 for a video lottery operation license is submitted.

11 (4) [Except as provided in subsection (e) of this section, the] **THE** State

12 may not award more than one video lottery operation license in a single county or Baltimore

13 City.

14 (5) A video lottery facility shall comply with all applicable planning and

15 zoning laws of the local jurisdiction.

16 [(d) Except as provided in subsection (e) of this section, on or after November 15,

17 2008, the General Assembly may not authorize any additional forms or expansion of

18 commercial gaming.

19 (e) The General Assembly may only authorize additional forms or expansion of

20 commercial gaming if approval is granted through a referendum, authorized by an act of

21 the General Assembly, in a general election by a majority of the qualified voters in the

22 State.]

23 [(f)] **(C)** (1) Subject to the requirements of paragraphs (2) and (3) of this

24 subsection, from the revenues raised under subsection [(c)(1)] **(B)(1)** of this section and

25 any other commercial gaming revenues dedicated to public education, the Governor's

26 budget submission shall include not less than the following amounts as supplemental

27 funding for public education:

28 (i) For fiscal year 2020, \$125,000,000;

29 (ii) For fiscal year 2021, \$250,000,000;

30 (iii) For fiscal year 2022, \$375,000,000; and

31 (iv) For fiscal year 2023 and for each fiscal year thereafter, 100% of

1 revenues raised for public education under subsection [(c)(1)] **(B)(1)** of this section and any
2 other commercial gaming revenues dedicated to public education.

3 (2) The supplemental funding shall be used to:

4 (i) Ensure access to public education that allows children in the
5 State to compete in the global economy of the future;

6 (ii) Provide funding for high-quality early childhood education
7 programs;

8 (iii) Provide opportunities for public school students to participate in
9 career and technical education programs that lead to an identified job skill or certificate;

10 (iv) Allow students to obtain college credit and degrees while in high
11 school at no cost to the students;

12 (v) Support the advancement and professionalization of educators in
13 public schools; and

14 (vi) Maintain, renovate, or construct public schools.

15 (3) (i) The supplemental funding required under paragraph (1) of this
16 subsection shall be in addition to the State funding provided through the funding formulas
17 established in the Bridge to Excellence in Public Schools Act of 2002 for prekindergarten
18 through grade 12 in public schools.

19 (ii) Beginning in fiscal year 2020 and for each fiscal year thereafter,
20 the Governor shall identify in the annual budget as introduced how the revenue required
21 under this section is being used to supplement and not supplant spending on public
22 education for prekindergarten through grade 12.

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

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

29 SECTION 3. AND BE IT FURTHER ENACTED, That the amendment to the
30 Maryland Constitution proposed by Section 1 of this Act shall be submitted to the qualified
31 voters of the State at the next general election to be held in November 2020 for adoption or
32 rejection pursuant to Article XIV of the Maryland Constitution. At that general election,
33 the vote on the proposed amendment to the Constitution shall be by ballot, and on each
34 ballot there shall be printed the words “For the Constitutional Amendment” and “Against
35 the Constitutional Amendment”, as now provided by law. Immediately after the election,

1 all returns shall be made to the Governor of the vote for and against the proposed
2 amendment, as directed by Article XIV of the Maryland Constitution, and further
3 proceedings had in accordance with Article XIV.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.