

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL NO. 452

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike “requiring” and substitute “authorizing”; in line 7, after “applicants;” insert “limiting the number of permits that may be issued under this Act; limiting the frequency of charitable gaming events under this Act;”; in line 11, after “amount;” insert “requiring the county to use the proceeds of the tax only for public education purposes;”; and in line 14, after “withholding;” insert “requiring the Sheriff to enforce the Act; authorizing the Sheriff to collect an hourly enforcement fee from the permittees; requiring certain reports by permittees; providing that certain revenues collected by the Sheriff shall be dedicated to the Sheriff’s budget; limiting how the net proceeds of the charitable gaming events may be spent by the permittees; establishing certain penalties;”.

AMENDMENT NO. 2

On page 2, in line 23, strike “SHALL” and substitute “MAY”.

On page 3, in line 3, after “(C)” insert “(1)”; in the same line, strike “A” and substitute “IN ADDITION TO THE PROVISIONS OF THIS SECTION, A”; and after line 5, insert:

“(2) THE FEE FOR A CHARITABLE GAMING PERMIT UNDER THIS SECTION SHALL BE \$150 FOR EACH CHARITABLE GAMING EVENT.

“(3) THE SHERIFF SHALL ENFORCE THE OPERATION OF CHARITABLE GAMING EVENTS UNDER THIS SECTION.

“(4) THE PERMITTEE SHALL PAY TO THE SHERIFF OF PRINCE GEORGE’S COUNTY \$28 PER HOUR PER EACH GAMING EVENT FOR ENFORCEMENT ACTIVITIES AT EACH GAMING EVENT.

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(5) REVENUES COLLECTED BY THE SHERIFF UNDER THIS SUBSECTION SHALL BE DEDICATED TO THE SHERIFF'S BUDGET."

On page 3, in line 6, after "(D)" insert "(1)"; in line 7, strike "10% ON THE NET" and substitute "20% OF THE GROSS"; after line 7, insert:

"(2) THE TAX COLLECTED UNDER THIS SUBSECTION MAY BE SPENT ONLY FOR PUBLIC EDUCATION PURPOSES."

and after line 15, insert:

"(G) (1) THE NUMBER OF PERMITS ISSUED FOR THE OPERATION OF CHARITABLE GAMING EVENTS UNDER THIS SECTION MAY NOT EXCEED 21 AT ANY TIME.

(2) THE COUNTY MAY ISSUE FEWER THAN 21 PERMITS FOR THE OPERATION OF CHARITABLE GAMING EVENTS.

(3) THE FREQUENCY OF CHARITABLE GAMING EVENTS HELD UNDER THIS SECTION BY ANY ONE PERMITTEE MAY NOT EXCEED FOUR IN A CALENDAR MONTH.

(H) (1) AN APPLICATION FORM TO BE SUBMITTED FOR ISSUANCE OR RENEWAL OF A CHARITABLE GAMING PERMIT SHALL BE PREPARED BY THE COUNTY AND SHALL CONTAIN ANY INFORMATION THE COUNTY CONSIDERS NECESSARY OR HELPFUL IN MAKING A DECISION ON THE ISSUANCE OR RENEWAL OF A PERMIT.

(2) THE COUNTY MAY REJECT AN APPLICATION IF A DETERMINATION IS MADE THAT:

(I) ANY INFORMATION IN THE APPLICATION IS FALSE OR MISLEADING; OR

(II) THE OPERATION OF A CHARITABLE GAMING EVENT IS NOT

NECESSARY FOR THE ACCOMMODATION OF THE GENERAL PUBLIC OR WOULD DISTURB THE PEACE, CREATE A NUISANCE, OR BE DETRIMENTAL TO THE MORALS, HEALTH, OR WELFARE OF THE COMMUNITY.

(3) (I) THE COUNTY SHALL REVIEW AN APPLICATION WITHIN 30 DAYS OF RECEIVING IT.

(II) THE COUNTY SHALL APPROVE OR DISAPPROVE, IN WRITING, THE APPLICATION WITHIN 10 DAYS AFTER THE COMPLETION OF THE REVIEW AND PROMPTLY NOTIFY THE APPLICANT OF THE ACTION TAKEN.

(4) IF AN APPLICATION IS REJECTED, THE APPLICANT SHALL BE GIVEN THE OPPORTUNITY FOR A HEARING AFTER REASONABLE NOTICE IS GIVEN TO THE APPLICANT.

(I) THE NET PROCEEDS FROM CHARITABLE GAMING EVENTS CONDUCTED UNDER THIS SECTION MAY ONLY BE USED FOR PRINCE GEORGE'S COUNTY CHARITIES, COMMUNITY GRANTS, OR THE PURCHASE AND MAINTENANCE OF FIRE FIGHTING EQUIPMENT AND APPARATUS.

(J) IN ADDITION TO ANY REPORTS REQUIRED BY THE COUNTY UNDER COUNTY ORDINANCES, ON OR BEFORE JULY 1 OF EACH YEAR, EACH PERSON, GROUP, OR ORGANIZATION OPERATING UNDER THIS SECTION AS A CHARITABLE GAMING EVENT PERMITTEE DURING THE PRECEDING 12 MONTHS SHALL REPORT UNDER AFFIDAVIT TO THE COMPTROLLER OF THE TREASURY, THE COUNTY EXECUTIVE AND COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, AND THE PRINCE GEORGE'S COUNTY HOUSE AND SENATE DELEGATIONS IN THE GENERAL ASSEMBLY ON:

(1) THE TOTAL GROSS RECEIPTS FROM CHARITABLE GAMING EVENTS IN PRINCE GEORGE'S COUNTY FOR THE 12-MONTH PERIOD;

(2) AN ITEMIZATION OF THE EXPENSES DIRECTLY RELATED TO THE

(Over)

GAMING ACTIVITIES FOR THE 12-MONTH PERIOD; AND

(3) THE DISPOSITION OF ALL NET INCOME RELATED TO THE GAMING ACTIVITIES FOR THE 12-MONTH PERIOD.

(K) A PERSON MAY NOT KNOWINGLY MAKE A FALSE, FICTITIOUS, OR FRAUDULENT REPRESENTATION IN A PERMIT APPLICATION, TAX SUBMISSION, RECORD, REPORT, OR AS PART OF ANY OTHER DOCUMENTATION REQUIRED UNDER THIS SECTION OR UNDER A COUNTY ORDINANCE ADOPTED IN ACCORDANCE WITH THIS SECTION.

(L) (1) A PERSON THAT CONDUCTS A CHARITABLE GAMING EVENT IN VIOLATION OF THE PROVISIONS OF THIS SECTION IS SUBJECT TO THE FOLLOWING PENALTIES:

(I) FOR THE FIRST VIOLATION, A 30-DAY SUSPENSION OF THE PERMIT AND A \$500 CIVIL PENALTY;

(II) FOR A SECOND VIOLATION, A 6-MONTH SUSPENSION OF THE PERMIT AND A \$3,000 CIVIL PENALTY; AND

(III) FOR A THIRD VIOLATION, REVOCATION OF THE PERMIT AND A \$10,000 CIVIL PENALTY.

(2) A PERSON THAT VIOLATES ANY PROVISION OF THIS SECTION OR A PROVISION OF THE PRINCE GEORGE'S COUNTY CODE ADOPTED WITH RESPECT TO THIS SECTION IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE NOT EXCEEDING \$5,000 OR IMPRISONMENT NOT EXCEEDING 3 YEARS OR BOTH."