

HOUSE BILL 166

C7
HB 193/06 – W&M

CONSTITUTIONAL AMENDMENT

71r0768

By: **Delegates Pendergrass, Goldwater, Guzzone, Harrison, Heller, James, and Weir**

Introduced and read first time: January 25, 2007

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Video Lottery Terminals – Constitutional Amendment Subject to Voter**
3 **Approval**

4 FOR the purpose of adding a new article to the Maryland Constitution to prohibit the
5 statutory expansion of forms of gaming, with certain exceptions, by the General
6 Assembly; limiting the number of licenses that the State may issue to operate
7 video lottery terminals; limiting to a certain number the number of video lottery
8 terminals at a certain facility that a video lottery facility licensee may operate;
9 limiting the number of licenses to operate video lottery terminals to locations at
10 a certain number of different regions and counties of the State; prohibiting the
11 State from issuing a license for a video lottery facility under certain
12 circumstances; and submitting this amendment to the qualified voters of the
13 State of Maryland for their adoption or rejection.

14 BY proposing an addition to the Maryland Constitution
15 New Article XIX – Video Lottery Terminals
16 Section 1 through 3

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

20 **ARTICLE XIX – VIDEO LOTTERY TERMINALS**

21 **1.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (A) IN THIS ARTICLE, "VIDEO LOTTERY TERMINAL" MEANS ANY
2 MACHINE OR OTHER DEVICE THAT, ON INSERTION OF A BILL, COIN, TOKEN,
3 VOUCHER, TICKET, COUPON, OR SIMILAR ITEM, OR ON PAYMENT OF ANY
4 CONSIDERATION:

5 (1) IS AVAILABLE TO PLAY OR SIMULATE THE PLAY OF ANY GAME
6 OF CHANCE IN WHICH THE RESULTS, INCLUDING THE OPTIONS AVAILABLE TO
7 THE PLAYER, ARE RANDOMLY AND IMMEDIATELY DETERMINED BY THE
8 MACHINE OR OTHER DEVICE; AND

9 (2) BY THE ELEMENT OF CHANCE, MAY DELIVER OR ENTITLE THE
10 PLAYER WHO OPERATES THE MACHINE OR DEVICE TO RECEIVE CASH,
11 PREMIUMS, MERCHANDISE, TOKENS, OR ANYTHING OF VALUE, WHETHER THE
12 PAYOUT IS MADE AUTOMATICALLY FROM THE DEVICE OR IN ANY OTHER
13 MANNER.

14 (B) "VIDEO LOTTERY TERMINAL" INCLUDES A MACHINE OR DEVICE:

15 (1) THAT DOES NOT DIRECTLY DISPENSE MONEY, TOKENS, OR
16 ANYTHING OF VALUE TO WINNING PLAYERS; AND

17 (2) DESCRIBED UNDER SUBSECTION (A) OF THIS SECTION THAT
18 USES AN ELECTRONIC CREDIT SYSTEM MAKING THE DEPOSIT OF BILLS, COINS,
19 OR TOKENS UNNECESSARY.

20 (C) "VIDEO LOTTERY TERMINAL" DOES NOT INCLUDE AN AUTHORIZED
21 SLOT MACHINE OPERATED BY AN ELIGIBLE ORGANIZATION UNDER TITLE 12,
22 SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE OF THE ANNOTATED CODE OF
23 MARYLAND.

24 **2.**

25 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION AND
26 EXCEPT TO THE EXTENT VIDEO LOTTERY TERMINAL GAMING IS AUTHORIZED BY
27 THIS ARTICLE, THE GENERAL ASSEMBLY MAY NOT AUTHORIZE STATUTORILY
28 ANY ADDITIONAL FORMS OR EXPANSION OF COMMERCIAL GAMING, INCLUDING
29 CASINO-STYLE GAMING, CARD GAMES, DICE GAMES, ROULETTE, SLOT
30 MACHINES, AND VIDEO LOTTERY TERMINALS.

1 **(B) THIS SECTION DOES NOT APPLY TO:**

2 **(1) EXCEPT AS PROVIDED IN SUBSECTION (A) OF THIS SECTION,**
3 **LOTTERIES CONDUCTED UNDER TITLE 9, SUBTITLE 1 OF THE STATE**
4 **GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND;**

5 **(2) WAGERING ON HORSE RACING CONDUCTED UNDER TITLE 11**
6 **OF THE BUSINESS REGULATION ARTICLE OF THE ANNOTATED CODE OF**
7 **MARYLAND; OR**

8 **(3) GAMING CONDUCTED BY A BONA FIDE FRATERNAL, CIVIC,**
9 **WAR VETERANS', RELIGIOUS, OR CHARITABLE ORGANIZATION, VOLUNTEER FIRE**
10 **COMPANY, OR SUBSTANTIALLY SIMILAR ORGANIZATION INCLUDED UNDER**
11 **TITLE 12 OR TITLE 13 OF THE CRIMINAL LAW ARTICLE OF THE ANNOTATED**
12 **CODE OF MARYLAND.**

13 **3.**

14 **(A) (1) THE STATE MAY NOT ISSUE MORE THAN SIX VIDEO LOTTERY**
15 **FACILITY LICENSES THROUGHOUT THE STATE.**

16 **(2) THE STATE MAY NOT AUTHORIZE THE OPERATION OF MORE**
17 **THAN A TOTAL OF 13,000 VIDEO LOTTERY TERMINALS IN THE STATE.**

18 **(3) EACH VIDEO LOTTERY FACILITY MAY NOT OPERATE MORE**
19 **THAN 3,000 VIDEO LOTTERY TERMINALS.**

20 **(4) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION,**
21 **AT LEAST ONE VIDEO LOTTERY FACILITY LICENSE SHALL BE ISSUED IN EACH OF**
22 **THE FOLLOWING REGIONS:**

23 **(I) ALLEGANY, FREDERICK, GARRETT, AND WASHINGTON**
24 **COUNTIES;**

25 **(II) BALTIMORE, CARROLL, AND HARFORD COUNTIES;**

26 **(III) CAROLINE, CECIL, KENT, AND QUEEN ANNE'S**
27 **COUNTIES;**

1 (IV) DORCHESTER, SOMERSET, TALBOT, WICOMICO, AND
2 WORCESTER COUNTIES;

3 (V) CALVERT, CHARLES, PRINCE GEORGE'S, AND ST.
4 MARY'S COUNTIES; AND

5 (VI) BALTIMORE CITY, AND ANNE ARUNDEL, HOWARD, AND
6 MONTGOMERY COUNTIES.

7 (B) (1) THE STATE MAY ISSUE A VIDEO LOTTERY FACILITY LICENSE
8 ONLY IN A COUNTY OR BALTIMORE CITY IN WHICH A MAJORITY OF THE VOTES
9 CAST WERE IN FAVOR OF THIS ARTICLE.

10 (2) THE STATE MAY NOT ISSUE MORE THAN ONE VIDEO LOTTERY
11 FACILITY LICENSE IN ANY COUNTY LISTED IN SUBSECTION (A)(4) OF THIS
12 SECTION.

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

18 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section
19 proposed as an amendment to the Maryland Constitution shall be submitted to the
20 legal and qualified voters of this State at the next general election to be held in
21 November, 2008 for their adoption or rejection pursuant to Article XIV of the
22 Maryland Constitution. At that general election, the vote on this proposed amendment
23 to the Constitution shall be by ballot, and upon each ballot there shall be printed the
24 words "For the Constitutional Amendment" and "Against the Constitutional
25 Amendment," as now provided by law. Immediately after the election, all returns shall
26 be made to the Governor of the vote for and against the proposed amendment, as
27 directed by Article XIV of the Maryland Constitution, and further proceedings had in
28 accordance with Article XIV.