

CHAPTER 5

(House Bill 4)

AN ACT concerning

Video Lottery Terminals – Authorization and Limitations

FOR the purpose of adding a new article to the Maryland Constitution to authorize video lottery terminal gaming in the State for the primary purpose of providing funds for public education; limiting the number of licenses that the State may issue to operate video lottery terminals; limiting the number of locations at which video lottery terminal facilities may be located; requiring a video lottery facility to comply with applicable planning and zoning laws of the local jurisdiction; limiting the number of video lottery terminals that may be authorized in the State; providing that the statutory addition or expansion of forms of commercial gaming by the General Assembly is prohibited except as provided by this Act; providing that the General Assembly may enact certain laws not inconsistent with certain provisions as may be necessary and proper to carry out certain provisions; defining a certain term; and submitting this amendment to the qualified voters of the State of Maryland for their adoption or rejection.

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

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.

(A) THIS ARTICLE DOES NOT APPLY TO:

(1) LOTTERIES CONDUCTED UNDER TITLE 9, SUBTITLE 1 OF THE STATE GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND;

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

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

(B) IN THIS ARTICLE, "VIDEO LOTTERY OPERATION LICENSE" MEANS A LICENSE ISSUED TO A PERSON THAT ALLOWS PLAYERS TO OPERATE VIDEO LOTTERY TERMINALS.

(C) (1) ~~THE~~ 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;

(II) PUBLIC SCHOOL CONSTRUCTION AND PUBLIC SCHOOL CAPITAL IMPROVEMENTS; AND

(III) CONSTRUCTION OF CAPITAL PROJECTS AT COMMUNITY COLLEGES AND ~~4-YEAR PUBLIC INSTITUTIONS OF HIGHER EDUCATION~~ SENIOR HIGHER EDUCATION INSTITUTIONS.

(2) EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, THE STATE MAY NOT AUTHORIZE THE OPERATION OF MORE THAN 15,000 VIDEO LOTTERY TERMINALS IN THE STATE.

(3) ~~A~~ EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, A VIDEO LOTTERY OPERATION LICENSE ONLY MAY BE AWARDED FOR A VIDEO LOTTERY FACILITY IN THE FOLLOWING LOCATIONS:

(I) ANNE ARUNDEL COUNTY, WITHIN 2 MILES OF MD ROUTE 295;

(II) CECIL COUNTY, WITHIN 2 MILES OF INTERSTATE 95;

(III) WORCESTER COUNTY, WITHIN 1 MILE OF THE INTERSECTION OF ROUTE 50 AND ROUTE 589;

~~(IV) ON STATE PROPERTY ASSOCIATED WITH THE ROCKY GAP LODGE AND GOLF RESORT LOCATED WITHIN ROCKY GAP STATE PARK IN ALLEGANY COUNTY; OR~~

~~(V) BALTIMORE CITY, IN A NONRESIDENTIAL AREA WITHIN ONE-HALF MILE OF INTERSTATE 95 AND MD ROUTE 295, AND NOT ADJACENT TO OR WITHIN ONE-QUARTER MILE OF RESIDENTIAL PROPERTY.~~

(V) BALTIMORE CITY, IF THE VIDEO LOTTERY FACILITY IS:

1. LOCATED:

A. IN A NONRESIDENTIAL AREA;

B. WITHIN ONE-HALF MILE OF INTERSTATE 95;

C. WITHIN ONE-HALF MILE OF MD ROUTE 295; AND

D. ON PROPERTY THAT IS OWNED BY BALTIMORE CITY ON THE DATE ON WHICH THE APPLICATION FOR A VIDEO LOTTERY OPERATION LICENSE IS SUBMITTED; AND

2. NOT ADJACENT TO OR WITHIN ONE-QUARTER MILE OF PROPERTY THAT IS:

A. ZONED FOR RESIDENTIAL USE; AND

B. USED FOR A RESIDENTIAL DWELLING ON THE DATE THE APPLICATION FOR A VIDEO LOTTERY OPERATION LICENSE IS SUBMITTED.

(4) EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, THE STATE MAY NOT AWARD MORE THAN ONE VIDEO LOTTERY OPERATION LICENSE IN A SINGLE COUNTY OR BALTIMORE CITY.

(5) A VIDEO LOTTERY FACILITY SHALL COMPLY WITH ALL APPLICABLE PLANNING AND ZONING LAWS OF THE LOCAL JURISDICTION.

(D) EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, ON OR AFTER NOVEMBER 15, 2008, THE GENERAL ASSEMBLY MAY NOT AUTHORIZE ANY ADDITIONAL FORMS OR EXPANSION OF COMMERCIAL GAMING.

(E) THE GENERAL ASSEMBLY MAY ONLY AUTHORIZE ADDITIONAL FORMS OR EXPANSION OF COMMERCIAL GAMING IF APPROVAL IS GRANTED

THROUGH A REFERENDUM, AUTHORIZED BY AN ACT OF THE GENERAL ASSEMBLY, IN A GENERAL ELECTION BY A MAJORITY OF THE QUALIFIED VOTERS IN THE STATE.

(F) 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 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 the foregoing section proposed as an amendment to the Maryland Constitution shall be submitted to the legal and qualified voters of this State at the next general election to be held in November, 2008 for their adoption or rejection pursuant to Article XIV of the Maryland Constitution. At that general election, the vote on this proposed amendment to the Constitution shall be by ballot, and upon each ballot there shall be printed the words "For the Constitutional Amendment" and "Against the Constitutional Amendment," as now provided by law. 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 and became Chapter, subject to referendum
November 19, 2007.