

## HB 3

**Department of Legislative Services**  
Maryland General Assembly  
2007 Special Session

### **FISCAL AND POLICY NOTE**

House Bill 3  
Ways and Means

(The Speaker) (By Request – Administration)

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#### **Maryland Education Trust Fund - Video Lottery Terminals**

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This Administration bill authorizes up to 15,000 video lottery terminals (VLTs) at five locations; provides for one-time and ongoing license fees; provides for the distribution of VLT proceeds; creates the Education Trust Fund (ETF) and other special funds; and continues the current prohibition on additional forms of commercial gaming.

The bill is contingent on the passage of Senate Bill 4/House Bill 4, a constitutional amendment authorizing VLT gaming, and its ratification by voters in November 2008.

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#### **Fiscal Summary**

**State Effect:** Special fund revenues increase in FY 2010 and beyond due to one-time license fees and VLT revenues. General fund revenues decrease beginning in FY 2011 due to decreased lottery sales; future year losses increase with VLT implementation, totaling \$56.8 million in FY 2013. General fund expenditures increase in FY 2009 due to lottery start-up costs and in FY 2010 and beyond due to other State agency expenditures, offset by a decrease in general fund expenditures beginning in FY 2010 due to the availability of ETF revenues. Special fund revenues and expenditures increase for the purposes specified in the bill beginning in FY 2011. Special fund expenditures for education begin in FY 2010. **Appendix 1** shows the revenues and expenditures by fund in greater detail.

(in dollars)	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
GF Revenue	\$0	\$0	(\$6,612,300)	(\$41,849,800)	(\$56,840,000)
SF Revenue	0	50,000,000	112,933,000	687,948,300	907,586,000
GF Expenditure	19,930,000	(48,983,200)	(78,502,900)	(486,665,600)	(642,993,000)
SF Expenditure	0	50,050,000	112,983,000	687,948,300	907,586,000
Net Effect	(\$19,930,000)	\$48,933,200	\$71,840,600	\$444,815,800	\$586,153,000

*Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect*

**Local Effect:** Revenues for localities with VLT facilities would increase by approximately \$8.7 million in FY 2011, increasing to \$70.8 million in FY 2013. Local expenditures increase significantly for local governments with VLT facilities.

**Small Business Effect:** A small business impact statement was not provided by the Administration in time for inclusion in this fiscal note. A revised fiscal note will be issued when the Administration's assessment becomes available. Legislative Services advises small businesses would benefit from the business investment account and horse industry investments created in the bill. Additional benefits from the construction and operation of VLT facilities would be partially offset by the substitution of VLT wagering for other expenditures.

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## Analysis

**Bill Summary:** The major provisions of the bill are detailed below:

<b>2007 Administration Bill</b>	
<b>Oversight</b>	<p><b>Nine-member State Lottery Commission:</b></p> <ul style="list-style-type: none"><li>• addition of four members to existing five-member commission; and</li><li>• member of Lottery Commission as liaison to Racing Commission and vice versa.</li></ul> <p>State Lottery Commission owns/leases VLTs and central computer.</p>
<b>Licenses</b>	<p>Up to five licenses to be awarded (eligible locations specified).</p> <p>No more than one in any county.</p>
<b>Locations and Number of VLTs</b>	<p><b>15,000 machines:</b></p> <ul style="list-style-type: none"><li>• 4,250 VLTs at a location in Anne Arundel County within two miles of MD Route 295;</li><li>• 3,500 VLTs in 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;</li><li>• 3,250 VLTs at a location in Worcester County within one mile of the intersection of Route 50 and Route 589;</li><li>• 2,500 VLTs at a location in Cecil County within two miles of Interstate 95; and</li><li>• 1,500 VLTs on State property in Allegany County associated with the Rocky Gap Lodge and Golf Resort.</li></ul>

<b>2007 Administration Bill</b>	
<b>VLT Facility Location Commission</b>	<b>Seven members:</b> <ul style="list-style-type: none"> <li>• six appointed by the Governor; and</li> <li>• one appointed by the State Treasurer, who shall serve as chair.</li> </ul>
<b>Limits on License Ownership</b>	Prohibits ownership in more than one video lottery operation license.
	<b><u>Percentage of Gross VLT Revenue</u></b>
<b>Business Investment</b>	1% to a small, minority, and women-owned business investment account;
<b>Lottery (Administration)</b>	5% to the State Lottery for administrative costs;
<b>Local Government</b>	5.5% to local governments in which a video lottery facility is operating, 18% of which would go to the Pimlico Community Development Authority;
<b>Horse Racing Industry</b>	6% to a purse dedication account to enhance horse racing purses and funds for the horse breeding industry, not to exceed \$100 million annually;
	2.5% for a seven-year period to a Racetrack Renewal Fund, not to exceed \$40 million annually;
<b>Licensee (Operator)</b>	30% to video lottery operation licensees; and
<b>Education Trust Fund</b>	remainder to Education Trust Fund (50-52.5%).
<b>Education Trust Fund</b>	To be used for the Bridge to Excellence in Public Schools Act funding (including the Geographic Cost of Education Index), public school construction, and public higher education construction, including community colleges.

<b>2007 Administration Bill</b>	
<b>Purse Dedication Account</b>	<p>Provides for the distribution to be allocated with 80% of the funds for the thoroughbred industry and 20% of the funds to the standardbred industry:</p> <ul style="list-style-type: none"> <li>• from the proceeds allocated to the thoroughbred industry:           <ul style="list-style-type: none"> <li>– 89% to thoroughbred purses;</li> <li>– 11% to the Maryland-bred Race Fund; and</li> <li>– \$100,000 to Fair Hill.</li> </ul> </li> <li>• from the proceeds allocated to the standardbred industry:           <ul style="list-style-type: none"> <li>– 89% to standardbred purses; and</li> <li>– 11% to the Standardbred Race Fund.</li> </ul> </li> </ul>
<b>Racetrack Facility Renewal Account</b>	<p>Provides for distribution of the funds in matching grants:</p> <ul style="list-style-type: none"> <li>• 80% to Pimlico, Laurel, and Timonium; and</li> <li>• 20% to Rosecroft and Ocean Downs.</li> </ul> <p>\$1 million per year for five years allocated to Timonium with no matching fund requirement.</p>
<b>License Fees</b>	Initial license fee of at least \$10 million for each location (\$50 million to accrue to the Education Trust Fund) due with bid submission by February 1, 2009.
<b>License Duration</b>	15 years (must reapply at the end of license term).
<b>Construction and Procurement</b>	<p>License applicant must meet State Minority Business Enterprise (MBE) requirements for construction/procurement contracts and to the extent possible meet county MBE requirements if they exceed the State requirement. Requirement sunsets on July 1, 2011.</p> <p>License applicant must invest \$15 million in construction and related costs for every 500 VLTs proposed in bid.</p>
<b>Small, Minority, and Women-owned Business Investment</b>	1% of gross VLT proceeds to support investment capital and loans to small, minority, and women-owned businesses (at least 50% to fund businesses near a VLT facility).

<b>2007 Administration Bill</b>	
<b>License Award Factors</b>	<p>Video Lottery Facility Location Commission to evaluate competitive sealed bids based on:</p> <ul style="list-style-type: none"> <li>• 70% on business and market factors, including the highest potential benefit to the State and percentage of MBE equity ownership;</li> <li>• 15% on economic development factors; and</li> <li>• 15% on location siting factors.</li> </ul>
<b>Racing Days</b>	Racetrack licensee must maintain the same number of racing days authorized in 2004 to be eligible for purse subsidies/racetrack renewal funds. Racing Commission is required to award at least 40 racing days to Pimlico Race Course.
<b>Preakness Stakes</b>	The horseracing licensee conducting the Preakness must run the event at Pimlico – or conditionally, another location in Maryland – to be eligible for purse subsidies/racetrack renewal funds.
<b>Racing Improvement Plans</b>	Horseracing licensees must develop a racing improvement plan to improve the quality and marketing of horse racing – including \$1.5 million of annual capital maintenance and improvements at horse racing facilities to be eligible for purse subsidies/racetrack renewal funds.
<b>Local Development Council</b>	Creation of Local Development Council in each area where a VLT facility is located to advise, comment, and make recommendations on county plans regarding local government revenue.
<b>Compulsive Gambling Fund and Prevalence Study</b>	<p>\$425 annual fee per VLT terminal to be paid by VLT licensees for Compulsive Gambling Special Fund administered by DHMH (15,000 VLTs = \$6.4 million annually).</p> <p>Requires DHMH to conduct a compulsive gambling prevalence study to measure the rate of compulsive gambling in the State.</p>
<b>Annual VLT Payout Percentage</b>	90% minimum
<b>Age Restrictions</b>	Individuals under the age of 21 or intoxicated are prohibited from playing VLTs.

<b>2007 Administration Bill</b>	
<b>Free Food and Beverage Restrictions</b>	Free food and beverages, including alcoholic beverages, are prohibited.
<b>Mandatory Exclusion Policy</b>	Mandatory exclusion of career offenders from VLT facilities required.
<b>Voluntary Exclusion Policy</b>	VLT facilities required to develop procedures that permit self-exclusion from facilities for individuals with gambling problems.
<b>State Lottery Games</b>	VLT facility may offer any State Lottery games.
<b>Additional Consumer Protections</b>	<p>Commission to adopt regulations to reduce or mitigate the effects of problem gaming including:</p> <ul style="list-style-type: none"> <li>• limits on dollar amount accepted by VLTs;</li> <li>• payout of winnings above a certain amount by check;</li> <li>• limits on ATM numbers, locations, and maximum withdrawals; conspicuous disclosures related to VLT payouts and odds; and</li> <li>• consumer records of spending levels to the extent that marketing measures track spending.</li> </ul>

**Current Law:** Specified types of gambling are allowed in Maryland. This includes the State lottery and wagering on horse racing. Bingo, bazaars, and gaming nights are allowed for some nonprofit organizations on a county-by-county basis. Several counties permit for-profit bingo. In addition, some nonprofit organizations in Eastern Shore counties are allowed to operate up to five slot machines, provided that at least 50% of the proceeds go to charity. VLTs are not authorized for operation in the State. For more information on gambling and horse racing in Maryland, consult the *Legislators' Guide to Video Lottery Terminal Gambling*.

**Background:** Over the past several legislative sessions, various proposals have been introduced to authorize VLTs at the State's horse racing tracks or other destinations in the State. In 2005, separate legislation was passed by the Senate and House of Delegates, but differences in the bills were never reconciled.

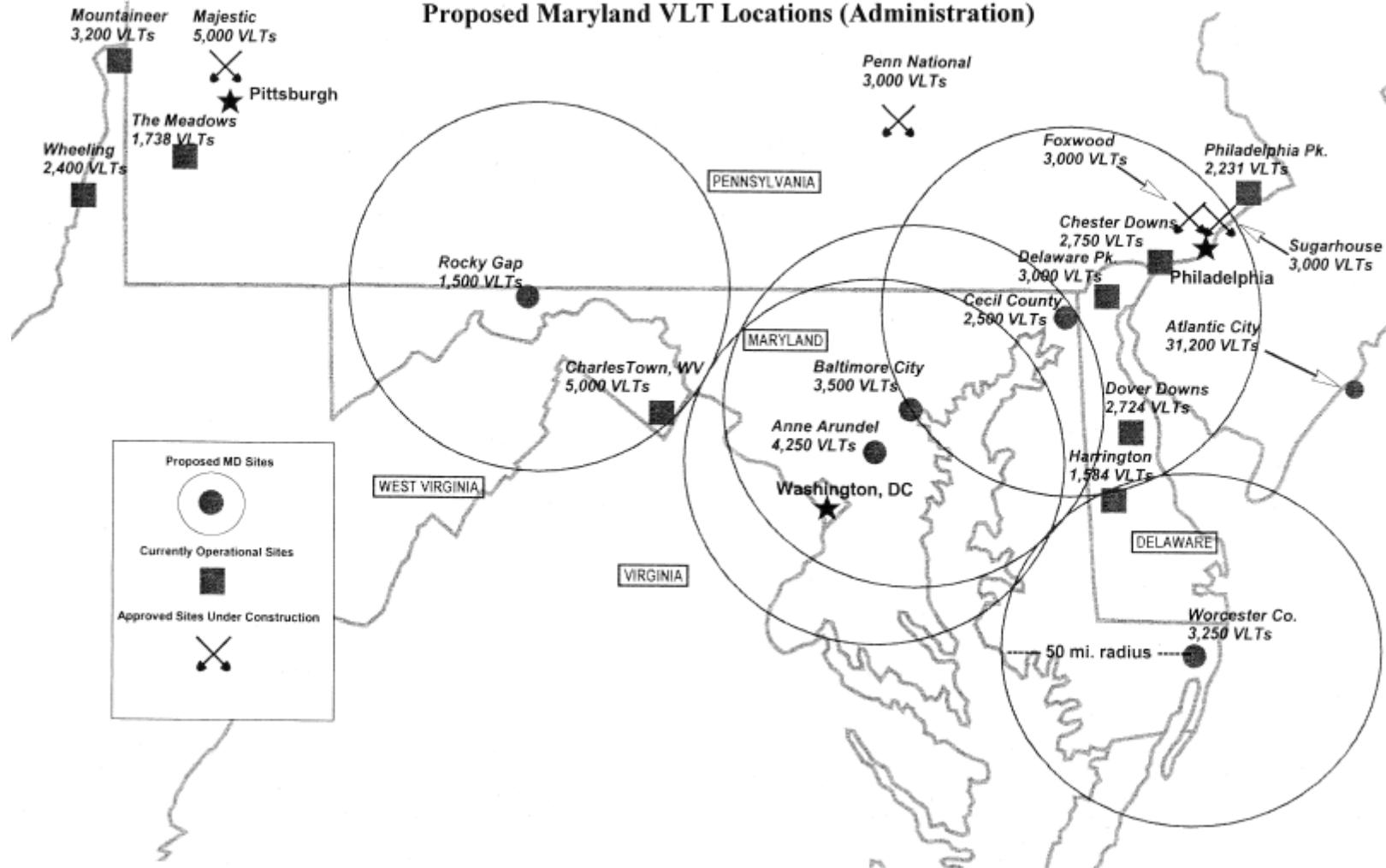
### *Regional VLT Markets*

Numerous states have authorized VLT gambling. **Exhibit 1** presents the Maryland sites proposed in the bill and the VLT facilities in the states surrounding Maryland. The number of VLTs currently operating at each site is also shown. The number of VLTs approved for a specific location can be higher. The map also includes additional facilities currently under construction in the southern portion of Pennsylvania. The proposed Maryland sites are circumscribed with a 50-mile radius – potential visitors frequenting the Maryland gaming venues are most likely to travel within 50 miles.

The Department of Legislative Services (DLS) advises that Marylanders who travel out-of-state to partake in gambling opportunities do so largely within the states of Delaware, New Jersey (Atlantic City), and West Virginia. To date, DLS estimates limited participation by Marylanders in Pennsylvania, as Pennsylvania facilities have only begun operating in the last year, and West Virginia and Delaware gambling facilities provide closer alternatives. In contrast to Atlantic City, the facilities in Delaware, Pennsylvania, and West Virginia can be thought of as focusing more on individuals taking day trips. The out-of-state gambling facilities closest to Maryland are Charles Town Races & Slots in West Virginia and the three Delaware facilities: Dover Downs, Harrington, and Delaware Park. **Exhibit 2** provides VLT statistics for Delaware, Pennsylvania, and West Virginia.

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**Exhibit 1**  
**Proposed Maryland VLT Locations (Administration)**



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**Exhibit 2**  
**VLT Facilities in Surrounding States**

	<b>Delaware</b>	<b>Pennsylvania</b>	<b>West Virginia</b>
<b>Location/ Number of Machines</b>	Racetracks: 7,300 VLTs at 3 tracks	Racetracks 10,100 VLTs at 5 tracks 2,500 VLTs at 1 nontrack location  61,000 machines authorized at 14 locations; expect 31,400 machines in 2008	Racetracks: 12,400 VLTs at 4 tracks  Restricted access facilities: 8,100 limited video lottery (LVL) terminals at 1,650 locations
<b>Ownership</b>	Racetrack licensees	Racetrack licensees; private establishments	Racetrack licensees; private establishments
<b>Annual Gross VLT Revenues/ Average Win- per-day (WPD)</b>	\$652 million \$255 average WPD	\$746 million \$250 average WPD (partial year)	\$971 million \$235 average WPD  LVLs: \$362 million \$123 average WPD
<b>Marylanders Participation</b>	Approx. \$230 million spent per year; 175,000 – 225,000 gamblers	TBD	Approx. \$170 million spent per year; 150,000 – 200,000 gamblers
<b>Notes</b>	VLTs approved in 1994; bets range from 5 cents to \$100; payout: 87% to 95%	VLTs approved in 2004; first facilities opened in late 2006; payouts required to be > 85%; Payout average 91%	VLTs authorized at 4 horsetracks (subject to local referendums) in 1994; a total of 9,000 LVLs authorized in 2001; 3 of 4 tracks also have table games (not Charles Town); bets range from 5 cents to \$5, no maximum prize; payouts 85% to 92%

Source: West Virginia Lottery; Delaware Lottery, Pennsylvania Gaming Control Board; Department of Legislative Services

Note: All data from 2006.

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For more historical and background information, consult the *Legislators' Guide to Video Lottery Terminal Gaming*.

## *Education Funding*

The Bridge to Excellence in Public Schools Act of 2002 (Chapter 288) altered the State's school finance structure to align with a concept of "adequate funding" and phased in the enhanced State funding for public education over a six-year period. The legislation included a new program to adjust State aid to reflect regional cost differences. The Maryland State Department of Education oversaw the development of an acceptable Geographic Cost of Education Index (GCEI) to adjust State aid beginning in fiscal 2005. However, the Attorney General's Office determined that funding for the GCEI was not mandated in the Thornton bill. A GCEI was subsequently codified in the Budget Reconciliation and Financing Act (BRFA) of 2004 (Chapter 440); however, the 2004 BRFA did not mandate funding for the index.

The Education Trust Fund established in this bill provides funding for continuation of the Bridge to Excellence Act formulas and programs including GCEI funding. Public school construction and capital projects at public institutions of higher education, including community colleges, are also eligible for funding.

**State Revenues:** Initial license fee of \$10 million is to be submitted by February 1, 2009 for each location. Assuming that the commission awards all five of the VLT operator licenses and licensees opt to participate and pay their license fee by the required deadline, Education Trust Fund revenues would increase by \$50 million in fiscal 2010.

## *VLT Revenues*

Five locations in the State may be licensed to operate a total of 15,000 VLTs. As a result, total revenues generated – after payouts to winning players, but **before** any other distributions are made – could total approximately \$158.3 million in fiscal 2011, \$975.0 million in fiscal 2012, and \$1.287 billion in fiscal 2013.

These estimates assume that (1) five licenses will be awarded; (2) facilities will initially operate at 50% capacity and reach full capacity one year later; and (3) all 15,000 VLTs are awarded. It is assumed that the locations with existing facilities begin operations in February 2011, two years after bid submission, and locations without facilities begin operations six months later in August 2011. Revenues will be potentially higher (lower) than estimated to the extent that facilities begin operations earlier (later) than estimated in temporary or permanent facilities.

WPD estimates for the VLT facilities are based on the locations and number of VLTs at each location specified in the bill and an independent analysis of the market for VLTs in Maryland by DLS. The market analysis includes the impact of recent VLT expansions in Delaware and West Virginia, the opening of VLT facilities in Pennsylvania, and the

proximity of proposed Maryland locations to other VLT facilities and population centers. The WPD and gross VLT revenue estimates have a potential +/- 10% based on the analysis; that is, gross revenues could be 10% higher or lower than this estimate depending on economic and market conditions that develop as the bill is implemented.

In addition, the bill specifies the maximum number of VLTs at each location, which constrains the maximum revenue potential at certain locations. DLS advises that to the extent VLTs could be re-allocated to locations based on an analysis of the expected or actual performance of the VLTs (*i.e.*, higher WPD), for example by the Video Lottery Facility Location Commission as it analyzes bids based on, among other factors, the highest potential benefit to the State, revenues could be significantly higher.

**Exhibit 3** details many of the important assumptions in these estimates.

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**Exhibit 3**  
**Assumed Status of Operation**  
**and Win-per-day (WPD)**

<b><u>Location</u></b>	<b><u>VLTs</u></b>	<b><u>WPD</u></b>	<b><u>Begin Operations</u></b>	<b><u>Full Capacity</u></b>
Anne Arundel County	4,250	\$321	February 2011	February 2012
Baltimore City	3,500	321	August 2011	August 2012
Worcester County	3,250	110	February 2011	February 2012
Cecil County	2,500	212	August 2011	August 2012
Rocky Gap	1,500	115	February 2011	February 2012

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*Other Assumptions*

- VLTs will operate 365 days a year, once operational.
- Virginia and Washington, DC do not authorize VLT gambling.
- West Virginia and Delaware do not expand VLT operations, either by adding additional VLT facilities or authorizing casino-style gambling.
- Pennsylvania does not expand gambling beyond VLT facilities authorized in 2004.

**Exhibit 4** details the revenue distribution resulting from VLTs for fiscal 2010 through 2013.

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**Exhibit 4**  
**Distribution of VLT Revenues**  
(\$ in Millions)

	<b><u>FY 2010</u></b>	<b><u>FY 2011</u></b>	<b><u>FY 2012</u></b>	<b><u>FY 2013</u></b>
Total Annual Gross (% of Gross)	\$0	\$158.3	\$975.0	\$1,287.5
ETF (at least 50%)	0	79.2	487.5	643.7
Licensees (30%)	0	47.5	292.5	386.2
Local (5.5%)	0	10.3	63.4	83.7
Minority Business Investment (1%)	0	1.6	9.8	12.9
Purses (6%)	0	9.5	58.5	77.2
Racetrack Renewal (2.5%)	0	4.0	24.4	32.2
Lottery Operations (5%)	0	7.9	48.8	64.4

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**Exhibit 5** details the estimated revenue that will be generated at each facility for fiscal 2010 through 2013.

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**Exhibit 5**  
**Estimated Revenues Generated by Facility**  
(\$ in Millions)

	<b><u>FY 2010</u></b>	<b><u>FY 2011</u></b>	<b><u>FY 2012</u></b>	<b><u>FY 2013</u></b>
Anne Arundel County	\$0	\$114.0	\$435.4	\$497.6
Baltimore City	0	0.0	251.8	405.5
Worcester County	0	29.9	114.0	130.3
Cecil County	0	0.0	118.7	191.1
Rocky Gap	0	14.4	\$55.1	63.0
<b>Total</b>	<b>\$0</b>	<b>\$158.3</b>	<b>\$975.0</b>	<b>\$1,287.5</b>

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*Effect on Lottery Sales*

DLS estimates that VLTs, when fully implemented, will cause a permanent reduction in lottery revenues of 10% annually versus what is currently forecasted. This estimate is based on the experience of other states that have authorized additional gambling and experienced substantial decreases in lottery sales. In addition, for those states where data

are available, Maryland has substantially greater lottery operations, measured on both a gross volume and per capita basis. Therefore, it is possible that lottery sales might decrease more sharply than these other states. **Exhibit 6** details the estimated decline in general fund revenue in each fiscal year as a result of decreased lottery sales. The impact on lottery revenues incorporates current lottery revenue forecasts and increases with increased VLT implementation.

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**Exhibit 6**  
**Estimated Loss in General Fund Revenue**  
**Due to Decreased State Lottery Sales**  
(**\$ in Millions**)

<b><u>FY 2010</u></b>	<b><u>FY 2011</u></b>	<b><u>FY 2012</u></b>	<b><u>FY 2013</u></b>
--	\$6.6	\$41.8	\$56.8

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The Lottery Agency estimates that lottery revenues would decline by 1% in fiscal 2009, 5% in fiscal 2010, 3% in fiscal 2011, and 1% in fiscal 2012 before rebounding in fiscal 2013 and beyond.

*Compulsive Gambling Fund*

Approximately \$6.375 million annually, based on \$425 per VLT at full implementation, will be credited to the Compulsive Gambling Fund administered by the Department of Health and Mental Hygiene (DHMH). The fund must be used to establish a 24-hour hotline, provide counseling and other support services for compulsive gamblers, and establish problem gambling prevention programs.

Based on 2007 DHMH allocation rates of monies potentially allocated from the fund, DLS advises that beginning in the year when all VLTs are awarded, the money credited to the Compulsive Gambling Fund would be distributed as follows:

	(\$ in Thousands)
Statewide Hotlines	\$211
Gambling Prevention Effort	528
Outpatient Treatment Services	3,946
Residential Treatment Services	<u>1,690</u>
<b>Total</b>	<b>\$6,375</b>

### *Indirect State Revenues*

#### Economic Development Impacts

In addition to the direct revenues generated, the introduction of VLTs could generate other revenues due to the increased economic activity associated with VLTs. As a result of the licensure requirements in this bill, if the maximum 15,000 VLTs are awarded VLT facilities would undertake \$450 million in one-time capital improvements and construction costs. In addition, racetrack facilities would spend up to \$40 million in matching funds for seven years and \$1.5 million annually for capital improvements and maintenance to the horse racing track facilities.

The construction jobs associated with VLT facilities and track improvements could bring dollars into the areas surrounding the locations, providing an economic boost to the local economy. Construction costs of \$481 million compare roughly to the cost of building two professional football stadia. To the extent that the annual capital improvements are not being currently done, the local economy will receive a boost from annual capital improvements. New jobs would generate new incomes which would be subject to the income tax – revenues that are not currently generated. If substitute jobs are higher (lower) paying than the previously held jobs, taxes paid by those individuals would be higher (lower) than paid previously.

#### Substitution and Cross-border Effects

The group of potential VLT players at a Maryland facility can be divided into four cohorts. The theoretical impact of each of these cohorts on direct and indirect revenues to the State are illustrated in **Exhibit 7**.

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**Exhibit 7**  
**Cross-border and Substitution Effect Impacts**

<u>Cohort</u>	<u>Cross-border and/or Substitution Impact</u>
Marylanders who currently travel out-of-state to play VLTs	Additional direct and indirect revenue to the State
Marylanders who do not currently travel out-of-state to play VLTs but would play in Maryland	Additional direct revenue to the State, offset by any lost revenue from substitution effects
Out-of-state residents who currently play VLTs elsewhere but who would come to Maryland to play VLTs	Additional direct and indirect revenues to the State
Out-of-state residents who do not currently play VLTs elsewhere but who would come to Maryland to play VLTs	Additional direct revenue to the State. If VLT spending substitutes for other consumption in Maryland, then other tax revenues could decline

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For all four cohorts, direct revenue to the State increases as a result of VLT gambling. Indirect State revenues increase as a result of (1) the recapture of Marylanders who play VLTs out-of-state; and (2) out-of-state residents who travel to Maryland explicitly to play VLTs and would not have otherwise visited Maryland in the absence of VLTs.

Indirect State revenues decrease as a result of out-of-state residents and Marylanders who substitute playing VLTs for other forms of taxable activities. For instance, out-of-town conventioneers may opt to go to Pimlico and play VLTs instead of attending an Orioles game. In this case, the State gains VLT gaming revenue but would lose the admissions and amusement tax that would have been generated if the conventioneer attended the Orioles game. Part of the substitution effect for Marylanders is captured by the estimated decline in lottery revenues resulting from individuals opting to play VLTs instead of purchasing lottery tickets. To the extent that Marylanders substitute playing VLTs for additional forms of taxable entertainment and consumption, indirect State revenues will decrease further. Examples of this include a Marylander opting to play VLTs instead of going to a bar or out to dinner which generate alcohol and sales taxes respectively.

Estimates vary as to the share of total VLT revenues that each cohort will contribute. Of particular interest has been the amount of VLT revenue that would be recaptured from Marylanders playing VLTs in neighboring states. Legislative Services estimates that approximately \$400 million or approximately one-third of total revenue generated by

West Virginia and Delaware VLT facilities comes from Marylanders. Further, it is estimated that these Marylanders contribute approximately \$150 million in revenue to West Virginia and Delaware local and state governments. Authorizing VLTs will not recapture all of this revenue; the number of players recaptured depends on multiple factors. In addition, Pennsylvania continues to open VLT facilities increasing from 4 in late 2006 to a total of 14 with final opening dates in late 2008/early 2009, which could impact the annual revenue “recaptured” by Maryland VLT facilities.

### **State Expenditures:**

#### *Lottery Agency*

The Lottery Agency states that it will need 47 additional employees. The agency estimates a budget request of approximately \$19 million will be needed for fiscal 2009 to pay for start-up, facility, and equipment costs associated with VLT operations. This estimate assumes that the cost of leasing and maintaining VLT terminals and central computer system as well as providing for additional staff will be equal to approximately 5% of gross revenues. To the extent that expenses are lower than estimated, the additional gross proceeds would be distributed to the ETF. The bill contains no provisions regarding expenses being higher than estimated.

#### *Office of the Attorney General*

Based on previous expenditure estimates provided by the Office of the Attorney General, DLS estimates an increase in general fund expenditures of approximately \$260,000 in fiscal 2009 as a result of hiring two assistant Attorneys General and one legal secretary to provide legal support to the VLT program.

#### *Department of State Police*

Based on previous expenditure estimates provided by the Department of State Police, general fund expenditures would increase by approximately \$280,000 in fiscal 2009 as a result of equipment costs and hiring two full-time troopers and one office secretary to handle the anticipated volume of background checks.

#### *DHMH Expenditures – Prevalence Study*

DHMH has previously estimated that a prevalence study will cost up to approximately \$1.2 million. This estimate is based on conducting a four-month study that samples 38,000 Marylanders or approximately 1% of the State adult population. DLS estimates that the first study required would cost approximately \$500,000 to conduct.

### *Education Expenditures*

The Education Trust Fund is a nonlapsing, special fund to be used for continued funding of the Bridge to Excellence formulas and programs, including the GCEI. The fund may also be used to support capital projects for public schools, public colleges and universities, and community colleges. In light of the substantial structural deficit currently forecasted for fiscal 2009 through 2013, it is assumed that all of the available ETF proceeds are used to support operating programs and therefore offset general fund expenditures.

### *Video Lottery Facility Location Commission and Other Studies*

The bill requires DLS to staff the Video Lottery Facility Commission and hire an independent consultant to assist the commission in analyzing bids. This estimate assumes three contractual employees are needed to staff the commission (two professional staff and one support staff) and the consultant's contract is \$250,000.

The bill also requires two studies regarding specified aspects of the MBE requirements of the bill and reports to the Legislative Policy Committee by December 15, 2010 for the first study and September 30, 2013 for the second study. DLS estimates that the studies will cost \$50,000 each.

### *Purse Dedication Account*

Six percent of VLT revenues are to be distributed to a purse dedication account to enhance horse racing purses and funds for the horse breeding industry. **Exhibit 8** lists the breakdown of PDA revenues by fiscal year. Annual revenues are not to exceed \$100 million annually.

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**Exhibit 8**  
**Purse Dedication Account**  
**(*\$ in Millions*)**

	<b><u>FY 2010</u></b>	<b><u>FY 2011</u></b>	<b><u>FY 2012</u></b>	<b><u>FY 2013</u></b>
<b><i>Thoroughbred (80%)</i></b>				
Purses	\$0	\$5.9	\$36.4	\$48.1
Bred Fund	0	0.7	4.5	5.9
<b><i>Standardbred (20%)</i></b>				
Purses	0	2.5	15.6	20.6
Bred Fund	0	0.3	1.9	2.5
<b>Total Expenditures</b>	<b>\$0</b>	<b>\$9.5</b>	<b>\$58.5</b>	<b>\$77.2</b>

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*Infrastructure Costs*

The State and local governments could also incur significant costs associated with infrastructure and transportation upgrades at each of the VLT locations. The actual costs are site specific and could range from extending water and sewer lines and increasing police personnel to significantly altering existing traffic routes and adding access from other major thoroughfares. The Maryland Department of Transportation states that estimating these costs is not possible until plans are developed and traffic studies are completed.

*Indirect State Expenditures*

In addition to the positive indirect effects to the economy, negative impacts could be expected as well. These effects could include increased levels of crime, unemployment, and personal bankruptcies which could result in a need to significantly increase the State and local spending directed toward these effects. Although these costs cannot be reliably estimated, DLS estimates that these costs are likely to be greater than the funds dedicated to the Compulsive Gambling Fund under this bill. For a more in-depth discussion about the possible social costs as a result of authorizing VLTs, consult the *Legislator's Guide to Video Lottery Terminal Gambling*.

**Local Revenues:** The bill provides local impact aid for jurisdictions in which VLT operations are located. Eighteen percent of the total is allocated to the Pimlico Community Development Authority. The remaining 82% is allocated to the five jurisdictions based on each jurisdiction's share of the gross VLT revenues. This aid is to be used for infrastructure, facilities, services, and other improvements.

The distribution of local aid to counties in which VLT facilities are located is shown in **Exhibit 9**.

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**Exhibit 9**  
**Local Distributions**  
(\$ in Millions)

	<b><u>FY 2010</u></b>	<b><u>FY 2011</u></b>	<b><u>FY 2012</u></b>	<b><u>FY 2013</u></b>
Pimlico Development Authority	\$0	\$1.6	\$9.4	\$12.7
Anne Arundel	0	5.1	19.6	22.4
Baltimore City	0	0.0	11.4	18.3
Worcester County	0	1.3	5.1	5.9
Cecil County	0	0.0	5.4	8.6
Rocky Gap	0	0.7	2.5	2.8
<b>Total</b>	<b>\$0</b>	<b>\$8.7</b>	<b>\$53.6</b>	<b>\$70.8</b>

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*Indirect Local Revenues*

The local jurisdictions where VLT facilities are located would also benefit from increased real property tax collections. In addition, if the Lottery Agency decides to lease VLTs from a VLT manufacturer, local jurisdictions would benefit from increased personal property taxes assessed on VLT machines and paid by the lessor. To the extent that expenditures on items subject to admissions and amusement taxes are transferred to VLT wagering, local revenues could decline. Local revenues would also be affected by any changes in property values, positive or negative, occurring because of the introduction of VLTs. This effect cannot be reliably estimated at this time.

**Local Expenditures:** VLT facilities will have a substantial impact on the local areas in which they are located and will necessitate additional local expenditures.

Baltimore City estimates that annual operating costs for public safety, sanitation, and transportation associated with site development would total approximately \$9.3 million. In addition to these recurring costs, the city estimates approximately \$1.8 million in one-time operating start-up costs to acquire equipment. It is also estimated that approximately \$15.0 million in transportation-related capital improvements would be necessary to accommodate the expected influx of activity in and around a site proposal.

These improvements include intersection improvements, signal system installations, and street widening and rehabilitation.

Using previously supplied Prince George's County information, DLS advises that if Laurel is awarded a license it would incur expenditures of up to \$10.0 million in one-time costs and \$2.1 million annually as a result of infrastructure improvements and expanded public services.

Based on previous expenditure estimates provided by the City of Laurel, DLS estimates that expenditures would increase by approximately \$1.4 million annually if Laurel Park is awarded a license. This reflects hiring additional police and public works personnel as well as other operating costs. Howard County states that if Laurel Park is awarded a license, the county would need to hire additional police personnel and widen access roads to Laurel Park.

Based on previous expenditure estimates provided by Anne Arundel County, DLS estimates that the annual operating costs for public safety, infrastructure, and social services would total \$9 million if Laurel Park is awarded a license. In addition to these recurring costs, the county estimates approximately \$1 million in one-time operating start-up costs to acquire equipment.

In addition, the other VLT facilities will likely increase local expenditures in the county(s) in which they are located.

**Small Business Effect:** To the extent that VLT facilities purchase goods from local businesses that are small businesses, these small businesses would benefit. Small business horse industry breeders and owners in the thoroughbred and standardbred racing industry would benefit. Some small businesses would benefit from additional tourists, partially offset by some small businesses that would be harmed as a result of tourists substituting VLT wagering for other expenditures. Expenditures from the Small, Minority, and Women-owned Business Investment Account created and funded in the bill would benefit small businesses.

Other small businesses will be harmed by the substantial substitution of consumer spending away from other consumption to gambling. Small businesses in the entertainment and retail food service near VLT facilities could be particularly harmed.

## Additional Information

**Prior Introductions:** Similar (but not identical) bills were introduced in each of the past three sessions (*e.g.*, SB 950 of 2007, SB 225 of 2006, SB 205/HB 255 and HB 1361 of 2005). Separate legislation was passed by the Senate (SB 205) and the House (HB 1361) in 2005, but the differences in the House and Senate versions were not reconciled.

**Cross File:** SB 3 (The President) (By Request – Administration) – Budget and Taxation.

**Information Source(s):** City of Laurel, Cecil County, Allegany County, Worcester County, Board of Public Works, Comptroller's Office, Department of State Police, Anne Arundel County, Department of Health and Mental Hygiene, Maryland Department of Transportation, Baltimore City, Office of the Attorney General, Department of Legislative Services

**Fiscal Note History:** First Reader - November 1, 2007  
ncs/rhh

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**Appendix 1**

	<b><u>2009</u></b>	<b><u>2010</u></b>	<b><u>2011</u></b>	<b><u>2012</u></b>	<b><u>2013</u></b>
<b>Gross VLT Revenues</b>	\$0	\$0	\$158,327,461	\$975,042,252	\$1,287,482,208
<b>Licensees</b>	\$0	\$0	\$47,498,238	\$292,512,675	\$386,244,662
<b>Special Fund Revenues</b>					
Education Trust Fund (ETF)	-	50,000,000	79,163,730	487,521,126	643,741,104
Local Distributions	0	-	8,708,010	53,627,324	70,811,521
Purse Dedication Account (PDA)	0	-	9,499,648	58,502,535	77,248,932
Racetrack Renewal	0	-	3,958,187	24,376,056	32,187,055
Minority Business Investment Account			-	1,583,275	9,750,423
Compulsive Gambling	0	-	2,103,750	5,418,750	6,348,438
Lottery VLT Administrative	0	-	7,916,373	48,752,113	64,374,110
<b>Total SF Revenues</b>	-	<b>\$50,000,000</b>	<b>\$112,932,973</b>	<b>\$687,948,326</b>	<b>\$907,585,983</b>
<b>GF Revenues</b>					
Lost Lottery Revenue			0	(6,612,338)	(41,849,770)
<b>Total GF Revenues</b>	<b>\$0</b>	<b>\$0</b>	<b>(\$6,612,338)</b>	<b>(\$41,849,770)</b>	<b>(\$56,840,000)</b>
<b>Special Fund Expenditures</b>					
ETF	-	50,000,000	79,163,730	487,521,126	643,741,104
Local Distributions	0	-	8,708,010	53,627,324	70,811,521
PDA	0	-	9,499,648	58,502,535	77,248,932
Racetrack Renewal	0	-	3,958,187	24,376,056	32,187,055
Minority Business Investment Account			-	1,583,275	9,750,423
Compulsive Gambling	0	-	2,103,750	5,418,750	6,348,438
Lottery VLT Administrative	0	-	7,916,373	48,752,113	64,374,110
Transportation – Studies	0	50,000	50,000	0	0
<b>Total SF Expenditure</b>	<b>-</b>	<b>\$50,050,000</b>	<b>\$112,982,973</b>	<b>\$687,948,326</b>	<b>\$907,585,983</b>
<b>GF Expenditures</b>					
VLT Facility Commission	430,000	180,000	180,000	180,000	180,000
Attorney General	0	259,611	273,972	289,282	305,619
State Police	0	277,239	206,890	211,247	262,484
DHMH – Prevalence Study	500,000				
Lottery VLT Admin & Studies	19,000,000	250,000	0	125,000	0
MBE Studies		50,000		50,000	
Education – ETF		(50,000,000)	(79,163,730)	(487,521,126)	(643,741,104)
<b>Total GF Expenditures</b>	<b>\$19,930,000</b>	<b>(\$48,983,150)</b>	<b>(\$78,502,868)</b>	<b>(\$486,665,597)</b>	<b>(\$642,993,001)</b>
<b>Net Effect</b>	<b>(\$19,930,000)</b>	<b>\$48,933,150</b>	<b>\$71,840,530</b>	<b>\$444,815,826</b>	<b>\$586,153,001</b>

