

HOUSE BILL 925

C7
HB 1066/10 – W&M

CONSTITUTIONAL AMENDMENT

2lr1702

By: **Delegates Weir and Minnick**

Introduced and read first time: February 10, 2012

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Video Lottery Terminals – Expansion to Alcoholic Beverages Licensed**
3 **Establishments and Fraternal Organizations**

4 FOR the purpose of proposing an amendment to the Maryland Constitution to
5 authorize the State to issue video lottery operation licenses to holders of
6 alcoholic beverages licenses and to certain nonprofit fraternal organizations;
7 altering the number of video lottery terminals that may be authorized in the
8 State; and submitting this amendment to the qualified voters of the State of
9 Maryland for their adoption or rejection.

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

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

16 **Article XIX – Video Lottery Terminals**

17 1.

18 (a) This article does not apply to:

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

5 (c) (1) Except as provided in subsection (e) of this section, the State may
6 issue up to five video lottery operation licenses throughout the State for the primary
7 purpose of raising revenue for:

8 (i) Education for the children of the State in public schools,
9 prekindergarten through grade 12;

10 (ii) Public school construction and public school capital
11 improvements; and

12 (iii) Construction of capital projects at community colleges and
13 public senior higher education institutions.

14 (2) Except as provided in subsection (e) of this section, the State may
15 not authorize the operation of more than [15,000] **20,000** video lottery terminals in
16 the State.

17 (3) Except as provided in [subsection (e)] **SUBSECTIONS (E) AND (F)**
18 of this section, a video lottery operation license only may be awarded for a video lottery
19 facility in the following locations:

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

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

22 (iii) Worcester County, within 1 mile of the intersection of Route
23 50 and Route 589;

24 (iv) On State property located within Rocky Gap State Park in
25 Allegany County; or

26 (v) Baltimore City, if the video lottery facility is:

27 1. Located:

28 A. In a nonresidential area;

29 B. Within one-half mile of Interstate 95;

30 C. Within one-half mile of MD Route 295; and

1 D. On property that is owned by Baltimore City on the
2 date on which the application for a video lottery operation license is submitted; and

3 2. Not adjacent to or within one-quarter mile of property
4 that is:

5 A. Zoned for residential use; and

6 B. Used for a residential dwelling on the date the
7 application for a video lottery operation license is submitted.

8 (4) Except as provided in [subsection (e)] **SUBSECTIONS (E) AND (F)**
9 of this section, the State may not award more than one video lottery operation license
10 in a single county or Baltimore City.

11 (5) A video lottery facility shall comply with all applicable planning
12 and zoning laws of the local jurisdiction.

13 (d) Except as provided in subsection (e) of this section, on or after November
14 15, **[2008] 2010**, the General Assembly may not authorize any additional forms or
15 expansion of commercial gaming.

16 (e) The General Assembly may only authorize additional forms or expansion
17 of commercial gaming if approval is granted through a referendum, authorized by an
18 act of the General Assembly, in a general election by a majority of the qualified voters
19 in the State.

20 **(F) THE STATE MAY ISSUE VIDEO LOTTERY OPERATION LICENSES**
21 **THROUGHOUT THE STATE TO:**

22 **(1) HOLDERS OF A CLASS B OR CLASS D ALCOHOLIC BEVERAGES**
23 **LICENSE OF ANY KIND THAT IN THE LICENSED ESTABLISHMENTS OFFER TO THE**
24 **PUBLIC:**

25 **(I) A KENO-TYPE GAME; OR**

26 **(II) A VIDEO GAMING DEVICE OPERATED TO PROVIDE**
27 **AMUSEMENT OR ENTERTAINMENT ONLY; OR**

28 **(2) NONPROFIT FRATERNAL ORGANIZATIONS THAT HOLD AN**
29 **ALCOHOLIC BEVERAGES LICENSE.**

30 **[(f)] (G)** The General Assembly may, from time to time, enact such laws not
31 inconsistent with this section, as may be necessary and proper to carry out its
32 provisions.

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

6 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section
7 proposed as an amendment to the Maryland Constitution shall be submitted to the
8 qualified voters of the State at the next general election to be held in November, 2012
9 for their adoption or rejection pursuant to Article XIV of the Maryland Constitution.
10 At that general election, the vote on this proposed amendment to the Constitution
11 shall be by ballot, and upon each ballot there shall be printed the words “For the
12 Constitutional Amendment” and “Against the Constitutional Amendment,” as now
13 provided by law. Immediately after the election, all returns shall be made to the
14 Governor of the vote for and against the proposed amendment, as directed by Article
15 XIV of the Maryland Constitution, and further proceedings had in accordance with
16 Article XIV.