

SENATE BILL 1122

F1, B1, C7

CONSTITUTIONAL AMENDMENT

8lr2633
CF HB 1697

By: ~~Senator Conway~~ Senators Conway, Currie, DeGrange, Ferguson, Guzzone, Kasemeyer, King, McFadden, Madaleno, Manno, and Peters Peters, Middleton, Muse, Hershey, Simonaire, Robinson, Kelley, Pinsky, Lee, Klausmeier, Kagan, Feldman, and Smith

Introduced and read first time: February 15, 2018

Assigned to: Rules

Re-referred to: Budget and Taxation, February 16, 2018

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 15, 2018

CHAPTER _____

1 AN ACT concerning

2 **Education – Commercial Gaming Revenues – Constitutional Amendment**

3 FOR the purpose of proposing an amendment to the Maryland Constitution to limit the
4 uses of certain revenues for the education of the children of the State in certain
5 grades in public schools to certain purposes; requiring the Governor to include in the
6 budget submission certain amounts of certain revenues in certain fiscal years as
7 supplemental funding for certain purposes; requiring that certain funding be in
8 addition to certain State funding provided for certain grades in public schools ~~in~~
9 ~~fiscal year 2020~~; requiring the Governor, beginning in a certain fiscal year, to identify
10 in the annual budget as introduced how certain revenues are being used to
11 supplement certain spending on education in certain grades in public schools;
12 requiring a certain question to be submitted to the qualified voters of the State at a
13 certain election; and submitting this amendment to the qualified voters of the State
14 for their adoption or rejection.

15 BY proposing an amendment to the Maryland Constitution
16 Article XIX – Video Lottery Terminals
17 Section 1(c)(1) and (f)

18 BY proposing an addition to the Maryland Constitution
19 Article XIX – Video Lottery Terminals

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Section 1(f)

2 Preamble

3 WHEREAS, Article VIII, § 1 of the Maryland Constitution requires the General
4 Assembly to establish throughout the State a thorough and efficient system of free public
5 schools; and

6 WHEREAS, Article XIX of the Maryland Constitution was ratified by the voters of
7 Maryland in 2008 to provide State funding for public education from the revenues of video
8 lottery facilities; and

9 WHEREAS, The voters of Maryland approved a referendum in the 2012 general
10 election to expand the number of video lottery facilities to six and allow the facilities to offer
11 table games; and

12 WHEREAS, The Bridge to Excellence in Public Schools Act of 2002 established
13 funding requirements for the State and local governments in order to provide all students
14 an opportunity to achieve State standards for academic achievement; and

15 WHEREAS, The Bridge to Excellence in Public Schools Act required the General
16 Assembly to review and update the funding requirements established in the Act; and

17 WHEREAS, Chapters 701 and 702 of the Acts of the General Assembly of 2016
18 established the Commission on Innovation and Excellence in Education, which was charged
19 with, among other responsibilities, updating the funding requirements and making
20 recommendations that would enable Maryland students to achieve at a globally competitive
21 level; and

22 WHEREAS, The Commission on Innovation and Excellence in Education has made
23 preliminary recommendations and will make final recommendations by December 2018,
24 including ensuring that Maryland public school students receive a world-class education
25 that prepares them for college, careers, and the global economy of the 21st century; now,
26 therefore,

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

30 **Article XIX – Video Lottery Terminals**

31 1.

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

1 (i) Education for the children of the State in public schools,
2 prekindergarten through grade 12; AND

3 (ii) Public school construction and public school capital
4 improvements[; and

5 (iii) Construction of capital projects at community colleges and public
6 senior higher education institutions].

7 (F) (1) SUBJECT TO THE REQUIREMENTS OF PARAGRAPHS (2) AND (3) OF
8 THIS SUBSECTION, FROM THE REVENUES RAISED UNDER SUBSECTION (C)(1) OF
9 THIS SECTION AND ANY OTHER COMMERCIAL GAMING REVENUES DEDICATED TO
10 PUBLIC EDUCATION, THE GOVERNOR'S BUDGET SUBMISSION SHALL INCLUDE NOT
11 LESS THAN THE FOLLOWING AMOUNTS AS SUPPLEMENTAL FUNDING FOR PUBLIC
12 EDUCATION:

13 (I) FOR FISCAL YEAR ~~2021~~ 2020, \$125,000,000;

14 (II) FOR FISCAL YEAR ~~2022~~ 2021, \$250,000,000;

15 (III) FOR FISCAL YEAR ~~2023~~ 2022, \$375,000,000; AND

16 (IV) FOR FISCAL YEAR ~~2024~~ 2023 AND FOR EACH FISCAL YEAR
17 THEREAFTER, 100% OF REVENUES RAISED FOR PUBLIC EDUCATION UNDER
18 SUBSECTION (C)(1) OF THIS SECTION AND ANY OTHER COMMERCIAL GAMING
19 REVENUES DEDICATED TO PUBLIC EDUCATION.

20 (2) THE SUPPLEMENTAL FUNDING SHALL BE USED TO:

21 (I) ENSURE ACCESS TO PUBLIC EDUCATION THAT ALLOWS
22 CHILDREN IN THE STATE TO COMPETE IN THE GLOBAL ECONOMY OF THE FUTURE;

23 (II) PROVIDE FUNDING FOR HIGH-QUALITY EARLY CHILDHOOD
24 EDUCATION PROGRAMS;

25 (III) PROVIDE OPPORTUNITIES FOR PUBLIC SCHOOL STUDENTS
26 TO PARTICIPATE IN CAREER AND TECHNICAL EDUCATION PROGRAMS THAT LEAD TO
27 AN IDENTIFIED JOB SKILL OR CERTIFICATE;

28 (IV) ALLOW STUDENTS TO OBTAIN COLLEGE CREDIT AND
29 DEGREES WHILE IN HIGH SCHOOL AT NO COST TO THE STUDENTS;

30 (V) SUPPORT THE ADVANCEMENT AND PROFESSIONALIZATION
31 OF EDUCATORS IN PUBLIC SCHOOLS; AND

1 (VI) MAINTAIN, RENOVATE, OR CONSTRUCT PUBLIC SCHOOLS.

2 (3) (I) THE SUPPLEMENTAL FUNDING REQUIRED UNDER
 3 PARAGRAPH (1) OF THIS SUBSECTION SHALL BE IN ADDITION TO THE STATE
 4 FUNDING PROVIDED THROUGH THE FUNDING FORMULAS ESTABLISHED IN THE
 5 BRIDGE TO EXCELLENCE IN PUBLIC SCHOOLS ACT OF 2002 FOR
 6 PREKINDERGARTEN THROUGH GRADE 12 IN PUBLIC SCHOOLS ~~IN FISCAL YEAR 2020.~~

7 (II) BEGINNING IN FISCAL YEAR ~~2021~~ 2020 AND FOR EACH
 8 FISCAL YEAR THEREAFTER, THE GOVERNOR SHALL IDENTIFY IN THE ANNUAL
 9 BUDGET AS INTRODUCED HOW THE REVENUE REQUIRED UNDER THIS SECTION IS
 10 BEING USED TO SUPPLEMENT AND NOT SUPPLANT SPENDING ON PUBLIC
 11 EDUCATION FOR PREKINDERGARTEN THROUGH GRADE 12.

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

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

18 SECTION 3. AND BE IT FURTHER ENACTED, That:

19 (a) The amendment to the Maryland Constitution proposed by Section 1 of this
 20 Act shall be submitted to the qualified voters of the State at the next general election to be
 21 held in November 2018 for adoption or rejection pursuant to Article XIV of the Maryland
 22 Constitution.

23 (b) (1) At that general election, the vote on the proposed amendment to the
 24 Constitution shall be by ballot, and on each ballot there shall be printed the words "For the
 25 Constitutional Amendment" and "Against the Constitutional Amendment", as now
 26 provided by law.

27 (2) At that general election, a question substantially similar to the
 28 following shall be submitted to the qualified voters of the State:

29 "Question ___ – Constitutional Amendment

30 Requiring Commercial Gaming Revenues that are for Public Education to Supplement
 31 Spending for Education in Public Schools

32 Requires the Governor to include in the annual State budget, as supplemental funding for
 33 prekindergarten through grade 12 in public schools, the revenues from video lottery
 34 operation licenses and any other commercial gaming dedicated to public education in an
 35 amount above the level of State funding for education in public schools ~~in fiscal year 2020~~

1 provided by the Bridge to Excellence in Public Schools Act of 2002 (otherwise known as the
 2 Thornton legislation) in not less than the following amounts: \$125 million in fiscal year
 3 ~~2021~~ 2020; \$250 million in fiscal year ~~2022~~ 2021; \$375 million in fiscal year ~~2023~~ 2022; and
 4 100% of commercial gaming revenues dedicated to public education in fiscal year ~~2024~~ 2023
 5 and each fiscal year thereafter. State law currently authorizes video lottery operation
 6 licenses for the primary purpose of raising money for public education. The amendment
 7 also requires the Governor to show in the annual budget how the revenues from video
 8 lottery operation licenses and other commercial gaming are being used in a manner that is
 9 in addition to the level of State funding for public education ~~in fiscal year 2020~~ provided by
 10 the funding formulas established by the Bridge to Excellence in Public Schools Act.

11 (c) Immediately after the election, all returns shall be made to the Governor of
 12 the vote for and against the proposed amendment, as directed by Article XIV of the
 13 Maryland Constitution, and further proceedings had in accordance with Article XIV.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.