

Department of Legislative Services  
Maryland General Assembly  
2018 Session

FISCAL AND POLICY NOTE  
Third Reader

Senate Bill 381

(Senator King, *et al.*)

Budget and Taxation

Ways and Means

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Video Lottery Terminal Revenues - Purse Dedication Account - Standardbred  
Racetrack Operating Loss Assistance

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This bill extends, through calendar 2024, distributions from the Purse Dedication Account (PDA) of up to \$1.2 million annually each to Ocean Downs Race Course and Rosecroft Raceway for financial assistance for operating losses, in accordance with generally accepted accounting principles, to support a minimum of 40 live racing days each year.

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Fiscal Summary

**State Effect:** No overall impact on State finances. Distributions of up to \$1.2 million to Ocean Downs Race Course and up to \$1.2 million to Rosecroft Raceway from PDA for racetrack financial assistance continue through calendar 2024.

**Local Effect:** None.

**Small Business Effect:** Minimal.

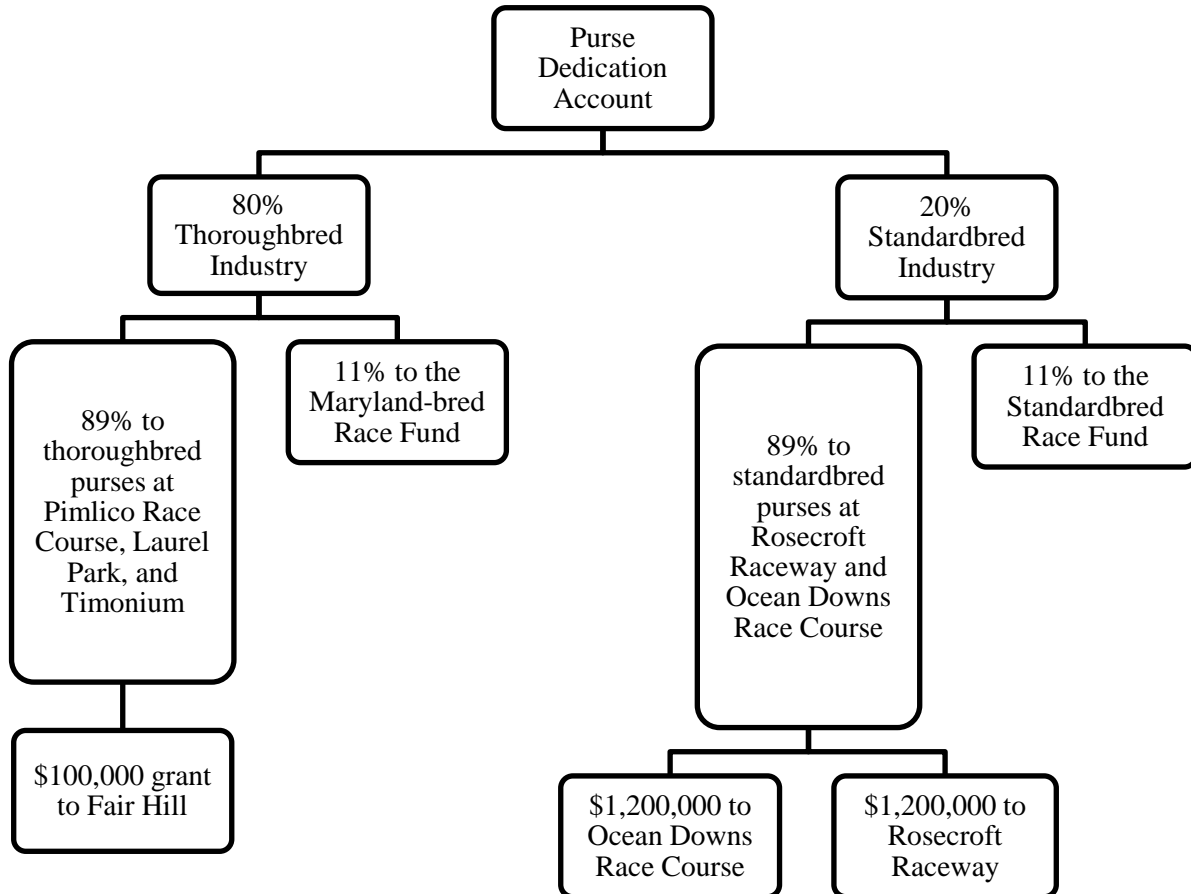
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Analysis

**Current Law/Background:** Generally, 6% of video lottery terminal proceeds, not to exceed \$100 million, is distributed to PDA, which is under the authority of the State Racing Commission.

**Exhibit 1** shows how funds in PDA are distributed. The State Racing Commission must allocate 80% of the funds in PDA to the thoroughbred industry and 20% to the standardbred industry. Of those amounts, 89% goes directly to purses and 11% to the respective bred race funds.

**Exhibit 1**  
**Distribution of Funds within the Purse Dedication Account**



Source: Department of Legislative Services

Of the amount that goes to standardbred purses, up to \$1.2 million may be used for Ocean Downs Race Course for financial assistance for operating losses, in accordance with generally accepted accounting principles, to support a minimum of 40 live racing days each year for calendar years through 2019, unless the racing licensee is prevented by weather, acts of God, or other circumstances beyond the racing licensee's control. An additional \$1.2 million from standardbred purses may be provided to Rosecroft Raceway for financial assistance for operating losses, in accordance with generally accepted accounting principles, to support a minimum of 40 live racing days each year for calendar years through 2019, unless the racing licensee is prevented by weather, acts of God, or other circumstances beyond the racing licensee's control. Ocean Downs Race Course and

Rosecroft Raceway may not use these funds to contribute to a specified campaign finance entity or make a specified election-related independent expenditure.

In order to obtain operating assistance, Rosecroft Raceway must (1) agree to hire back workers employed at the facility prior to the end of live racing on June 27, 2008, and (2) recognize collective bargaining agreements that were in place as of June 1, 2008.

Upon completion of review by a certified public accountant, the Department of Labor, Licensing, and Regulation (DLLR) may authorize the reimbursement of expenditures by the racing licensee that are necessary to conduct the live racing schedule. All costs associated with the racing licensee's application must be paid by the racing licensee. In support of the racing licensee's application and request for reimbursement, the racing licensee must provide monthly financial information and an annual audited financial statement to DLLR.

Expenditures eligible for reimbursement must include the ordinary and reasonable costs of conducting the race meetings, pari-mutuel wagering, and stabling activities of the racing licensee, net of ordinary income and receipts. The reimbursement calculation may not include (1) extraordinary income and expense-related items, including extraordinary litigation expenses; (2) lobbying fees; (3) capital investments, including predevelopment costs; or (4) prior-year adjustments and claims.

A racing licensee may not receive assistance while the racing licensee is a party to a proceeding challenging the issuance or denial of a video lottery operation license.

**State Fiscal Effect:** The bill has no overall impact on State finances. The bill extends the annual distribution from the standardbred purses of PDA of up to \$1.2 million each to Ocean Downs Race Course and Rosecroft Raceway for financial assistance through calendar 2024 and specifies the assistance is for operating losses. However, the bill does not alter the overall amount of revenue distributed to the funds within PDA. The Comptroller's Office advises that, while Ocean Downs Race Course has received \$1.2 million annually for financial assistance, Rosecroft Raceway has not received any funding to date. **Exhibit 2** shows the estimated distribution of PDA revenues for fiscal 2019 through 2023.

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**Exhibit 2**  
**Estimated Distribution of Funds within the Purse Dedication Account**  
**Fiscal 2019-2023**  
**(\$ in Millions)**

	<u>FY 2019</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
Maryland-bred Race Fund	\$5.3	\$5.4	\$5.4	\$5.5	\$5.6
Thoroughbred Purses	42.7	43.3	44.0	44.6	45.3
Standardbred Race Fund	1.3	1.3	1.4	1.4	1.4
Standardbred Purses	10.7	10.8	11.0	11.2	11.3
<b>Total PDA Funds</b>	<b>\$59.9</b>	<b>\$60.8</b>	<b>\$61.8</b>	<b>\$62.7</b>	<b>\$63.6</b>

Note: Numbers may not sum to total due to rounding.

Source: Department of Legislative Services

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**Additional Information**

**Prior Introductions:** None.

**Cross File:** HB 392 (Delegate Turner, *et al.*) - Ways and Means.

**Information Source(s):** Comptroller's Office; Department of Labor, Licensing, and Regulation; Department of Legislative Services

**Fiscal Note History:** First Reader - February 5, 2018  
md/jrb Third Reader - February 27, 2018

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