

SENATE BILL 325

C7

CONSTITUTIONAL AMENDMENT

01r0308

By: **Senators King, Augustine, Beidle, Elfreth, Ellis, Feldman, Griffith, Guzzone, Hayes, Hester, Kelley, Kramer, Miller, Patterson, Peters, Rosapepe, Smith, Waldstreicher, Young, and Zucker**

Introduced and read first time: January 22, 2020

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Constitutional Amendment – Gaming – Expansion**

3 FOR the purpose of proposing an amendment to the Maryland Constitution to repeal a
4 certain prohibition on the authority of the General Assembly to authorize additional
5 forms or the expansion of commercial gaming; repealing the authority of the General
6 Assembly to authorize, through the use of a certain referendum, additional forms or
7 the expansion of commercial gaming; conforming certain provisions of the Maryland
8 Constitution to changes made by a certain referendum; making a certain conforming
9 change; and submitting this amendment to the qualified voters of the State of
10 Maryland for their adoption or rejection.

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

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

17 **Article XIX – Video Lottery Terminals**

18 1.

19 (a) [This article does not apply to:

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

7 [(c)] (B) (1) [Except as provided in subsection (e) of this section, the] **THE**
8 State may issue up to [five] **SIX** video lottery operation licenses throughout the State for
9 the primary purpose of raising revenue for:

10 (i) Education for the children of the State in public schools,
11 prekindergarten through grade 12; and

12 (ii) Public school construction and public school capital
13 improvements.

14 (2) [Except as provided in subsection (e) of this section, the] **THE** State
15 may not authorize the operation of more than [15,000] **16,500** video lottery terminals in
16 the State.

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

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

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

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

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

25 (v) **PRINCE GEORGE’S COUNTY; OR**

26 **(VI)** 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;

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

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

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

6 A. Zoned for residential use; and

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

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

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

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

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

21 [(f) **(C)** (1) Subject to the requirements of paragraphs (2) and (3) of this
22 subsection, from the revenues raised under subsection [(c)(1)] **(B)(1)** of this section and
23 any other commercial gaming revenues dedicated to public education, the Governor's
24 budget submission shall include not less than the following amounts as supplemental
25 funding for public education:

26 (i) For fiscal year 2020, \$125,000,000;

27 (ii) For fiscal year 2021, \$250,000,000;

28 (iii) For fiscal year 2022, \$375,000,000; and

29 (iv) For fiscal year 2023 and for each fiscal year thereafter, 100% of
30 revenues raised for public education under subsection [(c)(1)] **(B)(1)** of this section and any
31 other commercial gaming revenues dedicated to public education.

32 (2) The supplemental funding shall be used to:

1 (i) Ensure access to public education that allows children in the
2 State to compete in the global economy of the future;

3 (ii) Provide funding for high-quality early childhood education
4 programs;

5 (iii) Provide opportunities for public school students to participate in
6 career and technical education programs that lead to an identified job skill or certificate;

7 (iv) Allow students to obtain college credit and degrees while in high
8 school at no cost to the students;

9 (v) Support the advancement and professionalization of educators in
10 public schools; and

11 (vi) Maintain, renovate, or construct public schools.

12 (3) (i) The supplemental funding required under paragraph (1) of this
13 subsection shall be in addition to the State funding provided through the funding formulas
14 established in the Bridge to Excellence in Public Schools Act of 2002 for prekindergarten
15 through grade 12 in public schools.

16 (ii) Beginning in fiscal year 2020 and for each fiscal year thereafter,
17 the Governor shall identify in the annual budget as introduced how the revenue required
18 under this section is being used to supplement and not supplant spending on public
19 education for prekindergarten through grade 12.

20 **[(g)] (D)** The General Assembly may, from time to time, enact such laws not
21 inconsistent with this section, as may be necessary and proper to carry out its provisions.

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

26 SECTION 3. AND BE IT FURTHER ENACTED, That the amendment to the
27 Maryland Constitution proposed by Section 1 of this Act shall be submitted to the qualified
28 voters of the State at the next general election to be held in November 2020 for adoption or
29 rejection pursuant to Article XIV of the Maryland Constitution. At that general election,
30 the vote on the proposed amendment to the Constitution shall be by ballot, and on each
31 ballot there shall be printed the words “For the Constitutional Amendment” and “Against
32 the Constitutional Amendment”, as now provided by law. Immediately after the election,
33 all returns shall be made to the Governor of the vote for and against the proposed
34 amendment, as directed by Article XIV of the Maryland Constitution, and further
35 proceedings had in accordance with Article XIV.