

SENATE BILL 480

C7, L6

8lr1531

By: **Senator Ferguson**

Introduced and read first time: January 29, 2018

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City – South Baltimore Gateway Community Impact District**
3 **Management Authority – Distribution of Local Impact Grants**

4 FOR the purpose of specifying that the State distribute certain funding directly to the South
5 Baltimore Gateway Community Impact District Management Authority; providing,
6 under certain circumstances, that a certain percentage of local impact grants from
7 video lottery proceeds be distributed directly to the Authority; defining a certain
8 term; and generally relating to the distribution of local impact grants from video
9 lottery proceeds in Baltimore City.

10 BY repealing and reenacting, with amendments,
11 The Charter of Baltimore City
12 Article II – General Powers
13 Section (69)(c)(1)(i)
14 (2007 Replacement Volume, as amended)
15 (As enacted by Section 2 of Chapter 314 of the Acts of the General Assembly of 2016)

16 BY repealing and reenacting, with amendments,
17 Article – State Government
18 Section 9–1A–31
19 Annotated Code of Maryland
20 (2014 Replacement Volume and 2017 Supplement)
21 (As enacted by Chapter 446 of the Acts of the General Assembly of 2017)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
23 That the Laws of Maryland read as follows:

24 **The Charter of Baltimore City**

25 Article II – General Powers

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 The Mayor and City Council of Baltimore shall have full power and authority to
 2 exercise all of the powers heretofore or hereafter granted to it by the Constitution of
 3 Maryland or by any Public General or Public Local Laws of the State of Maryland; and in
 4 particular, without limitation upon the foregoing, shall have power by ordinance, or such
 5 other method as may be provided for in its Charter, subject to the provisions of said
 6 Constitution and Public General Laws:

7 (69)

8 (c) (1) The ordinance establishing the South Baltimore Gateway Community
 9 Impact District Management Authority shall address the following:

10 (i) specify the powers and functions within the limits of this section,
 11 which may be exercised and conducted by the Authority and **PROVIDE THAT THE STATE**
 12 fund the Authority with not less than **THE** 50% of the local impact grants from video lottery
 13 proceeds [distributed to Baltimore City under § 9-1A-31(a)(3)(i)] **THAT §**
 14 **9-1A-31(B)(3)(I)** of the State Government Article of the Annotated Code of Maryland
 15 **REQUIRES THE STATE TO DISTRIBUTE DIRECTLY TO THE AUTHORITY;**

16 Article – State Government

17 9-1A-31.

18 (a) **IN THIS SECTION, “LOCAL JURISDICTION” INCLUDES THE SOUTH**
 19 **BALTIMORE GATEWAY COMMUNITY IMPACT DISTRICT MANAGEMENT AUTHORITY.**

20 **(B)** (1) Except as provided in paragraph (8) of this subsection, the local impact
 21 grants provided under § 9-1A-27 of this subtitle shall be distributed as provided in this
 22 subsection.

23 (2) The following amounts shall be distributed to the following
 24 jurisdictions:

25 (i) Allegany County – \$200,000;

26 (ii) Cecil County – \$130,000;

27 (iii) Town of Perryville – \$70,000; and

28 (iv) Worcester County – \$200,000.

29 (3) The remaining funds for local impact grants shall be distributed in the
 30 following manner:

31 (i) 82% to the local jurisdictions with video lottery facilities, based
 32 on each jurisdiction’s percentage of overall gross revenues from video lottery terminals; and

1 (ii) except as provided in paragraph (4) of this subsection, for
2 operations at a video lottery facility starting in fiscal year 2012 and ending in fiscal year
3 2032, 18% to Baltimore City with the Pimlico Community Development Authority acting
4 as the local development council in accordance with subsection [(d)] (E) of this section, to
5 be distributed primarily for capital projects benefiting economic and community
6 development in the following manner:

7 1. at least 75% in a manner that is consistent with the Park
8 Heights Master Plan; and

9 2. the remainder dedicated to the needs of:

10 A. any census blockgroup that Baltimore City identifies as
11 being located partly or entirely within 1 mile of Pimlico Race Course but not within the
12 boundaries of the Park Heights Master Plan in a manner that is consistent with adopted
13 neighborhood priorities;

14 B. any neighborhood included in the Northwest Community
15 Planning Forum Strategic Neighborhood Action Plan in a manner that is consistent with
16 the adopted Northwest Community Planning Forum Strategic Neighborhood Action Plan
17 priorities; and

18 C. beginning after a video lottery operation license is issued
19 to a video lottery facility in Baltimore City, any neighborhood within an area bounded by
20 Liberty Heights Avenue, Northern Parkway, Druid Park Drive, and Wabash Avenue in a
21 manner that is consistent with adopted neighborhood priorities.

22 (4) (i) Of the amount specified under paragraph (3)(ii) of this
23 subsection:

24 1. \$1,000,000 shall be provided annually to Prince George's
25 County to be used for public safety projects in the community within 5 miles surrounding
26 Rosecroft Raceway; and

27 2. for fiscal years 2015 through 2019, \$500,000 shall be
28 provided annually for impact aid to be distributed as provided under § 11-404(d) of the
29 Business Regulation Article to help pay for facilities and services in communities within 3
30 miles of the Laurel Race Course.

31 (ii) The Legislative Policy Committee shall report its findings and
32 recommendations concerning the advisability of the continuation of the distribution of
33 funds after fiscal year 2032 to the Comptroller and, in accordance with § 2-1246 of this
34 article, the General Assembly, on or before November 1, 2030.

35 (5) Anne Arundel County, Howard County, Prince George's County, and
36 the City of Laurel shall report to the Legislative Policy Committee by December 31 of each

1 year as to the distribution of the funds provided under this section.

2 (6) Baltimore City shall:

3 (i) **EXCEPT AS PROVIDED IN SUBSECTION (C)(3)(I) OF THIS**
4 **SECTION**, establish a schedule for the distribution and expenditure of funds provided under
5 this section; and

6 (ii) provide a quarterly report to the Legislative Policy Committee on
7 the distribution of the funds provided under this section.

8 (7) (i) The distribution under paragraph (3)(i) of this subsection to
9 Anne Arundel County, Baltimore City, and Prince George's County equals the sum of the
10 amounts to be distributed to Anne Arundel County, Baltimore City, and Prince George's
11 County divided by three.

12 (ii) Notwithstanding subparagraph (i) of this paragraph, the amount
13 distributed to Anne Arundel County and Baltimore City under paragraph (3)(i) of this
14 subsection may not be less than the amount received in the fiscal year before the video
15 lottery operation license for a video lottery facility in Prince George's County was issued.

16 (8) Beginning after a video lottery operation license is issued to a video
17 lottery facility in Baltimore City, 100% of the local impact grants provided under §
18 9-1A-27 of this subtitle from the proceeds of the video lottery facilities located in Allegany,
19 Cecil, and Worcester counties shall be distributed to the local jurisdictions in which those
20 video lottery facilities are located.

21 **[(b)] (C)** (1) Except as otherwise provided in paragraphs (2) and (3) of this
22 subsection and subject to paragraph (4) of this subsection, local impact grants provided
23 under subsection **[(a)(3)(i)] (B)(3)(I)** of this section shall be used for improvements
24 primarily in the communities in immediate proximity to the video lottery facilities and may
25 be used for the following purposes:

26 (i) infrastructure improvements;

27 (ii) facilities;

28 (iii) public safety;

29 (iv) sanitation;

30 (v) economic and community development, including housing; and

31 (vi) other public services and improvements.

32 (2) (i) Subject to subparagraph (ii) of this paragraph, in Allegany
33 County, local impact grants provided under subsection **[(a)(3)(i)] (B)(3)(I)** of this section

1 may be used:

2 1. for purposes listed in paragraph (1) of this subsection
3 throughout the county; and

4 2. to pay down the debt incurred by the county in the
5 construction and related costs for the golf course, lodge, and other improvements in Rocky
6 Gap State Park.

7 (ii) At least 20% of the local impact grants provided under subsection
8 **[(a)(3)(i)] (B)(3)(I)** of this section in Allegany County shall be used for capital projects for
9 municipalities and nonprofit organizations in the county.

10 (3) In Baltimore City:

11 (i) beginning in fiscal year 2018, at least 50% of the local impact
12 grants provided under subsection **[(a)(3)(i)] (B)(3)(I)** of this section shall be distributed
13 **DIRECTLY** to the South Baltimore Gateway Community Impact District Management
14 Authority; and

15 (ii) local impact grants provided under subsection **[(a)(3)(i)]**
16 **(B)(3)(I)** of this section shall be used for improvements in the communities in immediate
17 proximity to the video lottery facility and may be used for the following purposes:

18 1. infrastructure improvements;

19 2. facilities;

20 3. public safety;

21 4. sanitation;

22 5. economic and community development, including housing;

23 and

24 6. other public services and improvements.

25 (4) (i) 1. Subject to subparagraph 2 of this subparagraph, in
26 Prince George's County, 40% of local impact grants provided under this section shall be
27 used to address infrastructure needs related to Maryland Route 210 in Prince George's
28 County.

29 2. The amount of local impact grants used as provided in
30 subparagraph 1 of this subparagraph may not exceed \$15,000,000 in a fiscal year.

31 3. Prince George's County may be reimbursed by the State
32 for any money used as provided in this subparagraph.

1 (ii) In Prince George's County, \$125,000 of the local impact grants
2 provided under this section shall be provided annually to be used in communities within
3 2.5 miles northeast of the video lottery facility in Prince George's County.

4 **[(c)] (D)** (1) A local development council shall be established in each
5 geographic area where a video lottery facility is located.

6 (2) Subject to paragraph (3) of this subsection, a local development council
7 shall consist of the following 15 members appointed by the chief executive of the county in
8 which the local development council is located, in consultation with the Senators and
9 Delegates who represent the communities surrounding the facility and the respective
10 county councils, city councils, or county commissioners:

11 (i) one Senator who represents the district where the facility is
12 located or the Senator's designee;

13 (ii) two Delegates who represent the districts where the
14 communities surrounding the facility are located or the Delegates' designees;

15 (iii) one representative of the video lottery operation licensee;

16 (iv) seven residents of the communities in immediate proximity to
17 the facility; and

18 (v) four representatives of businesses or institutions located in
19 immediate proximity to the facility.

20 (3) (i) If the video lottery facility is at a racetrack location at Laurel
21 Park, the County Executive of Anne Arundel County, the County Executive of Prince
22 George's County, and the County Executive of Howard County shall jointly appoint the
23 local development council.

24 (ii) If the video lottery facility is at a racetrack location at the Ocean
25 Downs Race Course:

26 1. the County Commissioners of Worcester County shall
27 appoint the local development council;

28 2. the Senator or the Senator's designee shall serve as a
29 member of the local development council; and

30 3. the Delegates or the Delegates' designees shall serve as
31 members of the local development council.

32 **[(d)] (E)** (1) Prior to any expenditure of local impact grant funds provided
33 under § 9-1A-27 of this subtitle, a county or municipality shall develop, in consultation

1 with the local development council, a multiyear plan for the expenditure of the local impact
2 grant funds for services and improvements consistent with subsection [(b)] (C) of this
3 section.

4 (2) A county or municipality shall submit the plan to the local development
5 council for review and comment before adopting the plan or expending any grant funds.

6 (3) The local development council shall advise the county or municipality
7 on the impact of the facility on the communities and the needs and priorities of the
8 communities in immediate proximity to the facility.

9 (4) (i) A local development council shall have 45 days to review,
10 comment, and make recommendations on the plan required under this subsection.

11 (ii) Except as provided in subparagraph (iii) of this paragraph, on
12 the request of a local development council, the county or municipality shall hold a public
13 hearing on the plan.

14 (iii) Baltimore City shall hold a public hearing on the plan for the
15 expenditure of funds allocated under subsection [(a)(3)(ii)] (B)(3)(II) of this section.

16 (5) A county or municipality shall make best efforts to accommodate the
17 recommendations of the local development council and any testimony presented at the
18 hearing before adopting the plan required under this subsection.

19 [(e)] (F) A video lottery operation licensee shall provide to the local development
20 council a master plan for the development of the site on which the video lottery facility will
21 be located.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2018.