

HOUSE BILL 1010

A1, C7

CONSTITUTIONAL AMENDMENT

11r1549

By: **Delegates Glenn, Bromwell, Conaway, Harrison, B. Robinson, Stukes, and Tarrant**

Introduced and read first time: February 11, 2011

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

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

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 certain
6 alcoholic beverages licenses; altering the number of video lottery terminals that
7 may be authorized in the State; requiring that the State Lottery Agency
8 supervise, administer, and license the operation of video lottery terminals;
9 providing for the distribution of proceeds from the play of video lottery
10 terminals; and submitting this amendment to the qualified voters of the State
11 for their adoption or rejection.

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

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

18 **Article XIX – Video Lottery Terminals**

19 1.

20 (a) This article does not apply to:

21 (1) Lotteries conducted under Title 9, Subtitle 1 of the State
22 Government 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
6 a person that allows players to operate video lottery terminals.

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

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

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

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

16 (2) Except as provided in [subsection (e)] **SUBSECTIONS (E) AND (F)**
17 of this section, the State may not authorize the operation of more than 15,000 video
18 lottery terminals in the State.

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

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

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

24 (iii) Worcester County, within 1 mile of the intersection of Route
25 50 and Route 589;

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

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

29 1. Located:

30 A. In a nonresidential area;

31 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
3 date 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
8 application for a video lottery operation license is submitted.

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

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

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

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

21 **(F) (1) THE STATE MAY ISSUE VIDEO LOTTERY OPERATION LICENSES**
22 **THROUGHOUT THE STATE TO HOLDERS OF A CLASS B, CLASS C, OR CLASS D**
23 **ALCOHOLIC BEVERAGES LICENSE OF ANY KIND.**

24 **(2) AN INDIVIDUAL ALCOHOLIC BEVERAGES LICENSE HOLDER**
25 **MAY LOCATE AND OPERATE NOT MORE THAN FIVE VIDEO LOTTERY TERMINALS**
26 **ON THE LICENSED PREMISES OF THE LICENSE HOLDER.**

27 **(3) THE STATE LOTTERY AGENCY SHALL SUPERVISE,**
28 **ADMINISTER, AND LICENSE THE OPERATION OF VIDEO LOTTERY TERMINALS**
29 **UNDER THIS SUBSECTION.**

30 **(4) PROCEEDS FROM THE PLAY OF VIDEO LOTTERY TERMINALS**
31 **UNDER THIS SUBSECTION SHALL BE DISTRIBUTED IN THE SAME MANNER AS**
32 **PROCEEDS FROM THE SALE OF STATE LOTTERY TICKETS ARE DISTRIBUTED.**

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

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

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