

HOUSE BILL 1021

C7

CONSTITUTIONAL AMENDMENT

11r2172

By: **Delegates Walker and F. Turner**

Introduced and read first time: February 11, 2011

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Gaming – Video Lottery Operation Licenses – Frederick County**

3 FOR the purpose of amending the Maryland Constitution to authorize video lottery
4 terminal gaming at a location in Frederick County; altering the number of
5 licenses that the State may issue to operate video lottery terminals; altering the
6 number of video lottery terminals that may be authorized in the State; and
7 submitting this amendment to the qualified voters of the State for their
8 adoption or rejection.

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

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

15 **Article XIX – Video Lottery Terminals**

16 1.

17 (a) This article does not apply to:

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

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

8 (ii) Public school construction and public school capital
9 improvements; and

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

12 (2) Except as provided in subsection (e) of this section, the State may
13 not authorize the operation of more than ~~[15,000]~~ **17,500** video lottery terminals in
14 the State.

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

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

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

20 **(iii) FREDERICK COUNTY, WITHIN 5 MILES OF THE**
21 **INTERSECTION OF INTERSTATE 270 AND INTERSTATE 70;**

22 ~~[(iii)]~~ **(iv)** Worcester County, within 1 mile of the intersection of
23 Route 50 and Route 589;

24 ~~[(iv)]~~ **(v)** On State property located within Rocky Gap State
25 Park in Allegany County; or

26 ~~[(v)]~~ **(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;

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

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

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

5 A. Zoned for residential use; and

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

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

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

13 (d) Except as provided in subsection (e) of this section, on or after November
14 15, [2008] **2012**, the General Assembly may not authorize any additional forms or
15 expansion of commercial gaming.

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

20 (f) 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
22 provisions.

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

28 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section
29 proposed as an amendment to the Maryland Constitution shall be submitted to the
30 qualified voters of the State at the next general election to be held in November, 2012
31 for their adoption or rejection pursuant to Article XIV of the Maryland Constitution.
32 At that general election, the vote on this proposed amendment to the Constitution
33 shall be by ballot, and upon each ballot there shall be printed the words "For the
34 Constitutional Amendment" and "Against the Constitutional Amendment," as now
35 provided by law. Immediately after the election, all returns shall be made to the
36 Governor of the vote for and against the proposed amendment, as directed by Article

1 XIV of the Maryland Constitution, and further proceedings had in accordance with
2 Article XIV.