

SENATE BILL 26

C7
SB 8/11 – B&T

(PRE-FILED)

2lr0625

By: **Senators Klausmeier, Stone, Kittleman, and Colburn**

Requested: September 30, 2011

Introduced and read first time: January 11, 2012

Assigned to: Budget and Taxation

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: April 1, 2012

CHAPTER _____

1 AN ACT concerning

2 **Commercial Gaming – Table Games – Video Lottery Facilities and Terminals**

3 FOR the purpose of authorizing an additional video lottery operation license and a
4 certain number of additional video lottery terminals for a video lottery facility in
5 a certain location in Prince George’s County; authorizing a certain number of
6 additional video lottery terminals in the State; authorizing the holder of a video
7 lottery operation license to offer table games in the State; specifying the type of
8 table games that may be authorized in the State; authorizing the State Lottery
9 Commission to determine the suitability of certain table games under certain
10 circumstances; requiring certain video lottery facilities to comply with
11 applicable planning and zoning laws of the local jurisdiction; ~~requiring certain~~
12 ~~legislation under certain circumstances; and prohibiting implementation of~~
13 ~~certain provisions of law until certain legislation is passed; providing that~~
14 ~~certain legislation may authorize certain games to begin in a temporary facility;~~
15 ~~providing that a certain license may not permit the operation of certain video~~
16 ~~lottery machines before a certain date; submitting this Act to a referendum of~~
17 ~~the qualified voters of Maryland for their adoption or rejection; and generally~~
18 relating to commercial gaming.

19 BY repealing and reenacting, with amendments,

20 Article – State Government

21 Section 9–1A–05(a) and 9–1A–36(f), (h)(1), (i)(1), and (q)(1)

22 Annotated Code of Maryland

23 (2009 Replacement Volume and 2011 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 Article – State Government

4 9–1A–05.

5 (a) The Video Lottery Facility Location Commission established under
6 § 9–1A–36 of this subtitle may not:

7 (1) award more than [five] SIX video lottery operation licenses;

8 (2) award more than [15,000] 16,000 video lottery terminals for
9 operation at video lottery facilities in the State;

10 (3) subject to the requirements of § 9–1A–36(h) and (i) of this subtitle,
11 award more than 4,750 terminals for operation at any video lottery facility; and

12 (4) for a location in Allegany County:

13 (i) award a video lottery operation license to an applicant that
14 does not agree to purchase the Rocky Gap Lodge and Resort; and

15 (ii) notwithstanding § 9–1A–36(i)(2) of this subtitle, award more
16 than 1,000 video lottery terminals for operation at a video lottery facility in Allegany
17 County.

18 9–1A–36.

19 (f) The Video Lottery Facility Location Commission may award not more
20 than [five] SIX video lottery operation licenses to qualified applicants, through a
21 competitive process consistent with the process for competitive sealed proposals under
22 Title 13 of the State Finance and Procurement Article.

23 (h) (1) In order to qualify for a video lottery operation license under this
24 section, a proposed video lottery facility shall be located in one of the following
25 counties:

26 (i) a location in Anne Arundel County, within 2 miles of MD
27 Route 295;

28 (ii) a location in Cecil County, within 2 miles of Interstate 95;

29 (iii) a location on State property associated with the Rocky Gap
30 State Park in Allegany County;

1 (iv) a location in Worcester County, within 1 mile of the
 2 intersection of Route 50 and Route 589; [or]

3 (v) a location in Baltimore City that is:

4 1. located:

5 A. in a nonresidential area;

6 B. within one-half mile of Interstate 95;

7 C. within one-half mile of MD Route 295; and

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

10 2. not adjacent to or within one-quarter mile of property
 11 that is:

12 A. zoned for residential use; and

13 B. used for a residential dwelling on the date the
 14 application for a video lottery operation license is submitted; OR

15 **(VI) A LOCATION IN PRINCE GEORGE'S COUNTY WITHIN 4**
 16 **MILES OF THE INTERSECTION OF BOCK ROAD AND ST. BARNABAS ROAD.**

17 (i) (1) Except as provided in paragraphs (2) and (3) of this subsection, the
 18 Video Lottery Facility Location Commission may not allocate more than the following
 19 number of video lottery terminals for:

20 (i) a location in Anne Arundel County – 4,750 video lottery
 21 terminals;

22 (ii) a location in Baltimore City – 3,750 video lottery terminals;

23 (iii) a location in Cecil County – 2,500 video lottery terminals;

24 **(IV) A LOCATION IN PRINCE GEORGE'S COUNTY – 3,750**
 25 **VIDEO LOTTERY TERMINALS;**

26 **[(iv)] (V) a location in Rocky Gap State Park (Allegany County)**
 27 **– 1,000 video lottery terminals; and**

28 **[(v)] (VI) a location in Worcester County – 2,500 video lottery**
 29 **terminals.**

1 (q) (1) Nothing in this subtitle may be construed to require the Video
 2 Lottery Facility Location Commission to award all [five] SIX video lottery operation
 3 licenses authorized under this subtitle.

4 ~~SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF~~
 5 ~~MARYLAND, That:~~ SECTION 2. AND BE IT FURTHER ENACTED, That:

6 (a) The State may authorize a holder of a video lottery operation license
 7 under Article XIX of the Maryland Constitution to offer table games to the public in
 8 the State.

9 (b) Subject to subsection (c) of this section, table games authorized under
 10 subsection (a) of this section may include:

11 (1) roulette, baccarat, blackjack, craps, big six wheel, minibaccarat,
 12 poker, pai gow poker, and sic bo, or any variation and composites of those games; and

13 (2) gaming tournaments in which players compete against one another
 14 in one or more of the games authorized under item (1) of this subsection.

15 (c) The State Lottery Commission may determine the suitability of:

16 (1) the use of any variations or composites of the table games under
 17 subsection (b) of this section after an appropriate test or experimental period under
 18 terms and conditions that the Commission may deem appropriate; and

19 (2) any other game that is compatible with the public interest and
 20 suitable for casino use after an appropriate test or experimental period deemed
 21 appropriate by the Commission.

22 (d) A video lottery facility that offers table games shall comply with all
 23 applicable planning and zoning laws of the local jurisdiction in which the video lottery
 24 facility is located.

25 ~~SECTION 2. 3.~~ SECTION 3. AND BE IT FURTHER ENACTED, That the provisions of
 26 ~~Section 1~~ Sections 1 and 2 of this Act authorize a sixth video lottery operation license
 27 in Prince George's County and a video lottery operation licensee to offer table games in
 28 the State, subject to a referendum of the qualified voters of Maryland as provided in
 29 Section 3 4 5 of this Act, and, upon voter approval of this Act at the general election to
 30 be held in November of 2012, the law may not be implemented until legislation is
 31 passed by the General Assembly and enacted into law ~~shall be required to provide for~~
 32 ~~the operation, regulation, and disposition of proceeds of table games at a licensed video~~
 33 ~~lottery facility in the State.~~

34 SECTION 4. AND BE IT FURTHER ENACTED, That:

1 (a) If the qualified voters of Maryland approve the referendum required
 2 under this Act, the legislation enacted to permit a sixth video lottery operation license
 3 in Prince George’s County may authorize table games to begin in a temporary facility.

4 (b) A license awarded to a sixth video lottery operation license may not
 5 permit the operation of the video lottery terminals before July 1, 2015.

6 SECTION ~~3~~ ~~4~~ 5. AND BE IT FURTHER ENACTED, That this Act, which
 7 authorizes additional forms or expansion of commercial gaming, shall be submitted to
 8 a referendum of the qualified voters of Maryland at the general election to be held in
 9 November of 2012, in accordance with Article XIX, § 1(e) of the Maryland Constitution.
 10 The State Board of Elections shall do those things necessary and proper to provide for
 11 and hold the referendum required by this section. If a majority of the votes cast on the
 12 question are “For the referred law” the provisions of this Act shall become effective on
 13 the 30th day following the official canvass of votes for the referendum, but if a
 14 majority of the votes cast on the question are “Against the referred law” the provisions
 15 of this Act are of no effect and null and void.

16 SECTION ~~4~~ ~~5~~ 6. AND BE IT FURTHER ENACTED, That, subject to the
 17 provisions of Section ~~3~~ ~~4~~ 5 of this Act and for the sole purpose of providing for the
 18 referendum required by Section ~~3~~ ~~4~~ 5 of this Act, this Act shall take effect July 1, 2012.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.