JOURNAL

of

PROCEEDINGS

of the

SENATE

of

MARYLAND

SPECIAL SESSION

OCTOBER 29, 2007 through NOVEMBER 19, 2007

The Department of Legislative Services
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Annapolis, Maryland
Monday, October 29, 2007
8:00 P.M. Session

The Senate met at 8:11 P.M.

This being the day prescribed by the Executive Order of the Governor of Maryland, for the meeting of the General Assembly of Maryland, in Special Session. The Honorable Thomas V. Mike Miller, Jr., President of the Senate called the Senate to order.

Prayer by The Reverend Daniel P. Leary, Jesus the Divine Word Church, guest of Senator Miller.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 10)

Attendance Quorum

Present at the roll call were the following Senators:

District 1	-	Allegany, Garrett and Washington George C. Edwards
District 2	-	Washington Donald F. Munson
District 3	-	Frederick and Washington Alexander X. Mooney
District 4	-	Frederick and Carroll David R. Brinkley
District 5	-	Carroll and Baltimore Larry E. Haines
District 6	-	Baltimore County Norman R. Stone, Jr.
District 7	-	Baltimore and Harford Andrew P. Harris

District 8	-	Baltimore County Katherine A. Klausmeier
District 9	-	Howard and Carroll Allan H. Kittleman
District 10	-	Baltimore County Delores G. Kelley
District 11	-	Baltimore County Robert A. Zirkin
District 12	-	Baltimore County and Howard Edward J. Kasemeyer
District 13	-	Howard James N. Robey
District 14	-	Montgomery Rona E. Kramer
District 15	-	Montgomery Robert J. Garagiola
District 16	-	Montgomery Brian E. Frosh
District 17	-	Montgomery Jennie M. Forehand
District 18	-	Montgomery Richard S. Madaleno, Jr.
District 19	-	Montgomery Mike Lenett
District 20	-	Montgomery Jamie Raskin
District 21	-	Prince George's and Anne Arundel James Rosapepe
District 22	-	Prince George's Paul G. Pinsky
District 23	-	Prince George's

Douglas J.J. Peters

District 24 - Prince George's
Nathaniel Exum

District 25 - Prince George's
Ulysses Currie

District 26 - Prince George's
C. Anthony Muse

District 27 - Prince George's and Calvert
Thomas V. Mike Miller, Jr.

District 28 - Charles
Thomas Mac Middleton

District 29 - Calvert, Charles and St. Mary's
Roy P. Dyson

District 30 - Anne Arundel
John C. Astle

District 31 - Anne Arundel
Bryan W. Simonaire

District 32 - Anne Arundel
James E. DeGrange, Sr.

District 33 - Anne Arundel
Janet Greenip

District 34 - Harford and Cecil
Nancy Jacobs

District 35 - Harford
J. Robert Hooper

District 36 - Kent, Queen Anne's, Cecil and Caroline
E. J. Pipkin

District 37 - Caroline, Dorchester, Talbot and Wicomico
Richard F. Colburn

District 38 - Somerset, Wicomico and Worcester
J. Lowell Stoltzfus

District 39 - Montgomery
Nancy J. King

District 40 - Baltimore City
Catherine E. Pugh

District 41 - Baltimore City
Lisa A. Gladden

District 42 - Baltimore County
James Brochin

District 43 - Baltimore City
Joan Carter Conway

District 44 - Baltimore City
Verna L. Jones

District 45 - Baltimore City
Nathaniel J. McFadden

District 46 - Baltimore City
George W. Della, Jr.

District 47 - Prince George's
Gwendolyn Britt

Forty-seven Senators having answered to their names, the Secretary announced that a quorum being present, the Senate of Maryland, 2007 Special Session is now ready for the transaction of business.

MESSAGE FROM THE EXECUTIVE

EXECUTIVE ORDER
01.01.2007.23

Proclamation Convening the General Assembly of Maryland in Extraordinary Session at Annapolis, Maryland on October 29, 2007

WHEREAS, Maryland faces a $1.7 billion structural deficit in next year's Budget, and similar gaps in future years;

WHEREAS, This structural deficit has been 10 years in the making, driven largely by two decisions - a $1 billion income tax cut in 1997, and an important and necessary $1.5 billion increase in K-12 education spending since Fiscal Year 2003;

WHEREAS, This structural deficit has been averted over the past few years by tuition hikes, fee increases, and diverting money from funds earmarked for open space and transportation;

WHEREAS, Structural reform is the only long-term solution to this problem;

WHEREAS, Structural reform has already begun with the passage of a budget earlier this year that grew by only 2%; the July 11, 2007 action by the Board of Public Works to cut spending by $280 million; the elimination of 147 government positions; the decision to close the Maryland House of Corrections; our continuing efforts to promote efficiency in government through the StateStat process; and our proposal to reduce planned spending by almost $1 billion over the next two fiscal years;

WHEREAS, Our plan for structural reform includes a more progressive revenue structure; closing corporate tax loopholes; investing in Maryland's intellectual and physical infrastructure; protecting our investments in education; making health care more affordable; modernizing the sales tax; and protecting Maryland's most vulnerable citizens, including our senior citizens;

WHEREAS, If there is no special session and the legislature does not address the structural deficit until the regular 2008 Session, the State will lose the ability to implement much-needed fiscal reform beginning in January 2008; and

WHEREAS, If fiscal reform is not implemented in January 2008, the State will face an additional $500 million challenge.

NOW THEREFORE, I, MARTIN O'MALLEY, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY ARTICLE II, SECTION 16 OF THE MARYLAND CONSTITUTION AND LAWS OF MARYLAND, HEREBY PROCLAIM AND CONVENE A SPECIAL AND EXTRAORDINARY SESSION OF THE GENERAL ASSEMBLY OF MARYLAND TO COMMENCE ON MONDAY, OCTOBER 29, 2007, IN THE STATE CAPITAL IN THE CITY OF ANNAPOLIS FOR THE PURPOSE OF PASSING LEGISLATION TO ADDRESS MARYLAND'S STRUCTURAL DEFICIT.

GIVEN Under My Hand and the Great Seal of the State of Maryland, in the City of Annapolis, this 15th Day of October, 2007.

Martin O'Malley Governor

ATTEST:

Dennis Schnepfe
Secretary of State

Read and ordered journalized.

ORDERS

October 29, 2007

BY THE MAJORITY LEADER:

ORDERED BY THE SENATE OF MARYLAND, that for the Special Legislative Session of 2007, the Senate adopt the Rules with the exception of Rule 116, as in effect at the end of the Regular Legislative Session of 2007.

By Order,
William B.C. Addison, Jr.
Secretary

The order was adopted by roll call vote as follows:

Affirmative - 39 Negative - 8 (See Roll Call No. 11)

Senator Klausmeier moved to make Rule 116 a Special Order for November 2, 2007.

The motion was adopted.

Senator Klausmeier introduced an amendment to Senate Rule 18(a)(1).

BY: The Majority Leader

AMENDMENT TO SENATE RULE NO. 18

ORDERED by the Senate of Maryland, that Senate Rule No. 18 (a)(1), as adopted by the Senate for the 2007 Special Session, be and it is hereby repealed and readopted with amendments, to read as follows:

"18. Standing Committees.

(a) There are the following standing committees, the Members of which shall be appointed by the President at the beginning of each session of the General Assembly, each to have a membership as follows:

(1) Legislative Committees:

(i) Budget and Taxation, [13] **15**;

(ii) Education, Health and Environmental Affairs, [11] **9**;

(iii) Finance, 11;

(iv) Judicial Proceedings, 11;

(v) Rules, 11."

The preceding amendment was read and adopted.

Senator Pipkin introduced an amendment to the Senate Rules.

Senate Rule 118.

Actions that are deemed to be increases in state revenues by the fiscal note can only be pursued in the context of an operating budget that contains both expenses and revenues.

Senator Pipkin moved, duly seconded, to make the amendment a Special Order for November 2, 2007.

The motion was adopted.

ORDERS

October 29, 2007

BY THE MAJORITY LEADER:

ORDERED, that the President shall appoint the employees necessary for the proper transaction of the business of this Special Legislative Session of October 29, 2007, as provided for in the Budget, this order to remain in effect until changed or modified by the Senate.

By Order,
William B.C. Addison, Jr.
Secretary

Read and adopted.

ORDERS

October 29, 2007

BY THE MAJORITY LEADER:

ORDERED BY THE SENATE OF MARYLAND, that the Desk Officers elected during the 2007 Regular Session continue to serve for the Special Session of October 29, 2007.

By Order,
William B.C. Addison, Jr.
Secretary

Read and adopted.

ORDERS

October 29, 2007

BY THE MAJORITY LEADER:

ORDERED BY THE SENATE OF MARYLAND, That the monies appropriated for the expenses of the Special Session of October 29, 2007, as set forth in the Appropriation Bill, be paid upon the joint order of the President of the Senate and the Speaker of the House of Delegates.

By Order,
William B.C. Addison, Jr.
Secretary

Read and adopted.

ANNOUNCEMENT

October 29, 2007

The President makes the following announcement:

Majority Leader -	Senator Edward J. Kasemeyer
Deputy Majority Leader -	Senator Rob Garagiola

Assistant Deputy Majority Leader -	Senator Gwendolyn Britt
Majority Whip -	Senator Lisa A. Gladden
Deputy Majority Whip -	Senator James N. Robey
Assistant Deputy Majority Whips -	Senator Catherine E. Pugh Senator James Rosapepe
Chairman, Democratic Caucus	Senator Rob Garagiola

Read and Ordered journalized.

ANNOUNCEMENT

The President makes the following appointments to the legislative standing committees pursuant to Senate Rule 18(a)(1); the appointments are effective as of October 29, 2007.

BUDGET AND TAXATION

Senator Ulysses Currie, Chairman
Senator Edward J. Kasemeyer, Vice-Chairman

Senator David R. Brinkley
Senator James E. DeGrange, Sr.
Senator George C. Edwards
Senator Verna L. Jones
Senator Nancy J. King
Senator Rona E. Kramer
Senator Richard N. Madaleno, Jr.
Senator Nathaniel J. McFadden
Senator Donald F. Munson
Senator Douglas J. J. Peters
Senator James N. Robey
Senator J. Lowell Stoltzfus
Senator Robert A. Zirkin

EDUCATION, HEALTH & ENVIRONMENTAL AFFAIRS COMMITTEE

Senator Joan Carter-Conway, Chairman
Senator Roy P. Dyson, Vice-Chairman

Senator Gwendolyn Britt
Senator Richard F. Colburn
Senator Janet Greenip
Senator Andrew P. Harris
Senator Mike Lenett
Senator Paul G. Pinsky
Senator James C. Rosapepe

FINANCE COMMITTEE

Senator Thomas M. Middleton, Chairman
Senator John C. Astle, Vice-Chairman

Senator George W. Della, Jr.
Senator Nathaniel Exum
Senator Robert J. Garagiola
Senator J. Robert Hooper
Senator Delores G. Kelley
Senator Allan H. Kittleman
Senator Katherine Klausmeier
Senator E. J. Pipkin
Senator Catherine E. Pugh

JUDICIAL PROCEEDINGS COMMITTEE

Senator Brian E. Frosh, Chairman
Senator Lisa A. Gladden, Vice-Chairman

Senator James Brochin
Senator Jennie M. Forehand
Senator Larry E. Haines
Senator Nancy Jacobs
Senator Alexander X. Mooney
Senator C. Anthony Muse
Senator Jamie Raskin
Senator Bryan W. Simonaire
Senator Norman R. Stone, Jr.

RULES COMMITTEE

Senator Katherine Klausmeier, Chairman
Senator Brian E. Frosh, Vice-Chairman

Senator David R. Brinkley
Senator Ulysses Currie
Senator Roy P. Dyson
Senator Larry E. Haines
Senator Edward J. Kasemeyer
Senator Nathaniel J. McFadden
Senator Thomas M. Middleton
Senator Thomas V. Mike Miller, Jr.
Senator Donald F. Munson

October 29, 2007

ANNOUNCEMENT

The President makes the following appointments to continuing committees pursuant to Senate Rule 18(a)(2). The appointments are effective as of October 29, 2007.

EXECUTIVE NOMINATIONS

Senator Delores G. Kelley, Chairman
Senator James E. DeGrange, Sr., Vice-Chairman

Senator Ulysses Currie
Senator David R. Brinkley
Senator Jennie M. Forehand
Senator Brian E. Frosh
Senator Larry E. Haines
Senator J. Robert Hooper
Senator Edward J. Kasemeyer
Senator Allan H. Kittleman
Senator Katherine Klausmeier
Senator Rona E. Kramer
Senator Nathaniel J. McFadden
Senator Thomas M. Middleton
Senator Thomas V. Mike Miller, Jr.
Senator Donald F. Munson
Senator Norman R. Stone, Jr.

JOINT COMMITTEE ON PROTOCOL

Senator Rona E. Kramer, Senate Co-Chairman
Senator Larry E. Haines, Senate Co-Chairman

Senator James E. DeGrange, Sr.
Senator Katherine Klausmeier

October 29, 2007

ANNOUNCEMENT

The President makes the following appointments to the statutory committees; the appointments are effective as of October 29, 2007.

LEGISLATIVE POLICY COMMITTEE

Senator Thomas V. Mike Miller, Jr., Co-Chairman

Senator John C. Astle
Senator David R. Brinkley
Senator Joan Carter-Conway
Senator Ulysses Currie
Senator Larry E. Haines
Senator Edward J. Kasemeyer
Senator Allan H. Kittleman
Senator Nathaniel J. McFadden

Senator James E. DeGrange, Sr.
Senator Brian E. Frosh
Senator Lisa A. Gladden
Senator Thomas M. Middleton
Senator Norman R. Stone, Jr.

JOINT COMMITTEE ON ADMINISTRATIVE, EXECUTIVE AND LEGISLATIVE REVIEW

Senator Paul G. Pinsky, Senate Chairman

Senator David R. Brinkley
Senator Gwendolyn Britt
Senator James Brochin
Senator Richard F. Colburn
Senator Roy P. Dyson
Senator Jennie M. Forehand
Senator Lisa A. Gladden
Senator Allan H. Kittleman
Senator Richard S. Madaleno, Jr.

JOINT AUDIT COMMITTEE

Senator Verna L. Jones, Senate Chairman

Senator John C. Astle
Senator David R. Brinkley
Senator Ulysses Currie
Senator George C. Edwards
Senator Jennie M. Forehand
Senator Rona E. Kramer
Senator Nathaniel J. McFadden
Senator E. J. Pipkin
Senator Catherine E. Pugh

JOINT COMMITTEE ON THE CHESAPEAKE & ATLANTIC COASTAL BAYS CRITICAL AREAS

Senator Roy P. Dyson, Senate Chairman

Senator Richard F. Colburn
Senator E. J. Pipkin
Senator Jamie Raskin
Senator Norman R. Stone, Jr.

JOINT COMMITTEE ON LEGISLATIVE ETHICS

Senator Norman R. Stone, Jr., Senate Chairman

Senator David R. Brinkley
Senator Roy P. Dyson
Senator Nathaniel J. McFadden
Senator Donald F. Munson
Senator Jamie Raskin

JOINT COMMITTEE ON FEDERAL RELATIONS

Senator Jennie M. Forehand, Senate Chairman

Senator Nathaniel Exum
Senator Robert J. Garagiola
Senator Verna L. Jones
Senator Mike Lenett
Senator Donald F. Munson
Senator Jamie Raskin
Senator James C. Rosapepe

JOINT COMMITTEE ON ACCESS TO MENTAL HEALTH SERVICES

Senator Delores G. Kelley, Senate Chairman

Senator Gwendolyn Britt
Senator Joan Carter Conway
Senator Robert J. Garagiola
Senator J. Robert Hooper

JOINT COMMITTEE ON HEALTH CARE DELIVERY AND FINANCING

Senator Robert J. Garagiola, Senate Chairman
Senator Delores G. Kelley, Senate Vice-Chairman

Senator Richard F. Colburn
Senator Janet Greenip
Senator Andrew P. Harris
Senator Mike Lenett
Senator C. Anthony Muse

JOINT COMMITTEE ON THE MANAGEMENT OF PUBLIC FUNDS

Senator Verna L. Jones, Senate Chairman

Senator Ulysses Currie
Senator Jennie M. Forehand
Senator Larry E. Haines

JOINT COMMITTEE ON SPENDING AFFORDABILITY

Senator Ulysses Currie, Senate Chairman

Senator David R. Brinkley
Senator James E. DeGrange, Sr.
Senator Nathaniel J. McFadden
Senator Thomas M. Middleton

Senator Edward J. Kasemeyer
Senator Rona E. Kramer
Senator Richard N. Madaleno, Jr.
Senator Thomas V. Mike Miller, Jr.
Senator Donald F. Munson

WORKERS' COMPENSATION BENEFIT AND INSURANCE OVERSIGHT COMMITTEE

Senator Nathaniel Exum, Senate Chairman
Senator Allan H. Kittleman

October 29, 2007

ANNOUNCEMENT

The President makes the following appointments to Joint Committees and Special Joint Committees; the appointments are effective as of October 29, 2007.

JOINT ADVISORY COMMITTEE ON LEGISLATIVE DATA SYSTEMS

Senator James N. Robey

Senator Richard S. Madaleno, Jr.
Senator Donald F. Munson
Senator James C. Rosapepe

JOINT COMMITTEE ON CHILDREN, YOUTH AND FAMILIES

Senator Robert J. Garagiola, Senate Chairman

Senator David R. Brinkley
Senator Joan Carter Conway
Senator Jennie M. Forehand
Senator Nancy Jacobs
Senator Verna L. Jones
Senator Rona E. Kramer
Senator Richard S. Madaleno, Jr.
Senator C. Anthony Muse
Senator Robert A. Zirkin

JOINT COMMITTEE ON PENSIONS

Senator Nathaniel J. McFadden, Chairman

Senator Ulysses Currie
Senator Edward J. Kasemeyer
Senator Rona E. Kramer
Senator Donald F. Munson
Senator James N. Robey

JOINT SUBCOMMITTEE ON PROGRAM OPEN SPACE/ AGRICULTURAL LAND PRESERVATION

Senator Thomas M. Middleton, Senate Chairman

Senator George C. Edwards
Senator Mike Lenett
Senator Donald F. Munson
Senator Robert A. Zirkin

JOINT TECHNOLOGY OVERSIGHT COMMITTEE

Senator James C. Rosapepe, Senate Chairman

Senator John C. Astle
Senator Ulysses Currie
Senator Robert J. Garagiola
Senator Lisa A. Gladden
Senator Donald F. Munson

JOINT COMMITTEE ON WELFARE REFORM

Senator Nathaniel Exum, Senate Chairman

Senator Lisa A. Gladden
Senator E. J. Pipkin

October 29, 2007

ANNOUNCEMENT

The President makes the following appointments to a Senate Special Committee; the appointments are effective as of October 29, 2007.

SPECIAL COMMITTEE ON SUBSTANCE ABUSE

Senator Nathaniel Exum, Chairman
Senator Catherine E. Pugh, Vice-Chairman

Senator James Brochin
Senator Joan Carter Conway
Senator Roy P. Dyson
Senator Larry E. Haines
Senator J. Robert Hooper
Senator Verna L. Jones
Senator Douglas J. J. Peters
Senator Paul G. Pinsky
Senator Robert A. Zirkin

Read and Ordered journalized.

MESSAGE FROM THE HOUSE OF DELEGATES

October 29, 2007

By The Majority Leader:

Ladies and Gentlemen of the Senate:

The House of Delegates has organized pursuant to Section 16 of Article II of the Constitution.

We respectfully propose, with your concurrence, the appointment of a Joint Committee of five members, three on the part of the House and two on the part of the Senate, to wait upon the Governor and inform him that the General Assembly is now organized and prepared to receive any communications he may desire to make.

We have appointed on the part of the House of Delegates, Delegates V. Clagett, Harrison and McHale.

By Order,

Mary Monahan
Chief Clerk

Read and Ordered journalized.

MESSAGE TO THE HOUSE OF DELEGATES

October 29, 2007

By the Majority Leader,

Ladies and Gentlemen of the House of Delegates:

We have received your message notifying the Senate of the organization of your Honorable Body, and requesting the appointment of a joint committee to wait

upon the Governor to inform him that the General Assembly is now prepared to receive any communications which he may desire to make.

On the part of the House of Delegates, Delegates V. Clagett, Harrison and McHale have been appointed.

We have appointed on the part of the Senate, Senators Kasemeyer and Brinkley.

By Order,
William B.C. Addison
Secretary

Read and adopted.

MESSAGE TO THE EXECUTIVE

October 29, 2007

By the Majority Leader,

His Excellency, the Governor of Maryland
Martin O'Malley:

The Senate of Maryland is organized and prepared to receive any communication you may desire to make.

The President of the Senate is the Honorable Thomas V. Mike Miller, Jr.

By Order,

William B.C. Addison, Jr.
Secretary

Read and adopted.

MESSAGE TO THE SENATE

October 29, 2007

BY THE MAJORITY LEADER:

Ladies and Gentlemen of the Senate:

The Governor of Maryland has signified his intention of addressing the General Assembly of Maryland on Monday, October 29, 2007, at 8:30 p.m. in the House Chamber.

We propose with your concurrence, a joint meeting of the two Houses for this occasion and have appointed Delegates Howard and Myers to escort your Honorable Body to the House Chamber.

We further propose the appointment of a joint committee of six, three on the part of the Senate and three on the part of the House, to escort the Governor to the House Chamber. We have appointed Delegates McHale, Benson and Kach.

We further propose the appointment of a joint committee of four, two on the part of the Senate and two on the part of the House to escort the Lieutenant Governor to the House Chamber. We have appointed Delegates Griffith and O'Donnell.

BY ORDER,

MARY MONAHAN
CHIEF CLERK

Read and ordered journalized.

MESSAGE TO THE HOUSE OF DELEGATES

October 29, 2007

BY THE MAJORITY LEADER:

Ladies and Gentlemen of the House of Delegates:

We have received your message that the Governor has signified his intention to address the General Assembly of Maryland on Monday, October 29, 2007, at 8:30 p.m. in the Chamber of the House of Delegates.

We respectfully concur in your message and have appointed on behalf of the Senate, Senators Kasemeyer, Brinkley and Currie as members of the joint committee to escort the Governor to the Chamber of the House of Delegates.

We have also appointed as members of a joint committee, Senators Garagiola and Kittleman to escort the Lt. Governor to the Chamber of the House of Delegates.

By Order,
William B.C. Addison, Jr.
Secretary

Read and adopted.

VETOED SENATE BILLS – 2007

VETOED SENATE BILLS AND MESSAGES – 2007 REGULAR SESSION
(See Exhibit B of Appendix II)

The Messages from the Governor were read and ordered journalized.

Senator Kasemeyer moved to make the Vetoed Senate Bills a Special Order for November 2, 2007.

The motion was adopted.

MESSAGE TO THE SENATE

October 29, 2007

By The Majority Leader:

Ladies and Gentlemen of the Senate:

It is the intention of the House of Delegates to adjourn until Friday, November 2, 2007, (legislative date October 30, 2007) at 10:00 a.m. If the Senate desires to adjourn until Friday, November 2, 2007 at 10:00 a.m. the House consents.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

MESSAGE TO THE HOUSE OF DELEGATES

October 29, 2007

BY THE MAJORITY LEADER:

Ladies and Gentlemen of the House of Delegates:

The Senate agrees to the adjournment of the House of Delegates until Friday, November 2, 2007. It is the intention of the Senate to recess until Friday, November 2, 2007 at 10:00 a.m.

By Order,
William B.C. Addison, Jr.
Secretary

Read and adopted.

INTRODUCTION OF BILLS

Senate Bill 1 – The President (By Request – Administration)

AN ACT concerning

Budget Reconciliation Act

FOR the purpose of repealing certain provisions relating to certain State aid to certain counties; altering the calculation of certain State aid for public elementary and secondary education; establishing a supplemental grant program to provide certain county boards of education with certain grants; altering the calculation of certain State aid to community colleges, Baltimore City Community College, and certain nonpublic institutions of higher education; repealing a partial exemption under the property tax for machinery and equipment used to generate electricity or steam for sale or hot or chilled water for sale that is used for certain purposes; providing that certain transfer tax revenues in a certain special fund shall be used for certain purposes; providing that the Governor in formulating a certain fiscal year budget shall apply certain monies in a certain fund for a certain purpose; repealing an obsolete provision of law; making certain provisions of this Act subject to certain contingencies; providing for the application of certain provisions of this Act; providing for the effective date of this Act; and generally relating to the financing of State and local government.

BY repealing
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 9–1102
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 9–1103(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article – Education
Section 5–202(a)(13), 16–305(c)(1)(ii), 16–512(a)(2), and 17–104(d)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing
Article – Education
Section 5–202(e)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – Education
Section 5–202(e)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing
Article – Tax – Property
Section 7–237
Annotated Code of Maryland
(2007 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – Natural Resources
Section 5–903(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 5–903(b)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

Senate Bill 2 – The President (By Request – Administration)

AN ACT concerning

Tax Reform Act of 2007

FOR the purpose of altering a provision relating to the calculation of the income tax required to be withheld on wages; altering the rates and rate brackets under the State income tax on individuals; providing for the application of the income tax rates to nonresidents; altering the amount allowed as a deduction

for additional exemptions under the Maryland income tax for certain individuals who as of the last day of the taxable year are blind or are at least a certain age; altering the calculation of the rate of tax that must be paid to the clerk of the circuit court for a county or to the Department of Assessments and Taxation prior to the recording of certain deeds for the sale of certain property; altering the percentage of the federal earned income credit used for determining the amount that certain individuals may claim as a refundable credit under the Maryland earned income credit under certain circumstances; altering the calculation of a refundable county earned income credit if a county provides a refundable county earned income credit; allowing certain individuals having income not exceeding certain levels a credit against the State income tax in a certain amount; making the credit refundable under certain circumstances; altering the maximum rate of the admissions and amusement tax that a county or municipal corporation may set for gross receipts that are also subject to the State sales and use tax; altering the rate of the sales and use tax; altering the percentage of gross receipts from vending machine sales to which the sales and use tax rate applies; altering the calculation of a certain credit relating to collecting and paying the sales and use tax; altering the definition of "taxable service" under the sales and use tax to impose the tax on certain services; designating certain periods each year to be tax–free periods during which an exemption from the sales and use tax is provided for the sale of certain appliances and products that meet or exceed certain applicable energy efficiency guidelines and certain solar water heaters; designating certain periods each year to be tax–free periods during which a certain sales and use tax exemption for the sale of certain clothing or footwear is provided; altering the State income tax rate on the Maryland taxable income of corporations; requiring the Comptroller to distribute certain corporate income tax revenues for certain fiscal years to a certain special fund and a certain account in the Transportation Trust Fund; establishing the Higher Education Investment Fund; specifying that the Fund is a special, nonlapsing fund, that the State Treasurer shall hold the Fund separately, and that the Comptroller shall account for the Fund; specifying that the Fund consists of certain revenues and other moneys accepted for certain purposes; requiring certain investment earnings to be credited to the Fund; allowing the Fund to be used only for certain purposes and under certain circumstances; altering a certain modification under the Maryland income tax relating to certain federal tax changes; requiring certain corporations to compute Maryland taxable income using a certain method; providing that, subject to regulations of the Comptroller, certain groups of corporations shall file a combined income tax return reflecting the aggregate income tax liability of all of the members of the group; requiring the Comptroller to adopt certain regulations; requiring certain regulations to be consistent with certain regulations adopted by the Multistate Tax Commission; imposing recordation and transfer taxes on the transfer of controlling interest in certain entities owning certain interests in real property in Maryland; requiring the filing of a certain report; providing for a filing fee; establishing the rate of taxation and the method of calculation

of tax liability; exempting certain transfers; providing for interest and a penalty for certain filings; requiring the Department of Assessments and Taxation to adopt certain regulations; requiring the Department to deduct and credit certain revenues to a certain fund; altering the tobacco tax rate for cigarettes; altering a certain discount provision under the tobacco tax; providing for the application of the tobacco tax to certain cigarettes; requiring the Comptroller to assess interest and penalties under certain circumstances for a certain taxable year; requiring the Comptroller to adopt regulations to exempt from a certain rate increase certain sales related to contracts entered into prior to a certain date; stating the intent of the General Assembly that certain general fund appropriations for certain purposes be included in the State budget for certain fiscal years under certain circumstances; stating the intent of the General Assembly that certain distributions of certain revenues continue for certain fiscal years under certain circumstances; defining certain terms; repealing certain obsolete provisions of law; providing for the effective dates and application of this Act; and generally relating to Maryland taxes.

BY repealing and reenacting, without amendments,
Article – Tax – General
Section 2–106(c)(3) and (d)(3), 10–207(r), and 10–908(d)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 2–106(f), 2–614, 2–615, 4–105(b), 10–102.1(d)(1), 10–105, 10–210.1(b)(3), 10–211, 10–601, 10–704, 10–908(e) and (f), 10–912(c), 11–101(m), 10–811, 11–104(a) and (b), 11–105, 11–226, 11–228, 11–301, 12–105(a), and 12–303(b)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY adding to
Article – Tax – General
Section 2–613.1, 10–402.1, and 10–726
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY adding to
Article – Education
Section 15–106.6
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 12–110(d) and 13–209(a)

Annotated Code of Maryland
(2007 Replacement Volume)

BY adding to
Article – Tax – Property
Section 12–117 and 13–103
Annotated Code of Maryland
(2007 Replacement Volume)

Read the first time and referred to the Committee on Budget and Taxation.

Senate Bill 3 – The President (By Request – Administration)

AN ACT concerning

Maryland Education Trust Fund – Video Lottery Terminals

FOR the purpose of requiring the State Lottery Commission to regulate the operation of certain video lottery terminals; requiring the Governor to appoint a member of the State Racing Commission to serve as a liaison to the State Lottery Commission; requiring the State Racing Commission to award at least a certain number of racing days to a certain racecourse in each calendar year; requiring the Secretary of Health and Mental Hygiene to establish certain regional centers for services to compulsive gamblers; requiring the Secretary to conduct certain studies; altering the membership of the State Lottery Commission; specifying certain requirements for members of the State Lottery Commission; requiring the Governor to appoint a member of the State Lottery Commission to serve as a liaison to the State Racing Commission; providing that members of the State Lottery Commission may be compensated as provided in the State budget; authorizing the operation of video lottery terminals connected to a certain central computer that allows the State Lottery Commission to monitor a video lottery terminal and that has certain capabilities; prohibiting access to the central computer to certain licensees with a certain exception; providing that only a person with a certain video lottery operation license may offer a video lottery terminal for public use in the State; providing that this Act is statewide and exclusive in its effect and that certain laws do not apply to video lottery terminals authorized under this Act; authorizing the State Lottery Commission to conduct certain investigations and hearings; requiring the State Lottery Commission to adopt certain regulations; requiring the State Lottery Commission to require a certain bond and collect certain fees, civil penalties, and taxes; authorizing the State Lottery Commission to inspect and seize certain equipment, financial information, and records without notice or warrant; authorizing the Video Lottery Facility Location Commission to issue a certain number of video lottery operation licenses under certain circumstances; specifying limits on the number of video lottery terminals allowed in the State and at certain facilities; requiring certain

video lottery terminal manufacturers, video lottery operators, video lottery employees, and other individuals required by the State Lottery Commission to be licensed; providing for the application and licensing process; establishing certain eligibility criteria and disqualifying criteria for a video lottery operation license; requiring certain licensees to maintain certain numbers of live racing days; providing that certain licensees are ineligible for certain funding if a certain horse racing event or trade names and other items related to the event are transferred out of the State; requiring a certain licensee to conduct a certain annual race with certain exceptions; requiring certain licensees to submit to the State Racing Commission a certain plan to improve the quality and marketing of horse racing; requiring certain applicants and licensees to comply with certain provisions of law relating to minority business participation; specifying that certain collective bargaining agreements do not negate certain provisions of this Act; requiring certain licensees to provide certain benefits and give certain preferences to certain employees; providing for the monitoring of certain provisions of this Act by the Governor's Office of Minority Affairs; providing that the Video Lottery Facility Location Commission may reissue a video lottery operation license under certain circumstances; providing for certain eligibility criteria and disqualifying criteria for certain licenses; providing for certain waivers of certain licensing and bonding requirements under certain circumstances; providing for certain license terms; stating the intent of the General Assembly relating to video lottery operation licenses; prohibiting a video lottery operation license from being transferred or pledged as collateral; prohibiting certain licensees from selling or otherwise transferring more than a certain percentage of the legal or beneficial interest unless certain conditions are met; requiring that the transfer of a certain interest in a person that holds a video lottery operation license be approved by the State Lottery Commission; requiring the Department of State Police to conduct certain background investigations in a certain manner; requiring the State Lottery Commission to buy or lease the video lottery terminals, associated equipment, and central computer authorized under this Act; allowing a certain number of destination locations to be eligible for a video lottery operation license under certain circumstances; establishing a Video Lottery Facility Location Commission, its membership, and certain eligibility requirements for membership; providing for certain reimbursements and staffing; allowing the Video Lottery Facility Location Commission to award not more than a certain number of video lottery operation licenses to certain video lottery destination locations; requiring the Video Lottery Facility Location Commission to consider certain factors; providing for the termination of the Video Lottery Facility Location Commission; authorizing the Governor to reconstitute the Video Lottery Facility Location Commission under certain circumstances; authorizing the State Lottery Commission to reallocate certain video lottery terminals to certain video lottery operation licensees under certain circumstances; providing the minimum payout for video lottery terminals and authorizing the State Lottery Commission to adopt certain video lottery terminal payouts; providing for the hours of

operation of video lottery terminals; prohibiting the State Lottery Commission from issuing certain licenses under certain circumstances; prohibiting a video lottery operation licensee from offering food or beverages at no cost with a certain exception or from offering food and beverages below certain prices; requiring the State Lottery Commission to adopt certain regulations to reduce or mitigate the effects of problem gambling; authorizing the State Lottery Commission to reprimand a licensee or deny, suspend, or revoke certain licenses under certain circumstances; requiring the Comptroller to collect and distribute certain money in specified ways; requiring certain distributions from video lottery proceeds for certain purposes; establishing the Education Trust Fund; requiring certain distributions from video lottery proceeds to the Education Trust Fund to be used for a certain purpose; establishing a Purse Dedication Account under the authority of the State Racing Commission; providing for a certain distribution from video lottery proceeds to the Purse Dedication Account for horse racing; providing for certain distributions from the Purse Dedication Account for horse racing in a certain manner; establishing a Racetrack Facility Renewal Account under the authority of the State Racing Commission; providing for a certain distribution from video lottery proceeds to the Racetrack Facility Renewal Account for capital construction and improvements at racetracks; providing for certain distributions from the Racetrack Facility Renewal Account for capital construction and improvements at racetracks in a certain manner; establishing a Small, Minority, and Women–Owned Businesses Account under the authority of the Board of Public Works; providing for a certain distribution from video lottery proceeds to the Small, Minority, and Women–Owned Businesses Account; requiring the Board of Public Works to make certain grants to certain fund managers to provide investment capital and loans to certain businesses; requiring certain fund managers to provide certain reports and be subject to certain audits; authorizing the State to pay certain transportation costs; requiring the Department of Transportation to facilitate certain negotiations; requiring a certain transportation plan to be developed by certain counties; requiring certain distributions from video lottery proceeds to be provided as local impact grants to certain counties and municipalities for certain purposes; providing for the creation of certain local development councils; providing for appointment and membership of certain local development councils; requiring certain counties and municipalities to develop certain plans to be reviewed by certain local development councils; authorizing certain fees and providing for a certain distribution from certain fees to the Compulsive Gambling Fund; creating a Compulsive Gambling Fund in the Department of Health and Mental Hygiene; providing for certain disbursements from the Compulsive Gambling Fund for certain purposes; authorizing moneys from the Compulsive Gambling Fund to be used for certain addiction treatment services under certain circumstances; exempting a certain procurement by the State Lottery Commission from certain provisions of law; requiring the State Lottery Commission to make a certain annual report by a certain date; prohibiting a licensee for a certain period of

time from employing, or entering into a financial relationship with, an individual who was a member of the State Lottery Commission or the Video Lottery Facility Location Commission; requiring the State Lottery Agency to conduct certain market analyses and submit certain reports; requiring the Governor to include certain funds in the State budget for a certain fiscal year for a certain analysis; requiring a certain certification entity to conduct certain studies and make certain reports; making the provisions of this Act severable; providing for the staggering of the terms of certain new members of the State Lottery Commission; defining certain terms; providing that certain provisions of this Act are contingent on the termination of another Act; making this Act contingent on the passage and ratification of a certain constitutional amendment; and generally relating to the operation of video lottery terminals at certain locations in the State.

BY adding to
Article – Business Regulation
Section 11–202(g)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 11–511
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Health – General
Section 19–801 and 19–802
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 19–803 and 19–804
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–105 and 9–108(d)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY adding to
Article – State Government

Section 9–1A–01 through 9–1A–36 to be under the new subtitle "Subtitle 1A. Video Lottery Terminals"
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 11–203(a)(1)(xvi) and (xvii)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – State Finance and Procurement
Section 11–203(a)(1)(xviii)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 11–203(b)(3)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 11–203(b)(2)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)
(As enacted by Chapter 402 of the Acts of the General Assembly of 2003)

Read the first time and referred to the Committee on Budget and Taxation.

Senate Bill 4 – The President (By Request – Administration)

CONSTITUTIONAL AMENDMENT

AN ACT concerning

Video Lottery Terminals – Authorization and Limitations

FOR the purpose of adding a new article to the Maryland Constitution to authorize video lottery terminal gaming in the State for the primary purpose of providing funds for public education; limiting the number of licenses that the State may issue to operate video lottery terminals; limiting the number of locations at which video lottery terminal facilities may be located; limiting the number of video lottery terminals that may be authorized in the State; providing that the statutory addition or expansion of forms of commercial

gaming by the General Assembly is prohibited except as provided by this Act; defining a certain term; and submitting this amendment to the qualified voters of the State of Maryland for their adoption or rejection.

BY proposing an addition to the Maryland Constitution
New Article XIX – Video Lottery Terminals
Section 1

Read the first time and referred to the Committee on Budget and Taxation.

Senate Bill 5 – The President (By Request – Administration)

AN ACT concerning

Transportation Investment Act

FOR the purpose of altering the motor fuel tax rates for certain motor fuel; providing for certain increases in the motor fuel tax rates for certain motor fuel for certain periods under certain circumstances; requiring the Comptroller to make certain determinations and announcements; providing for the payment of certain taxes on certain tax–paid motor fuel held as of certain dates; increasing the maximum allowable aggregate amount of outstanding and unpaid consolidated transportation bonds and bonds of prior issues; altering the vehicle excise tax rate for certain motor vehicles, trailers, and semitrailers; altering the distribution of the revenue collected from the sales and use tax on short–term vehicle rentals; altering the distribution of the income tax revenue from corporations; altering the distribution of revenue collected from the motor fuel tax; altering the distribution of certain moneys received under the Maryland Vehicle Law; altering the distribution of revenue collected from certain special license tag fees; altering the distribution of revenue collected from certain security interest filing fees; requiring the Governor to include certain appropriations in the budget bill for each fiscal year; defining a certain term; providing for the application of certain provisions of this Act; providing for the effective date of this Act; and generally relating to transportation financing and revenues to be collected and distributed to the Transportation Trust Fund.

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 9–305
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 3–202
Annotated Code of Maryland

(2001 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 13–809(c)(1)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 13–809(b)(1)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 9–1104
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY adding to
Article – Environment
Section 9–1605.3
Annotated Code of Maryland
(2007 Replacement Volume and 2007 Supplement)

BY adding to
Article – Natural Resources
Section 4–209(k)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY adding to
Article – Natural Resources
Section 8–707(d)
Annotated Code of Maryland
(2007 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 2–614, 2–1103, and 2–1302.1
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing
Article – Tax – General
Section 2–1102 and 2–1104

Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 8–402
Annotated Code of Maryland
(2001 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 12–118(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 12–118(b) and 13–613(d)8
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing
Article – Transportation
Section 13–208 and 13–613(e)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

Senate Bill 6 – The President (By Request – Administration)

AN ACT concerning

Working Families and Small Business Health Coverage Act

FOR the purpose of establishing a Small Employer Health Insurance Premium Subsidy Program; establishing the purposes, administration, eligibility and other requirements, and funding for the Program; authorizing the Maryland Health Care Commission to alter certain subsidy amounts; requiring the total amount of certain subsidies to be subject to the limitations of the State budget; requiring the Commission to report to the Governor and the General Assembly on the implementation of the Program; requiring the Maryland Medical Assistance Program to provide, subject to certain conditions, certain health care services to certain parents with certain income and to certain adults with certain income; repealing certain provisions of law relating to the Primary Adult Care Program; establishing a Health Care Coverage Fund; establishing the sources and uses of the Fund; requiring the Treasurer to

invest the money in the Fund in a certain manner; providing that any investment earnings of the Fund shall be retained to the credit of the Fund; requiring expenditures from the Fund to be made only in accordance with the State budget; providing that the Fund is subject to audit by the Office of Legislative Audits; authorizing the State Health Services Cost Review Commission to assess a certain amount in hospital rates; requiring the Commission to determine certain savings in a certain manner; requiring each hospital to remit a certain assessment to the Health Care Coverage Fund; requiring a licensed insurance producer to provide certain information to small employers; requiring the Maryland Health Care Commission, on or before a certain date, in consultation with the Department of Health and Mental Hygiene, to propose certain regulations; requiring the Commission to comply with certain provisions of law in carrying out its duties; providing the intent of the General Assembly regarding the level of certain benefits; providing the intent of the General Assembly regarding the phasing–in of certain health care services, to the extent that certain revenues as submitted with the Governor's proposed budget exceed certain amounts; requiring the Department of Health and Mental Hygiene to submit an amendment to a certain waiver; requiring the Department of Health and Mental Hygiene to forward a copy of a certain notice to the Department of Legislative Services; requiring a certain individual to be automatically enrolled in a certain managed care organization, under certain circumstances; requiring certain individuals to be assigned to a certain managed care organization; authorizing certain funds to be appropriated and transferred by approved budget amendment; requiring the State Health Services Cost Review Commission and the Department of Health and Mental Hygiene to develop a mechanism to calculate the amount of certain hospital uncompensated care; providing for the termination of a certain hospital rate assessment under certain circumstances; requiring the State to ensure that a certain transfer of funds and a certain hospital rate assessment are consistent with the State's Medicare waiver and federal regulations; providing for the effective date of certain provisions of this Act; making certain provisions of this Act null and void, under certain circumstances; providing for the termination of certain provisions of this Act; defining certain terms; and generally relating to the Working Families and Small Business Health Coverage Act.

BY repealing and reenacting, without amendments,
Article – Insurance
Section 15–1201(a) and (d)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – Insurance
Section 15–1206(g); and 15–12A–01 through 15–12A–05 to be under the new subtitle "Subtitle 12A. Small Employer Health Insurance Premium Subsidy Program"

Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 15–103(a) and 19–108
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing
Article – Health – General
Section 15–103(b)(23)(vii) and 15–140
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY adding to
Article – Health – General
Section 15–701 to be under the new subtitle "Subtitle 7. Health Care Coverage Fund"; and 19–214(d)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Health – General
Section 19–101
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 19–108
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)
(As enacted by Chapter 287 of the Acts of the General Assembly of 2004)

Read the first time and referred to the Committee on Finance and the Committee on Budget and Taxation.

Senate Bill 7 – Senator Harris

CONSTITUTIONAL AMENDMENT

AN ACT concerning

Maryland Taxpayer Protection Act

FOR the purpose of adding a new section to the Maryland Constitution to require

the approval of two–thirds of the members elected to each House of the General Assembly to pass legislation to increase the rate of an existing tax or to impose a tax on an individual or entity not subject to the tax at the time of consideration of the legislation; and submitting this amendment to the qualified voters of the State of Maryland for their adoption or rejection.

BY proposing an addition to the Maryland Constitution
Article III – Legislative Department
Section 28A

Read the first time and referred to the Committee on Budget and Taxation.

Senate Bill 8 – Senators Mooney and Harris

AN ACT concerning

Elementary Education – Kindergarten – Hours and Days of Operation

FOR the purpose of exempting kindergarten programs from certain requirements relating to the minimum days and hours of operation of public schools; and generally relating to the hours and days of operation of kindergarten programs in public schools.

BY repealing and reenacting, without amendments,
Article – Education
Section 7–103(a) and 7–301(a) and (f)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – Education
Section 7–301(g)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Rules.

Senate Bill 9 – Senators Mooney and Harris

AN ACT concerning

Maryland Funding Accountability and Transparency Act

FOR the purpose of requiring the Department of Budget and Management to develop and operate a certain website that includes certain information for certain State financial assistance and expenditures; specifying certain parameters of the website; authorizing the Secretary of Budget and

Management to designate certain agencies to participate in the development, operation, or support of the website; authorizing the Secretary to determine the best and most appropriate data sources for the website; defining certain terms; providing that certain provisions of law may not be construed to require the disclosure of certain confidential information; and generally relating to a searchable website to be developed and operated by the Department of Budget and Management to provide information to the public on State financial assistance and expenditures.

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 3–101
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – State Finance and Procurement
Section 3–207
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Rules.

Senate Bill 10 – Senators Mooney and Harris

AN ACT concerning

Baltimore City – AIDS Prevention Sterile Needle and Syringe Exchange Program – Funding

FOR the purpose of altering a certain provision of law establishing a certain AIDS Prevention Sterile Needle and Syringe Exchange Program in the Baltimore City Health Department; prohibiting State funds to be used for the Program; renaming the Program; altering a certain definition; and generally relating to an AIDS Prevention Sterile Needle and Syringe Exchange Program in Baltimore City.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 24–801, 24–802, and 24–805 to be under the amended subtitle "Subtitle 8. AIDS Prevention Sterile Needle and Syringe Exchange Program"
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY adding to
Article – Health – General

Section 24–810
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

Senate Bill 11 – Senator Brochin

AN ACT concerning

Health Insurance – Required Coverage

FOR the purpose of prohibiting certain health insurance carriers from issuing certain health benefit plans in the State unless the carriers issue a certain health benefit plan to certain individuals; requiring the plan to provide coverage for certain benefits; establishing the maximum copayments for certain benefits under the plan; establishing certain out–of–pocket maximums and deductibles for the plan; prohibiting a carrier from limiting coverage under the plan for certain conditions; prohibiting a carrier from rating the plan with regard to the health status of an individual; imposing a certain surcharge on the income tax of certain individuals with income above a certain level; providing that the surcharge does not apply under certain circumstances; requiring the Comptroller to provide for certain exceptions to the surcharge; authorizing a taxpayer to file an amended return and claim a refund of the surcharge under certain circumstances; requiring the Motor Vehicle Administration to require every individual applying for renewal of a driver's license to demonstrate in a certain manner whether the individual was subject to a certain income tax surcharge; requiring the Administration to refuse to renew a driver's license until an individual who is subject to the surcharge demonstrates proof in a certain form of certain health care coverage; requiring the Administration to adopt certain regulations; requiring the Comptroller and the Administration to widely publicize the requirements of this Act for a certain purpose; providing that certain provisions of this Act apply to health maintenance organizations; defining certain terms; altering a certain definition; providing for the effective dates of this Act; providing for the application of certain provisions of this Act; and generally relating to required issue of individual health benefit plans and required health care coverage.

BY adding to
Article – Health – General
Section 19–706 (ppp)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY adding to
Article – Insurance
Section 15–132
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Insurance
Section 15–1301(d) and (k)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 15–1301(f)(1)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – Tax – General
Section 10–106.2
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 16–115
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Rules.

Senate Bill 12 – Senators Forehand and Kasemeyer

AN ACT concerning

Individual Income Tax – Rate

FOR the purpose of altering a certain rate under the State income tax on individuals; repealing certain obsolete provisions; providing for the effective date and application of this Act; and generally relating to the rate of the State income tax on individuals.

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 10–105(a)
Annotated Code of Maryland

(2004 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

Senate Bill 13 – Senator Forehand

AN ACT concerning

Individual Income Tax – Rate and Personal Exemptions

FOR the purpose of altering a certain rate under the State income tax on individuals; altering the amount allowed as a deduction for certain personal exemptions under the Maryland income tax; repealing certain obsolete provisions; providing for the effective date and application of this Act; and generally relating to the Maryland individual income tax.

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 10–105(a) and 10–211
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

Senate Bill 14 – Senator Rosapepe

AN ACT concerning

Reduction of Tax Evasion

FOR the purpose of requiring certain transferors of certain property to pay certain amounts before recording certain documents under certain circumstances; altering a certain exception to a certain addition modification required under the income tax under certain circumstances; exempting from the sales and use tax the sale of certain cigarettes; altering the tobacco tax rate; requiring certain employers to file a sales and use tax return; including certain types of payments in a certain offset program; requiring certain tax clearance verification before the renewal of a motor vehicle registration; requiring certain persons to certify or verify the payment of certain taxes and contributions prior to issuing or renewing a certain license; providing for the effective date of this Act; and generally relating to tax compliance.

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 10–306.1(a) and (c)(3), 10–912(e) and (f), 11–221(a), 12–105(a), and 13–930(e)
Annotated Code of Maryland

(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Tax – General
Section 10–912(a) and (c)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY adding to
Article – Tax – General
Section 10–912(c–1) and 11–501(c)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 1–103(b)
Annotated Code of Maryland
(2001 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 1–103(c)
Annotated Code of Maryland
(2001 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 1–204
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

Senate Bill 15 – Senators DeGrange, Gladden, and Kramer

EMERGENCY BILL

AN ACT concerning

Vehicle Laws – Motorcycles – Definition

FOR the purpose of altering the definition of "motorcycle" under the Maryland Vehicle Law; making this Act an emergency measure; and generally relating to the definition of motorcycle under the Maryland Vehicle Law.

BY repealing and reenacting, with amendments,

Article – Transportation
Section 11–136
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

Senate Bill 16 – Senator Pipkin

AN ACT concerning

Income Tax Checkoff System – Tax Me More Voluntary Account

FOR the purpose of establishing an Education Trust Fund; establishing a Tax Me More Voluntary Account to provide individuals an opportunity for voluntary payments of additional State income tax through contributions to the Account; requiring the Comptroller to include on individual income tax return forms a checkoff option allowing for a contribution to the Account; allowing individuals to deduct a contribution from a certain refund or add the contribution to certain income tax to be paid; requiring the Comptroller to collect certain contributions and distribute them in a certain manner; providing for the application of this Act; and generally relating to the Tax Me More Voluntary Account and an income tax checkoff for a contribution to the Tax Me More Voluntary Account.

BY adding to
Article – Education
Section 5–201.1
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – Tax – General
Section 2–113
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 10–804(f)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

Senate Bill 17 – Senator Forehand

AN ACT concerning

Alcoholic Beverage Tax – Rates

FOR the purpose of altering State tax rates for alcoholic beverages in Maryland; providing for the effective date of this Act; and generally relating to alcoholic beverage tax rates.

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 5–105(a), (b), and (c)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

RECESS

At 8:40 P.M. on motion of Senator Kasemeyer, seconded, the Senate recessed to the House Chamber for a Joint Session.

AFTER RECESS

Annapolis, Maryland
Monday, October 29, 2007
8:43 o'clock P.M.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 11A)

HOUSE QUORUM CALL

The presiding officer announced a quorum call, showing 136 Members present.

(See Roll Call No. 3)

JOINT SESSION

GOVERNOR MARTIN O'MALLEY
PREPARED OPENING REMARKS
SPECIAL SESSION
October 29, 2007

Mr. Speaker, Mr. President, thank you for inviting me to join you here tonight. And thank you also for the extraordinary amount of work, dialogue, and collaboration of these last several months. This joint session and the joint hearings that will follow are further evidence of the goodwill and statesmanship that you have both shown in meeting this challenge. Thank you for your counsel and for your trust.

The leadership of your respective bodies – Senator Currie along with Delegate Conway and Delegate Hixson; Senator Middleton along with Delegate Hammen; Senator DeGrange along with Delegate Branch; Senator Kasemeyer along with Delegate Barve and President Pro Tem Nathaniel McFadden, Speaker Pro Tem Jones and others – have contributed greatly to the creation of a consensus plan for Maryland's future. And I thank you both for surrounding yourselves with such able and principled leaders.

To the members of the Maryland General Assembly, of both parties, you have my sincere thanks – and more importantly that of your neighbors – for setting aside the many responsibilities of your family and business lives to return here for the urgent work of this special session.

My fellow Marylanders, as you are no doubt aware, 5 years ago – and in bipartisan fashion – we made a historic and necessary investment in improving public education. Sadly, at the same time we voted in similar bipartisan fashion to reduce the very revenues needed to sustain such an important investment and to defend our quality of life. We now face one of the toughest fiscal challenges in our State's 373 year history.

As prior generations might have warned us – there is no progress without sacrifice, no shared return without shared investment, and no future better than this present, unless we are willing to work for it.

This inherited structural deficit – a deficit which has now cast its shadow over the progress of our people for the last five years – can no longer be deferred. The storm is upon us; and this looming shortfall threatens to do grave damage to the very quality of life that our neighbors have elected us to defend…

The stakes are high; the potential damage too harmful to accept. Further delay will only compound the difficulty of correcting the half-actions and inactions of our recent past.

Yes, "The occasion is piled high with difficulty," but the goals of this special session are straightforward:

1. To restore fiscal responsibility to the government of our people.

2. To protect our investments in education, health and public safety so very critical to the future of the state we leave our children.

3. And to do so in a way that not only protects our competitive advantage with surrounding states, but is also fairer to the working people of Maryland.

In one sense, our challenge is as timeless as the human condition itself: will the circumstances we've inherited change us, or will we change our circumstances? It's time for us to correct our course. It is time for us to pass a long-term budget solution that's fairer to middle class families – and ensures Maryland's progress for the future.

By now you have had the opportunity to receive our proposals for restoring fiscal responsibility and returning to the path of progress. Many of the components of this plan have been considered by members of this Assembly many times before. Many have been proposed and passed before by one house or the other. And in the important days ahead, you will, no doubt, have the opportunity to study, debate and improve upon the fairness of the framework proposed.

As you deliberate, consider these facts – Although we are blessed with the distinction of being the wealthiest State in the nation according to the U.S. Census, our tax burden is below average. We rank 31st among the 50 states in spending on a per capita basis; and 50th out of 50 states in terms of what we spend through our local and state governments to defend our quality of life, as a percentage of our wealth.

Our challenge is not capacity; our challenge is consensus.

And I have faith in the abilities of the men and women of this Assembly to forge that consensus. In your hearts and regardless of party, each of you knows there is more that unites us than divides us.

We, here, are united in our belief in the dignity of every individual. We, here, are united in our belief in our own responsibility to advance the common good.

For this is not merely about correcting the flawed math of the past. Everything we do to restore fiscal responsibility to our State is really about making progress for the future...progress for the education of our children...progress for affordable college...progress for the healthcare of our workforce...progress on transportation...progress for the health and sustainability of the Chesapeake Bay.

Yes, everything we do to restore fiscal responsibility to our State is really about making progress for the future. Perhaps that is why Maryland's teachers have declared: "A vote for the plan is a vote for public schools."

And so, men and women of Maryland, let us fulfill this responsibility together. On the common ground that exists between us, cooled by the clear waters of civil discourse, and breathing the honest air of mutual understanding, let us forge a consensus for the One Maryland we carry in our hearts and that all of our children deserve.

As we begin our work, remember, if you will, the words of a great American uttered to another representative assembly of his own time:

"... Fellow citizens," he said, "We cannot escape history. We... will be remembered in spite of ourselves. No personal significance, or insignificance, can spare one or another of us,... We – even we here – hold the power and bear the responsibility."

May God lead the deliberations of this important session.

For your service, for your resolve, and for your dedication to the best interests of our people in the face of this challenge, I thank you.

Let's get to work.

RECESS

At 8:58 P.M. on motion of Senator Kasemeyer, seconded, the Senate took a recess until 10:00 A.M. on Friday, November 2, 2007.

AFTER RECESS
Annapolis, Maryland
Legislative Day: October 29, 2007
Calendar Day: Friday, November 2, 2007
10:00 A.M. Session

Reconvened 10:27 A.M., Legislative Day October 29, 2007, Calendar Day November 2, 2007.

QUORUM CALL

The presiding officer announced a quorum call, showing 45 Members present.

(See Roll Call No. 16)

On motion of Senator Kasemeyer it was ordered that Senators Hooper and Stoltzfus be excused from today's session.

INTRODUCTION OF BILLS

Senate Bill 18 – Senators Gladden and Conway

AN ACT concerning

Preakness Protection Plan

FOR the purpose of specifying that, if legislation is enacted providing for the operation and licensing of video lottery terminals at Pimlico Race Course, the license to operate the terminals shall be revoked if the name, horse racing events, or certain other attributes associated with the Preakness Stakes or the Woodlawn Vase are transferred to a location outside the State; requiring that the Comptroller pay a certain amount of the net proceeds from the video lottery terminals at Pimlico Race Course to a special fund to establish a certain museum, equestrian center, community sports facility, and sports fields under certain circumstances; defining a certain term; and generally relating to video lottery terminals and the Preakness Stakes.

BY adding to
Article – Business Regulation
Section 11–521
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

Senate Bill 19 – Senator Frosh

AN ACT concerning

Motor Vehicle Excise Tax – Fuel Efficiency Surcharge

FOR the purpose of repealing certain provisions of law providing for and relating to a fuel efficiency surcharge or credit on certain new or used motor vehicles under certain circumstances; imposing a certain fuel efficiency surcharge on certain new motor vehicles under certain circumstances; requiring the Administration to adopt certain regulations by a certain date; defining certain terms; providing for the effective dates of this Act; and generally relating to the imposition of a certain fuel efficiency surcharge on certain new motor vehicles under certain circumstances.

BY repealing
Article – Transportation
Section 13–818
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – Transportation
Section 13–818
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

Senate Bill 20 – Senators Kelley, Della, Pugh, and Stone

AN ACT concerning

Casino Gaming in Maryland

FOR the purpose of requiring the State Lottery Commission to regulate the operation of casinos; authorizing the Commission to issue licenses for a certain number of casinos in certain locations; authorizing the Commission to consider an application for a casino license under certain circumstances; specifying certain requirements for applications; requiring the Department of State Police to conduct a background investigation of each applicant for a casino license; specifying certain factors that the Commission shall weigh in awarding a casino license; requiring the Commission to conduct a hearing on the qualifications of an applicant; authorizing the Commission, after a hearing, to grant or deny a

license; requiring a certain licensee to submit the site plan for a casino to the Mayor and City Council of Baltimore; specifying the term of a license; specifying the procedure for renewing a license; requiring the Commission to establish average annual payout percentages for successful players of casino games; authorizing the Commission to deny a license to an applicant, reprimand or fine a licensee, or suspend or revoke a license under certain circumstances; specifying that all proceeds from the operation of casinos be transferred electronically into the State Lottery Fund and be distributed in a certain manner; providing for certain distributions from casino gaming proceeds to certain funds and entities for certain purposes; requiring that the Board of Public Works select for a certain purpose one or more fund managers who meet certain qualifications; establishing a Compulsive Gambling Fund in the Department of Health and Mental Hygiene; providing for a certain distribution from casino gaming proceeds to the Compulsive Gambling Fund; providing for certain disbursements from the Compulsive Gambling Fund for certain purposes; establishing an Education Trust Fund; requiring certain distributions from casino gaming proceeds to the Education Trust Fund to be used for certain purposes; requiring the Governor to provide certain funding for public school construction from the Education Trust Fund for certain fiscal years; establishing a Purse Dedication Account under the authority of the State Racing Commission; providing for the distribution from casino gaming proceeds to the Purse Dedication Account for horse racing; providing for certain distributions from the Purse Dedication Account for horse racing in a certain manner; requiring the Commission to make a certain annual report by a certain date; requiring the Commission to adopt certain regulations; defining certain terms; and generally relating to the operation of casinos at certain locations in the State.

BY adding to
Article – State Government
Section 9–1A–01 through 9–1A–20 to be under the new subtitle "Subtitle 1A. Casino Gaming"
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

Senate Bill 21 – Senator Muse

AN ACT concerning

Alcoholic Beverages Surcharge – Maryland Children's Health Program

FOR the purpose of establishing the Maryland Children's Health Program Fund in the Department of Health and Mental Hygiene; requiring that the Fund be used for certain purposes related to the Maryland Children's Health Program; providing

for the administration of the Fund; imposing a supplemental surcharge on the sale of alcoholic beverages; establishing the rate of the surcharge; providing for the distribution of certain revenues to the Fund; and generally relating to imposing and distributing a supplemental surcharge on the sale of alcoholic beverages.

BY adding to
Article – Health – General
Section 15–305
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 1–101(s), 2–1303, and 11–102
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY adding to
Article – Tax – General
Section 11–104(g)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

Senate Bill 22 – Senators Jones and Frosh

AN ACT concerning

Taxation of Corporations – Alternative Minimum Assessment

FOR the purpose of imposing a certain tax on corporations doing business in the State based on a certain alternative minimum assessment; providing that a certain tax applies even if a corporation is exempt from the State income tax in accordance with a certain federal law; providing for the computation of the alternative minimum assessment as a certain percentage of a corporation's gross receipts or gross profits, based on a certain election made by the corporation; limiting the alternative minimum assessment to a certain amount for any corporation and to a certain amount for certain groups of corporations; providing for certain credits against the corporate income tax; providing for the effective date and application of this Act; and generally relating to the imposition of an alternative minimum assessment on corporations doing business in the State.

BY repealing and reenacting, with amendments,
Article – Tax – General

Section 1–101(i)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY adding to
Article – Tax – General
Section 10–102.2 and 10–726
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

Senate Bill 23 – Senator McFadden

AN ACT concerning

Little Cigars – Taxation and Packaging

FOR the purpose of altering the application of the tobacco tax to certain cigars weighing no more than a certain amount; providing a certain rate of tax for little cigars; requiring a manufacturer that distributes free sample little cigars in the State to complete and file certain returns and pay certain tax on those little cigars; requiring that little cigars be sold in a certain manner; defining certain terms; providing for the effective date of this Act; and generally relating to the taxation and packaging of little cigars.

BY adding to
Article – Tax – General
Section 12–101(b–1)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 12–101(c), 12–105, 12–201, and 12–302(a)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY adding to
Article – Commercial Law
Section 11–5B–01 through 11–5B–03 to be under the new subtitle "Subtitle 5B. Little Cigar Sales of Fewer Than Five Per Package"
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

Senate Bill 24 – Senator Kittleman

CONSTITUTIONAL AMENDMENT

AN ACT concerning

Sales and Use Tax – Voter Approval

FOR the purpose of proposing an amendment to the Maryland Constitution requiring certain voter approval to increase the State sales and use tax rate; and submitting this amendment to the qualified voters of the State of Maryland for their adoption or rejection.

BY proposing an addition to the Maryland Constitution
Declaration of Rights
Article 14A

Read the first time and referred to the Committee on Budget and Taxation.

Senate Bill 25 – Senator Kittleman

CONSTITUTIONAL AMENDMENT

AN ACT concerning

Income Tax – Voter Approval

FOR the purpose of proposing an amendment to the Maryland Constitution requiring certain voter approval to increase the State income tax rate; and submitting this amendment to the qualified voters of the State of Maryland for their adoption or rejection.

BY proposing an addition to the Maryland Constitution
Declaration of Rights
Article 14A

Read the first time and referred to the Committee on Budget and Taxation.

Senate Bill 26 – Senator Mooney

AN ACT concerning

Maryland Children's Health Program – Limitation of Eligibility

FOR the purpose of altering the income eligibility requirements for the Maryland Children's Health Program; altering the amounts of certain family contributions under the Maryland Children's Health Program premium plan; making certain

technical changes; and generally relating to the Maryland Children's Health Program.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 15–301 and 15–301.1
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Finance.

Senate Bill 27 – Senator King

AN ACT concerning

Corporate Income Tax – Reporting and Study

FOR the purpose of establishing the Maryland Business Tax Reform Commission to review and evaluate the State's current business tax structure and to make certain recommendations; providing for the membership and staffing of the Commission; prohibiting members of the Commission from receiving certain compensation but authorizing the reimbursement of certain expenses; requiring an interim report by a certain date; requiring a final report by a certain date; requiring certain corporations engaged in manufacturing to submit certain reports as part of their income tax returns; requiring an individual to file a copy of the individual's federal income tax return with the Comptroller under certain circumstances; requiring certain corporations to file certain statements with the Comptroller; requiring that certain statements be treated as confidential taxpayer information; requiring the Comptroller to develop and implement a certain enforcement system for certain filing requirements; requiring the Comptroller to publish certain names and penalties imposed for certain violations; requiring the Comptroller to collect, compile, and analyze certain information and to use certain information to provide certain analyses to the Governor and General Assembly; requiring the Comptroller to submit certain reports to the Governor and General Assembly; requiring the Comptroller to adopt certain regulations; defining certain terms; providing for the termination of certain provisions of this Act; and generally relating to Maryland business taxes.

BY adding to
Article – Tax – General
Section 10–110 and 10–804.1
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General

Section 10–402(c)(2)(vi) and (vii) and 10–804(e)(3)(ii) and (iii)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

Senate Bill 28 – Senator Miller

AN ACT concerning

Chesapeake Bay 2010 Trust Fund

FOR the purpose of establishing a Chesapeake Bay 2010 Trust Fund in the Department of Natural Resources to provide financial assistance to meet, by a certain year, the goals established in a certain Bay agreement for the restoration of the Chesapeake Bay and its tributaries, including the Patuxent River; providing that the Fund consists of money appropriated in the State budget to the Fund and certain other money; requiring the Secretary of Natural Resources to administer the Fund; providing that the Fund may only be used for certain purposes; providing that the Fund is not subject to reversion to the General Fund; providing for the management and investment of the Fund; and generally relating to the restoration of the Chesapeake Bay and its tributaries.

BY adding to
Article – Natural Resources
Section 8–205
Annotated Code of Maryland
(2007 Replacement Volume)

Read the first time and referred to the Committee on Rules.

LETTERS OF REASSIGNMENT

ANNOUNCEMENT BY THE PRESIDENT

Senate Bill 6 – The President (By Request – Administration)

AN ACT concerning

Working Families and Small Business Health Coverage Act

Reassigned to the Committee on Finance under Rule 33(d).

Read and ordered journalized.

SPECIAL ORDERS

The presiding officer submitted the Special Orders of the day, as follows:

Senate Rule 118.

Actions that are deemed to be increases in State revenues by the fiscal note can only be pursued in the context of an operating budget that contains both expenses and revenues.

STATUS OF RULE: QUESTION IS ON THE ADOPTION OF SENATE RULE 118.

Proposed Rule 118 was rejected by roll call vote as follows:

Affirmative – 13 Negative – 32 (See Roll Call No. 17)

Senate Rule 116. Change in Rules

A motion, order, or resolution to repeal, to amend, or to add a new Rule to these Rules:

(1) May not be considered or acted upon unless it has been submitted in writing to the Senate, together with the written text of any proposal, at least one day prior to its presentation; and

(2) In order to be adopted, requires the affirmative vote of at least two–thirds of the Members elected to the Senate.

STATUS OF RULE: QUESTION IS ON THE ADOPTION OF SENATE RULE 116.

Senator Klausmeier moved, duly seconded, to adopt Senate Rule 116.

Rule 116 was adopted by roll call vote as follows:

Affirmative – 43 Negative – 2 (See Roll Call No. 18)

VETOED SENATE BILLS – 2007

VETOED BILLS AND MESSAGES – 2007 REGULAR SESSION
(Duplicative)

(See Exhibit B of Appendix III)

SB 2	SB 247	SB 452	SB 623	SB 876
SB 58	SB 278	SB 453	SB 662	SB 889
SB 62	SB 281	SB 455	SB 668	SB 890

SB 66	SB 299	SB 458	SB 680	SB 920
SB 102	SB 303	SB 459	SB 681	SB 926
SB 108	SB 304	SB 463	SB 684	SB 936
SB 115	SB 318	SB 502	SB 693	SB 953
SB 118	SB 326	SB 511	SB 714	SB 957
SB 143	SB 348	SB 552	SB 723	SB 958
SB 147	SB 374	SB 557	SB 733	SB 960
SB 153	SB 376	SB 572	SB 736	SB 979
SB 157	SB 388	SB 573	SB 744	SB 1001
SB 190	SB 390	SB 576	SB 755	SB 1006
SB 191	SB 397	SB 579	SB 770	SB 1009
SB 201	SB 427	SB 587	SB 801	SB 1011
SB 203	SB 432	SB 596	SB 833	SB 1015
SB 224	SB 441	SB 622	SB 868	SB 1032

The President put the question: "Shall the Bills pass, notwithstanding the objections of the Chief Executive?"

The roll call vote resulted as follows:

Affirmative – 0 Negative – 45 (See Roll Call No. 19)

The President announced the vetoes were sustained.

VETOED SENATE BILLS – 2007

VETOED BILLS AND MESSAGES – 2007 REGULAR SESSION
(Policy and Technical)

(See Exhibit B of Appendix III)

Senate Bill 497 (2007) – Senators Haines, Brinkley, Hooper, Jacobs, and Mooney

Public Safety - Disposal of Handguns Owned by a Law Enforcement Agency

Senator Frosh moved, duly seconded, to make the Bill and Amendments a Special Order for November 5, 2007.

The motion was adopted.

Senate Bill 657 (2007) – Senators Muse, Britt, and Peters

Prince George's County - Board of Education

Senator Muse moved, duly seconded, to make the Bill and Amendments a Special Order for November 5, 2007.

The motion was adopted.

QUORUM CALL

The presiding officer announced a quorum call, showing 45 Members present.

(See Roll Call No. 20)

ADJOURNMENT

At 10:52 A.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 6:00 P.M. on Legislative Day October 30, 2007, Calendar Day, Monday, November 5, 2007.

Annapolis, Maryland
Legislative Day: October 30, 2007
Calendar Day: Monday, November 5, 2007
6:00 P.M. Session

The Senate met at 6:15 P.M.

Prayer by Pastor Bryan P. Brought, Calvary United Methodist Church, guest of Senator Astle.

(See Exhibit A of Appendix III)

The Journal of October 29, 2007 was read and approved.

On motion of Senator Kasemeyer it was ordered that Senators Hooper, Middleton and Stoltzfus be excused from today's session.

QUORUM CALL

The presiding officer announced a quorum call, showing 44 Members present.

(See Roll Call No. 23)

INTRODUCTION OF BILLS

Senate Bill 29 – Senators Frosh and Conway

AN ACT concerning

Income Tax – Resident

FOR the purpose of altering the definition of "resident" under the Maryland income tax law; providing for the effective date and application of this Act; and generally relating to the Maryland income tax.

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 10–101(k)(1)(i)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

Senate Bill 30 – Senator Muse

AN ACT concerning

Sales and Use Tax – Surcharge – Tobacco Paraphernalia

FOR the purpose of imposing a supplemental surcharge on the sale of tobacco paraphernalia; establishing the rate of the surcharge; providing for the effective date of this Act; and generally relating to imposing a supplemental surcharge on the sale of tobacco paraphernalia.

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 1–101(s) and 11–102
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY adding to
Article – Tax – General
Section 11–104(g)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

Senate Bill 31 – Senators Garagiola, Lenett, Madaleno, and Robey

AN ACT concerning

Motor Fuel Tax – Rates

FOR the purpose of altering the motor fuel tax rates for certain motor fuel; providing for the payment of a certain tax on certain tax–paid motor fuel held as of a certain date; providing for the effective date of this Act; and generally relating to the motor fuel tax.

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 9–305
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

SPECIAL ORDERS

The presiding officer submitted the Special Orders of the day, as follows:

VETOED SENATE BILLS AND MESSAGES – 2007 REGULAR SESSION
(Policy and Technical)

(See Exhibit B of Appendix II)

Senate Bill 497 (2007) – Senators Haines, Brinkley, Hooper, Jacobs, and Mooney

Public Safety – Disposal of Handguns Owned by a Law Enforcement Agency

Senator Frosh moved, duly seconded, to make the Bill a Special Order for November 8, 2007.

The motion was adopted.

Senate Bill 657 (2007) – Senators Muse, Britt, and Peters

Prince George's County – Board of Education

The President put the question: "Shall the Bill pass, notwithstanding the objections of the Chief Executive?"

The roll call vote resulted as follows:

Affirmative – 15 Negative – 29 (See Roll Call No. 24)

The President announced the veto was sustained.

QUORUM CALL

The presiding officer announced a quorum call, showing 44 Members present.

(See Roll Call No. 25)

ADJOURNMENT

At 6:46 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 11:00 A.M. on Legislative Day October 31, 2007, Calendar Day, Wednesday, November 7, 2007.

Annapolis, Maryland
Legislative Day: October 31, 2007
Calendar Day: Wednesday, November 7, 2007
11:00 A.M. Session

The Senate met at 11:20 A.M.

Prayer by Pastor Mike Kaylani, Mariner's Church, guest of Senator Astle.

(See Exhibit A of Appendix III)

The Journal of October 30, 2007 was read and approved.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 28)

INTRODUCTION OF BILLS

Senate Bill 32 – Senators Conway, Currie, Britt, Exum, Gladden, Jones, Kelley, McFadden, Muse, and Pugh

AN ACT concerning

County Income Tax Disparity Grants

FOR the purpose of altering a certain percentage used to determine eligibility for and the amount of certain State grants to certain counties and Baltimore City based on per capita yield of county income taxes; and generally relating to certain State grants to certain counties and Baltimore City based on per capita yield of county income taxes.

BY repealing and reenacting, without amendments,
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 9–1101(a)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 9–1101(b)(2)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #1

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 1 – The President (By Request – Administration)

AN ACT concerning

Budget Reconciliation Act

(Amendment ID: SB0001/949430/1)

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 1
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "repealing" in line 8 down through "purposes" in line 12 and substitute "authorizing a county governing body to enter into an agreement with the owner of a facility for the generation of electricity that is located or locates in the county for a negotiated payment by the owner in lieu of taxes on the facility; providing that property tax revenues in an amount equal to payments that a county would have been entitled to receive under a certain provision of law shall be excluded from a certain calculation; altering the percentage of certain State funds that may be used for certain capital improvements under certain circumstances; repealing certain provisions relating to the amount of certain funds available for certain capital improvements that may be used to operate certain forests and parks; requiring at least a certain amount of certain funds to be used to reduce a certain backlog of projects in State parks; limiting the amount of a supersedeas bond required to stay the enforcement of a judgment in certain actions under certain circumstances; altering the purpose for which the Circuit Court Real Property Records Improvement Fund may be used; repealing a certain termination

provision; providing that the Comptroller's appointment of the Chief of the Bureau of Revenue Estimates is subject to the approval of the Board of Revenue Estimates; providing that the Chief may be removed only by a majority of the Board for certain reasons; providing that the Chief is subject to the supervision of a certain Deputy Comptroller, except under certain circumstances; providing for the appointment of other employees of the Bureau by the Chief; requiring the Bureau to submit certain reports including certain information regarding certain revenues to the Board each year; altering a provision relating to certain studies of State revenue sources conducted by the Bureau; requiring the Bureau to submit certain reports to the Governor and to the General Assembly; establishing a Consensus Revenue Monitoring and Forecasting Group to perform certain functions and to advise and collaborate with the Bureau; requiring the Comptroller and the Bureau to provide certain data and certain documents to members of the Group; requiring the Board to submit certain reports to the General Assembly each year; requiring the Governor to incorporate a certain estimate of revenues in the State budget and any supplemental budget submitted to the General Assembly; requiring the Governor to submit a certain statement to the General Assembly under certain circumstances; requiring the Department of Transportation to incorporate in a certain financial forecast a certain estimate of revenues by the Board"; and in line 14, after "law;" insert "requiring the Governor to reduce certain regular positions and general fund expenditures associated with those positions in a certain budget; declaring a certain legislative intent relating to the development of a certain budget and the reduction of certain positions; requiring the State Department of Education to update a certain Geographic Cost of Education Index (GCEI) at certain times; requiring the State Department of Education to submit a certain proposed GCEI adjustment update to the Governor and the General Assembly and to recommend certain legislation at certain times; requiring a certain GCEI Adjustment to be used in certain fiscal years; defining certain terms; altering certain definitions;".

AMENDMENT NO. 2

On page 2, in line 15, after "repealing" insert "and reenacting, without amendments,"; after line 19, insert:

"BY adding to
Article – Tax – Property
Section 7–514
Annotated Code of Maryland
(2007 Replacement Volume)";

strike in their entirety lines 20 through 24, inclusive; in line 27, strike "5–903(b)" and substitute "5–903(g)"; and after line 29, insert:

"BY adding to
Article – Courts and Judicial Proceedings
Section 12–301.1
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Courts and Judicial Proceedings
Section 13–602(a)(1)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 13–603(c)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing
Article – Courts and Judicial Proceedings
Section 13–607
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 6–103, 6–104, 6–106, and 7–311(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – State Finance and Procurement
Section 6–105
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 2–103.1(l)(2)
Annotated Code of Maryland
(2001 Replacement Volume and 2007 Supplement)".

AMENDMENT NO. 3

On page 4, in line 7, after the second "the" insert "**LESSER OF:**

A. THE";

in the same line, strike the bracket; in line 8, strike the bracket and substitute "**;**

B. THE";

after line 11, insert:

"**C. 5%; OR**";

in line 12, strike the bracket; and in line 13, strike the bracket and substitute "**OR IN THE**".

AMENDMENT NO. 4

On page 6, in line 27, and on page 7, in line 6, in each instance, strike the bracket.

On page 7, after line 6, insert:

"**7–514.**

(A) THIS SECTION SHALL BE APPLICABLE TO ALL TAXABLE YEARS BEGINNING AFTER JUNE 30, 2008.

(B) (1) THE GOVERNING BODY OF A COUNTY MAY ENTER INTO AN AGREEMENT WITH THE OWNER OF A FACILITY FOR THE GENERATION OF ELECTRICITY THAT IS LOCATED OR LOCATES IN THE COUNTY FOR A NEGOTIATED PAYMENT BY THE OWNER IN LIEU OF TAXES ON THE FACILITY.

(2) AN AGREEMENT FOR A NEGOTIATED PAYMENT IN LIEU OF TAXES UNDER THIS SECTION SHALL PROVIDE THAT, FOR THE TERM SPECIFIED IN THE AGREEMENT:

(I) THE OWNER SHALL PAY TO THE COUNTY A SPECIFIED AMOUNT EACH YEAR IN LIEU OF THE PAYMENT OF COUNTY REAL AND PERSONAL PROPERTY TAX; AND

(II) ALL OR A SPECIFIED PART OF THE REAL AND PERSONAL PROPERTY AT THE FACILITY SHALL BE EXEMPT FROM COUNTY PROPERTY TAX FOR THE TERM OF THE AGREEMENT.

(C) AS SPECIFIED IN THE AGREEMENT FOR A NEGOTIATED PAYMENT IN LIEU OF TAXES UNDER THIS SECTION, FOR THE TERM SPECIFIED IN THE AGREEMENT, THE REAL AND PERSONAL PROPERTY AT A FACILITY FOR THE GENERATION OF ELECTRICITY THAT IS LOCATED OR LOCATES IN THE COUNTY IS EXEMPT FROM COUNTY PROPERTY TAX.".

AMENDMENT NO. 5

On pages 7 and 8, strike in their entirety the lines beginning with line 11 on page 7 through line 17 on page 8, inclusive; and after line 17, insert:

"(g) (1) For **[**the fiscal year commencing July 1, 1990, any amount appropriated in the State budget, and for**]** each **[**subsequent**]** fiscal year, up to **[**25**]** **32** percent of the State's share of funds that would be available under the program if 100 percent of the funds not required under § 13–209(b) of the Tax – Property Article were available for distribution as provided in § 13–209(d)(3) of the Tax – Property Article may be used for capital improvements on land owned by the State for the use of the Department if the improvements are:

(i) Approved in the State budget; and

(ii) Compatible with:

1. Any master plan developed for the land; and

2. The natural features of the land.

(2) (i) **[**For the fiscal year commencing July 1, 1996, up to 12.5% of the State's share of funds available for capital improvements may be used to

operate State forests and parks, but only if the funds expended for operating costs do not exceed the portion of the State allocation available under this subsection that is derived from current revenues, as distinguished from proceeds of bond issues.

(ii) For the fiscal year commencing July 1, 1997, up to $1,000,000 of the State's share of funds available for capital improvements may be used to operate State forests and parks, but only if the funds expended for operating costs do not exceed the portion of the State allocation available under this subsection that is derived from current revenues, as distinguished from proceeds of bond issues.

(iii)**]** For the fiscal year commencing July 1, 1998, and all subsequent fiscal years, up to $1,200,000 of the State's share of funds available for capital improvements may be used to operate State forests and parks, but only if the funds expended for operating costs do not exceed the portion of the State allocation available under this subsection that is derived from current revenues, as distinguished from proceeds of bond issues.

[(iv)**] (II)** The only wages that can be paid with the portion of the State's share of funds authorized under **[**subparagraphs (ii) and (iii)**]** **SUBPARAGRAPH (I)** of this paragraph are the wages of employees in the State forests and parks.

(III) FOR FISCAL YEAR 2009, AND EACH SUBSEQUENT FISCAL YEAR, AT LEAST $8,000,000 OF THE STATE'S SHARE OF FUNDS AVAILABLE UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE USED TO REDUCE THE BACKLOG OF CRITICAL MAINTENANCE AND REHABILITATION OR REPLACEMENT CAPITAL IMPROVEMENT PROJECTS IN STATE PARKS.

(3) If the General Assembly amends the Budget Bill to strike out an improvement or operating costs under this subsection submitted by the Governor, the Governor may consider reallocating the funds through a supplemental budget for the same fiscal year:

(i) To finance specific alternative land acquisition, development projects, or operating costs; or

(ii) To the Advance Option and Purchase Fund established under § 5–904(b) of this subtitle.".

AMENDMENT NO. 6

On page 8, before line 18, insert:

"SECTION 6. AND BE IT FURTHER ENACTED, That the laws of Maryland read as follows:

Article – Courts and Judicial Proceedings

12-301.1.

(A) IN THIS SECTION, "MASTER SETTLEMENT AGREEMENT" MEANS THE MASTER SETTLEMENT AGREEMENT EXECUTED BY THE STATE AND PARTICIPATING TOBACCO MANUFACTURERS.

(B) IT IS THE INTENT OF THE GENERAL ASSEMBLY TO PRESERVE STATE REVENUE AS IT PERTAINS TO THE CIGARETTE RESTITUTION FUND.

(C) NOTWITHSTANDING ANY OTHER LAW OR COURT RULE AND EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, IN AN APPEAL FROM A JUDGMENT ENTERED IN FAVOR OF THE PLAINTIFFS IN AN ACTION CERTIFIED AS A CLASS ACTION OR IN AN ACTION BY MULTIPLE PLAINTIFFS IN WHICH DAMAGES ARE NOT PROVED FOR EACH PLAINTIFF INDIVIDUALLY, THE AMOUNT OF THE SUPERSEDEAS BOND REQUIRED COLLECTIVELY OF ALL APPELLANTS THAT ARE PARTICIPANTS IN THE MASTER SETTLEMENT AGREEMENT TO STAY ENFORCEMENT OF A JUDGMENT MAY NOT EXCEED $200,000,000, REGARDLESS OF THE AMOUNT OF THE JUDGMENT.

(D) IF AN APPELLEE PROVES BY A PREPONDERANCE OF THE EVIDENCE THAT AN APPELLANT IS DISSIPATING ASSETS OUTSIDE THE ORDINARY COURSE OF BUSINESS TO AVOID THE PAYMENT OF A JUDGMENT, THE COURT MAY REQUIRE THE APPELLANT TO POST A BOND IN AN AMOUNT UP TO THE FULL AMOUNT OF THE JUDGMENT.

SECTION 7. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Courts and Judicial Proceedings

13–602.

(a) (1) There is a Circuit Court Real Property Records Improvement Fund.

13–603.

(c) The Fund shall be used to pay **[**the**]:**

(1) **THE** operating expenses of the land records offices of the clerks of the circuit courts and to repair, replace, improve, modernize, and update office equipment and equipment related services in the land records office of the clerk of the circuit court for each county, as the Administrator considers appropriate, with advice from the oversight committee**; AND**

(2) **FOR INFORMATION TECHNOLOGY PROJECTS OF THE JUDICIARY DEPARTMENT.**

[13–607.

This subtitle shall terminate and be of no effect after June 30, 2009.**]**

SECTION 8. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – State Finance and Procurement

6–103.

(a) There is a Bureau of Revenue Estimates in the Office of the Comptroller.

(b) (1) The head of the Bureau is the Chief.

(2) Subject to the supervision of the Comptroller, the Chief has administrative control of the Bureau.

(3) **UNLESS THE COMPTROLLER, WITH THE APPROVAL OF THE BOARD, DETERMINES THAT AN ALTERNATIVE STRUCTURE IS APPROPRIATE, THE CHIEF SHALL BE SUBJECT TO THE SUPERVISION OF THE DEPUTY COMPTROLLER WITH RESPONSIBILITY FOR TAX ADMINISTRATION.**

(c) **(1)** Except as otherwise provided by law, **SUBJECT TO THE APPROVAL OF THE BOARD,** the Comptroller shall appoint the Chief **[**and**].**

(2) **THE CHIEF MAY BE REMOVED ONLY BY A MAJORITY OF THE BOARD FOR INCOMPETENCE OR OTHER GOOD CAUSE.**

(3) **THE CHIEF SHALL APPOINT** other employees of the Bureau in accordance with the provisions of the State Personnel and Pensions Article.

6–104.

(a) (1) After the end of each fiscal year, the Bureau shall submit to the Board a report that:

(i) contains an itemized statement of the State revenues from all sources for that fiscal year; and

(ii) includes any recommendations of the Bureau.

(2) **[**Before each regular session of the General Assembly**]** **IN DECEMBER, MARCH, AND SEPTEMBER OF EACH YEAR**, the Bureau shall submit to the Board a report that contains an itemized statement of the estimated State revenues from all sources for the fiscal year following **[**the session**]** **THE FISCAL YEAR IN WHICH THE REPORT IS MADE**.

(3) The Bureau shall provide to the Board any other information that the Board requests.

(4) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE REPORTS REQUIRED UNDER PARAGRAPHS (1) AND (2) OF THIS SUBSECTION SHALL INCLUDE AN ITEMIZED STATEMENT OF:

(I) REVENUES OR ESTIMATED REVENUES DISTRIBUTED TO THE TRANSPORTATION TRUST FUND, INCLUDING THE MOTOR FUEL TAXES IMPOSED UNDER TITLE 9, SUBTITLE 3 OF THE TAX – GENERAL ARTICLE AND MOTOR VEHICLE TITLING TAXES IMPOSED UNDER TITLE 13, SUBTITLE 8 OF THE TRANSPORTATION ARTICLE; AND

(II) REVENUES FROM THE STATE TRANSFER TAX IMPOSED UNDER TITLE 13, SUBTITLE 2 OF THE TAX – PROPERTY ARTICLE.

(b) In addition to these reports, the Bureau shall continually conduct studies of State revenue sources to:

(1) determine the amount of revenue produced; and

(2) devise and recommend new methods and sources for improved efficiency, equity, and economy in production **[**and**],** collection**, AND ESTIMATION** of revenue.

(C) (1) ON OR BEFORE DECEMBER 1, 2008, AND DECEMBER 1 OF EVERY THIRD YEAR THEREAFTER, THE BUREAU SHALL SUBMIT TO THE GOVERNOR AND, SUBJECT TO § 2–1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY A TAX INCIDENCE STUDY MEASURING THE BURDEN OF ALL THE MAJOR TAXES IMPOSED BY THE STATE AND HOW THAT BURDEN IS SHARED AMONG TAXPAYERS OF DIFFERENT INCOME LEVELS.

(2) THE BUREAU SHALL PREPARE AND SUBMIT THE STATISTICS OF INCOME REPORT REQUIRED UNDER § 10–223 OF THE TAX – GENERAL ARTICLE.

6–105.

(A) IN THIS SECTION, "GROUP" MEANS THE CONSENSUS REVENUE MONITORING AND FORECASTING GROUP ESTABLISHED UNDER THIS SECTION.

(B) THERE IS A CONSENSUS REVENUE MONITORING AND FORECASTING GROUP.

(C) THE GROUP CONSISTS OF:

(1) THE CHIEF AND STAFF OF THE BUREAU AS DESIGNATED BY THE CHIEF;

(2) THE DEPUTY COMPTROLLER WITH RESPONSIBILITY FOR TAX ADMINISTRATION AND STAFF AS DESIGNATED BY THE DEPUTY COMPTROLLER WITH RESPONSIBILITY FOR TAX ADMINISTRATION;

(3) STAFF OF THE OFFICE OF THE TREASURER AS DESIGNATED BY THE TREASURER;

(4) STAFF OF THE DEPARTMENT OF BUDGET AND MANAGEMENT AS DESIGNATED BY THE SECRETARY OF BUDGET AND MANAGEMENT;

(5) STAFF OF THE DEPARTMENT OF TRANSPORTATION AS DESIGNATED BY THE SECRETARY OF TRANSPORTATION; AND

(6) STAFF OF THE OFFICE OF POLICY ANALYSIS OF THE DEPARTMENT OF LEGISLATIVE SERVICES AS DESIGNATED BY THE DIRECTOR OF THE OFFICE.

(D) THE CHIEF SHALL CHAIR THE GROUP.

(E) THE GROUP AND ITS CONSTITUENT UNITS SHALL:

(1) REVIEW AND ANALYZE ATTAINMENT OF REVENUES ON A MONTHLY BASIS; AND

(2) ADVISE AND COLLABORATE WITH THE BUREAU:

(I) IN THE DEVELOPMENT OF REVENUE FORECASTS AND ANY NECESSARY REVISIONS TO THOSE FORECASTS; AND

(II) IN THE PERFORMANCE OF ANY PERTINENT STUDIES OR ANALYSES AS REQUESTED BY THE CHIEF OR AS DIRECTED BY THE BOARD.

(F) TO ASSIST THE GROUP IN PERFORMING ITS FUNCTION, THE COMPTROLLER AND THE BUREAU SHALL:

(1) WITHIN 7 CALENDAR DAYS AFTER THE END OF EACH MONTH, PROVIDE TO MEMBERS OF THE GROUP DETAILED DATA ON REVENUE COLLECTIONS; AND

(2) BEFORE ANY DOCUMENT RELATING TO THE WORK OF THE BUREAU IS PUBLISHED, PROVIDE A DRAFT OF THE DOCUMENT TO THE MEMBERS OF THE GROUP FOR REVIEW AND COMMENT.

6–106.

(a) The Board shall:

(1) study the information that the Bureau provides; and

(2) consider the recommendations of the Bureau.

(b) (1) **[**Annually**]** **IN DECEMBER, MARCH, AND SEPTEMBER OF EACH YEAR**, the Board shall submit to the Governor **AND, SUBJECT TO § 2–1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY,** a report that:

(i) contains an itemized statement of the estimated State revenues from all sources for the fiscal year following the fiscal year in which the report is made; and

(ii) includes any recommendations of the Board.

(2) **(I) [**The**]** **SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE** Governor shall **[**send the report of the Board, subject to § 2–1246 of the State Government Article, to the General Assembly**]** **INCORPORATE THE MOST RECENT ESTIMATES OF REVENUES REPORTED BY THE BOARD IN THE STATE BUDGET AND ANY SUPPLEMENTAL BUDGET SUBMITTED TO THE GENERAL ASSEMBLY**.

(II) IF THE GOVERNOR USES DIFFERENT ESTIMATES OF REVENUES IN THE FORMULATION OF THE STATE BUDGET AND ANY SUPPLEMENTAL BUDGET SUBMITTED TO THE GENERAL ASSEMBLY THAN THOSE REPORTED BY THE BOARD, A STATEMENT PROVIDING AN EXPLANATION AS TO THE DIFFERENCES SHALL BE INCLUDED TOGETHER WITH THOSE SUBMISSIONS.

7–311.

(a) (1) In this section the following words have the meanings indicated.

(2) "Account" means the Revenue Stabilization Account.

(3) "Estimated General Fund revenues" means the estimated General Fund revenues **FOR A FISCAL YEAR** stated in the **[**annual**]** report of the Board of Revenue Estimates submitted to the Governor under § 6–106 of this article **IN DECEMBER PRECEDING THE FISCAL YEAR**.

Article – Transportation

2–103.1.

(l) (2) (i) The financial forecast supporting the Consolidated Transportation Program to be submitted to the General Assembly under paragraph (1) of this subsection shall include the following components:

1. A schedule of operating expenses for each specific modal administration;

2. A schedule of revenues, including tax and fee revenues, deductions from revenues for other agencies, Department program and fees, Motor Vehicle Administration cost recovery, deductions for highway user revenues, operating revenues by modal administration, and miscellaneous revenues; and

3. A summary schedule for the Transportation Trust Fund that includes the opening and closing Fund balance, revenues, transfers, bond sales, bond premiums, any other revenues, expenditures for debt service, operating expenses, amounts available for capital expenses, bond interest rates, bond coverage ratios, total bonds outstanding, federal capital aid, and the total amount for the transportation capital program.

(ii) The financial forecast shall include, for each of the components specified in subparagraph (i) of this paragraph:

1. Actual information for the last full fiscal year; and

2. Forecasts of the information for each of the six subsequent fiscal years, including the current fiscal year, the fiscal year for the proposed budget, and the next four subsequent fiscal years.

(III) THE DEPARTMENT SHALL INCORPORATE IN THE FINANCIAL FORECAST THE MOST RECENT ESTIMATES BY THE BOARD OF REVENUE ESTIMATES OF THE REVENUES FROM THE CORPORATE INCOME TAX, THE SALES AND USE TAX, MOTOR FUEL TAXES, AND MOTOR VEHICLE TITLING TAXES.".

AMENDMENT NO. 7

On page 8, after line 23, insert:

"SECTION 10. AND BE IT FURTHER ENACTED, That:

(a) (1) In this section, "Executive Branch agencies" includes:

(i) University System of Maryland;

(ii) St. Mary's College of Maryland;

(iii) Morgan State University; and

(iv) Baltimore City Community College.

(2) In this section, "Executive Branch agencies" does not include the Department of Public Safety and Correctional Services.

(b) (1) As of January 1, 2008, the number of full–time equivalent (FTE) regular positions in Executive Branch agencies shall be reduced by 1,000 FTEs.

(2) It is the intent of the General Assembly that these reductions be made from vacant positions.

(c) On or before December 15, 2007, the Governor shall submit to the Board of Public Works a schedule for realigning the authorizations made under Chapter 487 of the Acts of 2007 to reflect the reduction made in subsection (b) of this section and shall take the actions necessary to implement the reductions.

(d) The schedule submitted by the Governor to the Board of Public Works shall identify savings of at least $13,800,000 in general funds plus any special or federal funds from salaries and wages in Comptroller objects other than 0152 (Health Insurance) and 0154 (Retiree Health Insurance) associated with the abolished positions.

SECTION 11. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that in developing the fiscal 2009 budget, the Governor make reductions of at least $470,000,000 in general funds from the fiscal 2009 current services baseline budget after the reductions made by the Board of Public Works in July 2007.

SECTION 12. AND BE IT FURTHER ENACTED, That:

(a) The Geographic Cost of Education Index (GCEI) Adjustment established in § 5–202(f) of the Education Article shall be updated every 3 years beginning in September 2009 using the most current data available and the same methodology set forth in the report entitled "Adjusting for Geographic Differences in the Cost of Education Provision in Maryland (December 31, 2003)."

(b) The State Department of Education shall:

(1) submit the proposed updated GCEI Adjustment to the Governor and General Assembly, in accordance with § 2–1246 of the State Government Article, by September 1 of the year in which it is updated; and

(2) recommend legislation in the first legislative session following submission of the updated GCEI Adjustment that codifies the adjustment and requires that the GCEI Adjustment be used to adjust State aid in the fiscal year that begins on July 1 of that year.

SECTION 13. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, by action of the governing body of a county, property tax revenues in an amount equal to payments that a county would have been entitled to receive under Article 24, § 9–1102 of the Code before its repeal under Section 1 of this Act shall be excluded from the calculation of any limitation on the ability of a county to impose property taxes.".

AMENDMENT NO. 8

On page 8, in lines 18, 24, and 28, strike "6.", "7.", and "9.", respectively, and substitute "9.", "14.", and "16.", respectively; in line 24, strike "Sections 1 and 5" and substitute "Section 1"; and strike in their entirety lines 26 and 27 and substitute:

"SECTION 15. AND BE IT FURTHER ENACTED, That Section 6 of this Act shall apply to all civil actions pending on or filed on or after the effective date of this Act.".

AMENDMENT NO. 9

On page 9, strike in their entirety lines 1 through 8, inclusive; in line 9, strike "11." and substitute "17."; and in lines 9 and 10, strike "7 through 10" and substitute "14 through 16".

The preceding 9 amendments were read only.

RECESS

At 11:43 A.M. on motion of Senator Kasemeyer, seconded, the Senate took a recess until 1:00 P.M. on Legislative Day, October 31, 2007, Calendar Day, Wednesday, November 7, 2007.

AFTER RECESS
Annapolis, Maryland
Legislative Day: October 31, 2007
Calendar Day: Wednesday, November 7, 2007
1:00 P.M. Session

At 1:23 P.M. the Senate resumed its session.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #1

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 1 – The President (By Request – Administration)

AN ACT concerning

Budget Reconciliation Act

(Amendment ID: SB0001/949430/1)

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 1
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "repealing" in line 8 down through "purposes" in line 12 and substitute "authorizing a county governing body to enter into an agreement with the owner of a facility for the generation of electricity that is located or locates in the county for a negotiated payment by the owner in lieu of taxes on the facility; providing that property tax revenues in an amount equal to payments that a county would have been entitled to receive under a certain provision of law shall be excluded from a certain calculation; altering the percentage of certain State funds that may be used for certain capital improvements under certain circumstances; repealing certain provisions relating to the amount of certain funds available for certain capital improvements that may be used to operate certain forests and parks; requiring at least a certain amount of certain funds to be used to reduce a certain backlog of projects in State parks; limiting the amount of a supersedeas bond required to stay the enforcement of a judgment in certain actions under certain circumstances; altering the purpose for which the Circuit Court Real Property Records Improvement Fund may be used; repealing a certain termination provision; providing that the Comptroller's appointment of the Chief of the Bureau

of Revenue Estimates is subject to the approval of the Board of Revenue Estimates; providing that the Chief may be removed only by a majority of the Board for certain reasons; providing that the Chief is subject to the supervision of a certain Deputy Comptroller, except under certain circumstances; providing for the appointment of other employees of the Bureau by the Chief; requiring the Bureau to submit certain reports including certain information regarding certain revenues to the Board each year; altering a provision relating to certain studies of State revenue sources conducted by the Bureau; requiring the Bureau to submit certain reports to the Governor and to the General Assembly; establishing a Consensus Revenue Monitoring and Forecasting Group to perform certain functions and to advise and collaborate with the Bureau; requiring the Comptroller and the Bureau to provide certain data and certain documents to members of the Group; requiring the Board to submit certain reports to the General Assembly each year; requiring the Governor to incorporate a certain estimate of revenues in the State budget and any supplemental budget submitted to the General Assembly; requiring the Governor to submit a certain statement to the General Assembly under certain circumstances; requiring the Department of Transportation to incorporate in a certain financial forecast a certain estimate of revenues by the Board"; and in line 14, after "law;" insert "requiring the Governor to reduce certain regular positions and general fund expenditures associated with those positions in a certain budget; declaring a certain legislative intent relating to the development of a certain budget and the reduction of certain positions; requiring the State Department of Education to update a certain Geographic Cost of Education Index (GCEI) at certain times; requiring the State Department of Education to submit a certain proposed GCEI adjustment update to the Governor and the General Assembly and to recommend certain legislation at certain times; requiring a certain GCEI Adjustment to be used in certain fiscal years; defining certain terms; altering certain definitions;".

AMENDMENT NO. 2

On page 2, in line 15, after "repealing" insert "and reenacting, without amendments,"; after line 19, insert:

"BY adding to
Article – Tax – Property
Section 7–514
Annotated Code of Maryland
(2007 Replacement Volume)";

strike in their entirety lines 20 through 24, inclusive; in line 27, strike "5–903(b)" and substitute "5–903(g)"; and after line 29, insert:

"BY adding to
Article – Courts and Judicial Proceedings
Section 12–301.1
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BY repealing and reenacting, without amendments,
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BY repealing
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BY repealing and reenacting, with amendments,
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Section 2–103.1(l)(2)
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AMENDMENT NO. 3

On page 4, in line 7, after the second "the" insert "**LESSER OF:**

A. **THE**";

in the same line, strike the bracket; in line 8, strike the bracket and substitute "**;**

B. **THE**";

after line 11, insert:

"**C. 5%; OR**";

in line 12, strike the bracket; and in line 13, strike the bracket and substitute "**OR IN THE**".

AMENDMENT NO. 4

On page 6, in line 27, and on page 7, in line 6, in each instance, strike the bracket.

On page 7, after line 6, insert:

"**7–514.**

(A) THIS SECTION SHALL BE APPLICABLE TO ALL TAXABLE YEARS BEGINNING AFTER JUNE 30, 2008.

(B) (1) THE GOVERNING BODY OF A COUNTY MAY ENTER INTO AN AGREEMENT WITH THE OWNER OF A FACILITY FOR THE GENERATION OF ELECTRICITY THAT IS LOCATED OR LOCATES IN THE COUNTY FOR A NEGOTIATED PAYMENT BY THE OWNER IN LIEU OF TAXES ON THE FACILITY.

(2) AN AGREEMENT FOR A NEGOTIATED PAYMENT IN LIEU OF TAXES UNDER THIS SECTION SHALL PROVIDE THAT, FOR THE TERM SPECIFIED IN THE AGREEMENT:

(I) THE OWNER SHALL PAY TO THE COUNTY A SPECIFIED AMOUNT EACH YEAR IN LIEU OF THE PAYMENT OF COUNTY REAL AND PERSONAL PROPERTY TAX; AND

(II) ALL OR A SPECIFIED PART OF THE REAL AND PERSONAL PROPERTY AT THE FACILITY SHALL BE EXEMPT FROM COUNTY PROPERTY TAX FOR THE TERM OF THE AGREEMENT.

(C) AS SPECIFIED IN THE AGREEMENT FOR A NEGOTIATED PAYMENT IN LIEU OF TAXES UNDER THIS SECTION, FOR THE TERM SPECIFIED IN THE AGREEMENT, THE REAL AND PERSONAL PROPERTY AT A FACILITY FOR THE GENERATION OF ELECTRICITY THAT IS LOCATED OR LOCATES IN THE COUNTY IS EXEMPT FROM COUNTY PROPERTY TAX.".

AMENDMENT NO. 5

On pages 7 and 8, strike in their entirety the lines beginning with line 11 on page 7 through line 17 on page 8, inclusive; and after line 17, insert:

"(g) (1) For **[**the fiscal year commencing July 1, 1990, any amount appropriated in the State budget, and for**]** each **[**subsequent**]** fiscal year, up to **[**25**]** **32** percent of the State's share of funds that would be available under the program if 100 percent of the funds not required under § 13–209(b) of the Tax – Property

Article were available for distribution as provided in § 13–209(d)(3) of the Tax – Property Article may be used for capital improvements on land owned by the State for the use of the Department if the improvements are:

(i) Approved in the State budget; and

(ii) Compatible with:

1. Any master plan developed for the land; and

2. The natural features of the land.

(2) (i) **[**For the fiscal year commencing July 1, 1996, up to 12.5% of the State's share of funds available for capital improvements may be used to operate State forests and parks, but only if the funds expended for operating costs do not exceed the portion of the State allocation available under this subsection that is derived from current revenues, as distinguished from proceeds of bond issues.

(ii) For the fiscal year commencing July 1, 1997, up to $1,000,000 of the State's share of funds available for capital improvements may be used to operate State forests and parks, but only if the funds expended for operating costs do not exceed the portion of the State allocation available under this subsection that is derived from current revenues, as distinguished from proceeds of bond issues.

(iii)**]** For the fiscal year commencing July 1, 1998, and all subsequent fiscal years, up to $1,200,000 of the State's share of funds available for capital improvements may be used to operate State forests and parks, but only if the funds expended for operating costs do not exceed the portion of the State allocation available under this subsection that is derived from current revenues, as distinguished from proceeds of bond issues.

[(iv)**] (II)** The only wages that can be paid with the portion of the State's share of funds authorized under **[**subparagraphs (ii) and (iii)**]** **SUBPARAGRAPH (I)** of this paragraph are the wages of employees in the State forests and parks.

(III) FOR FISCAL YEAR 2009, AND EACH SUBSEQUENT FISCAL YEAR, AT LEAST $8,000,000 OF THE STATE'S SHARE OF FUNDS AVAILABLE UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE USED TO REDUCE THE BACKLOG OF CRITICAL MAINTENANCE AND REHABILITATION OR REPLACEMENT CAPITAL IMPROVEMENT PROJECTS IN STATE PARKS.

(3) If the General Assembly amends the Budget Bill to strike out an improvement or operating costs under this subsection submitted by the Governor, the Governor may consider reallocating the funds through a supplemental budget for the same fiscal year:

(i) To finance specific alternative land acquisition, development projects, or operating costs; or

(ii) To the Advance Option and Purchase Fund established under § 5–904(b) of this subtitle.".

AMENDMENT NO. 6

On page 8, before line 18, insert:

"SECTION 6. AND BE IT FURTHER ENACTED, That the laws of Maryland read as follows:

Article – Courts and Judicial Proceedings

12–301.1.

(A) IN THIS SECTION, "MASTER SETTLEMENT AGREEMENT" MEANS THE MASTER SETTLEMENT AGREEMENT EXECUTED BY THE STATE AND PARTICIPATING TOBACCO MANUFACTURERS.

(B) IT IS THE INTENT OF THE GENERAL ASSEMBLY TO PRESERVE STATE REVENUE AS IT PERTAINS TO THE CIGARETTE RESTITUTION FUND.

(C) NOTWITHSTANDING ANY OTHER LAW OR COURT RULE AND EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, IN AN APPEAL FROM A JUDGMENT ENTERED IN FAVOR OF THE PLAINTIFFS IN AN ACTION CERTIFIED AS A CLASS ACTION OR IN AN ACTION BY MULTIPLE PLAINTIFFS IN WHICH DAMAGES ARE NOT PROVED FOR EACH PLAINTIFF INDIVIDUALLY, THE AMOUNT OF THE SUPERSEDEAS BOND REQUIRED COLLECTIVELY OF ALL APPELLANTS THAT ARE PARTICIPANTS IN THE MASTER SETTLEMENT AGREEMENT TO STAY ENFORCEMENT OF A JUDGMENT MAY NOT EXCEED $200,000,000, REGARDLESS OF THE AMOUNT OF THE JUDGMENT.

(D) IF AN APPELLEE PROVES BY A PREPONDERANCE OF THE EVIDENCE THAT AN APPELLANT IS DISSIPATING ASSETS OUTSIDE THE ORDINARY COURSE OF BUSINESS TO AVOID THE PAYMENT OF A JUDGMENT, THE COURT MAY REQUIRE THE APPELLANT TO POST A BOND IN AN AMOUNT UP TO THE FULL AMOUNT OF THE JUDGMENT.

SECTION 7. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Courts and Judicial Proceedings

13–602.

(a) (1) There is a Circuit Court Real Property Records Improvement Fund.

13–603.

(c) The Fund shall be used to pay **[**the**]:**

(1) THE operating expenses of the land records offices of the clerks of the circuit courts and to repair, replace, improve, modernize, and update office equipment and equipment related services in the land records office of the clerk of the circuit court for each county, as the Administrator considers appropriate, with advice from the oversight committee**; AND**

(2) FOR INFORMATION TECHNOLOGY PROJECTS OF THE JUDICIARY DEPARTMENT.

[13–607.

This subtitle shall terminate and be of no effect after June 30, 2009.**]**

SECTION 8. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – State Finance and Procurement

6–103.

(a) There is a Bureau of Revenue Estimates in the Office of the Comptroller.

(b) (1) The head of the Bureau is the Chief.

(2) Subject to the supervision of the Comptroller, the Chief has administrative control of the Bureau.

(3) UNLESS THE COMPTROLLER, WITH THE APPROVAL OF THE BOARD, DETERMINES THAT AN ALTERNATIVE STRUCTURE IS APPROPRIATE, THE CHIEF SHALL BE SUBJECT TO THE SUPERVISION OF THE DEPUTY COMPTROLLER WITH RESPONSIBILITY FOR TAX ADMINISTRATION.

(c) **(1)** Except as otherwise provided by law, **SUBJECT TO THE APPROVAL OF THE BOARD,** the Comptroller shall appoint the Chief **[**and**].**

(2) THE CHIEF MAY BE REMOVED ONLY BY A MAJORITY OF THE BOARD FOR INCOMPETENCE OR OTHER GOOD CAUSE.

(3) **THE CHIEF SHALL APPOINT** other employees of the Bureau in accordance with the provisions of the State Personnel and Pensions Article.

6–104.

(a) (1) After the end of each fiscal year, the Bureau shall submit to the Board a report that:

(i) contains an itemized statement of the State revenues from all sources for that fiscal year; and

(ii) includes any recommendations of the Bureau.

(2) **[**Before each regular session of the General Assembly**]** **IN DECEMBER, MARCH, AND SEPTEMBER OF EACH YEAR**, the Bureau shall submit to the Board a report that contains an itemized statement of the estimated State revenues from all sources for the fiscal year following **[**the session**]** **THE FISCAL YEAR IN WHICH THE REPORT IS MADE**.

(3) The Bureau shall provide to the Board any other information that the Board requests.

(4) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE REPORTS REQUIRED UNDER PARAGRAPHS (1) AND (2) OF THIS SUBSECTION SHALL INCLUDE AN ITEMIZED STATEMENT OF:

(I) REVENUES OR ESTIMATED REVENUES DISTRIBUTED TO THE TRANSPORTATION TRUST FUND, INCLUDING THE MOTOR FUEL TAXES IMPOSED UNDER TITLE 9, SUBTITLE 3 OF THE TAX – GENERAL ARTICLE AND MOTOR VEHICLE TITLING TAXES IMPOSED UNDER TITLE 13, SUBTITLE 8 OF THE TRANSPORTATION ARTICLE; AND

(II) REVENUES FROM THE STATE TRANSFER TAX IMPOSED UNDER TITLE 13, SUBTITLE 2 OF THE TAX – PROPERTY ARTICLE.

(b) In addition to these reports, the Bureau shall continually conduct studies of State revenue sources to:

(1) determine the amount of revenue produced; and

(2) devise and recommend new methods and sources for improved efficiency, equity, and economy in production **[**and**]**, collection**, AND ESTIMATION** of revenue.

(C) (1) ON OR BEFORE DECEMBER 1, 2008, AND DECEMBER 1 OF EVERY THIRD YEAR THEREAFTER, THE BUREAU SHALL SUBMIT TO THE GOVERNOR AND, SUBJECT TO § 2–1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL

ASSEMBLY A TAX INCIDENCE STUDY MEASURING THE BURDEN OF ALL THE MAJOR TAXES IMPOSED BY THE STATE AND HOW THAT BURDEN IS SHARED AMONG TAXPAYERS OF DIFFERENT INCOME LEVELS.

(2) THE BUREAU SHALL PREPARE AND SUBMIT THE STATISTICS OF INCOME REPORT REQUIRED UNDER § 10–223 OF THE TAX – GENERAL ARTICLE.

6–105.

(A) IN THIS SECTION, "GROUP" MEANS THE CONSENSUS REVENUE MONITORING AND FORECASTING GROUP ESTABLISHED UNDER THIS SECTION.

(B) THERE IS A CONSENSUS REVENUE MONITORING AND FORECASTING GROUP.

(C) THE GROUP CONSISTS OF:

(1) THE CHIEF AND STAFF OF THE BUREAU AS DESIGNATED BY THE CHIEF;

(2) THE DEPUTY COMPTROLLER WITH RESPONSIBILITY FOR TAX ADMINISTRATION AND STAFF AS DESIGNATED BY THE DEPUTY COMPTROLLER WITH RESPONSIBILITY FOR TAX ADMINISTRATION;

(3) STAFF OF THE OFFICE OF THE TREASURER AS DESIGNATED BY THE TREASURER;

(4) STAFF OF THE DEPARTMENT OF BUDGET AND MANAGEMENT AS DESIGNATED BY THE SECRETARY OF BUDGET AND MANAGEMENT;

(5) STAFF OF THE DEPARTMENT OF TRANSPORTATION AS DESIGNATED BY THE SECRETARY OF TRANSPORTATION; AND

(6) STAFF OF THE OFFICE OF POLICY ANALYSIS OF THE DEPARTMENT OF LEGISLATIVE SERVICES AS DESIGNATED BY THE DIRECTOR OF THE OFFICE.

(D) THE CHIEF SHALL CHAIR THE GROUP.

(E) THE GROUP AND ITS CONSTITUENT UNITS SHALL:

(1) REVIEW AND ANALYZE ATTAINMENT OF REVENUES ON A MONTHLY BASIS; AND

(2) ADVISE AND COLLABORATE WITH THE BUREAU:

(I) IN THE DEVELOPMENT OF REVENUE FORECASTS AND ANY NECESSARY REVISIONS TO THOSE FORECASTS; AND

(II) IN THE PERFORMANCE OF ANY PERTINENT STUDIES OR ANALYSES AS REQUESTED BY THE CHIEF OR AS DIRECTED BY THE BOARD.

(F) TO ASSIST THE GROUP IN PERFORMING ITS FUNCTION, THE COMPTROLLER AND THE BUREAU SHALL:

(1) WITHIN 7 CALENDAR DAYS AFTER THE END OF EACH MONTH, PROVIDE TO MEMBERS OF THE GROUP DETAILED DATA ON REVENUE COLLECTIONS; AND

(2) BEFORE ANY DOCUMENT RELATING TO THE WORK OF THE BUREAU IS PUBLISHED, PROVIDE A DRAFT OF THE DOCUMENT TO THE MEMBERS OF THE GROUP FOR REVIEW AND COMMENT.

6–106.

(a) The Board shall:

(1) study the information that the Bureau provides; and

(2) consider the recommendations of the Bureau.

(b) (1) **[**Annually**]** **IN DECEMBER, MARCH, AND SEPTEMBER OF EACH YEAR**, the Board shall submit to the Governor **AND, SUBJECT TO § 2–1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY,** a report that:

(i) contains an itemized statement of the estimated State revenues from all sources for the fiscal year following the fiscal year in which the report is made; and

(ii) includes any recommendations of the Board.

(2) **(I) [**The**]** **SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE** Governor shall **[**send the report of the Board, subject to § 2–1246 of the State Government Article, to the General Assembly**]** **INCORPORATE THE MOST RECENT ESTIMATES OF REVENUES REPORTED BY THE BOARD IN THE STATE BUDGET AND ANY SUPPLEMENTAL BUDGET SUBMITTED TO THE GENERAL ASSEMBLY.**

(II) IF THE GOVERNOR USES DIFFERENT ESTIMATES OF REVENUES IN THE FORMULATION OF THE STATE BUDGET AND ANY SUPPLEMENTAL BUDGET SUBMITTED TO THE GENERAL ASSEMBLY THAN THOSE REPORTED BY THE BOARD, A STATEMENT PROVIDING AN EXPLANATION AS TO THE DIFFERENCES SHALL BE INCLUDED TOGETHER WITH THOSE SUBMISSIONS.

7–311.

(a) (1) In this section the following words have the meanings indicated.

(2) "Account" means the Revenue Stabilization Account.

(3) "Estimated General Fund revenues" means the estimated General Fund revenues **FOR A FISCAL YEAR** stated in the **[**annual**]** report of the Board of Revenue Estimates submitted to the Governor under § 6–106 of this article **IN DECEMBER PRECEDING THE FISCAL YEAR**.

Article – Transportation

2–103.1.

(l) (2) (i) The financial forecast supporting the Consolidated Transportation Program to be submitted to the General Assembly under paragraph (1) of this subsection shall include the following components:

1. A schedule of operating expenses for each specific modal administration;

2. A schedule of revenues, including tax and fee revenues, deductions from revenues for other agencies, Department program and fees, Motor Vehicle Administration cost recovery, deductions for highway user revenues, operating revenues by modal administration, and miscellaneous revenues; and

3. A summary schedule for the Transportation Trust Fund that includes the opening and closing Fund balance, revenues, transfers, bond sales, bond premiums, any other revenues, expenditures for debt service, operating expenses, amounts available for capital expenses, bond interest rates, bond coverage ratios, total bonds outstanding, federal capital aid, and the total amount for the transportation capital program.

(ii) The financial forecast shall include, for each of the components specified in subparagraph (i) of this paragraph:

1. Actual information for the last full fiscal year; and

2. Forecasts of the information for each of the six subsequent fiscal years, including the current fiscal year, the fiscal year for the proposed budget, and the next four subsequent fiscal years.

(III) THE DEPARTMENT SHALL INCORPORATE IN THE FINANCIAL FORECAST THE MOST RECENT ESTIMATES BY THE BOARD OF REVENUE

ESTIMATES OF THE REVENUES FROM THE CORPORATE INCOME TAX, THE SALES AND USE TAX, MOTOR FUEL TAXES, AND MOTOR VEHICLE TITLING TAXES.".

AMENDMENT NO. 7

On page 8, after line 23, insert:

"SECTION 10. AND BE IT FURTHER ENACTED, That:

(a) (1) In this section, "Executive Branch agencies" includes:

(i) University System of Maryland;

(ii) St. Mary's College of Maryland;

(iii) Morgan State University; and

(iv) Baltimore City Community College.

(2) In this section, "Executive Branch agencies" does not include the Department of Public Safety and Correctional Services.

(b) (1) As of January 1, 2008, the number of full–time equivalent (FTE) regular positions in Executive Branch agencies shall be reduced by 1,000 FTEs.

(2) It is the intent of the General Assembly that these reductions be made from vacant positions.

(c) On or before December 15, 2007, the Governor shall submit to the Board of Public Works a schedule for realigning the authorizations made under Chapter 487 of the Acts of 2007 to reflect the reduction made in subsection (b) of this section and shall take the actions necessary to implement the reductions.

(d) The schedule submitted by the Governor to the Board of Public Works shall identify savings of at least $13,800,000 in general funds plus any special or federal funds from salaries and wages in Comptroller objects other than 0152 (Health Insurance) and 0154 (Retiree Health Insurance) associated with the abolished positions.

SECTION 11. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that in developing the fiscal 2009 budget, the Governor make reductions of at least $470,000,000 in general funds from the fiscal 2009 current services baseline budget after the reductions made by the Board of Public Works in July 2007.

SECTION 12. AND BE IT FURTHER ENACTED, That:

(a) The Geographic Cost of Education Index (GCEI) Adjustment established in § 5–202(f) of the Education Article shall be updated every 3 years beginning in September 2009 using the most current data available and the same methodology set forth in the report entitled "Adjusting for Geographic Differences in the Cost of Education Provision in Maryland (December 31, 2003)."

(b) The State Department of Education shall:

(1) submit the proposed updated GCEI Adjustment to the Governor and General Assembly, in accordance with § 2–1246 of the State Government Article, by September 1 of the year in which it is updated; and

(2) recommend legislation in the first legislative session following submission of the updated GCEI Adjustment that codifies the adjustment and requires that the GCEI Adjustment be used to adjust State aid in the fiscal year that begins on July 1 of that year.

SECTION 13. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, by action of the governing body of a county, property tax revenues in an amount equal to payments that a county would have been entitled to receive under Article 24, § 9–1102 of the Code before its repeal under Section 1 of this Act shall be excluded from the calculation of any limitation on the ability of a county to impose property taxes.".

AMENDMENT NO. 8

On page 8, in lines 18, 24, and 28, strike "6.", "7.", and "9.", respectively, and substitute "9.", "14.", and "16.", respectively; in line 24, strike "Sections 1 and 5" and substitute "Section 1"; and strike in their entirety lines 26 and 27 and substitute:

"SECTION 15. AND BE IT FURTHER ENACTED, That Section 6 of this Act shall apply to all civil actions pending on or filed on or after the effective date of this Act.".

AMENDMENT NO. 9

On page 9, strike in their entirety lines 1 through 8, inclusive; in line 9, strike "11." and substitute "17."; and in lines 9 and 10, strike "7 through 10" and substitute "14 through 16".

The preceding 9 amendments were read only.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 2 – The President (By Request – Administration)

AN ACT concerning

Tax Reform Act of 2007

(Amendment ID: SB0002/189134/1)

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 2
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Reform" insert "and Transportation Investment"; in line 6, after "nonresidents;" insert "altering the amount allowed as a deduction for certain exemptions under the Maryland income tax;"; in line 11, after "property;" insert "removing a certain restriction on eligibility to claim a refundable earned income credit under certain circumstances;"; in line 14, after "altering" insert "eligibility for and"; strike beginning with "allowing" in line 16 down through "circumstances;" in line 18 and substitute "imposing a State admissions and amusement tax on the gross receipts derived from the operation of certain bingo games and tip jars; providing for the distribution of certain admissions and amusement tax revenue;"; in line 24, after "tax;" insert "establishing a Chesapeake Bay 2010 Trust Fund in the Department of Natural Resources as a special fund to be used for certain purposes; providing for the distribution of certain property transfer tax and motor vehicle titling tax revenues to the Fund; providing for the distribution of certain sales and use tax revenues to the Transportation Trust Fund; providing for the pledging of certain revenues for certain purposes; increasing the maximum allowable aggregate amount of outstanding and unpaid consolidated transportation bonds and bonds of prior issues; altering the definition of tangible personal property under the sales and use tax to include a right to use certain games of entertainment;"; in lines 25 and 29, in each instance, strike "certain periods" and substitute "a certain period"; in lines 26 and 29, in each instance, strike "tax–free periods" and substitute "a tax–free period"; in line 31, after "provided;" insert "repealing a prohibition against certain advertisements or statements by vendors regarding the payment of the sales and use tax; authorizing vendors to assume or absorb all or any part of the sales and use tax imposed on a retail sale or use and to pay that sales and use tax on behalf of the buyer; repealing certain sales and use tax exemptions relating to certain computer services;".

On page 2, strike beginning with "for" in line 2 down through "Fund" in line 3 and substitute "to the General Fund of the State"; strike beginning with "requiring" in line 11 down through "Commission;" in line 17 and substitute "establishing the Maryland Business Tax Reform Commission to review and evaluate the State's current business tax structure and to make certain recommendations; providing for the membership and staffing of the Commission; prohibiting members of the Commission from receiving certain compensation but authorizing the reimbursement of certain expenses; requiring an interim report by a certain date; requiring a final report by a certain date; requiring certain corporations engaged in manufacturing to submit certain reports as part of their income tax returns;

requiring an individual to file a copy of the individual's federal income tax return with the Comptroller under certain circumstances; requiring certain corporations to file certain statements with the Comptroller; requiring that certain statements be treated as confidential taxpayer information; requiring the Comptroller to develop and implement a certain enforcement system for certain filing requirements; imposing certain penalties for certain violations; requiring the Comptroller to publish certain names and penalties imposed for certain violations; requiring the Comptroller to collect, compile, and analyze certain information and to use certain information to provide certain analyses to the Governor and General Assembly; requiring the Comptroller to submit certain reports to the Governor and General Assembly; requiring the Comptroller to adopt certain regulations; altering the vehicle excise tax rate for certain motor vehicles, trailers, and semitrailers; altering a definition under the motor vehicle excise tax to reduce the total purchase price on which the tax is calculated by an allowance for certain trade–in considerations; altering the distribution of revenue collected from certain special license tag fees; altering the distribution of revenue collected from certain security interest filing fees; requiring the Governor to include certain appropriations in the budget bill for certain fiscal years;"; in line 24, after "cigarettes" insert "and certain tobacco intended to be placed in the oral cavity; altering the information required to be stated in a tobacco tax return"; strike beginning with the second "altering" in line 24 down through "tax" in line 25; in line 26, after "cigarettes;" insert "altering the application of the tobacco tax to certain cigars weighing no more than a certain amount; providing a certain rate of tax for little cigars; requiring a manufacturer that distributes free sample little cigars in the State to complete and file certain returns and pay certain tax on those little cigars; requiring that little cigars be sold in a certain manner; providing for a certain reduction in the increase of the tobacco tax rate for cigarettes under certain circumstances; requiring the Comptroller to determine the amount of the reduction subject to certain requirements; providing for the distribution of certain sales and use tax revenue collected for a certain period to a certain special fund;"; strike beginning with "stating" in line 29 down through "circumstances;" in line 34 and substitute "stating the intent of the General Assembly that certain corporate income tax revenues be distributed to the Higher Education Investment Fund beginning in a certain fiscal year under certain circumstances;"; in line 36, after "taxes" insert "and revenues"; in line 39, strike "and 10–908(d)" and substitute "10–908(d), and 12–303(b)"; in line 44, after "2–106(f)," insert "2–202,"; in the same line, after "2–615," insert "2–1103, 2–1303,"; in line 45, after "10–211," insert "10–402(c)(2)(vi) and (vii),"; and in the same line, after "10–704," insert "10–804(c)(3)(ii) and (iii),".

On page 3, in line 1, strike "11–101(m)" and substitute "11–101(k)(2) and (m)"; in the same line, after "11–105," insert "11–219,"; in line 2, after "11–301," insert "11–302, 11–402, 11–601(b)(1), 12–101(c),"; in the same line, strike "12–105(a)" and substitute "12-105"; in the same line, strike "12–303(b)" and substitute "12–201(a), 12–202, and 12–302(a)"; strike line 7 in its entirety and substitute:

"Section 2–613.1, 2–1302.2, 4–102(d), 4–105(a–1), 10–110, 10–804.1, 11–101(c–1) and (c–2), 12–101(b–1) and (b–2)";

after line 9, insert:

"BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 5–903(b)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY adding to
Article – Natural Resources
Section 4–209(k), 8–205, and 8–707(d)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 3–202, 3–215(b), and 8–402
Annotated Code of Maryland
(2001 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 13–613(d), 13–809(a)(3), (b)(1), and (c)(1), and 13–814
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing
Article – Tax – General
Section 2–1104 and 11–225
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)";

and after line 14, insert:

"BY adding to
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 9–1104
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY adding to
Article – Environment
Section 9–1605.3
Annotated Code of Maryland

(2007 Replacement Volume and 2007 Supplement)

BY repealing
Article – Transportation
Section 13–208 and 13–613(e)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – Commercial Law
Section 11–5B–01 through 11–5B–03 to be under the new subtitle "Subtitle 5B. "Little Cigar Sales of Fewer Than Five Per Package"
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)".

AMENDMENT NO. 2
On page 3, in line 37, strike "**4%**" and substitute "**4.75%**".

On page 4, in line 1, strike "**AND (II) AND (2)(I) AND (II)**" and substitute "**THROUGH (III) AND (2)(I) THROUGH (III)**".

AMENDMENT NO. 3
On page 4, in lines 21 and 22, strike "**$15,000**" and "**$15,001**", respectively, and substitute "**$3,000**" and "**$3,001**", respectively; in lines 24 and 26, strike "**6%**" and "**6.5%**", respectively, and substitute "**5%**" and "**5.5%**", respectively.

On page 5, in lines 11, 12, 13, 14, 15, 16, 17, and 18, strike "**$2,000**", "**$2,001**", "**$4,000**", "**$4,001**", "**$22,500**", and "**$22,501**", respectively, and substitute "**$1,000**", "**$1,001**", "**$2,000**", "**$2,001**", "**$3,000**", and "**$3,001**", respectively; and in lines 18 and 20, strike "**6%**" and "**6.5%**", respectively, and substitute "**5%**" and "**5.5%**", respectively.

AMENDMENT NO. 4
On page 6, in lines 18 and 31, in each instance, strike "**$2,400**" and substitute "**$2,600**".

AMENDMENT NO. 5
On page 8, strike beginning with "with" in line 1 down through "exemptions" in line 2; and strike beginning with "with" in line 32 down through "exemptions" in line 33.

AMENDMENT NO. 6
On pages 9 and 10, strike in their entirety the lines beginning with line 26 on page 9 through line 22 on page 10, inclusive.

AMENDMENT NO. 7
On page 30, in line 23, strike "135%" and substitute "120%".

AMENDMENT NO. 8

On page 14, after line 5, insert:

"Article – Natural Resources

5–903.

(b) Of the remaining funds not appropriated under subsection (a)(1) of this section, the General Assembly shall appropriate the other half of the funds **AS FOLLOWS:**

(1) $21,000,000 TO THE CHESAPEAKE BAY 2010 TRUST FUND ESTABLISHED UNDER § 8–205 OF THIS ARTICLE; AND

(2) THE REMAINDER to assist local governing bodies in acquisition and development of land for recreation and open space purposes.

8–205.

(A) THERE IS A CHESAPEAKE BAY 2010 TRUST FUND.

(B) THE PURPOSE OF THE FUND IS TO PROVIDE THE FINANCIAL ASSISTANCE NECESSARY TO MEET, BY 2010, THE GOALS ESTABLISHED IN THE CHESAPEAKE 2000 AGREEMENT FOR THE RESTORATION OF THE CHESAPEAKE BAY AND ITS TRIBUTARIES, INCLUDING THE PATUXENT RIVER.

(C) THE SECRETARY SHALL ADMINISTER THE FUND.

(D) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7–302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(2) THE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

(E) THE FUND CONSISTS OF:

(1) MONEY APPROPRIATED IN THE STATE BUDGET FOR THE FUND;

(2) MONEY DISTRIBUTED TO THE FUND UNDER § 5–903(B)(1) OF THIS ARTICLE;

(3) MONEY DISTRIBUTED TO THE FUND UNDER § 13–814(A) OF THE TRANSPORTATION ARTICLE; AND

(4) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.

(F) THE FUND MAY BE USED ONLY FOR THE IMPLEMENTATION OF THE STATE'S TRIBUTARY STRATEGY DEVELOPED IN ACCORDANCE WITH THE CHESAPEAKE 2000 AGREEMENT.

(G) (1) THE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

(2) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE RETAINED TO THE CREDIT OF THE FUND.

(H) MONEY EXPENDED FROM THE FUND FOR THE RESTORATION OF THE CHESAPEAKE BAY AND ITS TRIBUTARIES, INCLUDING THE PATUXENT RIVER, IS SUPPLEMENTAL TO AND IS NOT INTENDED TO TAKE THE PLACE OF FUNDING THAT OTHERWISE WOULD BE APPROPRIATED FOR BAY RESTORATION.

Article – Tax – General

2–1302.2.

AFTER MAKING THE DISTRIBUTIONS REQUIRED UNDER §§ 2–1301 THROUGH 2–1302.1 OF THIS SUBTITLE, THE COMPTROLLER SHALL PAY 8.3% OF THE REMAINING SALES AND USE TAX REVENUE TO THE TRANSPORTATION TRUST FUND ESTABLISHED UNDER § 3–216 OF THE TRANSPORTATION ARTICLE.

2–1303.

After making the distributions required under §§ 2–1301 through **[**2–1302.1**]** **2–1302.2** of this subtitle, the Comptroller shall pay:

(1) revenues from the hotel surcharge into the Dorchester County Economic Development Fund established under Article 83A, § 5–216 of the Code; and

(2) the remaining sales and use tax revenue into the General Fund of the State.

Article – Transportation

3–202.

(a) The Department from time to time may issue its bonds on behalf of this State to finance the cost of any one or more or combination of transportation facilities.

(b) The bonds shall be known as "consolidated transportation bonds" and may be issued in any amount as long as the aggregate outstanding and unpaid

principal balance of these bonds and bonds of prior issues does not exceed at any one time the sum of **[**$2.0**]** **$3.0** billion.

(c) The maximum outstanding and unpaid principal balance of consolidated transportation bonds and bonds of prior issues as of June 30 for the next fiscal year:

(1) Shall be established each year by the General Assembly in the State budget; and

(2) May not exceed the limit established in subsection (b) of this section.

3–215.

(b) The tax levied and imposed by this section consists of that part of the following taxes that are retained to the credit of the Department after distributions to the political subdivisions:

(1) The motor fuel tax revenue distributed under §§ 2–1103(2) and 2–1104(4) of the Tax – General Article;

(2) The income tax revenue distributed under § 2–614 of the Tax – General Article;

(3) The **REVENUES FROM THE** excise tax imposed on vehicles by Part II of Title 13, Subtitle 8 of this article **DISTRIBUTED UNDER § 13–814(B) OF THIS ARTICLE**; and

(4) The sales and use tax revenues distributed under **[**§ 2–1302.1**]** **§§ 2–1302.1 AND 2–1302.2** of the Tax – General Article.

8–402.

(a) There is a Gasoline and Motor Vehicle Revenue Account in the Transportation Trust Fund.

(b) All revenues collected from the following, after deductions provided by law, shall be credited to the Gasoline and Motor Vehicle Revenue Account:

(1) All of the motor vehicle fuel tax;

(2) Except as otherwise provided by law, **THE EXCESS OVER $76,000,000 OF** 80 percent of the vehicle titling tax **DISTRIBUTED TO THE TRANSPORTATION TRUST FUND UNDER § 13–814 OF THIS ARTICLE**;

(3) Except for revenues collected under Parts III and IV of Title 13, Subtitle 9 of this article, vehicle registration fees;

(4) The revenue disbursed to this account under § 2–614 of the Tax – General Article; and

(5) 80 percent of the funds distributed on short–term vehicle rentals under § 2–1302.1 of the Tax – General Article to the Transportation Trust Fund from the sales and use tax.

(c) (1) During each fiscal year, the Account shall be used to pay the allocations of highway user revenues provided by this subtitle to the counties, municipalities, and Baltimore City; and

(2) The balance of the Account may be used as provided in § 3–216 of this article.

13–814.

(A) FOR THE FISCAL YEAR BEGINNING JULY 1, 2008, AND EACH SUBSEQUENT FISCAL YEAR, FROM THE MONEY COLLECTED UNDER THIS PART, $30,000,000 SHALL BE DISTRIBUTED TO THE CHESAPEAKE BAY 2010 TRUST FUND ESTABLISHED UNDER § 8–205 OF THE NATURAL RESOURCES ARTICLE.

(B) [Money**] AFTER THE DISTRIBUTION UNDER SUBSECTION (A) OF THIS SECTION, MONEY** collected under this part shall be deposited in the State Treasury and accounted for on the records of the State Comptroller and transferred to the Transportation Trust Fund.".

On page 30, after line 10, insert:

"SECTION 10. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, from the sales and use tax revenue collected from January 1, 2008, through the end of June 30, 2008, the Comptroller shall distribute $110,000,000 to the State Police Helicopter Replacement Fund established under § 2-801 of the Public Safety Article.".

AMENDMENT NO. 9

On page 14, after line 7, insert:

"**(C–1) (1) "COMPUTER SERVICE" INCLUDES:**

(I) COMPUTER FACILITIES MANAGEMENT AND OPERATION;

(II) CUSTOM COMPUTER PROGRAMMING;

(III) COMPUTER SYSTEM PLANNING AND DESIGN THAT INTEGRATE COMPUTER HARDWARE, SOFTWARE, AND COMMUNICATION TECHNOLOGIES;

(IV) COMPUTER DISASTER RECOVERY; AND

(V) HARDWARE OR SOFTWARE INSTALLATION OR MAINTENANCE.

(2) "COMPUTER SERVICE" DOES NOT INCLUDE:

(I) DATA PROCESSING OR ENTRY; OR

(II) COMPUTER TRAINING.

(C–2) "LANDSCAPING SERVICE" DOES NOT INCLUDE A SERVICE PERFORMED TO REAL PROPERTY AS PART OF THE CONSTRUCTION, ALTERATION, REPAIR, DECORATION, OR IMPROVEMENT OF A STRUCTURE IF THE CONSTRUCTION, ALTERATION, REPAIR, DECORATION, OR IMPROVEMENT IS PROPERLY CAPITALIZED USING ACCEPTABLE AND CONSISTENT ACCOUNTING STANDARDS.

(k) (2) "Tangible personal property" includes:

(i) farm equipment;

(ii) wall–to–wall carpeting that is installed into real estate, regardless of the purpose, method, or permanency of its installation; **[**and**]**

(iii) coal, electricity, oil, nuclear fuel assemblies, steam, and artificial or natural gas**; AND**

(IV) A RIGHT TO USE A VIDEO GAME OR OTHER GAME OF ENTERTAINMENT AT AN ARCADE.".

On page 15, strike in their entirety lines 2 through 4, inclusive, and substitute:

"**(13) A COMPUTER SERVICE; OR**

(14) A LANDSCAPING SERVICE.

11–219.

(a) The sales and use tax does not apply to a personal, professional, or insurance service that:

(1) is not a taxable service; and

(2) involves a sale as an inconsequential element for which no separate charge is made.

[(b) The sales and use tax does not apply to a sale of custom computer software services relating to procedures and programs that:

(1) otherwise are taxable under this title;

(2) are to be used by a specific person;

(3) (i) are created for that person; or

(ii) contain standard or proprietary routines that incorporate significant creative input to customize the procedures and programs for that person; and

(4) do not constitute a program, procedure, or documentation that is mass produced and sold to:

(i) the general public; or

(ii) persons associated in a trade, profession, or industry.

(c) The sales and use tax does not apply to the sale of an optional computer software maintenance contract if the buyer does not have a right, as part of the contract, to receive at no additional cost software products that are separately priced and marketed by the vendor.**]**

[(d)**] (B)** The sales and use tax does not apply to the use of a taxable service obtained by using a prepaid telephone calling arrangement.

[11–225.

(a) In this section, "computer program" means a set of statements or instructions to be used directly or indirectly in a computer in order to bring about a certain result.

(b) The sales and use tax does not apply to a sale of a computer program that is legally permitted to be and is intended to be:

(1) reproduced for sale; or

(2) incorporated in whole or in part into another computer program intended for sale.**]**".

AMENDMENT NO. 10

On page 16, in line 4, after "**CLOTHES WASHER**" insert "**OR DRYER**"; strike beginning with "**FIRST**" in line 10 down through "**SUNDAY**" in line 12 and substitute "**SATURDAY IMMEDIATELY PRECEDING THE THIRD MONDAY IN FEBRUARY THROUGH THE THIRD MONDAY IN FEBRUARY**"; in line 13, strike "**TAX–FREE WEEKENDS**" and substitute "**A TAX–FREE WEEKEND**"; and in line 15, strike "**WEEKENDS**" and substitute "**WEEKEND**"; strike beginning with "**AND**" in line 27 down through "**SATURDAY**" in line 28; in lines 28, 29, and 31, in each instance, strike the bracket; in line 29, strike "**TAX–FREE PERIODS FOR**"; and in line 31, strike "**PERIODS FOR**".

AMENDMENT NO. 11

On page 16, after line 34, insert:

"11–302.

For each retail sale or sale for use other than a sale under § 11–405 or § 11–406 of this title, the sales and use tax shall be:

(1) stated **[**and charged**]** separately from the sale price; and

(2) shown separately from the sale price on any record of a sale:

(i) at the time of the sale;

(ii) when the vendor issues evidence of the sale; or

(iii) when the vendor uses evidence of the sale.

11–402.

[A**] SUBJECT TO § 11–302 OF THIS TITLE, A** vendor may **[**not directly or indirectly advertise, state, or otherwise hold out that any part of the sales and use tax:

(1) will be assumed or absorbed by the vendor;

(2) will not be added to the taxable price of tangible personal property or a taxable service; or

(3) will be refunded if added to the taxable price of tangible personal property or a taxable service**]:**

(1) ASSUME OR ABSORB ALL OR ANY PART OF THE SALES AND USE TAX IMPOSED ON A RETAIL SALE OR USE; AND

(2) PAY THAT SALES AND USE TAX ON BEHALF OF THE BUYER.

11–601.

(b) (1) A vendor who makes a sale subject to the sales and use tax shall pay the sales and use tax that the vendor collects for that sale **OR THAT THE VENDOR ASSUMES OR ABSORBS FOR THAT SALE** with the return that covers the period in which the vendor makes that sale.".

AMENDMENT NO. 12

On pages 17 and 18, strike in their entirety the lines beginning with line 27 on page 17 through line 4 on page 18 and substitute:

"**(7) THE FUND CONSISTS OF:**

(I) MONEY APPROPRIATED IN THE STATE BUDGET FOR THE FUND; AND

(II) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.".

On page 18, strike in their entirety lines 18 through 25, inclusive, and substitute:

"**AFTER MAKING THE DISTRIBUTION REQUIRED UNDER § 2–613 OF THIS SUBTITLE, THE COMPTROLLER SHALL DISTRIBUTE 12.5% OF THE REMAINING INCOME TAX REVENUE FROM CORPORATIONS TO THE GENERAL FUND OF THE STATE.**".

On page 31, strike in their entirety lines 23 through 41, inclusive.

On page 32, in line 4, after "revenues" insert "be altered to provide for a distribution"; strike beginning with the first "and" in line 5 down through "required" in line 6 and substitute "equal to half of the revenue required to be distributed to the General Fund of the State"; and strike beginning with "continue" in line 7 down through "year" in line 8 and substitute "beginning in fiscal year 2011".

AMENDMENT NO. 13

On pages 19 through 22, strike in their entirety the lines beginning with line 31 on page 19 through line 30 on page 22, inclusive, and substitute:

"Article - Tax - General

10–110.

(A) THERE IS A MARYLAND BUSINESS TAX REFORM COMMISSION.

(B) (1) THE COMMISSION SHALL REVIEW AND EVALUATE THE STATE'S CURRENT BUSINESS TAX STRUCTURE AND MAKE SPECIFIC RECOMMENDATIONS FOR CHANGES TO THE STATE'S BUSINESS TAX STRUCTURE TO PROVIDE FOR FAIR AND

EQUITABLE TAXATION FOR ALL CORPORATIONS AND OTHER BUSINESS ENTITIES DOING BUSINESS IN THE STATE.

(2) THE COMMISSION'S RECOMMENDATIONS MAY INCLUDE, WITHOUT LIMITATION, CHANGES SUCH AS TAX RATE CHANGES, TAX BASE BROADENING MEASURES, MEASURES TO ADDRESS TAX AVOIDANCE STRATEGIES, AND ELIMINATION OF INEFFECTIVE OR INEFFICIENT TAX POLICIES INTENDED AS ECONOMIC DEVELOPMENT INCENTIVES.

(3) THE COMMISSION'S STUDY SHALL INCLUDE, AT A MINIMUM, A REVIEW AND EVALUATION OF THE FOLLOWING OPTIONS FOR BUSINESS TAX REFORM:

(I) THE IMPOSITION OF COMBINED REPORTING USING THE "WATER'S EDGE METHOD" UNDER THE CORPORATE INCOME TAX FOR UNITARY GROUPS OF AFFILIATED CORPORATIONS;

(II) THE IMPOSITION OF OTHER TYPES OF BUSINESS TAXES, IN LIEU OF OR IN ADDITION TO THE CURRENT TAXES IMPOSED, INCLUDING GROSS RECEIPTS TAXES, VALUE ADDED TAXES, AND ALTERNATIVE MINIMUM TAXES; AND

(III) IMPROVED METHODS FOR EVALUATION OF THE EFFECTIVENESS AND EFFICIENCY OF TAX POLICIES INTENDED AS ECONOMIC DEVELOPMENT INCENTIVES.

(C) THE COMMISSION SHALL BE COMPOSED OF 17 MEMBERS, AS FOLLOWS:

(1) A CHAIR, APPOINTED BY THE GOVERNOR;

(2) THREE MEMBERS OF THE SENATE BUDGET AND TAXATION COMMITTEE, APPOINTED BY THE PRESIDENT OF THE SENATE;

(3) THREE MEMBERS OF THE HOUSE COMMITTEE ON WAYS AND MEANS, APPOINTED BY THE SPEAKER OF THE HOUSE;

(4) THE COMPTROLLER OF THE TREASURY, OR THE COMPTROLLER'S DESIGNEE;

(5) THE SECRETARY OF BUSINESS AND ECONOMIC DEVELOPMENT, OR THE SECRETARY'S DESIGNEE;

(6) THE SECRETARY OF BUDGET AND MANAGEMENT, OR THE SECRETARY'S DESIGNEE;

(7) THE DIRECTOR OF THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION, OR THE DIRECTOR'S DESIGNEE;

(8) A REPRESENTATIVE OF THE MARYLAND ASSOCIATION OF COUNTIES;

(9) A REPRESENTATIVE OF THE MARYLAND MUNICIPAL LEAGUE;

(10) A REPRESENTATIVE OF THE MARYLAND CHAMBER OF COMMERCE; AND

(11) THREE MEMBERS OF THE PUBLIC KNOWLEDGEABLE ABOUT THE STATE'S BUSINESS TAX STRUCTURE, APPOINTED BY THE GOVERNOR.

(D) THE COMPTROLLER AND THE DEPARTMENT OF BUDGET AND MANAGEMENT SHALL PROVIDE STAFF SUPPORT TO THE COMMISSION.

(E) A MEMBER OF THE COMMISSION:

(1) MAY NOT RECEIVE COMPENSATION; BUT

(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

(F) ON OR BEFORE DECEMBER 15, 2010, THE COMMISSION SHALL SUBMIT AN INTERIM REPORT OF ITS FINDINGS AND RECOMMENDATIONS TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY.

(G) ON OR BEFORE DECEMBER 15, 2011, THE COMMISSION SHALL SUBMIT A FINAL REPORT OF ITS FINDINGS AND RECOMMENDATIONS TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY.

SECTION 6. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Tax – General

10–402.

(c) (2) (vi) As part of its tax return for a taxable year beginning after December 31, **[**2000 but before January 1, 2003**]** **2005**, each manufacturing corporation that has more than 25 employees and apportions its income under this paragraph shall submit a report, in the form that the Comptroller requires by regulation, that describes for each taxable year as of the last day of the taxable year the following:

1. the difference in tax owed as a result of using **THE** single sales factor apportionment method under this paragraph as compared to the

tax owed using the 3–factor double weighted sales factor apportionment method in effect for the last taxable year beginning on or before December 31, 2000;

2. volume of sales in the State and worldwide;

3. taxable income in the State and worldwide; and

4. book value of plant, land, and equipment in the State and worldwide.

(vii) On or before October 1, **[**2003**] 2008,** and October 1**[**, 2004**] OF EACH YEAR THEREAFTER**, and notwithstanding any confidentiality requirements, the Comptroller shall prepare and submit to the Governor and, subject to § 2–1246 of the State Government Article, to the General Assembly, a comprehensive report on the use of single sales factor apportionment by manufacturing corporations that provides, at a minimum:

1. the number of corporations filing tax returns for the taxable year that ended during the preceding calendar year that use single sales factor apportionment and the number of such corporations having a Maryland income tax liability for that taxable year;

2. the number of corporations paying less in Maryland income tax for that taxable year as a result of using single sales factor apportionment and the aggregate amount of Maryland income tax savings for all such corporations for that taxable year as a result of using single sales factor apportionment; and

3. the number of corporations paying more in Maryland income tax for the taxable year as a result of using single sales factor apportionment and the aggregate amount of additional Maryland income tax owed by those corporations for the taxable year as a result of using single sales factor apportionment.

10–804.

(e) Each person required under this subtitle to file an income tax return or estimated income tax declaration or return shall:

(3) attach to an income tax return or otherwise file with the Comptroller any records or statements that the Comptroller requires, including:

(ii) a copy of the federal income tax return:

1. for a corporation**;**

2. FOR AN INDIVIDUAL WHO REPORTS INCOME OR LOSS FROM A SOLE PROPRIETORSHIP (SCHEDULE C OF FORM 1040) OR INCOME OR LOSS FROM RENTAL REAL ESTATE AND ROYALTIES, PARTNERSHIPS AND S CORPORATIONS, ESTATES AND TRUSTS, OR REAL ESTATE MORTGAGE INVESTMENT CONDUITS (SCHEDULE E OF FORM 1040); and

[2.**] 3.** if the Comptroller requests, for an individual **OTHER THAN ONE DESCRIBED IN ITEM 2 OF THIS ITEM**; **[**and**]**

(III) FOR A CORPORATION, THE STATEMENTS REQUIRED UNDER § 10–804.1 OF THIS SUBTITLE; AND

[(iii)**] (IV)** if the Comptroller requests, for a corporation that is a member of an affiliated group or controlled group under § 1504 or § 1563 of the Internal Revenue Code, a statement of all intermember costs or expenses and all intermember sales, exchanges, or other transactions involving tangible or intangible property for the taxable year.

10–804.1.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "CORPORATE GROUP" MEANS:

(I) AN AFFILIATED GROUP OR CONTROLLED GROUP UNDER § 1504 OR § 1563 OF THE INTERNAL REVENUE CODE; OR

(II) AN AFFILIATED GROUP OF CORPORATIONS:

1. THAT IS ENGAGED IN A UNITARY BUSINESS; AND

2. MORE THAN 50% OF THE VOTING STOCK OF EACH MEMBER OF WHICH IS DIRECTLY OR INDIRECTLY OWNED BY:

A. A COMMON OWNER OR COMMON OWNERS, EITHER CORPORATE OR NONCORPORATE; OR

B. ONE OR MORE MEMBERS OF THE GROUP.

(3) "DOING BUSINESS IN THE STATE" INCLUDES ENGAGING IN ANY OF THE FOLLOWING ACTIVITIES, WHETHER OR NOT THE CORPORATION ENGAGING IN THE ACTIVITY IS SUBJECT TO THE TAX IMPOSED UNDER THIS TITLE:

(I) OWNING OR RENTING REAL OR TANGIBLE PERSONAL PROPERTY PHYSICALLY LOCATED IN THE STATE;

(II) HAVING EMPLOYEES, AGENTS, OR REPRESENTATIVES ACTING ON THE CORPORATION'S BEHALF IN THE STATE;

(III) MAKING SALES OF TANGIBLE PERSONAL PROPERTY TO PURCHASERS THAT TAKE POSSESSION OF THE PROPERTY IN THE STATE;

(IV) PERFORMING SERVICES FOR CUSTOMERS LOCATED IN THE STATE;

(V) PERFORMING SERVICES IN THE STATE;

(VI) EARNING INCOME FROM INTANGIBLE PROPERTY THAT HAS A BUSINESS SITUS IN THE STATE;

(VII) ENGAGING IN REGULAR AND SYSTEMATIC SOLICITATION OF SALES IN THE STATE;

(VIII) BEING A GENERAL OR LIMITED PARTNER IN A PARTNERSHIP ENGAGED IN ANY OF THE ACTIVITIES DESCRIBED IN ITEMS (I) THROUGH (VII) OF THIS PARAGRAPH; OR

(IX) BEING A MEMBER OF A LIMITED LIABILITY COMPANY ENGAGED IN ANY OF THE ACTIVITIES DESCRIBED IN ITEMS (I) THROUGH (VII) OF THIS PARAGRAPH.

(4) "PUBLICLY TRADED CORPORATION" MEANS:

(I) A CORPORATION THAT IS REGULARLY TRADED ON AN ESTABLISHED SECURITIES MARKET IN THE UNITED STATES OR A FOREIGN COUNTRY; OR

(II) A CORPORATION MORE THAN 50% OF THE VOTING STOCK OF WHICH IS OWNED, DIRECTLY OR INDIRECTLY, BY A CORPORATION, TRUST, ASSOCIATION, OR OTHER BUSINESS ENTITY THAT IS REGULARLY TRADED ON AN ESTABLISHED SECURITIES MARKET IN THE UNITED STATES OR A FOREIGN COUNTRY.

(B) EACH CORPORATION THAT IS REQUIRED TO FILE AN INCOME TAX RETURN UNDER THIS TITLE AND IS A MEMBER OF A CORPORATE GROUP SHALL FILE WITH THE COMPTROLLER:

(1) A STATEMENT IDENTIFYING EACH MEMBER OF THE CORPORATE GROUP AND STATING FOR EACH MEMBER OF THE CORPORATE GROUP:

(I) WHETHER THE MEMBER FILED AN INCOME TAX RETURN UNDER THIS TITLE FOR THE TAXABLE YEAR;

(II) THE TOTAL VOLUME OF SALES BY THE MEMBER WORLDWIDE FOR THE TAXABLE YEAR; AND

(III) THE VOLUME OF SALES MADE BY THE MEMBER IN THE STATE FOR THE TAXABLE YEAR, IF ANY; AND

(2) A STATEMENT:

(I) IDENTIFYING EACH STATE OTHER THAN MARYLAND IN WHICH ANY MEMBER OF THE CORPORATE GROUP FILED AN INCOME TAX RETURN FOR THE TAXABLE YEAR; AND

(II) AS TO ANY STATE THAT REQUIRES COMBINED OR CONSOLIDATED REPORTING FOR CORPORATE INCOME TAXPAYERS, LISTING THE MEMBERS OF THE CORPORATE GROUP THAT ARE INCLUDED IN THE COMBINED OR CONSOLIDATED GROUP FOR PURPOSES OF THE INCOME TAX RETURN OR RETURNS FILED IN THAT STATE.

(C) (1) EACH PUBLICLY TRADED CORPORATION THAT IS DOING BUSINESS IN THE STATE SHALL FILE WITH THE COMPTROLLER A STATEMENT CONTAINING THE FOLLOWING INFORMATION:

(I) THE NAME OF THE CORPORATION AND THE STREET ADDRESS OF ITS PRINCIPAL EXECUTIVE OFFICE;

(II) THE NAME OF ANY CORPORATION THAT OWNS, DIRECTLY OR INDIRECTLY, 50% OR MORE OF THE VOTING STOCK OF THE CORPORATION AND THE STREET ADDRESS OF THAT CORPORATION'S PRINCIPAL EXECUTIVE OFFICE;

(III) THE CORPORATION'S 4–DIGIT NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM CODE NUMBER; AND

(IV) AS SPECIFIED BY THE COMPTROLLER, INFORMATION REPORTED ON OR USED IN PREPARING THE CORPORATION'S TAX RETURN FILED UNDER THIS TITLE, OR, IN THE CASE OF A CORPORATION NOT REQUIRED TO FILE A TAX RETURN UNDER THIS TITLE, THE INFORMATION THAT WOULD BE REQUIRED TO BE REPORTED ON OR USED IN PREPARING THE TAX RETURN IF THE CORPORATION WERE REQUIRED TO FILE AN INCOME TAX RETURN.

(2) IN LIEU OF THE INFORMATION DESCRIBED IN PARAGRAPH (1)(IV) OF THIS SUBSECTION, A PUBLICLY TRADED CORPORATION DOING BUSINESS IN THE STATE BUT NOT REQUIRED TO FILE A TAX RETURN UNDER THIS TITLE MAY ELECT TO PROVIDE THE FOLLOWING INFORMATION:

(I) AN EXPLANATION OF WHY THE CORPORATION IS NOT REQUIRED TO FILE A CORPORATE INCOME TAX RETURN IN THIS STATE; AND

(II) A STATEMENT AS TO WHETHER THE CORPORATION'S TOTAL GROSS RECEIPTS FROM SALES TO PURCHASERS IN THIS STATE FOR THE TAXABLE YEAR WERE:

1. LESS THAN $10,000,000;

2. AT LEAST $10,000,000 BUT LESS THAN $50,000,000;

3. AT LEAST $50,000,000 BUT LESS THAN $100,000,000;

4. AT LEAST $100,000,000 BUT LESS THAN $250,000,000; OR

5. AT LEAST $250,000,000.

(3) IF A PUBLICLY TRADED CORPORATION IS A MEMBER OF A CORPORATE GROUP AND THE CORPORATE GROUP HAS WORLDWIDE GROSS RECEIPTS FOR THE TAXABLE YEAR IN EXCESS OF $100,000,000, THE STATEMENT REQUIRED UNDER THIS SUBSECTION SHALL INCLUDE:

(I) THE INFORMATION SPECIFIED UNDER PARAGRAPH (1) OR (2) OF THIS SUBSECTION FOR EACH MEMBER OF THE CORPORATE GROUP, WHETHER OR NOT THE MEMBER IS DOING BUSINESS IN THE STATE OR IS REQUIRED TO FILE AN INCOME TAX RETURN UNDER THIS TITLE; AND

(II) OTHER INFORMATION AS SPECIFIED BY THE COMPTROLLER FOR THE CORPORATION AND FOR EACH MEMBER OF ANY CORPORATE GROUP OF WHICH THE CORPORATION IS A MEMBER, INCLUDING:

1. THE MEMBERS OF THE CORPORATE GROUP THAT WOULD BE INCLUDED IN THE COMBINED GROUP USING THE "WATER'S EDGE" METHOD FOR PURPOSES OF COMBINED REPORTING AND THE DIFFERENCE IN MARYLAND INCOME TAX THAT WOULD BE OWED IF THE CORPORATION WERE REQUIRED TO USE COMBINED REPORTING USING THE "WATER'S EDGE" METHOD TO DETERMINE ITS MARYLAND INCOME TAX;

2. THE SALES FACTOR THAT WOULD BE CALCULATED FOR THIS STATE AND THE DIFFERENCE IN MARYLAND INCOME TAX THAT WOULD BE OWED IF THE CORPORATION WERE REQUIRED TO INCLUDE IN THE NUMERATOR OF THE SALES FACTOR FOR PURPOSES OF APPORTIONING INCOME TO THE STATE ALL SALES OF PROPERTY SHIPPED FROM AN OFFICE, STORE, WAREHOUSE, FACTORY, OR OTHER PLACE OF STORAGE IN THIS STATE WHERE:

A. THE PURCHASER IS THE FEDERAL GOVERNMENT; AND

B. THE PROPERTY IS SHIPPED OR DELIVERED TO A CUSTOMER IN A STATE IN WHICH THE SELLING CORPORATION IS NOT SUBJECT TO A STATE CORPORATE INCOME TAX OR STATE FRANCHISE TAX MEASURED BY NET INCOME AND COULD NOT BE SUBJECTED TO SUCH A TAX IF THE STATE WERE TO IMPOSE IT;

3. FOR ANY INCOME THAT THE TAXPAYER HAS IDENTIFIED, ON THE INCOME TAX RETURN FILED UNDER THIS TITLE OR ON AN INCOME TAX RETURN FILED IN ANY STATE, AS INCOME THAT IS NOT APPORTIONABLE:

A. THE AMOUNT AND SOURCE OF THAT NONAPPORTIONABLE INCOME;

B. UNLESS THE PRINCIPAL EXECUTIVE OFFICE OF THE CORPORATION IS IN THIS STATE, THE STATE TO WHICH THAT NONAPPORTIONABLE INCOME WAS ALLOCATED; AND

C. IF THE PRINCIPAL EXECUTIVE OFFICE OF THE CORPORATION IS IN THIS STATE, THE DIFFERENCE IN TAX THAT WOULD BE OWED IF THE CORPORATION WERE REQUIRED TO ALLOCATE 100% OF THE NONAPPORTIONABLE INCOME TO MARYLAND;

4. THE FULL–TIME EQUIVALENT EMPLOYMENT OF THE CORPORATION IN THE STATE ON THE LAST DAY OF THE TAXABLE YEAR AND FOR THE 3 PREVIOUS TAXABLE YEARS; AND

5. IF THE CORPORATION IS INCORPORATED IN THE UNITED STATES OR IS AN AFFILIATE OF A CORPORATION INCORPORATED IN THE UNITED STATES, PROFITS BEFORE TAX REPORTED ON THE SECURITIES AND EXCHANGE COMMISSION FORM 10–K FOR THE CORPORATION OR THE CORPORATE GROUP OF WHICH THE CORPORATION IS A MEMBER FOR THE CORPORATE FISCAL YEAR THAT CONTAINS THE LAST DAY OF THE TAXABLE YEAR.

(D) (1) THE STATEMENTS REQUIRED UNDER SUBSECTIONS (B) AND (C) OF THIS SECTION:

(I) SHALL BE FILED ANNUALLY, FOR ALL TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 2005, ON OR BEFORE DATES SPECIFIED BY THE COMPTROLLER IN AN ELECTRONIC FORMAT AS SPECIFIED BY THE COMPTROLLER;

(II) SHALL BE:

1. MADE UNDER OATH AND SIGNED IN THE SAME MANNER AS REQUIRED FOR INCOME TAX RETURNS UNDER § 10–804 OF THIS SUBTITLE; AND

2. SUBJECT TO AUDIT BY THE COMPTROLLER IN THE COURSE OF AND UNDER THE NORMAL PROCEDURES APPLICABLE TO CORPORATE INCOME TAX RETURN AUDITS; AND

(III) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, SHALL BE TREATED AS CONFIDENTIAL TAXPAYER INFORMATION SUBJECT TO TITLE 13, SUBTITLE 2 OF THIS ARTICLE.

(2) THE STATEMENTS REQUIRED UNDER THIS SECTION FOR THE MEMBERS OF A CORPORATE GROUP SHALL BE SUBMITTED BY THE CORPORATE GROUP IN ONE COMBINED REPORT THAT INCLUDES THE INFORMATION REQUIRED UNDER SUBSECTIONS (B) AND (C) OF THIS SECTION FOR ALL MEMBERS OF THE CORPORATE GROUP.

(3) THE COMPTROLLER SHALL DEVELOP AND IMPLEMENT AN OVERSIGHT SYSTEM TO ENSURE THAT CORPORATIONS DOING BUSINESS IN THE STATE, INCLUDING THOSE NOT REQUIRED TO FILE A RETURN UNDER THIS TITLE, PROVIDE THE REQUIRED DISCLOSURE STATEMENTS IN A TIMELY AND ACCURATE MANNER.

(4) A PERSON WHO IS REQUIRED TO FILE A STATEMENT UNDER THIS SECTION WHO WILLFULLY FAILS TO FILE THE STATEMENT OR WHO FILES A FALSE STATEMENT IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE NOT EXCEEDING $10,000 OR IMPRISONMENT NOT EXCEEDING 5 YEARS OR BOTH.

(5) THE COMPTROLLER SHALL PUBLISH THE NAME OF, AND PENALTY IMPOSED ON, ANY CORPORATION FAILING TO FILE A STATEMENT REQUIRED UNDER THIS SECTION OR FILING AN INACCURATE STATEMENT.

(E) (1) A CORPORATION SUBMITTING A STATEMENT REQUIRED UNDER THIS SECTION MAY SUBMIT SUPPLEMENTAL INFORMATION THAT, IN ITS SOLE JUDGMENT AND DISCRETION, COULD FACILITATE PROPER INTERPRETATION OF THE INFORMATION INCLUDED IN THE STATEMENT.

(2) A CORPORATION SHALL FILE A SUPPLEMENTAL STATEMENT UNDER THIS SECTION WITHIN 60 DAYS AFTER:

(I) THE CORPORATION FILES AN AMENDED TAX RETURN UNDER THIS TITLE; OR

(II) THE CORPORATION'S TAX LIABILITY FOR A TAX YEAR IS CHANGED AS THE RESULT OF AN AUDIT ADJUSTMENT OR FINAL DETERMINATION OF LIABILITY BY THE COMPTROLLER OR BY A COURT OF LAW.

(F) (1) THE COMPTROLLER SHALL:

(I) COLLECT, COMPILE, AND ANALYZE THE INFORMATION SUBMITTED UNDER THIS SECTION;

(II) USE THE INFORMATION SUBMITTED UNDER THIS SECTION TO PROVIDE ANALYSES AS REQUESTED BY THE GOVERNOR OR THE GENERAL ASSEMBLY RELATING TO THE CORPORATE INCOME TAX OR PROPOSALS FOR CHANGES TO THE CORPORATE INCOME TAX; AND

(III) ON OR BEFORE DECEMBER 1 OF EACH YEAR, BASED ON INFORMATION PROVIDED IN INCOME TAX RETURNS AND THE DATA SUBMITTED UNDER THIS SUBSECTION, SUBMIT A REPORT TO THE GOVERNOR AND, SUBJECT TO § 2–1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY, CONCERNING THE CORPORATE INCOME TAX.

(2) THE REPORT REQUIRED UNDER THIS SUBSECTION SHALL:

(I) SUMMARIZE THE INFORMATION SUBMITTED UNDER THIS SECTION; AND

(II) PROVIDE DETAILED ANALYSES OF THE CHARACTERISTICS OF CORPORATE TAXPAYERS, INCLUDING:

1. HISTORICAL SERIES OF DATA AND DETAILED REPORTS FOR THE REPORTED YEAR; AND

2. THE DISTRIBUTION OF MARYLAND TAXABLE INCOME, INCOME TAX LIABILITY, AND OTHER ELEMENTS OF THE CORPORATE INCOME TAX SUCH AS TAX CREDITS, MODIFICATIONS TO INCOME, AND NET OPERATING LOSS CARRYOVERS.

(3) THE INFORMATION PROVIDED IN THE REPORT SHALL BE PROVIDED BY VARIOUS CATEGORIES, INCLUDING:

(I) BUSINESS CATEGORY; AND

(II) VARIOUS MEASURES OF SIZE, SUCH AS TAXABLE INCOME, IN–STATE AND WORLDWIDE PAYROLL, AND IN–STATE AND WORLDWIDE GROSS RECEIPTS.

(G) THE COMPTROLLER SHALL ADOPT APPROPRIATE REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SECTION.".

On page 31, after line 6, insert:

"SECTION 13. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, except as otherwise provided in regulations that the Comptroller adopts, the reports and statements required for a taxable year

beginning before January 1, 2007, under §§ 10–402(c)(2)(vi) and 10–804.1 of the Tax – General Article as enacted by Section 6 of this Act shall be submitted as part of a corporation's tax return for the corporation's next taxable year beginning after December 31, 2006, and shall be reflected in the Comptroller's reports to be submitted in 2008 to the Governor and General Assembly under §§ 10–402(c)(vii) and 10–804.1 of the Tax – General Article.".

AMENDMENT NO. 14

On page 22, before line 31, insert:

"Article – Transportation

13–809.

(a) (3) "Total purchase price" means the price of a vehicle agreed on by the buyer and the seller, including any dealer processing charge, **[**with no**]** **LESS AN** allowance for trade–in **[**or**]** **BUT WITH NO ALLOWANCE FOR** other nonmonetary consideration.

(b) (1) Except as otherwise provided in this part, in addition to any other charge required by the Maryland Vehicle Law, an excise tax is imposed:

(i) For each original and each subsequent certificate of title issued in this State for a motor vehicle, trailer, or semitrailer; and

(ii) Except as provided in paragraph (2) of this subsection, for each motor vehicle, trailer, or semitrailer that is in interstate operation and registered under § 13–109(c) or (d) of this title without a certificate of title.

(c) (1) Except as provided in subsection (b)(2) of this section, the tax imposed by this section is **[**5 percent**]** **6 PERCENT** of the fair market value of the vehicle.

SECTION 7. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article 24 – Political Subdivisions – Miscellaneous Provisions

9–1104.

THE GOVERNOR SHALL INCLUDE IN THE BUDGET BILL FOR EACH FISCAL YEAR A GENERAL FUND APPROPRIATION TO BALTIMORE CITY OF $3,075,000.

Article – Environment

9–1605.3.

THE GOVERNOR SHALL INCLUDE IN THE BUDGET BILL FOR EACH FISCAL YEAR A GENERAL FUND APPROPRIATION FOR CHESAPEAKE BAY RELATED PROGRAMS OF NOT LESS THAN $13,755,000.

Article – Natural Resources

4–209.

(K) THE GOVERNOR SHALL INCLUDE IN THE BUDGET BILL FOR EACH FISCAL YEAR A GENERAL FUND APPROPRIATION TO THE FISHERIES RESEARCH AND DEVELOPMENT FUND OF NOT LESS THAN $1,794,000.

8–707.

(D) THE GOVERNOR SHALL INCLUDE IN THE BUDGET BILL FOR EACH FISCAL YEAR A GENERAL FUND APPROPRIATION TO THE WATERWAY IMPROVEMENT FUND OF NOT LESS THAN $1,794,000.

Article – Tax – General

2–1103.

After making the distributions required under §§ 2–1101 and 2–1102 of this subtitle, the Comptroller shall distribute:

(1) the remaining motor fuel tax revenue from aviation fuel to the Transportation Trust Fund; and

(2) all remaining motor fuel tax revenue**[**, equal to the average percentage by which the motor fuel tax rate exceeds 18.5 cents per gallon, to the gasoline and motor vehicle revenue account**] TO THE GASOLINE AND MOTOR VEHICLE REVENUE ACCOUNT** in the Transportation Trust Fund.

[2–1104.

After making the distributions required under §§ 2–1101 through 2–1103 of this subtitle, from the remaining motor fuel tax revenue, the Comptroller shall distribute:

(1) 0.3% to the Waterway Improvement Fund;

(2) 0.3% to the Fisheries Research and Development Fund;

(3) 2.3% to the General Fund of the State for Chesapeake Bay related programs; and

(4) any remaining balance to the Gasoline and Motor Vehicle Revenue Account of the Transportation Trust Fund.**]**

Article – Transportation

[13–208.

(a) Of each filing fee received under this subtitle, the Administration shall deposit $14 in the General Fund.

(b) For each fiscal year, the Comptroller shall distribute to Baltimore City an amount equal to $5 for each filing fee received under this subtitle.**]**

13–613.

(d) **[**Except as provided in subsection (e) of this section, of the**]** **THE** proceeds collected annually from the additional fees charged under this section**[**:

(1) The first $180,000 shall be paid into a special fund administered by the Maryland Higher Education Commission for use in the medical, dental, legal, nursing, social work, and pharmaceutical scholarship programs provided by this State;

(2) The next $200,000 shall be used solely for the purposes of the scholarship program authorized by §§ 18–1101 through 18–1105 of the Education Article; and

(3) Except as otherwise provided by law, any balance shall be distributed to the General Fund of the State**]** **SHALL BE DISTRIBUTED TO THE TRANSPORTATION TRUST FUND**.

[(e) (1) The Administration shall keep $12.50 of the fee payable with the original application for special registration under this section to recover the administrative and production costs of the special registration.

(2) Funds kept by the Administration under this subsection may not be credited to the Gasoline and Motor Vehicle Revenue Account for distribution under § 8–403 or § 8–404 of this article.**]**".

On page 31, after line 22, insert:

"SECTION 15. AND BE IT FURTHER ENACTED, That § 13–809 of the Transportation Article as enacted by Section 6 of this Act shall be applicable to all certificates of title issued in the State on or after January 1, 2008, and to all motor vehicles, trailers, or semitrailers subject to the excise tax that are in interstate operation and registered under § 13–109(c) or (d) of the Transportation Article without a certificate of title on or after January 1, 2008.

SECTION 16. AND BE IT FURTHER ENACTED, That, notwithstanding the provisions of Section 6 of this Act, the modified definition of "total purchase price" for the purposes of the calculation of the motor vehicle excise tax imposed on a vehicle under § 13–809(a) of the Transportation Article as enacted under Section 6 of this Act does not apply until any Consolidated Transportation Bonds that were issued by the Department of Transportation before January 1, 2008 no longer remain outstanding and unpaid; provided, however, that in any fiscal year for which funds are appropriated by the General Assembly to pay the principal of and interest on the Department of Transportation's Consolidated Transportation Bonds due and payable in that fiscal year, the Motor Vehicle Administration shall collect the reduced motor vehicle excise tax imposed on a vehicle by utilizing the modified definition as enacted under Section 6 of this Act.".

On page 32, after line 14, insert:

"SECTION 21. AND BE IT FURTHER ENACTED, That Section 7 of this Act shall take effect July 1, 2010, and shall be applicable to all fiscal years beginning after June 30, 2010.".

AMENDMENT NO. 15

On page 22, in line 31, strike "6." and substitute "8."; after line 33, insert:

"12–101.

(B–1) "LITTLE CIGAR" MEANS ANY ROLL FOR SMOKING THAT:

(1) IS MADE OF TOBACCO OR TOBACCO MIXED WITH ANOTHER INGREDIENT;

(2) IS WRAPPED IN A LEAF OF TOBACCO OR IN ANY OTHER MATERIAL CONTAINING TOBACCO; AND

(3) WEIGHS LESS THAN 3 POUNDS PER THOUSAND.

(B–2) "MOIST SNUFF" MEANS ANY FINELY CUT, GROUND, OR POWDERED TOBACCO, OTHER THAN DRY SNUFF, THAT IS INTENDED TO BE PLACED IN THE ORAL CAVITY.

(c) **(1)** "Other tobacco product" means:

[(1)**]** **(I)** any cigar or roll for smoking, other than a cigarette, made in whole or in part of tobacco; or

[(2)**]** **(II)** any other tobacco or product made primarily from tobacco, other than a cigarette, that is intended for consumption by smoking or chewing or as snuff.

(2) "OTHER TOBACCO PRODUCT" INCLUDES A LITTLE CIGAR.".

On page 23, in line 1, strike "The" and substitute "**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE**"; in the same line, after "cigarettes" insert "**AND LITTLE CIGARS**"; in lines 2, 3, 5, and 7, strike "(1)", "(2)", "(3)", and "(4)", respectively, and substitute "**(I)**", "**(II)**", "**(III)**", and "**(IV)**", respectively; in lines 2, 4, 6, and 8, in each instance, after "cigarettes" insert "**OR LITTLE CIGARS**"; after line 8, insert:

"**(2) IF THE FEDERAL EXCISE TAX RATE ON CIGARETTES IS INCREASED AFTER OCTOBER 1, 2007, THE AMOUNT OF THE TOBACCO TAX RATE FOR CIGARETTES REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE REDUCED IN PROPORTION TO THE AMOUNT OF THE INCREASE IN THE FEDERAL EXCISE TAX RATE SUBJECT TO THE REQUIREMENTS OF PARAGRAPH (3) OF THIS SUBSECTION.**

(3) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE COMPTROLLER SHALL DETERMINE THE AMOUNT OF THE REDUCTION IN THE TOBACCO TAX RATE UNDER PARAGRAPH (2) OF THIS SUBSECTION.

(II) THE REDUCTION IN THE AMOUNT OF THE TOBACCO TAX RATE MAY NOT EXCEED:

1. 25 CENTS FOR EACH PACKAGE OF 10 OR FEWER CIGARETTES;

2. 50 CENTS FOR EACH PACKAGE OF AT LEAST 11 AND NOT MORE THAN 20 CIGARETTES;

3. 2 CENTS FOR EACH CIGARETTE IN A PACKAGE OF MORE THEN 20 CIGARETTES; AND

4. 2 CENTS FOR EACH CIGARETTE IN A PACKAGE OF FREE SAMPLE CIGARETTES.

(b) **(1) [**The**] EXCEPT FOR LITTLE CIGARS AND MOIST SNUFF, THE** tobacco tax rate for other tobacco products is 15% of the wholesale price of the tobacco products.

(2) FOR MOIST SNUFF, THE TOBACCO TAX RATE IS 39 CENTS FOR EACH OUNCE OF NET WEIGHT OF THE PRODUCT AS LISTED BY THE MANUFACTURER AND A PROPORTIONATE AMOUNT FOR EACH FRACTION OF AN OUNCE IN EXCESS OF A WHOLE OUNCE OF NET WEIGHT OF THE PRODUCT.

12–201.

(a) A manufacturer shall complete and file with the Comptroller a tobacco tax return:

(1) on or before the 15th day of the month that follows the month in which the manufacturer distributes in the State free sample cigarettes **OR LITTLE CIGARS** of the manufacturer; and

(2) if the Comptroller so specifies, by regulation, on other dates for each month in which the manufacturer does not distribute any sample cigarettes **OR LITTLE CIGARS**.

(b) A licensed storage warehouse operator shall file the information return that the Comptroller requires.

12–202.

(a) A wholesaler shall complete and file with the Comptroller a tobacco tax return:

(1) for cigarettes:

(i) on or before the 21st day of the month that follows the month in which the wholesaler has the first possession, in the State, of unstamped cigarettes for which tax stamps are required; and

(ii) if the Comptroller so specifies, by regulation, on other dates for each month in which the wholesaler does not have the first possession of any unstamped cigarettes in the State; and

(2) for other tobacco products, on the dates and for the periods that the Comptroller specifies by regulation.

(b) Each return shall state the quantity of cigarettes**, THE NET WEIGHT OF MOIST SNUFF AS LISTED BY THE MANUFACTURER,** or the wholesale price of other tobacco products **OTHER THAN MOIST SNUFF** sold during the period that the return covers.

12–302.

(a) A manufacturer of sample cigarettes **OR LITTLE CIGARS** shall pay the tobacco tax on those cigarettes **OR LITTLE CIGARS** distributed in the State without charge, in the manner that the Comptroller requires by regulation, with the return that covers the period in which the manufacturer distributed those cigarettes **OR LITTLE CIGARS**.";

in line 10, strike the brackets; in line 11, strike "**0.41%**"; and after line 11, insert:

"Article – Commercial Law

SUBTITLE 5B. LITTLE CIGAR SALES OF FEWER THAN FIVE PER PACKAGE.

11–5B–01.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "LITTLE CIGAR" HAS THE MEANING STATED IN § 12–101(B–1) OF THE TAX – GENERAL ARTICLE.

(C) "RETAILER" INCLUDES ANY PERSON ENGAGED IN THE BUSINESS OF MAKING RETAIL SALES OF LITTLE CIGARS WITHIN THE STATE AT A STORE, STAND, BOOTH, OR CONCESSION, THROUGH VENDING MACHINES, OR OTHERWISE.

(D) "SELL" INCLUDES ADVERTISE, OFFER TO SELL, OR OFFER FOR SALE.

(E) "VENDING MACHINE OPERATOR" MEANS A PERSON THAT:

(1) MAKES RETAIL SALES OF LITTLE CIGARS OR HAS LITTLE CIGARS IN ITS POSSESSION WITH THE INTENT TO SELL THEM EXCLUSIVELY AT RETAIL THROUGH THE MEDIUM OF A VENDING MACHINE OR ANY OTHER MECHANICAL DEVICE USED FOR DISPENSING LITTLE CIGARS;

(2) OWNS, OPERATES, AND SERVICES VENDING MACHINES OR OTHER MECHANICAL DEVICES USED TO DISPENSE LITTLE CIGARS ON 40 OR MORE PREMISES; AND

(3) SERVICES THE MACHINES OR DEVICES BY MAINTAINING AN ESTABLISHED PLACE OF BUSINESS FOR THE PURCHASE OF LITTLE CIGARS, INCLUDING WAREHOUSING FACILITIES FOR THE STORAGE AND DISTRIBUTION OF LITTLE CIGARS.

(F) (1) "WHOLESALER" MEANS A PERSON THAT PURCHASES LITTLE CIGARS DIRECTLY FROM A MANUFACTURER.

(2) "WHOLESALER" INCLUDES A PERSON THAT, AS A SUBWHOLESALER:

(I) PURCHASES LITTLE CIGARS FROM ANOTHER WHOLESALER SOLELY FOR THE PURPOSE OF BONA FIDE RESALE TO RETAILERS OTHER THAN THOSE DIRECTLY OR INDIRECTLY OWNED, AFFILIATED, OR CONTROLLED BY THE SUBWHOLESALER; AND

(II) SERVICES THE RETAILERS BY MAINTAINING AN ESTABLISHED PLACE OF BUSINESS FOR THE SALE OF LITTLE CIGARS, INCLUDING

WAREHOUSE FACILITIES, ADEQUATE INVENTORY, PROPER ACCOUNTING RECORDS, AND NECESSARY EQUIPMENT AND VEHICLES FOR THE STORAGE AND DISTRIBUTION OF LITTLE CIGARS.

(3) IF THE PERSON IS ENGAGED IN THE BUSINESS OF MAKING BOTH WHOLESALE SALES OF LITTLE CIGARS AND RETAIL SALES OF LITTLE CIGARS, THE WORD ONLY APPLIES TO THE WHOLESALE SALES OF LITTLE CIGARS PORTION OF THE BUSINESS.

11–5B–02.

(A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A RETAILER OR VENDING MACHINE OPERATOR MAY NOT PURCHASE FROM A TOBACCO PRODUCT MANUFACTURER OR SELL, RESELL, DISTRIBUTE, DISPENSE, OR GIVE AWAY TO ANY PERSON A PACKAGE OF LITTLE CIGARS CONTAINING FEWER THAN FIVE LITTLE CIGARS.

(B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A WHOLESALER MAY NOT SELL, RESELL, DISTRIBUTE, DISPENSE, OR GIVE AWAY TO ANY PERSON IN THIS STATE A PACKAGE OF LITTLE CIGARS CONTAINING FEWER THAN FIVE LITTLE CIGARS.

11–5B–03.

(A) THE COMPTROLLER SHALL ENFORCE THIS SUBTITLE.

(B) THE COMPTROLLER SHALL:

(1) EMPLOY AND DETERMINE THE DUTIES AND COMPENSATION OF THE INSPECTORS AND OTHER PERSONNEL NECESSARY TO ENFORCE THIS SUBTITLE; AND

(2) ADOPT REGULATIONS NECESSARY TO EFFECTUATE AND ENFORCE THE PROVISIONS OF THIS SUBTITLE.".

AMENDMENT NO. 16

On page 11, after line 27, insert:

"2–202.

After making the distribution required under § 2–201 of this subtitle, within 20 days after the end of each quarter, the Comptroller shall distribute**:**

(1) THE REVENUE FROM THE STATE ADMISSIONS AND AMUSEMENT TAX ON ELECTRONIC BINGO AND ELECTRONIC TIP JARS UNDER § 4–102(D) OF THIS ARTICLE TO THE GENERAL FUND OF THE STATE; AND

(2) the remaining admissions and amusement tax revenue:

[(1)**]** **(I)** to the Maryland Stadium Authority, county, or municipal corporation that is the source of the revenue; or

[(2)**]** **(II)** if the Maryland Stadium Authority and also a county or municipal corporation tax a reduced charge or free admission:

[(i)**]** **1.** 80% of that revenue to the Authority; and

[(ii)**]** **2.** 20% to the county or municipal corporation.

4–102.

(D) A STATE TAX IS IMPOSED ON THE GROSS RECEIPTS DERIVED FROM ANY CHARGE FOR THE OPERATION OF AN ELECTRONIC BINGO MACHINE PERMITTED UNDER A COMMERCIAL BINGO LICENSE OR AN ELECTRONIC TIP JAR MACHINE AUTHORIZED UNDER TITLE 13 OF THE CRIMINAL LAW ARTICLE THAT IS OPERATED FOR COMMERCIAL PURPOSES.";

and after line 28, insert:

"**(A–1) THE RATE OF THE STATE ADMISSIONS AND AMUSEMENT TAX IMPOSED ON ELECTRONIC BINGO OR ELECTRONIC TIP JARS UNDER § 4–102(D) OF THIS SUBTITLE IS 20% OF THE GROSS RECEIPTS SUBJECT TO THE TAX.**".

AMENDMENT NO. 17

On page 23, before line 12, insert:

"SECTION 9. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:";

in line 29, strike "**80%**" and substitute "**90%**".

On page 24, in lines 1, 4, and 27, in each instance, strike "**80%**" and substitute "**90%**"; in line 32, after "**BE**" insert "**AS**"; and in the same line, after "**DETERMINED**" insert "**BY THE DEPARTMENT FOR PROPERTY TAX ASSESSMENT PURPOSES AS OF THE DATE OF TRANSFER**".

On page 27, after line 9, insert:

"**(6) THE RECORDATION TAX IS NOT IMPOSED ON THE TRANSFER OF A CONTROLLING INTEREST IF THE TRANSFER, FOR FEDERAL INCOME TAX PURPOSES, DOES NOT INVOLVE THE RECOGNITION OF GAIN OR LOSS, INCLUDING THE NONRECOGNITION OF GAIN OR LOSS BECAUSE OF THE APPLICATION OF § 332, § 337, § 351, § 368(A)(1), § 721, § 731, OR § 1031 OF THE INTERNAL REVENUE CODE.**";

in line 10, strike "**(6)**" and substitute "**(7)**"; and in line 13, strike "**(5)**" and substitute "**(6)**".

On page 32, before line 15, insert:

"SECTION 22. AND BE IT FURTHER ENACTED, That Section 9 of this Act shall take effect July 1, 2008, and shall be applicable to all transfers of a controlling interest by a real property entity that occur after June 30, 2008.".

AMENDMENT NO. 18

On page 30, in lines 11 and 31, strike "7." and "8.", respectively, and substitute "11." and "12.", respectively.

On page 31, in line 7, strike "9." and substitute "14.".

On page 32, in lines 1, 9, 11, 13, and 15, strike "11.", "12.", "13.", "14.", and "15.", respectively, and substitute "17.", "18.", "19.", "20.", and "23.", respectively; in line 9, strike "4, and 5" and substitute "and 4"; in line 15, strike "12" and substitute "18"; and in line 16, strike "14" and substitute "22".

The preceding 18 amendments were read only.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #2

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 3 – The President (By Request – Administration)

AN ACT concerning

Maryland Education Trust Fund – Video Lottery Terminals

(Amendment ID: SB0003/439637/1)

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 3
(First Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 6, after "funding" insert "and are subject to certain requirements and sanctions"; in line 7, strike "a"; in line 8, strike "licensee" and substitute "licensees"; in the same line, strike "a"; in the same line, strike "race" and

substitute "races"; and in line 10, after "racing;" insert "requiring a certain licensee to maintain or convey certain property under certain circumstances;".

On page 3, in line 47, after "analysis;" insert "requiring the State Racing Commission to conduct a certain study and submit a certain report to the General Assembly;".

AMENDMENT NO. 2

On page 20, in line 2, strike "**4,250**" and substitute "**5,000**".

On page 27, in line 24, strike "**AS**" and substitute "**FOR A RACING LICENSEE THAT DOES NOT HOLD A VIDEO OPERATION LICENSE, AS**"; and in lines 24 and 25, strike "**§§ 9–1A–28 AND 9–1A–29**" and substitute "**§ 9–1A–29**".

AMENDMENT NO. 3

On page 29, in line 1, strike "**1,500,000**" and substitute "**1,000,000**".

AMENDMENT NO. 4

On page 29, after line 16, insert:

"**(D) (1) A VIDEO LOTTERY OPERATION LICENSEE THAT IS A RACETRACK LICENSEE SHALL MAINTAIN, AS A CONDITION OF LICENSURE, AT LEAST THE SAME NUMBER OF LIVE RACING DAYS AS WERE AUTHORIZED BY THE STATE RACING COMMISSION FOR THAT LOCATION IN 2004 UNLESS THE LICENSEE IS PREVENTED BY WEATHER, ACTS OF GOD, OR OTHER CIRCUMSTANCES BEYOND THE CONTROL OF THE LICENSEE.**

(2) IF A VIDEO LOTTERY OPERATION LICENSE HAS BEEN ISSUED FOR A RACETRACK LOCATION AT LAUREL PARK, THE VIDEO LOTTERY OPERATION LICENSE FOR THE LOCATION SHALL BE REVOKED IF THE NAME, COMMON LAW AND STATUTORY COPYRIGHTS, SERVICE MARKS, TRADEMARKS, TRADE NAMES, OR HORSE RACING EVENTS THAT ARE ASSOCIATED WITH THE PREAKNESS STAKES RACE OR THE WOODLAWN VASE ARE TRANSFERRED TO A LOCATION OUTSIDE THE STATE.

(3) AS AN ADDITIONAL CONDITION OF A VIDEO LOTTERY OPERATION LICENSE, IF A RACETRACK LICENSEE HOLDS A VIDEO LOTTERY OPERATION LICENSE FOR LAUREL PARK, THE LICENSEE SHALL BE REQUIRED TO:

(I) PROMOTE AND CONDUCT THE PREAKNESS STAKES RACE AT THE PIMLICO RACE COURSE EACH YEAR; OR

(II) IF THE PIMLICO RACE COURSE NO LONGER EXISTS, THE PREAKNESS STAKES RACE IS PREVENTED FROM BEING CONDUCTED AT THE PIMLICO RACE COURSE, OR THE STATE RACING COMMISSION, UNDER § 11–513 OF THE BUSINESS REGULATION ARTICLE, DEEMS AN EMERGENCY EXISTS, PROMOTE AND CONDUCT THE PREAKNESS STAKES RACE EACH YEAR AT ANOTHER TRACK LOCATED IN THE STATE THAT IS APPROVED BY THE STATE RACING COMMISSION.

(4) IF A RACETRACK LICENSEE HAS BEEN ISSUED A VIDEO LOTTERY OPERATION LICENSE FOR A RACETRACK LOCATION AT LAUREL PARK, THE LICENSEE SHALL PERMIT THE EVENT KNOWN AS THE MARYLAND MILLION TO BE RUN ANNUALLY AT LAUREL PARK UNLESS:

(I) THE LICENSEE IS PREVENTED FROM DOING SO BY WEATHER, ACTS OF GOD, OR OTHER CIRCUMSTANCES BEYOND THE CONTROL OF THE LICENSEE; OR

(II) THE LICENSEE AND THE MARYLAND MILLION LLC AGREE TO ANOTHER LOCATION THAT IS APPROVED BY THE STATE RACING COMMISSION.

(5) (I) AS A CONDITION OF CONTINUED LICENSURE, EACH VIDEO LOTTERY OPERATION LICENSEE THAT IS A RACETRACK LICENSEE SHALL DEVELOP AND SUBMIT TO THE COMMISSION A MULTIYEAR PLAN TO IMPROVE THE QUALITY AND MARKETING OF HORSE RACING AT THE LOCATION WHERE THE LICENSE IS AWARDED.

(II) EACH PLAN SHALL INCLUDE:

1. GOALS, INDICATORS, AND TIME LINES FOR SPECIFIC ACTIONS THAT WILL BE TAKEN BY THE LICENSEE TO IMPROVE THE QUALITY AND MARKETING OF THE HORSE RACING INDUSTRY IN MARYLAND; AND

2. A MASTER PLAN FOR CAPITAL IMPROVEMENTS THAT REFLECTS, AT A MINIMUM:

A. COMMITMENTS THAT HAVE BEEN MADE TO THE STATE RACING COMMISSION; AND

B. AN ONGOING INVESTMENT IN CAPITAL MAINTENANCE AND IMPROVEMENTS IN THE HORSE RACING FACILITIES OF AT LEAST $1,000,000 ANNUALLY, WHICH MAY INCLUDE AMOUNTS PROVIDED AS A MATCHING FUND UNDER § 9–1A–28(E)(2) OF THIS SUBTITLE.

(6) AS PART OF THE CAPITAL MAINTENANCE AND IMPROVEMENT ITEMS IN THE PLAN SUBMITTED UNDER THIS SUBSECTION, THE VIDEO LOTTERY OPERATION LICENSEE THAT IS A RACETRACK LICENSEE SHALL INCLUDE ANY IMPROVEMENTS NECESSARY TO ENSURE THAT THE CONDITION OF ANY PART OF A RACETRACK FACILITY WHERE THE LICENSEE HOLDS A LICENSE AND WHERE INDIVIDUALS RESIDE IS SATISFACTORY FOR HUMAN HABITATION AND MEETS MINIMUM HOUSING AND SANITATION STANDARDS IN THE COUNTY WHERE THE RACETRACK FACILITY IS LOCATED.

(7) IF A VIDEO LOTTERY OPERATION LICENSE HAS BEEN ISSUED FOR A RACETRACK LOCATION AT LAUREL PARK, IN THE PLAN SUBMITTED BY A VIDEO LOTTERY OPERATION LICENSEE UNDER PARAGRAPH (5)(II) OF THIS SUBSECTION,

ONE OF THE CAPITAL MAINTENANCE AND IMPROVEMENT ITEMS IN THE PLAN SHALL BE THE CREATION OF A PREMIER CLASSIC RACETRACK AND MUSEUM AS PART OF THE PIMLICO RACE COURSE.

(8) IF A VIDEO LOTTERY OPERATION LICENSE IS ISSUED TO A RACETRACK LOCATION AT LAUREL PARK, THE VIDEO LOTTERY OPERATION LICENSEE SHALL:

(I) MAINTAIN THE OPERATION OF THE BOWIE TRAINING CENTER; OR

(II) CONVEY THE PROPERTY ASSOCIATED WITH THE BOWIE TRAINING CENTER TO THE STATE AS PRESERVED LAND UNDER PROGRAM OPEN SPACE.";

in line 17, strike "**(D)**" and substitute "**(E)**"; and in the same line, strike "**SUBSECTION (B)**" and substitute "**SUBSECTIONS (B) AND (C)**".

AMENDMENT NO. 5

On page 30, after line 9, insert:

"**(6) A LICENSEE SHALL:**

(I) PROVIDE RETIREMENT BENEFITS FOR ITS EMPLOYEES; AND

(II) IF THE LICENSEE IS A RACETRACK LICENSEE, PROVIDE RETIREMENT BENEFITS TO ITS VIDEO LOTTERY OPERATION EMPLOYEES THAT ARE EQUIVALENT TO THE LEVEL OF BENEFITS PROVIDED TO THE RACETRACK EMPLOYEES WHO ARE ELIGIBLE UNDER THE MARYLAND RACETRACK EMPLOYEES PENSION FUND.";

and in line 10, strike "**(6)**" and substitute "**(7)**".

AMENDMENT NO. 6

On page 31, in lines 21 and 22, strike "**THAT IS AWARDED A LICENSE AT A RACETRACK LOCATION**".

AMENDMENT NO. 7

On page 36, in line 16, strike "**A**" and substitute "**EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, (A)**"; in line 22, strike "**AND**"; in line 24, strike the period and substitute "**; AND**

(III) THE TRANSFER IS CONSISTENT WITH THE POLICIES AND INTENT OF § 9–1A–18 OF THIS SUBTITLE.".

AMENDMENT NO. 8

On page 40, strike in their entirety lines 26 through 28, inclusive.

AMENDMENT NO. 9

On page 43, in line 11, strike "**5%**" and substitute "**2%**"; in line 15, strike "**30%**" and substitute "**33%**"; in line 29, after "**(B)**" insert "**(1)**"; and after line 33, insert:

"**(2) THE COSTS OF THE COMMISSION SHALL BE AS PROVIDED IN THE STATE BUDGET.**".

AMENDMENT NO. 10

On page 45, strike in their entirety lines 14 through 18, inclusive.

AMENDMENT NO. 11

On page 48, after line 10, insert:

"**(D) BEGINNING IN FISCAL YEAR 2012 AND IN EACH FISCAL YEAR THEREAFTER, AT LEAST $150,000,000 SHALL BE PROVIDED FOR THE PURPOSES OF SUBSECTION (C)(2) AND (3) OF THIS SECTION.**";

and in line 11, strike "**(D)**" and substitute "**(E)**".

AMENDMENT NO. 12

On page 50, after line 29, insert:

"**(F) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE, IF A LICENSE IS AWARDED TO A RACETRACK LOCATION AT LAUREL PARK, LOCAL IMPACT GRANTS SHALL BE DISTRIBUTED AS FOLLOWS:**

(1) 73% TO ANNE ARUNDEL COUNTY;

(2) 17% TO HOWARD COUNTY; AND

(3) 10% TO THE CITY OF LAUREL.

(G) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, FROM THE SHARE OF THE PROCEEDS OF VIDEO LOTTERY TERMINALS ALLOCATED TO A VIDEO LOTTERY OPERATION LICENSE IN BALTIMORE CITY, NOT LESS THAN 95% OF THE REVENUE DERIVED FROM A VIDEO LOTTERY FACILITY LOCATED IN BALTIMORE CITY SHALL BE DISTRIBUTED TO BALTIMORE CITY, THROUGH A PARTNERSHIP WITH THE VIDEO LOTTERY OPERATION LICENSEE, EXCLUDING ANY LOCAL IMPACT GRANTS TO BALTIMORE CITY, AND SHALL BE USED TO REDUCE REAL PROPERTY TAXES IN BALTIMORE CITY AND FOR PUBLIC SCHOOL CONSTRUCTION AND REHABILITATION IN BALTIMORE CITY.".

AMENDMENT NO. 13

On page 54, in line 12, strike "**SIX**" and substitute "**THREE**"; in line 13, strike "**AND**"; after line 13, insert:

"**(II) TWO OF THE MEMBERS SHALL BE APPOINTED BY THE PRESIDENT OF THE SENATE BUT MAY NOT BE MEMBERS OF THE SENATE OF MARYLAND; AND**

(III) TWO OF THE MEMBERS SHALL BE APPOINTED BY THE SPEAKER OF THE HOUSE OF DELEGATES BUT MAY NOT BE MEMBERS OF THE HOUSE.";

and strike in their entirety lines 14 and 15.

AMENDMENT NO. 14

On page 56, in line 15, after "**THROUGH**" insert "**A COMPETITIVE BIDDING PROCESS CONSISTENT WITH THE PROCESS FOR**".

AMENDMENT NO. 15

On page 56, strike beginning with "**WITH**" in line 24 down through "**TERMINALS**" in line 25; strike beginning with "**WITH**" in line 26 down through "**TERMINALS**" in line 27; strike beginning with "**WITH**" in line 28 down through "**TERMINALS**" in line 29; strike beginning with "**WITH**" in line 31 down through "**TERMINALS**" in line 32; in lines 29 and 30, strike "**LODGE AND GOLF RESORT**" and substitute "**STATE PARK**"; and in line 30, after "**COUNTY**" insert "**THAT SHALL BE IN A BUILDING THAT IS PHYSICALLY SEPARATE FROM THE ROCKY GAP LODGE AND GOLF RESORT**".

AMENDMENT NO. 16

On page 57, strike in their entirety lines 1 though 4, inclusive, and substitute:

"**(5) A LOCATION IN BALTIMORE CITY THAT IS:**

(I) LOCATED:

1. IN A NONRESIDENTIAL AREA;

2. WITHIN ONE–HALF MILE OF INTERSTATE 95;

3. WITHIN ONE–HALF MILE OF MD ROUTE 295; AND

4. ON PROPERTY THAT IS OWNED BY BALTIMORE CITY ON THE DATE ON WHICH THE APPLICATION FOR A VIDEO LOTTERY OPERATION LICENSE IS SUBMITTED; AND

(II) NOT ADJACENT TO OR WITHIN ONE–QUARTER MILE OF PROPERTY THAT IS:

1. ZONED FOR RESIDENTIAL USE; AND

2. USED FOR A RESIDENTIAL DWELLING ON THE DATE THE APPLICATION FOR A VIDEO LOTTERY OPERATION LICENSE IS SUBMITTED.".

AMENDMENT NO. 17

On page 57, strike in their entirety lines 5 through 8, inclusive, and substitute:

"**(I) (1) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, THE VIDEO LOTTERY FACILITY LOCATION COMMISSION MAY NOT ALLOCATE MORE THAN THE FOLLOWING NUMBER OF VIDEO LOTTERY TERMINALS FOR:**

(I) A LOCATION IN ANNE ARUNDEL COUNTY – 4,250 VIDEO LOTTERY TERMINALS;

(II) A LOCATION IN BALTIMORE CITY – 3,500 VIDEO LOTTERY TERMNALS;

(III) A LOCATION IN CECIL COUNTY – 2,500 VIDEO LOTTERY TERMINALS;

(IV) A LOCATION IN ROCKY GAP STATE PARK (ALLEGANY COUNTY) – 1,250 VIDEO LOTTERY TERMINALS; AND

(V) A LOCATION IN WORCESTER COUNTY – 3,250 VIDEO LOTTERY TERMINALS.

(2) THE VIDEO LOTTERY FACILITY LOCATION COMMISSION MAY ALLOCATE VIDEO LOTTERY TERMINALS IN A MANNER THAT IS DIFFERENT FROM THE ALLOCATION PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION ON A DETERMINATION THAT THE MARKET FACTORS AND OTHER FACTORS EVALUATED UNDER SUBSECTION (K) OF THIS SECTION WARRANT THE DIFFERENT ALLOCATION, PROVIDED THAT NO ONE LOCATION MAY BE ALLOCATED MORE THAN 5,000 VIDEO LOTTERY TERMINALS.";

in line 9, strike "**(2)**" and substitute "**(3)(I)**"; and in line 17, strike "**(3)**" and substitute "**(II)**".

AMENDMENT NO. 18

On page 57, in line 25, strike "**$10,000,000**" and substitute "**$3,000,000 FOR EACH 500 VIDEO LOTTERY TERMINALS INCLUDED IN THE BID**".

AMENDMENT NO. 19

On page 58, in line 16, strike "**AND**"; in line 19, strike the period and substitute "**; AND**

(VIII) THE EXTENT TO WHICH THE PROPOSED LOCATION WILL PRESERVE EXISTING MARYLAND JOBS AND THE NUMBER OF NET NEW JOBS TO BE CREATED.";

strike in their entirety lines 23 through 25, inclusive; and in lines 26 and 28, strike "**(II)**" and "**(III)**", respectively, and substitute "**(I)**" and "**(II)**", respectively.

AMENDMENT NO. 20

On page 59, in line 29, after "**(O)**" insert "**(1)**"; and after line 33, insert:

"**(2) THE DECISION OF THE STATE BOARD OF CONTRACT APPEALS SHALL BE FINAL AND IS NOT SUBJECT TO APPEAL.**".

AMENDMENT NO. 21

On page 63, after line 8, insert:

"SECTION 9. AND BE IT FURTHER ENACTED, That the State Racing Commission shall study the current levels of benefits provided to employees of the State's thoroughbred and standardbred racetracks. The State Racing Commission shall make recommendations to ensure that the benefits to and funding for racetrack employees are adequate. On or before January 1, 2009, the State Racing Commission shall submit a report to the General Assembly, in accordance with § 2–1246 of the State Government Article, and make recommendations on statutory changes, if needed.";

in lines 9, 14, and 18, strike "9.", "10.", and "11.", respectively, and substitute "10.", "11.", and "12.", respectively; in line 15, after "S.B." insert "4"; in the same line, after "H.B." insert "4"; and in line 19, strike "9 and 10" and substitute "10 and 11".

The preceding 21 amendments were read only.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 4 – The President (By Request – Administration)

CONSTITUTIONAL AMENDMENT

AN ACT concerning

Video Lottery Terminals – Authorization and Limitations

(Amendment ID: SB0004/769935/3)

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 4

(First Reading File Bill)

AMENDMENT NO. 1

On page 2, strike beginning with "**BY**" in line 4 down through "**INCLUDED**" in line 6.

AMENDMENT NO. 2

On page 2, in line 20, strike "**4–YEAR**"; and in the same line, strike "**INSTITUTIONS OF HIGHER EDUCATION**" and substitute "**SENIOR HIGHER EDUCATION INSTITUTIONS**".

AMENDMENT NO. 3

On page 2, in line 25, after "**FOR**" insert "**A VIDEO LOTTERY FACILITY IN**"; and strike beginning with "**ASSOCIATED**" in line 31 down through "**RESORT**" in line 32 and substitute "**LOCATED WITHIN ROCKY GAP STATE PARK**".

AMENDMENT NO. 4

On page 3, strike in their entirety lines 1 through 3, inclusive, and substitute:

"**(V) BALTIMORE CITY, IF THE VIDEO LOTTERY FACILITY IS:**

1. LOCATED:

A. IN A NONRESIDENTIAL AREA;

B. WITHIN ONE–HALF MILE OF INTERSTATE 95;

C. WITHIN ONE–HALF MILE OF MD ROUTE 295; AND

D. ON PROPERTY THAT IS OWNED BY BALTIMORE CITY ON THE DATE ON WHICH THE APPLICATION FOR A VIDEO LOTTERY OPERATION LICENSE IS SUBMITTED; AND

2. NOT ADJACENT TO OR WITHIN ONE–QUARTER MILE OF PROPERTY THAT IS:

A. ZONED FOR RESIDENTIAL USE; AND

B. USED FOR A RESIDENTIAL DWELLING ON THE DATE THE APPLICATION FOR A VIDEO LOTTERY OPERATION LICENSE IS SUBMITTED.".

AMENDMENT NO. 5

On page 3, strike beginning with "**IF**" in line 8 down through "**STATE**" in line 10 and substitute "**THROUGH ENACTMENT OF LEGISLATION PASSED BY THREE–FIFTHS OF ALL THE MEMBERS ELECTED TO EACH OF THE TWO HOUSES OF THE GENERAL ASSEMBLY**".

The preceding 5 amendments were read only.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #1

Senator Currie moved, duly seconded, to make the Committee Report #1 a Special Order for November 8, 2007.

The motion was adopted.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #2

Senator Currie moved, duly seconded, to make the Committee Report #2 a Special Order for November 8, 2007.

The motion was adopted.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 29)

ADJOURNMENT

At 4:57 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 11:00 A.M. on Legislative Day November 1, 2007, Calendar Day, Thursday, November 8, 2007.

Annapolis, Maryland
Legislative Day: November 1, 2007
Calendar Day: Thursday, November 8, 2007
11:00 A.M. Session

The Senate met at 11:20 A.M.

Prayer by Reverend C. Anthony Muse (Senator).

The Journal of October 31, 2007 was read and approved.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 31)

MOTION

Motion by Senator Pipkin, duly seconded, to begin with Senate Bill 3 on the Special Order Calendar.

The motion was rejected by roll call vote as follows:

Affirmative – 14 Negative – 28 (See Roll Call No. 32)

SPECIAL ORDERS

The presiding officer submitted the Special Orders of the day, as follows:

THE COMMITTEE ON BUDGET AND TAXATION REPORT #2

Senate Bill 4 – The President (By Request – Administration)

CONSTITUTIONAL AMENDMENT

AN ACT concerning

Video Lottery Terminals – Authorization and Limitations

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS AND THE FAVORABLE REPORT

(Amendment ID: **SB0004/769935/3)**

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 4
(First Reading File Bill)

AMENDMENT NO. 1

On page 2, strike beginning with "**BY**" in line 4 down through "**INCLUDED**" in line 6.

AMENDMENT NO. 2

On page 2, in line 20, strike "**4–YEAR**"; and in the same line, strike "**INSTITUTIONS OF HIGHER EDUCATION**" and substitute "**SENIOR HIGHER EDUCATION INSTITUTIONS**".

AMENDMENT NO. 3

On page 2, in line 25, after "**FOR**" insert "**A VIDEO LOTTERY FACILITY IN**"; and strike beginning with "**ASSOCIATED**" in line 31 down through "**RESORT**" in line 32 and substitute "**LOCATED WITHIN ROCKY GAP STATE PARK**".

AMENDMENT NO. 4

On page 3, strike in their entirety lines 1 through 3, inclusive, and substitute:

"**(V) BALTIMORE CITY, IF THE VIDEO LOTTERY FACILITY IS:**

1. LOCATED:

A. IN A NONRESIDENTIAL AREA;

B. WITHIN ONE–HALF MILE OF INTERSTATE 95;

C. WITHIN ONE–HALF MILE OF MD ROUTE 295; AND

D. ON PROPERTY THAT IS OWNED BY BALTIMORE CITY ON THE DATE ON WHICH THE APPLICATION FOR A VIDEO LOTTERY OPERATION LICENSE IS SUBMITTED; AND

2. NOT ADJACENT TO OR WITHIN ONE–QUARTER MILE OF PROPERTY THAT IS:

A. ZONED FOR RESIDENTIAL USE; AND

B. USED FOR A RESIDENTIAL DWELLING ON THE DATE THE APPLICATION FOR A VIDEO LOTTERY OPERATION LICENSE IS SUBMITTED.".

AMENDMENT NO. 5

On page 3, strike beginning with "**IF**" in line 8 down through "**STATE**" in line 10 and substitute "**THROUGH ENACTMENT OF LEGISLATION PASSED BY THREE–FIFTHS OF ALL THE MEMBERS ELECTED TO EACH OF THE TWO HOUSES OF THE GENERAL ASSEMBLY**".

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted by a roll call vote as follows:

Affirmative – 30 Negative – 17 (See Roll Call No. 33)

FLOOR AMENDMENT

(Amendment ID: **SB0004/953224/1)**

BY: Senator Kittleman

AMENDMENT TO SENATE BILL 4
(First Reading File Bill)

On page 2, strike beginning with "**WORCESTER**" in line 29 down through "**589**" in line 30 and substitute "**PRINCE GEORGE'S COUNTY, WITHIN 1 MILE OF EXIT 4A OF INTERSTATE 495**".

The preceding amendment was read and rejected by a roll call vote as follows:

Affirmative – 17 Negative – 30 (See Roll Call No. 34)

Read the second time and ordered prepared for Third Reading.

Senate Bill 3 – The President (By Request – Administration)

AN ACT concerning

Maryland Education Trust Fund – Video Lottery Terminals

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS AND THE FAVORABLE REPORT

(Amendment ID: **SB0003/439637/1)**

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 3
(First Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 6, after "funding" insert "and are subject to certain requirements and sanctions"; in line 7, strike "a"; in line 8, strike "licensee" and substitute "licensees"; in the same line, strike "a"; in the same line, strike "race" and substitute "races"; and in line 10, after "racing;" insert "requiring a certain licensee to maintain or convey certain property under certain circumstances;".

On page 3, in line 47, after "analysis;" insert "requiring the State Racing Commission to conduct a certain study and submit a certain report to the General Assembly;".

AMENDMENT NO. 2

On page 20, in line 2, strike "**4,250**" and substitute "**5,000**".

On page 27, in line 24, strike "**AS**" and substitute "**FOR A RACING LICENSEE THAT DOES NOT HOLD A VIDEO OPERATION LICENSE, AS**"; and in lines 24 and 25, strike "**§§ 9–1A–28 AND 9–1A–29**" and substitute "**§ 9–1A–29**".

AMENDMENT NO. 3

On page 29, in line 1, strike "**1,500,000**" and substitute "**1,000,000**".

AMENDMENT NO. 4

On page 29, after line 16, insert:

"**(D) (1) A VIDEO LOTTERY OPERATION LICENSEE THAT IS A RACETRACK LICENSEE SHALL MAINTAIN, AS A CONDITION OF LICENSURE, AT LEAST THE SAME NUMBER OF LIVE RACING DAYS AS WERE AUTHORIZED BY THE STATE RACING COMMISSION FOR THAT LOCATION IN 2004 UNLESS THE LICENSEE IS PREVENTED BY WEATHER, ACTS OF GOD, OR OTHER CIRCUMSTANCES BEYOND THE CONTROL OF THE LICENSEE.**

(2) IF A VIDEO LOTTERY OPERATION LICENSE HAS BEEN ISSUED FOR A RACETRACK LOCATION AT LAUREL PARK, THE VIDEO LOTTERY OPERATION LICENSE FOR THE LOCATION SHALL BE REVOKED IF THE NAME, COMMON LAW AND STATUTORY COPYRIGHTS, SERVICE MARKS, TRADEMARKS, TRADE NAMES, OR HORSE RACING EVENTS THAT ARE ASSOCIATED WITH THE PREAKNESS STAKES RACE OR THE WOODLAWN VASE ARE TRANSFERRED TO A LOCATION OUTSIDE THE STATE.

(3) AS AN ADDITIONAL CONDITION OF A VIDEO LOTTERY OPERATION LICENSE, IF A RACETRACK LICENSEE HOLDS A VIDEO LOTTERY OPERATION LICENSE FOR LAUREL PARK, THE LICENSEE SHALL BE REQUIRED TO:

(I) PROMOTE AND CONDUCT THE PREAKNESS STAKES RACE AT THE PIMLICO RACE COURSE EACH YEAR; OR

(II) IF THE PIMLICO RACE COURSE NO LONGER EXISTS, THE PREAKNESS STAKES RACE IS PREVENTED FROM BEING CONDUCTED AT THE PIMLICO RACE COURSE, OR THE STATE RACING COMMISSION, UNDER § 11–513 OF THE BUSINESS REGULATION ARTICLE, DEEMS AN EMERGENCY EXISTS, PROMOTE AND CONDUCT THE PREAKNESS STAKES RACE EACH YEAR AT ANOTHER TRACK LOCATED IN THE STATE THAT IS APPROVED BY THE STATE RACING COMMISSION.

(4) IF A RACETRACK LICENSEE HAS BEEN ISSUED A VIDEO LOTTERY OPERATION LICENSE FOR A RACETRACK LOCATION AT LAUREL PARK, THE LICENSEE SHALL PERMIT THE EVENT KNOWN AS THE MARYLAND MILLION TO BE RUN ANNUALLY AT LAUREL PARK UNLESS:

(I) THE LICENSEE IS PREVENTED FROM DOING SO BY WEATHER, ACTS OF GOD, OR OTHER CIRCUMSTANCES BEYOND THE CONTROL OF THE LICENSEE; OR

(II) THE LICENSEE AND THE MARYLAND MILLION LLC AGREE TO ANOTHER LOCATION THAT IS APPROVED BY THE STATE RACING COMMISSION.

(5) (I) AS A CONDITION OF CONTINUED LICENSURE, EACH VIDEO LOTTERY OPERATION LICENSEE THAT IS A RACETRACK LICENSEE SHALL DEVELOP AND SUBMIT TO THE COMMISSION A MULTIYEAR PLAN TO IMPROVE THE QUALITY AND MARKETING OF HORSE RACING AT THE LOCATION WHERE THE LICENSE IS AWARDED.

(II) EACH PLAN SHALL INCLUDE:

1. GOALS, INDICATORS, AND TIME LINES FOR SPECIFIC ACTIONS THAT WILL BE TAKEN BY THE LICENSEE TO IMPROVE THE QUALITY AND MARKETING OF THE HORSE RACING INDUSTRY IN MARYLAND; AND

2. A MASTER PLAN FOR CAPITAL IMPROVEMENTS THAT REFLECTS, AT A MINIMUM:

A. COMMITMENTS THAT HAVE BEEN MADE TO THE STATE RACING COMMISSION; AND

B. AN ONGOING INVESTMENT IN CAPITAL MAINTENANCE AND IMPROVEMENTS IN THE HORSE RACING FACILITIES OF AT LEAST $1,000,000 ANNUALLY, WHICH MAY INCLUDE AMOUNTS PROVIDED AS A MATCHING FUND UNDER § 9–1A–28(E)(2) OF THIS SUBTITLE.

(6) AS PART OF THE CAPITAL MAINTENANCE AND IMPROVEMENT ITEMS IN THE PLAN SUBMITTED UNDER THIS SUBSECTION, THE VIDEO LOTTERY OPERATION LICENSEE THAT IS A RACETRACK LICENSEE SHALL INCLUDE ANY IMPROVEMENTS NECESSARY TO ENSURE THAT THE CONDITION OF ANY PART OF A RACETRACK FACILITY WHERE THE LICENSEE HOLDS A LICENSE AND WHERE

INDIVIDUALS RESIDE IS SATISFACTORY FOR HUMAN HABITATION AND MEETS MINIMUM HOUSING AND SANITATION STANDARDS IN THE COUNTY WHERE THE RACETRACK FACILITY IS LOCATED.

(7) IF A VIDEO LOTTERY OPERATION LICENSE HAS BEEN ISSUED FOR A RACETRACK LOCATION AT LAUREL PARK, IN THE PLAN SUBMITTED BY A VIDEO LOTTERY OPERATION LICENSEE UNDER PARAGRAPH (5)(II) OF THIS SUBSECTION, ONE OF THE CAPITAL MAINTENANCE AND IMPROVEMENT ITEMS IN THE PLAN SHALL BE THE CREATION OF A PREMIER CLASSIC RACETRACK AND MUSEUM AS PART OF THE PIMLICO RACE COURSE.

(8) IF A VIDEO LOTTERY OPERATION LICENSE IS ISSUED TO A RACETRACK LOCATION AT LAUREL PARK, THE VIDEO LOTTERY OPERATION LICENSEE SHALL:

(I) MAINTAIN THE OPERATION OF THE BOWIE TRAINING CENTER; OR

(II) CONVEY THE PROPERTY ASSOCIATED WITH THE BOWIE TRAINING CENTER TO THE STATE AS PRESERVED LAND UNDER PROGRAM OPEN SPACE.";

in line 17, strike "**(D)**" and substitute "**(E)**"; and in the same line, strike "**SUBSECTION (B)**" and substitute "**SUBSECTIONS (B) AND (C)**".

AMENDMENT NO. 5

On page 30, after line 9, insert:

"**(6) A LICENSEE SHALL:**

(I) PROVIDE RETIREMENT BENEFITS FOR ITS EMPLOYEES; AND

(II) IF THE LICENSEE IS A RACETRACK LICENSEE, PROVIDE RETIREMENT BENEFITS TO ITS VIDEO LOTTERY OPERATION EMPLOYEES THAT ARE EQUIVALENT TO THE LEVEL OF BENEFITS PROVIDED TO THE RACETRACK EMPLOYEES WHO ARE ELIGIBLE UNDER THE MARYLAND RACETRACK EMPLOYEES PENSION FUND.";

and in line 10, strike "**(6)**" and substitute "**(7)**".

AMENDMENT NO. 6

On page 31, in lines 21 and 22, strike "**THAT IS AWARDED A LICENSE AT A RACETRACK LOCATION**".

AMENDMENT NO. 7

On page 36, in line 16, strike "**A**" and substitute "**EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, (A)**"; in line 22, strike "**AND**"; in line 24, strike the period and substitute "**; AND**

(III) THE TRANSFER IS CONSISTENT WITH THE POLICIES AND INTENT OF § 9–1A–18 OF THIS SUBTITLE.".

AMENDMENT NO. 8

On page 40, strike in their entirety lines 26 through 28, inclusive.

AMENDMENT NO. 9

On page 43, in line 11, strike "**5%**" and substitute "**2%**"; in line 15, strike "**30%**" and substitute "**33%**"; in line 29, after "**(B)**" insert "**(1)**"; and after line 33, insert:

"**(2) THE COSTS OF THE COMMISSION SHALL BE AS PROVIDED IN THE STATE BUDGET.** ".

AMENDMENT NO. 10

On page 45, strike in their entirety lines 14 through 18, inclusive.

AMENDMENT NO. 11

On page 48, after line 10, insert:

"**(D) BEGINNING IN FISCAL YEAR 2012 AND IN EACH FISCAL YEAR THEREAFTER, AT LEAST $150,000,000 SHALL BE PROVIDED FOR THE PURPOSES OF SUBSECTION (C)(2) AND (3) OF THIS SECTION.**";

and in line 11, strike "**(D)**" and substitute "**(E)**".

AMENDMENT NO. 12

On page 50, after line 29, insert:

"**(F) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE, IF A LICENSE IS AWARDED TO A RACETRACK LOCATION AT LAUREL PARK, LOCAL IMPACT GRANTS SHALL BE DISTRIBUTED AS FOLLOWS:**

(1) 73% TO ANNE ARUNDEL COUNTY;

(2) 17% TO HOWARD COUNTY; AND

(3) 10% TO THE CITY OF LAUREL.

(G) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, FROM THE SHARE OF THE PROCEEDS OF VIDEO LOTTERY TERMINALS ALLOCATED TO A VIDEO LOTTERY OPERATION LICENSE IN BALTIMORE CITY, NOT LESS THAN 95% OF THE REVENUE DERIVED FROM A VIDEO LOTTERY FACILITY LOCATED IN BALTIMORE CITY SHALL BE

DISTRIBUTED TO BALTIMORE CITY, THROUGH A PARTNERSHIP WITH THE VIDEO LOTTERY OPERATION LICENSEE, EXCLUDING ANY LOCAL IMPACT GRANTS TO BALTIMORE CITY, AND SHALL BE USED TO REDUCE REAL PROPERTY TAXES IN BALTIMORE CITY AND FOR PUBLIC SCHOOL CONSTRUCTION AND REHABILITATION IN BALTIMORE CITY.".

AMENDMENT NO. 13

On page 54, in line 12, strike "**SIX**" and substitute "**THREE**"; in line 13, strike "**AND**"; after line 13, insert:

"**(II) TWO OF THE MEMBERS SHALL BE APPOINTED BY THE PRESIDENT OF THE SENATE BUT MAY NOT BE MEMBERS OF THE SENATE OF MARYLAND; AND**

(III) TWO OF THE MEMBERS SHALL BE APPOINTED BY THE SPEAKER OF THE HOUSE OF DELEGATES BUT MAY NOT BE MEMBERS OF THE HOUSE.";

and strike in their entirety lines 14 and 15.

AMENDMENT NO. 14

On page 56, in line 15, after "**THROUGH**" insert "**A COMPETITIVE BIDDING PROCESS CONSISTENT WITH THE PROCESS FOR**".

AMENDMENT NO. 15

On page 56, strike beginning with "**WITH**" in line 24 down through "**TERMINALS**" in line 25; strike beginning with "**WITH**" in line 26 down through "**TERMINALS**" in line 27; strike beginning with "**WITH**" in line 28 down through "**TERMINALS**" in line 29; strike beginning with "**WITH**" in line 31 down through "**TERMINALS**" in line 32; in lines 29 and 30, strike "**LODGE AND GOLF RESORT**" and substitute "**STATE PARK**"; and in line 30, after "**COUNTY**" insert "**THAT SHALL BE IN A BUILDING THAT IS PHYSICALLY SEPARATE FROM THE ROCKY GAP LODGE AND GOLF RESORT**".

AMENDMENT NO. 16

On page 57, strike in their entirety lines 1 though 4, inclusive, and substitute:

"**(5) A LOCATION IN BALTIMORE CITY THAT IS:**

(I) LOCATED:

1. IN A NONRESIDENTIAL AREA;

2. WITHIN ONE–HALF MILE OF INTERSTATE 95;

3. WITHIN ONE–HALF MILE OF MD ROUTE 295; AND

4. ON PROPERTY THAT IS OWNED BY BALTIMORE CITY ON THE DATE ON WHICH THE APPLICATION FOR A VIDEO LOTTERY OPERATION LICENSE IS SUBMITTED; AND

(II) NOT ADJACENT TO OR WITHIN ONE–QUARTER MILE OF PROPERTY THAT IS:

1. ZONED FOR RESIDENTIAL USE; AND

2. USED FOR A RESIDENTIAL DWELLING ON THE DATE THE APPLICATION FOR A VIDEO LOTTERY OPERATION LICENSE IS SUBMITTED.".

AMENDMENT NO. 17

On page 57, strike in their entirety lines 5 through 8, inclusive, and substitute:

"**(I) (1) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, THE VIDEO LOTTERY FACILITY LOCATION COMMISSION MAY NOT ALLOCATE MORE THAN THE FOLLOWING NUMBER OF VIDEO LOTTERY TERMINALS FOR:**

(I) A LOCATION IN ANNE ARUNDEL COUNTY – 4,250 VIDEO LOTTERY TERMINALS;

(II) A LOCATION IN BALTIMORE CITY – 3,500 VIDEO LOTTERY TERMNALS;

(III) A LOCATION IN CECIL COUNTY – 2,500 VIDEO LOTTERY TERMINALS;

(IV) A LOCATION IN ROCKY GAP STATE PARK (ALLEGANY COUNTY) – 1,250 VIDEO LOTTERY TERMINALS; AND

(V) A LOCATION IN WORCESTER COUNTY – 3,250 VIDEO LOTTERY TERMINALS.

(2) THE VIDEO LOTTERY FACILITY LOCATION COMMISSION MAY ALLOCATE VIDEO LOTTERY TERMINALS IN A MANNER THAT IS DIFFERENT FROM THE ALLOCATION PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION ON A DETERMINATION THAT THE MARKET FACTORS AND OTHER FACTORS EVALUATED UNDER SUBSECTION (K) OF THIS SECTION WARRANT THE DIFFERENT ALLOCATION, PROVIDED THAT NO ONE LOCATION MAY BE ALLOCATED MORE THAN 5,000 VIDEO LOTTERY TERMINALS.";

in line 9, strike "**(2)**" and substitute "**(3)(I)**"; and in line 17, strike "**(3)**" and substitute "**(II)**".

AMENDMENT NO. 18

On page 57, in line 25, strike "**$10,000,000**" and substitute "**$3,000,000 FOR EACH 500 VIDEO LOTTERY TERMINALS INCLUDED IN THE BID**".

AMENDMENT NO. 19

On page 58, in line 16, strike "**AND**"; in line 19, strike the period and substitute "**; AND**

(VIII) THE EXTENT TO WHICH THE PROPOSED LOCATION WILL PRESERVE EXISTING MARYLAND JOBS AND THE NUMBER OF NET NEW JOBS TO BE CREATED.";

strike in their entirety lines 23 through 25, inclusive; and in lines 26 and 28, strike "**(II)**" and "**(III)**", respectively, and substitute "**(I)**" and "**(II)**", respectively.

AMENDMENT NO. 20

On page 59, in line 29, after "**(O)**" insert "**(1)**"; and after line 33, insert:

"**(2) THE DECISION OF THE STATE BOARD OF CONTRACT APPEALS SHALL BE FINAL AND IS NOT SUBJECT TO APPEAL.**".

AMENDMENT NO. 21

On page 63, after line 8, insert:

"SECTION 9. AND BE IT FURTHER ENACTED, That the State Racing Commission shall study the current levels of benefits provided to employees of the State's thoroughbred and standardbred racetracks. The State Racing Commission shall make recommendations to ensure that the benefits to and funding for racetrack employees are adequate. On or before January 1, 2009, the State Racing Commission shall submit a report to the General Assembly, in accordance with § 2–1246 of the State Government Article, and make recommendations on statutory changes, if needed.";

in lines 9, 14, and 18, strike "9.", "10.", and "11.", respectively, and substitute "10.", "11.", and "12.", respectively; in line 15, after "S.B." insert "4"; in the same line, after "H.B." insert "4"; and in line 19, strike "9 and 10" and substitute "10 and 11".

The preceding 21 amendments were read and adopted.

Favorable report, as amended, adopted by a roll call vote as follows:

Affirmative – 29 Negative – 17 (See Roll Call No. 35)

FLOOR AMENDMENT

(Amendment ID: **SB0003/543228/1)**

BY: Senator Brochin

AMENDMENTS TO SENATE BILL 3
(First Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 15, after "employees;" insert "requiring certain licensees to pay a certain minimum wage rate to certain employees;".

AMENDMENT NO. 2

On page 30, in line 7, strike "**AND**"; in line 9, after "**FACILITY**" insert "**; AND**

(III) PAY TO ITS EMPLOYEES AT LEAST THE STATE LIVING WAGE RATE FOR COVERED TIER 1 AREA EMPLOYEES, AS ANNUALLY ADJUSTED BY THE COMMISSIONER OF LABOR AND INDUSTRY BUT NOT INCLUDING REDUCTIONS FOR EMPLOYER HEALTH INSURANCE BENEFIT CONTRIBUTIONS, UNDER § 18–103 OF THE STATE FINANCE AND PROCUREMENT ARTICLE";

and in line 12, after "**COVERAGE**" insert "**AND PAY AT LEAST THE STATE LIVING WAGE RATE FOR COVERED TIER 1 AREA EMPLOYEES, AS ANNUALLY ADJUSTED BY THE COMMISSIONER OF LABOR AND INDUSTRY BUT NOT INCLUDING REDUCTIONS FOR EMPLOYER HEALTH INSURANCE BENEFIT CONTRIBUTIONS, UNDER § 18–103 OF THE STATE FINANCE AND PROCUREMENT ARTICLE,**".

The preceding 2 amendments were read and adopted by a roll call vote as follows:

Affirmative – 33 Negative – 13 (See Roll Call No. 36)

FLOOR AMENDMENT

(Amendment ID: **SB0003/203320/1)**

BY: Senator Conway

AMENDMENT TO SENATE BILL 3
(First Reading File Bill)

On page 8, in line 24, strike "**AND**"; and in line 26, after "**TECHNOLOGY**" insert "**;**

(5) ONE MEMBER WHO RESIDES IN BALTIMORE CITY; AND

(6) ONE MEMBER WHO RESIDES IN PRINCE GEORGE'S COUNTY".

The preceding amendment was read and adopted.

FLOOR AMENDMENT

(Amendment ID: **SB0003/463021/1)**

BY: Senator Della

AMENDMENT TO SENATE BILL 3, AS AMENDED

On page 7 of the Budget and Taxation Committee Amendments (SB0003/439637/1), in line 11 of Amendment No. 12, after "**CITY**" insert "**BY 30 CENTS PER $100 OF ASSESSMENT**".

The preceding amendment was read and rejected by a roll call vote as follows:

Affirmative – 11 Negative – 33 (See Roll Call No. 37)

FLOOR AMENDMENT

(Amendment ID: **SB0003/133424/1)**

BY: Senator Della

AMENDMENT TO SENATE BILL 3, AS AMENDED

On page 7 of the Budget and Taxation Committee Amendments (SB0003/439637/1), in line 11 of Amendment No. 12, after "**CITY**" insert "**BY 20 CENTS PER $100 OF ASSESSMENT**".

The preceding amendment was read and rejected.

FLOOR AMENDMENT

(Amendment ID: **SB0003/193925/1)**

BY: Senator Pipkin

AMENDMENTS TO SENATE BILL 3, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

Strike in their entirety the Budget and Taxation Committee Amendments (SB0003/439637/1).

AMENDMENT NO. 2

On page 1 of the bill, in line 3, after "of" insert "requiring the State Lottery Commission to regulate the operation of certain video lottery terminals; requiring the Governor to appoint a member of the State Racing Commission as a liaison to

the State Lottery Commission; altering a certain geographic cost of education index grant that reflects regional differences in the cost of education that are due to factors outside the control of local jurisdictions to be a mandatory education funding requirement; requiring the Department of Health and Mental Hygiene to establish certain regional centers and to conduct a certain prevalence study; requiring the Secretary of Health and Mental Hygiene to make certain grants from certain funds; altering the membership of the State Lottery Commission; specifying certain requirements for members of the State Lottery Commission; requiring the Governor to appoint a member of the State Lottery Commission as a liaison to the State Racing Commission; providing that members of the State Lottery Commission may be compensated as provided in the State budget; authorizing the operation of video lottery terminals connected to a certain central computer that allows the State Lottery Commission to monitor a video lottery terminal and that has certain capabilities; prohibiting access to the central computer by certain licensees with a certain exception; providing that only a person with a certain video lottery operation license may offer a video lottery terminal for public use in the State; providing that this Act is statewide and exclusive in effect and that certain laws do not apply to video lottery terminals authorized under this Act; requiring the State Lottery Commission to conduct certain investigations and hearings; requiring the State Lottery Commission to adopt certain regulations; requiring the State Lottery Commission to require a certain bond and collect certain fees, civil penalties, and taxes; authorizing the State Lottery Commission to inspect and seize certain equipment, financial information, and records without notice or warrant; requiring certain video lottery terminal manufacturers, video lottery operators, video lottery employees, and other individuals required by the State Lottery Commission to be licensed; providing for the application and licensing process; providing for review of a denial of an application for a certain license by the State Board of Contract Appeals; establishing the misdemeanor of giving false information in an application for a license under this Act or in any supplemental information required by the State Lottery Commission; establishing certain penalties; establishing certain eligibility criteria and disqualifying criteria for a video lottery operation license; requiring a person that contracts with a video lottery operation licensee to meet certain requirements under certain circumstances; requiring certain video lottery operation licensees to maintain certain numbers of live racing days; providing that the license of certain video lottery operation licensees may be revoked if a certain horse racing event or trade names and other items related to the event are transferred out of the State; requiring a certain licensee to permit a certain annual race to be conducted with certain exceptions; requiring certain video lottery operation licensees to submit to the State Lottery Commission certain plans to improve the quality and marketing of horse racing and to spend a certain amount on capital renovation of horse racing facilities each year; requiring the State Racing Commission to monitor the compliance of certain video lottery operation licensees and certain other licensees with certain plans; requiring certain applicants and video lottery operation licensees to comply with certain provisions of law relating to minority business participation; specifying that certain collective bargaining agreements do not negate certain provisions of this Act; requiring a video lottery operation licensee to provide certain health insurance to its employees; authorizing

certain applicants for employment to appeal to certain local human relations boards under certain circumstances; providing for the monitoring of certain provisions of this Act by the Governor's Office of Minority Affairs; requiring that a video lottery operation license not issued for locations specified under this Act reverts to the State; requiring a licensee to commence operation of video lottery terminals within a certain time period and authorizing the State Lottery Commission to grant extensions under certain circumstances; providing for the term of a video lottery operation license and for reapplication for the license at the end of the term; providing for certain eligibility criteria and disqualifying criteria for certain licenses; providing for certain waivers of certain licensing requirements under certain circumstances; providing for certain license terms and renewals; stating the intent of the General Assembly relating to video lottery operation licenses; prohibiting a video lottery operation license from being transferred or pledged as collateral; prohibiting certain video lottery operation licensees from selling or otherwise transferring more than a certain percentage of the legal or beneficial interest unless certain conditions are met; requiring that the transfer of a certain interest in a person that holds a video lottery operation license be approved by the State Lottery Commission; requiring the Department of State Police to conduct certain background investigations in a certain manner; requiring the State Lottery Commission to buy or lease the video lottery terminals, associated equipment, and central computer authorized under this Act; prohibiting more than a certain number of video lottery terminals from being allocated in one county or to licenses held by the same entity; prohibiting an individual or business entity from holding an interest in more than a certain number of video lottery operation licenses under certain circumstances; providing the minimum payout percentage for video lottery terminals and authorizing the State Lottery Commission to adopt certain video lottery terminal payout percentages; providing for the hours of operation of video lottery terminals; prohibiting certain games offered by the State Lottery Commission from being offered for sale in a video lottery facility; prohibiting the State Lottery Commission from issuing certain licenses under certain circumstances; prohibiting a video lottery operation licensee from offering food or beverages at no cost with a certain exception or from offering food and beverages below certain prices; requiring a video lottery operation licensee to ensure that certain individuals are not permitted to play video lottery terminals and are not permitted in certain areas; requiring the State Lottery Commission to adopt certain regulations to reduce or mitigate the effects of problem gambling; authorizing the State Lottery Commission to reprimand a licensee or deny, suspend, or revoke certain licenses under certain circumstances; requiring the Comptroller to collect and distribute certain money in specified ways; establishing a Purse Dedication Account under the authority of the State Racing Commission; providing for a certain distribution from video lottery proceeds to the Purse Dedication Account for horse racing; providing for certain distributions from the Purse Dedication Account for horse racing in a certain manner; establishing the Education Trust Fund; requiring certain distributions from video lottery proceeds to the Education Trust Fund to be used for certain purposes; requiring the Governor to provide certain funding for public school construction from the Education Trust Fund for certain fiscal years; providing for the creation of certain local development councils;

providing for appointment and membership of certain local development councils; requiring certain counties to develop certain plans to be reviewed by certain local development councils; specifying that a certain percentage of certain local development grants should be used for certain purposes; authorizing the State to pay certain transportation costs; requiring the Department of Transportation to facilitate certain negotiations; requiring a certain transportation plan to be developed by certain counties; authorizing certain fees and providing for a certain distribution from certain fees to the Compulsive Gambling Fund; creating a Compulsive Gambling Fund in the Department of Health and Mental Hygiene; providing for certain disbursements from the Compulsive Gambling Fund for certain purposes; requiring the State Lottery Commission to make a certain annual report by a certain date; prohibiting a licensee for a certain period of time from employing, or entering into a financial relationship with, an individual who was a member of the State Lottery Commission or the Video Lottery Facility Location Commission; exempting certain procurements by the State Lottery Agency from certain requirements; establishing a Video Lottery Facility Location Commission; establishing the membership of the Video Lottery Facility Location Commission; requiring the approval of the Legislative Policy Committee for certain appointments to the Video Lottery Facility Location Commission; establishing certain eligibility requirements for membership on the Video Lottery Facility Location Commission; providing for certain reimbursements and staffing; requiring the Department of Budget and Management to contract with a certain consultant; requiring the Video Lottery Facility Location Commission to establish a certain application fee; prohibiting the Video Lottery Facility Location Commission from awarding more than a certain number of video lottery operation licenses; requiring certain bids for video lottery operation licenses to include certain information and to meet certain requirements; prohibiting the Video Lottery Facility Location Commission from issuing more than two licenses in one county or more than a certain number of video lottery terminals in one county; requiring the Video Lottery Facility Location Commission to consider certain factors; requiring certain initial video lottery operation license fees to be placed in the Education Trust Fund; requiring the State Lottery Commission to make certain determinations and be responsible for certain matters relating to racetrack locations and nonracetrack destination locations; providing for review of a denial of an application for a certain license by the State Board of Contract Appeals; providing for certain appeals to be made directly to the Court of Appeals of Maryland; allowing the operation of video lottery terminals in a temporary facility under certain circumstances; providing for the construction of certain provisions of this Act; making the provisions of this Act severable; requiring a certain certification entity to conduct certain studies and make certain reports; requiring the Department of Transportation to conduct a certain study and make a certain report by a certain date; providing for the payment of the cost of the study conducted by the Department of Transportation; providing that the costs of certain improvements and the planning, design, and construction of a certain interchange are the sole responsibility of the holder of a certain license and may not be paid from State funds; providing for the staggering of the terms of certain new members of the State Lottery Commission; making certain stylistic changes; providing for the termination of certain provisions of this Act; providing that certain provisions of

this Act are contingent on the termination of another Act; defining certain terms; and generally relating to the operation of video lottery terminals at certain locations in the State.".

On pages 1 through 4 of the bill, strike in their entirety the lines beginning with line 2 on page 1 through line 6 of page 4, inclusive.

On page 4 of the bill, after line 6, insert:

"BY adding to
Article – Business Regulation
Section 11–202(g)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Education
Section 5–202(f)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Health – General
Section 19–801 and 19–802
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 19–803 and 19–804
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–105 and 9–108(d)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY adding to
Article – State Government
Section 9–1A–01 through 9–1A–35 to be under the new subtitle "Subtitle 1A. Video Lottery Terminals"
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article – State Finance and Procurement
Section 11–203(a)(1)(xviii) and (xix)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – State Finance and Procurement
Section 11–203(a)(1)(xviii)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 11–203(b)(1) and (2)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 11–203(b)(3)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 11–203(b)(2)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)
(As enacted by Chapter 402 of the Acts of the General Assembly of 2003)".

On pages 4 and 5 of the bill, strike in their entirety the lines beginning with line 7 on page 4 through line 17 on page 5, inclusive.

AMENDMENT NO. 3
On page 5 of the bill, after line 19, insert:

"Article – Business Regulation

11–202.

(G) THE GOVERNOR SHALL APPOINT ONE MEMBER OF THE COMMISSION TO SERVE AS A LIAISON TO THE STATE LOTTERY COMMISSION ESTABLISHED UNDER TITLE 9 OF THE STATE GOVERNMENT ARTICLE.

Article – Education

5–202.

(f) (1) In this subsection, "GCEI adjustment" means the foundation program for each county multiplied by:

(i) 0.000 in Allegany;

(ii) 0.018 in Anne Arundel;

(iii) 0.042 in Baltimore City;

(iv) 0.008 in Baltimore;

(v) 0.021 in Calvert;

(vi) 0.000 in Caroline;

(vii) 0.014 in Carroll;

(viii) 0.000 in Cecil;

(ix) 0.020 in Charles;

(x) 0.000 in Dorchester;

(xi) 0.024 in Frederick;

(xii) 0.000 in Garrett;

(xiii) 0.000 in Harford;

(xiv) 0.015 in Howard;

(xv) 0.010 in Kent;

(xvi) 0.034 in Montgomery;

(xvii) 0.048 in Prince George's;

(xviii) 0.011 in Queen Anne's;

(xix) 0.002 in St. Mary's;

(xx) 0.000 in Somerset;

(xxi) 0.000 in Talbot;

(xxii) 0.000 in Washington;

(xxiii) 0.000 in Wicomico; and

(xxiv) 0.000 in Worcester.

(2) ~~To the extent funds are provided in the State budget for the grants under this subsection, in~~ **IN** addition to the State share of the foundation program, each county board ~~may~~ **SHALL** receive a grant to reflect regional differences in the cost of education that are due to factors outside of the control of the local jurisdiction.

(3) ~~Subject to paragraph (4) of this subsection, the~~ **THE** amount of the grant to each county board under this subsection shall equal the GCEI adjustment for the county board multiplied times:

(i) 0.50 in fiscal year ~~2006~~ **2010**;

(ii) 0.62 in fiscal year ~~2007~~ **2011**;

(iii) 0.74 in fiscal year ~~2008~~ **2012**;

(iv) 0.86 in fiscal year ~~2009~~ **2013**; and

(v) 1.00 in fiscal year ~~2010~~ **2014** and each fiscal year thereafter.

~~(4) For any fiscal year, if sufficient funds are not provided in the State budget to fully fund the grants provided under this subsection, the grant to each county board under this subsection shall equal the amount determined under paragraph (3) of this subsection multiplied by a fraction:~~

~~(i) The numerator of which is the amount provided in the State budget to fund the grants; and~~

~~(ii) The denominator of which is the sum of the amounts calculated under paragraph (3) of this subsection for all the county boards.~~

Article – Health – General

19–801.

In this subtitle, "compulsive gambler" means an individual:

(1) Who is preoccupied chronically and progressively with gambling and the urge to gamble; and

(2) Whose gambling behavior compromises, disrupts, or damages the individual's personal, family, or vocational pursuits.

19–802.

The General Assembly finds that:

(1) Compulsive gambling is a serious social problem;

(2) There is evidence that the availability of gambling increases the risk of becoming a compulsive gambler; and

(3) This State, with its extensive legalized gambling, has an obligation to provide a program of treatment for compulsive gamblers.

19–803.

[As a pilot project, the**]** **THE** Secretary shall establish **[**a center for**]** **REGIONAL CENTERS TO PROVIDE SERVICES TO** compulsive gamblers **[**at a place that the Secretary determines to be accessible to a major population center of this State**]**.

19–804.

(a) (1) The Secretary **[**may**]** **SHALL** make grants from or agreements for the use of State **FUNDS, INCLUDING THE FUNDS PROVIDED UNDER § 9–1A–32 OF THE STATE GOVERNMENT ARTICLE,** and federal funds to help public agencies or nonprofit organizations operate the **[**center**]** **REGIONAL CENTERS** for compulsive gamblers **WHO RESIDE IN THE STATE AND THEIR IMMEDIATE FAMILY MEMBERS** and establish and operate **ADDITIONAL** local programs to provide the following for compulsive gamblers **WHO RESIDE IN THE STATE**:

(i) Inpatient services**[**.**]**;

(ii) Outpatient services**[**.**]**;

(iii) Partial care services**[**.**]**;

(iv) Aftercare services**[**.**]**;

(v) Consultative services**[**.**]**;

(vi) Educational services**[**.**]**;

(vii) **SERVICES FOR VICTIMS OF DOMESTIC VIOLENCE; AND**

(VIII) Other preventive or rehabilitative services or treatment.

(2) Research and training that are designed to improve or extend these services are proper items of expense.

(B) THE SECRETARY SHALL CONDUCT A PREVALENCE STUDY AND REPLICATION PREVALENCE STUDIES TO MEASURE THE RATE OF PROBLEM AND PATHOLOGICAL GAMBLING IN MARYLAND.

(C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE SECRETARY SHALL CONTRACT WITH AN INDEPENDENT RESEARCHER TO CONDUCT THE PREVALENCE STUDIES.

(2) THE SECRETARY SHALL UTILIZE THE MOST CURRENT PSYCHIATRIC OR DIAGNOSTIC CRITERIA FOR PROBLEM AND PATHOLOGICAL GAMBLING AS THE BASIS FOR THE PREVALENCE STUDIES.

(D) THE INITIAL PREVALENCE STUDY SHALL BE COMPLETED ON OR BEFORE SEPTEMBER 30, 2009.

(E) REPLICATION PREVALENCE STUDIES SHALL BE CONDUCTED NO LESS THAN EVERY 5 YEARS WITH MEASURES TAKEN TO PERMIT COMPARISONS BETWEEN THE INITIAL PREVALENCE STUDY AND SUBSEQUENT REPLICATION PREVALENCE STUDIES.

[(b)**]** **(F)** Services under this subtitle shall be provided by public agencies or, under contract, by nonprofit organizations.

Article – State Government

9–105.

(a) The Commission consists of **[**5**]** **NINE** members appointed by the Governor with the advice and consent of the Senate.

(b) **(1)** **[**Each**]** **AT THE TIME OF APPOINTMENT, EACH** member of the Commission **[**must be a resident and citizen of the State**]** **SHALL BE:**

(I) AT LEAST 25 YEARS OLD;

(II) A RESIDENT OF THE STATE WHO HAS RESIDED IN THE STATE FOR AT LEAST 5 YEARS;

(III) A QUALIFIED VOTER OF THE STATE; AND

(IV) AN INDIVIDUAL WHO HAS NOT BEEN CONVICTED OF OR GRANTED PROBATION BEFORE JUDGMENT FOR A SERIOUS CRIME OR A CRIME THAT INVOLVES MORAL TURPITUDE OR GAMBLING.

(2) A MEMBER OF THE COMMISSION MAY NOT:

(I) HAVE A DIRECT OR INDIRECT FINANCIAL INTEREST IN VIDEO LOTTERY TERMINALS;

(II) HAVE AN OFFICIAL RELATIONSHIP TO A PERSON WHO HOLDS A LICENSE UNDER SUBTITLE 1A OF THIS TITLE; OR

(III) HOLD ANY STOCKS, BONDS, OR OTHER FINANCIAL INTEREST IN A PERSON HOLDING A LICENSE UNDER SUBTITLE 1A OF THIS TITLE.

(3) NO MORE THAN SIX MEMBERS MAY BE OF THE SAME POLITICAL PARTY.

(4) THE MEMBERS OF THE COMMISSION SHALL REFLECT THE GEOGRAPHIC, RACIAL, AND GENDER MAKEUP OF THE STATE.

(C) THE COMMISSION SHALL INCLUDE:

(1) ONE MEMBER WITH EXPERIENCE IN LAW ENFORCEMENT;

(2) ONE MEMBER WITH EXPERIENCE IN A FIELD RELATING TO FINANCE OR INVESTMENTS;

(3) ONE MEMBER WHO IS A CERTIFIED PUBLIC ACCOUNTANT; AND

(4) ONE MEMBER WITH EXPERIENCE IN A FIELD OF INFORMATION TECHNOLOGY.

[(c)**]** **(D)** (1) The term of a member is 4 years.

(2) The terms of members are staggered **[**as required by the terms provided for members of the Commission on October 1, 1984**]**.

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

[(d)**]** **(E)** (1) Subject to the hearing requirements of this subsection, the Governor may remove a member for cause.

(2) Before the Governor removes a member, the Governor shall give the member notice and an opportunity for a public hearing.

(F) THE GOVERNOR SHALL APPOINT ONE MEMBER OF THE COMMISSION TO SERVE AS A LIAISON TO THE STATE RACING COMMISSION ESTABLISHED UNDER TITLE 11 OF THE BUSINESS REGULATION ARTICLE.

9–108.

(d) As provided in the State budget, a member of the Commission:

(1) may receive compensation **[**as payment for attendance at Commission meetings or other lottery functions in the amount of:

(i) $125 per meeting attended, not to exceed $1,500 annually for a Commission member who is not the chairman; and

(ii) $165 per meeting attended, not to exceed $2,000 annually for the Commission chairman**]**; and

(2) is entitled to reimbursement for reasonable expenses incurred in the performance of the duties as a member.

SUBTITLE 1A. VIDEO LOTTERY TERMINALS.

9–1A–01.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "APPLICANT" MEANS A PERSON WHO APPLIES FOR ANY LICENSE REQUIRED UNDER THIS SUBTITLE.

(C) "ASSOCIATED EQUIPMENT" MEANS HARDWARE LOCATED ON A LICENSEE'S PREMISES THAT IS CONNECTED TO THE VIDEO LOTTERY SYSTEM FOR THE PURPOSE OF PERFORMING COMMUNICATION, VALIDATION, OR OTHER FUNCTIONS, BUT NOT INCLUDING THE COMMUNICATION FACILITIES OF A REGULATED UTILITY OR THE VIDEO LOTTERY TERMINALS.

(D) "AVERAGE ANNUAL PAYOUT PERCENTAGE" MEANS THE AVERAGE ANNUAL PERCENTAGE OF MONEY USED BY PLAYERS TO PLAY A VIDEO LOTTERY TERMINAL THAT IS RETURNED TO PLAYERS OF THAT VIDEO LOTTERY TERMINAL.

(E) "BACKGROUND INVESTIGATION" MEANS A SECURITY, CRIMINAL, AND CREDIT INVESTIGATION OF A PERSON THAT APPLIES FOR OR IS GRANTED A LICENSE UNDER THIS SUBTITLE.

(F) "CAREER OFFENDER" MEANS A PERSON WHOSE BEHAVIOR IS PURSUED IN AN OCCUPATIONAL MANNER OR CONTEXT FOR THE PURPOSE OF ECONOMIC GAIN

AND WHO UTILIZES METHODS THAT ARE DEEMED BY THE COMMISSION AS CRIMINAL VIOLATIONS INIMICAL TO THE INTEREST OF THE STATE.

(G) "CAREER OFFENDER CARTEL" MEANS A GROUP OF PERSONS WHO OPERATE TOGETHER AS CAREER OFFENDERS.

(H) "CENTRAL COMPUTER" MEANS A CENTRAL SITE COMPUTER PROVIDED TO AND CONTROLLED BY THE COMMISSION TO WHICH VIDEO LOTTERY TERMINALS COMMUNICATE FOR PURPOSES OF:

(1) INFORMATION RETRIEVAL; ~~AND~~

(2) RETRIEVAL OF THE WIN AND LOSS DETERMINATION FROM VIDEO LOTTERY TERMINALS; AND

~~(2)~~ (3) PROGRAMS TO ACTIVATE AND DISABLE VIDEO LOTTERY TERMINALS.

(I) "COMMISSION" MEANS THE STATE LOTTERY COMMISSION.

(J) "CONTROL" MEANS THE AUTHORITY TO DIRECT THE MANAGEMENT AND POLICIES OF AN APPLICANT OR LICENSEE.

(K) "COSTS" MEANS, UNLESS THE CONTEXT OTHERWISE REQUIRES, THE EXPENSES INCURRED BY THE COMMISSION IN THE ADMINISTRATION OF THIS SUBTITLE, INCLUDING:

(1) THE COSTS OF LEASING OR THE CAPITALIZED COST OF PURCHASING THE VIDEO LOTTERY TERMINALS, ASSOCIATED EQUIPMENT, AND CENTRAL COMPUTER;

(2) THE COSTS TO REPAIR AND MAINTAIN THE VIDEO LOTTERY TERMINALS, ASSOCIATED EQUIPMENT, AND CENTRAL COMPUTER TO THE EXTENT THESE COSTS ARE NOT INCLUDED IN THE COSTS OF LEASING OR PURCHASING THE VIDEO LOTTERY TERMINALS, ASSOCIATED EQUIPMENT, AND CENTRAL COMPUTER;

(3) THE COSTS OF TESTING AND EXAMINATION OF VIDEO LOTTERY TERMINALS; AND

(4) THE COSTS OF PERFORMING BACKGROUND INVESTIGATIONS AND OTHER RELATED ACTIVITIES.

(L) "FAMILY" MEANS SPOUSE, PARENTS, GRANDPARENTS, CHILDREN, GRANDCHILDREN, SIBLINGS, UNCLES, AUNTS, NEPHEWS, NIECES, FATHERS–IN–LAW, MOTHERS–IN–LAW, DAUGHTERS–IN–LAW, SONS–IN–LAW, BROTHERS–IN–LAW, AND SISTERS–IN–LAW, WHETHER BY WHOLE BLOOD OR HALF BLOOD, BY MARRIAGE, ADOPTION, OR NATURAL RELATIONSHIP.

(M) "LICENSE" MEANS, UNLESS THE CONTEXT OTHERWISE REQUIRES, A LICENSE REQUIRED UNDER THIS SUBTITLE.

(N) "LICENSEE" MEANS AN APPLICANT THAT HAS BEEN ISSUED A LICENSE REQUIRED UNDER THIS SUBTITLE.

(O) "MANUFACTURER" MEANS A PERSON:

(1) THAT IS ENGAGED IN THE BUSINESS OF DESIGNING, BUILDING, CONSTRUCTING, ASSEMBLING, MANUFACTURING, OR DISTRIBUTING A CENTRAL COMPUTER, A CENTRAL COMPUTER SOFTWARE SYSTEM, VIDEO LOTTERY TERMINALS, ASSOCIATED EQUIPMENT, THE ELECTRONIC COMPUTER COMPONENTS OF VIDEO LOTTERY TERMINALS, THE RANDOM NUMBER GENERATOR OF VIDEO LOTTERY TERMINALS, OR THE CABINET IN WHICH A VIDEO LOTTERY TERMINAL IS HOUSED;

(2) THAT PRODUCES A PRODUCT THAT IS INTENDED FOR SALE, LEASE, OR OTHER ASSIGNMENT TO THE COMMISSION OR A LICENSEE; AND

(3) THAT CONTRACTS WITH THE COMMISSION OR A LICENSEE FOR THE SALE, LEASE, OR OTHER ASSIGNMENT OF A PRODUCT DESCRIBED IN PARAGRAPH (I) OF THIS SUBSECTION.

(P) "NONRACETRACK DESTINATION LOCATION" MEANS A LOCATION THAT IS NOT A RACETRACK THAT IS ELIGIBLE FOR OR HAS BEEN AWARDED IN THE MANNER PROVIDED BY LAW A VIDEO LOTTERY OPERATION LICENSE.

(Q) "OWN" MEANS HAVING A BENEFICIAL OR PROPRIETARY INTEREST OF AT LEAST 10% IN THE PROPERTY OR BUSINESS OF AN APPLICANT OR LICENSEE.

(R) "PLAYER" MEANS AN INDIVIDUAL WHO PLAYS A VIDEO LOTTERY TERMINAL AT A VIDEO LOTTERY FACILITY LICENSED BY THE COMMISSION.

(S) "PROCEEDS" MEANS THE PART OF THE AMOUNT OF MONEY BET THROUGH VIDEO LOTTERY TERMINALS THAT IS NOT RETURNED TO SUCCESSFUL PLAYERS, BUT IS OTHERWISE ALLOCATED UNDER THIS SUBTITLE.

(T) "PROGRESSIVE JACKPOT" MEANS A PRIZE THAT INCREASES AS ONE OR MORE VIDEO LOTTERY TERMINALS ARE CONNECTED TO A PROGRESSIVE JACKPOT SYSTEM.

(U) "PROGRESSIVE JACKPOT SYSTEM" MEANS THE CAPABILITY OF THE CENTRAL COMPUTER TO LINK ONE OR MORE VIDEO LOTTERY TERMINALS IN ONE OR MORE LICENSED FACILITIES AND TO OFFER ONE OR MORE PROGRESSIVE JACKPOTS.

(V) "RACETRACK LOCATION" MEANS A LOCATION AT A RACETRACK THAT HOLDS A LICENSE FROM THE STATE RACING COMMISSION TO HOLD A RACE MEETING

THAT IS ELIGIBLE FOR OR HAS BEEN AWARDED A VIDEO LOTTERY OPERATION LICENSE IN THE MANNER PROVIDED BY LAW.

~~(V)~~ (W) "VIDEO LOTTERY" MEANS GAMING OR BETTING THAT IS CONDUCTED USING A VIDEO LOTTERY TERMINAL.

~~(W)~~ (X) "VIDEO LOTTERY EMPLOYEE" MEANS AN EMPLOYEE OF A PERSON THAT HOLDS A LICENSE.

~~(X)~~ (Y) "VIDEO LOTTERY FACILITY" MEANS A FACILITY WHERE PLAYERS PLAY VIDEO LOTTERY TERMINALS UNDER THIS SUBTITLE.

~~(Y)~~ (Z) "VIDEO LOTTERY OPERATION LICENSE" MEANS A LICENSE ISSUED TO A PERSON THAT ALLOWS PLAYERS TO OPERATE VIDEO LOTTERY TERMINALS.

~~(Z)~~ (AA) (1) "VIDEO LOTTERY TERMINAL" MEANS ANY MACHINE OR OTHER DEVICE THAT, ON INSERTION OF A BILL, COIN, TOKEN, VOUCHER, TICKET, COUPON, OR SIMILAR ITEM, OR ON PAYMENT OF ANY CONSIDERATION:

(I) IS AVAILABLE TO PLAY OR SIMULATE THE PLAY OF ANY GAME OF CHANCE IN WHICH THE RESULTS, INCLUDING THE OPTIONS AVAILABLE TO THE PLAYER, ARE RANDOMLY AND IMMEDIATELY DETERMINED BY THE MACHINE OR OTHER DEVICE; AND

(II) BY THE ELEMENT OF CHANCE, MAY DELIVER OR ENTITLE THE PLAYER WHO OPERATES THE MACHINE OR DEVICE TO RECEIVE CASH, PREMIUMS, MERCHANDISE, TOKENS, OR ANYTHING OF VALUE, WHETHER THE PAYOUT IS MADE AUTOMATICALLY FROM THE DEVICE OR IN ANY OTHER MANNER.

(2) "VIDEO LOTTERY TERMINAL" INCLUDES A MACHINE OR DEVICE:

(I) THAT DOES NOT DIRECTLY DISPENSE MONEY, TOKENS, OR ANYTHING OF VALUE TO WINNING PLAYERS; AND

(II) DESCRIBED UNDER PARAGRAPH (1) OF THIS SUBSECTION THAT USES AN ELECTRONIC CREDIT SYSTEM MAKING THE DEPOSIT OF BILLS, COINS, OR TOKENS UNNECESSARY.

(3) "VIDEO LOTTERY TERMINAL" DOES NOT INCLUDE AN AUTHORIZED SLOT MACHINE OPERATED BY AN ELIGIBLE ORGANIZATION UNDER TITLE 12, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE.

9–1A–02.

(A) THIS SUBTITLE IS STATEWIDE AND EXCLUSIVE IN ITS EFFECT.

(B) THE COMMISSION SHALL REGULATE THE OPERATION OF VIDEO LOTTERY TERMINALS IN ACCORDANCE WITH THIS SUBTITLE.

(C) (1) THIS SUBTITLE AUTHORIZES THE OPERATION OF VIDEO LOTTERY TERMINALS CONNECTED TO A CENTRAL COMPUTER THAT ALLOWS THE COMMISSION TO MONITOR A VIDEO LOTTERY TERMINAL.

(2) THE COMMISSION SHALL PROVIDE AND OPERATE A SINGLE CENTRAL COMPUTER INTO WHICH ALL LICENSED VIDEO LOTTERY TERMINALS MUST BE CONNECTED.

(3) THE CENTRAL COMPUTER MUST BE CAPABLE OF:

(I) CONTINUOUSLY MONITORING, RETRIEVING, AND AUDITING THE OPERATIONS, FINANCIAL DATA, AND PROGRAM INFORMATION OF ALL VIDEO LOTTERY TERMINALS;

(II) ALLOWING THE COMMISSION TO ACCOUNT FOR ALL MONEY INSERTED IN AND PAYOUTS MADE FROM ANY VIDEO LOTTERY TERMINAL;

(III) DISABLING FROM OPERATION OR PLAY ANY VIDEO LOTTERY TERMINAL AS THE COMMISSION CONSIDERS NECESSARY TO CARRY OUT THE PROVISIONS OF THIS SUBTITLE; AND

(IV) SUPPORTING A PROGRESSIVE JACKPOT SYSTEM CAPABLE OF OPERATING ONE OR MORE PROGRESSIVE JACKPOTS.

(4) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE COMMISSION MAY NOT ALLOW A VIDEO LOTTERY OPERATION LICENSEE TO HAVE ACCESS TO THE CENTRAL COMPUTER SYSTEM OR INFORMATION FROM THE CENTRAL COMPUTER SYSTEM.

(II) PROVIDED THE ACCESS DOES NOT IN ANY WAY AFFECT THE INTEGRITY OR SECURITY OF THE CENTRAL COMPUTER SYSTEM, THE COMMISSION MAY ALLOW A VIDEO LOTTERY OPERATION LICENSEE TO HAVE ACCESS TO INFORMATION FROM THE CENTRAL COMPUTER THAT ALLOWS THE LICENSEE TO OPERATE A PLAYER TRACKING SYSTEM OR OBTAIN OTHER INFORMATION PERTINENT TO THE LEGITIMATE OPERATION OF A VIDEO LOTTERY FACILITY.

(D) ONLY A PERSON WITH A VIDEO LOTTERY OPERATION LICENSE ISSUED BY THE COMMISSION SHALL OFFER A VIDEO LOTTERY TERMINAL FOR PUBLIC USE IN THE STATE UNDER THIS SUBTITLE.

9–1A–03.

(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, ANY ADDITIONAL FORMS OR EXPANSION OF COMMERCIAL GAMING OTHER THAN AS EXPRESSLY PROVIDED IN THIS SUBTITLE ARE PROHIBITED.

(B) THIS SUBTITLE, INCLUDING THE AUTHORITY PROVIDED TO THE COMMISSION UNDER THIS SUBTITLE, DOES NOT APPLY TO:

(1) LOTTERIES CONDUCTED UNDER SUBTITLE 1 OF THIS TITLE;

(2) WAGERING ON HORSE RACING CONDUCTED UNDER TITLE 11 OF THE BUSINESS REGULATION ARTICLE;

(3) THE OPERATION OF SLOT MACHINES AS PROVIDED UNDER TITLES 12 AND 13 OF THE CRIMINAL LAW ARTICLE; OR

(4) OTHER GAMING CONDUCTED UNDER TITLES 12 AND 13 OF THE CRIMINAL LAW ARTICLE.

9–1A–04.

(A) THE COMMISSION SHALL:

(1) HEAR AND DECIDE, PROMPTLY AND IN REASONABLE ORDER, LICENSE APPLICATIONS AND CAUSES AFFECTING THE GRANTING, SUSPENSION, REVOCATION, OR RENEWAL OF LICENSES UNDER THIS SUBTITLE;

(2) AFTER A HEARING, SUSPEND OR REVOKE AS APPLICABLE THE LICENSE OF A LICENSEE WHO HAS A LICENSE SUSPENDED OR REVOKED IN ANOTHER STATE;

(3) CONDUCT HEARINGS CONCERNING CIVIL VIOLATIONS OF THIS SUBTITLE OR REGULATIONS ISSUED UNDER THIS SUBTITLE;

(4) COLLECT APPLICATION, LICENSE, AND OTHER FEES TO COVER THE ADMINISTRATIVE COSTS OF THIS SUBTITLE;

(5) DEPOSIT APPLICATION, LICENSE, AND OTHER FEES IN A BANK ACCOUNT THAT THE STATE TREASURER DESIGNATES TO THE CREDIT OF THE STATE LOTTERY FUND;

(6) LEVY AND COLLECT CIVIL PENALTIES FOR CIVIL VIOLATIONS OF THE PROVISIONS OF THIS SUBTITLE OR REGULATIONS ISSUED UNDER THIS SUBTITLE;

(7) BE PRESENT AT A VIDEO LOTTERY OPERATION THROUGH ITS EMPLOYEES AND AGENTS AT ANY TIME DURING THE OPERATION OF ANY VIDEO LOTTERY TERMINAL FOR THE PURPOSE OF:

(I) CERTIFYING REVENUE FROM THE VIDEO LOTTERY TERMINALS;

(II) RECEIVING COMPLAINTS FROM THE PUBLIC; AND

(III) CONDUCTING INVESTIGATIONS INTO THE OPERATION AND MAINTENANCE OF THE VIDEO LOTTERY TERMINALS AND ASSOCIATED EQUIPMENT AS THE COMMISSION CONSIDERS NECESSARY; AND

(8) REVIEW AND RULE ON ANY COMPLAINT BY A LICENSEE REGARDING ANY INVESTIGATIVE PROCEDURES OF THE COMMISSION THAT ARE UNNECESSARILY DISRUPTIVE OF VIDEO LOTTERY OPERATIONS.

(B) THE COMMISSION MAY:

(1) ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES AT ANY PLACE WITHIN THE STATE IN THE COURSE OF ANY INVESTIGATION OR HEARING UNDER THIS SUBTITLE;

(2) ADMINISTER OATHS AND REQUIRE TESTIMONY UNDER OATH BEFORE THE COMMISSION IN THE COURSE OF ANY INVESTIGATION OR HEARING CONDUCTED UNDER THIS SUBTITLE;

(3) PROVIDE FOR NOTICES OR SERVICE OF PROCESS IN CIVIL ACTIONS TO BE SERVED AS PRESCRIBED UNDER THE MARYLAND RULES; AND

(4) PROPOUND WRITTEN INTERROGATORIES.

(C) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, THE COMMISSION SHALL CONDUCT A HEARING IN THE SAME MANNER AS SPECIFIED IN TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

(D) THE COMMISSION SHALL ADOPT REGULATIONS THAT INCLUDE THE FOLLOWING SPECIFIC PROVISIONS:

(1) ESTABLISHING THE METHODS AND FORMS OF APPLICATION THAT AN APPLICANT FOR ANY LICENSE REQUIRED UNDER THIS SUBTITLE SHALL FOLLOW AND COMPLETE BEFORE CONSIDERATION OF THE APPLICATION BY THE COMMISSION;

(2) ESTABLISHING THE METHODS, PROCEDURES, AND FORM FOR DELIVERY OF INFORMATION FROM AN APPLICANT OR LICENSEE CONCERNING ANY PERSON'S FAMILY, HABITS, CHARACTER, ASSOCIATES, CRIMINAL RECORD, BUSINESS ACTIVITIES, AND FINANCIAL AFFAIRS;

(3) ESTABLISHING THE PROCEDURES FOR:

(I) FINGERPRINTING AN APPLICANT FOR ANY LICENSE REQUIRED UNDER THIS SUBTITLE; AND

(II) PROVIDING OTHER METHODS OF IDENTIFICATION THAT MAY BE NECESSARY IN THE JUDGMENT OF THE COMMISSION TO ACCOMPLISH EFFECTIVE ENFORCEMENT OF THE PROVISIONS OF THIS SUBTITLE;

(4) ESTABLISHING THE MANNER AND PROCEDURE OF HEARINGS CONDUCTED BY THE COMMISSION;

(5) ESTABLISHING THE MANNER AND METHOD OF COLLECTION OF TAXES, FEES, AND CIVIL PENALTIES;

(6) DEFINING AND LIMITING THE AREAS OF OPERATION FOR VIDEO LOTTERY TERMINALS, RULES OF VIDEO LOTTERY TERMINALS, ODDS FOR VIDEO LOTTERY TERMINALS, AND THE METHOD OF OPERATION OF THE VIDEO LOTTERY TERMINALS;

(7) GOVERNING THE PRACTICE AND PROCEDURES FOR NEGOTIABLE TRANSACTIONS INVOLVING PLAYERS, INCLUDING LIMITATIONS ON THE CIRCUMSTANCES AND AMOUNTS OF NEGOTIABLE TRANSACTIONS AND THE ESTABLISHMENT OF FORMS AND PROCEDURES FOR NEGOTIABLE INSTRUMENT TRANSACTIONS, REDEMPTIONS, AND CONSOLIDATIONS;

(8) PRESCRIBING THE GROUNDS AND PROCEDURES FOR REPRIMANDS OF LICENSEES OR THE REVOCATION OR SUSPENSION OF LICENSES ISSUED UNDER THIS SUBTITLE;

(9) GOVERNING THE MANUFACTURE, DISTRIBUTION, SALE, AND SERVICING OF VIDEO LOTTERY TERMINALS;

(10) ESTABLISHING THE PROCEDURES, FORMS, AND METHODS OF MANAGEMENT CONTROLS;

(11) PROVIDING FOR MINIMUM UNIFORM STANDARDS OF ACCOUNTANCY METHODS, PROCEDURES, AND FORMS AS ARE NECESSARY TO ASSURE CONSISTENCY, COMPARABILITY, AND EFFECTIVE DISCLOSURE OF ALL FINANCIAL INFORMATION, INCLUDING PERCENTAGES OF PROFIT FOR VIDEO LOTTERY TERMINALS;

(12) ESTABLISHING PERIODIC FINANCIAL REPORTS AND THE FORM OF THE REPORTS, INCLUDING AN ANNUAL AUDIT PREPARED BY A CERTIFIED PUBLIC ACCOUNTANT LICENSED TO DO BUSINESS IN THE STATE, DISCLOSING WHETHER THE ACCOUNTS, RECORDS, AND CONTROL PROCEDURES EXAMINED ARE MAINTAINED BY THE VIDEO LOTTERY OPERATION LICENSEE AS REQUIRED BY THIS SUBTITLE;

(13) REQUIRING LICENSEES UNDER THIS SUBTITLE TO DEMONSTRATE AND MAINTAIN FINANCIAL VIABILITY;

(14) ENSURING THAT THE OPERATION OF VIDEO LOTTERY TERMINALS AND VIDEO LOTTERY FACILITIES IS CONDUCTED LEGALLY; AND

(15) OTHERWISE CARRYING OUT THE PROVISIONS OF THIS SUBTITLE.

(E) (1) THE COMMISSION ~~MAY~~ SHALL BY REGULATION REQUIRE AN APPLICANT OR LICENSEE TO FILE A BOND FOR THE BENEFIT OF THE STATE FOR THE FAITHFUL PERFORMANCE OF THE REQUIREMENTS IMPOSED BY THIS SUBTITLE AND ANY REGULATIONS ISSUED UNDER THIS SUBTITLE.

(2) AN APPLICANT OR LICENSEE SHALL OBTAIN AND SUBMIT SATISFACTORY PROOF OF THE BOND TO THE COMMISSION BEFORE A LICENSE IS ISSUED OR REISSUED.

(3) THE BONDS FURNISHED MAY BE APPLIED BY THE COMMISSION TO THE PAYMENT OF AN UNPAID LIABILITY OF THE LICENSEE.

(F) (1) THE COMMISSION SHALL PROMPTLY AND THOROUGHLY INVESTIGATE ALL APPLICATIONS AND ENFORCE THIS SUBTITLE AND REGULATIONS THAT ARE ADOPTED UNDER THIS SUBTITLE.

(2) THE COMMISSION AND ITS EMPLOYEES AND AGENTS SHALL HAVE THE AUTHORITY, WITHOUT NOTICE AND WITHOUT WARRANT, TO:

(I) INSPECT AND EXAMINE ALL PREMISES IN WHICH:

1. VIDEO LOTTERY OPERATIONS UNDER THIS SUBTITLE ARE CONDUCTED;

2. AUTHORIZED VIDEO LOTTERY TERMINALS, ASSOCIATED EQUIPMENT, OR A CENTRAL COMPUTER ARE DESIGNED, BUILT, CONSTRUCTED, ASSEMBLED, MANUFACTURED, SOLD, DISTRIBUTED, OR SERVICED; OR

3. RECORDS OF THOSE ACTIVITIES ARE PREPARED OR MAINTAINED;

(II) INSPECT ANY VIDEO LOTTERY TERMINALS, ASSOCIATED EQUIPMENT, OR CENTRAL COMPUTER IN, ABOUT, ON, OR AROUND THE PREMISES;

(III) SEIZE SUMMARILY AND REMOVE FROM THOSE PREMISES AND IMPOUND, OR ASSUME PHYSICAL CONTROL OF, ANY VIDEO LOTTERY TERMINALS, ASSOCIATED EQUIPMENT, OR CENTRAL COMPUTER FOR THE PURPOSES OF EXAMINATION AND INSPECTION;

(IV) INSPECT, EXAMINE, AND AUDIT BOOKS, RECORDS, AND DOCUMENTS CONCERNING A LICENSEE'S VIDEO LOTTERY OPERATIONS, INCLUDING THE FINANCIAL RECORDS OF A PARENT CORPORATION, SUBSIDIARY CORPORATION, OR SIMILAR BUSINESS ENTITY; AND

(V) SEIZE, IMPOUND, OR ASSUME PHYSICAL CONTROL OF:

1. BOOKS, RECORDS, LEDGERS, CASH BOXES AND THEIR CONTENTS;

2. A COUNTING ROOM OR ITS EQUIPMENT; OR

3. OTHER PHYSICAL OBJECTS RELATING TO VIDEO LOTTERY OPERATIONS.

(3) A LICENSEE SHALL AUTHORIZE ANY OTHER PERSON HAVING FINANCIAL RECORDS RELATING TO THE LICENSEE TO PROVIDE THOSE RECORDS TO THE COMMISSION.

9–1A–05.

(A) THE VIDEO LOTTERY FACILITY LOCATION COMMISSION ~~MAY~~ ESTABLISHED UNDER § 9–1A–34 OF THIS SUBTITLE MAY NOT ISSUE ~~NO~~ MORE THAN SEVEN VIDEO LOTTERY OPERATION LICENSES.

(B) A LICENSE ISSUED UNDER THIS SUBTITLE IS NOT VALID AT A GEOGRAPHIC LOCATION OTHER THAN THE GEOGRAPHIC LOCATION OF THE RACETRACK LOCATION OR THE NONRACETRACK DESTINATION LOCATION AT THE TIME THE LICENSE IS ISSUED.

(C) (1) IN THIS SUBSECTION, "OWNER" INCLUDES ANY TYPE OF OWNER OR BENEFICIARY OF THE BUSINESS ENTITY, INCLUDING AN OFFICER, DIRECTOR, PRINCIPAL EMPLOYEE, PARTNER, INVESTOR, STOCKHOLDER, OR BENEFICIAL OWNER OF THE BUSINESS ENTITY AND, NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS SUBTITLE, INCLUDES ANY PERCENTAGE OF OWNERSHIP.

(2) A VIDEO LOTTERY OPERATION LICENSEE AT A RACETRACK LOCATION IN THE STATE MAY NOT HOLD A VIDEO LOTTERY OPERATION LICENSE OR BE AN OWNER OF A BUSINESS ENTITY THAT HOLDS A VIDEO LOTTERY OPERATION LICENSE AT A NONRACETRACK DESTINATION LOCATION IN THE STATE.

(3) A VIDEO LOTTERY OPERATION LICENSEE AT A NONRACETRACK DESTINATION LOCATION IN THE STATE MAY NOT HOLD A VIDEO LOTTERY OPERATION LICENSE OR BE AN OWNER OF A BUSINESS ENTITY THAT HOLDS A VIDEO LOTTERY OPERATION LICENSE AT A RACETRACK LOCATION IN THE STATE.

(4) AN INDIVIDUAL OR BUSINESS ENTITY MAY NOT OWN AN INTEREST IN MORE THAN TWO VIDEO LOTTERY FACILITIES AT RACETRACK LOCATIONS.

(5) AN INDIVIDUAL OR BUSINESS ENTITY MAY NOT OWN AN INTEREST IN MORE THAN ONE VIDEO LOTTERY FACILITY AT A NONRACETRACK DESTINATION LOCATION.

9–1A–06.

(A) THE FOLLOWING PERSONS SHALL BE LICENSED UNDER THIS SUBTITLE:

(1) A VIDEO LOTTERY OPERATOR;

(2) A MANUFACTURER;

(3) A PERSON NOT LICENSED UNDER ITEM (1) OR (2) OF THIS SUBSECTION WHO MANAGES, OPERATES, SUPPLIES, PROVIDES SECURITY FOR, OR PROVIDES SERVICE, MAINTENANCE, OR REPAIRS FOR VIDEO LOTTERY TERMINALS; AND

(4) A VIDEO LOTTERY EMPLOYEE.

(B) THE COMMISSION MAY BY REGULATION REQUIRE A PERSON THAT CONTRACTS WITH A LICENSEE AND THE PERSON'S EMPLOYEES TO OBTAIN A LICENSE UNDER THIS SUBTITLE IF THE COMMISSION DETERMINES THAT THE LICENSING REQUIREMENTS ARE NECESSARY IN ORDER TO PROTECT THE PUBLIC INTEREST AND ACCOMPLISH THE POLICIES ESTABLISHED BY THIS SUBTITLE.

(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, UNLESS AN INDIVIDUAL HOLDS A VALID LICENSE ISSUED UNDER THIS SUBTITLE, THE INDIVIDUAL MAY NOT BE EMPLOYED BY A LICENSEE AS A VIDEO LOTTERY EMPLOYEE.

(2) THE COMMISSION BY REGULATION MAY EXEMPT CATEGORIES OF VIDEO LOTTERY EMPLOYEES WHO ARE NOT DIRECTLY INVOLVED IN THE VIDEO LOTTERY OPERATIONS FROM THE REQUIREMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION IF THE COMMISSION DETERMINES THAT THE REQUIREMENT IS NOT NECESSARY IN ORDER TO PROTECT THE PUBLIC INTEREST OR ACCOMPLISH THE POLICIES ESTABLISHED UNDER THIS SUBTITLE.

9–1A–07.

(A) AN APPLICANT FOR A LICENSE SHALL SUBMIT TO THE COMMISSION AN APPLICATION:

(1) IN THE FORM THAT THE COMMISSION REQUIRES; AND

(2) ON OR BEFORE THE DATE SET BY THE COMMISSION.

(B) (1) THIS SUBSECTION DOES NOT APPLY TO LICENSE FEES FOR A VIDEO LOTTERY OPERATION LICENSE.

(2) THE COMMISSION ~~MAY~~ SHALL BY REGULATION ESTABLISH A FEE FOR A LICENSE UNDER THIS SUBTITLE.

(3) AN APPLICANT SHALL SUBMIT THE FEE WITH THE APPLICATION.

(C) (1) APPLICANTS AND LICENSEES SHALL HAVE THE AFFIRMATIVE RESPONSIBILITY TO ESTABLISH BY CLEAR AND CONVINCING EVIDENCE THE PERSON'S QUALIFICATIONS.

(2) APPLICANTS AND LICENSEES SHALL PROVIDE INFORMATION REQUIRED BY THIS SUBTITLE AND SATISFY REQUESTS FOR INFORMATION RELATING TO QUALIFICATIONS IN THE FORM SPECIFIED BY THE COMMISSION.

(3) APPLICANTS AND LICENSEES SHALL CONSENT TO INSPECTIONS, SEARCHES, AND SEIZURES AUTHORIZED BY THIS SUBTITLE OR REGULATIONS ISSUED UNDER THIS SUBTITLE.

(4) (I) APPLICANTS AND LICENSEES SHALL HAVE THE CONTINUING DUTY TO:

1. PROVIDE ASSISTANCE OR INFORMATION REQUIRED BY THE COMMISSION; AND

2. COOPERATE IN AN INQUIRY, INVESTIGATION, OR HEARING CONDUCTED BY THE COMMISSION.

(II) ON THE ISSUANCE OF A FORMAL REQUEST TO ANSWER OR PRODUCE INFORMATION, EVIDENCE, OR TESTIMONY, IF AN APPLICANT OR LICENSEE REFUSES TO COMPLY, THE APPLICATION MAY BE DENIED OR THE LICENSE OF THE PERSON MAY BE DENIED, SUSPENDED, OR REVOKED BY THE COMMISSION.

(5) (I) IF THE APPLICANT IS AN INDIVIDUAL, THE APPLICANT SHALL BE PHOTOGRAPHED AND FINGERPRINTED FOR IDENTIFICATION AND INVESTIGATION PURPOSES.

(II) IF THE APPLICANT IS NOT AN INDIVIDUAL, THE COMMISSION BY REGULATION MAY ESTABLISH THE CATEGORIES OF INDIVIDUALS WHO SHALL BE PHOTOGRAPHED AND FINGERPRINTED FOR IDENTIFICATION AND INVESTIGATION PURPOSES.

(6) (I) APPLICANTS AND LICENSEES SHALL HAVE A DUTY TO INFORM THE COMMISSION OF AN ACT OR OMISSION THAT THE PERSON KNOWS OR

SHOULD KNOW CONSTITUTES A VIOLATION OF THIS SUBTITLE OR THE REGULATIONS ISSUED UNDER THIS SUBTITLE.

(II) APPLICANTS AND LICENSEES MAY NOT DISCRIMINATE AGAINST A PERSON WHO IN GOOD FAITH INFORMS THE COMMISSION OF AN ACT OR OMISSION THAT THE PERSON BELIEVES CONSTITUTES A VIOLATION OF THIS SUBTITLE OR THE REGULATIONS ISSUED UNDER THIS SUBTITLE.

(7) APPLICANTS AND LICENSEES SHALL PRODUCE INFORMATION, DOCUMENTATION, AND ASSURANCES TO ESTABLISH THE FOLLOWING QUALIFICATIONS BY CLEAR AND CONVINCING EVIDENCE:

(I) THE FINANCIAL STABILITY, INTEGRITY, AND RESPONSIBILITY OF THE APPLICANT OR LICENSEE;

(II) THE INTEGRITY OF ANY FINANCIAL BACKERS, INVESTORS, MORTGAGEES, BONDHOLDERS, AND HOLDERS OF OTHER EVIDENCES OF INDEBTEDNESS THAT BEAR A RELATION TO THE APPLICATION;

(III) THE APPLICANT'S OR LICENSEE'S GOOD CHARACTER, HONESTY, AND INTEGRITY; AND

(IV) SUFFICIENT BUSINESS ABILITY AND EXPERIENCE OF THE APPLICANT OR LICENSEE.

(D) ON THE FILING OF AN APPLICATION FOR ANY LICENSE REQUIRED UNDER THIS SUBTITLE AND ANY SUPPLEMENTAL INFORMATION REQUIRED BY THE COMMISSION, THE COMMISSION SHALL:

(1) REFER THE APPLICATION TO THE DEPARTMENT OF STATE POLICE TO CONDUCT A BACKGROUND INVESTIGATION UNDER § 9-1A-20 OF THIS SUBTITLE ON THE QUALIFICATIONS OF THE APPLICANT AND ANY PERSON WHO IS REQUIRED TO BE QUALIFIED UNDER THIS SUBTITLE AS A CONDITION OF A LICENSE; AND

(2) IF THE APPLICANT IS APPLYING FOR A VIDEO LOTTERY OPERATION LICENSE, CONDUCT A HEARING ON THE QUALIFICATIONS OF THE APPLICANT AND ANY PERSON WHO IS REQUIRED TO BE QUALIFIED UNDER THIS SUBTITLE AS A CONDITION OF A LICENSE.

(E) (1) AFTER RECEIVING THE RESULTS OF THE BACKGROUND INVESTIGATION AND CONDUCTING ANY HEARING REQUIRED UNDER THIS SUBTITLE, THE COMMISSION MAY EITHER GRANT A LICENSE TO AN APPLICANT WHOM THE COMMISSION DETERMINES TO BE QUALIFIED OR DENY THE LICENSE TO AN APPLICANT WHOM THE COMMISSION DETERMINES TO BE NOT QUALIFIED OR DISQUALIFIED.

(2) IF AN APPLICATION FOR A LICENSE IS DENIED, THE COMMISSION SHALL PREPARE AND FILE AN ORDER DENYING THE LICENSE WITH A STATEMENT OF THE REASONS FOR THE DENIAL, INCLUDING THE SPECIFIC FINDINGS OF FACT.

(F) EXCEPT AS PROVIDED IN § 9–1A–13 OF THIS SUBTITLE, IF SATISFIED THAT AN APPLICANT IS QUALIFIED TO RECEIVE A LICENSE, AND ON TENDER OF ALL REQUIRED APPLICATION, LICENSE, AND OTHER FEES AND TAXES, AND ANY BOND REQUIRED UNDER § 9–1A–04(E) OF THIS SUBTITLE, THE COMMISSION SHALL ISSUE A LICENSE FOR A TERM OF 1 YEAR.

(G) (1) AN INDIVIDUAL MAY NOT KNOWINGLY GIVE FALSE INFORMATION OR MAKE A MATERIAL MISSTATEMENT IN AN APPLICATION REQUIRED FOR ANY LICENSE UNDER THIS SUBTITLE OR IN ANY SUPPLEMENTAL INFORMATION REQUIRED BY THE COMMISSION.

(2) AN INDIVIDUAL WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING $5,000 OR BOTH.

9–1A–08.

(A) IN ADDITION TO OTHER INFORMATION REQUIRED BY THIS SUBTITLE, A BUSINESS ENTITY APPLYING FOR A VIDEO LOTTERY OPERATION LICENSE SHALL PROVIDE THE FOLLOWING INFORMATION:

(1) THE ORGANIZATION, FINANCIAL STRUCTURE, AND NATURE OF ALL BUSINESSES OPERATED BY THE BUSINESS ENTITY;

(2) THE NAMES, PERSONAL EMPLOYMENT, AND CRIMINAL HISTORIES, IF ANY, OF THE OFFICERS, DIRECTORS, PARTNERS, AND PRINCIPAL EMPLOYEES OF THE BUSINESS ENTITY;

(3) THE NAMES OF ALL HOLDING, INTERMEDIARY, AND SUBSIDIARY COMPANIES OR SIMILAR BUSINESS ENTITIES OF THE BUSINESS ENTITY;

(4) THE ORGANIZATION, FINANCIAL STRUCTURE, AND NATURE OF ALL BUSINESSES OPERATED BY THE BUSINESS ENTITY'S HOLDING, INTERMEDIARY, AND SUBSIDIARY COMPANIES OR SIMILAR BUSINESS ENTITIES;

(5) THE RIGHTS AND PRIVILEGES ACQUIRED BY THE HOLDERS OF DIFFERENT CLASSES OF AUTHORIZED SECURITIES, PARTNERSHIP INTERESTS, OR OTHER SIMILAR OWNERSHIP INTERESTS OF THE BUSINESS ENTITY AND ITS HOLDING, INTERMEDIARY, AND SUBSIDIARY COMPANIES OR SIMILAR BUSINESS ENTITIES;

(6) THE TERMS ON WHICH THE SECURITIES, PARTNERSHIP INTERESTS, OR SIMILAR OWNERSHIP INTERESTS HAVE BEEN OR ARE TO BE OFFERED;

(7) THE TERMS AND CONDITIONS OF ALL OUTSTANDING LOANS, MORTGAGES, TRUST DEEDS, PLEDGES, OR OTHER INDEBTEDNESS OR SECURITY DEVICES UTILIZED BY THE BUSINESS ENTITY;

(8) THE EXTENT OF THE EQUITY SECURITY HOLDING IN THE BUSINESS ENTITY OF THE OFFICERS, DIRECTORS, PARTNERS, AND UNDERWRITERS AND THEIR REMUNERATION IN THE FORM OF SALARY, WAGES, FEES, OR OTHERWISE;

(9) THE NAMES OF PERSONS OTHER THAN THE DIRECTORS AND OFFICERS WHO OCCUPY POSITIONS SPECIFIED BY THE COMMISSION OR WHOSE COMPENSATION EXCEEDS AN AMOUNT DETERMINED BY THE COMMISSION;

(10) THE NAMES OF PERSONS WHO OWN OR CONTROL THE BUSINESS ENTITY;

(11) A DESCRIPTION OF ALL BONUS AND PROFIT-SHARING ARRANGEMENTS;

(12) COPIES OF MANAGEMENT AND SERVICE CONTRACTS; AND

(13) A LISTING OF STOCK OPTIONS.

(B) IF A BUSINESS ENTITY THAT APPLIES FOR A VIDEO LOTTERY OPERATION LICENSE IS A SUBSIDIARY OF A COMPANY OR IF A BUSINESS ENTITY HOLDING A VIDEO LOTTERY OPERATION LICENSE IS TO BECOME A SUBSIDIARY OF A COMPANY EACH HOLDING COMPANY AND EACH INTERMEDIARY COMPANY WITH RESPECT TO THE BUSINESS ENTITY SHALL, AS A CONDITION OF THE SUBSIDIARY OF THE COMPANY ACQUIRING OR RETAINING A VIDEO LOTTERY OPERATION LICENSE:

(1) QUALIFY TO DO BUSINESS IN THE STATE; OR

(2) FURNISH THE COMMISSION WITH THE INFORMATION REQUIRED UNDER SUBSECTION (A) OF THIS SECTION AND OTHER INFORMATION THAT THE COMMISSION MAY REQUIRE.

(C) AN INDIVIDUAL APPLYING FOR A VIDEO LOTTERY OPERATION LICENSE SHALL PROVIDE, TO THE EXTENT APPLICABLE TO AN INDIVIDUAL, THE INFORMATION REQUIRED UNDER SUBSECTION (A) OF THIS SECTION IN THE FORM REQUIRED BY THE COMMISSION.

(D) THE COMMISSION SHALL DENY A VIDEO LOTTERY OPERATION LICENSE TO AN APPLICANT WHO IS DISQUALIFIED ON THE BASIS OF ANY OF THE FOLLOWING CRITERIA:

(1) FAILURE OF THE APPLICANT TO PROVE BY CLEAR AND CONVINCING EVIDENCE THAT THE APPLICANT AND EACH PERSON WHO OWNS OR

CONTROLS THE APPLICANT ARE QUALIFIED UNDER THE PROVISIONS OF THIS SUBTITLE;

(2) FAILURE OF THE APPLICANT OR ANY PERSON REQUIRED TO BE QUALIFIED UNDER THIS SUBTITLE, AS A CONDITION OF A LICENSE, TO PROVIDE INFORMATION, DOCUMENTATION, AND ASSURANCES REQUIRED BY THIS SUBTITLE OR REQUESTED BY THE COMMISSION;

(3) FAILURE OF THE APPLICANT OR ANY PERSON REQUIRED TO BE QUALIFIED UNDER THIS SUBTITLE, AS A CONDITION OF A LICENSE, TO REVEAL ANY FACT MATERIAL TO QUALIFICATION;

(4) SUPPLYING, BY THE APPLICANT OR ANY PERSON REQUIRED TO BE QUALIFIED UNDER THIS SUBTITLE, AS A CONDITION OF A LICENSE, INFORMATION THAT IS UNTRUE OR MISLEADING AS TO A MATERIAL FACT CONCERNING THE QUALIFICATION CRITERIA;

(5) CONVICTION OF THE APPLICANT OR OF ANY PERSON REQUIRED TO BE QUALIFIED UNDER THIS SUBTITLE, AS A CONDITION OF A LICENSE, OF AN OFFENSE UNDER THE LAWS OF THE UNITED STATES OR ANY JURISDICTION WITHIN THE UNITED STATES THAT IS A CRIMINAL OFFENSE INVOLVING MORAL TURPITUDE OR A GAMBLING OFFENSE;

(6) CURRENT PROSECUTION OF THE APPLICANT OR A PERSON WHO IS REQUIRED TO BE QUALIFIED UNDER THIS SUBTITLE, AS A CONDITION OF A LICENSE, FOR AN OFFENSE DESCRIBED UNDER ITEM (5) OF THIS PARAGRAPH; HOWEVER, AT THE REQUEST OF THE APPLICANT, THE COMMISSION MAY DEFER DECISION ON THE APPLICATION DURING THE PENDENCY OF THE CHARGE;

(7) PURSUIT BY THE APPLICANT OR A PERSON WHO IS REQUIRED TO BE QUALIFIED UNDER THIS SUBTITLE, AS A CONDITION OF A LICENSE, OF ECONOMIC GAIN IN AN OCCUPATIONAL MANNER OR CONTEXT THAT IS IN VIOLATION OF THE LAWS OF THE STATE, IF THE PURSUIT CREATES A REASONABLE BELIEF THAT PARTICIPATION OF THE APPLICANT IN VIDEO LOTTERY OPERATIONS WOULD BE INIMICAL TO THE POLICIES OF THIS SUBTITLE;

(8) IDENTIFICATION OF THE APPLICANT OR A PERSON WHO IS REQUIRED TO BE QUALIFIED UNDER THIS SUBTITLE, AS A CONDITION OF A LICENSE, AS A CAREER OFFENDER, A MEMBER OF A CAREER OFFENDER CARTEL, OR AN ASSOCIATE OF A CAREER OFFENDER OR CAREER OFFENDER CARTEL IN A MANNER THAT CREATES A REASONABLE BELIEF THAT THE ASSOCIATION IS OF A NATURE AS TO BE INIMICAL TO THE POLICIES OF THIS SUBTITLE;

(9) THE COMMITTING OF AN ACT BY THE APPLICANT OR A PERSON WHO IS REQUIRED TO BE QUALIFIED UNDER THIS SUBTITLE, AS A CONDITION OF A LICENSE, THAT WOULD CONSTITUTE AN OFFENSE DESCRIBED UNDER ITEM (5) OF

THIS SUBSECTION, EVEN IF THE ACT HAS NOT BEEN OR MAY NOT BE PROSECUTED UNDER THE CRIMINAL LAWS OF THE STATE;

(10) CONTUMACIOUS DEFIANCE BY THE APPLICANT OR A PERSON WHO IS REQUIRED TO BE QUALIFIED UNDER THIS SUBTITLE, AS A CONDITION OF A LICENSE, OF A LEGISLATIVE INVESTIGATORY BODY OR OTHER OFFICIAL INVESTIGATORY BODY OF THE UNITED STATES OR A JURISDICTION WITHIN THE UNITED STATES WHEN THE BODY IS ENGAGED IN THE INVESTIGATION OF CRIMES RELATING TO GAMBLING, OFFICIAL CORRUPTION, OR ORGANIZED CRIME ACTIVITY; AND

(11) ANY OTHER REASON ESTABLISHED IN REGULATIONS OF THE COMMISSION AS A REASON FOR DENYING A LICENSE.

9–1A–09.

(A) THIS SECTION DOES NOT APPLY TO A VIDEO LOTTERY OPERATION LICENSE FOR A FACILITY THAT IS A NONRACETRACK DESTINATION LOCATION.

(B) A RACETRACK LOCATION SHALL MAINTAIN, AS A CONDITION OF LICENSURE, AT LEAST THE SAME NUMBER OF LIVE RACING DAYS AS WERE AUTHORIZED BY THE STATE RACING COMMISSION FOR THAT LOCATION IN 2004 UNLESS THE LICENSEE IS PREVENTED BY WEATHER, ACTS OF GOD, OR OTHER CIRCUMSTANCES BEYOND THE CONTROL OF THE LICENSEE.

(C) (1) IF A VIDEO LOTTERY OPERATION LICENSE HAS BEEN ISSUED FOR A RACETRACK LOCATION AT THE PIMLICO RACE COURSE OR LAUREL PARK, THE VIDEO LOTTERY OPERATION LICENSE FOR THE LOCATION SHALL BE REVOKED IF THE NAME, COMMON LAW AND STATUTORY COPYRIGHTS, SERVICE MARKS, TRADEMARKS, TRADE NAMES, OR HORSE RACING EVENTS THAT ARE ASSOCIATED WITH THE PREAKNESS STAKES OR THE WOODLAWN VASE ARE TRANSFERRED TO A LOCATION OUTSIDE THE STATE.

(2) AS AN ADDITIONAL CONDITION OF A VIDEO LOTTERY OPERATION LICENSE, A LICENSEE DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION SHALL BE REQUIRED TO:

(I) PROMOTE AND CONDUCT THE PREAKNESS STAKES AT THE PIMLICO RACE COURSE EACH YEAR; OR

(II) IF THE PIMLICO RACE COURSE NO LONGER EXISTS, THE PREAKNESS STAKES RACE IS PREVENTED FROM BEING CONDUCTED AT THE PIMLICO RACE COURSE, OR THE STATE RACING COMMISSION, UNDER § 11–513 OF THE BUSINESS REGULATION ARTICLE, DEEMS AN EMERGENCY EXISTS, PROMOTE AND CONDUCT THE PREAKNESS STAKES RACE EACH YEAR AT ANOTHER TRACK LOCATED IN THE STATE THAT IS APPROVED BY THE STATE RACING COMMISSION.

(D) IF A LICENSEE HAS BEEN ISSUED A VIDEO LOTTERY LICENSE FOR A RACETRACK LOCATION AT LAUREL PARK, THE LICENSEE SHALL PERMIT THE EVENT KNOWN AS THE MARYLAND MILLION ~~SHALL~~ TO BE RUN ANNUALLY AT LAUREL PARK UNLESS:

(1) THE LICENSEE IS PREVENTED FROM DOING SO BY WEATHER, ACTS OF GOD, OR OTHER CIRCUMSTANCES BEYOND THE CONTROL OF THE LICENSEE; OR

(2) THE LICENSEE AND THE MARYLAND MILLION LLC AGREE TO ANOTHER LOCATION THAT IS APPROVED BY THE STATE RACING COMMISSION.

(E) (1) AS A CONDITION OF CONTINUED LICENSURE, EACH LICENSEE SHALL DEVELOP AND SUBMIT TO THE COMMISSION A MULTIYEAR PLAN TO IMPROVE THE QUALITY AND MARKETING OF HORSE RACING AT THE LOCATION WHERE THE LICENSE IS GRANTED.

(2) EACH PLAN SHALL INCLUDE:

(I) GOALS, INDICATORS, AND TIME LINES FOR SPECIFIC ACTIONS THAT WILL BE TAKEN BY THE LICENSEE TO IMPROVE THE QUALITY AND MARKETING OF THE HORSE RACING INDUSTRY IN MARYLAND; AND

(II) A MASTER PLAN FOR CAPITAL IMPROVEMENTS THAT REFLECTS, AT A MINIMUM:

1. COMMITMENTS THAT HAVE BEEN MADE TO THE STATE RACING COMMISSION; AND

2. AN ONGOING INVESTMENT IN CAPITAL MAINTENANCE AND IMPROVEMENTS IN THE HORSE RACING FACILITIES OF AT LEAST $1,000,000 ANNUALLY.

(3) (I) HOLDERS OF A LICENSE ISSUED BY THE RACING COMMISSION THAT RECEIVE A SHARE OF THE PROCEEDS UNDER THIS SUBTITLE SHALL JOINTLY DEVELOP A MULTIYEAR PLAN TO IMPROVE THE QUALITY AND MARKETING OF THE HORSE RACING INDUSTRY IN MARYLAND.

(II) THE JOINT PLAN SHALL INCLUDE GOALS, INDICATORS, AND TIME LINES FOR SPECIFIC ACTIONS THAT WILL BE TAKEN BY THE THOROUGHBRED AND HARNESS RACING INDUSTRIES TO IMPROVE THE QUALITY AND MARKETING OF THE HORSE RACING INDUSTRY IN MARYLAND, INCLUDING JOINT MARKETING EFFORTS.

(F) AS A PART OF THE CAPITAL MAINTENANCE AND IMPROVEMENT ITEMS IN THE PLAN SUBMITTED UNDER SUBSECTION (E) OF THIS SECTION, THE LICENSEE SHALL INCLUDE ANY IMPROVEMENTS NECESSARY TO ENSURE THAT THE CONDITION OF ANY PART OF THE RACETRACK FACILITY WHERE INDIVIDUALS RESIDE IS

SATISFACTORY FOR HUMAN HABITATION AND MEETS MINIMUM HOUSING AND SANITATION STANDARDS IN THE COUNTY WHERE THE FACILITY IS LOCATED.

(G) IF A VIDEO LOTTERY OPERATION LICENSE HAS BEEN ISSUED FOR A RACETRACK LOCATION AT THE PIMLICO RACE COURSE, IN THE PLAN SUBMITTED BY A LICENSEE AT THE PIMLICO RACE COURSE UNDER SUBSECTION (E) OF THIS SECTION, ONE OF THE CAPITAL MAINTENANCE AND IMPROVEMENT ITEMS IN THE PLAN SHALL BE THE CREATION OF A PREMIER CLASSIC RACETRACK AND MUSEUM AS A PART OF THE PIMLICO RACE COURSE.

(H) THE PLANS REQUIRED UNDER SUBSECTION (E) OF THIS SECTION ALSO SHALL BE PROVIDED TO THE STATE RACING COMMISSION AND TO THE LEGISLATIVE POLICY COMMITTEE OF THE GENERAL ASSEMBLY.

9–1A–10.

(A) (1) FOR THE CONSTRUCTION OF FACILITIES AND PROCUREMENT RELATED TO THE OPERATION OF VIDEO LOTTERY TERMINALS, THE APPLICANT OR LICENSEE SHALL, AT A MINIMUM, MEET THE SAME REQUIREMENTS OF A DESIGNATED UNIT FOR MINORITY BUSINESS PARTICIPATION AS DESCRIBED UNDER TITLE 14, SUBTITLE 3 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(2) IF THE COUNTY IN WHICH A VIDEO LOTTERY FACILITY WILL BE LOCATED HAS HIGHER MINORITY BUSINESS PARTICIPATION REQUIREMENTS THAN THE STATE AS DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, THE APPLICANT SHALL MEET THE COUNTY'S MINORITY BUSINESS PARTICIPATION REQUIREMENTS TO THE EXTENT POSSIBLE.

(3) A COLLECTIVE BARGAINING AGREEMENT OR AGREEMENTS, INCLUDING A PROJECT LABOR AGREEMENT OR A NEUTRALITY AGREEMENT ENTERED INTO BY AN APPLICANT OR LICENSEE, MAY NOT NEGATE THE REQUIREMENTS OF THIS SUBSECTION.

(4) NOTWITHSTANDING ANY COLLECTIVE BARGAINING AGREEMENT OR AGREEMENTS, AN APPLICANT OR LICENSEE SHALL GIVE A PREFERENCE TO HIRING QUALIFIED EMPLOYEES FROM THE COMMUNITIES WITHIN 10 MILES OF THE VIDEO LOTTERY FACILITY.

(5) IF AN APPLICANT FOR EMPLOYMENT AT A VIDEO LOTTERY FACILITY BELIEVES THAT THE APPLICANT HAS BEEN DISCRIMINATED AGAINST IN THE EMPLOYMENT PROCESS, THE APPLICANT MAY APPEAL THE EMPLOYMENT DECISION TO THE LOCAL HUMAN RELATIONS BOARD IN THE COUNTY WHERE THE VIDEO LOTTERY FACILITY IS LOCATED.

(6) (I) NOTWITHSTANDING ANY COLLECTIVE BARGAINING AGREEMENT OR AGREEMENTS, A LICENSEE SHALL PROVIDE HEALTH INSURANCE COVERAGE FOR ITS EMPLOYEES.

(II) IF THE LICENSEE IS A RACETRACK LOCATION, THE LICENSEE SHALL PROVIDE HEALTH INSURANCE COVERAGE TO ALL EMPLOYEES OF THE RACETRACK, INCLUDING THE EMPLOYEES ON THE BACKSTRETCH OF THE RACETRACK.

(B) (1) THE COMMISSION SHALL ENSURE THAT A VIDEO LOTTERY OPERATION LICENSEE COMPLIES WITH THE REQUIREMENTS OF THIS SECTION AS A CONDITION OF HOLDING THE VIDEO LOTTERY OPERATION LICENSE.

(2) THE GOVERNOR'S OFFICE OF MINORITY AFFAIRS SHALL MONITOR A LICENSEE'S COMPLIANCE WITH THIS SECTION.

(3) THE GOVERNOR'S OFFICE OF MINORITY AFFAIRS SHALL REPORT TO THE COMMISSION AT LEAST EVERY 6 MONTHS ON THE COMPLIANCE OF LICENSEES WITH THIS SECTION.

(4) IF THE GOVERNOR'S OFFICE OF MINORITY AFFAIRS REPORTS THAT A LICENSEE IS NOT IN COMPLIANCE WITH THIS SECTION, THE COMMISSION SHALL TAKE IMMEDIATE ACTION TO ENSURE THE COMPLIANCE OF THE LICENSEE.

(C) ON OR AFTER JULY 1, 2011, THE PROVISIONS OF THIS SECTION AND ANY REGULATIONS ADOPTED UNDER THIS SECTION SHALL BE OF NO EFFECT AND MAY NOT BE ENFORCED.

9–1A–11.

(A) ANY VIDEO LOTTERY OPERATION LICENSES NOT ISSUED FOR A LOCATION AUTHORIZED UNDER THIS SUBTITLE SHALL AUTOMATICALLY REVERT TO THE STATE.

(B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A LICENSEE SHALL COMMENCE OPERATION OF VIDEO LOTTERY TERMINALS AT THE LOCATION FOR WHICH THE VIDEO LOTTERY FACILITY LICENSE HAS BEEN ISSUED WITHIN 18 MONTHS AFTER THE LICENSE IS ISSUED.

(C) (1) UPON A DETERMINATION BY THE COMMISSION THAT EXTENUATING CIRCUMSTANCES EXIST WHICH ARE BEYOND THE CONTROL OF A LICENSEE AND HAVE PREVENTED THE LICENSEE FROM COMPLYING WITH THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION, THE COMMISSION MAY ALLOW THE LICENSEE AN EXTENSION OF 6 MONTHS TO COMPLY WITH THE REQUIREMENTS.

(2) THE COMMISSION MAY NOT GRANT MORE THAN TWO EXTENSIONS TO A LICENSEE UNDER THIS SUBSECTION.

(D) IF A VIDEO LOTTERY OPERATION LICENSEE FAILS TO COMPLY WITH THE REQUIREMENTS OF SUBSECTIONS (B) AND (C) OF THIS SECTION, THE LICENSE ISSUED

TO THE LICENSEE SHALL BE REVOKED AND SHALL AUTOMATICALLY REVERT TO THE STATE.

9–1A–12.

IF A VIDEO LOTTERY OPERATION LICENSEE CONTRACTS WITH ANOTHER PERSON OTHER THAN AN EMPLOYEE OF THE VIDEO LOTTERY OPERATION LICENSEE TO PROVIDE ANY OF THE SERVICES RELATED TO OPERATING A VIDEO LOTTERY FACILITY, EACH PERSON AND EACH OTHER PERSON WHO OWNS OR CONTROLS THE PERSON OR MANAGEMENT AND SUPERVISORY PERSONNEL AND OTHER PRINCIPAL EMPLOYEES OF THE PERSON SHALL QUALIFY UNDER THE STANDARDS AND PROVISIONS SET FORTH IN §§ 9–1A–07 AND 9–1A–08 OF THIS SUBTITLE FOR VIDEO LOTTERY OPERATION LICENSEES.

9–1A–13.

(A) THE INITIAL TERM OF A VIDEO LOTTERY OPERATION LICENSE IS 15 YEARS.

(B) DURING THE INITIAL TERM OF A VIDEO LOTTERY OPERATION LICENSE, THE LICENSEE SHALL PROVIDE THE COMMISSION WITH AN ANNUAL UPDATE OF THE INFORMATION REQUIRED UNDER THIS SUBTITLE FOR THE ISSUANCE OF A LICENSE BY THE DATE SET BY THE COMMISSION IN REGULATIONS AND ON THE FORM REQUIRED BY THE COMMISSION.

(C) ONE YEAR BEFORE THE EXPIRATION OF THE TERM OF A VIDEO LOTTERY OPERATION LICENSE, THE LICENSEE SHALL FILE WITH THE COMMISSION A NOTICE OF INTENT TO REAPPLY FOR THE LICENSE UNDER THIS SUBTITLE.

(D) AT THE END OF THE INITIAL 15–YEAR LICENSE TERM, A VIDEO LOTTERY OPERATION LICENSEE MAY REAPPLY FOR A LICENSE THAT HAS A LICENSE TERM OF 10 YEARS AND SUBMIT A LICENSE FEE TO BE ESTABLISHED BY STATUTE.

(E) IF A LICENSEE HAS ITS LICENSE REVOKED OR OTHERWISE SURRENDERS THE LICENSE, THE VIDEO LOTTERY OPERATION LICENSE REVERTS TO THE STATE.

9–1A–14.

(A) UNLESS AN INDIVIDUAL HOLDS A VALID VIDEO LOTTERY EMPLOYEE LICENSE ISSUED BY THE COMMISSION, THE INDIVIDUAL MAY NOT BE EMPLOYED BY A VIDEO LOTTERY OPERATION LICENSEE AS A VIDEO LOTTERY EMPLOYEE.

(B) BEFORE ISSUANCE OF A VIDEO LOTTERY EMPLOYEE LICENSE, AN APPLICANT SHALL PROVIDE SUFFICIENT INFORMATION, DOCUMENTATION, AND ASSURANCES THAT THE COMMISSION MAY REQUIRE.

(C) THE COMMISSION SHALL DENY A VIDEO LOTTERY EMPLOYEE LICENSE TO AN APPLICANT WHO IS DISQUALIFIED DUE TO:

(1) THE APPLICANT'S FAILURE TO PROVE THE APPLICANT'S GOOD CHARACTER, HONESTY, AND INTEGRITY;

(2) THE APPLICANT'S LACK OF EXPERTISE OR TRAINING TO BE A VIDEO LOTTERY EMPLOYEE;

(3) THE APPLICANT'S CONVICTION FOR ANY CRIME INVOLVING MORAL TURPITUDE OR GAMBLING UNDER THE LAWS OF THE UNITED STATES OR ANY STATE;

(4) THE APPLICANT'S CURRENT PROSECUTION FOR ANY CRIME INVOLVING MORAL TURPITUDE OR GAMBLING UNDER THE LAWS OF THE UNITED STATES OR ANY STATE, BUT, AT THE REQUEST OF THE APPLICANT, THE COMMISSION MAY DEFER A DECISION ON THE APPLICATION DURING THE PENDENCY OF THE CHARGE;

(5) PURSUIT BY THE APPLICANT OF ECONOMIC GAIN IN AN OCCUPATIONAL MANNER OR CONTEXT THAT IS IN VIOLATION OF THE LAWS OF THE STATE, IF THE PURSUIT CREATES A REASONABLE BELIEF THAT PARTICIPATION OF THE APPLICANT IN VIDEO LOTTERY OPERATIONS WOULD BE INIMICAL TO THE POLICIES OF THIS SUBTITLE;

(6) IDENTIFICATION OF THE APPLICANT AS A CAREER OFFENDER OR A MEMBER OF A CAREER OFFENDER CARTEL OR AN ASSOCIATE OF A CAREER OFFENDER OR CAREER OFFENDER CARTEL IN A MANNER THAT CREATES A REASONABLE BELIEF THAT THE ASSOCIATION IS OF A NATURE AS TO BE INIMICAL TO THE POLICIES OF THIS SUBTITLE;

(7) COMMISSION OF AN ACT BY THE APPLICANT THAT WOULD CONSTITUTE AN OFFENSE DESCRIBED UNDER PARAGRAPH (3) OF THIS SUBSECTION, EVEN IF THE ACT HAS NOT BEEN OR MAY NOT BE PROSECUTED UNDER THE CRIMINAL LAWS OF THE STATE;

(8) CONTUMACIOUS DEFIANCE BY THE APPLICANT OR A PERSON WHO IS REQUIRED TO BE QUALIFIED UNDER THIS SUBTITLE AS A CONDITION OF A LICENSE OF A LEGISLATIVE INVESTIGATORY BODY OR OTHER OFFICIAL INVESTIGATORY BODY OF THE UNITED STATES OR A JURISDICTION WITHIN THE UNITED STATES WHEN THE BODY IS ENGAGED IN THE INVESTIGATION OF CRIMES RELATING TO GAMBLING, OFFICIAL CORRUPTION, OR ORGANIZED CRIME ACTIVITY; AND

(9) ANY OTHER REASON ESTABLISHED IN THE REGULATIONS OF THE COMMISSION AS A REASON FOR DENYING A LICENSE.

9–1A–15.

(A) UNLESS A MANUFACTURER HOLDS A VALID MANUFACTURER LICENSE ISSUED BY THE COMMISSION BEFORE CONDUCTING BUSINESS WITH A LICENSEE OR THE STATE, THE MANUFACTURER MAY NOT OFFER ANY VIDEO LOTTERY TERMINAL, ASSOCIATED EQUIPMENT, CENTRAL COMPUTER, OR GOODS OR SERVICES THAT DIRECTLY RELATE TO THE OPERATION OF VIDEO LOTTERY TERMINALS UNDER THIS SUBTITLE.

(B) EACH MANUFACTURER, AND EACH PERSON WHO OWNS OR CONTROLS THE MANUFACTURER OR MANAGEMENT AND SUPERVISORY PERSONNEL AND OTHER PRINCIPAL EMPLOYEES OF THE MANUFACTURER, SHALL QUALIFY UNDER THE STANDARDS AND PROVISIONS SET FORTH IN §§ 9–1A–07 AND 9–1A–08 OF THIS SUBTITLE FOR VIDEO LOTTERY OPERATION LICENSEES.

(C) EXCEPT AS PROVIDED IN § 9–1A–16(A) OF THIS SUBTITLE, THE COMMISSION MAY NOT GRANT AN EXEMPTION OR WAIVER OF ANY LICENSING REQUIREMENT TO AN APPLICANT FOR OR HOLDER OF A MANUFACTURER LICENSE.

(D) A MANUFACTURER OF THE VIDEO LOTTERY TERMINALS, ASSOCIATED EQUIPMENT, AND CENTRAL COMPUTER SHALL MANUFACTURE OR DISTRIBUTE THE VIDEO LOTTERY TERMINALS, ASSOCIATED EQUIPMENT, AND CENTRAL COMPUTER THAT MEET SPECIFICATIONS AND PROCEDURES ESTABLISHED BY THE COMMISSION.

9–1A–16.

(A) FOR ALL LICENSES REQUIRED UNDER THIS SUBTITLE OTHER THAN A VIDEO LOTTERY OPERATION LICENSE, IF AN APPLICANT OR LICENSEE HOLDS A VALID LICENSE IN ANOTHER STATE AND THE COMMISSION DETERMINES THAT THE LICENSING STANDARDS OF THE OTHER STATE ARE COMPREHENSIVE, THOROUGH, AND PROVIDE SIMILAR ADEQUATE SAFEGUARDS TO THOSE PROVIDED IN THIS SUBTITLE, THE COMMISSION MAY:

(1) WAIVE SOME OR ALL OF THE REQUIREMENTS OF THIS SUBTITLE; AND

(2) ISSUE A LICENSE TO A PERSON HAVING A SIMILAR LICENSE IN ANOTHER STATE.

(B) (1) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, ON THE REQUEST OF AN APPLICANT, THE COMMISSION MAY GRANT AN EXEMPTION OR WAIVER OF A LICENSING REQUIREMENT OR GROUNDS FOR DENIAL OF A LICENSE IF THE COMMISSION DETERMINES THAT THE REQUIREMENT OR GROUNDS FOR DENIAL OF A LICENSE AS APPLIED TO THE APPLICANT ARE NOT NECESSARY IN ORDER TO PROTECT THE PUBLIC INTEREST OR ACCOMPLISH THE POLICIES ESTABLISHED BY THIS SUBTITLE.

(2) ON GRANTING TO AN APPLICANT AN EXEMPTION OR WAIVER OF A LICENSING REQUIREMENT OR GROUNDS FOR DENIAL OF A LICENSE, OR AT ANY TIME AFTER A WAIVER OR EXEMPTION HAS BEEN GRANTED, THE COMMISSION MAY:

(I) LIMIT OR PLACE RESTRICTIONS ON THE EXEMPTION OR WAIVER AS THE COMMISSION CONSIDERS NECESSARY IN THE PUBLIC INTEREST; AND

(II) REQUIRE THE PERSON WHO IS GRANTED THE EXEMPTION OR WAIVER TO COOPERATE WITH THE COMMISSION AND TO PROVIDE THE COMMISSION WITH ANY ADDITIONAL INFORMATION REQUIRED BY THE COMMISSION AS A CONDITION OF THE WAIVER OR EXEMPTION.

(C) THE COMMISSION MAY NOT WAIVE ANY OF THE REQUIREMENTS OF THIS SUBTITLE FOR ISSUANCE OF A VIDEO LOTTERY OPERATION LICENSE.

9–1A–17.

SUBJECT TO THE POWER OF THE COMMISSION TO DENY, REVOKE, OR SUSPEND A LICENSE, A LICENSE IN FORCE MAY BE RENEWED BY THE COMMISSION FOR THE NEXT SUCCEEDING LICENSE PERIOD ON:

(1) PROPER APPLICATION FOR RENEWAL; AND

(2) PAYMENT OF ALL REQUIRED APPLICATION, LICENSE, AND OTHER FEES AND TAXES.

9–1A–18.

(A) AS THE PUBLIC HAS A VITAL INTEREST IN VIDEO LOTTERY OPERATIONS AND HAS ESTABLISHED A LIMITED EXCEPTION TO THE POLICY OF THE STATE CONCERNING GAMBLING FOR PRIVATE GAIN, PARTICIPATION IN VIDEO LOTTERY OPERATIONS BY A LICENSEE UNDER THIS SUBTITLE SHALL BE DEEMED A REVOCABLE PRIVILEGE CONDITIONED ON THE PROPER AND CONTINUED QUALIFICATION OF THE LICENSEE AND ON THE DISCHARGE OF THE AFFIRMATIVE RESPONSIBILITY OF EACH LICENSEE TO PROVIDE TO THE REGULATORY AND INVESTIGATORY AUTHORITIES UNDER THIS SUBTITLE OR ANY OTHER PROVISION OF LAW, ANY ASSISTANCE AND INFORMATION NECESSARY TO ASSURE THAT THE POLICIES DECLARED BY THIS SUBTITLE ARE ACHIEVED.

(B) CONSISTENT WITH THE POLICY DESCRIBED IN SUBSECTION (A) OF THIS SECTION, IT IS THE INTENT OF THIS SECTION TO:

(1) PRECLUDE:

(I) THE CREATION OF ANY PROPERTY RIGHT IN ANY LICENSE REQUIRED UNDER THIS SUBTITLE;

(II) THE ACCRUAL OF ANY MONETARY VALUE TO THE PRIVILEGE OF PARTICIPATION IN VIDEO LOTTERY OPERATIONS; AND

(III) THE TRANSFER OF ANY LICENSE ISSUED UNDER THIS SUBTITLE; AND

(2) REQUIRE THAT PARTICIPATION IN VIDEO LOTTERY OPERATIONS BE CONDITIONED SOLELY ON THE CONTINUING INDIVIDUAL QUALIFICATIONS OF THE PERSON WHO SEEKS THE PRIVILEGE.

9–1A–19.

(A) A LICENSE ISSUED UNDER THIS SUBTITLE MAY NOT BE:

(1) TRANSFERRED OR ASSIGNED TO ANOTHER PERSON; OR

(2) PLEDGED AS COLLATERAL.

(B) (1) A LICENSEE MAY NOT SELL OR OTHERWISE TRANSFER MORE THAN 5% OF THE LEGAL OR BENEFICIAL INTERESTS OF THE PERSON UNLESS:

(I) THE PERSON NOTIFIES THE COMMISSION OF THE PROPOSED SALE OR TRANSFER; AND

(II) THE COMMISSION DETERMINES THAT THE PROPOSED BUYER OR TRANSFEREE MEETS THE REQUIREMENTS OF THIS SUBTITLE.

(2) UNLESS THE COMMISSION NEEDS A LONGER TIME TO DETERMINE WHETHER THE PROPOSED BUYER OR TRANSFEREE MEETS THE REQUIREMENTS OF THIS SUBTITLE, IF THE REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION ARE NOT SATISFIED, A LICENSE ISSUED UNDER THIS SUBTITLE IS AUTOMATICALLY REVOKED 90 DAYS AFTER THE SALE OR TRANSFER.

9–1A–20.

(A) THE DEPARTMENT OF STATE POLICE SHALL:

(1) CONDUCT A BACKGROUND INVESTIGATION OF EACH APPLICANT IN A TIMELY MANNER; AND

(2) COOPERATE WITH THE COMMISSION IN OBTAINING AND PROVIDING THE NECESSARY BACKGROUND INVESTIGATION INFORMATION.

(B) (1) AN APPLICANT SHALL PROVIDE THE DEPARTMENT OF STATE POLICE WITH ALL INFORMATION THE DEPARTMENT REQUIRES IN ORDER TO CONDUCT A BACKGROUND INVESTIGATION.

(2) FAILURE TO PROVIDE TIMELY OR ACCURATE INFORMATION IS GROUNDS FOR THE COMMISSION TO DENY AN APPLICATION.

(C) (1) THE DEPARTMENT OF STATE POLICE SHALL APPLY TO THE CENTRAL REPOSITORY FOR A STATE AND A NATIONAL CRIMINAL HISTORY RECORDS CHECK FOR EACH APPLICANT.

(2) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY RECORDS CHECK, THE DEPARTMENT OF STATE POLICE SHALL SUBMIT TO THE CENTRAL REPOSITORY:

(I) TWO COMPLETE SETS OF THE APPLICANT'S LEGIBLE FINGERPRINTS TAKEN ON FORMS APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;

(II) THE FEE AUTHORIZED UNDER § 10–221(B)(7) OF THE CRIMINAL PROCEDURE ARTICLE FOR ACCESS TO MARYLAND CRIMINAL HISTORY RECORDS; AND

(III) THE MANDATORY PROCESSING FEE REQUIRED BY THE FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORDS CHECK.

(3) IN ACCORDANCE WITH §§ 10–201 THROUGH 10–234 OF THE CRIMINAL PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE APPLICANT AND THE DEPARTMENT OF STATE POLICE A PRINTED STATEMENT OF THE APPLICANT'S CRIMINAL HISTORY RECORD INFORMATION.

(4) THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK UNDER THIS SECTION MAY CONTEST THE CONTENTS OF THE PRINTED STATEMENT ISSUED BY THE CENTRAL REPOSITORY AS PROVIDED IN § 10–223 OF THE CRIMINAL PROCEDURE ARTICLE.

(D) AFTER COMPLETION OF THE BACKGROUND INVESTIGATION OF AN APPLICANT, THE DEPARTMENT OF STATE POLICE SHALL PROMPTLY FORWARD THE RESULTS OF THE INVESTIGATION TO THE COMMISSION.

9–1A–21.

(A) EACH VIDEO LOTTERY TERMINAL DEVICE, THE ASSOCIATED EQUIPMENT, AND THE CENTRAL COMPUTER SHALL BE:

(1) OWNED OR LEASED BY THE COMMISSION; AND

(2) UNDER THE CONTROL OF THE COMMISSION.

(B) SUBJECT TO THE COMMISSION'S ABILITY TO CANCEL OR ALTER THE CONTRACT IN THE EVENT ONE OR MORE ELIGIBLE APPLICANTS FOR A VIDEO LOTTERY FACILITY FAIL TO OBTAIN A LICENSE, THE COMMISSION SHALL CONTRACT WITH ONE OR MORE LICENSED MANUFACTURERS FOR THE LEASE OR PURCHASE OF THE VIDEO LOTTERY TERMINALS, ASSOCIATED EQUIPMENT, AND CENTRAL COMPUTER AUTHORIZED UNDER THIS SUBTITLE.

(C) THE COMMISSION SHALL DEVELOP REGULATIONS GOVERNING THE SALE OR LEASE OF VIDEO LOTTERY TERMINALS BY THE COMMISSION UNDER THIS SUBTITLE IN A MANNER THAT PROVIDES A COMPETITIVE PROCESS AMONG LICENSED MANUFACTURERS WITH INCENTIVES TO LICENSED MANUFACTURERS BASED ON THE PERFORMANCE OF THE MANUFACTURER'S VIDEO LOTTERY TERMINALS.

9–1A–22.

(A) THE VIDEO LOTTERY FACILITY LOCATION COMMISSION ESTABLISHED UNDER § 9–1A–34 OF THIS SUBTITLE MAY AWARD UP TO 15,500 VIDEO LOTTERY TERMINALS FOR OPERATION AT VIDEO LOTTERY FACILITIES IN THE STATE.

(B) THE VIDEO LOTTERY FACILITY LOCATION COMMISSION SHALL AWARD THE NUMBER OF VIDEO LOTTERY TERMINALS TO VIDEO LOTTERY OPERATION LICENSEES AS PROVIDED IN THIS SECTION AND § 9–1A–34 OF THIS SUBTITLE.

(C) (1) BEGINNING 3 YEARS AFTER THE OPERATION OF VIDEO LOTTERY TERMINALS AT RACETRACK AND NONRACETRACK DESTINATION LOCATIONS AND EVERY 3 YEARS THEREAFTER, IF ALL OF THE VIDEO LOTTERY TERMINALS AUTHORIZED UNDER THIS SUBTITLE ARE NOT ALLOCATED OR HAVE BEEN ALLOCATED BUT ARE NOT IN REGULAR OPERATION, THE STATE LOTTERY COMMISSION MAY ALLOCATE OR REALLOCATE VIDEO LOTTERY TERMINALS TO VIDEO LOTTERY OPERATION LICENSEES IN A MANNER THAT ENSURES THAT THE HIGHEST POTENTIAL REVENUES ARE ACHIEVED.

(2) IN DETERMINING THE HIGHEST POTENTIAL REVENUE TO BE ACHIEVED BY ADDITIONAL VIDEO LOTTERY TERMINALS AT EACH POTENTIAL LOCATION, THE STATE LOTTERY COMMISSION SHALL CONSIDER THE MARKET PERFORMANCE OF THE EXISTING VIDEO LOTTERY TERMINALS AT EACH LOCATION.

(D) THE VIDEO LOTTERY FACILITY LOCATION COMMISSION AND THE STATE LOTTERY COMMISSION MAY NOT ALLOCATE VIDEO LOTTERY TERMINALS IN A MANNER THAT RESULTS IN MORE THAN 7,500 VIDEO LOTTERY TERMINALS BEING LOCATED IN ANY COUNTY IN THE STATE.

(E) THE VIDEO LOTTERY FACILITY LOCATION COMMISSION AND THE STATE LOTTERY COMMISSION MAY NOT ALLOCATE VIDEO LOTTERY TERMINALS IN A MANNER THAT RESULTS IN MORE THAN:

(1) 5,000 VIDEO LOTTERY TERMINALS BEING ALLOCATED FOR OPERATION UNDER ONE VIDEO LOTTERY OPERATION LICENSE; OR

(2) 6,000 VIDEO LOTTERY TERMINALS BEING ALLOCATED FOR OPERATION UNDER ONE OR MORE VIDEO LOTTERY OPERATION LICENSES HELD BY THE SAME INDIVIDUAL OR BUSINESS ENTITY.

9–1A–23.

(A) (1) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, A VIDEO LOTTERY TERMINAL SHALL HAVE AN AVERAGE ANNUAL PAYOUT PERCENTAGE OF 90%.

(2) THE COMMISSION MAY BY REGULATION ESTABLISH AN AVERAGE ANNUAL PAYOUT PERCENTAGE OF MORE THAN 90% BUT NOT MORE THAN 95% FOR VIDEO LOTTERY TERMINALS.

(3) THE COMMISSION MAY APPROVE AN AVERAGE ANNUAL PAYOUT PERCENTAGE OF MORE THAN 95% FOR THE VIDEO LOTTERY TERMINALS AT A VIDEO LOTTERY FACILITY.

(B) A VIDEO LOTTERY FACILITY MAY OPERATE DAILY FROM 8 A.M. TO 2 A.M.

(C) A VIDEO LOTTERY OPERATOR LICENSEE SHALL BE RESPONSIBLE FOR ALL MARKETING, ADVERTISING, AND PROMOTION FOR ITS VIDEO LOTTERY OPERATION.

(D) ANY STATE LOTTERY GAMES THAT ARE OFFERED BY OR THROUGH THE COMMISSION MAY NOT BE OFFERED FOR SALE AT A VIDEO LOTTERY FACILITY IN THE STATE.

9–1A–24.

(A) THE COMMISSION SHALL ENSURE THAT A VIDEO LOTTERY OPERATION LICENSEE COMPLIES WITH THE REQUIREMENTS OF THIS SECTION AS A CONDITION OF HOLDING THE VIDEO LOTTERY OPERATION LICENSE.

(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, A VIDEO LOTTERY OPERATION LICENSEE MAY NOT PROVIDE FOOD OR BEVERAGES, INCLUDING ALCOHOLIC BEVERAGES, TO INDIVIDUALS AT NO COST.

(2) ANY FOOD OR BEVERAGES, INCLUDING ALCOHOLIC BEVERAGES, OFFERED BY A VIDEO LOTTERY OPERATION LICENSEE FOR SALE TO INDIVIDUALS MAY BE OFFERED ONLY AT PRICES THAT ARE DETERMINED BY THE COMMISSION TO BE COMMENSURATE WITH THE PRICE OF SIMILAR TYPES OF FOOD AND BEVERAGES AT RESTAURANTS IN THE COUNTY IN WHICH THE VIDEO LOTTERY FACILITY IS LOCATED.

(3) A VIDEO LOTTERY OPERATION LICENSEE MAY PROVIDE FOOD AT NO COST TO INDIVIDUALS TO THE SAME EXTENT ALLOWED UNDER ARTICLE 2B, § 12–106 OF THE CODE FOR A PERSON ENGAGED IN THE SALE OR BARTER OF SPIRITUOUS, MALT, OR INTOXICATING LIQUORS AND LICENSED UNDER THE LAWS OF MARYLAND.

(C) A VIDEO LOTTERY OPERATION LICENSEE SHALL ENSURE THAT INTOXICATED INDIVIDUALS AND INDIVIDUALS UNDER THE AGE OF 21 YEARS ARE NOT PERMITTED TO PLAY VIDEO LOTTERY TERMINALS AND ARE NOT PERMITTED IN AREAS OF THE VIDEO LOTTERY FACILITY LOCATION WHERE VIDEO LOTTERY TERMINALS ARE LOCATED.

(D) (1) BY REGULATION, THE COMMISSION SHALL PROVIDE FOR THE ESTABLISHMENT OF A LIST OF INDIVIDUALS WHO ARE TO BE MANDATORILY EXCLUDED OR EJECTED BY A VIDEO LOTTERY OPERATION LICENSEE FROM ANY VIDEO LOTTERY OPERATION LICENSED UNDER THIS SUBTITLE.

(2) THE REGULATIONS UNDER THIS SUBSECTION SHALL DEFINE THE STANDARDS FOR EXCLUSION OR EJECTION AND SHALL INCLUDE STANDARDS RELATING TO INDIVIDUALS:

(I) WHO ARE CAREER OFFENDERS AS DEFINED BY REGULATIONS ADOPTED BY THE COMMISSION;

(II) WHO HAVE BEEN CONVICTED OF A CRIMINAL OFFENSE UNDER THE LAWS OF THE UNITED STATES OR ANY JURISDICTION WITHIN THE UNITED STATES THAT IS A CRIMINAL OFFENSE INVOLVING MORAL TURPITUDE OR A GAMBLING OFFENSE; OR

(III) WHOSE PRESENCE IN THE ESTABLISHMENT OF A LICENSEE WOULD BE ADVERSE TO THE INTEREST OF THE STATE, THE LICENSEE, OR THE PERSON.

(3) THE COMMISSION MAY IMPOSE SANCTIONS ON A LICENSEE IN ACCORDANCE WITH THIS SUBTITLE IF THE LICENSEE KNOWINGLY FAILS TO EXCLUDE OR EJECT FROM THE PREMISES OF THE LICENSEE AN INDIVIDUAL PLACED BY THE COMMISSION ON THE LIST OF INDIVIDUALS TO BE EXCLUDED OR EJECTED.

(4) AN ORDER UNDER THIS SUBSECTION SHALL BE SUBJECT TO JUDICIAL REVIEW.

(5) RACE, COLOR, CREED, NATIONAL ORIGIN OR ANCESTRY, OR GENDER MAY NOT BE A REASON FOR PLACING THE NAME OF AN INDIVIDUAL ON THE LIST OF INDIVIDUALS TO BE EXCLUDED OR EJECTED.

(E) (1) BY REGULATION, THE COMMISSION SHALL ADOPT MEASURES THAT ARE INTENDED TO REDUCE OR MITIGATE THE EFFECTS OF PROBLEM GAMBLING.

(2) (I) THE REGULATIONS SHALL INCLUDE THE ESTABLISHMENT OF A VOLUNTARY EXCLUSION LIST OF INDIVIDUALS WITH GAMBLING PROBLEMS WHO HAVE REQUESTED TO BE EXCLUDED FROM ANY VIDEO LOTTERY OPERATION LICENSED UNDER THIS SUBTITLE.

(II) THE REGULATIONS UNDER THIS PARAGRAPH SHALL PROVIDE A SIMPLE MECHANISM FOR AN INDIVIDUAL WHO IS SOBER AND INFORMED TO REQUEST PLACEMENT ON THE VOLUNTARY EXCLUSION LIST FOR A SPECIFIED PERIOD OF TIME.

(III) A VIDEO LOTTERY OPERATION LICENSEE MAY NOT PERMIT AN INDIVIDUAL ON THE VOLUNTARY EXCLUSION LIST TO ENTER INTO THE VIDEO LOTTERY FACILITY OR TO PLAY A VIDEO LOTTERY TERMINAL.

(IV) THE COMMISSION MAY IMPOSE SANCTIONS ON A LICENSEE IN ACCORDANCE WITH THIS SUBTITLE IF THE LICENSEE KNOWINGLY FAILS TO EXCLUDE FROM THE PREMISES OF THE LICENSEE AN INDIVIDUAL ON THE VOLUNTARY EXCLUSION LIST.

(3) IN ORDER TO PROTECT THE PUBLIC INTEREST, THE REGULATIONS SHALL INCLUDE PROVISIONS THAT:

(I) LIMIT THE NUMBER AND LOCATION OF AND MAXIMUM WITHDRAWAL AMOUNTS FROM AUTOMATED TELLER MACHINES;

(II) REQUIRE PAYOUTS ABOVE AN AMOUNT ADOPTED BY THE COMMISSION TO BE MADE BY CHECK;

(III) REQUIRE CONSPICUOUS DISCLOSURES RELATED TO THE ODDS AND PAYOUT OF VIDEO LOTTERY TERMINALS;

(IV) LIMIT THE DOLLAR AMOUNT THAT VIDEO LOTTERY TERMINALS WILL ACCEPT;

(V) PROHIBIT THE USE OF SPECIFIED NEGOTIABLE INSTRUMENTS AT VIDEO LOTTERY FACILITIES AND THE USE OF CREDIT CARDS, DEBIT CARDS, AND SIMILAR DEVICES IN VIDEO LOTTERY TERMINALS;

(VI) PROVIDE CONSUMERS WITH A RECORD OF VIDEO LOTTERY TERMINAL SPENDING LEVELS IF MARKETING MEASURES ARE UTILIZED THAT TRACK CONSUMER SPENDING AT VIDEO LOTTERY FACILITIES; AND

(VII) PROHIBIT VIDEO LOTTERY OPERATION LICENSEES FROM ENGAGING IN OR CONTRACTING WITH ANOTHER TO ENGAGE IN PREDATORY MARKETING PRACTICES.

9–1A–25.

(A) THE COMMISSION MAY DENY A LICENSE TO AN APPLICANT, REPRIMAND OR FINE A LICENSEE, OR SUSPEND OR REVOKE A LICENSE FOR A VIOLATION OF:

(1) THIS SUBTITLE;

(2) A REGULATION ADOPTED UNDER THIS SUBTITLE; OR

(3) A CONDITION THAT THE COMMISSION SETS.

(B) (1) FOR EACH VIOLATION SPECIFIED IN SUBSECTION (A) OF THIS SECTION, THE COMMISSION MAY IMPOSE A PENALTY NOT EXCEEDING $5,000.

(2) EACH DAY THAT A PERSON IS IN VIOLATION UNDER THIS SECTION SHALL BE CONSIDERED A SEPARATE VIOLATION.

(3) TO DETERMINE THE AMOUNT OF THE PENALTY IMPOSED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE COMMISSION SHALL CONSIDER:

(I) THE SERIOUSNESS OF THE VIOLATION;

(II) THE HARM CAUSED BY THE VIOLATION; AND

(III) THE GOOD FAITH OR LACK OF GOOD FAITH OF THE PERSON WHO COMMITTED THE VIOLATION.

(C) EXCEPT AS OTHERWISE EXPRESSLY PROVIDED IN THIS SUBTITLE, NOTHING CONTAINED IN THIS SUBTITLE ABROGATES OR LIMITS THE CRIMINAL LAWS OF THE STATE OR LIMITS THE AUTHORITY OF THE GENERAL ASSEMBLY TO ENACT STATUTES ESTABLISHING CRIMINAL OFFENSES AND PENALTIES RELATING TO VIDEO LOTTERY OPERATIONS.

9–1A–26.

(A) ALL PROCEEDS FROM THE OPERATION OF VIDEO LOTTERY TERMINALS SHALL BE ELECTRONICALLY TRANSFERRED DAILY INTO THE STATE LOTTERY FUND ESTABLISHED UNDER SUBTITLE 3 OF THIS TITLE AND DISTRIBUTED AS PROVIDED IN THIS SUBTITLE.

(B) (1) THE COMMISSION SHALL ACCOUNT TO THE COMPTROLLER FOR ALL OF THE REVENUE UNDER THIS SUBTITLE.

(2) THE PROCEEDS FROM VIDEO LOTTERY TERMINALS SHALL BE UNDER THE CONTROL OF THE COMPTROLLER AND SHALL BE DISTRIBUTED AS PROVIDED IN THIS SUBTITLE.

9–1A–27.

(A) THE COMPTROLLER SHALL PAY FROM THE PROCEEDS OF VIDEO LOTTERY TERMINALS:

(1) IN THE FIRST YEAR OF VIDEO LOTTERY TERMINAL OPERATION, 5% TO THE STATE LOTTERY AGENCY FOR COSTS AS DEFINED IN § 9–1A–01 OF THIS SUBTITLE; AND

(2) IN THE SECOND YEAR OF VIDEO LOTTERY TERMINAL OPERATION AND EACH YEAR THEREAFTER, 4.3% TO THE STATE LOTTERY AGENCY FOR COSTS AS DEFINED IN § 9–1A–01 OF THIS SUBTITLE.

(B) THE COMPTROLLER SHALL PAY FROM THE PROCEEDS OF VIDEO LOTTERY TERMINALS AT EACH VIDEO LOTTERY FACILITY:

(1) ON A PROPERLY APPROVED TRANSMITTAL PREPARED BY THE COMMISSION, THE PERCENTAGE STATED IN THE ACCEPTED BID TO THE VIDEO LOTTERY OPERATION LICENSEE;

(2) ON A PROPERLY APPROVED TRANSMITTAL PREPARED BY THE COMMISSION, 5% IN A LOCAL DEVELOPMENT GRANT TO THE COUNTY IN WHICH A VIDEO LOTTERY FACILITY IS LOCATED, SUBJECT TO A REQUIREMENT THAT IF A VIDEO LOTTERY FACILITY OPERATION LICENSE IS ISSUED TO A RACETRACK LOCATION AT LAUREL PARK, THE LOCAL DEVELOPMENT GRANT SHALL BE DISTRIBUTED IN THE FOLLOWING MANNER:

(I) 73% TO ANNE ARUNDEL COUNTY;

(II) 17% TO HOWARD COUNTY; AND

(III) 10% TO THE CITY OF LAUREL;

(3) (I) IN THE FIRST YEAR OF VIDEO LOTTERY TERMINAL OPERATION, 5.1% TO THE PURSE DEDICATION ACCOUNT ESTABLISHED UNDER § 9–1A–28 OF THIS SUBTITLE; AND

(II) IN THE SECOND YEAR OF VIDEO LOTTERY TERMINAL OPERATION AND EACH YEAR THEREAFTER, ON A PROPERLY APPROVED TRANSMITTAL PREPARED BY THE COMMISSION, 5.8% TO THE PURSE DEDICATION ACCOUNT ESTABLISHED UNDER § 9–1A–28 OF THIS SUBTITLE; AND

(4) THE REMAINDER TO THE EDUCATION TRUST FUND ESTABLISHED UNDER § 9–1A–29 OF THIS SUBTITLE.

(C) IF THE COSTS OF THE STATE LOTTERY AGENCY UNDER THIS SECTION ARE LESS THAN 5% IN THE FIRST YEAR OF VIDEO LOTTERY TERMINAL OPERATION, OR LESS THAN 4.3% IN THE SECOND YEAR OF VIDEO LOTTERY TERMINAL OPERATION, AND EACH YEAR THEREAFTER, ANY AMOUNT NOT DISTRIBUTED TO THE STATE LOTTERY AGENCY SHALL BE DIVIDED EQUALLY AND PAID TO:

(1) THE EDUCATION TRUST FUND ESTABLISHED UNDER § 9–1A–29 OF THIS SUBTITLE; AND

(2) THE PURSE DEDICATION ACCOUNT ESTABLISHED UNDER § 9–1A–28 OF THIS SUBTITLE.

9–1A–28.

(A) THERE IS A PURSE DEDICATION ACCOUNT UNDER THE AUTHORITY OF THE STATE RACING COMMISSION.

(B) (1) THE ACCOUNT SHALL RECEIVE MONEY AS REQUIRED UNDER § 9–1A–27 OF THIS SUBTITLE.

(2) MONEY IN THE ACCOUNT SHALL BE INVESTED AND REINVESTED BY THE TREASURER AND INTEREST AND EARNINGS SHALL ACCRUE TO THE ACCOUNT.

(3) THE COMPTROLLER SHALL:

(I) ACCOUNT FOR THE FUND; AND

(II) ON A PROPERLY APPROVED TRANSMITTAL PREPARED BY THE STATE RACING COMMISSION, ISSUE A WARRANT TO PAY OUT MONEY FROM THE FUND IN THE MANNER PROVIDED UNDER THIS SECTION.

(4) THE ACCOUNT IS A SPECIAL CONTINUING, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7–302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(5) EXPENDITURES FROM THE ACCOUNT SHALL ONLY BE MADE ON A PROPERLY APPROVED TRANSMITTAL PREPARED BY THE STATE RACING COMMISSION AS PROVIDED UNDER SUBSECTION (C) OF THIS SECTION.

(C) SUBJECT TO THE PROVISIONS OF SUBSECTIONS (D) AND (E) OF THIS SECTION, THE STATE RACING COMMISSION SHALL ALLOCATE A PERCENTAGE OF THE FUNDS IN THE ACCOUNT EACH YEAR TO THE THOROUGHBRED INDUSTRY AND TO THE STANDARDBRED INDUSTRY BASED ON THE PERCENTAGE OF THE TOTAL WAGERING

ON LIVE RACING AT RACETRACKS IN THE STATE THAT CAN BE ATTRIBUTED TO EACH INDUSTRY DURING THE PRIOR CALENDAR YEAR.

(D) THE AMOUNT OF FUNDS ALLOCATED TO THOROUGHBRED PURSES AND THE MARYLAND–BRED RACE FUND SHALL BE ALLOCATED AS FOLLOWS:

(1) 89% TO THOROUGHBRED PURSES AT THE PIMLICO RACECOURSE, LAUREL PARK, THE RACECOURSE IN ALLEGANY COUNTY, AND THE RACECOURSE IN TIMONIUM; AND

(2) 11% TO THE MARYLAND–BRED RACE FUND.

(E) THE AMOUNT OF FUNDS ALLOCATED TO STANDARDBRED PURSES AND THE STANDARDBRED RACE FUND SHALL BE ALLOCATED AS FOLLOWS:

(1) 89% TO STANDARDBRED PURSES AT THE ROSECROFT RACEWAY, OCEAN DOWNS RACE COURSE, AND THE RACECOURSE IN ALLEGANY COUNTY; AND

(2) 11% TO THE STANDARDBRED RACE FUND.

(F) THE PROVISIONS OF THIS SECTION MAY NOT BE CONSTRUED TO APPLY TO THE RACECOURSE IN ALLEGANY COUNTY UNTIL HORSE RACING BEGINS AT THAT RACECOURSE.

(G) (1) AS DIRECTED BY THE STATE RACING COMMISSION, $125,000 FROM THE FUNDS UNDER SUBSECTION (E)(1) OF THIS SECTION SHALL GO TO THE MARYLAND HORSEMEN'S ASSISTANCE FUND, INC., ESTABLISHED UNDER § 11–909 OF THE BUSINESS REGULATION ARTICLE, AND $125,000 FROM THE FUNDS UNDER SUBSECTION (F)(1) OF THIS SECTION SHALL GO TO THE MARYLAND STANDARDBRED HORSEMEN'S ASSISTANCE FUND, INC., ESTABLISHED UNDER § 11–909 OF THE BUSINESS REGULATION ARTICLE.

(2) THE AMOUNTS ALLOCATED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE USED TO PROVIDE HEALTH BENEFITS FOR JOCKEYS AND HARNESS RACING DRIVERS IN THE STATE.

(3) WITH THE ADVICE OF THE STATE RACING COMMISSION, FUNDS FOR HEALTH BENEFITS FOR JOCKEYS AND HARNESS RACING DRIVERS SHALL BE DISTRIBUTED BY THE HORSEMEN'S ASSISTANCE FUNDS BASED ON:

(I) NEED;

(II) DOCUMENTED MARYLAND RESIDENCY; AND

(III) NUMBER OF RACES RIDDEN OR DRIVEN PER YEAR ON MARYLAND TRACKS.

9–1A–29.

(A) THERE IS AN EDUCATION TRUST FUND WHICH IS A SPECIAL CONTINUING, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7–302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(B) (1) THERE SHALL BE CREDITED TO THE EDUCATION TRUST FUND ALL PROCEEDS ALLOCATED TO THE FUND UNDER § 9–1A–27 OF THIS SUBTITLE.

(2) MONEY IN THE EDUCATION TRUST FUND SHALL BE INVESTED AND REINVESTED BY THE TREASURER, AND INTEREST AND EARNINGS SHALL ACCRUE TO THE FUND.

(C) MONEY IN THE EDUCATION TRUST FUND SHALL BE USED TO:

(1) OFFSET THE TOTAL FUNDING REQUIRED TO PROVIDE AN ADEQUATE EDUCATION FOR CHILDREN ATTENDING PUBLIC SCHOOLS IN THE STATE IN PREKINDERGARTEN THROUGH GRADE 12, THROUGH IMPLEMENTATION OF THE PROGRAMS COMMONLY KNOWN AS THE BRIDGE TO EXCELLENCE IN PUBLIC SCHOOLS, FIRST ENACTED BY CHAPTER 288 OF THE ACTS OF THE GENERAL ASSEMBLY OF 2002, INCLUDING THE FUNDING FOR REGIONAL DIFFERENCES IN THE COST OF EDUCATION UNDER § 5–202(F) OF THE EDUCATION ARTICLE; AND

(2) PROVIDE FUNDS TO CONSTRUCT PUBLIC SCHOOL BUILDINGS AND PUBLIC SCHOOL CAPITAL IMPROVEMENTS IN ACCORDANCE WITH §§ 5–301 THROUGH 5–303 OF THE EDUCATION ARTICLE.

(D) THE GOVERNOR SHALL INCLUDE IN THE BUDGET FOR FISCAL YEAR 2010 AND EACH FISCAL YEAR THEREAFTER THROUGH FISCAL YEAR 2016, $150,000,000 FROM THE EDUCATION TRUST FUND FOR THE FUNDING OF PUBLIC SCHOOL CONSTRUCTION AND CAPITAL IMPROVEMENTS ON A PAY–AS–YOU–GO BASIS.

(E) EXPENDITURES FROM THE EDUCATION TRUST FUND SHALL BE MADE EACH FISCAL YEAR IN ACCORDANCE WITH THE STATE BUDGET.

9–1A–30.

(A) LOCAL DEVELOPMENT GRANTS PROVIDED UNDER § 9–1A–27 OF THIS SUBTITLE SHALL BE USED FOR IMPROVEMENTS IN THE COMMUNITIES IN IMMEDIATE PROXIMITY TO THE VIDEO LOTTERY OPERATION FACILITIES AND MAY BE USED FOR THE FOLLOWING PURPOSES:

(1) INFRASTRUCTURE IMPROVEMENTS;

(2) FACILITIES;

(3) PUBLIC SAFETY;

(4) SANITATION;

(5) ECONOMIC AND COMMUNITY DEVELOPMENT, INCLUDING HOUSING; AND

(6) OTHER PUBLIC SERVICES AND IMPROVEMENTS TO BENEFIT THE COMMUNITIES IN IMMEDIATE PROXIMITY TO THE VIDEO LOTTERY FACILITIES.

(B) (1) A LOCAL DEVELOPMENT COUNCIL SHALL BE ESTABLISHED IN EACH GEOGRAPHIC AREA WHERE A VIDEO LOTTERY FACILITY IS LOCATED.

(2) A LOCAL DEVELOPMENT COUNCIL SHALL CONSIST OF THE FOLLOWING 15 MEMBERS APPOINTED BY THE CHIEF EXECUTIVE OF THE COUNTY IN WHICH THE LOCAL DEVELOPMENT COUNCIL IS LOCATED, IN CONSULTATION WITH THE SENATORS AND DELEGATES WHO REPRESENT THE COMMUNITIES SURROUNDING THE FACILITY AND THE RESPECTIVE COUNTY COUNCILS, CITY COUNCILS, OR COUNTY COMMISSIONERS:

(I) ONE SENATOR WHO REPRESENTS THE DISTRICT WHERE THE FACILITY IS LOCATED;

(II) TWO DELEGATES WHO REPRESENT THE DISTRICTS WHERE THE COMMUNITIES SURROUNDING THE FACILITY ARE LOCATED;

(III) ONE REPRESENTATIVE OF THE VIDEO LOTTERY OPERATION LICENSEE;

(IV) SEVEN RESIDENTS OF THE COMMUNITIES IN IMMEDIATE PROXIMITY TO THE FACILITY; AND

(V) FOUR REPRESENTATIVES OF BUSINESSES OR INSTITUTIONS LOCATED IN IMMEDIATE PROXIMITY TO THE FACILITY.

(C) (1) PRIOR TO ANY EXPENDITURE OF LOCAL DEVELOPMENT GRANT FUNDS PROVIDED UNDER § 9–1A–27 OF THIS SUBTITLE, A COUNTY SHALL DEVELOP A MULTIYEAR PLAN FOR THE EXPENDITURE OF THE LOCAL DEVELOPMENT GRANT FUNDS FOR SERVICES AND IMPROVEMENTS CONSISTENT WITH SUBSECTION (A) OF THIS SECTION.

(2) A COUNTY SHALL CONSULT WITH THE LOCAL DEVELOPMENT COUNCIL ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION IN DEVELOPING THE PLAN REQUIRED UNDER THIS SUBSECTION.

(3) A COUNTY SHALL SUBMIT THE PLAN TO THE LOCAL DEVELOPMENT COUNCIL FOR REVIEW AND COMMENT BEFORE ADOPTING THE PLAN OR EXPENDING ANY GRANT FUNDS.

(4) THE LOCAL DEVELOPMENT COUNCIL SHALL ADVISE THE COUNTY ON THE IMPACT OF THE FACILITY ON THE COMMUNITIES AND THE NEEDS AND PRIORITIES OF THE COMMUNITIES IN IMMEDIATE PROXIMITY TO THE FACILITY.

(5) (I) A LOCAL DEVELOPMENT COUNCIL SHALL HAVE 45 DAYS TO REVIEW, COMMENT, AND MAKE RECOMMENDATIONS ON THE PLAN REQUIRED UNDER THIS SUBSECTION.

(II) UPON THE REQUEST OF A LOCAL DEVELOPMENT COUNCIL, THE COUNTY SHALL HOLD A PUBLIC HEARING ON THE PLAN.

(6) A COUNTY SHALL MAKE BEST EFFORTS TO ACCOMMODATE THE RECOMMENDATIONS OF THE LOCAL DEVELOPMENT COUNCIL AND ANY TESTIMONY PRESENTED AT THE HEARING BEFORE ADOPTING THE PLAN REQUIRED UNDER THIS SUBSECTION.

(D) A VIDEO LOTTERY OPERATION LICENSEE SHALL PROVIDE TO THE LOCAL DEVELOPMENT COUNCIL A MASTER PLAN FOR THE DEVELOPMENT OF THE SITE ON WHICH THE VIDEO LOTTERY FACILITY WILL BE LOCATED.

(E) (1) IN THIS SUBSECTION, "ELIGIBLE CERTIFIED COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION" MEANS A FINANCIAL INSTITUTION CERTIFIED BY THE UNITED STATES DEPARTMENT OF THE TREASURY AS A CERTIFIED COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION THAT HAS:

(I) INVESTED IN SMALL, MINORITY, AND WOMEN–OWNED BUSINESSES IN THE STATE FOR AT LEAST A 5–YEAR PERIOD; AND

(II) AT LEAST 75% OF ITS ENTIRE INVESTMENT PORTFOLIO IN EQUITY AND NEAR EQUITY TYPES OF INVESTMENTS MADE FOR THE PURPOSE OF CREATING AND RETAINING JOBS IN ECONOMICALLY DISTRESSED COMMUNITIES IN THE STATE.

(2) SUBJECT TO THE PROVISIONS OF PARAGRAPH (3) OF THIS SUBSECTION, A COUNTY THAT RECEIVES A LOCAL DEVELOPMENT GRANT UNDER THIS SUBTITLE SHALL ALLOCATE AT LEAST 20% OF THE LOCAL DEVELOPMENT GRANT FUNDS EACH YEAR TO THE COUNTY'S ECONOMIC DEVELOPMENT OFFICE FOR INVESTMENTS IN ELIGIBLE CERTIFIED COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS.

(3) THE FUNDS PROVIDED TO ELIGIBLE CERTIFIED COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS UNDER THIS SUBSECTION SHALL BE USED TO PROVIDE INVESTMENT CAPITAL AND LOANS TO SMALL, MINORITY, AND WOMEN–OWNED BUSINESSES IN THE COUNTY WITH SPECIFIC FOCUS ON ECONOMICALLY DISTRESSED COMMUNITIES IN THE COUNTY AND COMMUNITIES SURROUNDING THE VIDEO LOTTERY FACILITY.

9–1A–31.

(A) THE STATE MAY PAY FOR THE REASONABLE TRANSPORTATION COSTS TO:

(1) MITIGATE THE IMPACT ON THE COMMUNITIES IN THE IMMEDIATE PROXIMITY TO THE FACILITY; AND

(2) MAKE EACH VIDEO LOTTERY FACILITY ACCESSIBLE TO THE PUBLIC.

(B) (1) A COMPREHENSIVE TRANSPORTATION PLAN SHALL BE:

(I) DEVELOPED BY EACH COUNTY WHERE A FACILITY IS LOCATED, IN CONSULTATION WITH THE LOCAL DEVELOPMENT COUNCIL CREATED UNDER § 9–1A–30 OF THIS SUBTITLE; AND

(II) APPROVED BY THE MARYLAND DEPARTMENT OF TRANSPORTATION.

(2) THE COMPREHENSIVE TRANSPORTATION PLAN SHALL INCLUDE PROVISIONS ON ROADS AND PROVISIONS REGARDING MASS TRANSIT, IF MASS TRANSIT IS A SUBSTANTIAL MANNER OF TRANSPORTATION IN THE COUNTY WHERE THE VIDEO LOTTERY TERMINAL FACILITY IS LOCATED.

(C) THE MARYLAND DEPARTMENT OF TRANSPORTATION SHALL FACILITATE NEGOTIATIONS WITH AFFECTED COMMUNITIES TO ENSURE THE MOST PRACTICAL INGRESS TO AND EGRESS FROM THE VIDEO LOTTERY FACILITY.

9–1A–32.

(A) THE COMMISSION SHALL:

(1) ESTABLISH AN ANNUAL FEE OF $390, TO BE PAID BY EACH VIDEO LOTTERY OPERATION LICENSEE, FOR EACH VIDEO LOTTERY TERMINAL OPERATED BY THE LICENSEE DURING THE YEAR; AND

(2) DISTRIBUTE THE FEES COLLECTED UNDER PARAGRAPH (1) OF THIS SUBSECTION TO THE COMPULSIVE GAMBLING FUND ESTABLISHED IN SUBSECTION (B) OF THIS SECTION.

(B) (1) THERE IS A COMPULSIVE GAMBLING FUND IN THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE.

(2) THE COMPULSIVE GAMBLING FUND IS A SPECIAL CONTINUING, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7–302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(3) MONEY IN THE COMPULSIVE GAMBLING FUND SHALL BE INVESTED AND REINVESTED BY THE TREASURER, AND INTEREST AND EARNINGS SHALL ACCRUE TO THE FUND.

(4) EXPENDITURES FROM THE COMPULSIVE GAMBLING FUND SHALL BE MADE ONLY:

(I) BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE TO:

1. ESTABLISH A 24–HOUR HOTLINE FOR COMPULSIVE AND PROBLEM GAMBLERS AND TO PROVIDE COUNSELING AND OTHER SUPPORT SERVICES FOR COMPULSIVE AND PROBLEM GAMBLERS; AND

2. DEVELOP AND IMPLEMENT ~~A~~ PROBLEM GAMBLING PREVENTION PROGRAMS, INCLUDING THE PROGRAMS ESTABLISHED UNDER TITLE 19, SUBTITLE 8 OF THE HEALTH – GENERAL ARTICLE; AND

(II) IN ACCORDANCE WITH AN APPROPRIATION APPROVED BY THE GENERAL ASSEMBLY IN THE ANNUAL STATE BUDGET OR BY THE BUDGET AMENDMENT PROCEDURE PROVIDED FOR IN § 7–209 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

9–1A–33.

THE COMMISSION SHALL MAKE AN ANNUAL REPORT TO THE GOVERNOR AND, SUBJECT TO § 2–1246 OF THIS ARTICLE, TO THE GENERAL ASSEMBLY:

(1) ON THE OPERATION AND FINANCES OF THE VIDEO LOTTERY OPERATION UNDER THIS SUBTITLE; AND

(2) WITH THE ASSISTANCE OF LOCAL POLICE DEPARTMENTS AND THE DEPARTMENT OF STATE POLICE, DETAILING THE CRIMES THAT OCCUR WITHIN THE COMMUNITIES SURROUNDING A VIDEO LOTTERY FACILITY.

9–1A–34.

FOR A PERIOD OF 1 YEAR AFTER THE INDIVIDUAL'S SERVICE ON THE STATE LOTTERY COMMISSION OR THE VIDEO LOTTERY FACILITY LOCATION COMMISSION ENDS, A LICENSEE MAY NOT EMPLOY, OR ENTER INTO A FINANCIAL RELATIONSHIP WITH, AN INDIVIDUAL WHO HAS BEEN A MEMBER OF THE STATE LOTTERY COMMISSION OR THE VIDEO LOTTERY FACILITY LOCATION COMMISSION.

Article – State Finance and Procurement

11–203.

(a) Except as provided in subsection (b) of this section, this Division II does not apply to:

(1) procurement by:

(xviii) the Maryland Energy Administration, when negotiating or entering into grants or cooperative agreements with private entities to meet federal specifications or solicitation requirements related to energy conservation, energy efficiency, or renewable energy projects that benefit the State; **[**and**]**

(xix) the Maryland Developmental Disabilities Administration of the Department of Health and Mental Hygiene for family and individual support services, and individual family care services, as those terms are defined by the Department of Health and Mental Hygiene in regulation; **OR**

(XX) THE STATE LOTTERY AGENCY FOR NEGOTIATING AND ENTERING INTO CONTRACTS FOR THE PURCHASE, LEASE, MANUFACTURE, REPAIR, MAINTENANCE, AND OPERATION OF VIDEO LOTTERY TERMINALS;

(b) (1) The following provisions of this Division II apply to each procurement enumerated in subsection (a) of this section:

(i) § 11–205 of this subtitle ("Fraud in procurement");

(ii) § 12–204 of this article ("Board approval for designated contracts");

(iii) Title 12, Subtitle 2 of this article ("Supervision of Capital Expenditures and Real Property Leases");

(iv) § 13–219 of this article ("Required clauses – Nondiscrimination clause");

(v) § 13–221 of this article ("Disclosures to Secretary of State");

(vi) Title 16 of this article ("Debarment of Contractors"); and

(vii) Title 17 of this article ("Special Provisions – State and Local Subdivisions").

(2) Except for procurement under subsection (a)(1)(i) and (xii) and (2)(i) and (vi) of this section, the provisions of Title 14, Subtitle 3 of this article

("Minority business participation") shall apply to each procurement enumerated in subsection (a) of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – State Government

9–1A–35.

(A) THERE IS A VIDEO LOTTERY FACILITY LOCATION COMMISSION.

(B) (1) (I) THE VIDEO LOTTERY FACILITY LOCATION COMMISSION CONSISTS OF NINE MEMBERS.

(II) APPOINTMENTS TO THE VIDEO LOTTERY FACILITY LOCATION COMMISSION SHALL BE SUBJECT TO THE APPROVAL OF THE LEGISLATIVE POLICY COMMITTEE.

(2) (I) TWO OF THE MEMBERS SHALL BE APPOINTED BY THE PRESIDENT OF THE SENATE.

(II) TWO OF THE MEMBERS SHALL BE APPOINTED BY THE SPEAKER OF THE HOUSE.

(III) FIVE OF THE MEMBERS SHALL BE APPOINTED BY THE GOVERNOR.

(3) THE MEMBERSHIP OF THE COMMISSION APPOINTED UNDER THIS SUBSECTION SHOULD REFLECT THE RACE, GENDER, AND GEOGRAPHIC DIVERSITY OF THE POPULATION OF THE STATE.

(4) THE MEMBERS OF THE VIDEO LOTTERY FACILITY LOCATION COMMISSION SHALL CHOOSE A CHAIRMAN FROM AMONG THE MEMBERS.

(C) A MEMBER OF THE VIDEO LOTTERY FACILITY LOCATION COMMISSION:

(1) SHALL BE A CITIZEN OF THE UNITED STATES;

(2) SHALL BE A RESIDENT OF THE STATE;

(3) SHALL BE KNOWLEDGEABLE AND EXPERIENCED IN FISCAL MATTERS AND SHALL HAVE AT LEAST 10 YEARS SUBSTANTIAL EXPERIENCE:

(I) AS AN EXECUTIVE WITH FIDUCIARY RESPONSIBILITIES IN CHARGE OF A LARGE ORGANIZATION OR FOUNDATION;

(II) IN AN ACADEMIC FIELD RELATING TO FINANCE OR ECONOMICS; OR

(III) AS AN ECONOMIST, FINANCIAL ANALYST, ACCOUNTANT, OR AS A PROFESSIONAL IN A SIMILAR PROFESSION RELATING TO FISCAL MATTERS OR ECONOMICS;

(4) MAY NOT HAVE BEEN CONVICTED OF OR GRANTED PROBATION BEFORE JUDGMENT FOR A SERIOUS CRIME OR A CRIME THAT INVOLVES GAMBLING OR MORAL TURPITUDE;

~~(6)~~ (5) MAY NOT HAVE AN OFFICIAL RELATIONSHIP TO A PERSON WHO HOLDS A LICENSE UNDER THIS SUBTITLE;

(6) MAY NOT HAVE ANY DIRECT OR INDIRECT FINANCIAL INTEREST, OWNERSHIP, OR MANAGEMENT, INCLUDING HOLDING ANY STOCKS, BONDS, OR OTHER SIMILAR FINANCIAL INTERESTS IN ANY GAMING ACTIVITIES, INCLUDING HORSE RACING, VIDEO LOTTERY TERMINALS, OR LOTTERY;

(7) MAY NOT RECEIVE OR SHARE IN, DIRECTLY OR INDIRECTLY, THE RECEIPTS OR PROCEEDS OF ANY GAMING ACTIVITIES, INCLUDING HORSE RACING OR LOTTERY; AND

(8) MAY NOT HAVE A BENEFICIAL INTEREST IN ANY CONTRACT FOR THE MANUFACTURE OR SALE OF GAMING DEVICES, THE CONDUCT OF ANY GAMING ACTIVITY, OR THE PROVISION OF ANY INDEPENDENT CONSULTING SERVICES IN CONNECTION WITH ANY GAMING ESTABLISHMENT OR GAMBLING ACTIVITY.

(D) A MEMBER OF THE VIDEO LOTTERY FACILITY LOCATION COMMISSION:

(1) MAY NOT RECEIVE COMPENSATION FOR SERVING ON THE VIDEO LOTTERY FACILITY LOCATION COMMISSION; BUT

(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

(E) (1) THE STATE LOTTERY COMMISSION, THE DEPARTMENT OF BUDGET AND MANAGEMENT, AND THE DEPARTMENT OF LEGISLATIVE SERVICES SHALL PROVIDE STAFF TO THE VIDEO LOTTERY FACILITY LOCATION COMMISSION.

(2) THE DEPARTMENT OF BUDGET AND MANAGEMENT SHALL CONTRACT WITH AN INDEPENDENT CONSULTANT THAT HAS AT LEAST 10 YEARS SUBSTANTIAL EXPERIENCE IN CONSULTING ON MATTERS RELATING TO THE GAMING INDUSTRY TO ASSIST AND ADVISE THE VIDEO LOTTERY FACILITY LOCATION COMMISSION IN THE REVIEW AND ANALYSIS OF BIDS SUBMITTED UNDER THIS SECTION.

(F) (1) THE VIDEO LOTTERY FACILITY LOCATION COMMISSION MAY NOT AWARD MORE THAN A TOTAL OF SEVEN VIDEO LOTTERY OPERATION LICENSES.

(2) THE VIDEO LOTTERY FACILITY LOCATION COMMISSION SHALL AWARD LICENSES TO QUALIFIED BIDDERS THROUGH A COMPETITIVE PROCESS CONSISTENT WITH THE PROCESS ESTABLISHED FOR COMPETITIVE SEALED BIDS UNDER TITLE 13 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(3) THE VIDEO LOTTERY FACILITY LOCATION COMMISSION MAY AWARD UP TO FOUR VIDEO LOTTERY OPERATION LICENSES TO RACETRACK LOCATIONS.

(4) (I) THE VIDEO LOTTERY FACILITY LOCATION COMMISSION MAY AWARD UP TO THREE VIDEO LOTTERY OPERATION LICENSES TO NONRACETRACK DESTINATION LOCATIONS.

(II) A NONRACETRACK DESTINATION LOCATION UNDER THIS SECTION MAY NOT BE LOCATED ON THE SITE OF ANY RACETRACK IN THE STATE EXISTING ON JULY 1, 2004.

(5) THE VIDEO LOTTERY FACILITY LOCATION COMMISSION MAY NOT AWARD MORE THAN:

(I) TWO VIDEO LOTTERY OPERATION LICENSES IN ONE COUNTY; AND

(II) A TOTAL OF 7,500 VIDEO LOTTERY TERMINALS FOR OPERATION UNDER VIDEO LOTTERY OPERATION LICENSES IN ONE COUNTY.

(G) THE VIDEO LOTTERY FACILITY LOCATION COMMISSION SHALL SET AN APPLICATION FEE TO BE SUBMITTED BY BIDDERS FOR A VIDEO LOTTERY OPERATION LICENSE THAT IS SUFFICIENT TO COVER THE COSTS ASSOCIATED WITH CONSIDERATION OF THE BID AND QUALIFICATION OF THE BIDDER BY THE VIDEO LOTTERY FACILITY LOCATION COMMISSION AND THE STATE LOTTERY COMMISSION.

(H) (1) A BID SUBMITTED FOR A VIDEO LOTTERY OPERATION LICENSE UNDER THIS SECTION:

(I) SHALL BE SUBMITTED BY OCTOBER 1, 2008;

(II) SHALL INCLUDE THE INFORMATION NECESSARY FOR APPLICATION FOR A VIDEO LOTTERY OPERATION LICENSE AS REQUIRED BY THIS SUBTITLE;

(III) SHALL INCLUDE AN APPLICATION FEE ESTABLISHED BY THE VIDEO LOTTERY FACILITY LOCATION COMMISSION FOR THE PURPOSE OF

COVERING EXPENSES THAT WILL BE INCURRED BY THE VIDEO LOTTERY FACILITY LOCATION COMMISSION IN CONSIDERING A BID;

(IV) SHALL INCLUDE PROOF THAT FUNDS ARE AVAILABLE TO PAY THE INITIAL LICENSE FEE ESTABLISHED UNDER SUBSECTION (L) OF THIS SECTION IF A VIDEO LOTTERY FACILITY LICENSE IS AWARDED; AND

(V) EXCEPT FOR A RACETRACK LOCATION, MAY NOT OFFER A PERCENTAGE SHARE FOR THE APPLICANT THAT EXCEEDS 30% OF THE GROSS PROCEEDS FROM VIDEO LOTTERY TERMINALS.

(2) A BID SUBMITTED FOR A VIDEO LOTTERY OPERATION LICENSE AT A RACETRACK LOCATION MAY NOT OFFER A PERCENTAGE SHARE FOR THE APPLICANT THAT EXCEEDS 36% OF THE GROSS PROCEEDS FROM VIDEO LOTTERY TERMINALS.

(3) A BID SUBMITTED FOR A VIDEO LOTTERY OPERATION LICENSE UNDER THIS SECTION SHALL PROVIDE FOR AT LEAST $15,000,000 IN DIRECT INVESTMENT BY THE APPLICANT IN CONSTRUCTION AND RELATED COSTS FOR EACH 500 VIDEO LOTTERY TERMINALS CONTAINED IN THE PROPOSED BID THAT SHALL BE PRORATED BASED ON THE EXACT NUMBER OF VIDEO LOTTERY TERMINALS CONTAINED IN THE BID.

(I) (1) IN AWARDING A VIDEO LOTTERY OPERATION LICENSE, THE VIDEO LOTTERY FACILITY LOCATION COMMISSION SHALL CONSIDER THE FACTORS UNDER THIS SUBSECTION IN THE MANNER SPECIFIED.

(2) THE DECISION BY THE VIDEO LOTTERY FACILITY LOCATION COMMISSION TO AWARD A LICENSE SHALL BE WEIGHTED BY 70% BASED ON BUSINESS AND MARKET FACTORS INCLUDING:

(I) THE HIGHEST POTENTIAL BENEFIT AND HIGHEST PROSPECTIVE TOTAL REVENUE TO BE DERIVED BY THE STATE;

(II) THE POTENTIAL REVENUE FROM A PROPOSED LOCATION BASED ON A MARKET ANALYSIS;

(III) THE ABILITY TO ATTRACT OUT–OF–STATE GAMING PARTICIPANTS;

(IV) THE EXTENT TO WHICH THE PROPOSED LOCATION DEMONSTRATES THAT THE FACILITY WILL BE A SUBSTANTIAL REGIONAL AND NATIONAL TOURIST DESTINATION;

(V) THE PROPOSED FACILITY CAPITAL CONSTRUCTION PLANS AND COMPETITIVENESS OF THE PROPOSED FACILITY;

(VI) THE AMOUNT OF GROSS REVENUES TO BE ALLOCATED TO THE OPERATOR OVER THE TERM OF THE LICENSE;

(VII) THE AMOUNT OF THE INITIAL LICENSE FEE TO BE PAID; AND

(VIII) THE PERCENTAGE OF OWNERSHIP BY ENTITIES MEETING THE DEFINITION OF MINORITY BUSINESS ENTERPRISE UNDER TITLE 14, SUBTITLE 3 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(3) THE DECISION BY THE VIDEO LOTTERY FACILITY LOCATION COMMISSION TO AWARD A LICENSE SHALL BE WEIGHTED BY 15% BASED ON ECONOMIC DEVELOPMENT FACTORS INCLUDING:

(I) THE NUMBER OF NEW JOBS TO BE CREATED; AND

(II) ANY ADDITIONAL ECONOMIC DEVELOPMENT PLANNED IN THE AREA OF THE PROPOSED FACILITY.

(4) THE DECISION BY THE VIDEO LOTTERY FACILITY LOCATION COMMISSION TO AWARD A LICENSE SHALL BE WEIGHTED BY 15% BASED ON LOCATION SITING FACTORS INCLUDING:

(I) THE EXISTING TRANSPORTATION INFRASTRUCTURE SURROUNDING THE PROPOSED FACILITY LOCATION;

(II) EXCEPT FOR A RACETRACK LOCATION, THE PROXIMITY OF THE PROPOSED FACILITY LOCATION TO INTERSTATE 95, U.S. ROUTE 50, AND OTHER PARTS OF THE INTERSTATE HIGHWAY SYSTEM;

(III) THE NEED FOR ADDITIONAL PUBLIC INFRASTRUCTURE EXPENDITURES AT THE PROPOSED FACILITY; AND

(IV) THE NEGATIVE IMPACT, IF ANY, OF THE LOCATION ON A RESIDENTIAL COMMUNITY.

(J) (1) A PERSON THAT IS AWARDED A VIDEO LOTTERY OPERATION LICENSE UNDER THIS SECTION SHALL PAY AN INITIAL LICENSE FEE PRIOR TO THE ISSUANCE OF THE LICENSE THAT IS EQUAL TO $3,000,000 PER 500 VIDEO LOTTERY TERMINALS AWARDED TO THE LICENSEE THAT SHALL BE PRORATED BASED ON THE EXACT NUMBER OF VIDEO LOTTERY TERMINALS AWARDED BY THE VIDEO LOTTERY FACILITY LOCATION COMMISSION.

(2) ALL INITIAL LICENSE FEES SUBMITTED UNDER THIS SUBTITLE SHALL ACCRUE TO THE EDUCATION TRUST FUND UNDER § 9–1A–29 OF THIS SUBTITLE.

(K) THE VIDEO LOTTERY FACILITY LOCATION COMMISSION MAY NOT AWARD A VIDEO LOTTERY FACILITY OPERATION LICENSE TO A PERSON THAT IS NOT QUALIFIED UNDER THIS SECTION OR THIS SUBTITLE.

(L) (1) THE VIDEO LOTTERY FACILITY LOCATION COMMISSION SHALL REFER TO THE STATE LOTTERY COMMISSION THE NAME AND ALL RELEVANT INFORMATION CONCERNING A PERSON THAT MAKES A BID UNDER THIS SECTION.

(2) ON RECEIPT OF THE INFORMATION IN PARAGRAPH (1) OF THIS SUBSECTION, THE STATE LOTTERY COMMISSION SHALL DETERMINE WHETHER A BIDDER IS QUALIFIED TO HOLD A VIDEO LOTTERY FACILITY OPERATION LICENSE UNDER THIS SUBTITLE.

(3) ON COMPLETION OF ITS DETERMINATION, THE STATE LOTTERY COMMISSION SHALL NOTIFY THE VIDEO LOTTERY FACILITY LOCATION COMMISSION OF THE DETERMINATION AS TO WHETHER A BIDDER IS QUALIFIED TO HOLD A VIDEO LOTTERY FACILITY OPERATION LICENSE UNDER THIS SUBTITLE.

(M) AFTER THE AWARD OF A VIDEO LOTTERY OPERATION LICENSE UNDER THIS SECTION, THE STATE LOTTERY COMMISSION SHALL BE RESPONSIBLE FOR ALL MATTERS RELATING TO REGULATION OF THE LICENSEE.

(N) (1) AN UNSUCCESSFUL BIDDER FOR A VIDEO LOTTERY OPERATION LICENSE UNDER THIS SECTION MAY SEEK, UNDER TITLE 15 OF THE STATE FINANCE AND PROCUREMENT ARTICLE, REVIEW BY THE STATE BOARD OF CONTRACT APPEALS OF THE AWARDING OF THE VIDEO LOTTERY OPERATION LICENSE BY THE VIDEO LOTTERY FACILITY LOCATION COMMISSION.

(2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN APPEAL OF A DECISION OF THE STATE BOARD OF CONTRACT APPEALS UNDER THIS SUBSECTION SHALL BE MADE DIRECTLY TO THE COURT OF APPEALS OF MARYLAND.

(O) (1) NOTHING IN THIS SECTION MAY BE CONSTRUED TO PROHIBIT A VIDEO LOTTERY OPERATION LICENSEE THAT IS AWARDED A LICENSE AT A RACETRACK LOCATION FROM BEGINNING VIDEO LOTTERY TERMINAL OPERATIONS IN A TEMPORARY FACILITY THAT MEETS THE MINIMUM REQUIREMENTS ESTABLISHED IN REGULATIONS ADOPTED BY THE STATE LOTTERY COMMISSION.

(2) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION, A VIDEO LOTTERY OPERATION LICENSEE AT A RACETRACK LOCATION SHALL BE FULLY OPERATIONAL IN A PERMANENT FACILITY NO LATER THAN 2 YEARS AFTER THE ISSUANCE OF THE VIDEO LOTTERY OPERATION LICENSE.

(P) (1) NOTHING IN THIS SUBTITLE MAY BE CONSTRUED TO REQUIRE THE VIDEO LOTTERY FACILITY LOCATION COMMISSION TO ISSUE ALL SEVEN VIDEO LOTTERY OPERATION LICENSES AUTHORIZED UNDER THIS SUBTITLE.

(2) NOTWITHSTANDING ANY OF THE PROVISIONS OF THIS SUBTITLE, THE VIDEO LOTTERY FACILITY LOCATION COMMISSION MAY NOT AWARD A VIDEO LOTTERY OPERATION LICENSE UNDER THIS SUBTITLE UNLESS THE VIDEO LOTTERY FACILITY LOCATION COMMISSION DETERMINES AND DECLARES THAT A BID SELECTED FOR AWARD OF THE LICENSE IS IN THE PUBLIC INTEREST AND IS CONSISTENT WITH THE PURPOSES OF THIS SUBTITLE.

SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – State Finance and Procurement

11–203.

(b) (3) A procurement by an entity listed in subsection (a)(1)(i) through (xv) **[**and**],** (xix)**, OR (XVIII)** of this section shall be made under procedures that promote the purposes stated in § 11–201(a) of this subtitle.

SECTION 4. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – State Finance and Procurement

11–203.

(b) (2) A procurement by an entity listed in subsection (a)(1)(i) through (xv) **[**and**],** (xix)**, OR (XVIII)** of this section shall be made under procedures that promote the purposes stated in § 11–201(a) of this subtitle.

SECTION 5. AND BE IT FURTHER ENACTED, That if any provision of this Act or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Act which can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are declared severable.

SECTION 6. AND BE IT FURTHER ENACTED, That the intent of this Act and its various integrated provisions is to provide for the authorization and regulation of certain gaming devices for the purpose of generating State revenues and other funds for specified purposes, including funding public education and assisting the State's racing industry. This section is not intended to detract from the application of the severability provision contained in Section 5 of this Act or from the ability of a court of competent jurisdiction to consider and apply appropriate severability principles in the event of a judicial challenge to the validity of a specific portion or portions of this Act.

SECTION 7. AND BE IT FURTHER ENACTED, That the agency designated by the Board of Public Works under § 14–303(b) of the State Finance and Procurement Article of the Annotated Code of Maryland, in consultation with the General Assembly and the Office of the Attorney General, shall initiate two studies of the requirements of § 9–1A–10 of the State Government Article as enacted by Section 1 of this Act that evaluate the continued compliance of the requirement with any federal and constitutional requirements. In preparation for the studies, the State Lottery Commission shall require video lottery operation license applicants and licensees to provide any information necessary to perform the study. The studies shall also evaluate race–neutral programs or other methods that can be used to address the needs of minority investors and minority businesses. A final report of the first study shall be submitted to the Legislative Policy Committee on or before December 1, 2009, so that the General Assembly may review the report prior to the 2010 Session. A final report of the second study shall be submitted to the Legislative Policy Committee on or before September 30, 2008, so that the General Assembly may review the report in conjunction with the report of the study on the Minority Business Enterprise Program prior to the 2009 Session.

SECTION 8. AND BE IT FURTHER ENACTED, That, if a license is issued for a location at the Pimlico Race Course, the Department of Transportation shall study the impact of the increased traffic resulting from any proposed operation of video lottery terminals at Pimlico Race Course, including the need for an interchange on Jones Falls Expressway between Northern Parkway and Interstate 695. The Department of Transportation shall provide a final report on the study required under this section to the General Assembly, in accordance with § 2–1246 of the State Government Article, within 6 months after the issuance of the license for a location at the Pimlico Race Course. The cost of the study undertaken by the Department of Transportation under this section shall be paid by the holder of the license issued for a location at the Pimlico Race Course. Notwithstanding § 9–1A–31 of the State Government Article, as enacted by Section 1 of this Act, the costs of any improvements to the streets and roads in the neighborhoods surrounding Pimlico Race Course and for the planning, design, and construction of an interchange on the Jones Falls Expressway between Northern Parkway and Interstate 695 that are recommended in the study or are needed to facilitate access to Pimlico Race Course and mitigate the increased traffic resulting from any proposed operation of video lottery terminals at Pimlico Race Course are the sole responsibility of the holder of the license issued for a location at the Pimlico Race Course, and may not be paid from any State money, including money from the Transportation Trust Fund or highway user revenues allocated to the counties.

SECTION 9. AND BE IT FURTHER ENACTED, That this Act may not be construed to affect the terms of the members of the State Lottery Commission appointed before the effective date of this Act. The terms of the four new members of the State Lottery Commission appointed under this Act shall expire as follows:

(1) one member in 2010;

(2) one member in 2011; and

(3) two members in 2012.

SECTION 10. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect June 1, 2008. It shall remain effective for a period of 2 years following the award of the seventh video lottery operation license and with no further action required by the General Assembly, Section 2 of this Act shall be abrogated and of no further force and effect. On award of the seventh video lottery operation license, the Video Lottery Facility Location Commission within 5 days after the award shall notify in writing the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401.

SECTION 11. AND BE IT FURTHER ENACTED, That Section 4 of this Act shall take effect on the taking effect of the termination provision specified in Section 2 of Chapter 402 of the Acts of the General Assembly of 2003. If that termination provision takes effect, Section 3 of this Act shall be abrogated and of no further force and effect. This Act may not be interpreted to have any effect on that termination provision.

SECTION 12. AND BE IT FURTHER ENACTED, That, subject to Sections 10 and 11 of this Act, this Act shall take effect June 1, 2008.".

On pages 5 through 63 of the bill, strike in their entirety the lines beginning with line 20 on page 5 through line 22 on page 63, inclusive.

The preceding 3 amendments were read and rejected by a roll call vote as follows:

Affirmative – 9 Negative – 36 (See Roll Call No. 38)

FLOOR AMENDMENT

(Amendment ID: **SB0003/203924/1)**

BY: Senator Edwards

AMENDMENTS TO SENATE BILL 3
(First Reading File Bill)

AMENDMENT NO. 1

On page 3, in line 44, after "Commission;" insert "providing that Allegany County shall agree to a certain payment in lieu of the collection of certain taxes;".

On page 5, after line 6, insert:

"BY adding to
Article – Tax – Property

Section 7–514
Annotated Code of Maryland
(2007 Replacement Volume)".

AMENDMENT NO. 2
On page 61, after line 7, insert:

"Article – Tax – Property

7–514.

(A) THE GOVERNING BODY OF ALLEGANY COUNTY SHALL ENTER INTO AN AGREEMENT WITH AN OWNER OR OPERATOR OF A VIDEO LOTTERY FACILITY THAT LOCATES IN ALLEGANY COUNTY FOR A NEGOTIATED PAYMENT IN LIEU OF TAXES ON THE VIDEO LOTTERY FACILITY.

(B) AN AGREEMENT FOR A NEGOTIATED PAYMENT IN LIEU OF TAXES UNDER THIS SECTION SHALL PROVIDE THAT, FOR THE TERM SPECIFIED IN THE AGREEMENT:

(1) A SPECIFIED AMOUNT SHALL BE PAID TO ALLEGANY COUNTY IN LIEU OF THE PAYMENT OF ALLEGANY COUNTY PROPERTY TAX; AND

(2) ALL OR A SPECIFIED PART OF THE REAL AND PERSONAL PROPERTY AT THE VIDEO LOTTERY FACILITY SHALL BE EXEMPT FROM ALLEGANY COUNTY PROPERTY TAX FOR THE TERM OF THE AGREEMENT.".

The preceding 2 amendments were read and adopted.

FLOOR AMENDMENT

(Amendment ID: **SB0003/743225/1)**

BY: Senator DeGrange

AMENDMENT TO SENATE BILL 3
(First Reading File Bill)

On page 27, in line 28, after "**2004,**" insert "**BUT NOT LESS THAN 220 DAYS,**".

The preceding amendment was read and adopted.

FLOOR AMENDMENT

(Amendment ID: **SB0003/103929/1)**

BY: Senator Jones

AMENDMENT TO SENATE BILL 3
(First Reading File Bill)

On page 43, in line 25, after "(6)" insert "**FOR THE FIRST 7 YEARS OF OPERATIONS AT A VIDEO LOTTERY FACILITY,**"; and, in line 26, after "**SUBTITLE**", insert "**AND THEREAFTER, 2.5% TO THE SMALL, MINORITY, AND WOMEN–OWNED BUSINESSES ACCOUNT ESTABLISHED UNDER § 9–1A–35 OF THIS SUBTITLE**".

The preceding amendment was read and adopted.

FLOOR AMENDMENT

(Amendment ID: **SB0003/573620/3)**

BY: Senator Gladden

AMENDMENTS TO SENATE BILL 3, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1
On page 3 of the bill, in line 48, after "reports;" insert "requiring the Legislative Auditor to conduct an audit and evaluation of certain information each fiscal year;".

AMENDMENT NO. 2
On page 52 of the bill, in line 23, before "**THE**" insert "**(A)**"; in line 26, strike "**AND**"; and in line 29, after "**FACILITY**" insert "**; AND**

(3) ON THE ATTAINMENT OF MINORITY BUSINESS PARTICIPATION GOALS SPECIFIED FOR LICENSEES UNDER § 9–1A–10(A)(1) AND (2) OF THIS SUBTITLE AND THE EFFORTS BY LICENSEES TO MAINTAIN THOSE GOALS.

(B) EACH FISCAL YEAR THE LEGISLATIVE AUDITOR SHALL AUDIT AND EVALUATE THE INFORMATION SUBMITTED TO THE COMMISSION BY LICENSEES UNDER SUBSECTION (A)(3) OF THIS SECTION, WITH SPECIAL EMPHASIS ON THE LICENSEE'S UTILIZATION OF CONTRACTORS ACROSS A BROAD SPECTRUM OF ITS BUSINESS ACTIVITIES, INCLUDING THOSE THAT ARE FUNCTIONALLY RELATED TO THE GAMING INDUSTRY".

AMENDMENT NO. 3
On page 54, after line 7, insert:

"**(E) EACH FISCAL YEAR THE LEGISLATIVE AUDITOR SHALL AUDIT AND EVALUATE THE UTILIZATION OF THE FUNDS THAT ARE ALLOCATED TO SMALL, MINORITY, AND WOMEN–OWNED BUSINESSES BY ELIGIBLE FUND MANAGERS UNDER SUBSECTION (C)(3) OF THIS SECTION.**".

AMENDMENT NO. 4

On page 58 of the bill, in line 19, after "**ARTICLE**" insert "**;**

(VIII) THE CONTENTS OF THE LICENSEE'S PLAN TO ACHIEVE MINORITY BUSINESS PARTICIPATION GOALS IN ACCORDANCE WITH THE REQUIREMENTS DESCRIBED UNDER § 9–1A–10(A)(1) AND (2) OF THIS SUBTITLE".

On page 10 of the Budget and Taxation Committee Amendments (SB0003/439637/1), in line 3 of Amendment No. 19, strike "**(VIII)**" and substitute "**(IX)**".

The preceding 4 amendments were read and adopted.

FLOOR AMENDMENT

(Amendment ID: **SB0003/913422/1)**

BY: Senator Brochin

AMENDMENTS TO SENATE BILL 3, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 4 of the bill, in line 4, after "Act;" insert "requiring the local governing bodies of certain jurisdictions to enact certain ordinances under certain circumstances;".

AMENDMENT NO. 2

On page 63 of the bill, before line 9, insert:

"SECTION 10. AND BE IT FURTHER ENACTED, That:

(a) With respect to the general election that most closely precedes the expiration of a video lottery operation license issued under the provisions of this Act, the governing body of the county or Baltimore City in which a video lottery gaming facility is lawfully operating under the video lottery operation license that will expire shall enact a local ordinance in accordance with subsection (b) or (c) of this section.

(b) The ordinance shall require the local board of elections in the county or Baltimore City to take the necessary steps to place on the ballot at the election described in subsection (a) of this section the question of whether the voters want the video lottery operation license renewed by the State or issued to another video lottery operator, and if, after the returns are counted, a majority of the voters have indicated by their votes that they do not want the video lottery operation license renewed or issued to another video lottery operator, the State may not renew the

video lottery operation license or issue a new video lottery operation license in that county or Baltimore City.

(c) Instead of or in addition to the ordinance described and required under subsection (b) of this section, an ordinance shall provide for a process by which the voters of the county or Baltimore City may petition to a local referendum at the election described in subsection (a) of this section the question of whether the video lottery operation license that will expire should be renewed by the State or issued to another video lottery operator, and if the results of such a local referendum indicate that a majority of the voters do not want the video lottery operation license renewed or issued to another video lottery operator, the State may not renew the video lottery operation license or issue a new video lottery operation license in that county or Baltimore City.".

AMENDMENT NO. 3

On page 11 of the Budget and Taxation Committee Amendments (SB0003/439637/1), in line 10 of Amendment No. 21, strike "10." and substitute "11."; in line 11, strike "11." and "12." and substitute "12." and "13.", respectively; and in line 12, strike "10 and 11" and substitute "11 and 12".

The preceding 3 amendments were read and rejected.

FLOOR AMENDMENT

(Amendment ID: **SB0003/403222/1)**

BY: Senator Stoltzfus

AMENDMENT TO SENATE BILL 3, AS AMENDED

In Senator Conway's Amendment (SB0003/203320/1), in line 3, strike "**AND**"; and in line 4, after "**COUNTY**" insert "**; AND**

(7) ONE MEMBER WHO RESIDES IN WORCESTER COUNTY".

The preceding amendment was read only.

Senator Stoltzfus moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #1

Senate Bill 2 – The President (By Request – Administration)

AN ACT concerning

Tax Reform and Transportation Investment Act of 2007

STATUS OF BILL; QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS AND THE FAVORABLE REPORT

(Amendment ID: **SB0002/189134/1)**

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 2
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Reform" insert "and Transportation Investment"; in line 6, after "nonresidents;" insert "altering the amount allowed as a deduction for certain exemptions under the Maryland income tax;"; in line 11, after "property;" insert "removing a certain restriction on eligibility to claim a refundable earned income credit under certain circumstances;"; in line 14, after "altering" insert "eligibility for and"; strike beginning with "allowing" in line 16 down through "circumstances;" in line 18 and substitute "imposing a State admissions and amusement tax on the gross receipts derived from the operation of certain bingo games and tip jars; providing for the distribution of certain admissions and amusement tax revenue;"; in line 24, after "tax;" insert "establishing a Chesapeake Bay 2010 Trust Fund in the Department of Natural Resources as a special fund to be used for certain purposes; providing for the distribution of certain property transfer tax and motor vehicle titling tax revenues to the Fund; providing for the distribution of certain sales and use tax revenues to the Transportation Trust Fund; providing for the pledging of certain revenues for certain purposes; increasing the maximum allowable aggregate amount of outstanding and unpaid consolidated transportation bonds and bonds of prior issues; altering the definition of tangible personal property under the sales and use tax to include a right to use certain games of entertainment;"; in lines 25 and 29, in each instance, strike "certain periods" and substitute "a certain period"; in lines 26 and 29, in each instance, strike "tax–free periods" and substitute "a tax–free period"; in line 31, after "provided;" insert "repealing a prohibition against certain advertisements or statements by vendors regarding the payment of the sales and use tax; authorizing vendors to assume or absorb all or any part of the sales and use tax imposed on a retail sale or use and to pay that sales and use tax on behalf of the buyer; repealing certain sales and use tax exemptions relating to certain computer services;".

On page 2, strike beginning with "for" in line 2 down through "Fund" in line 3 and substitute "to the General Fund of the State"; strike beginning with "requiring" in line 11 down through "Commission;" in line 17 and substitute "establishing the Maryland Business Tax Reform Commission to review and evaluate the State's

current business tax structure and to make certain recommendations; providing for the membership and staffing of the Commission; prohibiting members of the Commission from receiving certain compensation but authorizing the reimbursement of certain expenses; requiring an interim report by a certain date; requiring a final report by a certain date; requiring certain corporations engaged in manufacturing to submit certain reports as part of their income tax returns; requiring an individual to file a copy of the individual's federal income tax return with the Comptroller under certain circumstances; requiring certain corporations to file certain statements with the Comptroller; requiring that certain statements be treated as confidential taxpayer information; requiring the Comptroller to develop and implement a certain enforcement system for certain filing requirements; imposing certain penalties for certain violations; requiring the Comptroller to publish certain names and penalties imposed for certain violations; requiring the Comptroller to collect, compile, and analyze certain information and to use certain information to provide certain analyses to the Governor and General Assembly; requiring the Comptroller to submit certain reports to the Governor and General Assembly; requiring the Comptroller to adopt certain regulations; altering the vehicle excise tax rate for certain motor vehicles, trailers, and semitrailers; altering a definition under the motor vehicle excise tax to reduce the total purchase price on which the tax is calculated by an allowance for certain trade–in considerations; altering the distribution of revenue collected from certain special license tag fees; altering the distribution of revenue collected from certain security interest filing fees; requiring the Governor to include certain appropriations in the budget bill for certain fiscal years;"; in line 24, after "cigarettes" insert "and certain tobacco intended to be placed in the oral cavity; altering the information required to be stated in a tobacco tax return"; strike beginning with the second "altering" in line 24 down through "tax" in line 25; in line 26, after "cigarettes;" insert "altering the application of the tobacco tax to certain cigars weighing no more than a certain amount; providing a certain rate of tax for little cigars; requiring a manufacturer that distributes free sample little cigars in the State to complete and file certain returns and pay certain tax on those little cigars; requiring that little cigars be sold in a certain manner; providing for a certain reduction in the increase of the tobacco tax rate for cigarettes under certain circumstances; requiring the Comptroller to determine the amount of the reduction subject to certain requirements; providing for the distribution of certain sales and use tax revenue collected for a certain period to a certain special fund;"; strike beginning with "stating" in line 29 down through "circumstances;" in line 34 and substitute "stating the intent of the General Assembly that certain corporate income tax revenues be distributed to the Higher Education Investment Fund beginning in a certain fiscal year under certain circumstances;"; in line 36, after "taxes" insert "and revenues"; in line 39, strike "and 10–908(d)" and substitute "10–908(d), and 12–303(b)"; in line 44, after "2–106(f)," insert "2–202,"; in the same line, after "2–615," insert "2–1103, 2–1303,"; in line 45, after "10–211," insert "10–402(c)(2)(vi) and (vii),"; and in the same line, after "10–704," insert "10–804(c)(3)(ii) and (iii),".

On page 3, in line 1, strike "11–101(m)" and substitute "11–101(k)(2) and (m)"; in the same line, after "11–105," insert "11–219,"; in line 2, after "11–301,"

insert "11–302, 11–402, 11–601(b)(1), 12–101(c),"; in the same line, strike "12–105(a)" and substitute "12–105"; in the same line, strike "12–303(b)" and substitute "12–201(a), 12–202, and 12–302(a)"; strike line 7 in its entirety and substitute:

"Section 2–613.1, 2–1302.2, 4–102(d), 4–105(a-1), 10–110, 10–804.1, 11–101(c–1) and (c–2), 12–101(b–1) and (b–2)";

after line 9, insert:

"BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 5–903(b)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY adding to
Article – Natural Resources
Section 4–209(k), 8–205, and 8–707(d)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 3–202, 3–215(b), and 8–402
Annotated Code of Maryland
(2001 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 13–613(d), 13–809(a)(3), (b)(1), and (c)(1), and 13–814
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing
Article – Tax – General
Section 2–1104 and 11–225
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)";

and after line 14, insert:

"BY adding to
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 9–1104
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY adding to
Article – Environment
Section 9–1605.3
Annotated Code of Maryland
(2007 Replacement Volume and 2007 Supplement)

BY repealing
Article – Transportation
Section 13–208 and 13–613(e)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – Commercial Law
Section 11–5B–01 through 11–5B–03 to be under the new subtitle "Subtitle 5B. Little Cigar Sales of Fewer Than Five Per Package"
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)".

AMENDMENT NO. 2
On page 3, in line 37, strike "**4%**" and substitute "**4.75%**".

On page 4, in line 1, strike "**AND (II) AND (2)(I) AND (II)**" and substitute "**THROUGH (III) AND (2)(I) THROUGH (III)**".

AMENDMENT NO. 4
On page 6, in lines 18 and 31, in each instance, strike "**$2,400**" and substitute "**$2,600**".

AMENDMENT NO. 7
On page 30, in line 23, strike "135%" and substitute "120%".

AMENDMENT NO. 11
On page 16, after line 34, insert:

"11–302.

For each retail sale or sale for use other than a sale under § 11–405 or § 11–406 of this title, the sales and use tax shall be:

(1) stated [and charged] separately from the sale price; and

(2) shown separately from the sale price on any record of a sale:

(i) at the time of the sale;

(ii) when the vendor issues evidence of the sale; or

(iii) when the vendor uses evidence of the sale.

11–402.

[A**]** **SUBJECT TO § 11–302 OF THIS TITLE, A** vendor may **[**not directly or indirectly advertise, state, or otherwise hold out that any part of the sales and use tax:

(1) will be assumed or absorbed by the vendor;

(2) will not be added to the taxable price of tangible personal property or a taxable service; or

(3) will be refunded if added to the taxable price of tangible personal property or a taxable service**]:**

(1) ASSUME OR ABSORB ALL OR ANY PART OF THE SALES AND USE TAX IMPOSED ON A RETAIL SALE OR USE; AND

(2) PAY THAT SALES AND USE TAX ON BEHALF OF THE BUYER.

11–601.

(b) (1) A vendor who makes a sale subject to the sales and use tax shall pay the sales and use tax that the vendor collects for that sale **OR THAT THE VENDOR ASSUMES OR ABSORBS FOR THAT SALE** with the return that covers the period in which the vendor makes that sale.".

AMENDMENT NO. 13

On pages 19 through 22, strike in their entirety the lines beginning with line 31 on page 19 through line 30 on page 22, inclusive, and substitute:

"Article – Tax – General

10–110.

(A) THERE IS A MARYLAND BUSINESS TAX REFORM COMMISSION.

(B) (1) THE COMMISSION SHALL REVIEW AND EVALUATE THE STATE'S CURRENT BUSINESS TAX STRUCTURE AND MAKE SPECIFIC RECOMMENDATIONS FOR CHANGES TO THE STATE'S BUSINESS TAX STRUCTURE TO PROVIDE FOR FAIR AND EQUITABLE TAXATION FOR ALL CORPORATIONS AND OTHER BUSINESS ENTITIES DOING BUSINESS IN THE STATE.

(2) THE COMMISSION'S RECOMMENDATIONS MAY INCLUDE, WITHOUT LIMITATION, CHANGES SUCH AS TAX RATE CHANGES, TAX BASE BROADENING MEASURES, MEASURES TO ADDRESS TAX AVOIDANCE STRATEGIES, AND ELIMINATION OF INEFFECTIVE OR INEFFICIENT TAX POLICIES INTENDED AS ECONOMIC DEVELOPMENT INCENTIVES.

(3) THE COMMISSION'S STUDY SHALL INCLUDE, AT A MINIMUM, A REVIEW AND EVALUATION OF THE FOLLOWING OPTIONS FOR BUSINESS TAX REFORM:

(I) THE IMPOSITION OF COMBINED REPORTING USING THE "WATER'S EDGE METHOD" UNDER THE CORPORATE INCOME TAX FOR UNITARY GROUPS OF AFFILIATED CORPORATIONS;

(II) THE IMPOSITION OF OTHER TYPES OF BUSINESS TAXES, IN LIEU OF OR IN ADDITION TO THE CURRENT TAXES IMPOSED, INCLUDING GROSS RECEIPTS TAXES, VALUE ADDED TAXES, AND ALTERNATIVE MINIMUM TAXES; AND

(III) IMPROVED METHODS FOR EVALUATION OF THE EFFECTIVENESS AND EFFICIENCY OF TAX POLICIES INTENDED AS ECONOMIC DEVELOPMENT INCENTIVES.

(C) THE COMMISSION SHALL BE COMPOSED OF 17 MEMBERS, AS FOLLOWS:

(1) A CHAIR, APPOINTED BY THE GOVERNOR;

(2) THREE MEMBERS OF THE SENATE BUDGET AND TAXATION COMMITTEE, APPOINTED BY THE PRESIDENT OF THE SENATE;

(3) THREE MEMBERS OF THE HOUSE COMMITTEE ON WAYS AND MEANS, APPOINTED BY THE SPEAKER OF THE HOUSE;

(4) THE COMPTROLLER OF THE TREASURY, OR THE COMPTROLLER'S DESIGNEE;

(5) THE SECRETARY OF BUSINESS AND ECONOMIC DEVELOPMENT, OR THE SECRETARY'S DESIGNEE;

(6) THE SECRETARY OF BUDGET AND MANAGEMENT, OR THE SECRETARY'S DESIGNEE;

(7) THE DIRECTOR OF THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION, OR THE DIRECTOR'S DESIGNEE;

(8) A REPRESENTATIVE OF THE MARYLAND ASSOCIATION OF COUNTIES;

(9) A REPRESENTATIVE OF THE MARYLAND MUNICIPAL LEAGUE;

(10) A REPRESENTATIVE OF THE MARYLAND CHAMBER OF COMMERCE; AND

(11) THREE MEMBERS OF THE PUBLIC KNOWLEDGEABLE ABOUT THE STATE'S BUSINESS TAX STRUCTURE, APPOINTED BY THE GOVERNOR.

(D) THE COMPTROLLER AND THE DEPARTMENT OF BUDGET AND MANAGEMENT SHALL PROVIDE STAFF SUPPORT TO THE COMMISSION.

(E) A MEMBER OF THE COMMISSION:

(1) MAY NOT RECEIVE COMPENSATION; BUT

(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

(F) ON OR BEFORE DECEMBER 15, 2010, THE COMMISSION SHALL SUBMIT AN INTERIM REPORT OF ITS FINDINGS AND RECOMMENDATIONS TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY.

(G) ON OR BEFORE DECEMBER 15, 2011, THE COMMISSION SHALL SUBMIT A FINAL REPORT OF ITS FINDINGS AND RECOMMENDATIONS TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY.

SECTION 6. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Tax – General

10–402.

(c) (2) (vi) As part of its tax return for a taxable year beginning after December 31, **[**2000 but before January 1, 2003**]** **2005**, each manufacturing corporation that has more than 25 employees and apportions its income under this paragraph shall submit a report, in the form that the Comptroller requires by regulation, that describes for each taxable year as of the last day of the taxable year the following:

1. the difference in tax owed as a result of using **THE** single sales factor apportionment method under this paragraph as compared to the tax owed using the 3–factor double weighted sales factor apportionment method in effect for the last taxable year beginning on or before December 31, 2000;

2. volume of sales in the State and worldwide;

3. taxable income in the State and worldwide; and

4. book value of plant, land, and equipment in the State and worldwide.

(vii) On or before October 1, **[**2003**]** **2008,** and October 1 **[**, 2004**]** **OF EACH YEAR THEREAFTER**, and notwithstanding any confidentiality requirements, the Comptroller shall prepare and submit to the Governor and, subject to § 2–1246 of the State Government Article, to the General Assembly, a comprehensive report on the use of single sales factor apportionment by manufacturing corporations that provides, at a minimum:

1. the number of corporations filing tax returns for the taxable year that ended during the preceding calendar year that use single sales factor apportionment and the number of such corporations having a Maryland income tax liability for that taxable year;

2. the number of corporations paying less in Maryland income tax for that taxable year as a result of using single sales factor apportionment and the aggregate amount of Maryland income tax savings for all such corporations for that taxable year as a result of using single sales factor apportionment; and

3. the number of corporations paying more in Maryland income tax for the taxable year as a result of using single sales factor apportionment and the aggregate amount of additional Maryland income tax owed by those corporations for the taxable year as a result of using single sales factor apportionment.

10–804.

(e) Each person required under this subtitle to file an income tax return or estimated income tax declaration or return shall:

(3) attach to an income tax return or otherwise file with the Comptroller any records or statements that the Comptroller requires, including:

(ii) a copy of the federal income tax return:

1. for a corporation**;**

2. FOR AN INDIVIDUAL WHO REPORTS INCOME OR LOSS FROM A SOLE PROPRIETORSHIP (SCHEDULE C OF FORM 1040) OR INCOME OR LOSS FROM RENTAL REAL ESTATE AND ROYALTIES, PARTNERSHIPS AND S CORPORATIONS, ESTATES AND TRUSTS, OR REAL ESTATE MORTGAGE INVESTMENT CONDUITS (SCHEDULE E OF FORM 1040); and

[2.**] 3.** if the Comptroller requests, for an individual **OTHER THAN ONE DESCRIBED IN ITEM 2 OF THIS ITEM**; **[**and**]**

(III) FOR A CORPORATION, THE STATEMENTS REQUIRED UNDER § 10–804.1 OF THIS SUBTITLE; AND

[(iii)**] (IV)** if the Comptroller requests, for a corporation that is a member of an affiliated group or controlled group under § 1504 or § 1563 of the Internal Revenue Code, a statement of all intermember costs or expenses and all intermember sales, exchanges, or other transactions involving tangible or intangible property for the taxable year.

10–804.1.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "CORPORATE GROUP" MEANS:

(I) AN AFFILIATED GROUP OR CONTROLLED GROUP UNDER § 1504 OR § 1563 OF THE INTERNAL REVENUE CODE; OR

(II) AN AFFILIATED GROUP OF CORPORATIONS:

1. THAT IS ENGAGED IN A UNITARY BUSINESS; AND

2. MORE THAN 50% OF THE VOTING STOCK OF EACH MEMBER OF WHICH IS DIRECTLY OR INDIRECTLY OWNED BY:

A. A COMMON OWNER OR COMMON OWNERS, EITHER CORPORATE OR NONCORPORATE; OR

B. ONE OR MORE MEMBERS OF THE GROUP.

(3) "DOING BUSINESS IN THE STATE" INCLUDES ENGAGING IN ANY OF THE FOLLOWING ACTIVITIES, WHETHER OR NOT THE CORPORATION ENGAGING IN THE ACTIVITY IS SUBJECT TO THE TAX IMPOSED UNDER THIS TITLE:

(I) OWNING OR RENTING REAL OR TANGIBLE PERSONAL PROPERTY PHYSICALLY LOCATED IN THE STATE;

(II) HAVING EMPLOYEES, AGENTS, OR REPRESENTATIVES ACTING ON THE CORPORATION'S BEHALF IN THE STATE;

(III) MAKING SALES OF TANGIBLE PERSONAL PROPERTY TO PURCHASERS THAT TAKE POSSESSION OF THE PROPERTY IN THE STATE;

(IV) PERFORMING SERVICES FOR CUSTOMERS LOCATED IN THE STATE;

(V) PERFORMING SERVICES IN THE STATE;

(VI) EARNING INCOME FROM INTANGIBLE PROPERTY THAT HAS A BUSINESS SITUS IN THE STATE;

(VII) ENGAGING IN REGULAR AND SYSTEMATIC SOLICITATION OF SALES IN THE STATE;

(VIII) BEING A GENERAL OR LIMITED PARTNER IN A PARTNERSHIP ENGAGED IN ANY OF THE ACTIVITIES DESCRIBED IN ITEMS (I) THROUGH (VII) OF THIS PARAGRAPH; OR

(IX) BEING A MEMBER OF A LIMITED LIABILITY COMPANY ENGAGED IN ANY OF THE ACTIVITIES DESCRIBED IN ITEMS (I) THROUGH (VII) OF THIS PARAGRAPH.

(4) "PUBLICLY TRADED CORPORATION" MEANS:

(I) A CORPORATION THAT IS REGULARLY TRADED ON AN ESTABLISHED SECURITIES MARKET IN THE UNITED STATES OR A FOREIGN COUNTRY; OR

(II) A CORPORATION MORE THAN 50% OF THE VOTING STOCK OF WHICH IS OWNED, DIRECTLY OR INDIRECTLY, BY A CORPORATION, TRUST, ASSOCIATION, OR OTHER BUSINESS ENTITY THAT IS REGULARLY TRADED ON AN ESTABLISHED SECURITIES MARKET IN THE UNITED STATES OR A FOREIGN COUNTRY.

(B) EACH CORPORATION THAT IS REQUIRED TO FILE AN INCOME TAX RETURN UNDER THIS TITLE AND IS A MEMBER OF A CORPORATE GROUP SHALL FILE WITH THE COMPTROLLER:

(1) A STATEMENT IDENTIFYING EACH MEMBER OF THE CORPORATE GROUP AND STATING FOR EACH MEMBER OF THE CORPORATE GROUP:

(I) WHETHER THE MEMBER FILED AN INCOME TAX RETURN UNDER THIS TITLE FOR THE TAXABLE YEAR;

(II) THE TOTAL VOLUME OF SALES BY THE MEMBER WORLDWIDE FOR THE TAXABLE YEAR; AND

(III) THE VOLUME OF SALES MADE BY THE MEMBER IN THE STATE FOR THE TAXABLE YEAR, IF ANY; AND

(2) A STATEMENT:

(I) IDENTIFYING EACH STATE OTHER THAN MARYLAND IN WHICH ANY MEMBER OF THE CORPORATE GROUP FILED AN INCOME TAX RETURN FOR THE TAXABLE YEAR; AND

(II) AS TO ANY STATE THAT REQUIRES COMBINED OR CONSOLIDATED REPORTING FOR CORPORATE INCOME TAXPAYERS, LISTING THE MEMBERS OF THE CORPORATE GROUP THAT ARE INCLUDED IN THE COMBINED OR CONSOLIDATED GROUP FOR PURPOSES OF THE INCOME TAX RETURN OR RETURNS FILED IN THAT STATE.

(C) (1) EACH PUBLICLY TRADED CORPORATION THAT IS DOING BUSINESS IN THE STATE SHALL FILE WITH THE COMPTROLLER A STATEMENT CONTAINING THE FOLLOWING INFORMATION:

(I) THE NAME OF THE CORPORATION AND THE STREET ADDRESS OF ITS PRINCIPAL EXECUTIVE OFFICE;

(II) THE NAME OF ANY CORPORATION THAT OWNS, DIRECTLY OR INDIRECTLY, 50% OR MORE OF THE VOTING STOCK OF THE CORPORATION AND THE STREET ADDRESS OF THAT CORPORATION'S PRINCIPAL EXECUTIVE OFFICE;

(III) THE CORPORATION'S 4–DIGIT NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM CODE NUMBER; AND

(IV) AS SPECIFIED BY THE COMPTROLLER, INFORMATION REPORTED ON OR USED IN PREPARING THE CORPORATION'S TAX RETURN FILED UNDER THIS TITLE, OR, IN THE CASE OF A CORPORATION NOT REQUIRED TO FILE A TAX RETURN UNDER THIS TITLE, THE INFORMATION THAT WOULD BE REQUIRED TO BE REPORTED ON OR USED IN PREPARING THE TAX RETURN IF THE CORPORATION WERE REQUIRED TO FILE AN INCOME TAX RETURN.

(2) IN LIEU OF THE INFORMATION DESCRIBED IN PARAGRAPH (1)(IV) OF THIS SUBSECTION, A PUBLICLY TRADED CORPORATION DOING BUSINESS IN THE STATE BUT NOT REQUIRED TO FILE A TAX RETURN UNDER THIS TITLE MAY ELECT TO PROVIDE THE FOLLOWING INFORMATION:

(I) AN EXPLANATION OF WHY THE CORPORATION IS NOT REQUIRED TO FILE A CORPORATE INCOME TAX RETURN IN THIS STATE; AND

(II) A STATEMENT AS TO WHETHER THE CORPORATION'S TOTAL GROSS RECEIPTS FROM SALES TO PURCHASERS IN THIS STATE FOR THE TAXABLE YEAR WERE:

1. LESS THAN $10,000,000;

2. AT LEAST $10,000,000 BUT LESS THAN $50,000,000;

3. AT LEAST $50,000,000 BUT LESS THAN $100,000,000;

4. AT LEAST $100,000,000 BUT LESS THAN $250,000,000; OR

5. AT LEAST $250,000,000.

(3) IF A PUBLICLY TRADED CORPORATION IS A MEMBER OF A CORPORATE GROUP AND THE CORPORATE GROUP HAS WORLDWIDE GROSS RECEIPTS FOR THE TAXABLE YEAR IN EXCESS OF $100,000,000, THE STATEMENT REQUIRED UNDER THIS SUBSECTION SHALL INCLUDE:

(I) THE INFORMATION SPECIFIED UNDER PARAGRAPH (1) OR (2) OF THIS SUBSECTION FOR EACH MEMBER OF THE CORPORATE GROUP, WHETHER OR NOT THE MEMBER IS DOING BUSINESS IN THE STATE OR IS REQUIRED TO FILE AN INCOME TAX RETURN UNDER THIS TITLE; AND

(II) OTHER INFORMATION AS SPECIFIED BY THE COMPTROLLER FOR THE CORPORATION AND FOR EACH MEMBER OF ANY CORPORATE GROUP OF WHICH THE CORPORATION IS A MEMBER, INCLUDING:

1. THE MEMBERS OF THE CORPORATE GROUP THAT WOULD BE INCLUDED IN THE COMBINED GROUP USING THE "WATER'S EDGE" METHOD FOR PURPOSES OF COMBINED REPORTING AND THE DIFFERENCE IN MARYLAND INCOME TAX THAT WOULD BE OWED IF THE CORPORATION WERE REQUIRED TO USE COMBINED REPORTING USING THE "WATER'S EDGE" METHOD TO DETERMINE ITS MARYLAND INCOME TAX;

2. THE SALES FACTOR THAT WOULD BE CALCULATED FOR THIS STATE AND THE DIFFERENCE IN MARYLAND INCOME TAX THAT WOULD BE OWED IF THE CORPORATION WERE REQUIRED TO INCLUDE IN THE NUMERATOR OF THE SALES FACTOR FOR PURPOSES OF APPORTIONING INCOME TO THE STATE ALL SALES OF PROPERTY SHIPPED FROM AN OFFICE, STORE, WAREHOUSE, FACTORY, OR OTHER PLACE OF STORAGE IN THIS STATE WHERE:

A. THE PURCHASER IS THE FEDERAL GOVERNMENT; AND

B. THE PROPERTY IS SHIPPED OR DELIVERED TO A CUSTOMER IN A STATE IN WHICH THE SELLING CORPORATION IS NOT SUBJECT TO A STATE CORPORATE INCOME TAX OR STATE FRANCHISE TAX MEASURED BY NET

INCOME AND COULD NOT BE SUBJECTED TO SUCH A TAX IF THE STATE WERE TO IMPOSE IT;

3. FOR ANY INCOME THAT THE TAXPAYER HAS IDENTIFIED, ON THE INCOME TAX RETURN FILED UNDER THIS TITLE OR ON AN INCOME TAX RETURN FILED IN ANY STATE, AS INCOME THAT IS NOT APPORTIONABLE:

A. THE AMOUNT AND SOURCE OF THAT NONAPPORTIONABLE INCOME;

B. UNLESS THE PRINCIPAL EXECUTIVE OFFICE OF THE CORPORATION IS IN THIS STATE, THE STATE TO WHICH THAT NONAPPORTIONABLE INCOME WAS ALLOCATED; AND

C. IF THE PRINCIPAL EXECUTIVE OFFICE OF THE CORPORATION IS IN THIS STATE, THE DIFFERENCE IN TAX THAT WOULD BE OWED IF THE CORPORATION WERE REQUIRED TO ALLOCATE 100% OF THE NONAPPORTIONABLE INCOME TO MARYLAND;

4. THE FULL–TIME EQUIVALENT EMPLOYMENT OF THE CORPORATION IN THE STATE ON THE LAST DAY OF THE TAXABLE YEAR AND FOR THE 3 PREVIOUS TAXABLE YEARS; AND

5. IF THE CORPORATION IS INCORPORATED IN THE UNITED STATES OR IS AN AFFILIATE OF A CORPORATION INCORPORATED IN THE UNITED STATES, PROFITS BEFORE TAX REPORTED ON THE SECURITIES AND EXCHANGE COMMISSION FORM 10–K FOR THE CORPORATION OR THE CORPORATE GROUP OF WHICH THE CORPORATION IS A MEMBER FOR THE CORPORATE FISCAL YEAR THAT CONTAINS THE LAST DAY OF THE TAXABLE YEAR.

(D) (1) THE STATEMENTS REQUIRED UNDER SUBSECTIONS (B) AND (C) OF THIS SECTION:

(I) SHALL BE FILED ANNUALLY, FOR ALL TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 2005, ON OR BEFORE DATES SPECIFIED BY THE COMPTROLLER IN AN ELECTRONIC FORMAT AS SPECIFIED BY THE COMPTROLLER;

(II) SHALL BE:

1. MADE UNDER OATH AND SIGNED IN THE SAME MANNER AS REQUIRED FOR INCOME TAX RETURNS UNDER § 10–804 OF THIS SUBTITLE; AND

2. SUBJECT TO AUDIT BY THE COMPTROLLER IN THE COURSE OF AND UNDER THE NORMAL PROCEDURES APPLICABLE TO CORPORATE INCOME TAX RETURN AUDITS; AND

(III) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, SHALL BE TREATED AS CONFIDENTIAL TAXPAYER INFORMATION SUBJECT TO TITLE 13, SUBTITLE 2 OF THIS ARTICLE.

(2) THE STATEMENTS REQUIRED UNDER THIS SECTION FOR THE MEMBERS OF A CORPORATE GROUP SHALL BE SUBMITTED BY THE CORPORATE GROUP IN ONE COMBINED REPORT THAT INCLUDES THE INFORMATION REQUIRED UNDER SUBSECTIONS (B) AND (C) OF THIS SECTION FOR ALL MEMBERS OF THE CORPORATE GROUP.

(3) THE COMPTROLLER SHALL DEVELOP AND IMPLEMENT AN OVERSIGHT SYSTEM TO ENSURE THAT CORPORATIONS DOING BUSINESS IN THE STATE, INCLUDING THOSE NOT REQUIRED TO FILE A RETURN UNDER THIS TITLE, PROVIDE THE REQUIRED DISCLOSURE STATEMENTS IN A TIMELY AND ACCURATE MANNER.

(4) A PERSON WHO IS REQUIRED TO FILE A STATEMENT UNDER THIS SECTION WHO WILLFULLY FAILS TO FILE THE STATEMENT OR WHO FILES A FALSE STATEMENT IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE NOT EXCEEDING $10,000 OR IMPRISONMENT NOT EXCEEDING 5 YEARS OR BOTH.

(5) THE COMPTROLLER SHALL PUBLISH THE NAME OF, AND PENALTY IMPOSED ON, ANY CORPORATION FAILING TO FILE A STATEMENT REQUIRED UNDER THIS SECTION OR FILING AN INACCURATE STATEMENT.

(E) (1) A CORPORATION SUBMITTING A STATEMENT REQUIRED UNDER THIS SECTION MAY SUBMIT SUPPLEMENTAL INFORMATION THAT, IN ITS SOLE JUDGMENT AND DISCRETION, COULD FACILITATE PROPER INTERPRETATION OF THE INFORMATION INCLUDED IN THE STATEMENT.

(2) A CORPORATION SHALL FILE A SUPPLEMENTAL STATEMENT UNDER THIS SECTION WITHIN 60 DAYS AFTER:

(I) THE CORPORATION FILES AN AMENDED TAX RETURN UNDER THIS TITLE; OR

(II) THE CORPORATION'S TAX LIABILITY FOR A TAX YEAR IS CHANGED AS THE RESULT OF AN AUDIT ADJUSTMENT OR FINAL DETERMINATION OF LIABILITY BY THE COMPTROLLER OR BY A COURT OF LAW.

(F) (1) THE COMPTROLLER SHALL:

(I) COLLECT, COMPILE, AND ANALYZE THE INFORMATION SUBMITTED UNDER THIS SECTION;

(II) USE THE INFORMATION SUBMITTED UNDER THIS SECTION TO PROVIDE ANALYSES AS REQUESTED BY THE GOVERNOR OR THE GENERAL

ASSEMBLY RELATING TO THE CORPORATE INCOME TAX OR PROPOSALS FOR CHANGES TO THE CORPORATE INCOME TAX; AND

(III) ON OR BEFORE DECEMBER 1 OF EACH YEAR, BASED ON INFORMATION PROVIDED IN INCOME TAX RETURNS AND THE DATA SUBMITTED UNDER THIS SUBSECTION, SUBMIT A REPORT TO THE GOVERNOR AND, SUBJECT TO § 2–1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY, CONCERNING THE CORPORATE INCOME TAX.

(2) THE REPORT REQUIRED UNDER THIS SUBSECTION SHALL:

(I) SUMMARIZE THE INFORMATION SUBMITTED UNDER THIS SECTION; AND

(II) PROVIDE DETAILED ANALYSES OF THE CHARACTERISTICS OF CORPORATE TAXPAYERS, INCLUDING:

1. HISTORICAL SERIES OF DATA AND DETAILED REPORTS FOR THE REPORTED YEAR; AND

2. THE DISTRIBUTION OF MARYLAND TAXABLE INCOME, INCOME TAX LIABILITY, AND OTHER ELEMENTS OF THE CORPORATE INCOME TAX SUCH AS TAX CREDITS, MODIFICATIONS TO INCOME, AND NET OPERATING LOSS CARRYOVERS.

(3) THE INFORMATION PROVIDED IN THE REPORT SHALL BE PROVIDED BY VARIOUS CATEGORIES, INCLUDING:

(I) BUSINESS CATEGORY; AND

(II) VARIOUS MEASURES OF SIZE, SUCH AS TAXABLE INCOME, IN–STATE AND WORLDWIDE PAYROLL, AND IN–STATE AND WORLDWIDE GROSS RECEIPTS.

(G) THE COMPTROLLER SHALL ADOPT APPROPRIATE REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SECTION.".

On page 31, after line 6, insert:

"SECTION 13. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, except as otherwise provided in regulations that the Comptroller adopts, the reports and statements required for a taxable year beginning before January 1, 2007, under §§ 10–402(c)(2)(vi) and 10–804.1 of the Tax – General Article as enacted by Section 6 of this Act shall be submitted as part of a corporation's tax return for the corporation's next taxable year beginning after December 31, 2006, and shall be reflected in the Comptroller's reports to be

submitted in 2008 to the Governor and General Assembly under §§ 10–402(c)(vii) and 10–804.1 of the Tax – General Article.".

AMENDMENT NO. 17

On page 23, before line 12, insert:

"SECTION 9. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:";

in line 29, strike "**80%**" and substitute "**90%**".

On page 24, in lines 1, 4, and 27, in each instance, strike "**80%**" and substitute "**90%**"; in line 32, after "**BE**" insert "**AS**"; and in the same line, after "**DETERMINED**" insert "**BY THE DEPARTMENT FOR PROPERTY TAX ASSESSMENT PURPOSES AS OF THE DATE OF TRANSFER**".

On page 27, after line 9, insert:

"**(6) THE RECORDATION TAX IS NOT IMPOSED ON THE TRANSFER OF A CONTROLLING INTEREST IF THE TRANSFER, FOR FEDERAL INCOME TAX PURPOSES, DOES NOT INVOLVE THE RECOGNITION OF GAIN OR LOSS, INCLUDING THE NONRECOGNITION OF GAIN OR LOSS BECAUSE OF THE APPLICATION OF § 332, § 337, § 351, § 368(A)(1), § 721, § 731, OR § 1031 OF THE INTERNAL REVENUE CODE.**";

in line 10, strike "**(6)**" and substitute "**(7)**"; and in line 13, strike "**(5)**" and substitute "**(6)**".

On page 32, before line 15, insert:

"SECTION 22. AND BE IT FURTHER ENACTED, That Section 9 of this Act shall take effect July 1, 2008, and shall be applicable to all transfers of a controlling interest by a real property entity that occur after June 30, 2008.".

AMENDMENT NO. 18

On page 30, in lines 11 and 31, strike "7." and "8.", respectively, and substitute "11." and "12.", respectively.

On page 31, in line 7, strike "9." and substitute "14.".

On page 32, in lines 1, 9, 11, 13, and 15, strike "11.", "12.", "13.", "14.", and "15.", respectively, and substitute "17.", "18.", "19.", "20.", and "23.", respectively; in line 9, strike "4, and 5" and substitute "and 4"; in line 15, strike "12" and substitute "18"; and in line 16, strike "14" and substitute "22".

The preceding 8 amendments were read and adopted.

AMENDMENT NO. 3

On page 4, in lines 21 and 22, strike "**$15,000**" and "**$15,001**", respectively, and substitute "**$3,000**" and "**$3,001**", respectively; in lines 24 and 26, strike "**6%**" and "**6.5%**", respectively, and substitute "**5%**" and "**5.5%**", respectively.

On page 5, in lines 11, 12, 13, 14, 15, 16, 17, and 18, strike "**$2,000**", "**$2,001**", "**$4,000**", "**$4,001**", "**$22,500**", and "**$22,501**", respectively, and substitute "**$1,000**", "**$1,001**", "**$2,000**", "**$2,001**", "**$3,000**", and "**$3,001**", respectively; and in lines 18 and 20, strike "**6%**" and "**6.5%**", respectively, and substitute "**5%**" and "**5.5%**", respectively.

The preceding amendment was read and adopted by a roll call vote as follows:

Affirmative – 25 Negative – 20 (See Roll Call No. 39)

AMENDMENT NO. 5

On page 8, strike beginning with "with" in line 1 down through "exemptions" in line 2; and strike beginning with "with" in line 32 down through "exemptions" in line 33.

The preceding amendment was read and adopted by a roll call vote as follows:

Affirmative – 45 Negative – 2 (See Roll Call No. 40)

AMENDMENT NO. 6

On pages 9 and 10, strike in their entirety the lines beginning with line 26 on page 9 through line 22 on page 10, inclusive.

The preceding amendment was read and adopted by a roll call vote as follows:

Affirmative – 28 Negative – 16 (See Roll Call No. 41)

AMENDMENT NO. 8

On page 14, after line 5, insert:

"Article – Natural Resources

5–903.

(b) Of the remaining funds not appropriated under subsection (a)(1) of this section, the General Assembly shall appropriate the other half of the funds **AS FOLLOWS:**

(1) $21,000,000 TO THE CHESAPEAKE BAY 2010 TRUST FUND ESTABLISHED UNDER § 8–205 OF THIS ARTICLE; AND

(2) **THE REMAINDER** to assist local governing bodies in acquisition and development of land for recreation and open space purposes.

8–205.

(A) THERE IS A CHESAPEAKE BAY 2010 TRUST FUND.

(B) THE PURPOSE OF THE FUND IS TO PROVIDE THE FINANCIAL ASSISTANCE NECESSARY TO MEET, BY 2010, THE GOALS ESTABLISHED IN THE CHESAPEAKE 2000 AGREEMENT FOR THE RESTORATION OF THE CHESAPEAKE BAY AND ITS TRIBUTARIES, INCLUDING THE PATUXENT RIVER.

(C) THE SECRETARY SHALL ADMINISTER THE FUND.

(D) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7–302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(2) THE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

(E) THE FUND CONSISTS OF:

(1) MONEY APPROPRIATED IN THE STATE BUDGET FOR THE FUND;

(2) MONEY DISTRIBUTED TO THE FUND UNDER § 5–903(B)(1) OF THIS ARTICLE;

(3) MONEY DISTRIBUTED TO THE FUND UNDER § 13–814(A) OF THE TRANSPORTATION ARTICLE; AND

(4) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.

(F) THE FUND MAY BE USED ONLY FOR THE IMPLEMENTATION OF THE STATE'S TRIBUTARY STRATEGY DEVELOPED IN ACCORDANCE WITH THE CHESAPEAKE 2000 AGREEMENT.

(G) (1) THE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

(2) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE RETAINED TO THE CREDIT OF THE FUND.

(H) MONEY EXPENDED FROM THE FUND FOR THE RESTORATION OF THE CHESAPEAKE BAY AND ITS TRIBUTARIES, INCLUDING THE PATUXENT RIVER, IS SUPPLEMENTAL TO AND IS NOT INTENDED TO TAKE THE PLACE OF FUNDING THAT OTHERWISE WOULD BE APPROPRIATED FOR BAY RESTORATION.

Article – Tax – General

2–1302.2.

AFTER MAKING THE DISTRIBUTIONS REQUIRED UNDER §§ 2–1301 THROUGH 2–1302.1 OF THIS SUBTITLE, THE COMPTROLLER SHALL PAY 8.3% OF THE REMAINING SALES AND USE TAX REVENUE TO THE TRANSPORTATION TRUST FUND ESTABLISHED UNDER § 3–216 OF THE TRANSPORTATION ARTICLE.

2–1303.

After making the distributions required under §§ 2–1301 through **[**2–1302.1**]** **2–1302.2** of this subtitle, the Comptroller shall pay:

(1) revenues from the hotel surcharge into the Dorchester County Economic Development Fund established under Article 83A, § 5–216 of the Code; and

(2) the remaining sales and use tax revenue into the General Fund of the State.

Article – Transportation

3–202.

(a) The Department from time to time may issue its bonds on behalf of this State to finance the cost of any one or more or combination of transportation facilities.

(b) The bonds shall be known as "consolidated transportation bonds" and may be issued in any amount as long as the aggregate outstanding and unpaid principal balance of these bonds and bonds of prior issues does not exceed at any one time the sum of **[**$2.0**]** **$3.0** billion.

(c) The maximum outstanding and unpaid principal balance of consolidated transportation bonds and bonds of prior issues as of June 30 for the next fiscal year:

(1) Shall be established each year by the General Assembly in the State budget; and

(2) May not exceed the limit established in subsection (b) of this section.

3–215.

(b) The tax levied and imposed by this section consists of that part of the following taxes that are retained to the credit of the Department after distributions to the political subdivisions:

(1) The motor fuel tax revenue distributed under §§ 2–1103(2) and 2–1104(4) of the Tax – General Article;

(2) The income tax revenue distributed under § 2–614 of the Tax – General Article;

(3) The **REVENUES FROM THE** excise tax imposed on vehicles by Part II of Title 13, Subtitle 8 of this article **DISTRIBUTED UNDER § 13–814(B) OF THIS ARTICLE**; and

(4) The sales and use tax revenues distributed under **[**§ 2–1302.1**]** **§§ 2–1302.1 AND 2–1302.2** of the Tax – General Article.

8–402.

(a) There is a Gasoline and Motor Vehicle Revenue Account in the Transportation Trust Fund.

(b) All revenues collected from the following, after deductions provided by law, shall be credited to the Gasoline and Motor Vehicle Revenue Account:

(1) All of the motor vehicle fuel tax;

(2) Except as otherwise provided by law, **THE EXCESS OVER $76,000,000 OF** 80 percent of the vehicle titling tax **DISTRIBUTED TO THE TRANSPORTATION TRUST FUND UNDER § 13–814 OF THIS ARTICLE**;

(3) Except for revenues collected under Parts III and IV of Title 13, Subtitle 9 of this article, vehicle registration fees;

(4) The revenue disbursed to this account under § 2–614 of the Tax – General Article; and

(5) 80 percent of the funds distributed on short–term vehicle rentals under § 2–1302.1 of the Tax – General Article to the Transportation Trust Fund from the sales and use tax.

(c) (1) During each fiscal year, the Account shall be used to pay the allocations of highway user revenues provided by this subtitle to the counties, municipalities, and Baltimore City; and

(2) The balance of the Account may be used as provided in § 3–216 of this article.

13–814.

(A) FOR THE FISCAL YEAR BEGINNING JULY 1, 2008, AND EACH SUBSEQUENT FISCAL YEAR, FROM THE MONEY COLLECTED UNDER THIS PART, $30,000,000 SHALL BE DISTRIBUTED TO THE CHESAPEAKE BAY 2010 TRUST FUND ESTABLISHED UNDER § 8–205 OF THE NATURAL RESOURCES ARTICLE.

(B) [Money**] AFTER THE DISTRIBUTION UNDER SUBSECTION (A) OF THIS SECTION, MONEY** collected under this part shall be deposited in the State Treasury and accounted for on the records of the State Comptroller and transferred to the Transportation Trust Fund.".

On page 30, after line 10, insert:

"SECTION 10. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, from the sales and use tax revenue collected from January 1, 2008, through the end of June 30, 2008, the Comptroller shall distribute $110,000,000 to the State Police Helicopter Replacement Fund established under § 2–801 of the Public Safety Article.".

The preceding amendment was read and adopted by a roll call vote as follows:

Affirmative – 35 Negative – 11 (See Roll Call No. 42)

AMENDMENT NO. 9

On page 14, after line 7, insert:

"**(C–1) (1) "COMPUTER SERVICE" INCLUDES:**

(I) COMPUTER FACILITIES MANAGEMENT AND OPERATION;

(II) CUSTOM COMPUTER PROGRAMMING;

(III) COMPUTER SYSTEM PLANNING AND DESIGN THAT INTEGRATE COMPUTER HARDWARE, SOFTWARE, AND COMMUNICATION TECHNOLOGIES;

(IV) COMPUTER DISASTER RECOVERY; AND

(V) HARDWARE OR SOFTWARE INSTALLATION OR MAINTENANCE.

(2) "COMPUTER SERVICE" DOES NOT INCLUDE:

(I) DATA PROCESSING OR ENTRY; OR

(II) COMPUTER TRAINING.

(C–2) "LANDSCAPING SERVICE" DOES NOT INCLUDE A SERVICE PERFORMED TO REAL PROPERTY AS PART OF THE CONSTRUCTION, ALTERATION, REPAIR, DECORATION, OR IMPROVEMENT OF A STRUCTURE IF THE CONSTRUCTION, ALTERATION, REPAIR, DECORATION, OR IMPROVEMENT IS PROPERLY CAPITALIZED USING ACCEPTABLE AND CONSISTENT ACCOUNTING STANDARDS.

(k) (2) "Tangible personal property" includes:

(i) farm equipment;

(ii) wall–to–wall carpeting that is installed into real estate, regardless of the purpose, method, or permanency of its installation; **[**and**]**

(iii) coal, electricity, oil, nuclear fuel assemblies, steam, and artificial or natural gas**; AND**

(IV) A RIGHT TO USE A VIDEO GAME OR OTHER GAME OF ENTERTAINMENT AT AN ARCADE.".

On page 15, strike in their entirety lines 2 through 4, inclusive, and substitute:

"**(13) A COMPUTER SERVICE; OR**

(14) A LANDSCAPING SERVICE.

11–219.

(a) The sales and use tax does not apply to a personal, professional, or insurance service that:

(1) is not a taxable service; and

(2) involves a sale as an inconsequential element for which no separate charge is made.

[(b) The sales and use tax does not apply to a sale of custom computer software services relating to procedures and programs that:

(1) otherwise are taxable under this title;

(2) are to be used by a specific person;

(3) (i) are created for that person; or

(ii) contain standard or proprietary routines that incorporate significant creative input to customize the procedures and programs for that person; and

(4) do not constitute a program, procedure, or documentation that is mass produced and sold to:

(i) the general public; or

(ii) persons associated in a trade, profession, or industry.

(c) The sales and use tax does not apply to the sale of an optional computer software maintenance contract if the buyer does not have a right, as part of the contract, to receive at no additional cost software products that are separately priced and marketed by the vendor.**]**

[(d)**] (B)** The sales and use tax does not apply to the use of a taxable service obtained by using a prepaid telephone calling arrangement.

[11–225.

(a) In this section, "computer program" means a set of statements or instructions to be used directly or indirectly in a computer in order to bring about a certain result.

(b) The sales and use tax does not apply to a sale of a computer program that is legally permitted to be and is intended to be:

(1) reproduced for sale; or

(2) incorporated in whole or in part into another computer program intended for sale.**]**".

The preceding amendment was read and adopted.

AMENDMENT NO. 10

On page 16, in line 4, after "**CLOTHES WASHER**" insert "**OR DRYER**"; strike beginning with "**FIRST**" in line 10 down through "**SUNDAY**" in line 12 and substitute "**SATURDAY IMMEDIATELY PRECEDING THE THIRD MONDAY IN FEBRUARY THROUGH THE THIRD MONDAY IN FEBRUARY**"; in line 13, strike "**TAX–FREE WEEKENDS**" and substitute "**A TAX–FREE WEEKEND**"; and in line 15, strike "**WEEKENDS**" and substitute "**WEEKEND**"; strike beginning with "**AND**" in line 27 down through "**SATURDAY**" in line 28; in lines 28, 29, and 31, in each instance, strike the bracket; in line 29, strike "**TAX–FREE PERIODS FOR**"; and in line 31, strike "**PERIODS FOR**".

The preceding amendment was read and adopted by a roll call vote as follows:

Affirmative – 29 Negative – 16 (See Roll Call No. 43)

AMENDMENT NO. 12

On pages 17 and 18, strike in their entirety the lines beginning with line 27 on page 17 through line 4 on page 18 and substitute:

"**(7) THE FUND CONSISTS OF:**

(I) MONEY APPROPRIATED IN THE STATE BUDGET FOR THE FUND; AND

(II) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.".

On page 18, strike in their entirety lines 18 through 25, inclusive, and substitute:

"**AFTER MAKING THE DISTRIBUTION REQUIRED UNDER § 2–613 OF THIS SUBTITLE, THE COMPTROLLER SHALL DISTRIBUTE 12.5% OF THE REMAINING INCOME TAX REVENUE FROM CORPORATIONS TO THE GENERAL FUND OF THE STATE.**".

On page 31, strike in their entirety lines 23 through 41, inclusive.

On page 32, in line 4, after "revenues" insert "be altered to provide for a distribution"; strike beginning with the first "and" in line 5 down through "required" in line 6 and substitute "equal to half of the revenue required to be distributed to the General Fund of the State"; and strike beginning with "continue" in line 7 down through "year" in line 8 and substitute "beginning in fiscal year 2011".

The preceding amendment was read and adopted by a roll call vote as follows:

Affirmative – 26 Negative – 21 (See Roll Call No. 44)

AMENDMENT NO. 14

On page 22, before line 31, insert:

"Article – Transportation

13–809.

(a) (3) "Total purchase price" means the price of a vehicle agreed on by the buyer and the seller, including any dealer processing charge, **[**with no**]** **LESS AN** allowance for trade–in **[**or**]** **BUT WITH NO ALLOWANCE FOR** other nonmonetary consideration.

(b) (1) Except as otherwise provided in this part, in addition to any other charge required by the Maryland Vehicle Law, an excise tax is imposed:

(i) For each original and each subsequent certificate of title issued in this State for a motor vehicle, trailer, or semitrailer; and

(ii) Except as provided in paragraph (2) of this subsection, for each motor vehicle, trailer, or semitrailer that is in interstate operation and registered under § 13–109(c) or (d) of this title without a certificate of title.

(c) (1) Except as provided in subsection (b)(2) of this section, the tax imposed by this section is **[**5 percent**] 6 PERCENT** of the fair market value of the vehicle.

SECTION 7. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article 24 – Political Subdivisions – Miscellaneous Provisions

9–1104.

THE GOVERNOR SHALL INCLUDE IN THE BUDGET BILL FOR EACH FISCAL YEAR A GENERAL FUND APPROPRIATION TO BALTIMORE CITY OF $3,075,000.

Article – Environment

9–1605.3.

THE GOVERNOR SHALL INCLUDE IN THE BUDGET BILL FOR EACH FISCAL YEAR A GENERAL FUND APPROPRIATION FOR CHESAPEAKE BAY RELATED PROGRAMS OF NOT LESS THAN $13,755,000.

Article – Natural Resources

4–209.

(K) THE GOVERNOR SHALL INCLUDE IN THE BUDGET BILL FOR EACH FISCAL YEAR A GENERAL FUND APPROPRIATION TO THE FISHERIES RESEARCH AND DEVELOPMENT FUND OF NOT LESS THAN $1,794,000.

8–707.

(D) THE GOVERNOR SHALL INCLUDE IN THE BUDGET BILL FOR EACH FISCAL YEAR A GENERAL FUND APPROPRIATION TO THE WATERWAY IMPROVEMENT FUND OF NOT LESS THAN $1,794,000.

Article – Tax – General

2–1103.

After making the distributions required under §§ 2–1101 and 2–1102 of this subtitle, the Comptroller shall distribute:

(1) the remaining motor fuel tax revenue from aviation fuel to the Transportation Trust Fund; and

(2) all remaining motor fuel tax revenue**[**, equal to the average percentage by which the motor fuel tax rate exceeds 18.5 cents per gallon, to the gasoline and motor vehicle revenue account**]** **TO THE GASOLINE AND MOTOR VEHICLE REVENUE ACCOUNT** in the Transportation Trust Fund.

[2–1104.

After making the distributions required under §§ 2–1101 through 2–1103 of this subtitle, from the remaining motor fuel tax revenue, the Comptroller shall distribute:

(1) 0.3% to the Waterway Improvement Fund;

(2) 0.3% to the Fisheries Research and Development Fund;

(3) 2.3% to the General Fund of the State for Chesapeake Bay related programs; and

(4) any remaining balance to the Gasoline and Motor Vehicle Revenue Account of the Transportation Trust Fund.**]**

Article – Transportation

[13–208.

(a) Of each filing fee received under this subtitle, the Administration shall deposit $14 in the General Fund.

(b) For each fiscal year, the Comptroller shall distribute to Baltimore City an amount equal to $5 for each filing fee received under this subtitle.**]**

13–613.

(d) **[**Except as provided in subsection (e) of this section, of the**]** **THE** proceeds collected annually from the additional fees charged under this section**[**:

(1) The first $180,000 shall be paid into a special fund administered by the Maryland Higher Education Commission for use in the medical, dental, legal, nursing, social work, and pharmaceutical scholarship programs provided by this State;

(2) The next $200,000 shall be used solely for the purposes of the scholarship program authorized by §§ 18–1101 through 18–1105 of the Education Article; and

(3) Except as otherwise provided by law, any balance shall be distributed to the General Fund of the State**] SHALL BE DISTRIBUTED TO THE TRANSPORTATION TRUST FUND**.

[(e) (1) The Administration shall keep $12.50 of the fee payable with the original application for special registration under this section to recover the administrative and production costs of the special registration.

(2) Funds kept by the Administration under this subsection may not be credited to the Gasoline and Motor Vehicle Revenue Account for distribution under § 8–403 or § 8–404 of this article.**]**".

On page 31, after line 22, insert:

"SECTION 15. AND BE IT FURTHER ENACTED, That § 13–809 of the Transportation Article as enacted by Section 6 of this Act shall be applicable to all certificates of title issued in the State on or after January 1, 2008, and to all motor vehicles, trailers, or semitrailers subject to the excise tax that are in interstate operation and registered under § 13–109(c) or (d) of the Transportation Article without a certificate of title on or after January 1, 2008.

SECTION 16. AND BE IT FURTHER ENACTED, That, notwithstanding the provisions of Section 6 of this Act, the modified definition of "total purchase price" for the purposes of the calculation of the motor vehicle excise tax imposed on a vehicle under § 13–809(a) of the Transportation Article as enacted under Section 6 of this Act does not apply until any Consolidated Transportation Bonds that were issued by the Department of Transportation before January 1, 2008 no longer remain outstanding and unpaid; provided, however, that in any fiscal year for which funds are appropriated by the General Assembly to pay the principal of and interest on the Department of Transportation's Consolidated Transportation Bonds due and payable in that fiscal year, the Motor Vehicle Administration shall collect the reduced motor vehicle excise tax imposed on a vehicle by utilizing the modified definition as enacted under Section 6 of this Act.".

On page 32, after line 14, insert:

"SECTION 21. AND BE IT FURTHER ENACTED, That Section 7 of this Act shall take effect July 1, 2010, and shall be applicable to all fiscal years beginning after June 30, 2010.".

The preceding amendment was read and adopted by a roll call vote as follows:

Affirmative – 26 Negative – 20 (See Roll Call No. 45)

AMENDMENT NO. 15

On page 22, in line 31, strike "6." and substitute "8."; after line 33, insert:

"12–101.

(B–1) "LITTLE CIGAR" MEANS ANY ROLL FOR SMOKING THAT:

(1) IS MADE OF TOBACCO OR TOBACCO MIXED WITH ANOTHER INGREDIENT;

(2) IS WRAPPED IN A LEAF OF TOBACCO OR IN ANY OTHER MATERIAL CONTAINING TOBACCO; AND

(3) WEIGHS LESS THAN 3 POUNDS PER THOUSAND.

(B–2) "MOIST SNUFF" MEANS ANY FINELY CUT, GROUND, OR POWDERED TOBACCO, OTHER THAN DRY SNUFF, THAT IS INTENDED TO BE PLACED IN THE ORAL CAVITY.

(c) **(1)** "Other tobacco product" means:

[(1)**]** **(I)** any cigar or roll for smoking, other than a cigarette, made in whole or in part of tobacco; or

[(2)**]** **(II)** any other tobacco or product made primarily from tobacco, other than a cigarette, that is intended for consumption by smoking or chewing or as snuff.

(2) "OTHER TOBACCO PRODUCT" INCLUDES A LITTLE CIGAR.".

On page 23, in line 1, strike "The" and substitute "**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE**"; in the same line, after "cigarettes" insert "**AND LITTLE CIGARS**"; in lines 2, 3, 5, and 7, strike "(1)", "(2)", "(3)", and "(4)", respectively, and substitute "**(I)**", "**(II)**", "**(III)**", and "**(IV)**", respectively; in lines 2, 4, 6, and 8, in each instance, after "cigarettes" insert "**OR LITTLE CIGARS**"; after line 8, insert:

"**(2) IF THE FEDERAL EXCISE TAX RATE ON CIGARETTES IS INCREASED AFTER OCTOBER 1, 2007, THE AMOUNT OF THE TOBACCO TAX RATE FOR CIGARETTES**

REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE REDUCED IN PROPORTION TO THE AMOUNT OF THE INCREASE IN THE FEDERAL EXCISE TAX RATE SUBJECT TO THE REQUIREMENTS OF PARAGRAPH (3) OF THIS SUBSECTION.

(3) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE COMPTROLLER SHALL DETERMINE THE AMOUNT OF THE REDUCTION IN THE TOBACCO TAX RATE UNDER PARAGRAPH (2) OF THIS SUBSECTION.

(II) THE REDUCTION IN THE AMOUNT OF THE TOBACCO TAX RATE MAY NOT EXCEED:

1. 25 CENTS FOR EACH PACKAGE OF 10 OR FEWER CIGARETTES;

2. 50 CENTS FOR EACH PACKAGE OF AT LEAST 11 AND NOT MORE THAN 20 CIGARETTES;

3. 2 CENTS FOR EACH CIGARETTE IN A PACKAGE OF MORE THEN 20 CIGARETTES; AND

4. 2 CENTS FOR EACH CIGARETTE IN A PACKAGE OF FREE SAMPLE CIGARETTES.

(b) **(1) [**The**] EXCEPT FOR LITTLE CIGARS AND MOIST SNUFF, THE** tobacco tax rate for other tobacco products is 15% of the wholesale price of the tobacco products.

(2) FOR MOIST SNUFF, THE TOBACCO TAX RATE IS 39 CENTS FOR EACH OUNCE OF NET WEIGHT OF THE PRODUCT AS LISTED BY THE MANUFACTURER AND A PROPORTIONATE AMOUNT FOR EACH FRACTION OF AN OUNCE IN EXCESS OF A WHOLE OUNCE OF NET WEIGHT OF THE PRODUCT.

12–201.

(a) A manufacturer shall complete and file with the Comptroller a tobacco tax return:

(1) on or before the 15th day of the month that follows the month in which the manufacturer distributes in the State free sample cigarettes **OR LITTLE CIGARS** of the manufacturer; and

(2) if the Comptroller so specifies, by regulation, on other dates for each month in which the manufacturer does not distribute any sample cigarettes **OR LITTLE CIGARS**.

(b) A licensed storage warehouse operator shall file the information return that the Comptroller requires.

12–202.

(a) A wholesaler shall complete and file with the Comptroller a tobacco tax return:

(1) for cigarettes:

(i) on or before the 21st day of the month that follows the month in which the wholesaler has the first possession, in the State, of unstamped cigarettes for which tax stamps are required; and

(ii) if the Comptroller so specifies, by regulation, on other dates for each month in which the wholesaler does not have the first possession of any unstamped cigarettes in the State; and

(2) for other tobacco products, on the dates and for the periods that the Comptroller specifies by regulation.

(b) Each return shall state the quantity of cigarettes**, THE NET WEIGHT OF MOIST SNUFF AS LISTED BY THE MANUFACTURER,** or the wholesale price of other tobacco products **OTHER THAN MOIST SNUFF** sold during the period that the return covers.

12–302.

(a) A manufacturer of sample cigarettes **OR LITTLE CIGARS** shall pay the tobacco tax on those cigarettes **OR LITTLE CIGARS** distributed in the State without charge, in the manner that the Comptroller requires by regulation, with the return that covers the period in which the manufacturer distributed those cigarettes **OR LITTLE CIGARS**.";

in line 10, strike the brackets; in line 11, strike "**0.41%**"; and after line 11, insert:

"Article – Commercial Law

SUBTITLE 5B. LITTLE CIGAR SALES OF FEWER THAN FIVE PER PACKAGE.

11–5B–01.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "LITTLE CIGAR" HAS THE MEANING STATED IN § 12–101(B–1) OF THE TAX – GENERAL ARTICLE.

(C) "RETAILER" INCLUDES ANY PERSON ENGAGED IN THE BUSINESS OF MAKING RETAIL SALES OF LITTLE CIGARS WITHIN THE STATE AT A STORE, STAND, BOOTH, OR CONCESSION, THROUGH VENDING MACHINES, OR OTHERWISE.

(D) "SELL" INCLUDES ADVERTISE, OFFER TO SELL, OR OFFER FOR SALE.

(E) "VENDING MACHINE OPERATOR" MEANS A PERSON THAT:

(1) MAKES RETAIL SALES OF LITTLE CIGARS OR HAS LITTLE CIGARS IN ITS POSSESSION WITH THE INTENT TO SELL THEM EXCLUSIVELY AT RETAIL THROUGH THE MEDIUM OF A VENDING MACHINE OR ANY OTHER MECHANICAL DEVICE USED FOR DISPENSING LITTLE CIGARS;

(2) OWNS, OPERATES, AND SERVICES VENDING MACHINES OR OTHER MECHANICAL DEVICES USED TO DISPENSE LITTLE CIGARS ON 40 OR MORE PREMISES; AND

(3) SERVICES THE MACHINES OR DEVICES BY MAINTAINING AN ESTABLISHED PLACE OF BUSINESS FOR THE PURCHASE OF LITTLE CIGARS, INCLUDING WAREHOUSING FACILITIES FOR THE STORAGE AND DISTRIBUTION OF LITTLE CIGARS.

(F) (1) "WHOLESALER" MEANS A PERSON THAT PURCHASES LITTLE CIGARS DIRECTLY FROM A MANUFACTURER.

(2) "WHOLESALER" INCLUDES A PERSON THAT, AS A SUBWHOLESALER:

(I) PURCHASES LITTLE CIGARS FROM ANOTHER WHOLESALER SOLELY FOR THE PURPOSE OF BONA FIDE RESALE TO RETAILERS OTHER THAN THOSE DIRECTLY OR INDIRECTLY OWNED, AFFILIATED, OR CONTROLLED BY THE SUBWHOLESALER; AND

(II) SERVICES THE RETAILERS BY MAINTAINING AN ESTABLISHED PLACE OF BUSINESS FOR THE SALE OF LITTLE CIGARS, INCLUDING WAREHOUSE FACILITIES, ADEQUATE INVENTORY, PROPER ACCOUNTING RECORDS, AND NECESSARY EQUIPMENT AND VEHICLES FOR THE STORAGE AND DISTRIBUTION OF LITTLE CIGARS.

(3) IF THE PERSON IS ENGAGED IN THE BUSINESS OF MAKING BOTH WHOLESALE SALES OF LITTLE CIGARS AND RETAIL SALES OF LITTLE CIGARS, THE WORD ONLY APPLIES TO THE WHOLESALE SALES OF LITTLE CIGARS PORTION OF THE BUSINESS.

11–5B–02.

(A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A RETAILER OR VENDING MACHINE OPERATOR MAY NOT PURCHASE FROM A TOBACCO PRODUCT MANUFACTURER OR SELL, RESELL, DISTRIBUTE, DISPENSE, OR GIVE AWAY TO ANY PERSON A PACKAGE OF LITTLE CIGARS CONTAINING FEWER THAN FIVE LITTLE CIGARS.

(B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A WHOLESALER MAY NOT SELL, RESELL, DISTRIBUTE, DISPENSE, OR GIVE AWAY TO ANY PERSON IN THIS STATE A PACKAGE OF LITTLE CIGARS CONTAINING FEWER THAN FIVE LITTLE CIGARS.

11–5B–03.

(A) THE COMPTROLLER SHALL ENFORCE THIS SUBTITLE.

(B) THE COMPTROLLER SHALL:

(1) EMPLOY AND DETERMINE THE DUTIES AND COMPENSATION OF THE INSPECTORS AND OTHER PERSONNEL NECESSARY TO ENFORCE THIS SUBTITLE; AND

(2) ADOPT REGULATIONS NECESSARY TO EFFECTUATE AND ENFORCE THE PROVISIONS OF THIS SUBTITLE.".

The preceding amendment was read and adopted.

AMENDMENT NO. 16

On page 11, after line 27, insert:

"2–202.

After making the distribution required under § 2–201 of this subtitle, within 20 days after the end of each quarter, the Comptroller shall distribute**:**

(1) THE REVENUE FROM THE STATE ADMISSIONS AND AMUSEMENT TAX ON ELECTRONIC BINGO AND ELECTRONIC TIP JARS UNDER § 4–102(D) OF THIS ARTICLE TO THE GENERAL FUND OF THE STATE; AND

(2) the remaining admissions and amusement tax revenue:

[(1)**]** **(I)** to the Maryland Stadium Authority, county, or municipal corporation that is the source of the revenue; or

[(2)**]** **(II)** if the Maryland Stadium Authority and also a county or municipal corporation tax a reduced charge or free admission:

[(i)**]** **1.** 80% of that revenue to the Authority; and

[(ii)**]** **2.** 20% to the county or municipal corporation.

4–102.

(D) A STATE TAX IS IMPOSED ON THE GROSS RECEIPTS DERIVED FROM ANY CHARGE FOR THE OPERATION OF AN ELECTRONIC BINGO MACHINE PERMITTED UNDER A COMMERCIAL BINGO LICENSE OR AN ELECTRONIC TIP JAR MACHINE AUTHORIZED UNDER TITLE 13 OF THE CRIMINAL LAW ARTICLE THAT IS OPERATED FOR COMMERCIAL PURPOSES.";

and after line 28, insert:

"**(A–1) THE RATE OF THE STATE ADMISSIONS AND AMUSEMENT TAX IMPOSED ON ELECTRONIC BINGO OR ELECTRONIC TIP JARS UNDER § 4–102(D) OF THIS SUBTITLE IS 20% OF THE GROSS RECEIPTS SUBJECT TO THE TAX.**".

The preceding amendment was read and adopted by a roll call vote as follows:

Affirmative – 28 Negative – 18 (See Roll Call No. 46)

Favorable report, as amended, adopted.

FLOOR AMENDMENT

(Amendment ID: **SB0002/143328/1)**

BY: Senator Currie

AMENDMENTS TO SENATE BILL 2, AS AMENDED

AMENDMENT NO. 1

On page 1 of the Budget and Taxation Committee Amendments (SB0002/189134/1), in line 8 of Amendment No. 1, strike "gross receipts" and substitute "net proceeds".

AMENDMENT NO. 2

On page 47 of the Budget and Taxation Committee Amendments, in line 12 of Amendment No. 16, after "**(D)**" insert "**(1) IN THIS SUBSECTION, "NET PROCEEDS" MEANS THE TOTAL RECEIPTS FROM THE OPERATION OF AN ELECTRONIC BINGO MACHINE OR ELECTRONIC TIP JAR MACHINE LESS THE AMOUNT OF MONEY WINNINGS OR PRIZES PAID OUT TO PLAYERS.**

(2)";

and in lines 12 and 20, in each instance, strike "**GROSS RECEIPTS**" and substitute "**NET PROCEEDS**".

The preceding 2 amendments were read and adopted.

FLOOR AMENDMENT

(Amendment ID: **SB0002/253226/1)**

BY: Senator Kelley

AMENDMENTS TO SENATE BILL 2, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 25, strike "certain services" and substitute "a certain service".

On page 3 of the Budget and Taxation Committee Amendments (SB0002/189134/1), in line 22 of Amendment No. 1, strike "and (c–2)".

AMENDMENT NO. 2

On page 13 of the Budget and Taxation Committee Amendments, in Amendment No. 9, strike in their entirety lines 6 through 11, inclusive.

On page 15 of the bill, in line 1, after "**;**" insert "**OR**".

On page 14 of the Budget and Taxation Committee Amendments, in Amendment No. 9, strike beginning with "**; OR**" in line 1 down through "**SERVICE**" in line 2.

The preceding 2 amendments were read and rejected by a roll call vote as follows:

Affirmative – 23 Negative – 24 (See Roll Call No. 47)

FLOOR AMENDMENT

(Amendment ID: **SB0002/683529/1)**

BY: Senator Haines

AMENDMENT TO SENATE BILL 2, AS AMENDED

On page 13 of the Budget and Taxation Committee Amendments (SB0002/189134/1), in line 6 of Amendment No. 9, after "**INCLUDE**" insert "**:**

(1) **SNOW REMOVAL; OR**

(2)".

The preceding amendment was read and adopted.

FLOOR AMENDMENT

(Amendment ID: **SB0002/713226/1)**

BY: Senator Mooney

AMENDMENTS TO SENATE BILL 2, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, strike beginning with "altering" in line 24 down through "services;" in line 25.

On page 1 of the Budget and Taxation Committee Amendments (SB0002/189134/1) in Amendment No. 1, strike beginning with "altering" in line 17 down through "entertainment;" in line 18; strike beginning with "repealing" in line 25 down through "services;" in line 26; on page 3, in line 17, strike "11–101(k)(2) and (m)"; in line 18, strike "11–219,"; in line 22, strike "11–101(c-1) and (c-2),"; and on page 4, in line 19, strike "and 11–225".

AMENDMENT NO. 2

In the Budget and Taxation Committee Amendments, strike Amendment No. 9 in its entirety.

On pages 14 and 15 of the bill, strike in their entirety the lines beginning with line 7 on page 14 through line 4 on page 15, inclusive.

The preceding 2 amendments were read and rejected by a roll call vote as follows:

Affirmative – 21 Negative – 26 (See Roll Call No. 48)

FLOOR AMENDMENT

(Amendment ID: **SB0002/803226/1)**

BY: Senator Jacobs

AMENDMENTS TO SENATE BILL 2, AS AMENDED

AMENDMENT NO. 1

On page 1 of the Budget and Taxation Committee Amendments (SB0002/189134/1), in line 26 of Amendment No. 1, after "services;" insert "providing that the sales and use tax does not apply to a sale of computer services to certain educational facilities and certain students enrolled in educational programs at certain facilities;".

AMENDMENT NO. 2

On page 14 of the Budget and Taxation Committee Amendments, in line 9 of Amendment No. 9, strike the bracket; in the same line, after "of" insert "**COMPUTER SERVICES FOR USE BY:**

(1) A PUBLIC SCHOOL, AS DEFINED IN § 1–101 OF THE EDUCATION ARTICLE;

(2) A NONCOLLEGIATE EDUCATIONAL INSTITUTION, AS DEFINED IN § 2–206 OF THE EDUCATION ARTICLE;

(3) AN INSTITUTION OF HIGHER EDUCATION, AS DEFINED IN § 10–101 OF THE EDUCATION ARTICLE;

(4) ANY OTHER SCHOOL OR FACILITY OPERATING AN EDUCATIONAL PROGRAM; OR

(5) AN INDIVIDUAL WHO IS ENROLLED EITHER FULL TIME OR PART TIME IN AN EDUCATIONAL PROGRAM AT ANY OF THE FACILITIES LISTED IN ITEMS (1) THROUGH (4) OF THIS SUBSECTION.[".

and on page 15, in line 6, strike "**(B)**" and substitute "**(C)**".

The preceding 2 amendments were read only.

Senator Kasemeyer moved, duly seconded, to make the Bill and Amendments a Special Order for the end of the day.

The motion was adopted.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 49)

RECESS

At 2:52 P.M. on motion of Senator Kasemeyer, seconded, the Senate recessed until 3:15 P.M. on Legislative Day, November 1, 2007, Calendar Day, Thursday, November 8, 2007.

AFTER RECESS
Annapolis, Maryland
Legislative Day: November 1, 2007
Calendar Day: Thursday, November 8, 2007
3:15 P.M. Session

At 3:36 P.M. the Senate resumed its session.

LAID OVER BILLS

The presiding officer submitted the following Laid Over Bills with amendments:

Senate Bill 3 – The President (By Request – Administration)

AN ACT concerning

Maryland Education Trust Fund – Video Lottery Terminals

STATUS OF BILL: QUESTION IS THE ADOPTION OF FLOOR AMENDMENT.

FLOOR AMENDMENT

(Amendment ID: SB0003/403222/1)

BY: Senator Stoltzfus

AMENDMENT TO SENATE BILL 3, AS AMENDED

In Senator Conway's Amendment (SB0003/203320/1), in line 3, strike "**AND**"; and in line 4, after "**COUNTY**" insert "**; AND**

(7) **ONE MEMBER WHO RESIDES IN WORCESTER COUNTY**".

The preceding amendment was read and rejected by a roll call vote as follows:

Affirmative – 22 Negative – 22 (See Roll Call No. 50)

FLOOR AMENDMENT

(Amendment ID: SB0003/863928/1)

BY: Senator Kittleman

AMENDMENT TO SENATE BILL 3, AS AMENDED
(First Reading File Bill)

On page 49 of the bill, in line 26, strike "**(I)**".

On page 50 of the bill, strike in their entirety lines 1 through 4, inclusive.

On page 56 of the bill, strike in their entirety lines 31 through 33, inclusive, and substitute "**OR**".

On page 8 of the Budget and Taxation Committee Amendments (SB0003/439637/1), in line 2 of Amendment No. 16, strike "**(5)**" and substitute "**(4)**".

The preceding amendment was read and rejected by a roll call vote as follows:

Affirmative – 16 Negative – 28 (See Roll Call No. 51)

Read the second time and ordered prepared for Third Reading.

SPECIAL ORDERS

The presiding officer submitted the Special Orders of the day, as follows:

Senate Bill 2 – The President (By Request – Administration)

AN ACT concerning

Tax Reform and Transportation Investment Act of 2007

STATUS OF BILL: QUESTION IS THE ADOPTION OF FLOOR AMENDMENT.

FLOOR AMENDMENT

(Amendment ID: SB0002/803226/1)

BY: Senator Jacobs

AMENDMENTS TO SENATE BILL 2, AS AMENDED

AMENDMENT NO. 1

On page 1 of the Budget and Taxation Committee Amendments (SB0002/189134/1), in line 26 of Amendment No. 1, after "services;" insert "providing that the sales and use tax does not apply to a sale of computer services

to certain educational facilities and certain students enrolled in educational programs at certain facilities;".

AMENDMENT NO. 2

On page 14 of the Budget and Taxation Committee Amendments, in line 9 of Amendment No. 9, strike the bracket; in the same line, after "of" insert "**COMPUTER SERVICES FOR USE BY:**

(1) A PUBLIC SCHOOL, AS DEFINED IN § 1–101 OF THE EDUCATION ARTICLE;

(2) A NONCOLLEGIATE EDUCATIONAL INSTITUTION, AS DEFINED IN § 2–206 OF THE EDUCATION ARTICLE;

(3) AN INSTITUTION OF HIGHER EDUCATION, AS DEFINED IN § 10–101 OF THE EDUCATION ARTICLE;

(4) ANY OTHER SCHOOL OR FACILITY OPERATING AN EDUCATIONAL PROGRAM; OR

(5) AN INDIVIDUAL WHO IS ENROLLED EITHER FULL TIME OR PART TIME IN AN EDUCATIONAL PROGRAM AT ANY OF THE FACILITIES LISTED IN ITEMS (1) THROUGH (4) OF THIS SUBSECTION.[".

and on page 15, in line 6, strike "**(B)**" and substitute "**(C)**".

The preceding 2 amendments were read and rejected by a roll call vote as follows:

Affirmative – 15 Negative – 28 (See Roll Call No. 52)

FLOOR AMENDMENT

(Amendment ID: SB0002/953727/1)

BY: Senator Jacobs

AMENDMENTS TO SENATE BILL 2, AS AMENDED

AMENDMENT NO. 1

On page 1 of the Budget and Taxation Committee Amendments (SB002/189134/1), in line 26 of Amendment No. 1, after "services;" insert "providing that the sales and use tax does not apply to a sale of computer services for use by a certain individual participating in a certain home school program;".

AMENDMENT NO. 2

On page 14 of the Budget and Taxation Committee Amendments, in line 9 of Amendment No. 9, strike the bracket; in the same line, after "of" insert

"**COMPUTER SERVICES FOR USE BY AN INDIVIDUAL PARTICIPATING IN A HOME SCHOOL PROGRAM AS AN ALTERNATIVE TO ATTENDANCE AT PUBLIC OR PRIVATE SCHOOL FOR ELEMENTARY OR SECONDARY EDUCATION[**";

and on page 15, in line 6, strike "**(B)**" and substitute "**(C)**".

The preceding 2 amendments were read only.

THE COMMITTEE ON FINANCE REPORT #1

Senator Middleton, Chair, for the Committee on Finance and Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 6 – The President (By Request – Administration)

EMERGENCY BILL

AN ACT concerning

Working Families and Small Business Health Coverage Act

(Amendment ID: SB0006/207675/1)

BY: Finance Committee

AMENDMENTS TO SENATE BILL 6
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "Insurance" and substitute "Benefit Plan"; in line 5, after "Program;" insert "requiring the Maryland Health Care Commission to adopt regulations to establish certain eligibility requirements and certain levels of subsidies under the Program;"; in line 7, after "budget;" insert "providing that certain contributions to health savings accounts shall be considered additional premium contributions for the purpose of calculating certain subsidies under certain circumstances;"; in line 22, after "Fund;" insert "requiring certain carriers to offer a certain benefit; permitting certain carriers to offer a certain benefit; prohibiting a carrier from conditioning the sale of a certain benefit on participation of certain employees in certain programs or activities;"; in line 25, after "regulations;" insert "requiring the Maryland Health Care Commission to adopt certain regulations that specify the requirements of a certain benefit;" in line 25, after "the" insert "Maryland Health Care"; and in lines 27 and 28, in each instance, strike "providing" and substitute "declaring".

On page 2, in line 12, after "regulations;" insert "declaring the intent of the General Assembly to increase access to certain services;"; in line 20, strike "and (d)" and substitute ", (d), and (e)"; in line 25, after "Section" insert "15–1201(s), 15–1204(g), and"; in line 26, strike "Insurance" and substitute "Benefit Plan"; after line 29, insert:

"BY repealing and reenacting, with amendments,
Article – Insurance
Section 15–1207(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)".

On page 3, in line 17, strike "**INSURANCE**" and substitute "**BENEFIT PLAN**"; after line 25, insert:

"**(D) "ELIGIBLE EMPLOYEE" HAS THE MEANING STATED IN § 15–1201 OF THIS TITLE.**

(E) "HEALTH SAVINGS ACCOUNT" MEANS A HEALTH SAVINGS ACCOUNT AS DEFINED IN THE MEDICARE PRESCRIPTION DRUG, IMPROVEMENT AND MODERNIZATION ACT OF 2003, TITLE 12, § 1201(A) AS CODIFIED AT PART VII, SUBCHAPTER B, CHAPTER 1, § 223(D) OF THE INTERNAL REVENUE CODE.";

in line 26, strike "**(D)**" and substitute "**(F)**"; in the same line, strike "**INSURANCE**" and substitute "**BENEFIT PLAN**"; in line 28, strike "**(E)**" and substitute "**(G)**"; after line 29, insert:

"**(H) "SMALL EMPLOYER HEALTH BENEFIT PLAN" MEANS A HEALTH BENEFIT PLAN AS DEFINED IN § 15–1201 OF THIS TITLE THAT MAY BE SOLD TO A SMALL EMPLOYER UNDER SUBTITLE 12 OF THIS TITLE.**

(I) "WELLNESS BENEFIT" HAS THE MEANING STATED IN § 15–1201 OF THIS TITLE.";

and in line 31, strike "**INSURANCE**" and substitute "**BENEFIT PLAN**".

AMENDMENT NO. 2

On page 4, in line 3, strike "**HEALTH INSURANCE**" and substitute "**A SMALL EMPLOYER HEALTH BENEFIT PLAN**"; in line 5, strike "**HEALTH INSURANCE PREMIUM CONTRIBUTIONS**" and substitute "**SMALL EMPLOYER HEALTH BENEFIT PLAN PREMIUMS**"; in line 14, strike the colon; in line 15, strike "**(1)**"; in lines 17 and 19, strike "**(I)**" and "**(II)**", respectively, and substitute "**(1)**" and "**(2)**", respectively; in line 18, strike "**HEALTH INSURANCE**" and substitute "**A SMALL EMPLOYER HEALTH BENEFIT PLAN**"; in line 20, strike "**HEALTH INSURANCE**" and substitute "**A SMALL EMPLOYER HEALTH BENEFIT PLAN**"; and strike beginning with the semicolon in line 20 down through "**EMPLOYEES**" in line 23.

On page 5, strike in their entirety lines 1 through 7, inclusive, and substitute:

"**(F) THE COMMISSION SHALL ADOPT REGULATIONS TO ESTABLISH:**

(1) THE ELIGIBILITY REQUIREMENTS FOR SMALL EMPLOYERS UNDER THE PROGRAM; AND

(2) THE LEVEL OF SUBSIDIES TO BE PROVIDED UNDER THE PROGRAM.";

in line 10, strike "**HEALTH INSURANCE**" and substitute "**SMALL EMPLOYER HEALTH BENEFIT PLAN**"; in line 13, strike "**HEALTH INSURANCE**" and substitute "**A SMALL EMPLOYER HEALTH BENEFIT PLAN**"; in line 16, strike "**FULL-TIME**" and substitute "**ELIGIBLE**"; after line 18, insert:

"**(2) OFFERS A SMALL EMPLOYER HEALTH BENEFIT PLAN TO ITS EMPLOYEES;**";

in lines 19, 21, and 23, strike "**(2)**", "**(3)**", and "**(4)**", respectively, and substitute "**(3)**", "**(4)**", and "**(5)**", respectively; in line 19, strike "**THAT SATISFIES**" and substitute "**UNDER**"; in line 21, strike "**BONA FIDE WELLNESS PROGRAM**" and substitute "**WELLNESS BENEFIT**"; and in lines 25 and 26, strike "**OF HEALTH INSURANCE PREMIUM CONTRIBUTIONS MADE BY A SMALL EMPLOYER:**" and substitute "**PROVIDED TO A SMALL EMPLOYER UNDER THE PROGRAM:**

(1) SHALL OFFSET A PORTION OF THE SMALL EMPLOYER HEALTH BENEFIT PLAN PREMIUM CONTRIBUTIONS MADE BY A SMALL EMPLOYER;";

and in line 27, strike "**(1)**" and substitute "**(2)**".

On page 6, in line 1, strike "**(2)**" and substitute "**(3)**"; in lines 2 and 3, strike "**OF HEALTH INSURANCE PREMIUM CONTRIBUTIONS MADE BY AN EMPLOYEE OF A SMALL EMPLOYER:**" and substitute "**PROVIDED TO AN EMPLOYEE OF A SMALL EMPLOYER UNDER THE PROGRAM:**

(1) SHALL OFFSET A PORTION OF THE SMALL EMPLOYER HEALTH BENEFIT PLAN PREMIUM CONTRIBUTIONS MADE BY AN EMPLOYEE;";

in line 4, strike "**(1)**" and substitute "**(2)**"; and in line 7, strike "**(2)**" and substitute "**(3)**".

AMENDMENT NO. 3

On pages 6 and 7, strike in their entirety the lines beginning with line 13 on page 6 through line 13 on page 7, inclusive, and substitute:

"**15–12A–04.**

(A) A SMALL EMPLOYER THAT PROVIDES A SMALL EMPLOYER HEALTH BENEFIT PLAN THAT IS COMPATIBLE WITH A HEALTH SAVINGS ACCOUNT MAY BE ELIGIBLE FOR A SUBSIDY UNDER THE PROGRAM IF:

(1) THE HEALTH BENEFIT PLAN IS OFFERED WITH A WELLNESS BENEFIT; AND

(2) THE SMALL EMPLOYER MEETS THE ELIGIBILITY REQUIREMENTS UNDER § 15-12A-03 OF THIS SUBTITLE.

(B) FOR THE PURPOSE OF CALCULATING THE SUBSIDY FOR A SMALL EMPLOYER UNDER § 15–12A–03 OF THIS SUBTITLE, THE COMMISSION SHALL CONSIDER AMOUNTS CONTRIBUTED TO THE HEALTH SAVINGS ACCOUNT BY A SMALL EMPLOYER THAT IS ELIGIBLE FOR A SUBSIDY AS ADDITIONAL PREMIUM CONTRIBUTIONS.

(C) FOR THE PURPOSE OF CALCULATING THE SUBSIDY FOR AN EMPLOYEE OF A SMALL EMPLOYER UNDER § 15–12A–03 OF THIS SUBTITLE, THE COMMISSION SHALL CONSIDER AMOUNTS CONTRIBUTED TO THE HEALTH SAVINGS ACCOUNT BY AN EMPLOYEE OF A SMALL EMPLOYER THAT IS ELIGIBLE FOR A SUBSIDY AS ADDITIONAL PREMIUM CONTRIBUTIONS.".

AMENDMENT NO. 4

On page 12, in line 8, strike "**INSURANCE**" and substitute "**BENEFIT PLAN**"; in line 19, strike "**(S.B.__/ H.B. __) (8LR0262)**" and substitute "**(S.B. 6/H.B. 6)**"; and strike in their entirety lines 22 through 27, inclusive, and substitute:

"**(I) SHALL DETERMINE THE SAVINGS REALIZED IN AVERTED UNCOMPENSATED CARE FOR EACH HOSPITAL INDIVIDUALLY; AND**

(II) MAY ASSESS AN AMOUNT IN EACH HOSPITAL'S RATES EQUAL TO A PORTION OF THE SAVINGS REALIZED IN AVERTED UNCOMPENSATED CARE FOR THAT HOSPITAL.

(2) THE COMMISSION SHALL ENSURE THAT ANY SAVINGS REALIZED IN AVERTED UNCOMPENSATED CARE NOT SUBJECT TO THE ASSESSMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION BE SHARED AMONG PURCHASERS OF HOSPITAL SERVICES IN A MANNER THAT THE COMMISSION DETERMINES IS MOST EQUITABLE.".

AMENDMENT NO. 5

On page 13, after line 7, insert:

"(e) (1) "Eligible employee" means:

(i) an individual who:

1. is an employee, partner of a partnership, or independent contractor who is included as an employee under a health benefit plan; and

2. works on a full–time basis and has a normal workweek of at least 30 hours; or

(ii) a sole employee of a nonprofit organization that has been determined by the Internal Revenue Service to be exempt from taxation under § 501(c)(3), (4), or (6) of the Internal Revenue Code who:

1. has a normal workweek of at least 20 hours; and

2. is not covered under a public or private plan for health insurance or other health benefit arrangement.

(2) "Eligible employee" does not include an individual who works:

(i) on a temporary or substitute basis; or

(ii) except for an individual described in paragraph (1)(ii) of this subsection, for less than 30 hours in a normal workweek.

(S) "WELLNESS BENEFIT" MEANS A BENEFIT OFFERED AS A RIDER TO A HEALTH BENEFIT PLAN THAT PROVIDES COVERAGE FOR A PROGRAM OR ACTIVITY THAT:

(1) IS DESIGNED TO:

(I) PREVENT OR DETECT DISEASE OR ILLNESS;

(II) REDUCE OR AVOID POOR CLINICAL OUTCOMES;

(III) PREVENT COMPLICATIONS FROM MEDICAL CONDITIONS; OR

(IV) PROMOTE HEALTHY BEHAVIORS AND LIFESTYLE CHOICES; AND

(2) COMPLIES WITH REGULATIONS ADOPTED BY THE COMMISSION.

15-1204.

(G) (1) IN THIS SUBSECTION, "PROMINENT CARRIER" MEANS A CARRIER THAT INSURES AT LEAST 10% OF THE TOTAL LIVES INSURED IN THE SMALL GROUP MARKET.

(2) (I) A PROMINENT CARRIER SHALL OFFER A WELLNESS BENEFIT FOR A HEALTH BENEFIT PLAN OFFERED UNDER THIS SUBTITLE.

(II) A CARRIER THAT IS NOT A PROMINENT CARRIER MAY OFFER A WELLNESS BENEFIT FOR A HEALTH BENEFIT PLAN OFFERED UNDER THIS SUBTITLE.

(3) A CARRIER MAY NOT CONDITION THE SALE OF A WELLNESS BENEFIT TO A SMALL EMPLOYER ON PARTICIPATION OF THE ELIGIBLE EMPLOYEES OF THE SMALL EMPLOYER IN WELLNESS PROGRAMS OR ACTIVITIES.";

strike beginning with "**SHALL**" in line 9 down through "**ABOUT**" in line 10 and substitute "**, IN CONNECTION WITH THE SALE, SOLICITATION, OR NEGOTIATION OF A HEALTH BENEFIT PLAN TO A SMALL EMPLOYER, SHALL**"; strike beginning with "**BONA**" in line 11 down through "**COMMISSION**" in line 14 and substitute "**PROVIDE INFORMATION TO THE SMALL EMPLOYER ABOUT WELLNESS BENEFITS**"; in line 15, strike "**THE**" and substitute "**ADVISE THE SMALL EMPLOYER TO CONSULT A TAX ADVISOR ABOUT THE**"; in line 16, strike "**THAT SATISFIES**" and substitute "**UNDER**"; and in line 19, strike "**INSURANCE POLICY**" and substitute "**BENEFIT PLAN**".

AMENDMENT NO. 6

On page 14, strike beginning with "**BONA**" in line 10 down through "**PROGRAMS**" in line 11 and substitute "**WELLNESS BENEFITS**"; in line 11, strike "**IN THE SMALL GROUP INSURANCE MARKET**" and substitute "**UNDER TITLE 15, SUBTITLE 12 OF THE INSURANCE ARTICLE**"; strike beginning with the colon in line 11 down through "**INCLUDE**" in line 14 and substitute "**INCLUDE INCENTIVES OR**"; in line 15, after "**ACTIVITIES;**" insert "**AND**"; strike lines 16 and 17 in their entirety; in line 18, strike "**(III)**" and substitute "**(II)**"; in line 19, strike "**HEALTH INSURANCE**" and substitute "**SMALL EMPLOYER HEALTH BENEFIT PLAN**"; strike beginning with "**BONA**" in line 20 down through "**PROGRAM**" in line 21 and substitute "**WELLNESS BENEFIT**"; and after line 24, insert:

"Article - Insurance

15–1207.

(a) In accordance with Title 19, Subtitle 1 of the Health – General Article, the Commission shall adopt regulations that specify:

(1) the Comprehensive Standard Health Benefit Plan to apply under this subtitle; **[**and**]**

(2) the Limited Health Benefit Plan to apply under this subtitle**; AND**

(3) **THE REQUIREMENTS FOR A WELLNESS BENEFIT OFFERED BY A CARRIER TO APPLY UNDER THIS SUBTITLE.**".

On page 15, strike beginning with "**BONA**" in line 8 down through "**PROGRAMS**" in line 9 and substitute "**WELLNESS BENEFITS**"; in line 9, strike "**IN THE SMALL GROUP INSURANCE MARKET**" and substitute "**UNDER TITLE 15, SUBTITLE 12 OF THE INSURANCE ARTICLE**"; strike beginning with the colon in line 9 down through "**INCLUDE**" in line 12 and substitute "**INCLUDE INCENTIVES OR**"; in line 13, after "**ACTIVITIES;**" insert "**AND**"; strike lines 14 and 15 in their entirety; in line 16, strike "**(III)**" and substitute "**(II)**"; in line 17, strike "**HEALTH INSURANCE**" and substitute "**SMALL EMPLOYER HEALTH BENEFIT PLAN**"; strike beginning with "**BONA**" in line 18 down through "**PROGRAM**" in line 19 and substitute "**WELLNESS BENEFIT**"; and after line 22, insert:

"Article – Insurance

15–1207.

(a) In accordance with Title 19, Subtitle 1 of the Health – General Article, the Commission shall adopt regulations that specify**:**

(1) the Comprehensive Standard Health Benefit Plan to apply under this subtitle**; AND**

(2) **THE REQUIREMENTS FOR A WELLNESS BENEFIT OFFERED BY A CARRIER TO APPLY UNDER THIS SUBTITLE.**".

AMENDMENT NO. 7

On page 17, after line 24, insert:

"SECTION 14. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly, as part of the overall expansion of eligibility for the Maryland Medical Assistance Program, to increase access to long-term care services, including home and community-based services for individuals who meet the current Medicaid financial requirements of the Program and who need 24-hour supervision due to Alzheimer's disease and related dementias, significant brain injury, or serious mental illness.";

in line 25, strike "14." and substitute "15."; in line 31, strike "15." and substitute "16."; and in line 32, strike "14" and substitute "15".

The preceding 7 amendments were read and adopted.

Favorable report, as amended, adopted by a roll call vote as follows:

Affirmative – 31 Negative – 16 (See Roll Call No. 53)

Senator Middleton moved, duly seconded, to make the Bill a Special Order for the end of today's business.

The motion was adopted.

SPECIAL ORDERS

The presiding officer submitted the Special Orders of the day, as follows:

Senate Bill 2 – The President (By Request – Administration**)**

AN ACT concerning

Tax Reform and Transportation Investment Act of 2007

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE AMENDMENTS (953727/1) OFFERED FROM THE FLOOR BY SENATOR JACOBS.

FLOOR AMENDMENT

(Amendment ID: SB0002/953727/1)

BY: Senator Jacobs

AMENDMENTS TO SENATE BILL 2, AS AMENDED

AMENDMENT NO. 1

On page 1 of the Budget and Taxation Committee Amendments (SB002/189134/1), in line 26 of Amendment No. 1, after "services;" insert "providing that the sales and use tax does not apply to a sale of computer services for use by a certain individual participating in a certain home school program;".

AMENDMENT NO. 2

On page 14 of the Budget and Taxation Committee Amendments, in line 9 of Amendment No. 9, strike the bracket; in the same line, after "of" insert "**COMPUTER SERVICES FOR USE BY AN INDIVIDUAL PARTICIPATING IN A HOME SCHOOL PROGRAM AS AN ALTERNATIVE TO ATTENDANCE AT PUBLIC OR PRIVATE SCHOOL FOR ELEMENTARY OR SECONDARY EDUCATION[**";

and on page 15, in line 6, strike "**(B)**" and substitute "**(C)**".

The preceding 2 amendments were read and adopted.

FLOOR AMENDMENT

(Amendment ID: SB0002/333729/1)

BY: Senator Jacobs

AMENDMENT TO SENATE BILL 2, AS AMENDED

On page 13 of the Budget and Taxation Committee Amendments (SB 0002/189134/1), in line 19 of Amendment No. 9, after "**ARCADE**" insert "**, OTHER THAN A HEALTHY ARCADE GAME THAT DISPLAYS A CALORIES LOST GRAPH AT THE CONCLUSION OF GAME PLAY**".

The preceding amendment was read and rejected by a roll call vote as follows:

Affirmative – 20 Negative – 26 (See Roll Call No. 54)

FLOOR AMENDMENT

(Amendment ID: SB0002/833123/1)

BY: Senator Jacobs

AMENDMENT TO SENATE BILL 2
(First Reading File Bill)

On page 5, in lines 17, 18, 19, and 21, strike "**$200,000**", "**$200,001**", "**$500,000**", and "**$500,000**", respectively, and substitute "**$240,000**", "**$240,001**", "**$800,000**", and "**$800,000**", respectively.

The preceding amendment was read and rejected by a roll call vote as follows:

Affirmative – 18 Negative – 29 (See Roll Call No. 55)

FLOOR AMENDMENT

(Amendment ID: SB0002/503725/1)

BY: Senator McFadden

AMENDMENTS TO SENATE BILL 2, AS AMENDED

AMENDMENT NO. 1

On page 3 of the Budget and Taxation Committee Amendments (SB0002/189134/1), in line 1 of Amendment No. 1, after "amount" insert "or meeting certain other criteria for production type, size, content, and cost".

AMENDMENT NO. 2

On page 40 of the Budget and Taxation Committee Amendments, in line 6 of Amendment No. 15, after "**(3)**" insert "**(I)**"; and in the same line, after "**THOUSAND**" insert "**; OR**

(II) MEETS THE FOLLOWING CRITERIA:

1. IS MACHINE PRODUCED;

2. HAS A DIAMETER OF LESS THAN ONE-HALF INCH;

3. CONTAINS PIPE TOBACCO; AND

4. HAS A WHOLESALE PRICE PER STICK OF LESS THAN $1.25".

The preceding 2 amendments were read and adopted by a roll call vote as follows:

Affirmative – 36 Negative – 10 (See Roll Call No. 56)

FLOOR AMENDMENT

(Amendment ID: SB0002/683926/1)

BY: Senator McFadden

AMENDMENTS TO SENATE BILL 2, AS AMENDED

AMENDMENT NO. 1

On page 3 of the Budget and Taxation Committee Amendments (SB0002/189134/1), in line 5 of Amendment No. 1, after "cigarettes" insert "and little cigars".

AMENDMENT NO. 2

On page 41 of the Budget and Taxation Committee Amendments, in line 5 of Amendment No. 15, after "**CIGARETTES**" insert "**AND LITTLE CIGARS**"; and in lines 16, 18, 20, and 22, in each instance, after "**CIGARETTES**" insert "**OR LITTLE CIGARS**"; and in lines 19 and 21, in each instance, after "**CIGARETTE**" insert "**OR LITTLE CIGAR**".

The preceding 2 amendments were read and rejected by a roll call vote as follows:

Affirmative – 10 Negative – 35 (See Roll Call No. 57)

FLOOR AMENDMENT

(Amendment ID: SB0002/233224/1)

BY: Senators Colburn, Jacobs, Pipkin, and Stoltzfus

AMENDMENTS TO SENATE BILL 2, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 21, after "tax" insert "for certain counties".

On page 3 of the Budget and Taxation Committee Amendments (SB0002/189134/1), in line 22 of Amendment No. 1, after "(c-2)," insert "11-104(b-1), and".

AMENDMENT NO. 2

On page 13 of the bill, after line 3, insert:

"**(B-1) (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE SALES AND USE TAX RATE PROVIDED FOR IN THIS SUBSECTION SHALL APPLY IN THE FOLLOWING COUNTIES:**

(I) CAROLINE COUNTY;

(II) CECIL COUNTY;

(III) DORCHESTER COUNTY;

(IV) KENT COUNTY;

(V) QUEEN ANNE'S COUNTY;

(VI) SOMERSET COUNTY;

(VII) TALBOT COUNTY;

(VIII) WICOMICO COUNTY; AND

(IX) WORCESTER COUNTY;

(2) THE SALES AND USE TAX RATE IS:

(I) FOR A TAXABLE PRICE OF LESS THAN $1:

1. 1 CENT IF THE TAXABLE PRICE IS 20 CENTS; AND

2. 1 CENT FOR EACH ADDITIONAL 20 CENTS OR PART OF 20 CENTS; AND

(II) FOR A TAXABLE PRICE OF $1 OR MORE:

1. 5 CENTS FOR EACH EXACT DOLLAR; AND

2. 1 CENT FOR EACH 20 CENTS OR PART OF 20 CENTS IN EXCESS OF AN EXACT DOLLAR.

(3) IF A RETAIL SALE OF TANGIBLE PERSONAL PROPERTY OR A TAXABLE SERVICE IS MADE THROUGH A VENDING OR OTHER SELF-SERVICE MACHINE, THE SALES AND USE TAX RATE IS 5%, APPLIED TO 95.25% OF THE GROSS RECEIPTS FROM THE VENDING MACHINE SALES.".

The preceding 2 amendments were read and rejected by a roll call vote as follows:

Affirmative – 16 Negative – 31 (See Roll Call No. 58)

FLOOR AMENDMENT

(Amendment ID: SB0002/453320/1)

BY: Senator Greenip

AMENDMENTS TO SENATE BILL 2, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 6, after "nonresidents;" insert "increasing the amount allowed to be deducted for personal exemptions and the minimum and maximum amounts for the standard deduction under the Maryland income tax for certain taxable years by a certain cost-of-living adjustment;".

On page 3 of the Budget and Taxation Committee Amendments (SB0002/189134/1), in line 22 of Amendment No. 1, after "10–110," insert "10–202,".

AMENDMENT NO. 2

On page 6 of the bill, after line 6, insert:

"**10–202.**

(A) SUBJECT TO SUBSECTION (C) OF THIS SECTION, FOR EACH TAXABLE YEAR BEGINNING AFTER DECEMBER 31, 2008, THE PER-EXEMPTION DEDUCTION AMOUNT SPECIFIED UNDER § 10–211(1) AND (2) OF THIS SUBTITLE SHALL BE INCREASED BY AN AMOUNT EQUAL TO THE PRODUCT OF MULTIPLYING THE PER-EXEMPTION DEDUCTION AMOUNT TIMES THE COST-OF-LIVING ADJUSTMENT DETERMINED UNDER SUBSECTION (B) OF THIS SECTION.

(B) FOR PURPOSES OF THIS SECTION, THE COST-OF-LIVING ADJUSTMENT IS THE COST-OF-LIVING ADJUSTMENT WITHIN THE MEANING OF § 1(F)(3) OF THE INTERNAL REVENUE CODE FOR THE CALENDAR YEAR IN WHICH A TAXABLE YEAR BEGINS, AS DETERMINED BY THE COMPTROLLER BY SUBSTITUTING "CALENDAR YEAR 2007" FOR "CALENDAR YEAR 1992" IN § 1(F)(3)(B) OF THE INTERNAL REVENUE CODE.

(C) IF ANY INCREASE DETERMINED UNDER SUBSECTION (A) OF THIS SECTION IS NOT A MULTIPLE OF $50, THE INCREASE SHALL BE ROUNDED DOWN TO THE NEXT LOWEST MULTIPLE OF $50.";

and in line 16, strike "Whether" and substitute "**SUBJECT TO § 10–202 OF THIS SUBTITLE, WHETHER**".

The preceding 2 amendments were read and rejected by a roll call vote as follows:

Affirmative – 17 Negative – 29 (See Roll Call No. 59)

FLOOR AMENDMENT

(Amendment ID: SB0002/383626/1)

BY: Senator Pipkin

AMENDMENT TO SENATE BILL 2, AS AMENDED

On page 7 of the Budget and Taxation Committee Amendments (SB0002/189134/1), in line 12 of Amendment No. 8, after "**AGREEMENT**" insert "**AND APPROVED BY AN ACT OF THE GENERAL ASSEMBLY**".

The preceding amendment was read and adopted.

FLOOR AMENDMENT

(Amendment ID: SB0002/973225/1)

BY: Senator Pipkin

AMENDMENTS TO SENATE BILL 2, AS AMENDED

AMENDMENT NO. 1

On page 1 of the Budget and Taxation Committee Amendments (SB0002/189134/1), in line 15 of Amendment No. 1, after "purposes;" insert "providing that certain money distributed to a certain fund may only be used under certain circumstances;".

AMENDMENT NO. 2

On page 12 of the Budget and Taxation Committee Amendments, in line 9 of Amendment No. 8, strike the first comma and substitute ":

(1)";

and in line 12, after "Article" insert "; and

(2) the money distributed from the State Police Helicopter Fund under item (1) of this section may only be used pursuant to an enactment of the General Assembly".

The preceding 2 amendments were withdrawn.

FLOOR AMENDMENT

(Amendment ID: SB0002/113622/1)

BY: Senator Pipkin

AMENDMENTS TO SENATE BILL 2, AS AMENDED

AMENDMENT NO. 1

On page 1 of the Budget and Taxation Committee Amendments (SB0002/189134/1), in line 13 of Amendment No. 1, after "Fund;" insert "requiring the Governor to include a certain appropriation to the Transportation Trust Fund under certain circumstances; limiting the cumulative amount of certain appropriations to the Transportation Trust Fund; providing that a certain appropriation to the Revenue Stabilization Account under a certain provision of law is not required except under certain circumstances; altering the amount of a certain appropriation under certain circumstances; prohibiting the Maryland Department of Transportation and the Maryland Transportation Authority from financing the Intercounty Connector or expending any funds for the Intercounty Connector; repealing certain provisions of law concerning the financing of the Intercounty Connector; requiring the Maryland Transportation Authority to retire certain bonds secured by a pledge of future federal aid in a certain manner;".

AMENDMENT NO. 2

On page 4 of the Budget and Taxation Committee Amendments, after line 11 of Amendment No. 1, insert:

"BY adding to
Article – Transportation
Section 3–216(g)
Annotated Code of Maryland
(2001 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 4–321
Annotated Code of Maryland
(2001 Replacement Volume and 2007 Supplement)".

AMENDMENT NO. 3

On page 10 of the Budget and Taxation Committee Amendments, after line 19 of Amendment No. 8, insert:

"3–216.

(G) (1) NOTWITHSTANDING § 7–311(J) OF THE STATE FINANCE AND PROCUREMENT ARTICLE, FOR FISCAL YEAR 2010 AND FOR EACH SUBSEQUENT FISCAL YEAR, IF THE UNAPPROPRIATED GENERAL FUND SURPLUS AS OF JUNE 30 OF THE SECOND PRECEDING FISCAL YEAR EXCEEDS $10,000,000, EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE GOVERNOR SHALL INCLUDE IN THE BUDGET BILL AN APPROPRIATION TO THE TRANSPORTATION TRUST FUND IN AN AMOUNT EQUAL TO THE LESSER OF $50,000,000 OR THE EXCESS SURPLUS OVER $10,000,000.

(2) FOR ANY FISCAL YEAR TO WHICH THIS SUBSECTION APPLIES:

(I) UNLESS THE UNAPPROPRIATED GENERAL FUND SURPLUS AS OF JUNE 30 OF THE SECOND PRECEDING FISCAL YEAR EXCEEDS THE SUM OF $10,000,000 AND THE AMOUNT REQUIRED TO BE APPROPRIATED TO THE TRANSPORTATION TRUST FUND UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE APPROPRIATION TO THE REVENUE STABILIZATION ACCOUNT UNDER § 7–311(J) OF THE STATE FINANCE AND PROCUREMENT ARTICLE IS NOT REQUIRED; AND

(II) IF THE UNAPPROPRIATED GENERAL FUND SURPLUS AS OF JUNE 30 OF THE SECOND PRECEDING FISCAL YEAR EXCEEDS THE SUM OF $10,000,000 AND THE AMOUNT REQUIRED TO BE APPROPRIATED TO THE TRANSPORTATION TRUST FUND UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE APPROPRIATION TO THE REVENUE STABILIZATION ACCOUNT UNDER § 7–311(J) OF THE STATE FINANCE AND PROCUREMENT ARTICLE SHALL EQUAL THE AMOUNT BY WHICH THAT SURPLUS EXCEEDS THE SUM OF $10,000,000 AND

THE AMOUNT APPROPRIATED TO THE TRANSPORTATION TRUST FUND UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(3) (I) THE CUMULATIVE AMOUNT APPROPRIATED TO THE TRANSPORTATION TRUST FUND UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR ALL FISCAL YEARS MAY NOT EXCEED $211,913,000.

(II) THIS SUBSECTION DOES NOT APPLY TO ANY FISCAL YEAR IF A CUMULATIVE AMOUNT EQUAL TO AT LEAST $211,913,000 HAS BEEN APPROPRIATED TO THE TRANSPORTATION TRUST FUND FOR PRIOR FISCAL YEARS UNDER THIS SUBSECTION.

4–321.

(a) In this section, "Intercounty Connector" means the east–west multimodal highway in Montgomery and Prince George's counties between Interstate 270 and Interstate 95/U.S. Route 1, as described in the **[**2005 – 2010**]** **2007 – 2012** Consolidated Transportation Plan.

(b) The State and the Authority **[**shall**]** **MAY NOT [**finance**] ISSUE ANY DEBT OR EXPEND ANY FUNDS FROM ANY SOURCE FOR** the Intercounty Connector **[**as provided in this section**].**

[(c) The Authority shall:

(1) Issue not more than an aggregate principal amount of $750,000,000 in bonds secured by a pledge of future federal aid; and

(2) Issue revenue bonds under this subtitle that are not secured by a pledge of future federal aid.

(d) The Governor shall transfer from the Transportation Trust Fund to the Authority for the Intercounty Connector $22,000,000 in fiscal 2005 and $38,000,000 in fiscal 2006.

(e) The Governor shall transfer to the Authority for the Intercounty Connector:

(1) From the Transportation Trust Fund, at least $30,000,000 each year for fiscal years 2007 through 2010;

(2) From the General Fund, an aggregate appropriation by fiscal year 2010 equal to $264,913,000, with a payment of at least $50,000,000 each year for fiscal years 2007 through 2010; and

(3) At least $10,000,000 federal aid from any source in amounts as deemed prudent.

(f) (1) On or before December 1 of each year, in accordance with § 2–1246 of the State Government Article, the Authority shall submit a report on the status of the Intercounty Connector to the Senate Budget and Taxation Committee, the House Appropriations Committee, and the House Committee on Ways and Means.

(2) The report required under this subsection shall include:

(i) An update on the progress of the project and a comparison of the actual progress to the project schedule provided to the committees in January 2005;

(ii) The revised estimate of the total project cost of the project and a statement of the reasons for any cost savings or cost overruns, relative to the estimate of $2,447,000,000 provided to the committees in January 2005; and

(iii) A description of any changes to the financing plan for the project, including the impact of cost savings or cost overruns, and, consistent with the intent of the General Assembly to limit the overall amount of debt used for financing the Intercounty Connector, the specific identification of sources of funds that may be applied to address any cost overruns.**]**".

AMENDMENT NO. 4

On page 39 of the Budget and Taxation Committee Amendments, in line 18 of Amendment No. 14, after "Act.", insert:

"SECTION 17. AND BE IT FURTHER ENACTED, That the Maryland Transportation Authority shall retire any bonds secured by a pledge of future federal aid, outstanding as of the effective date of this Act, with:

(1) unspent bond proceeds;

(2) if unspent bond proceeds are insufficient to retire the bonds, any unspent moneys appropriated for the Intercounty Connector; or

(3) if unspent bond proceeds and unspent moneys appropriated for the Intercounty Connector are insufficient to retire the bonds, federal fund authorizations from the federal highway program."; and

in line 20, strike "21." and substitute "22.".

AMENDMENT NO. 5

On page 48 of the Budget and Taxation Committee Amendments, in line 19 of Amendment No. 17, strike "22." and substitute "23.".

On page 49 of the Budget and Taxation Committee Amendments, in line 5 of Amendment No. 18, strike "17.", "18.", "19.", "20.", and "23.", respectively, and substitute "18.", "19.", "20.", "21.", and "24.", respectively; in line 6, strike "18." and substitute "19."; and in line 7, strike "22." and substitute "23.".

The preceding 5 amendments were read and rejected by a roll call vote as follows:

Affirmative – 13 Negative – 32 (See Roll Call No. 60)

FLOOR AMENDMENT

(Amendment ID: SB0002/583827/1)

BY: Senator Zirkin

AMENDMENT TO SENATE BILL 2, AS AMENDED

On page 48 of the Budget and Taxation Committee Amendments (SB0002/189134/1), in line 21 of Amendment No. 17, after "2008" insert "; provided, however, that Section 9 of this Act does not apply to any transfer pursuant to an agreement entered into before January 1, 2008".

The preceding amendment was read and adopted.

FLOOR AMENDMENT

(Amendment ID: SB0002/873529/1)

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 2, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 23, strike "altering the calculation of" and substitute "imposing a certain limit on"; in line 24, after "tax;" insert "requiring that the Client Protection Fund of the Bar of Maryland impose certain tax clearance requirements on lawyers relating to the payment of certain annual fees;"; and in lines 25 and 26 and line 29, in each instance, strike "each year" and substitute "in certain fiscal years".

On page 3 of the bill, after line 9, insert:

"BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 10–313

Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)".

On page 2 of the Budget and Taxation Committee Amendments (SB0002/189134/1), in line 2 of Amendment No. 1, strike "to the General Fund of the State" and substitute "for certain fiscal years to a certain special fund; requiring that the Comptroller distribute certain income tax revenues to the General Fund of the State".

AMENDMENT NO. 2

On page 18 of the Budget and Taxation Committee Amendments, in line 2 of Amendment No. 12, strike the comma and substitute "**:**

(1) FOR FISCAL YEARS 2008 AND 2009 ONLY, OF THE REMAINING INCOME TAX REVENUE FROM CORPORATIONS, THE COMPTROLLER SHALL DISTRIBUTE MONTHLY:

(I) 6.25% TO THE HIGHER EDUCATION INVESTMENT FUND ESTABLISHED UNDER § 15-106.6 OF THE EDUCATION ARTICLE; AND

(II) 6.25% TO THE GENERAL FUND; AND

(2) FOR FISCAL YEAR 2010 AND SUBSEQUENT FISCAL YEARS,";

in lines 6 and 7, strike "be altered to provide for a distribution"; in lines 8 and 9, strike "equal to half of the revenue required to be distributed to the General Fund of the State" and substitute "required"; and in line 10, strike "beginning in fiscal year 2011" and substitute "continue in fiscal year 2010 and each subsequent fiscal year".

The preceding 2 amendments were read and adopted by a roll call vote as follows:

Affirmative – 36 Negative – 10 (See Roll Call No. 61)

AMENDMENT NO. 3

On page 13 of the bill, in line 7, after "to" insert "**THE LESSER OF:**

(I)";

in the same line, strike the brackets; in the same line, strike "**0.75%**"; in line 8, after "Comptroller" insert "**; OR**

(II) $1,000 FOR EACH RETURN";

in line 16, strike the comma and substitute "**:**

(I)";

and in line 18, after "return" insert "**; AND**

(II) THE TOTAL MAXIMUM CREDIT THAT THE VENDOR IS ALLOWED UNDER THIS SECTION FOR ALL RETURNS FILED FOR ANY PERIOD IS $1,000".

The preceding amendment was read and adopted by a roll call vote as follows:

Affirmative – 30 Negative – 17 (See Roll Call No. 62)

AMENDMENT NO. 4

On page 16 of the bill, in line 10, strike "**THE**" and substitute "**BEGINNING IN CALENDAR YEAR 2011, THE**"; and in line 25, strike "The" and substitute "**BEGINNING IN CALENDAR YEAR 2010, THE**".

The preceding amendment was read and adopted by a roll call vote as follows:

Affirmative – 29 Negative – 18 (See Roll Call No. 63)

AMENDMENT NO. 5

On page 14 of the bill, after line 5, insert:

"Article – Business Occupations and Professions

10–313.

(a) By August 31 of each year, the Fund shall provide to the Department of Assessments and Taxation a list of lawyers who have paid an annual fee to the Fund during the previous fiscal year, to assist the Department of Assessments and Taxation in identifying new businesses within the State.

(b) The list provided under this section shall:

(1) be provided free of charge; and

(2) include, for each person on the list:

(i) the name and mailing address of the person; and

(ii) the federal tax identification number of the person or, if the person does not have a federal tax identification number, the Social Security number of the person.

(C) BEFORE ANY ANNUAL FEE REQUIRED UNDER THIS PART IS ACCEPTED FROM A LAWYER AND IS DEEMED PAID, THE FUND SHALL VERIFY THROUGH THE OFFICE OF THE COMPTROLLER THAT THE LAWYER HAS PAID ALL UNDISPUTED

TAXES AND UNEMPLOYMENT INSURANCE CONTRIBUTIONS PAYABLE TO THE COMPTROLLER OR THE SECRETARY OF LABOR, LICENSING, AND REGULATION OR THAT THE LAWYER HAS PROVIDED FOR PAYMENT IN A MANNER SATISFACTORY TO THE UNIT RESPONSIBLE FOR COLLECTION.".

The preceding amendment was read and adopted by a roll call vote as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 64)

FLOOR AMENDMENT

(Amendment ID: SB0002/373126/1)

BY: Senator Frosh

AMENDMENTS TO SENATE BILL 2
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "individuals;" insert "altering the definition of "resident" under the Maryland income tax;".

On page 2, in line 44, after "4–105(b)," insert "10-101(k)(1)(i),".

AMENDMENT NO. 2

On page 4, after line 2, insert:

"10-101.

(k) (1) "Resident" means:

(i) an individual, other than a fiduciary, who:

1. is domiciled in this State on the last day of the taxable year; or

2. for more than **[**6**]** **3** months of the taxable year, maintained a place of abode in this State, whether domiciled in this State or not;".

The preceding 2 amendments were read and adopted by a roll call vote as follows:

Affirmative – 24 Negative – 23 (See Roll Call No. 65)

RECESS

At 6:31 P.M. on motion of Senator Kasemeyer, seconded, the Senate took a recess until 7:30 P.M. on Legislative Day, November 1, 2007, Calendar Day, Thursday, November 8, 2007.

AFTER RECESS
Annapolis, Maryland
Legislative Day: November 1, 2007
Calendar Day: Thursday, November 8, 2007
7:30 P.M. Session

At 7:49 P.M. the Senate resumed its session.

QUORUM CALL

The presiding officer announced a quorum call, showing 46 Members present.

(See Roll Call No. 66)

On motion of Senator Kasemeyer it was ordered that Senator Hooper be excused from today's session.

SPECIAL ORDERS

The presiding officer submitted the Special Orders of the day, as follows:

Senate Bill 1 – The President (By Request – Administration)

AN ACT concerning

Budget Reconciliation Act

STATUS OF THE BILL: THE QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS AND THE FAVORABLE REPORT.

(Amendment ID: SB0001/949430/1)

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 1
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "repealing" in line 8 down through "purposes" in line 12 and substitute "authorizing a county governing body to enter into an agreement with the owner of a facility for the generation of electricity that is located or locates in the county for a negotiated payment by the owner in lieu of taxes on the facility; providing that property tax revenues in an amount equal to payments that a county would have been entitled to receive under a certain provision of law shall be excluded from a certain calculation; altering the percentage of certain State funds that may be used for certain capital improvements under certain circumstances; repealing certain provisions relating to the amount of certain funds available for certain capital improvements that may be used to operate certain forests and parks; requiring at least a certain amount of certain funds to be used to reduce a certain backlog of projects in State parks; limiting the amount of a supersedeas bond required to stay the enforcement of a judgment in certain actions under certain circumstances; altering the purpose for which the Circuit Court Real Property Records Improvement Fund may be used; repealing a certain termination provision; providing that the Comptroller's appointment of the Chief of the Bureau of Revenue Estimates is subject to the approval of the Board of Revenue Estimates; providing that the Chief may be removed only by a majority of the Board for certain reasons; providing that the Chief is subject to the supervision of a certain Deputy Comptroller, except under certain circumstances; providing for the appointment of other employees of the Bureau by the Chief; requiring the Bureau to submit certain reports including certain information regarding certain revenues to the Board each year; altering a provision relating to certain studies of State revenue sources conducted by the Bureau; requiring the Bureau to submit certain reports to the Governor and to the General Assembly; establishing a Consensus Revenue Monitoring and Forecasting Group to perform certain functions and to advise and collaborate with the Bureau; requiring the Comptroller and the Bureau to provide certain data and certain documents to members of the Group; requiring the Board to submit certain reports to the General Assembly each year; requiring the Governor to incorporate a certain estimate of revenues in the State budget and any supplemental budget submitted to the General Assembly; requiring the Governor to submit a certain statement to the General Assembly under certain circumstances; requiring the Department of Transportation to incorporate in a certain financial forecast a certain estimate of revenues by the Board"; and in line 14, after "law;" insert "requiring the Governor to reduce certain regular positions and general fund expenditures associated with those positions in a certain budget; declaring a certain legislative intent relating to the development of a certain budget and the reduction of

certain positions; requiring the State Department of Education to update a certain Geographic Cost of Education Index (GCEI) at certain times; requiring the State Department of Education to submit a certain proposed GCEI adjustment update to the Governor and the General Assembly and to recommend certain legislation at certain times; requiring a certain GCEI Adjustment to be used in certain fiscal years; defining certain terms; altering certain definitions;".

AMENDMENT NO. 2

On page 2, in line 15, after "repealing" insert "and reenacting, without amendments,"; after line 19, insert:

"BY adding to
Article – Tax – Property
Section 7–514
Annotated Code of Maryland
(2007 Replacement Volume)";

strike in their entirety lines 20 through 24, inclusive; in line 27, strike "5–903(b)" and substitute "5–903(g)"; and after line 29, insert:

"BY adding to
Article – Courts and Judicial Proceedings
Section 12–301.1
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Courts and Judicial Proceedings
Section 13–602(a)(1)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 13–603(c)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing
Article – Courts and Judicial Proceedings
Section 13–607
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 6–103, 6–104, 6–106, and 7–311(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – State Finance and Procurement
Section 6–105
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 2–103.1(l)(2)
Annotated Code of Maryland
(2001 Replacement Volume and 2007 Supplement)".

AMENDMENT NO. 3
On page 4, in line 7, after the second "the" insert "**LESSER OF:**

A. **THE**";

in the same line, strike the bracket; in line 8, strike the bracket and substitute "**;**

B. **THE**";

after line 11, insert:

"**C.** **5%; OR**";

in line 12, strike the bracket; and in line 13, strike the bracket and substitute "**OR IN THE**".

AMENDMENT NO. 4

On page 6, in line 27, and on page 7, in line 6, in each instance, strike the bracket.

On page 7, after line 6, insert:

"**7–514.**

(A) THIS SECTION SHALL BE APPLICABLE TO ALL TAXABLE YEARS BEGINNING AFTER JUNE 30, 2008.

(B) (1) THE GOVERNING BODY OF A COUNTY MAY ENTER INTO AN AGREEMENT WITH THE OWNER OF A FACILITY FOR THE GENERATION OF ELECTRICITY THAT IS LOCATED OR LOCATES IN THE COUNTY FOR A NEGOTIATED PAYMENT BY THE OWNER IN LIEU OF TAXES ON THE FACILITY.

(2) AN AGREEMENT FOR A NEGOTIATED PAYMENT IN LIEU OF TAXES UNDER THIS SECTION SHALL PROVIDE THAT, FOR THE TERM SPECIFIED IN THE AGREEMENT:

(I) THE OWNER SHALL PAY TO THE COUNTY A SPECIFIED AMOUNT EACH YEAR IN LIEU OF THE PAYMENT OF COUNTY REAL AND PERSONAL PROPERTY TAX; AND

(II) ALL OR A SPECIFIED PART OF THE REAL AND PERSONAL PROPERTY AT THE FACILITY SHALL BE EXEMPT FROM COUNTY PROPERTY TAX FOR THE TERM OF THE AGREEMENT.

(C) AS SPECIFIED IN THE AGREEMENT FOR A NEGOTIATED PAYMENT IN LIEU OF TAXES UNDER THIS SECTION, FOR THE TERM SPECIFIED IN THE AGREEMENT, THE REAL AND PERSONAL PROPERTY AT A FACILITY FOR THE GENERATION OF ELECTRICITY THAT IS LOCATED OR LOCATES IN THE COUNTY IS EXEMPT FROM COUNTY PROPERTY TAX.".

AMENDMENT NO. 5

On pages 7 and 8, strike in their entirety the lines beginning with line 11 on page 7 through line 17 on page 8, inclusive; and after line 17, insert:

"(g) (1) For **[**the fiscal year commencing July 1, 1990, any amount appropriated in the State budget, and for**]** each **[**subsequent**]** fiscal year, up to

[25**]** **32** percent of the State's share of funds that would be available under the program if 100 percent of the funds not required under § 13–209(b) of the Tax – Property Article were available for distribution as provided in § 13–209(d)(3) of the Tax – Property Article may be used for capital improvements on land owned by the State for the use of the Department if the improvements are:

(i) Approved in the State budget; and

(ii) Compatible with:

1. Any master plan developed for the land; and

2. The natural features of the land.

(2) (i) **[**For the fiscal year commencing July 1, 1996, up to 12.5% of the State's share of funds available for capital improvements may be used to operate State forests and parks, but only if the funds expended for operating costs do not exceed the portion of the State allocation available under this subsection that is derived from current revenues, as distinguished from proceeds of bond issues.

(ii) For the fiscal year commencing July 1, 1997, up to $1,000,000 of the State's share of funds available for capital improvements may be used to operate State forests and parks, but only if the funds expended for operating costs do not exceed the portion of the State allocation available under this subsection that is derived from current revenues, as distinguished from proceeds of bond issues.

(iii)**]** For the fiscal year commencing July 1, 1998, and all subsequent fiscal years, up to $1,200,000 of the State's share of funds available for capital improvements may be used to operate State forests and parks, but only if the funds expended for operating costs do not exceed the portion of the State allocation available under this subsection that is derived from current revenues, as distinguished from proceeds of bond issues.

[(iv)**] (II)** The only wages that can be paid with the portion of the State's share of funds authorized under **[**subparagraphs (ii) and (iii)**]** **SUBPARAGRAPH (I)** of this paragraph are the wages of employees in the State forests and parks.

(III) FOR FISCAL YEAR 2009, AND EACH SUBSEQUENT FISCAL YEAR, AT LEAST $8,000,000 OF THE STATE'S SHARE OF FUNDS AVAILABLE UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE USED TO REDUCE THE BACKLOG OF CRITICAL MAINTENANCE AND REHABILITATION OR REPLACEMENT CAPITAL IMPROVEMENT PROJECTS IN STATE PARKS.

(3) If the General Assembly amends the Budget Bill to strike out an improvement or operating costs under this subsection submitted by the Governor, the Governor may consider reallocating the funds through a supplemental budget for the same fiscal year:

(i) To finance specific alternative land acquisition, development projects, or operating costs; or

(ii) To the Advance Option and Purchase Fund established under § 5–904(b) of this subtitle.".

AMENDMENT NO. 6

On page 8, before line 18, insert:

"SECTION 6. AND BE IT FURTHER ENACTED, That the laws of Maryland read as follows:

Article – Courts and Judicial Proceedings

12–301.1.

(A) IN THIS SECTION, "MASTER SETTLEMENT AGREEMENT" MEANS THE MASTER SETTLEMENT AGREEMENT EXECUTED BY THE STATE AND PARTICIPATING TOBACCO MANUFACTURERS.

(B) IT IS THE INTENT OF THE GENERAL ASSEMBLY TO PRESERVE STATE REVENUE AS IT PERTAINS TO THE CIGARETTE RESTITUTION FUND.

(C) NOTWITHSTANDING ANY OTHER LAW OR COURT RULE AND EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, IN AN APPEAL FROM A JUDGMENT ENTERED IN FAVOR OF THE PLAINTIFFS IN AN ACTION CERTIFIED AS A CLASS ACTION OR IN AN ACTION BY MULTIPLE PLAINTIFFS IN WHICH DAMAGES ARE NOT PROVED FOR EACH PLAINTIFF INDIVIDUALLY, THE AMOUNT OF THE SUPERSEDEAS BOND REQUIRED COLLECTIVELY OF ALL APPELLANTS THAT ARE PARTICIPANTS IN

THE MASTER SETTLEMENT AGREEMENT TO STAY ENFORCEMENT OF A JUDGMENT MAY NOT EXCEED $200,000,000, REGARDLESS OF THE AMOUNT OF THE JUDGMENT.

(D) IF AN APPELLEE PROVES BY A PREPONDERANCE OF THE EVIDENCE THAT AN APPELLANT IS DISSIPATING ASSETS OUTSIDE THE ORDINARY COURSE OF BUSINESS TO AVOID THE PAYMENT OF A JUDGMENT, THE COURT MAY REQUIRE THE APPELLANT TO POST A BOND IN AN AMOUNT UP TO THE FULL AMOUNT OF THE JUDGMENT.

SECTION 7. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Courts and Judicial Proceedings

13–602.

(a) (1) There is a Circuit Court Real Property Records Improvement Fund.

13–603.

(c) The Fund shall be used to pay **[**the**]:**

(1) THE operating expenses of the land records offices of the clerks of the circuit courts and to repair, replace, improve, modernize, and update office equipment and equipment related services in the land records office of the clerk of the circuit court for each county, as the Administrator considers appropriate, with advice from the oversight committee**; AND**

(2) FOR INFORMATION TECHNOLOGY PROJECTS OF THE JUDICIARY DEPARTMENT.

[13–607.

This subtitle shall terminate and be of no effect after June 30, 2009.**]**

SECTION 8. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – State Finance and Procurement

6–103.

(a) There is a Bureau of Revenue Estimates in the Office of the Comptroller.

(b) (1) The head of the Bureau is the Chief.

(2) Subject to the supervision of the Comptroller, the Chief has administrative control of the Bureau.

(3) UNLESS THE COMPTROLLER, WITH THE APPROVAL OF THE BOARD, DETERMINES THAT AN ALTERNATIVE STRUCTURE IS APPROPRIATE, THE CHIEF SHALL BE SUBJECT TO THE SUPERVISION OF THE DEPUTY COMPTROLLER WITH RESPONSIBILITY FOR TAX ADMINISTRATION.

(c) **(1)** Except as otherwise provided by law, **SUBJECT TO THE APPROVAL OF THE BOARD,** the Comptroller shall appoint the Chief **[**and**].**

(2) THE CHIEF MAY BE REMOVED ONLY BY A MAJORITY OF THE BOARD FOR INCOMPETENCE OR OTHER GOOD CAUSE.

(3) THE CHIEF SHALL APPOINT other employees of the Bureau in accordance with the provisions of the State Personnel and Pensions Article.

6–104.

(a) (1) After the end of each fiscal year, the Bureau shall submit to the Board a report that:

(i) contains an itemized statement of the State revenues from all sources for that fiscal year; and

(ii) includes any recommendations of the Bureau.

(2) **[**Before each regular session of the General Assembly**] IN DECEMBER, MARCH, AND SEPTEMBER OF EACH YEAR**, the Bureau shall submit to the Board a report that contains an itemized statement of the estimated State revenues from all sources for the fiscal year following **[**the session**] THE FISCAL YEAR IN WHICH THE REPORT IS MADE**.

(3) The Bureau shall provide to the Board any other information that the Board requests.

(4) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE REPORTS REQUIRED UNDER PARAGRAPHS (1) AND (2) OF THIS SUBSECTION SHALL INCLUDE AN ITEMIZED STATEMENT OF:

(I) REVENUES OR ESTIMATED REVENUES DISTRIBUTED TO THE TRANSPORTATION TRUST FUND, INCLUDING THE MOTOR FUEL TAXES IMPOSED UNDER TITLE 9, SUBTITLE 3 OF THE TAX – GENERAL ARTICLE AND MOTOR VEHICLE TITLING TAXES IMPOSED UNDER TITLE 13, SUBTITLE 8 OF THE TRANSPORTATION ARTICLE; AND

(II) REVENUES FROM THE STATE TRANSFER TAX IMPOSED UNDER TITLE 13, SUBTITLE 2 OF THE TAX – PROPERTY ARTICLE.

(b) In addition to these reports, the Bureau shall continually conduct studies of State revenue sources to:

(1) determine the amount of revenue produced; and

(2) devise and recommend new methods and sources for improved efficiency, equity, and economy in production **[**and**],** collection**, AND ESTIMATION** of revenue.

(C) (1) ON OR BEFORE DECEMBER 1, 2008, AND DECEMBER 1 OF EVERY THIRD YEAR THEREAFTER, THE BUREAU SHALL SUBMIT TO THE GOVERNOR AND, SUBJECT TO § 2–1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY A TAX INCIDENCE STUDY MEASURING THE BURDEN OF ALL THE MAJOR TAXES IMPOSED BY THE STATE AND HOW THAT BURDEN IS SHARED AMONG TAXPAYERS OF DIFFERENT INCOME LEVELS.

(2) THE BUREAU SHALL PREPARE AND SUBMIT THE STATISTICS OF INCOME REPORT REQUIRED UNDER § 10–223 OF THE TAX – GENERAL ARTICLE.

6–105.

(A) IN THIS SECTION, "GROUP" MEANS THE CONSENSUS REVENUE MONITORING AND FORECASTING GROUP ESTABLISHED UNDER THIS SECTION.

(B) THERE IS A CONSENSUS REVENUE MONITORING AND FORECASTING GROUP.

(C) THE GROUP CONSISTS OF:

(1) THE CHIEF AND STAFF OF THE BUREAU AS DESIGNATED BY THE CHIEF;

(2) THE DEPUTY COMPTROLLER WITH RESPONSIBILITY FOR TAX ADMINISTRATION AND STAFF AS DESIGNATED BY THE DEPUTY COMPTROLLER WITH RESPONSIBILITY FOR TAX ADMINISTRATION;

(3) STAFF OF THE OFFICE OF THE TREASURER AS DESIGNATED BY THE TREASURER;

(4) STAFF OF THE DEPARTMENT OF BUDGET AND MANAGEMENT AS DESIGNATED BY THE SECRETARY OF BUDGET AND MANAGEMENT;

(5) STAFF OF THE DEPARTMENT OF TRANSPORTATION AS DESIGNATED BY THE SECRETARY OF TRANSPORTATION; AND

(6) STAFF OF THE OFFICE OF POLICY ANALYSIS OF THE DEPARTMENT OF LEGISLATIVE SERVICES AS DESIGNATED BY THE DIRECTOR OF THE OFFICE.

(D) THE CHIEF SHALL CHAIR THE GROUP.

(E) THE GROUP AND ITS CONSTITUENT UNITS SHALL:

(1) REVIEW AND ANALYZE ATTAINMENT OF REVENUES ON A MONTHLY BASIS; AND

(2) ADVISE AND COLLABORATE WITH THE BUREAU:

(I) IN THE DEVELOPMENT OF REVENUE FORECASTS AND ANY NECESSARY REVISIONS TO THOSE FORECASTS; AND

(II) IN THE PERFORMANCE OF ANY PERTINENT STUDIES OR ANALYSES AS REQUESTED BY THE CHIEF OR AS DIRECTED BY THE BOARD.

(F) TO ASSIST THE GROUP IN PERFORMING ITS FUNCTION, THE COMPTROLLER AND THE BUREAU SHALL:

(1) WITHIN 7 CALENDAR DAYS AFTER THE END OF EACH MONTH, PROVIDE TO MEMBERS OF THE GROUP DETAILED DATA ON REVENUE COLLECTIONS; AND

(2) BEFORE ANY DOCUMENT RELATING TO THE WORK OF THE BUREAU IS PUBLISHED, PROVIDE A DRAFT OF THE DOCUMENT TO THE MEMBERS OF THE GROUP FOR REVIEW AND COMMENT.

6–106.

(a) The Board shall:

(1) study the information that the Bureau provides; and

(2) consider the recommendations of the Bureau.

(b) (1) **[**Annually**] IN DECEMBER, MARCH, AND SEPTEMBER OF EACH YEAR**, the Board shall submit to the Governor **AND, SUBJECT TO § 2–1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY,** a report that:

(i) contains an itemized statement of the estimated State revenues from all sources for the fiscal year following the fiscal year in which the report is made; and

(ii) includes any recommendations of the Board.

(2) **(I) [**The**] SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE** Governor shall **[**send the report of the Board, subject to § 2–1246 of the State Government Article, to the General Assembly**] INCORPORATE THE MOST RECENT ESTIMATES OF REVENUES REPORTED BY THE BOARD IN THE STATE BUDGET AND ANY SUPPLEMENTAL BUDGET SUBMITTED TO THE GENERAL ASSEMBLY.**

(II) IF THE GOVERNOR USES DIFFERENT ESTIMATES OF REVENUES IN THE FORMULATION OF THE STATE BUDGET AND ANY SUPPLEMENTAL BUDGET SUBMITTED TO THE GENERAL ASSEMBLY THAN THOSE

REPORTED BY THE BOARD, A STATEMENT PROVIDING AN EXPLANATION AS TO THE DIFFERENCES SHALL BE INCLUDED TOGETHER WITH THOSE SUBMISSIONS.

7–311.

(a) (1) In this section the following words have the meanings indicated.

(2) "Account" means the Revenue Stabilization Account.

(3) "Estimated General Fund revenues" means the estimated General Fund revenues **FOR A FISCAL YEAR** stated in the **[**annual**]** report of the Board of Revenue Estimates submitted to the Governor under § 6–106 of this article **IN DECEMBER PRECEDING THE FISCAL YEAR**.

Article – Transportation

2–103.1.

(l) (2) (i) The financial forecast supporting the Consolidated Transportation Program to be submitted to the General Assembly under paragraph (1) of this subsection shall include the following components:

1. A schedule of operating expenses for each specific modal administration;

2. A schedule of revenues, including tax and fee revenues, deductions from revenues for other agencies, Department program and fees, Motor Vehicle Administration cost recovery, deductions for highway user revenues, operating revenues by modal administration, and miscellaneous revenues; and

3. A summary schedule for the Transportation Trust Fund that includes the opening and closing Fund balance, revenues, transfers, bond sales, bond premiums, any other revenues, expenditures for debt service, operating expenses, amounts available for capital expenses, bond interest rates, bond coverage ratios, total bonds outstanding, federal capital aid, and the total amount for the transportation capital program.

(ii) The financial forecast shall include, for each of the components specified in subparagraph (i) of this paragraph:

1. Actual information for the last full fiscal year; and

2. Forecasts of the information for each of the six subsequent fiscal years, including the current fiscal year, the fiscal year for the proposed budget, and the next four subsequent fiscal years.

(III) THE DEPARTMENT SHALL INCORPORATE IN THE FINANCIAL FORECAST THE MOST RECENT ESTIMATES BY THE BOARD OF REVENUE ESTIMATES OF THE REVENUES FROM THE CORPORATE INCOME TAX, THE SALES AND USE TAX, MOTOR FUEL TAXES, AND MOTOR VEHICLE TITLING TAXES.".

AMENDMENT NO. 7

On page 8, after line 23, insert:

"SECTION 10. AND BE IT FURTHER ENACTED, That:

(a) (1) In this section, "Executive Branch agencies" includes:

(i) University System of Maryland;

(ii) St. Mary's College of Maryland;

(iii) Morgan State University; and

(iv) Baltimore City Community College.

(2) In this section, "Executive Branch agencies" does not include the Department of Public Safety and Correctional Services.

(b) (1) As of January 1, 2008, the number of full-time equivalent (FTE) regular positions in Executive Branch agencies shall be reduced by 1,000 FTEs.

(2) It is the intent of the General Assembly that these reductions be made from vacant positions.

(c) On or before December 15, 2007, the Governor shall submit to the Board of Public Works a schedule for realigning the authorizations made under Chapter 487 of the Acts of 2007 to reflect the reduction made in subsection (b) of this section and shall take the actions necessary to implement the reductions.

(d) The schedule submitted by the Governor to the Board of Public Works shall identify savings of at least $13,800,000 in general funds plus any special or federal funds from salaries and wages in Comptroller objects other than 0152 (Health Insurance) and 0154 (Retiree Health Insurance) associated with the abolished positions.

SECTION 11. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that in developing the fiscal 2009 budget, the Governor make reductions of at least $470,000,000 in general funds from the fiscal 2009 current services baseline budget after the reductions made by the Board of Public Works in July 2007.

SECTION 12. AND BE IT FURTHER ENACTED, That:

(a) The Geographic Cost of Education Index (GCEI) Adjustment established in § 5–202(f) of the Education Article shall be updated every 3 years beginning in September 2009 using the most current data available and the same methodology set forth in the report entitled "Adjusting for Geographic Differences in the Cost of Education Provision in Maryland (December 31, 2003)."

(b) The State Department of Education shall:

(1) submit the proposed updated GCEI Adjustment to the Governor and General Assembly, in accordance with § 2–1246 of the State Government Article, by September 1 of the year in which it is updated; and

(2) recommend legislation in the first legislative session following submission of the updated GCEI Adjustment that codifies the adjustment and requires that the GCEI Adjustment be used to adjust State aid in the fiscal year that begins on July 1 of that year.

SECTION 13. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, by action of the governing body of a county, property tax revenues in an amount equal to payments that a county would have been entitled to receive under Article 24, § 9–1102 of the Code before its repeal under Section 1 of this Act shall be excluded from the calculation of any limitation on the ability of a county to impose property taxes.".

AMENDMENT NO. 8

On page 8, in lines 18, 24, and 28, strike "6.", "7.", and "9.", respectively, and substitute "9.", "14.", and "16.", respectively; in line 24, strike "Sections 1 and 5" and substitute "Section 1"; and strike in their entirety lines 26 and 27 and substitute:

"SECTION 15. AND BE IT FURTHER ENACTED, That Section 6 of this Act shall apply to all civil actions pending on or filed on or after the effective date of this Act.".

AMENDMENT NO. 9

On page 9, strike in their entirety lines 1 through 8, inclusive; in line 9, strike "11." and substitute "17."; and in lines 9 and 10, strike "7 through 10" and substitute "14 through 16".

The preceding 9 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

(Amendment ID: SB0001/693623/1)

BY: Senator Harris

AMENDMENTS TO SENATE BILL 1, AS AMENDED

AMENDMENT NO. 1

On page 1 of the Budget and Taxation Committee Amendments (SB0001/949430/1), in line 15 of Amendment No. 1, strike "repealing a certain termination provision;".

On page 3 of the Budget and Taxation Committee Amendments, in line 15 of Amendment No. 2, after "repealing" insert "and reenacting, without amendments,".

AMENDMENT NO. 2

On page 9 of the Budget and Taxation Committee Amendments, in lines 12 and 13 of Amendment No. 6, in each instance, strike the bracket.

The preceding 2 amendments were read only.

Senator Harris moved, duly seconded, to make the Amendments a Special Order for the end of today's business.

The motion was adopted.

FLOOR AMENDMENT

(Amendment ID: SB0001/393124/1)

BY: Budget and Taxation Committee

AMENDMENT TO SENATE BILL 1, AS AMENDED
(First Reading File Bill)

On page 4 of the bill, in line 29, strike "**FUNDING**" and substitute "**IN FISCAL YEAR 2009, 50% OF THE FUNDING**"; and in line 30, after "**SECTION**" insert "**AND IN FISCAL YEAR 2010, 60% OF THE FUNDING RECEIVED UNDER THE GCEI ADJUSTMENT GRANT PROGRAM UNDER SUBSECTION (F) OF THIS SECTION**".

On page 5 of the bill, in line 9, after "**(VIII)**" insert "**50% OF THE**".

On page 17 of the Budget and Taxation Committee Amendments (SB0001/949430/1), in line 3 of Amendment No. 7, strike "$470,000,000" and substitute "$515,000,000".

The preceding amendment was read and adopted by a roll call vote as follows:

Affirmative – 34 Negative – 11 (See Roll Call No. 67)

FLOOR AMENDMENT

(Amendment ID: SB0001/293127/1)

BY: Senator Madaleno

AMENDMENTS TO SENATE BILL 1
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 8, after "education;" insert "authorizing the governing body of a county to increase the percent of the assessment of certain personal property that is subject to the county property tax under certain circumstances; requiring that certain revenues be used only for certain purposes;".

AMENDMENT NO. 2

On page 5 of the Budget and Taxation Committee Amendments (SB0001/949430/1), after line 2 of Amendment No. 4, insert:

"**(B) (1) NOTWITHSTANDING § 7–237 OF THIS TITLE, THE GOVERNING BODY OF A COUNTY MAY INCREASE, BY LAW, THE PERCENT OF THE ASSESSMENT OF ANY PERSONAL PROPERTY DESCRIBED IN § 7–237 OF THIS TITLE THAT IS SUBJECT TO COUNTY PROPERTY TAX.**

(2) (I) A COUNTY THAT INCREASES THE PERCENT OF ASSESSMENT OF TAXABLE PERSONAL PROPERTY UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL SUBMIT A COPY OF THE LAW TO THE DEPARTMENT.

(II) IF THE DEPARTMENT RECEIVES A COPY OF THE LAW ON OR BEFORE MAY 1, THE CHANGE SHALL BE EFFECTIVE FOR THE TAXABLE YEAR FOLLOWING THE DATE THE LAW IS ENACTED.";

in lines 3 and 16, strike "**(B)**" and "**(C)**", respectively, and substitute "**(C)**" and "**(D)**", respectively; and in line 20, after "**TAX.**" insert:

"**(E) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ANY ADDITIONAL REVENUES RECEIVED BY A COUNTY AS A RESULT OF AN ACTION TAKEN BY THE COUNTY UNDER SUBSECTION (B) OF THIS SECTION OR UNDER A PAYMENT IN LIEU OF TAXES AGREEMENT ENTERED INTO UNDER SUBSECTION (C) OF THIS SECTION SHALL BE USED ONLY FOR FUNDING PUBLIC PRIMARY AND SECONDARY EDUCATION IN THE COUNTY.**".

The preceding 2 amendments were read and rejected by a roll call vote as follows:

Affirmative – 19 Negative – 27 (See Roll Call No. 68)

FLOOR AMENDMENT

(Amendment ID: SB0001/383825/1)

BY: Senator Exum

AMENDMENTS TO SENATE BILL 1, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 14, before "making" insert "authorizing the transfer of certain funds by budget amendment for a certain fiscal year from a certain special fund to be used only to provide a certain grant; providing that a certain grant may not be provided except under certain circumstances;".

AMENDMENT NO. 2

On page 8 of the bill, before line 24, insert:

"SECTION 14. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law:

(a) For fiscal year 2008 only, up to $20,000,000 may be transferred from the Dedicated Purpose Account established under § 7–310 of the State Finance and Procurement Article by budget amendment to the Department of Health and Mental Hygiene for the purpose of providing a special fund operating grant to an independent entity with authority over the facilities currently operated and health care services currently provided by Dimensions Healthcare System until the facilities and obligation to provide the services are transferred to a new owner or operator.

(b) (1) The Department of Health and Mental Hygiene may not provide a special fund operating grant under this section until a long–term, comprehensive solution to the control and operation of the facilities and provision of health care services currently operated and provided by Dimensions Healthcare System is reached through:

(i) an Act of the General Assembly; or

(ii) a memorandum of understanding between the State and Prince George's County.

(2) The long–term, comprehensive solution required under paragraph (1) of this subsection shall address issues related to health care needs in Prince George's County and the surrounding region, including:

(i) the transfer to a new owner or operator of the facilities currently operated and the obligation to provide the health care services currently provided by Dimensions Healthcare System;

(ii) a plan for the assets currently held by Prince George's County related to the facilities currently operated by Dimensions Healthcare System;

(iii) a mechanism to provide a steady revenue stream to help support ongoing operations of the facilities currently operated by Dimensions Healthcare System and to retire the long–term bond indebtedness and satisfy the unfunded pension liability of Dimensions Healthcare System; and

(iv) a mechanism to assure equitable and sustainable funding from Prince George's County and the State.".

On page 18 of the Budget and Taxation Committee Amendments (SB0001/949430/1), in line 2 of Amendment No. 8, strike "14." and "16.", respectively, and substitute "15." and "17.", respectively; in line 4, strike "15." and substitute "16."; in line 2 of Amendment No. 9, strike "17." and substitute "18."; and in line 3, strike "14 through 16" and substitute "15 through 17".

The preceding 2 amendments were read and adopted.

FLOOR AMENDMENT

(Amendment ID: SB0001/773229/1)

BY: Senator Della

AMENDMENTS TO SENATE BILL 1, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, strike beginning with "providing" in line 12 down through "purpose;" in line 14.

AMENDMENT NO. 2

On page 8 of the bill, strike in their entirety lines 18 through 23, inclusive.

On page 16 of the Budget and Taxation Committee Amendments (SB0001/949430/1), in line 2 of Amendment No. 7, strike "10." and substitute "9.".

On page 17 of the Budget and Taxation Committee Amendments, in lines 1, 6, and 20, of Amendment No. 7, strike "11.", "12.", and "13.", respectively, and substitute "10.", "11.", and "12.", respectively.

On page 18 of the Budget and Taxation Committee Amendments, in line 2 of Amendment No. 8, strike "9."; in the same line, strike "14." and substitute "13."; in the same line, strike "16." and substitute "15."; in line 4, strike "15." and substitute "14."; in line 2 of Amendment No. 9, strike "17." and substitute "16."; and in line 3, strike "14 through 16" and substitute "13 through 15".

The preceding 2 amendments were read and adopted.

FLOOR AMENDMENT

(Amendment ID: SB0001/243523/2)

BY: Senator Munson

AMENDMENTS TO SENATE BILL 1, AS AMENDED

AMENDMENT NO. 1

On page 1 of the Budget and Taxation Committee Amendments (SB0001/949430/1), in line 5 of Amendment No. 1, after "facility;" insert "requiring Washington County to distribute a certain portion of the proceeds of a certain payment in lieu of taxes under certain circumstances;".

AMENDMENT NO. 2

On page 5 of the Budget and Taxation Committee Amendments (SB0001/949430/1), in line 16 of Amendment No. 4, after "**(C)**" insert "**(1)**"; and in line 20, after "**TAX.**" insert:

"**(2) FOR EACH TAXABLE YEAR, WASHINGTON COUNTY SHALL DISTRIBUTE TO THE TOWN OF WILLIAMSPORT THE GREATER OF:**

(I) AN AMOUNT EQUAL TO 35% OF ANY AMOUNT RECEIVED UNDER A NEGOTIATED PAYMENT IN LIEU OF TAXES UNDER THIS SECTION; OR

(II) $125,000.".

The preceding 2 amendments were read and adopted.

FLOOR AMENDMENT

(Amendment ID: SB0001/693623/1)

BY: Senator Harris

AMENDMENTS TO SENATE BILL 1, AS AMENDED

AMENDMENT NO. 1

On page 1 of the Budget and Taxation Committee Amendments (SB0001/949430/1), in line 15 of Amendment No. 1, strike "repealing a certain termination provision;".

On page 3 of the Budget and Taxation Committee Amendments, in line 15 of Amendment No. 2, after "repealing" insert "and reenacting, without amendments,".

AMENDMENT NO. 2

On page 9 of the Budget and Taxation Committee Amendments, in lines 12 and 13 of Amendment No. 6, in each instance, strike the bracket.

The preceding 2 amendments were read and adopted.

FLOOR AMENDMENT

(Amendment ID: SB0001/403024/1)

BY: Senator Pipkin

AMENDMENTS TO SENATE BILL 1
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "grants;" insert "requiring counties to pay a certain employer contribution for certain members of the Teachers' Retirement System, the Teachers' Pension System, and the Optional Retirement Program;

altering the amount of employer contributions the State is required to pay for certain members of the Teachers' Retirement System, the Teachers' Pension System, and the Optional Retirement Program;".

On page 2, in line 12, after "5–202(e)" insert ", 5–204, and 16–306.1"; and after line 14, insert:

"BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 21–304(b) and 30–205
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)".

AMENDMENT NO. 2

On page 3, after line 32, insert:

"Article – Education

5–204.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "LOCAL EMPLOYEES" MEANS THOSE MEMBERS OF THE TEACHERS' RETIREMENT SYSTEM UNDER TITLE 22 OF THE STATE PERSONNEL AND PENSIONS ARTICLE OR THE TEACHERS' PENSION SYSTEM UNDER TITLE 23 OF THE STATE PERSONNEL AND PENSIONS ARTICLE WHO ARE:

(I) EMPLOYEES OF A DAY SCHOOL IN THE STATE UNDER THE AUTHORITY AND SUPERVISION OF A COUNTY BOARD OF EDUCATION OR THE BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS, EMPLOYED AS:

1. CLERKS;

2. HELPING TEACHERS;

3. PRINCIPALS;

4. SUPERINTENDENTS;

5. SUPERVISORS; OR

6. TEACHERS; OR

(II) LIBRARIANS OR CLERICAL EMPLOYEES OF A LIBRARY THAT IS ESTABLISHED OR OPERATES UNDER THIS ARTICLE.

(3) "TOTAL EMPLOYER CONTRIBUTION" MEANS THAT PORTION OF THE EMPLOYER CONTRIBUTION CALCULATED UNDER § 21–304 OF THE STATE PERSONNEL AND PENSIONS ARTICLE THAT IS ATTRIBUTABLE TO THE LOCAL EMPLOYEES OF EACH COUNTY.

(B) THE TOTAL EMPLOYER CONTRIBUTION FOR EACH COUNTY SHALL BE THE OBLIGATION OF THE COUNTY.

16–306.1.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "LOCAL EMPLOYEES" MEANS THOSE MEMBERS OF THE TEACHERS' RETIREMENT SYSTEM UNDER TITLE 22 OF THE STATE PERSONNEL AND PENSIONS ARTICLE OR THE TEACHERS' PENSION SYSTEM UNDER TITLE 23 OF THE STATE PERSONNEL AND PENSIONS ARTICLE WHO ARE FACULTY, PROFESSIONAL, OR CLERICAL EMPLOYEES OF A COMMUNITY COLLEGE THAT IS ESTABLISHED OR OPERATES UNDER THIS ARTICLE.

(3) "TOTAL EMPLOYER CONTRIBUTION" MEANS THAT PORTION OF THE EMPLOYER CONTRIBUTION CALCULATED UNDER § 21–304 OF THE STATE PERSONNEL AND PENSIONS ARTICLE THAT IS ATTRIBUTABLE TO THE LOCAL EMPLOYEES FOR EACH COMMUNITY COLLEGE.

(B) THIS SECTION DOES NOT APPLY TO BALTIMORE CITY COMMUNITY COLLEGE.

(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE TOTAL EMPLOYER CONTRIBUTION FOR EACH COMMUNITY

COLLEGE SHALL BE THE OBLIGATION OF THE COUNTY WHERE EACH COMMUNITY COLLEGE IS LOCATED.

(2) (I) FOR A REGIONAL COMMUNITY COLLEGE, AS DEFINED UNDER § 16–202 OF THIS TITLE, THE OBLIGATION OF THE TOTAL EMPLOYER CONTRIBUTION SHALL BE SHARED BY EACH COUNTY SUPPORTING THE REGIONAL COLLEGE.

(II) EACH COUNTY'S SHARE SHALL BE PRORATED BY DIVIDING THE NUMBER OF FULL–TIME EQUIVALENT STUDENTS AS CALCULATED UNDER § 16–302(B)(7) OF THIS SUBTITLE FOR THE SECOND PRIOR FISCAL YEAR, WHO ARE ENROLLED AT THE REGIONAL COMMUNITY COLLEGE AND ARE RESIDENTS OF THE COUNTY, BY THE TOTAL NUMBER OF FULL–TIME EQUIVALENT STUDENTS AS CALCULATED UNDER § 16–305(B)(7) OF THIS SUBTITLE FOR THE SECOND PRIOR FISCAL YEAR, WHO ARE ENROLLED AT THE REGIONAL COMMUNITY COLLEGE AND ARE RESIDENTS OF THE REGION.

Article – State Personnel and Pensions

21–304.

(b) (1) **[**Each**]** **EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, EACH** fiscal year, on behalf of the State members of each State system, the State shall pay to the appropriate accumulation fund an amount equal to or greater than the sum of the amount, if any, required to be included in the budget bill under § 3–501(c)(2)(ii) of this article and the product of multiplying:

(i) the aggregate annual earnable compensation of the State members of that State system; and

(ii) 1. for State members of the Law Enforcement Officers' Retirement System, State Police Retirement System, and the Judges' Retirement System, the sum of the normal contribution rate and the accrued liability contribution rate, as determined under this section;

2. for State members of the Employees' Pension System, Employees' Retirement System, Correctional Officers' Retirement

System, and Legislative Pension Plan, the employees' systems contribution rate determined under subsection (e) of this section; or

3. for State members of the Teachers' Pension System and Teachers' Retirement System, the teachers' systems contribution rate determined under subsection (f) of this section.

(2) The amount determined under paragraph (1) of this subsection for each State system shall be based on an actuarial determination of the amounts that are required to preserve the integrity of the funds of the several systems using:

(i) the entry–age actuarial cost method; and

(ii) actuarial assumptions adopted by the Board of Trustees.

(3) For the purpose of making the determinations required under this section:

(i) the Employees' Retirement System, the Employees' Pension System, the Correctional Officers' Retirement System, and the Legislative Pension Plan shall be considered together as one State system; and

(ii) the Teachers' Retirement System and the Teachers' Pension System shall be considered together as one State system.

(4) (I) THE STATE SHALL PAY 100% OF THE AMOUNT DETERMINED UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR THOSE MEMBERS OF THE TEACHERS' RETIREMENT SYSTEM OR TEACHERS' PENSION SYSTEM WHO ARE:

1. FACULTY, PROFESSIONAL, OR CLERICAL EMPLOYEES OF BALTIMORE CITY COMMUNITY COLLEGE;

2. FACULTY EMPLOYEES OF AN EDUCATIONAL INSTITUTION, OTHER THAN A COMMUNITY COLLEGE, SUPPORTED BY AND UNDER THE CONTROL OF THE STATE; OR

3. STAFF EMPLOYEES OF THE UNIVERSITY SYSTEM OF MARYLAND, MORGAN STATE UNIVERSITY, OR ST. MARY'S COLLEGE OF MARYLAND WHO ARE MEMBERS OF THE TEACHERS' PENSION SYSTEM AS OF JANUARY 1, 1998, OR WHO TRANSFER FROM THE TEACHERS' RETIREMENT SYSTEM ON OR AFTER JANUARY 1, 1998.

(II) THE STATE IS NOT OBLIGATED TO PAY ANY PORTION OF THE AMOUNTS CALCULATED IN §§ 5–204(B) AND 16–306.1(C) OF THE EDUCATION ARTICLE FOR THOSE MEMBERS OF THE TEACHERS' RETIREMENT SYSTEM OR TEACHERS' PENSION SYSTEM WHO ARE:

1. EMPLOYEES OF A DAY SCHOOL IN THE STATE UNDER THE AUTHORITY AND SUPERVISION OF A COUNTY BOARD OF EDUCATION OR THE BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS, EMPLOYED AS:

A. CLERKS;

B. HELPING TEACHERS;

C. PRINCIPALS;

D. SUPERINTENDENTS;

E. SUPERVISORS; OR

F. TEACHERS;

2. LIBRARIANS OR CLERICAL EMPLOYEES OF A LIBRARY THAT IS ESTABLISHED OR OPERATES UNDER THE EDUCATION ARTICLE; OR

3. FACULTY, PROFESSIONAL, OR CLERICAL EMPLOYEES OF A COMMUNITY COLLEGE THAT IS ESTABLISHED OR OPERATES UNDER THE EDUCATION ARTICLE AND IS NOT LOCATED IN BALTIMORE CITY.

30–205.

(a) Under the program, the State and the participating employees shall contribute, to the extent required, toward the purchase of annuity contracts.

(b) A participating employee may elect to make contributions to no more than two designated companies under the program for the same payroll period, if the Board of Trustees determines that the election of more than one designated company is administratively feasible.

(c) (1) **(I)** On behalf of each participating employee **WHO IS NOT EMPLOYED BY A COMMUNITY COLLEGE, OTHER THAN BALTIMORE CITY COMMUNITY COLLEGE, THAT IS ESTABLISHED OR OPERATES UNDER THE EDUCATION ARTICLE,** the State shall contribute 7.25% of the participating employee's annual earnable compensation.

(II) EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH, ON BEHALF OF EACH PARTICIPATING EMPLOYEE WHO IS EMPLOYED BY A COMMUNITY COLLEGE, OTHER THAN BALTIMORE CITY COMMUNITY COLLEGE, THAT IS ESTABLISHED OR OPERATES UNDER THE EDUCATION ARTICLE THE COUNTY WHERE THE COMMUNITY COLLEGE IS LOCATED SHALL CONTRIBUTE 7.25% OF THE PARTICIPATING EMPLOYEE'S ANNUAL EARNABLE COMPENSATION.

(III) 1. ON BEHALF OF EACH PARTICIPATING EMPLOYEE WHO IS EMPLOYED BY A REGIONAL COMMUNITY COLLEGE, AS DEFINED IN § 16–202 OF THE EDUCATION ARTICLE, THE COUNTIES SUPPORTING THE REGIONAL COMMUNITY COLLEGE SHALL CONTRIBUTE 7.25% OF THE PARTICIPATING EMPLOYEE'S ANNUAL EARNABLE COMPENSATION.

2. EACH COUNTY'S SHARE UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH SHALL BE PRORATED BY DIVIDING THE NUMBER OF FULL–TIME EQUIVALENT STUDENTS AS CALCULATED UNDER § 16–305(B)(7) OF THE EDUCATION ARTICLE FOR THE SECOND PRIOR FISCAL YEAR, WHO ARE ENROLLED AT THE REGIONAL COMMUNITY COLLEGE AND ARE RESIDENTS OF THE COUNTY, BY THE TOTAL NUMBER OF FULL–TIME EQUIVALENT STUDENTS AS CALCULATED UNDER § 16–305(B)(7) OF THE EDUCATION ARTICLE FOR THE SECOND PRIOR FISCAL YEAR, WHO ARE ENROLLED AT THE REGIONAL COMMUNITY COLLEGE AND ARE RESIDENTS OF THE REGION.

(IV) ON BEHALF OF EACH PARTICIPATING EMPLOYEE WHO IS EMPLOYED BY BALTIMORE CITY COMMUNITY COLLEGE, THE STATE SHALL CONTRIBUTE 7.25% OF THE PARTICIPATING EMPLOYEE'S ANNUAL EARNABLE COMPENSATION.

(2) If a participating employee's compensation is paid from special or federal funds or both, the State's contribution to the program shall be paid from those funds.

(d) The Central Payroll Bureau shall pay contributions to the appropriate designated company for the benefit of each participating employee.".

The preceding 2 amendments were read and rejected by a roll call vote as follows:

Affirmative – 9 Negative – 36 (See Roll Call No. 69)

FLOOR AMENDMENT

(Amendment ID: SB0001/173423/1)

BY: Senator Pipkin

AMENDMENTS TO SENATE BILL 1
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after "education;" insert "limiting the years in which the State may provide aid to certain nonpublic institutions of higher education;".

On page 2, in line 2, strike "17–104(d)" and substitute "17–104(a) and (d)".

AMENDMENT NO. 2

On page 6, after line 16, insert:

"(a) The Maryland Higher Education Commission shall compute the amount of the annual apportionment for each institution that qualifies under this subtitle by multiplying:

(1) The number of full–time equivalent students enrolled at the institution during the fall semester of the fiscal year preceding the fiscal year for which the aid apportionment is made, as determined by the Maryland Higher Education Commission times;

(2) (i) In each of fiscal years 2003 and 2004, an amount not less than 14.3% of the State's General Fund per full–time equivalent student appropriation to the 4-year public institutions of higher education in this State for the preceding fiscal year;

(ii) In fiscal year 2005, an amount not less than 15.2% of the State's General Fund per full–time equivalent student appropriation to the 4–year public institutions of higher education in this State for the preceding fiscal year; and

(iii) In fiscal **[**year**]** **YEARS** 2006 **[**and each fiscal year thereafter**], 2007, AND 2008**, an amount not less than 16% of the State's General Fund per full–time equivalent student appropriation to the 4–year public institutions of higher education in this State for the preceding fiscal year.".

The preceding 2 amendments were read and rejected by a roll call vote as follows:

Affirmative – 17 Negative – 28 (See Roll Call No. 70)

FLOOR AMENDMENT

(Amendment ID: SB0001/313025/1)

BY: Senator Pipkin

AMENDMENTS TO SENATE BILL 1
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after "counties;" insert "altering the manner of calculating a certain geographic cost of education index;".

On page 2, in line 2, after "5–202(a)(13)" insert "and (f)".

AMENDMENT NO. 2

On page 5, after line 27, insert:

"(f) (1) In this subsection, "GCEI adjustment" means the **STATE SHARE OF THE** foundation program for each county multiplied by:

(i) 0.000 in Allegany;

(ii) 0.018 in Anne Arundel;

(iii) 0.042 in Baltimore City;

(iv) 0.008 in Baltimore;

(v) 0.021 in Calvert;

(vi) 0.000 in Caroline;

(vii) 0.014 in Carroll;

(viii) 0.000 in Cecil;

(ix) 0.020 in Charles;

(x) 0.000 in Dorchester;

(xi) 0.024 in Frederick;

(xii) 0.000 in Garrett;

(xiii) 0.000 in Harford;

(xiv) 0.015 in Howard;

(xv) 0.010 in Kent;

(xvi) 0.034 in Montgomery;

(xvii) 0.048 in Prince George's;

(xviii) 0.011 in Queen Anne's;

(xix) 0.002 in St. Mary's;

(xx) 0.000 in Somerset;

(xxi) 0.000 in Talbot;

(xxii) 0.000 in Washington;

(xxiii) 0.000 in Wicomico; and

(xxiv) 0.000 in Worcester.

(2) To the extent funds are provided in the State budget for the grants under this subsection, in addition to the State share of the foundation program, each county board may receive a grant to reflect regional differences in the cost of education that are due to factors outside of the control of the local jurisdiction.

(3) Subject to paragraph (4) of this subsection, the amount of the grant to each county board under this subsection **[**shall**]** **MAY** equal the GCEI adjustment for the county board multiplied times:

(i) 0.50 in fiscal year 2006;

(ii) 0.62 in fiscal year 2007;

(iii) 0.74 in fiscal year 2008;

(iv) 0.86 in fiscal year 2009; and

(v) 1.00 in fiscal year 2010 and each fiscal year thereafter.

(4) For any fiscal year, if sufficient funds are not provided in the State budget to fully fund the grants provided under this subsection, the grant to each county board under this subsection **[**shall**]** **MAY** equal the amount determined under paragraph (3) of this subsection multiplied by a fraction:

(i) The numerator of which is the amount provided in the State budget to fund the grants; and

(ii) The denominator of which is the sum of the amounts calculated under paragraph (3) of this subsection for all the county boards.".

The preceding 2 amendments were read and rejected by a roll call vote as follows:

Affirmative – 13 Negative – 32 (See Roll Call No. 71)

FLOOR AMENDMENT

(Amendment ID: SB0001/513025/1)

BY: Senator Pipkin

AMENDMENTS TO SENATE BILL 1

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "grants;" insert "altering the commission that a licensed agent of the State Lottery Agency is required to be paid on sales made during a calendar year;".

On page 2, after line 14, insert:

"BY repealing and reenacting, with amendments,
Article – State Government
Section 9–117(a)(1)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)".

AMENDMENT NO. 2

On page 5, after line 27, insert:

"Article – State Government

9–117.

(a) (1) During a calendar year, a licensed agent shall receive regular commissions of **[**5.5%**]** **5%** of the licensed agent's gross receipts from ticket sales made during that year.".

The preceding 2 amendments were read and rejected by a roll call vote as follows:

Affirmative – 13 Negative – 33 (See Roll Call No. 72)

Senator Della moved, duly seconded, to make the Bill a Special Order for the end of today's business.

The motion was adopted.

Senate Bill 6 – The President (By Request – Administration)

EMERGENCY BILL

AN ACT concerning

Working Families and Small Business Health Coverage Act

STATUS OF THE BILL: BILL IS ON SECOND READING AND OPEN TO AMENDMENT.

FLOOR AMENDMENT

(Amendment ID: SB0006/423122/1)

BY: Finance Committee

AMENDMENTS TO SENATE BILL 6
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, insert "EMERGENCY BILL".

On page 2, in line 15, after "terms;" insert "making this Act an emergency measure;".

AMENDMENT NO. 2

On page 17, in line 31, after "That" insert "this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three–fifths of all the members elected to each of the two Houses of the General Assembly, and"; in line 32, strike the second "this Act"; and in the same line, strike "January 1, 2008" and substitute "from the date it is enacted".

The preceding 2 amendments were read and adopted.

FLOOR AMENDMENT

(Amendment ID: SB0006/233722/1)

BY: Prince George's County Senators

AMENDMENT TO SENATE BILL 6
(First Reading File Bill)

On page 10, in line 27, after "**TO**" insert "**:**

(1)";

and in line 28, after "**INCOME**" insert "**; AND**

(2) SUBJECT TO SUBSECTION (I) OF THIS SECTION, SUPPORT THE PROVISION OF HEALTH CARE SERVICES IN PRINCE GEORGE'S COUNTY".

On page 12, in line 7, strike "**AND**"; in line 10, after "**ARTICLE**" insert "**; AND**

(4) SUPPORTING THE PROVISION OF HEALTH CARE SERVICES IN PRINCE GEORGE'S COUNTY IN ACCORDANCE WITH SUBSECTION (I) OF THIS SECTION";

after line 10, insert:

"**(I) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IN FISCAL YEARS 2011 THROUGH 2013, UP TO $10,000,000 MAY BE TRANSFERRED ANNUALLY FROM THE FUND TO THE DEPARTMENT FOR THE PURPOSE OF PROVIDING A SPECIAL FUND OPERATING GRANT TO AN INDEPENDENT ENTITY WITH AUTHORITY OVER THE FACILITIES CURRENTLY OPERATED AND HEALTH CARE SERVICES CURRENTLY PROVIDED BY DIMENSIONS HEALTHCARE SYSTEM UNTIL THE FACILITIES AND OBLIGATION TO PROVIDE THE SERVICES ARE TRANSFERRED TO A NEW OWNER OR OPERATOR.**

(2) THE DEPARTMENT MAY NOT PROVIDE A SPECIAL FUND OPERATING GRANT UNTIL A LONG–TERM, COMPREHENSIVE SOLUTION TO THE CONTROL AND OPERATION OF THE FACILITIES AND PROVISION OF HEALTH CARE SERVICES CURRENTLY OPERATED AND PROVIDED BY DIMENSIONS HEALTHCARE SYSTEM IS REACHED:

(I) THROUGH AN ACT OF THE GENERAL ASSEMBLY; OR

(II) A MEMORANDUM OF UNDERSTANDING BETWEEN THE STATE AND PRINCE GEORGE'S COUNTY.

(3) THE LONG–TERM, COMPREHENSIVE SOLUTION UNDER PARAGRAPH (2) OF THIS SUBSECTION SHALL ADDRESS ISSUES RELATED TO HEALTH CARE NEEDS IN PRINCE GEORGE'S COUNTY AND THE SURROUNDING REGION, INCLUDING:

(I) THE TRANSFER TO A NEW OWNER OR OPERATOR OF THE FACILITIES CURRENTLY OPERATED AND THE OBLIGATION TO PROVIDE THE HEALTH CARE SERVICES CURRENTLY PROVIDED BY DIMENSIONS HEALTHCARE SYSTEM;

(II) A PLAN FOR THE ASSETS CURRENTLY HELD BY PRINCE GEORGE'S COUNTY RELATED TO THE FACILITIES CURRENTLY OPERATED BY DIMENSIONS HEALTHCARE SYSTEM;

(III) A MECHANISM TO PROVIDE A STEADY REVENUE STREAM TO HELP SUPPORT ONGOING OPERATIONS OF THE FACILITIES CURRENTLY OPERATED BY DIMENSIONS HEALTHCARE SYSTEM AND TO RETIRE THE LONG–TERM BOND INDEBTEDNESS AND SATISFY THE UNFUNDED PENSION LIABILITY OF DIMENSIONS HEALTHCARE SYSTEM; AND

(IV) A MECHANISM TO ASSURE EQUITABLE AND SUSTAINABLE FUNDING FROM PRINCE GEORGE'S COUNTY AND THE STATE.";

and in lines 11, 13, and 15, strike "**(I)**", "**(J)**", and "**(K)**", respectively, and substitute "**(J)**", "**(K)**", and "**(L)**", respectively.

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 2 – The President (By Request – Administration)

AN ACT concerning

Tax Reform and Transportation Investment Act of 2007

STATUS OF THE BILL: THE BILL IS ON SECOND READING AND OPEN TO AMENDMENT.

FLOOR AMENDMENT

(Amendment ID: SB0002/423722/2)

BY: Senator Pipkin

AMENDMENT TO SENATE BILL 2, AS AMENDED
(First Reading File Bill)

On page 32, in line 15, strike "SECTION" and substitute "SECTION 22A. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law or this Act, any new revenue raised by this Act shall be distributed to the Transportation Trust Fund to be used for construction, reconstruction, and maintenance of highways and bridges.

SECTION".

The preceding amendment was read and rejected by a roll call vote as follows:

Affirmative – 16 Negative – 29 (See Roll Call No. 73)

FLOOR AMENDMENT

(Amendment ID: SB0002/723926/1)

BY: Senator Kasemeyer

AMENDMENTS TO SENATE BILL 2
(First Reading File Bill)

AMENDMENT NO. 1

On page 3 of the Budget and Taxation Committee Amendments (SB0002/189134/1), in line 22 of Amendment No. 1, strike "and (c–2)".

AMENDMENT NO. 2

On page 13 of the Budget and Taxation Committee Amendments, in Amendment No. 9, strike in their entirety lines 6 through 11, inclusive.

On page 15 of the bill, in line 1, after "**;**" insert "**OR**".

On page 14 of the Budget and Taxation Committee Amendments, in Amendment No. 9, strike beginning with "**; OR**" in line 1 down through "**SERVICE**" in line 2.

Strike the Amendment by Senator Haines (SB0002/683529/1) in its entirety.

The preceding 2 amendments were read and adopted by a roll call vote as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 74)

Read the second time and ordered prepared for Third Reading.

SPECIAL ORDERS

The presiding officer submitted the Special Orders of the day, as follows:

VETOED SENATE BILLS AND MESSAGES – 2007 REGULAR SESSION
(Policy)
(See Exhibit B of Appendix II)

Senate Bill 497 (2007) – Senators Haines, Brinkley, Hooper, Jacobs, and Mooney

Public Safety – Disposal of Handguns Owned by a Law Enforcement Agency

The President put the question: "Shall the Bill pass, notwithstanding the objections of the Chief Executive?"

The roll call vote resulted as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 75)

The President announced the veto was overridden.

RECESS

At 10:15 P.M. on motion of Senator Kasemeyer, seconded, the Senate took a recess until 10:20 P.M. on Legislative Day, November 1, 2007, Calendar Day, Thursday, November 8, 2007.

AFTER RECESS
Annapolis, Maryland
Legislative Day: November 1, 2007
Calendar Day: Thursday, November 8, 2007
10:20 P.M. Session

At 10:24 P.M. the Senate resumed its session.

QUORUM CALL

The presiding officer announced a quorum call, showing 45 Members present.

(See Roll Call No. 76)

On motion of Senator Kasemeyer it was ordered that Senator Hooper be excused from today's session.

SPECIAL ORDERS

The presiding officer submitted the Special Orders of the day, as follows:

Senate Bill 1 – The President (By Request – Administration)

AN ACT concerning

Budget Reconciliation Act

STATUS OF THE BILL: BILL IS ON SECOND READING AND OPEN TO AMENDMENT.

Senator Della moved, duly seconded, to reconsider the vote by which the floor amendments (773229/1) were adopted.

The motion was adopted.

FLOOR AMENDMENT

(Amendment ID: SB0001/773229/1)

BY: Senator Della

AMENDMENTS TO SENATE BILL 1, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, strike beginning with "providing" in line 12 down through "purpose;" in line 14.

AMENDMENT NO. 2

On page 8 of the bill, strike in their entirety lines 18 through 23, inclusive.

On page 16 of the Budget and Taxation Committee Amendments (SB0001/949430/1), in line 2 of Amendment No. 7, strike "10." and substitute "9.".

On page 17 of the Budget and Taxation Committee Amendments, in lines 1, 6, and 20, of Amendment No. 7, strike "11.", "12.", and "13.", respectively, and substitute "10.", "11.", and "12.", respectively.

On page 18 of the Budget and Taxation Committee Amendments, in line 2 of Amendment No. 8, strike "9."; in the same line, strike "14." and substitute "13."; in the same line, strike "16." and substitute "15."; in line 4, strike "15." and substitute "14."; in line 2 of Amendment No. 9, strike "17." and substitute "16."; and in line 3, strike "14 through 16" and substitute "13 through 15".

The preceding 2 amendments were withdrawn.

FLOOR AMENDMENT

(Amendment ID: SB0001/713324/1)

BY: Senator Della

AMENDMENTS TO SENATE BILL 1, AS AMENDED

AMENDMENT NO. 1

On page 1 of the Budget and Taxation Committee Amendments (SB0001/949430/1), in Amendment No. 1, strike beginning with "limiting" in line 12 down through "circumstances;" in line 13.

On pages 2 and 3 of the Budget and Taxation Committee Amendments, in Amendment No. 2, strike beginning with "BY" in the last line on page 2 down through "Supplement)" in line 4 on page 3.

AMENDMENT NO. 2

In Amendment No. 6 of the Budget and Taxation Committee Amendments, strike beginning with "AND" in line 2 on page 7 down through "**JUDGMENT**" in line 19 on page 8 and substitute "RESERVED".

On page 18 of the Budget and Taxation Committee Amendments, in Amendment No. 8, strike beginning with "AND" in line 4 down through "Act" in line 6 and substitute "RESERVED".

The preceding 2 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

The presiding officer announced a quorum call, showing 45 Members present.

(See Roll Call No. 77)

ADJOURNMENT

At 10:28 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 10:33 P.M. on Legislative Day, November 2, 2007, Calendar Day, Thursday, November 8, 2007.

Annapolis, Maryland
Legislative Day: November 2, 2007
Calendar Day: Thursday, November 8, 2007
10:33 P.M. Session

The Senate met at 10:29 P.M.

Prayer by Senator McFadden.

The Journal of November 1, 2007 was read and approved.

On motion of Senator Kasemeyer it was ordered that Senator Hooper be excused from today's session.

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #1

Senate Bill 4 – The President (By Request – Administration)

CONSTITUTIONAL AMENDMENT

AN ACT concerning

Video Lottery Terminals – Authorization and Limitations

Read the third time and passed by yeas and nays as follows:

Affirmative – 31 Negative – 15 (See Roll Call No. 78)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #2

Senate Bill 3 – The President (By Request – Administration)

AN ACT concerning

Maryland Education Trust Fund – Video Lottery Terminals

Read the third time and passed by yeas and nays as follows:

Affirmative – 25 Negative – 20 (See Roll Call No. 79)

The Bill was then sent to the House of Delegates.

Senator Kasemeyer moved, duly seconded, to stay and continue to work tonight.

The motion was rejected by roll call vote as follows:

Affirmative – 14 Negative – 32 (See Roll Call No. 80)

QUORUM CALL

The presiding officer announced a quorum call, showing 46 Members present.

(See Roll Call No. 81)

ADJOURNMENT

At 11:06 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 9:00 A.M. on Legislative Day, November 3, 2007, Calendar Day, Friday, November 9, 2007.

Annapolis, Maryland
Legislative Day: November 3, 2007
Calendar Day: Friday, November 9, 2007
9:00 A.M. Session

The Senate met at 9:34 A.M.

Prayer by Senator Edwards.

The Journal of November 2, 2007 was read and approved.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 83)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #5

Senate Bill 1 – The President (By Request – Administration)

AN ACT concerning

Budget Reconciliation Act

Read the third time and passed by yeas and nays as follows:

Affirmative – 32 Negative – 15 (See Roll Call No. 84)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #4

Senate Bill 2 – The President (By Request – Administration)

AN ACT concerning

Tax Reform and Transportation Investment Act of 2007

QUORUM CALL

The presiding officer announced a quorum call, showing 37 Members present.

(See Roll Call No. 85)

THIRD READING CALENDAR (SENATE BILLS) #4

Senate Bill 2 – The President (By Request – Administration)

AN ACT concerning

Tax Reform and Transportation Investment Act of 2007

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 86)

MOTION TO LIMIT DEBATE

Senator Kasemeyer moved, duly seconded, to limit the debate on **Senate Bill 2**.

Pursuant to the provisions of Senate Rule 77(b), debate on **Senate Bill 2** shall be limited to 2 hours in the aggregate for consideration of third reading and final passage, and on all subsequent questions and motions so related to such reading and other actions. The President shall allocate the 2 hours aggregate time among those Senators desiring to speak thereon, provided that not more than 1 hour shall be allocated for the proponents and not more than 1 hour shall be allocated for the opponents of such Bill.

The motion was adopted by a roll call vote as follows:

Affirmative – 29 Negative – 18 (See Roll Call No. 87)

QUORUM CALL

The presiding officer announced a quorum call, showing 31 Members present.

(See Roll Call No. 88)

Read the third time and passed by yeas and nays as follows:

Affirmative – 24 Negative – 23 (See Roll Call No. 89)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #3

Senate Bill 6 – The President (By Request – Administration)

EMERGENCY BILL

AN ACT concerning

Working Families and Small Business Health Coverage Act

Read the third time and passed by yeas and nays as follows:

Affirmative – 30 Negative – 17 (See Roll Call No. 90)

The Bill was then sent to the House of Delegates.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 91)

ADJOURNMENT

At 1:59 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 10:00 A.M. on Legislative Day, November 4, 2007, Calendar Day, Tuesday, November 13, 2007.

Annapolis, Maryland
Legislative Day: November 4, 2007
Calendar Day: Thursday, November 15, 2007
10:00 A.M. Session

The Senate met at 10:32 A.M.

The Journal of November 3, 2007 was read and approved.

QUORUM CALL

The presiding officer announced a quorum call, showing 46 Members present.

(See Roll Call No. 93)

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 1 – The Speaker (By Request – Administration)

AN ACT concerning

Budget Reconciliation Act

FOR the purpose of repealing certain provisions relating to certain State aid to certain counties; altering the calculation of certain State aid for public elementary and secondary education; establishing a supplemental grant program to provide certain county boards of education with certain grants; altering the calculation of certain State aid to community colleges, Baltimore City Community College, and certain nonpublic institutions of higher education in certain fiscal years; ~~repealing a partial exemption under the property tax for machinery and equipment used to generate electricity or steam for sale or hot or chilled water for sale that is used for certain purposes;~~ authorizing the governing body of a county to increase the percent of the assessment of certain personal property that is subject to the county property tax under certain circumstances; authorizing the governing body of a county to enter an agreement with the owner of a facility for the generation of electricity that is located or locates in the county for a negotiated payment by the owner in lieu of taxes on the facility; requiring Washington County to distribute a certain portion of the

certain property tax revenues or proceeds of a certain payment in lieu of taxes under certain circumstances; providing that property tax revenues in an amount equal to payments that a county would have been entitled to receive under a certain provision of law shall be excluded from a certain calculation; providing that certain transfer tax revenues in a certain special fund shall be used for certain purposes; altering the distribution of certain transfer tax revenues in a certain fund; requiring the synopses for certain bills to include a certain statement; requiring certain fiscal notes and a certain report to contain certain information; altering a certain date for the Maryland Agricultural and Resource–Based Industry Development Corporation to become financially self–sufficient; altering certain requirements that certain appropriations for certain purposes be included in the annual State budget for certain fiscal years; limiting the amount of State general funds that may be used for certain purposes; altering the purpose for which the Circuit Court Real Property Records Improvement Fund may be used for certain fiscal years; repealing a certain termination provision; altering certain grants to county boards of education under a certain aging schools program; repealing certain State programs; altering a certain local cost share for a certain nonpublic education program; repealing a required appropriation to a certain fund; delaying certain increases in certain funding calculations for certain resource centers and county libraries; repealing a requirement that a certain amount of State funds be provided to a certain public library capital projects program; ~~repealing a certain provision of law requiring the Department of Health and Mental Hygiene to adjust a certain payment to certain providers as recommended by the Community Services Reimbursement Rate Commission;~~ altering the commission that a licensed agent of the State Lottery Agency is required to be paid on sales made during a year; providing for the distribution of certain sales and use tax revenue to a certain special fund; ~~providing~~ declaring a certain legislative intent that the Governor in formulating a certain fiscal year budget shall apply certain monies in a certain fund for a certain purpose and that certain employees receive a certain pay period in which certain health insurance contributions are not required; repealing an obsolete provision of law; requiring the Governor to reduce certain regular positions and general fund expenditures associated with those positions in a certain budget; withdrawing certain appropriations from a certain fiscal year; declaring a certain legislative intent relating to the development of a certain budget and the reduction of certain positions; defining certain terms; making certain provisions of this Act subject to certain contingencies; providing for the application of certain provisions of this Act; providing for the effective date of this Act; and generally relating to the financing of State and local government.

BY repealing
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 9–1102

Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 9–1103(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Education
Section 5–202(a)(13), ~~16–305(c)(1)(ii), 16–512(a)(2), and 17–104(d)~~ 5–206(f), 8–415(d)(3)(i), 13–104, 16–305(c)(1), 16–512(a), 17–104, 23–205(c), 23–503, and 23–510(e)(5)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing
Article – Education
Section 5–202(e) , 7–117, and 7–118
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – Education
Section 5–202(e)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 2–1303
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)
(As enacted by Chapter ____ (H.B. 5) of the Acts of the General Assembly of the 2007 Special Session)

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 7–237
Annotated Code of Maryland
(2007 Replacement Volume)

BY adding to
Article – Tax – Property
Section 7–514
Annotated Code of Maryland

(2007 Replacement Volume)

BY repealing and reenacting, ~~without~~ with amendments,
Article – Natural Resources
Section 5–903(a) and (b)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

~~BY repealing and reenacting, with amendments,~~
~~Article – Natural Resources~~
~~Section 5–903(b)~~
~~Annotated Code of Maryland~~
~~(2005 Replacement Volume and 2007 Supplement)~~

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–117(a)(1), 2–1501, 2–1504, and 2–1505(e) and (j)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – State Government
Section 2–1505(c)(1)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article 41 – Governor – Executive and Administrative Departments
Section 13–503(a)
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article 41 – Governor – Executive and Administrative Departments
Section 13–513(c)
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Agriculture
Section 8–405
Annotated Code of Maryland
(2007 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 1–504 and 13–603(c)

Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Courts and Judicial Proceedings
Section 13–602(a)(1)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing
Article – Courts and Judicial Proceedings
Section 13–607
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Education
Section 16–305(a) and (b), 16–512(b), and 23–510(a) and (b)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

~~BY repealing~~
~~Article – Health – General~~
~~Section 16–201.2~~
~~Annotated Code of Maryland~~
~~(2005 Replacement Volume and 2007 Supplement)~~

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 7–325
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Chapter 269 of the Acts of the General Assembly of 2006
Section 2

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 2 – The Speaker (By Request – Administration)

AN ACT concerning

Tax Reform Act of 2007

FOR the purpose of altering a provision relating to the calculation of the income tax required to be withheld on wages; altering the rates and rate brackets

under the State income tax on individuals; providing for the application of the income tax rates to nonresidents; ~~altering the amount allowed as a deduction for additional exemptions under the Maryland income tax for certain individuals who as of the last day of the taxable year are blind or are at least a certain age;~~ altering the amount allowed as a deduction for certain exemptions under the Maryland income tax; altering the amount allowed as a deduction for certain exemptions under certain circumstances; altering the calculation of the rate of tax that must be paid to the clerk of the circuit court for a county or to the Department of Assessments and Taxation prior to the recording of certain deeds for the sale of certain property; altering eligibility for and the percentage of the federal earned income credit used for determining the amount that certain individuals may claim as a refundable credit under the Maryland earned income credit under certain circumstances; altering the calculation of a refundable county earned income credit if a county provides a refundable county earned income credit; removing a certain restriction on eligibility to claim a refundable earned income credit under certain circumstances; ~~allowing certain individuals having income not exceeding certain levels a credit against the State income tax in a certain amount; making the credit refundable under certain circumstances; altering the maximum rate of the admissions and amusement tax that a county or municipal corporation may set for gross receipts that are also subject to the State sales and use tax; altering the rate of the sales and use tax; altering the percentage of gross receipts from vending machine sales to which the sales and use tax rate applies; altering the calculation of a certain credit relating to collecting and paying the sales and use tax; altering the definition of "taxable service" under the sales and use tax to impose the tax on certain services; designating certain periods each year to be tax–free periods during which an exemption from the sales and use tax is provided for the sale of certain appliances and products that meet or exceed certain applicable energy efficiency guidelines and certain solar water heaters; designating certain periods each year to be tax–free periods during which a certain sales and use tax exemption for the sale of certain clothing or footwear is provided;~~ altering the State income tax rate on the Maryland taxable income of corporations; altering the distribution of the corporate income tax; ~~requiring the Comptroller to distribute certain corporate income tax revenues for certain fiscal years to a certain special fund and a certain account in the Transportation Trust Fund; establishing the Higher Maryland Education Investment Fund; specifying that the Fund is a special, nonlapsing fund, that the State Treasurer shall hold the Fund separately, and that the Comptroller shall account for the Fund; specifying that the Fund consists of certain revenues a certain appropriation and other moneys accepted for certain purposes; requiring certain investment earnings to be credited to the Fund; allowing the Fund to be used only for certain purposes and under certain circumstances;~~ altering a certain modification under the Maryland income tax relating to certain federal tax changes; requiring certain corporations to compute Maryland taxable

income using a certain method; providing that, subject to regulations of the Comptroller, certain groups of corporations shall file a combined income tax return reflecting the aggregate income tax liability of all of the members of the group; requiring the Comptroller to adopt certain regulations; requiring certain regulations to be consistent with certain regulations adopted by the Multistate Tax Commission; imposing recordation and transfer taxes on the transfer of controlling interest in certain entities owning certain interests in real property in Maryland; requiring the filing of a certain report; providing for a filing fee; establishing the rate of taxation and the method of calculation of tax liability; exempting certain transfers; providing for interest and a penalty for certain filings; requiring the Department of Assessments and Taxation to adopt certain regulations; requiring the Department to deduct and credit certain revenues to a certain fund; ~~altering the tobacco tax rate for cigarettes; altering a certain discount provision under the tobacco tax; providing for the application of the tobacco tax to certain cigarettes;~~ requiring the Comptroller to assess interest and penalties under certain circumstances for a certain taxable year; ~~requiring the Comptroller to adopt regulations to exempt from a certain rate increase certain sales related to contracts entered into prior to a certain date; stating the intent of the General Assembly that certain general fund appropriations for certain purposes be included in the State budget for certain fiscal years under certain circumstances; stating the intent of the General Assembly that certain distributions of certain revenues continue for certain fiscal years under certain circumstances;~~ defining certain terms; repealing certain obsolete provisions of law; providing for the effective dates and application of this Act; and generally relating to Maryland taxes.

BY repealing and reenacting, without amendments,
Article – Tax – General
Section 2–106(c)(3) and (d)(3), 10–207(r), and 10–908(d)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 2–106(f), 2–614, 2–615, ~~4–105(b),~~ 10–102.1(d)(1), 10–105, 10–210.1(b)(3), 10–211, 10–601, 10–704, 10–908(e) and (f), 10–912(c), ~~11–101(m),~~ and 10–811~~, 11–104(a) and (b), 11–105, 11–226, 11–228, 11–301, 12–105(a), and 12–303(b)~~
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY adding to
Article – Tax – General
Section 2–613.1~~,~~ and 10–402.1~~, and 10–726~~
Annotated Code of Maryland

(2004 Replacement Volume and 2007 Supplement)

~~BY adding to~~
~~Article – Education~~
~~Section 15–106.6~~ 27–101 ~~to be under the new title "Title 27. Maryland Education Investment Fund"~~
~~Annotated Code of Maryland~~
~~(2006 Replacement Volume and 2007 Supplement)~~

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 12–110(d) and 13–209(a)
Annotated Code of Maryland
(2007 Replacement Volume)

BY adding to
Article – Tax – Property
Section 12–117 and 13–103
Annotated Code of Maryland
(2007 Replacement Volume)

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 5 – The Speaker (By Request – Administration)

AN ACT concerning

Transportation and State Investment Act

FOR the purpose of ~~altering the motor fuel tax rates for certain motor fuel; providing for certain increases in the motor fuel tax rates for certain motor fuel for certain periods under certain circumstances; requiring the Comptroller to make certain determinations and announcements; providing for the payment of certain taxes on certain tax–paid motor fuel held as of certain dates; increasing the maximum allowable aggregate amount of outstanding and unpaid consolidated transportation bonds and bonds of prior issues;~~ altering the tobacco tax rate for cigarettes; altering the maximum rate of the admissions and amusement tax that a county or municipal corporation may set for gross receipts that are also subject to the State sales and use tax; altering the rate of the sales and use tax; altering the sales and use tax rate for the sale of a right to occupy a room or lodgings as a transient guest; altering the percentage of gross receipts from vending machine sales to which the sales and use tax rate applies; repealing a prohibition against certain advertisements or statements by vendors regarding the payment of the sales and use tax; authorizing vendors to assume or absorb all or any part of the sales and use tax imposed on a retail sale or use and to pay that sales and use tax on behalf

of the buyer; altering the calculation of a certain credit relating to collecting and paying the sales and use tax; ~~altering the definition of "taxable service" under the sales and use tax to impose the tax on certain services;~~ designating a certain period each year to be a tax–free period during which an exemption from the sales and use tax is provided for the sale of certain appliances and products that meet or exceed certain applicable energy efficiency guidelines and certain solar water heaters; designating a certain period each year to be a tax–free period during which a certain sales and use tax exemption for the sale of certain clothing or footwear is provided; providing for the distribution of certain sales and use tax revenues to the Transportation Trust Fund; providing for the pledging of certain revenues for certain purposes; altering the definition of "total purchase price" for purposes of the vehicle excise tax to exclude from the computation of the tax, subject to a certain limitation, half the value of a vehicle traded in as part of the consideration for the sale of a vehicle; establishing a Chesapeake Bay 2010 Trust Fund in the Department of Natural Resources as a special fund to be used for certain purposes; providing for the distribution of certain transportation tax revenues to the Fund; establishing a certain special fund to be used to support tourism, the arts, and other cultural activities; altering the vehicle excise tax rate for certain motor vehicles, trailers, and semitrailers; altering the distribution of the revenue collected from the sales and use tax on short–term vehicle rentals; ~~altering the distribution of the income tax revenue from corporations;~~ altering the distribution of revenue collected from the motor fuel tax; altering the distribution of certain moneys received under the Maryland Vehicle Law; altering the distribution of revenue collected from certain special license tag fees; altering the distribution of revenue collected from certain security interest filing fees; requiring the Governor to include certain appropriations in the budget bill for each fiscal year; ~~defining a certain term;~~ providing for the distribution of certain sales and use tax revenue collected for a certain period to a certain special fund; repealing ~~an~~ certain obsolete ~~provision~~ provisions of law; stating the intent of the General Assembly that the Maryland Department of Transportation provide a certain report to certain committees and that certain revenues not be included in certain fiscal years budgets until a certain time; requiring the Comptroller to adopt regulations to exempt from a certain rate increase certain sales related to contracts entered into prior to a certain date; providing for the application of the tobacco tax to certain cigarettes; making a provision of this Act subject to a certain contingency; providing for the application of certain provisions of this Act; providing for the effective date of this Act; and generally relating to tax revenues and transportation financing and revenues to be collected and distributed to the Transportation Trust Fund.

BY repealing and reenacting, with amendments,
Article – Tax – General

Section ~~9–305~~ ~~2–1104, 2–1302.2, 2–1303,~~ 4–105(b), ~~11–101(m),~~ 11–104(a) and (b), 11–105, 11–226, 11–228, 11–301, 11–302, 11–402, 11–601(b)(1), and 12–105(a)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, ~~with~~ without amendments,
Article – Transportation
Section 3–202
Annotated Code of Maryland
(2001 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section ~~13–809(c)(1)~~ 3–215 and 13–809(a)(3) and (c)(1)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 13–809(b)(1)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 9–1104
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

~~BY adding to~~
~~Article – Environment~~
~~Section 9–1605.3~~
~~Annotated Code of Maryland~~
~~(2007 Replacement Volume and 2007 Supplement)~~

BY adding to
Article – Natural Resources
Section 4–209(k) ~~and 8–205~~
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY adding to
Article – Natural Resources
Section 8–205 and 8–707(d)
Annotated Code of Maryland
(2007 Replacement Volume)

BY repealing
Article – State Finance and Procurement
Section 7–313
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – State Finance and Procurement
Section 7–328
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – Tax – General
Section 2–1302.2~~, 11–101(c–1),~~ and 11–104(g)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General
~~Section 2–614, 2–1103, and 2–1302.1~~
Section 2–1104, 2–1302.1, and 2–1303
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

~~BY repealing~~
~~Article – Tax – General~~
~~Section 2–1102 and 2–1104~~
~~Annotated Code of Maryland~~
~~(2004 Replacement Volume and 2007 Supplement)~~

BY repealing and reenacting, without amendments,
Article – Transportation
Section 8–402
Annotated Code of Maryland
(2001 Replacement Volume and 2007 Supplement)

~~BY repealing and reenacting, without amendments,~~
~~Article – Transportation~~
~~Section 12–118(a)~~
~~Annotated Code of Maryland~~
~~(2006 Replacement Volume and 2007 Supplement)~~

BY repealing and reenacting, with amendments,
Article – Transportation
Section ~~12–118(b) and~~ 13–613(d)

Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing
Article – Transportation
Section 13–208 and 13–613(e)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

MESSAGE FROM THE HOUSE OF DELEGATES

November 7, 2007

Message to the Senate
Ladies and Gentlemen of the Senate

The House of Delegates has voted to override the Governor's veto of Senate Bill 497. Said Bill is returned to the Senate herewith.

By Order,

Mary Monahan
Chief Clerk

Read and Ordered journalized.

INTRODUCTION OF RESOLUTIONS

Resolution

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to

Senator J. Robert Hooper

in recognition of

your 9 years as our esteemed colleague, who has served the constituents of Harford County with great integrity and commitment. We are proud and honored to have served with you. We will miss your presence in the

Senate Chamber and your contribution to this body.

The entire membership extends best wishes on this memorable occasion and directs this resolution be presented on this 15th day of November 2007.

Read and adopted by a roll call vote as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 94)

QUORUM CALL

The presiding officer announced a quorum call, showing 46 Members present.

(See Roll Call No. 95)

ADJOURNMENT

At 11:03 A.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 8:30 A.M. on Legislative Day November 5, 2007, Calendar Day, Friday, November 16, 2007.

Annapolis, Maryland
Legislative Day: November 5, 2007
Calendar Day: Friday, November 16, 2007
8:30 A.M. Session

The Senate met at 8:56 A.M.

QUORUM CALL

The presiding officer announced a quorum call, showing 43 Members present.

(See Roll Call No. 97)

The Journal of November 4, 2007 was read and approved.

On motion of Senator Kasemeyer it was ordered that Senators Dyson, Hooper, Pinsky and Rosapepe be excused from today's session.

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 23 – Delegates McIntosh, V. Clagett, Frush, Lafferty, Lawton, Niemann, ~~and Stein~~ Stein, Ali, Bobo, Cane, Glenn, Healey, Holmes, Hucker, and Manno

SECOND PRINTING

AN ACT concerning

Chesapeake ~~and Atlantic Coastal Bays – Maryland Green Fund~~ Bay 2010 Trust Fund

FOR the purpose of establishing the ~~Maryland Green~~ Chesapeake Bay 2010 Trust Fund as a special, continuing, nonlapsing fund beginning on a certain date; stating the intent of the General Assembly; providing for the uses of the ~~Fund;~~ Trust Fund; establishing funding for the Trust Fund; authorizing the Department of the Environment to adopt certain regulations; providing for certain bonding authority relating to money in the Fund; establishing the BayStat accountability and management process and participants in the process; establishing the purpose of BayStat; requiring BayStat participants to analyze certain elements of certain Chesapeake Bay related programs; requiring BayStat participants

to assess the effectiveness of programs financed by the Trust Fund and other State programs relating to the Chesapeake Bay, the Atlantic Coastal Bays, the Patuxent River, and all other waters of the State; requiring BayStat participants to prepare, based on certain criteria, a certain expenditure and work plan for the distribution of Trust Fund money; requiring BayStat participants to establish certain standards for the reallocation of a certain amount of money in the Trust Fund under certain circumstances; requiring BayStat participants to ensure that a certain percentage of the Trust Fund is allocated for certain grants to local governments; requiring local governments to submit a certain report to BayStat participants under certain circumstances; requiring BayStat participants to make a certain annual report; requiring BayStat participants to establish a certain Trust Fund Technical Review Committee; providing for the membership and cochairs of the Review Committee; requiring the Review Committee to review and suggest appropriate changes to the annual expenditure and work plan or any reallocation of Trust Fund money; requiring the Review Committee to adopt certain rules ~~establishing a statewide impervious surface fee, beginning on a certain date, for certain types of property; providing for the assessment and collection of the fee for deposit into the Fund; providing for the calculation of the fee using certain data or measurements; providing for a certain exemption from the fee; authorizing the reduction of the fee for certain property up to a certain amount using certain offsets; requiring the Department of the Environment, in consultation with the Department of Natural Resources, to adopt certain regulations by a certain date governing offsets granted under this Act; authorizing the Comptroller or a local government to retain a certain percentage of certain revenue under certain circumstances to be used for certain purposes; providing for the administration and distribution of the fee; establishing the Maryland Green Fund Oversight Committee; providing for the membership and terms for the Committee; requiring certain units of State and local government to provide annually certain information to the Committee; requiring the Committee to meet a certain minimum number of times per year; requiring the Committee to establish and review certain performance benchmarks; requiring the Committee to monitor certain accountability measures; requiring the Committee to provide a certain report annually on or before a certain date; requiring the Department of Natural Resources to provide staff for the Committee; making the provisions of this Act severable~~; defining certain terms; and generally relating to the establishment of the ~~Maryland Green~~ Chesapeake Bay 2010 Trust Fund as a dedicated funding source for the restoration of the Chesapeake and Atlantic Coastal Bays, the Patuxent River, and the waters of the State.

BY adding to
Article – Environment
Section 9–1605.3
Annotated Code of Maryland

(2007 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment
Section 9–1611 and 9–1616
Annotated Code of Maryland
(2007 Replacement Volume and 2007 Supplement)

BY adding to
Article – Natural Resources
Section 8–2201 ~~through 8–2206~~ and 8–2202 to be under the new subtitle "Subtitle 22. ~~Maryland Green Fund~~ BayStat"
Annotated Code of Maryland
(2007 Replacement Volume)

Read the first time and referred to the Committee on Rules.

QUORUM CALL

The presiding officer announced a quorum call, showing 43 Members present.

(See Roll Call No. 98)

RECESS

At 9:04 A.M. on motion of Senator Kasemeyer, seconded, the Senate recessed until 11:00 A.M. on Legislative Day, November 5, 2007, Calendar Day, Saturday, November 17, 2007.

AFTER RECESS
Annapolis, Maryland
Legislative Day: November 5, 2007
Calendar Day: Saturday, November 17, 2007
11 A.M. Session

At 3:47 P.M. the Senate resumed its session.

QUORUM CALL

The presiding officer announced a quorum call, showing 45 Members present.

(See Roll Call No. 100)

On motion of Senator Kasemeyer it was ordered that Senators Hooper and Middleton be excused from today's session.

INTRODUCTION OF BILLS

Senate Bill 33 – Senator Pipkin

AN ACT concerning

State Government – Public Benefits and Services – Illegal Aliens

FOR the purpose of prohibiting the State from authorizing or providing certain public benefits or services to illegal aliens in the State; defining a certain term; and generally relating to prohibiting the provision of certain public benefits and services to illegal aliens in Maryland.

BY adding to
Article – State Government
Section 20–101 to be under the new title "Title 20. Prohibition of State Assistance to Illegal Aliens"
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

Senate Bill 34 – Senator Pipkin

AN ACT concerning

Task Force to Study the Cost of Illegal Immigrants in Maryland

FOR the purpose of establishing a Task Force to Study the Cost of Illegal Immigrants in Maryland; providing for the membership and duties of the Task Force; providing for the designation of a chair of the Task Force; requiring the Department of Business and Economic Development to provide staff for the Task Force; prohibiting members of the Task Force from receiving compensation; authorizing a member to receive certain reimbursement; requiring the Task Force to report its findings and recommendations to the Governor and the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to a Task Force to Study the Cost of Illegal Immigrants in Maryland.

Read the first time and referred to the Committee on Rules.

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 4 – The Speaker (By Request – Administration)

CONSTITUTIONAL AMENDMENT

AN ACT concerning

Video Lottery Terminals – Authorization and Limitations

FOR the purpose of adding a new article to the Maryland Constitution to authorize video lottery terminal gaming in the State for the primary purpose of providing funds for public education; limiting the number of licenses that the State may issue to operate video lottery terminals; limiting the number of locations at which video lottery terminal facilities may be located; requiring a video lottery facility to comply with applicable planning and zoning laws of the local jurisdiction; limiting the number of video lottery terminals that may be authorized in the State; providing that the statutory addition or expansion of forms of commercial gaming by the General Assembly is prohibited except as provided by this Act; providing that the General Assembly may enact certain laws not inconsistent with certain provisions as may be necessary and proper to carry out certain provisions; defining a certain term; and submitting this amendment to the qualified voters of the State of Maryland for their adoption or rejection.

BY proposing an addition to the Maryland Constitution

New Article XIX – Video Lottery Terminals
Section 1

Read the first time and referred to the Committee on Budget and Taxation.

Senator Pipkin motioned the Senate adjourn Sine Die.

The motion was rejected by roll call vote as follows:

Affirmative – 13 Negative – 31 (See Roll Call No. 101)

QUORUM CALL

The presiding officer announced a quorum call, showing 45 Members present.

(See Roll Call No. 102)

RECESS

At 4:00 P.M. on motion of Senator Kasemeyer, seconded, the Senate recessed until 6:00 P.M. on Legislative Day, November 5, 2007, Calendar Day, Sunday, November 18, 2007.

AFTER RECESS
Annapolis, Maryland
Legislative Day: November 5, 2007
Calendar Day: Sunday, November 18, 2007
6 P.M. Session

At 6:25 P.M. the Senate resumed its session.

QUORUM CALL

The presiding officer announced a quorum call, showing 43 Members present.

(See Roll Call No. 104)

On motion of Senator Kasemeyer it was ordered that Senators Haines, Hooper, Jacobs and Muse be excused from today's session.

ADJOURNMENT

At 6:31 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 6:25 P.M. on Legislative Day, November 6, 2007, Calendar Day, Sunday, November 18, 2007.

Annapolis, Maryland
Legislative Day: November 6, 2007
Calendar Day: Sunday, November 18, 2007
6:31 P.M. Session

The Senate met at 6:31 P.M.

Prayer by Senator McFadden.

The Journal of November 5, 2007 was read and approved.

On motion of Senator Kasemeyer it was ordered that Senators Haines, Hooper, Jacobs and Muse be excused from today's session.

QUORUM CALL

The presiding officer announced a quorum call, showing 43 Members present.

(See Roll Call No. 105)

THE COMMITTEE ON BUDGET AND TAXATION REPORT #3

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably:

House Bill 4 – The Speaker (By Request – Administration**)**

CONSTITUTIONAL AMENDMENT

AN ACT concerning

Video Lottery Terminals – Authorization and Limitations

Favorable report adopted by a roll call vote as follows:

Affirmative – 31 Negative – 12 (See Roll Call No. 106)

Read the second time and ordered prepared for Third Reading.

RECESS

At 7:12 P.M. on motion of Senator Kasemeyer, seconded, the Senate took a recess until 7:36 P.M. on Legislative Day, November 6, 2007, Calendar Day, Sunday, November 18, 2007.

AFTER RECESS
Annapolis, Maryland
Legislative Day: November 6, 2007
Calendar Day: Sunday, November 18, 2007
7:36 P.M. Session

At 7:56 P.M. the Senate resumed its session.

QUORUM CALL

The presiding officer announced a quorum call, showing 44 Members present.

(See Roll Call No. 107)

On motion of Senator Kasemeyer it was ordered that Senators Hooper, Jacobs and Muse be excused from today's session.

ADJOURNMENT

At 7:57 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 7:57 P.M. on Legislative Day, November 7, 2007, Calendar Day, Sunday, November 18, 2007.

Annapolis, Maryland
Legislative Day: November 7, 2007
Calendar Day: Sunday, November 18, 2007
7:57 P.M. Session

The Senate met at 7:58 P.M.

The Journal of November 6, 2007 was read and approved.

On motion of Senator Kasemeyer it was ordered that Senators Hooper, Jacobs, and Muse be excused from today's session.

QUORUM CALL

The presiding officer announced a quorum call, showing 44 Members present.

(See Roll Call No. 108)

QUORUM CALL

The presiding officer announced a quorum call, showing 44 Members present.

(See Roll Call No. 109)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #1

House Bill 4 – The Speaker (By Request – Administration)

CONSTITUTIONAL AMENDMENT

AN ACT concerning

Video Lottery Terminals – Authorization and Limitations

FLOOR AMENDMENT

(Amendment ID: HB0004/403121/1)

BY: Senator Della

AMENDMENT TO HOUSE BILL 4
(Third Reading File Bill)

On page 3, strike beginning with the colon in line 12 down through "**SUBMITTED**" in line 25 and substitute "**LOCATED IN A NONRESIDENTIAL AREA WITHIN ONE-HALF MILE OF INTERSTATE 95**".

The preceding amendment was read and rejected by a roll call vote as follows:

Affirmative – 15 Negative – 28 (See Roll Call No. 110)

FLOOR AMENDMENT

(Amendment ID: HB0004/193126/1)

BY: Senator Mooney

AMENDMENT TO HOUSE BILL 4
(Third Reading File Bill)

On page 2, in line 29, strike "**15,000**" and substitute "**9,500**".

The preceding amendment was read and rejected by a roll call vote as follows:

Affirmative – 10 Negative – 32 (See Roll Call No. 111)

FLOOR AMENDMENT

(Amendment ID: HB0004/253125/1)

BY: Senator Kittleman

AMENDMENTS TO HOUSE BILL 4
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 14, after "provisions;" insert "providing that members of the State unit that awards video lottery operation licenses are public officials for the purposes of the Public Ethics Law;".

AMENDMENT NO. 2

On page 4, after line 13, insert:

"**(G) THE MEMBERS OF THE STATE UNIT THAT AWARDS VIDEO LOTTERY OPERATION LICENSES TO SUCCESSFUL APPLICANTS ARE PUBLIC OFFICIALS FOR THE PURPOSES OF THE PUBLIC ETHICS LAW UNDER TITLE 15 OF THE STATE GOVERNMENT ARTICLE.**".

The preceding 2 amendments were read and rejected by a roll call vote as follows:

Affirmative – 16 Negative – 28 (See Roll Call No. 112)

FLOOR AMENDMENT

(Amendment ID: HB0004/323820/1)

BY: Senator Kittleman

AMENDMENTS TO HOUSE BILL 4
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 14, after "provisions;" insert "prohibiting certain persons engaged in, or who are affiliated with certain persons who are engaged in, the operation of video lottery terminals for commercial purposes as authorized under this Act from making contributions to certain persons; providing for certain criminal and civil penalties;"; and in line 14, strike "a certain term" and substitute "certain terms"; and in line 19, after "1" insert "and 2".

AMENDMENT NO. 2

On page 4, after line 13, insert:

"**2.**

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "GAMING ACTIVITY" MEANS THE OPERATION OF VIDEO LOTTERY TERMINALS FOR COMMERCIAL PURPOSES AS AUTHORIZED UNDER THIS SUBTITLE.

(3) "KEY EMPLOYEE" MEANS AN INDIVIDUAL WHO, ACTING AS AN AGENT OR EMPLOYEE OF A PERSON OR LICENSEE, SUPERVISES MORE THAN TWO AGENTS OR EMPLOYEES OF THE PERSON OR LICENSEE AUTHORIZED TO ENGAGE IN GAMING ACTIVITY IN THE STATE.

(B) THIS SECTION APPLIES TO THE FOLLOWING PERSONS:

(1) AN APPLICANT FOR A LICENSE TO ENGAGE IN GAMING ACTIVITY IN THE STATE;

(2) A PERSON AUTHORIZED TO ENGAGE IN GAMING ACTIVITY IN THE STATE;

(3) A HOLDING COMPANY, INTERMEDIARY COMPANY, OR SUBSIDIARY COMPANY OF:

(I) AN APPLICANT FOR A LICENSE TO ENGAGE IN GAMING ACTIVITY IN THE STATE; OR

(II) A PERSON AUTHORIZED TO ENGAGE IN GAMING ACTIVITY IN THE STATE;

(4) A KEY EMPLOYEE OF, OR A PERSON OR AGENT ON BEHALF OF:

(I) AN APPLICANT FOR A LICENSE TO ENGAGE IN GAMING ACTIVITY IN THE STATE; OR

(II) A PERSON AUTHORIZED TO ENGAGE IN GAMING ACTIVITY IN THE STATE; OR

(5) A PERSON ENTITLED BY CONTRACT TO RECEIVE ANY PROCEEDS FROM THE GAMING ACTIVITY OF AN APPLICANT OR A PERSON AUTHORIZED TO ENGAGE IN GAMING ACTIVITY IN THE STATE.

(C) THIS SECTION DOES NOT APPLY TO GAMING ACTIVITY THAT AN ELIGIBLE ORGANIZATION IS AUTHORIZED TO CONDUCT UNDER THE CRIMINAL LAW ARTICLE.

(D) A PERSON SUBJECT TO THIS SECTION MAY NOT, DIRECTLY OR INDIRECTLY, MAKE A CONTRIBUTION TO:

(1) THE CAMPAIGN FINANCE ENTITY OF A CANDIDATE FOR ANY PUBLIC OFFICE IN THE STATE;

(2) THE CAMPAIGN FINANCE ENTITY OF A POLITICAL PARTY; OR

(3) ANY OTHER CAMPAIGN FINANCE ENTITY ORGANIZED IN SUPPORT OF:

(I) A CANDIDATE FOR ANY PUBLIC OFFICE IN THE STATE; OR

(II) A POLITICAL PARTY.

(E) A PERSON THAT KNOWINGLY AND WILLFULLY VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE OF NOT LESS THAN $10,000 OR MORE THAN $50,000 OR A TERM OF IMPRISONMENT OF NOT LESS THAN 1 YEAR OR MORE THAN 3 YEARS OR BOTH.

(F) A PERSON DESCRIBED IN SUBSECTION (B)(2), (3), OR (5) OF THIS SECTION THAT KNOWINGLY OR WILLFULLY VIOLATES THE PROVISIONS OF THIS SECTION IS SUBJECT TO THE FOLLOWING CIVIL PENALTIES:

(1) FOR A FIRST VIOLATION, A FINE OF NOT LESS THAN AN AVERAGE SINGLE DAY'S GROSS VIDEO LOTTERY TERMINAL REVENUE DERIVED FROM THE OPERATION OF VIDEO LOTTERY TERMINALS AUTHORIZED UNDER THIS SUBTITLE; AND

(2) FOR A SECOND VIOLATION WITHIN 5 YEARS OF THE FIRST VIOLATION:

(I) SUSPENSION BY THE STATE LOTTERY COMMISSION FOR AT LEAST 1 DAY OF THE VIDEO LOTTERY OPERATION LICENSE AUTHORIZED UNDER THIS SUBTITLE; AND

(II) A FINE OF NOT LESS THAN AN AVERAGE 2 DAYS' GROSS VIDEO LOTTERY TERMINAL REVENUE DERIVED FROM THE OPERATION OF VIDEO LOTTERY TERMINALS AUTHORIZED UNDER THIS SUBTITLE.

(G) A PERSON DESCRIBED IN SUBSECTION (B)(4) OF THIS SECTION THAT KNOWINGLY AND WILLFULLY VIOLATES THE PROVISIONS OF THIS SECTION SUBJECT TO A CIVIL FINE OF NOT LESS THAN $10,000 OR MORE THAN $50,000.

(H) A PERSON DESCRIBED IN SUBSECTION (B)(1) OF THIS SECTION THAT KNOWINGLY AND WILLFULLY VIOLATES THE PROVISIONS OF THIS SECTION IS SUBJECT TO A CIVIL FINE OF NOT LESS THAN $50,000 OR MORE THAN $200,000.".

The preceding 2 amendments were read and rejected by a roll call vote as follows:

Affirmative – 17 Negative – 27 (See Roll Call No. 113)

FLOOR AMENDMENT

(Amendment ID: HB0004/443929/1)

BY: Senator Kittleman

AMENDMENT TO HOUSE BILL 4
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after "facility" insert "or any other commercial gaming facility".

AMENDMENT NO. 2

On page 4, in line 1, after "**FACILITY**" insert "**OR ANY OTHER COMMERCIAL GAMING FACILITY**".

The preceding 2 amendments were read and rejected by a roll call vote as follows:

Affirmative – 11 Negative – 32 (See Roll Call No. 114)

FLOOR AMENDMENT

(Amendment ID: HB0004/433625/1)

BY: Senator Harris

AMENDMENT TO HOUSE BILL 4
(Third Reading File Bill)

On page 4, in line 8, strike "**REFERENDUM**" and substitute "**CONSTITUTIONAL AMENDMENT**".

The preceding amendment was read and rejected by a roll call vote as follows:

Affirmative – 10 Negative – 33 (See Roll Call No. 115)

FLOOR AMENDMENT

(Amendment ID: HB0004/903621/1)

BY: Senator Harris

AMENDMENTS TO HOUSE BILL 4
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, after "jurisdiction;" insert "making the awarding of a video lottery operation license contingent on the passage of a certain referendum by certain voters;".

AMENDMENT NO. 2

On page 4, after line 2, insert:

"**(6) THE AWARDING OF A VIDEO LOTTERY OPERATION LICENSE IS CONTINGENT ON A MAJORITY OF THE LEGALLY QUALIFIED VOTERS OF THE COUNTY OR BALTIMORE CITY APPROVING A REFERENDUM IN FAVOR OF THE AWARD.**".

The preceding 2 amendments were read and rejected by a roll call vote as follows:

Affirmative – 17 Negative – 26 (See Roll Call No. 116)

FLOOR AMENDMENT

(Amendment ID: HB0004/493625/1)

BY: Senator Pipkin

AMENDMENTS TO HOUSE BILL 4
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "limiting" in line 6 down through "located;" in line 7 and substitute "providing that a video lottery operation license only may be awarded through a certain process;".

AMENDMENT NO. 2

On pages 2 and 3, strike beginning with "**FOR**" in line 32 on page 2 down through "**SUBMITTED**" in line 25 on page 3 and substitute "**THROUGH A FAIR MARKET AUCTION PROCESS OVERSEEN BY THE STATE LOTTERY COMMISSION**".

The preceding 2 amendments were read and rejected by a roll call vote as follows:

Affirmative – 15 Negative – 28 (See Roll Call No. 117)

FLOOR AMENDMENT

(Amendment ID: HB0004/453127/1)

BY: Senator Mooney

AMENDMENT TO HOUSE BILL 4
(Third Reading File Bill)

On page 2, in line 18, strike "**FIVE**" and substitute "**SIX**".

On page 3, in line 8, strike "**OR**"; and in line 25, strike the period and substitute: "**; OR**

(VI) MONTGOMERY COUNTY, WITHIN 2 MILES OF THE ROCKVILLE METRO STATION.".

The preceding amendment was read and rejected by a roll call vote as follows:

Affirmative – 12 Negative – 30 (See Roll Call No. 118)

Senator Kasemeyer moved, duly seconded, to limit the debate on **House Bill 4.**

MOTION TO LIMIT DEBATE

Pursuant to the provisions of Senate Rule 77(b), debate on **House Bill 4** on passage not withstanding objections of the executive as to such bill and on all questions and motions so related shall be limited as follows:

Debate on **House Bill 4** shall be limited to 10 minutes in the aggregate for consideration of passage not withstanding objections of the executive and on all questions and motions so related. The President shall allocate the 10 minutes aggregate time among those Senators desiring to speak thereon, provided that not more than 5 minutes shall be allocated for the proponents and not more than 5 minutes shall be allocated for the opponents of such Bill.

The motion was adopted by a roll call vote as follows:

Affirmative – 31 Negative – 13 (See Roll Call No. 119)

Read the third time and passed by yeas and nays as follows:

Affirmative – 31 Negative – 13 (See Roll Call No. 120)

The Bill was then returned to the House of Delegates.

CONCURRENCE CALENDAR #1

Senate Bill 3 – The President (By Request – Administration)

AN ACT concerning

Maryland Education Trust Fund – Video Lottery Terminals

Senator Brinkley moved, duly seconded, to make the Bill a Special Order for the end of today's business.

The motion was adopted.

CONCURRENCE CALENDAR #2

AMENDED IN THE HOUSE

Senate Bill 6 – The President (By Request – Administration)

EMERGENCY BILL

AN ACT concerning

Working Families and Small Business Health Coverage Act

Senator Middleton moved that the Senate not concur in the House amendments.

(Amendment ID: SB0006/436688/1)

BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL 6
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, strike beginning with the comma in line 14 down through "amounts" in line 16.

On page 3, after line 33, insert:

"BY repealing and reenacting, with amendments,
Article - Insurance
Section 15-1207(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)
(As enacted by Chapter 287 of the Acts of the General Assembly of 2004)".

On page 22, in line 21, strike "Insurance" and substitute "Benefit Plan"; and in line 36, strike "§ 19-214" and substitute "§ 19-214(d)".

On page 23, in line 1, strike "§ 19-214" and substitute "§ 19-214(d)".

AMENDMENT NO. 2

On page 15, after line 14, insert:

"**(4) MONEYS TRANSFERRED FROM THE MARYLAND HEALTH INSURANCE PLAN FUND OR COLLECTED FROM AN ASSESSMENT BY THE STATE HEALTH SERVICES COST REVIEW COMMISSION ON HOSPITALS MAY NOT BE USED FOR THE PURPOSE OF THIS SUBSECTION.**".

AMENDMENT NO. 3

On page 21, strike beginning with "if" in line 18 down through "$16,241,000,000" in line 20; strike beginning with ", if" in line 21 down through "$16,918,000,000" in line 23; and strike beginning with ", if" in line 25 down through "$18,069,000,000" in line 27.

The preceding 3 amendments were read and not concurred in.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: **SB 0006**
SPONSOR: The Pres (Admin)
SUBJECT: Working Families and Small Business Health Coverage Act

The Senate refuses to concur in the House amendments and respectfully requests the House recede from its position.

Should the House prefer a Conference Committee to confer on the disagreeing votes of the two Houses, the Senate appoints: Senators Middleton, Chairman, Kelley, and Garagiola.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary
Read and adopted.

RECESS

At 9:12 P.M. on motion of Senator Kasemeyer, seconded, the Senate recessed until 10:11 P.M. on Legislative Day, November 7, 2007, Calendar Day, Sunday, November 18, 2007.

AFTER RECESS
Annapolis, Maryland
Legislative Day: November 7, 2007
Calendar Day: Sunday, November 18, 2007
10:11 P.M. Session

At 10:36 P.M. the Senate resumed its session.

QUORUM CALL

The presiding officer announced a quorum call, showing 45 Members present.

(See Roll Call No. 121)

On motion of Senator Kasemeyer it was ordered that Senators Hooper and Jacobs be excused from today's session.

SPECIAL ORDERS

The presiding officer submitted the Special Orders of the day, as follows:

Senate Bill 3 – The President (By Request – Administration)

AN ACT concerning

Maryland Education Trust Fund – Video Lottery Terminals

STATUS OF BILL: QUESTION IS ON THE CONCURRENCE OF THE HOUSE AMENDMENTS

Senator Currie moved that the Senate concur in the House amendments.

(Amendment ID: **SB0003/365769/1)**

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 3
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, after line 2, insert:

"FOR the purpose of requiring the State Lottery Commission to regulate the operation of certain video lottery terminals; requiring the Governor to appoint a member of the State Racing Commission to serve as a liaison to the State Lottery Commission; requiring the State Racing Commission to award at least a certain number of racing days to a certain racecourse in each calendar year; expanding the membership of the Pimlico Community Development Authority in a certain manner; requiring the Secretary of Health and Mental Hygiene to establish a network of clinically appropriate services for problem gamblers; requiring the Secretary to conduct certain studies; altering the membership of the State Lottery Commission; specifying certain requirements for members of the State Lottery Commission; requiring the Governor to appoint a member of the State Lottery Commission to serve as a liaison to the State Racing Commission; providing that members of the State Lottery Commission may be compensated as provided in the State budget; authorizing the operation of video lottery terminals connected to a certain central monitor and control system that allows the State Lottery Commission to monitor a video lottery terminal and that has certain capabilities; prohibiting access to the central monitor and control system to certain licensees with a certain exception; providing that only a person with a certain video lottery operation license may offer a video lottery terminal for public use in the State; providing that this Act is statewide and exclusive in its effect and that certain laws do not apply to video lottery terminals authorized under this Act; requiring the State Lottery Agency to provide certain assistance to the State Lottery Commission; authorizing the State Lottery Commission to conduct certain investigations and hearings; requiring the State Lottery Commission to adopt certain regulations; authorizing the State Lottery Commission to adopt certain regulations; requiring the State Lottery Commission to require a certain bond and collect certain fees, civil penalties, and taxes; authorizing the State Lottery Commission to inspect and seize certain equipment, financial information, and records without notice or warrant; authorizing the Video Lottery Facility Location Commission to issue a certain number of video lottery operation licenses under certain circumstances; specifying limits on the number of video lottery terminals allowed in the State and at certain facilities; requiring certain video lottery terminal manufacturers, video lottery operators, video lottery employees, and other individuals required by the State Lottery Commission to be licensed; providing for the application and licensing process; establishing certain eligibility criteria and disqualifying

criteria for a video lottery operation license; requiring certain licensees to maintain certain numbers of live racing days; providing that certain licensees are ineligible for certain funding and are subject to certain requirements and sanctions if a certain horse racing event or trade names and other items related to the event are transferred out of the State; requiring certain licensees to conduct certain annual races with certain exceptions; requiring a certain licensee to maintain a certain center or convey certain property to a certain program under certain circumstances; requiring certain licensees to submit to the State Racing Commission a certain plan to improve the quality and marketing of horse racing; requiring certain applicants and licensees to comply with certain provisions of law relating to minority business participation; specifying that certain collective bargaining agreements do not negate certain provisions of this Act; requiring certain licensees to provide certain benefits and give certain preferences to certain employees; providing for the monitoring of certain provisions of this Act by the Governor's Office of Minority Affairs; providing that the Video Lottery Facility Location Commission may reissue a video lottery operation license under certain circumstances; providing for certain eligibility criteria and disqualifying criteria for certain licenses; providing for certain waivers of certain licensing and bonding requirements under certain circumstances; providing for certain license terms; stating the intent of the General Assembly relating to video lottery operation licenses; prohibiting a video lottery operation license from being transferred or pledged as collateral; prohibiting certain licensees from selling or otherwise transferring more than a certain percentage of the legal or beneficial interest unless certain conditions are met; requiring that the transfer of a certain interest in a person that holds a video lottery operation license be approved by the State Lottery Commission; requiring the Department of State Police or certain approved vendors to conduct certain background investigations in a certain manner; providing that certain information obtained as a result of a certain background check is confidential, may not be redisseminated, and may be used only for a certain purpose; requiring the State Lottery Commission to buy or lease the video lottery terminals, central monitor and control system, and associated equipment and software authorized under this Act; requiring the State Lottery Commission to develop a certain process; allowing a certain number of destination locations to be eligible for a video lottery operation license under certain circumstances; establishing a Video Lottery Facility Location Commission, its membership, and certain eligibility requirements for membership; providing for certain reimbursements and staffing; allowing the Video Lottery Facility Location Commission to award not more than a certain number of video lottery operation licenses to certain video

lottery destination locations; prohibiting the holder of a video lottery operation license issued for a certain location and certain other persons from building or allowing to be built, or converting or allowing another person to convert an existing facility into, any type of hotel, motel, or other public lodging accommodations on or within a certain distance of certain property owned by the license holder; prohibiting the holder of a video lottery operation license issued for a certain location and certain other persons from building or operating a conference center or convention center and certain forms of amusement activities on or within a certain distance of certain property; prohibiting the holder of a video lottery operation license issued for a certain location and certain other persons from offering, or allowing a certain other person to offer, the patrons of the video lottery facility certain forms of entertainment; providing that certain prohibitions regarding the holder of a certain video lottery operation license apply to subsequent license holders; authorizing the Department of Transportation to pay for and undertake certain improvements and enhancements within a certain time frame to certain highways within Worcester County in the area in which a video lottery facility is located; requiring the Video Lottery Facility Location Commission to consider certain factors; providing for the termination of the Video Lottery Facility Location Commission; authorizing the Governor to reconstitute the Video Lottery Facility Location Commission under certain circumstances; authorizing the State Lottery Commission to reallocate certain video lottery terminals to certain video lottery operation licensees under certain circumstances; providing the minimum payout for video lottery terminals and authorizing the State Lottery Commission to adopt certain video lottery terminal payouts; providing for the hours of operation of video lottery terminals; prohibiting the State Lottery Commission from issuing certain licenses under certain circumstances; prohibiting a video lottery operation licensee from offering food or alcoholic beverages at no cost with a certain exception or from offering food and alcoholic beverages below certain prices; requiring the State Lottery Commission to adopt certain regulations to reduce or mitigate the effects of problem gambling; authorizing the State Lottery Commission to reprimand or fine a licensee, deny, suspend, or revoke certain licenses, and impose certain penalties under certain circumstances; requiring the Comptroller to collect and distribute certain money in specified ways; requiring certain distributions from video lottery proceeds for certain purposes; establishing the Education Trust Fund; requiring certain distributions from video lottery proceeds to the Education Trust Fund to be used for a certain purpose; establishing a Purse Dedication Account under the authority of the State Racing Commission; providing for a certain distribution from video lottery proceeds to

the Purse Dedication Account for horse racing; providing for certain distributions from the Purse Dedication Account for horse racing in a certain manner; requiring the State Racing Commission to conduct a certain study and make certain recommendations; establishing a Racetrack Facility Renewal Account under the authority of the State Racing Commission; providing for a certain distribution from video lottery proceeds to the Racetrack Facility Renewal Account for capital construction and improvements at racetracks; providing for certain distributions from the Racetrack Facility Renewal Account for capital construction and improvements at racetracks in a certain manner; establishing a Small, Minority, and Women–Owned Businesses Account under the authority of the Board of Public Works; providing for a certain distribution from video lottery proceeds to the Small, Minority, and Women–Owned Businesses Account; requiring the Board of Public Works to make certain grants to certain fund managers to provide investment capital and loans to certain businesses; requiring certain fund managers to provide certain reports, keep certain records, and be subject to certain audits; authorizing the State to pay certain transportation costs; requiring the Department of Transportation to facilitate certain negotiations; requiring a certain transportation plan to be developed by certain counties; requiring certain distributions from video lottery proceeds to be provided as local impact grants to certain counties and municipalities for certain purposes; requiring certain counties to report to the Legislative Policy Committee by a certain date each year on the distribution of certain funds; providing for the creation of certain local development councils; providing for appointment and membership of certain local development councils; requiring certain counties and municipalities to develop certain plans to be reviewed by certain local development councils; requiring the State Lottery Commission to establish certain fees and providing for a certain distribution of certain fees to the Problem Gambling Fund; creating a Problem Gambling Fund in the Department of Health and Mental Hygiene; providing for certain disbursements from the Problem Gambling Fund for certain purposes; authorizing moneys from the Problem Gambling Fund to be used for certain addiction treatment services under certain circumstances; requiring the State Lottery Commission to make a certain annual report by a certain date; prohibiting a licensee for a certain period of time from employing, or entering into a financial relationship with, an individual who was a member of the State Lottery Commission or the Video Lottery Facility Location Commission; prohibiting a member of the Senate of Maryland or the House of Delegates from having a certain ownership interest in or being an employee of a business entity that holds a video lottery operation license; requiring the governing body of Allegany County to enter into a certain

agreement with a certain person for a certain payment in lieu of the collection of certain taxes; requiring the State Lottery Agency to conduct certain market analyses and submit certain reports; requiring the Governor to include certain funds in the State budget for a certain fiscal year for a certain analysis; requiring the State Racing Commission to conduct a certain study, make certain recommendations, and submit a certain report to the General Assembly; requiring a ballot issue committee promoting the success or defeat of a certain constitutional amendment to file a certain additional campaign finance report; requiring a corporation that cumulatively spends more than a certain amount on campaign material to promote the success or defeat of a certain constitutional amendment to file certain campaign finance reports and include certain information on campaign material published or distributed by the corporation; requiring a certain certification entity to conduct certain studies and make certain reports; requiring the Legislative Auditor to conduct an audit and evaluation of certain information each fiscal year; making the provisions of this Act severable; providing for the staggering of the terms of certain new members of the State Lottery Commission; defining certain terms; providing for the construction of certain provisions of this Act; making certain provisions of this Act subject to a certain contingency; making this Act contingent on the passage and ratification of a certain constitutional amendment; and generally relating to the operation of video lottery terminals at certain locations in the State.

BY adding to
Article – Business Regulation
Section 11–202(g)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 11–511 and 11–1203(a)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 19–801 through 19–804 to be under the amended subtitle "Subtitle 8. Problem Gamblers"
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government

Section 9–105 and 9–108(d)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY adding to
Article – State Government
Section 9–1A–01 through 9–1A–36 to be under the new subtitle "Subtitle 1A. Video Lottery Terminals"
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY adding to
Article – Tax – Property
Section 7–514
Annotated Code of Maryland
(2007 Replacement Volume)

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

Article – Business Regulation

11–202.

(G) THE GOVERNOR SHALL APPOINT ONE MEMBER OF THE COMMISSION TO SERVE AS A LIAISON TO THE STATE LOTTERY COMMISSION ESTABLISHED UNDER TITLE 9 OF THE STATE GOVERNMENT ARTICLE.

11–511.

(a) (1) On or before December 1, the Commission shall award all racing days for the next calendar year.

(2) However, the Commission may meet after December 1 to award racing days that are requested in applications.

(b) **(1) [**The**] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE** Commission may award for any calendar year up to the number of racing days requested by an applicant.

(2) THE COMMISSION SHALL AWARD AT LEAST 40 LIVE RACING DAYS TO BE RUN AT THE PIMLICO RACE COURSE IN BALTIMORE CITY IN EACH CALENDAR YEAR UNLESS OTHERWISE AGREED TO BY THE RACING LICENSEE AND THE ORGANIZATION THAT REPRESENTS THE MAJORITY OF LICENSED THOROUGHBRED OWNERS AND TRAINERS IN THE STATE OR UNLESS THE RACING LICENSEE IS PREVENTED BY WEATHER, ACTS OF GOD, OR OTHER CIRCUMSTANCES BEYOND THE RACING LICENSEE'S CONTROL.

(c) The decision of the Commission on the award of a racing day is final.

11–1203.

(a) The Authority consists of **THE FOLLOWING 15 MEMBERS**:

(1) the Baltimore City Planning Director; **[**and**]**

(2) ten members, five of whom shall be business owners, residents, or service providers of the **[**Park Heights Corridor**] AREAS DESCRIBED IN § 9–1A–31(A)(2) OF THE STATE GOVERNMENT ARTICLE**, appointed by the Mayor of Baltimore City, after consultation with the members of the Baltimore City Delegation in the General Assembly representing legislative districts 40 and 41**;**

(3) THE STATE SENATORS REPRESENTING LEGISLATIVE DISTRICTS 40 AND 41; AND

(4) ONE STATE DELEGATE REPRESENTING LEGISLATIVE DISTRICT 40 AND ONE STATE DELEGATE REPRESENTING LEGISLATIVE DISTRICT 41, EACH APPOINTED BY THE SPEAKER OF THE HOUSE.

Article – Health – General

Subtitle 8. **[**Compulsive**] PROBLEM** Gamblers.

19–801.

In this subtitle, "**[**compulsive**] PROBLEM** gambler" means an individual:

(1) Who is preoccupied chronically and progressively with gambling and the urge to gamble; and

(2) Whose gambling behavior compromises, disrupts, or damages the individual's personal, family, or vocational pursuits.

19–802.

The General Assembly finds that:

(1) **[**Compulsive**] PROBLEM** gambling is a serious social problem;

(2) There is evidence that the availability of gambling increases the risk of becoming a **[**compulsive**] PROBLEM** gambler; and

(3) This State, with its extensive legalized gambling, has an obligation to provide a program of treatment for [compulsive] **PROBLEM** gamblers.

19–803.

[As a pilot project, the] **THE** Secretary shall establish [a center for compulsive gamblers at a place that the Secretary determines to be accessible to a major population center of this State] **A NETWORK OF CLINICALLY APPROPRIATE SERVICES TO PROBLEM GAMBLERS THROUGHOUT THE STATE**.

19–804.

(a) (1) The Secretary [may] **SHALL** make grants from or agreements for the use of State **FUNDS, INCLUDING THE FUNDS PROVIDED UNDER § 9–1A–33 OF THE STATE GOVERNMENT ARTICLE,** and federal funds to help public agencies or nonprofit organizations operate the [center for compulsive gamblers and establish and operate local programs to provide the following for compulsive gamblers:

(i) Inpatient services.

(ii) Outpatient services.

(iii) Partial care services.

(iv) Aftercare services.

(v) Consultative services.] **NETWORK OF CLINICALLY APPROPRIATE SERVICES FOR PROBLEM GAMBLERS WHO RESIDE IN THE STATE TO PROVIDE THE FOLLOWING:**

(I) INPATIENT AND RESIDENTIAL SERVICES;

(II) OUTPATIENT SERVICES;

(III) INTENSIVE OUTPATIENT SERVICES;

(IV) CONTINUING CARE SERVICES;

[(vi)**] (V)** Educational services**[**.**];**

[(vii)**](VI) SERVICES FOR VICTIMS OF DOMESTIC VIOLENCE; AND**

(VII) Other preventive or rehabilitative services or treatment.

(2) Research and training that are designed to improve or extend these services are proper items of expense.

(B) THE SECRETARY SHALL CONDUCT A PREVALENCE STUDY AND REPLICATION PREVALENCE STUDIES TO MEASURE THE RATE OF PROBLEM AND PATHOLOGICAL GAMBLING IN THE STATE.

(C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE SECRETARY SHALL CONTRACT WITH AN INDEPENDENT RESEARCHER TO CONDUCT THE PREVALENCE STUDIES.

(2) THE SECRETARY SHALL UTILIZE THE MOST CURRENT PSYCHIATRIC OR DIAGNOSTIC CRITERIA FOR PROBLEM AND PATHOLOGICAL GAMBLING AS THE BASIS FOR THE PREVALENCE STUDIES.

(D) THE INITIAL PREVALENCE STUDY SHALL BE COMPLETED ON OR BEFORE JULY 1, 2009.

(E) REPLICATION PREVALENCE STUDIES SHALL BE CONDUCTED NO LESS THAN EVERY 5 YEARS WITH MEASURES TAKEN TO PERMIT COMPARISONS BETWEEN THE INITIAL PREVALENCE STUDY AND SUBSEQUENT REPLICATION PREVALENCE STUDIES.

[(b)**]** **(F)** Services under this subtitle shall be provided by public agencies or, under contract, by nonprofit organizations.

Article – State Government

9–105.

(a) The Commission consists of **[**5**]** **NINE** members appointed by the Governor with the advice and consent of the Senate.

(b) **(1)** **[**Each**]** **AT THE TIME OF APPOINTMENT, EACH** member of the Commission **[**must be a resident and citizen of the State.**]** **SHALL BE:**

(I) AT LEAST 25 YEARS OLD;

(II) A RESIDENT OF THE STATE WHO HAS RESIDED IN THE STATE FOR AT LEAST 5 YEARS;

(III) A QUALIFIED VOTER OF THE STATE; AND

(IV) AN INDIVIDUAL WHO HAS NOT BEEN CONVICTED OF OR GRANTED PROBATION BEFORE JUDGMENT FOR A SERIOUS CRIME OR A CRIME THAT INVOLVES MORAL TURPITUDE OR GAMBLING.

(2) A MEMBER OF THE COMMISSION MAY NOT:

(I) HAVE A DIRECT OR INDIRECT FINANCIAL INTEREST IN VIDEO LOTTERY TERMINALS;

(II) HAVE AN OFFICIAL RELATIONSHIP TO A PERSON WHO HOLDS A LICENSE UNDER SUBTITLE 1A OF THIS TITLE;

(III) HOLD ANY STOCKS, BONDS, OR OTHER FINANCIAL INTEREST IN A PERSON HOLDING A LICENSE UNDER SUBTITLE 1A OF THIS TITLE; OR

(IV) BE AN ELECTED OFFICIAL OF STATE OR LOCAL GOVERNMENT.

(3) NO MORE THAN SIX MEMBERS MAY BE OF THE SAME POLITICAL PARTY.

(4) THE MEMBERS OF THE COMMISSION SHALL REFLECT THE GEOGRAPHIC, RACIAL, AND GENDER MAKEUP OF THE STATE.

(C) THE COMMISSION SHALL INCLUDE:

(1) ONE MEMBER WITH EXPERIENCE IN LAW ENFORCEMENT;

(2) ONE MEMBER WITH EXPERIENCE IN A FIELD RELATING TO FINANCE OR INVESTMENTS;

(3) ONE MEMBER WHO IS A CERTIFIED PUBLIC ACCOUNTANT; AND

(4) ONE MEMBER WITH EXPERIENCE IN A FIELD OF INFORMATION TECHNOLOGY.

[(c)**] (D)** (1) The term of a member is 4 years.

(2) The terms of members are staggered **[**as required by the terms provided for members of the Commission on October 1, 1984**]**.

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

[(d)**] (E)** (1) Subject to the hearing requirements of this subsection, the Governor may remove a member for cause.

(2) Before the Governor removes a member, the Governor shall give the member notice and an opportunity for a public hearing.

(F) THE GOVERNOR SHALL APPOINT ONE MEMBER OF THE COMMISSION TO SERVE AS A LIAISON TO THE STATE RACING COMMISSION ESTABLISHED UNDER TITLE 11 OF THE BUSINESS REGULATION ARTICLE.

9–108.

(d) As provided in the State budget, a member of the Commission:

(1) may receive compensation **[**as payment for attendance at Commission meetings or other lottery functions in the amount of:

(i) $125 per meeting attended, not to exceed $1,500 annually for a Commission member who is not the chairman; and

(ii) $165 per meeting attended, not to exceed $2,000 annually for the Commission chairman**]**; and

(2) is entitled to reimbursement for reasonable expenses incurred in the performance of the duties as a member.

SUBTITLE 1A. VIDEO LOTTERY TERMINALS.

9–1A–01.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "APPLICANT" MEANS A PERSON WHO APPLIES FOR ANY LICENSE REQUIRED UNDER THIS SUBTITLE.

(C) "ASSOCIATED EQUIPMENT" MEANS HARDWARE LOCATED ON THE LICENSEE'S PREMISES THAT IS CONNECTED TO THE VIDEO LOTTERY SYSTEM FOR THE PURPOSE OF PERFORMING COMMUNICATION, VALIDATION, OR OTHER FUNCTIONS, BUT NOT INCLUDING THE COMMUNICATION FACILITIES OF A REGULATED UTILITY OR THE VIDEO LOTTERY TERMINALS.

(D) "AVERAGE PAYOUT PERCENTAGE" MEANS THE AVERAGE PERCENTAGE OF MONEY USED BY PLAYERS TO PLAY A VIDEO LOTTERY TERMINAL THAT IS RETURNED TO PLAYERS OF THAT VIDEO LOTTERY TERMINAL.

(E) "BACKGROUND INVESTIGATION" MEANS A SECURITY, CRIMINAL, AND CREDIT INVESTIGATION OF A PERSON WHO APPLIES FOR OR WHO IS GRANTED A LICENSE UNDER THIS SUBTITLE.

(F) "CAREER OFFENDER" MEANS A PERSON WHOSE BEHAVIOR IS PURSUED IN AN OCCUPATIONAL MANNER OR CONTEXT FOR THE PURPOSE OF ECONOMIC GAIN AND WHO UTILIZES METHODS THAT ARE DEEMED BY THE COMMISSION AS CRIMINAL VIOLATIONS INIMICAL TO THE INTEREST OF THE STATE.

(G) "CAREER OFFENDER CARTEL" MEANS A GROUP OF PERSONS WHO OPERATE TOGETHER AS CAREER OFFENDERS.

(H) "CENTRAL MONITOR AND CONTROL SYSTEM" MEANS A CENTRAL SYSTEM PROVIDED TO AND CONTROLLED BY THE COMMISSION TO WHICH VIDEO LOTTERY TERMINALS COMMUNICATE FOR PURPOSES OF:

(1) INFORMATION RETRIEVAL;

(2) RETRIEVAL OF THE WIN AND LOSS DETERMINATION FROM VIDEO LOTTERY TERMINALS; AND

(3) PROGRAMS TO ACTIVATE AND DISABLE VIDEO LOTTERY TERMINALS.

(I) "CENTRAL REPOSITORY" MEANS THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

(J) "COMMISSION" MEANS THE STATE LOTTERY COMMISSION.

(K) "CONTROL" MEANS THE AUTHORITY TO DIRECT THE MANAGEMENT AND POLICIES OF AN APPLICANT OR LICENSEE.

(L) "COSTS" MEANS, UNLESS THE CONTEXT OTHERWISE REQUIRES, THE EXPENSES INCURRED BY THE COMMISSION IN THE ADMINISTRATION OF THIS SUBTITLE, INCLUDING:

(1) THE COSTS OF LEASING OR THE CAPITALIZED COST OF PURCHASING THE VIDEO LOTTERY TERMINALS, CENTRAL MONITOR AND CONTROL SYSTEM, AND ASSOCIATED EQUIPMENT AND SOFTWARE;

(2) THE COSTS TO REPAIR AND MAINTAIN THE VIDEO LOTTERY TERMINALS, CENTRAL MONITOR AND CONTROL SYSTEM, AND ASSOCIATED EQUIPMENT AND SOFTWARE TO THE EXTENT THESE COSTS ARE NOT INCLUDED IN THE COSTS OF LEASING OR PURCHASING THE VIDEO LOTTERY TERMINALS, CENTRAL MONITOR AND CONTROL SYSTEM, AND ASSOCIATED EQUIPMENT AND SOFTWARE;

(3) THE COSTS OF TESTING AND EXAMINATION OF VIDEO LOTTERY TERMINALS AND THE CENTRAL MONITOR AND CONTROL SYSTEM; AND

(4) THE COSTS OF PERFORMING BACKGROUND INVESTIGATIONS AND OTHER RELATED ACTIVITIES.

(M) "FAMILY" MEANS SPOUSE, PARENTS, GRANDPARENTS, CHILDREN, GRANDCHILDREN, SIBLINGS, UNCLES, AUNTS, NEPHEWS, NIECES, FATHERS–IN–LAW, MOTHERS–IN–LAW, DAUGHTERS–IN–LAW, SONS–IN–LAW, BROTHERS–IN–LAW, AND SISTERS–IN–LAW, WHETHER BY WHOLE BLOOD OR HALF BLOOD, BY MARRIAGE, ADOPTION, OR NATURAL RELATIONSHIP.

(N) "LICENSE" MEANS, UNLESS THE CONTEXT OTHERWISE REQUIRES, A LICENSE REQUIRED UNDER THIS SUBTITLE.

(O) "LICENSEE" MEANS AN APPLICANT WHO HAS BEEN ISSUED A LICENSE REQUIRED UNDER THIS SUBTITLE.

(P) "MANUFACTURER" MEANS A PERSON:

(1) THAT IS ENGAGED IN THE BUSINESS OF DESIGNING, BUILDING, CONSTRUCTING, ASSEMBLING, MANUFACTURING, OR DISTRIBUTING A CENTRAL MONITOR AND CONTROL SYSTEM, VIDEO LOTTERY TERMINALS, ASSOCIATED EQUIPMENT OR SOFTWARE, OR THE CABINET IN WHICH A VIDEO LOTTERY TERMINAL IS HOUSED;

(2) THAT PRODUCES A PRODUCT THAT IS INTENDED FOR SALE, LEASE, OR OTHER ASSIGNMENT TO THE COMMISSION OR A LICENSEE; AND

(3) THAT CONTRACTS WITH THE COMMISSION OR A LICENSEE FOR THE SALE, LEASE, OR OTHER ASSIGNMENT OF A PRODUCT DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION.

(Q) "OWN" MEANS HAVING A BENEFICIAL OR PROPRIETARY INTEREST OF AT LEAST 10% IN THE PROPERTY OR BUSINESS OF AN APPLICANT OR LICENSEE.

(R) "PLAYER" MEANS AN INDIVIDUAL WHO PLAYS A VIDEO LOTTERY TERMINAL AT A VIDEO LOTTERY FACILITY LICENSED BY THE COMMISSION.

(S) (1) "PROCEEDS" MEANS THE PART OF THE AMOUNT OF MONEY BET THROUGH VIDEO LOTTERY TERMINALS THAT IS NOT RETURNED TO SUCCESSFUL PLAYERS BUT IS OTHERWISE ALLOCATED UNDER THIS SUBTITLE.

(2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, "PROCEEDS" DOES NOT INCLUDE MONEY GIVEN AWAY BY A VIDEO LOTTERY OPERATION LICENSEE AS FREE PROMOTIONAL PLAY AND USED BY PLAYERS TO BET IN A VIDEO LOTTERY TERMINAL.

(II) AFTER THE FIRST FISCAL YEAR OF OPERATIONS, THE EXCLUSION SPECIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY NOT EXCEED A PERCENTAGE ESTABLISHED BY THE COMMISSION BY REGULATION OF THE PROCEEDS RECEIVED IN THE PRIOR FISCAL YEAR BY THE VIDEO LOTTERY OPERATION LICENSEE UNDER § 9–1A–27(A)(2) OF THIS SUBTITLE.

(T) "PROGRESSIVE JACKPOT" MEANS A PRIZE THAT INCREASES AS ONE OR MORE VIDEO LOTTERY TERMINALS ARE CONNECTED TO A PROGRESSIVE JACKPOT SYSTEM.

(U) "PROGRESSIVE JACKPOT SYSTEM" MEANS A SYSTEM CAPABLE OF LINKING ONE OR MORE VIDEO LOTTERY TERMINALS IN ONE OR MORE LICENSED FACILITIES AND OFFERING ONE OR MORE COMMON PROGRESSIVE JACKPOTS.

(V) "VIDEO LOTTERY" MEANS GAMING OR BETTING CONDUCTED USING A VIDEO LOTTERY TERMINAL.

(W) "VIDEO LOTTERY DESTINATION LOCATION" MEANS A LOCATION THAT IS ELIGIBLE FOR OR HAS BEEN AWARDED IN THE MANNER PROVIDED BY LAW A VIDEO LOTTERY OPERATION LICENSE.

(X) "VIDEO LOTTERY EMPLOYEE" MEANS AN EMPLOYEE OF A PERSON WHO HOLDS A LICENSE.

(Y) "VIDEO LOTTERY FACILITY" MEANS A FACILITY AT WHICH PLAYERS PLAY VIDEO LOTTERY TERMINALS UNDER THIS SUBTITLE.

(Z) "VIDEO LOTTERY OPERATION LICENSE" MEANS A LICENSE ISSUED TO A PERSON THAT ALLOWS PLAYERS TO OPERATE VIDEO LOTTERY TERMINALS.

(AA) (1) "VIDEO LOTTERY TERMINAL" MEANS ANY MACHINE OR OTHER DEVICE THAT, ON INSERTION OF A BILL, COIN, TOKEN, VOUCHER, TICKET, COUPON, OR SIMILAR ITEM, OR ON PAYMENT OF ANY CONSIDERATION:

(I) IS AVAILABLE TO PLAY OR SIMULATE THE PLAY OF ANY GAME OF CHANCE IN WHICH THE RESULTS, INCLUDING THE OPTIONS AVAILABLE TO THE PLAYER, ARE RANDOMLY DETERMINED BY THE MACHINE OR OTHER DEVICE; AND

(II) BY THE ELEMENT OF CHANCE, MAY DELIVER OR ENTITLE THE PLAYER WHO OPERATES THE MACHINE OR DEVICE TO RECEIVE CASH, PREMIUMS, MERCHANDISE, TOKENS, OR ANYTHING OF VALUE, WHETHER THE PAYOUT IS MADE AUTOMATICALLY FROM THE DEVICE OR IN ANY OTHER MANNER.

(2) "VIDEO LOTTERY TERMINAL" INCLUDES A MACHINE OR DEVICE:

(I) THAT DOES NOT DIRECTLY DISPENSE MONEY, TOKENS, OR ANYTHING OF VALUE TO WINNING PLAYERS; AND

(II) DESCRIBED UNDER PARAGRAPH (1) OF THIS SUBSECTION THAT USES AN ELECTRONIC CREDIT SYSTEM MAKING THE DEPOSIT OF BILLS, COINS, OR TOKENS UNNECESSARY.

(3) "VIDEO LOTTERY TERMINAL" DOES NOT INCLUDE AN AUTHORIZED SLOT MACHINE OPERATED BY AN ELIGIBLE ORGANIZATION UNDER TITLE 12, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE.

9–1A–02.

(A) THIS SUBTITLE IS STATEWIDE AND EXCLUSIVE IN ITS EFFECT.

(B) (1) THE COMMISSION SHALL REGULATE THE OPERATION OF VIDEO LOTTERY TERMINALS IN ACCORDANCE WITH THIS SUBTITLE.

(2) THE MARYLAND STATE LOTTERY AGENCY SHALL PROVIDE ASSISTANCE TO THE COMMISSION IN THE PERFORMANCE OF THE COMMISSION'S DUTIES UNDER THIS SUBTITLE.

(C) (1) THIS SUBTITLE AUTHORIZES THE OPERATION OF VIDEO LOTTERY TERMINALS OWNED OR LEASED BY THE STATE THAT ARE CONNECTED TO A CENTRAL MONITOR AND CONTROL SYSTEM OWNED OR LEASED BY THE STATE THAT ALLOWS THE COMMISSION TO MONITOR A VIDEO LOTTERY TERMINAL.

(2) THE COMMISSION SHALL PROVIDE AND OPERATE A SINGLE CENTRAL MONITOR AND CONTROL SYSTEM INTO WHICH ALL LICENSED VIDEO LOTTERY TERMINALS MUST BE CONNECTED.

(3) THE CENTRAL MONITOR AND CONTROL SYSTEM SHALL BE CAPABLE OF:

(I) CONTINUOUSLY MONITORING, RETRIEVING, AND AUDITING THE OPERATIONS, FINANCIAL DATA, AND PROGRAM INFORMATION OF ALL VIDEO LOTTERY TERMINALS;

(II) ALLOWING THE COMMISSION TO ACCOUNT FOR ALL MONEY INSERTED IN AND PAYOUTS MADE FROM ANY VIDEO LOTTERY TERMINAL;

(III) DISABLING FROM OPERATION OR PLAY ANY VIDEO LOTTERY TERMINAL AS THE COMMISSION DEEMS NECESSARY TO CARRY OUT THE PROVISIONS OF THIS SUBTITLE;

(IV) SUPPORTING AND MONITORING A PROGRESSIVE JACKPOT SYSTEM CAPABLE OF OPERATING ONE OR MORE PROGRESSIVE JACKPOTS; AND

(V) PROVIDING ANY OTHER FUNCTION THAT THE COMMISSION CONSIDERS NECESSARY.

(4) THE CENTRAL MONITOR AND CONTROL SYSTEM SHALL EMPLOY A WIDELY ACCEPTED GAMING INDUSTRY COMMUNICATIONS PROTOCOL TO FACILITATE THE ABILITY OF VIDEO LOTTERY TERMINAL MANUFACTURERS TO COMMUNICATE WITH THE STATEWIDE SYSTEM.

(5) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE COMMISSION MAY NOT ALLOW A VIDEO LOTTERY OPERATION LICENSEE TO HAVE ACCESS TO, OR OBTAIN INFORMATION FROM, THE CENTRAL MONITOR AND CONTROL SYSTEM.

(II) ONLY IF THE ACCESS DOES NOT IN ANY WAY AFFECT THE INTEGRITY OR SECURITY OF THE CENTRAL MONITOR AND CONTROL SYSTEM, MAY THE COMMISSION ALLOW A VIDEO LOTTERY OPERATION LICENSEE TO HAVE ACCESS TO THE CENTRAL MONITOR AND CONTROL SYSTEM THAT ALLOWS THE LICENSEE TO OBTAIN INFORMATION PERTINENT TO THE LEGITIMATE OPERATION OF A VIDEO LOTTERY FACILITY.

(D) ONLY A PERSON WITH A VIDEO LOTTERY OPERATION LICENSE ISSUED BY THE COMMISSION MAY OFFER A VIDEO LOTTERY TERMINAL FOR PUBLIC USE IN THE STATE UNDER THIS SUBTITLE.

9–1A–03.

(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, ANY ADDITIONAL FORMS OR EXPANSION OF COMMERCIAL GAMING OTHER THAN AS EXPRESSLY PROVIDED IN THIS SUBTITLE ARE PROHIBITED.

(B) THIS SUBTITLE, INCLUDING THE AUTHORITY PROVIDED TO THE COMMISSION UNDER THIS SUBTITLE DOES NOT APPLY TO:

(1) LOTTERIES CONDUCTED UNDER SUBTITLE 1 OF THIS TITLE;

(2) WAGERING ON HORSE RACING CONDUCTED UNDER TITLE 11 OF THE BUSINESS REGULATION ARTICLE;

(3) THE OPERATION OF SLOT MACHINES AS PROVIDED UNDER TITLES 12 AND 13 OF THE CRIMINAL LAW ARTICLE; OR

(4) OTHER GAMING CONDUCTED UNDER TITLES 12 AND 13 OF THE CRIMINAL LAW ARTICLE.

9–1A–04.

(A) THE COMMISSION SHALL:

(1) HEAR AND DECIDE, PROMPTLY AND IN REASONABLE ORDER, LICENSE APPLICATIONS AND CAUSES AFFECTING THE GRANTING, SUSPENSION, REVOCATION, OR RENEWAL OF LICENSES UNDER THIS SUBTITLE;

(2) AFTER A HEARING, SUSPEND OR REVOKE AS APPLICABLE THE LICENSE OF A LICENSEE WHO HAS A LICENSE SUSPENDED OR REVOKED IN ANOTHER STATE;

(3) CONDUCT HEARINGS CONCERNING CIVIL VIOLATIONS OF THIS SUBTITLE OR REGULATIONS ISSUED UNDER THIS SUBTITLE;

(4) COLLECT APPLICATION, LICENSE, AND OTHER FEES TO COVER THE ADMINISTRATIVE COSTS OF THIS SUBTITLE RELATED TO LICENSING;

(5) DEPOSIT APPLICATION, LICENSE, AND OTHER FEES TO A BANK ACCOUNT THAT THE STATE TREASURER DESIGNATES TO THE CREDIT OF THE STATE LOTTERY FUND TO COVER THE ADMINISTRATIVE COSTS OF THIS SUBTITLE RELATED TO LICENSING;

(6) LEVY AND COLLECT CIVIL PENALTIES FOR CIVIL VIOLATIONS OF THE PROVISIONS OF THIS SUBTITLE OR REGULATIONS ISSUED UNDER THIS SUBTITLE;

(7) BE PRESENT AT A VIDEO LOTTERY OPERATION THROUGH ITS EMPLOYEES AND AGENTS AT ANY TIME DURING THE OPERATION OF ANY VIDEO LOTTERY TERMINAL FOR THE PURPOSE OF CERTIFYING REVENUE FROM THE VIDEO LOTTERY TERMINALS, RECEIVING COMPLAINTS FROM THE PUBLIC, AND CONDUCTING ANY OTHER INVESTIGATION INTO THE OPERATION OF THE VIDEO LOTTERY TERMINALS AND THE MAINTENANCE OF THE VIDEO LOTTERY TERMINALS AND ASSOCIATED EQUIPMENT AND SOFTWARE AS THE COMMISSION MAY DEEM NECESSARY AND PROPER; AND

(8) REVIEW AND RULE ON ANY COMPLAINT BY A LICENSEE REGARDING ANY INVESTIGATIVE PROCEDURES OF THE COMMISSION THAT ARE UNNECESSARILY DISRUPTIVE OF VIDEO LOTTERY OPERATIONS.

(B) THE COMMISSION MAY:

(1) ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES AT ANY PLACE WITHIN THE STATE IN THE COURSE OF ANY INVESTIGATION OR HEARING UNDER THIS SUBTITLE;

(2) ADMINISTER OATHS AND REQUIRE TESTIMONY UNDER OATH BEFORE THE COMMISSION IN THE COURSE OF ANY INVESTIGATION OR HEARING CONDUCTED UNDER THIS SUBTITLE;

(3) SERVE OR CAUSE TO BE SERVED ITS PROCESS OR NOTICES IN A MANNER PROVIDED FOR SERVICE OF PROCESS IN CIVIL ACTIONS UNDER THE MARYLAND RULES; AND

(4) PROPOUND WRITTEN INTERROGATORIES.

(C) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, THE COMMISSION SHALL CONDUCT A HEARING IN THE SAME MANNER AS SPECIFIED IN TITLE 10, SUBTITLE 2 OF THIS ARTICLE.

(D) THE COMMISSION SHALL ADOPT REGULATIONS THAT INCLUDE THE FOLLOWING SPECIFIC PROVISIONS IN ACCORDANCE WITH THIS SUBTITLE:

(1) ESTABLISHING THE METHODS AND FORMS OF APPLICATION THAT AN APPLICANT FOR ANY LICENSE REQUIRED UNDER THIS SUBTITLE SHALL FOLLOW AND COMPLETE BEFORE CONSIDERATION OF THE APPLICATION BY THE COMMISSION;

(2) ESTABLISHING THE METHODS, PROCEDURES, AND FORM FOR DELIVERY OF INFORMATION FROM AN APPLICANT OR LICENSEE CONCERNING ANY PERSON'S FAMILY, HABITS, CHARACTER, ASSOCIATES, CRIMINAL RECORD, BUSINESS ACTIVITIES, AND FINANCIAL AFFAIRS;

(3) ESTABLISHING THE PROCEDURES FOR THE FINGERPRINTING OF AN APPLICANT FOR ANY LICENSE REQUIRED UNDER THIS SUBTITLE OR OTHER METHODS OF IDENTIFICATION THAT MAY BE NECESSARY IN THE JUDGMENT OF THE COMMISSION TO ACCOMPLISH EFFECTIVE ENFORCEMENT OF THE PROVISIONS OF THIS SUBTITLE;

(4) ESTABLISHING THE MANNER AND PROCEDURE OF HEARINGS CONDUCTED BY THE COMMISSION;

(5) ESTABLISHING THE MANNER AND METHOD OF COLLECTION OF TAXES, FEES, AND CIVIL PENALTIES;

(6) DEFINING AND LIMITING THE AREAS OF OPERATION FOR VIDEO LOTTERY TERMINALS, RULES OF VIDEO LOTTERY TERMINALS, ODDS FOR VIDEO LOTTERY TERMINALS, THE TYPES AND VALUES OF PROMOTIONAL ITEMS THAT MAY BE GIVEN AWAY TO ENCOURAGE PLAY OF VIDEO LOTTERY TERMINALS, AND THE METHOD OF OPERATION OF THE VIDEO LOTTERY TERMINALS;

(7) REGULATING THE PRACTICE AND PROCEDURES FOR NEGOTIABLE TRANSACTIONS INVOLVING PLAYERS, INCLUDING LIMITATIONS ON

THE CIRCUMSTANCES AND AMOUNTS OF NEGOTIABLE TRANSACTIONS AND THE ESTABLISHMENT OF FORMS AND PROCEDURES FOR NEGOTIABLE INSTRUMENT TRANSACTIONS, REDEMPTIONS, AND CONSOLIDATIONS;

(8) PRESCRIBING THE GROUNDS AND PROCEDURES FOR REPRIMANDS OF LICENSEES OR THE REVOCATION OR SUSPENSION OF LICENSES ISSUED UNDER THIS SUBTITLE;

(9) GOVERNING THE MANUFACTURE, DISTRIBUTION, SALE, AND SERVICING OF VIDEO LOTTERY TERMINALS;

(10) ESTABLISHING THE PROCEDURES, FORMS, AND METHODS OF MANAGEMENT CONTROLS;

(11) PROVIDING FOR MINIMUM UNIFORM STANDARDS OF ACCOUNTANCY METHODS, PROCEDURES, AND FORMS AS ARE NECESSARY TO ASSURE CONSISTENCY, COMPARABILITY, AND EFFECTIVE DISCLOSURE OF ALL FINANCIAL INFORMATION, INCLUDING PERCENTAGES OF PROFIT FOR VIDEO LOTTERY TERMINALS;

(12) ESTABLISHING PERIODIC FINANCIAL REPORTS AND THE FORM OF THE REPORTS, INCLUDING AN ANNUAL AUDIT PREPARED BY A CERTIFIED PUBLIC ACCOUNTANT LICENSED TO DO BUSINESS IN THE STATE, DISCLOSING WHETHER THE ACCOUNTS, RECORDS, AND CONTROL PROCEDURES EXAMINED ARE MAINTAINED BY THE VIDEO LOTTERY OPERATION LICENSEE AS REQUIRED BY THIS SUBTITLE AND THE REGULATIONS THAT SHALL BE ISSUED UNDER THIS SUBTITLE;

(13) REQUIRING LICENSEES UNDER THIS SUBTITLE TO DEMONSTRATE AND MAINTAIN FINANCIAL VIABILITY;

(14) ENSURING THAT THE OPERATION OF VIDEO LOTTERY TERMINALS AND VIDEO LOTTERY FACILITIES IS CONDUCTED LEGALLY; AND

(15) OTHERWISE CARRYING OUT THE PROVISIONS OF THIS SUBTITLE.

(E) (1) THE COMMISSION SHALL BY REGULATION REQUIRE AN APPLICANT OR LICENSEE TO FILE A BOND FOR THE BENEFIT OF THE STATE FOR THE FAITHFUL PERFORMANCE OF THE REQUIREMENTS IMPOSED BY THIS SUBTITLE AND ANY REGULATIONS ISSUED UNDER THIS SUBTITLE.

(2) AN APPLICANT OR LICENSEE SHALL OBTAIN AND SUBMIT SATISFACTORY PROOF OF THE BOND TO THE COMMISSION BEFORE A LICENSE IS ISSUED OR REISSUED.

(3) THE BONDS FURNISHED MAY BE APPLIED BY THE COMMISSION TO THE PAYMENT OF AN UNPAID LIABILITY OF THE LICENSEE.

(4) THE COMMISSION BY REGULATION MAY EXEMPT CATEGORIES OF VIDEO LOTTERY EMPLOYEES WHO ARE NOT DIRECTLY INVOLVED IN THE VIDEO LOTTERY OPERATIONS FROM THE REQUIREMENTS OF THIS SUBSECTION IF THE COMMISSION DETERMINES THAT THE REQUIREMENT IS NOT NECESSARY IN ORDER TO PROTECT THE PUBLIC INTEREST OR ACCOMPLISH THE POLICIES ESTABLISHED UNDER THIS SUBTITLE.

(F) (1) THE COMMISSION SHALL PROMPTLY AND THOROUGHLY INVESTIGATE ALL APPLICATIONS AND ENFORCE THIS SUBTITLE AND REGULATIONS THAT ARE ADOPTED UNDER THIS SUBTITLE.

(2) THE COMMISSION AND ITS EMPLOYEES AND AGENTS SHALL HAVE THE AUTHORITY, WITHOUT NOTICE AND WITHOUT WARRANT, TO:

(I) INSPECT AND EXAMINE ALL PREMISES IN WHICH VIDEO LOTTERY OPERATIONS UNDER THIS SUBTITLE ARE CONDUCTED OR ANY AUTHORIZED VIDEO LOTTERY TERMINALS, CENTRAL MONITOR AND CONTROL SYSTEM, OR ASSOCIATED EQUIPMENT AND SOFTWARE DESIGNED, BUILT, CONSTRUCTED, ASSEMBLED, MANUFACTURED, SOLD, DISTRIBUTED, OR SERVICED, OR IN WHICH RECORDS OF THOSE ACTIVITIES ARE PREPARED OR MAINTAINED;

(II) INSPECT ANY VIDEO LOTTERY TERMINALS, CENTRAL MONITOR AND CONTROL SYSTEM, OR ASSOCIATED EQUIPMENT AND SOFTWARE IN, ABOUT, ON, OR AROUND THOSE PREMISES;

(III) SEIZE SUMMARILY AND REMOVE FROM THOSE PREMISES AND IMPOUND, OR ASSUME PHYSICAL CONTROL OF, ANY VIDEO LOTTERY TERMINALS, CENTRAL MONITOR AND CONTROL SYSTEM, OR ASSOCIATED EQUIPMENT AND SOFTWARE FOR THE PURPOSES OF EXAMINATION AND INSPECTION;

(IV) INSPECT, EXAMINE, AND AUDIT BOOKS, RECORDS, AND DOCUMENTS CONCERNING A LICENSEE'S VIDEO LOTTERY OPERATIONS, INCLUDING THE FINANCIAL RECORDS OF A PARENT CORPORATION, SUBSIDIARY CORPORATION, OR SIMILAR BUSINESS ENTITY; AND

(V) SEIZE, IMPOUND, OR ASSUME PHYSICAL CONTROL OF BOOKS, RECORDS, LEDGERS, CASH BOXES AND THEIR CONTENTS, A COUNTING ROOM OR ITS EQUIPMENT, OR OTHER PHYSICAL OBJECTS RELATING TO VIDEO LOTTERY OPERATIONS.

(3) A LICENSEE SHALL AUTHORIZE ANY OTHER PERSON HAVING FINANCIAL RECORDS RELATING TO THE LICENSEE TO PROVIDE THOSE RECORDS TO THE COMMISSION.

9–1A–05.

(A) THE VIDEO LOTTERY FACILITY LOCATION COMMISSION ESTABLISHED UNDER § 9–1A–36 OF THIS SUBTITLE MAY NOT:

(1) ISSUE MORE THAN FIVE VIDEO LOTTERY OPERATION LICENSES;

(2) AWARD MORE THAN 15,000 VIDEO LOTTERY TERMINALS FOR OPERATION AT VIDEO LOTTERY FACILITIES IN THE STATE; AND

(3) SUBJECT TO THE REQUIREMENTS OF § 9–1A–36(H) AND (I) OF THIS SUBTITLE, AWARD MORE THAN 4,750 TERMINALS FOR OPERATION AT ANY VIDEO LOTTERY FACILITY.

(B) AN OWNER OR OPERATOR OF A VIDEO LOTTERY DESTINATION LOCATION DESCRIBED UNDER § 9–1A–01 OF THIS SUBTITLE MAY SUBMIT AN APPLICATION FOR A VIDEO LOTTERY OPERATION LICENSE.

(C) A LICENSE ISSUED UNDER THIS SUBTITLE IS NOT VALID AT A GEOGRAPHIC LOCATION OTHER THAN THE GEOGRAPHIC LOCATION OF THE VIDEO LOTTERY DESTINATION LOCATION AT THE TIME THE LICENSE IS ISSUED.

(D) (1) IN THIS SUBSECTION, "OWNER" INCLUDES ANY TYPE OF OWNER OR BENEFICIARY OF A BUSINESS ENTITY, INCLUDING AN OFFICER, DIRECTOR, PRINCIPAL EMPLOYEE, PARTNER, INVESTOR, STOCKHOLDER, OR BENEFICIAL OWNER OF THE BUSINESS ENTITY AND, NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS SUBTITLE, INCLUDING A PERSON HAVING ANY OWNERSHIP INTEREST REGARDLESS OF THE PERCENTAGE OF OWNERSHIP INTEREST.

(2) AN INDIVIDUAL OR BUSINESS ENTITY MAY NOT OWN AN INTEREST IN MORE THAN ONE VIDEO LOTTERY FACILITY.

(3) A MEMBER OF THE SENATE OF MARYLAND OR THE HOUSE OF DELEGATES MAY NOT BE AN OWNER OR AN EMPLOYEE OF ANY BUSINESS ENTITY THAT HOLDS A VIDEO LOTTERY OPERATION LICENSE.

9–1A–06.

(A) THE FOLLOWING PERSONS SHALL BE LICENSED UNDER THIS SUBTITLE:

(1) A VIDEO LOTTERY OPERATOR;

(2) A MANUFACTURER;

(3) A PERSON NOT LICENSED UNDER ITEM (1) OR (2) OF THIS SUBSECTION WHO MANAGES, OPERATES, SUPPLIES, PROVIDES SECURITY FOR, OR

PROVIDES SERVICE, MAINTENANCE, OR REPAIRS FOR VIDEO LOTTERY TERMINALS; AND

(4) A VIDEO LOTTERY EMPLOYEE.

(B) THE COMMISSION MAY BY REGULATION REQUIRE A PERSON THAT CONTRACTS WITH A LICENSEE AND THE PERSON'S EMPLOYEES TO OBTAIN A LICENSE UNDER THIS SUBTITLE IF THE COMMISSION DETERMINES THAT THE LICENSING REQUIREMENTS ARE NECESSARY IN ORDER TO PROTECT THE PUBLIC INTEREST AND ACCOMPLISH THE POLICIES ESTABLISHED BY THIS SUBTITLE.

(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, UNLESS AN INDIVIDUAL HOLDS A VALID LICENSE ISSUED UNDER THIS SUBTITLE, THE INDIVIDUAL MAY NOT BE EMPLOYED BY A LICENSEE AS A VIDEO LOTTERY EMPLOYEE.

(2) THE COMMISSION BY REGULATION MAY EXEMPT CATEGORIES OF VIDEO LOTTERY EMPLOYEES WHO ARE NOT DIRECTLY INVOLVED IN THE VIDEO LOTTERY OPERATIONS FROM THE REQUIREMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION IF THE COMMISSION DETERMINES THAT THE REQUIREMENT IS NOT NECESSARY IN ORDER TO PROTECT THE PUBLIC INTEREST OR ACCOMPLISH THE POLICIES ESTABLISHED UNDER THIS SUBTITLE.

(D) FOR A PERIOD OF 1 YEAR AFTER THE INDIVIDUAL'S SERVICE ON THE STATE LOTTERY COMMISSION OR THE VIDEO LOTTERY FACILITY LOCATION COMMISSION ENDS, A LICENSEE MAY NOT EMPLOY, OR ENTER INTO A FINANCIAL RELATIONSHIP WITH, AN INDIVIDUAL WHO HAS BEEN A MEMBER OF THE STATE LOTTERY COMMISSION OR THE VIDEO LOTTERY FACILITY LOCATION COMMISSION.

9–1A–07.

(A) AN APPLICANT FOR A LICENSE SHALL SUBMIT TO THE COMMISSION AN APPLICATION:

(1) IN THE FORM THAT THE COMMISSION REQUIRES; AND

(2) ON OR BEFORE THE DATE SET BY THE COMMISSION.

(B) (1) THIS SUBSECTION DOES NOT APPLY TO LICENSE FEES FOR A VIDEO LOTTERY OPERATION LICENSE.

(2) THE COMMISSION SHALL BY REGULATION ESTABLISH A FEE FOR A LICENSE UNDER THIS SUBTITLE.

(3) AN APPLICANT SHALL SUBMIT THE FEE WITH THE APPLICATION.

(C) (1) APPLICANTS AND LICENSEES SHALL HAVE THE AFFIRMATIVE RESPONSIBILITY TO ESTABLISH BY CLEAR AND CONVINCING EVIDENCE THE PERSON'S QUALIFICATIONS.

(2) APPLICANTS AND LICENSEES SHALL PROVIDE INFORMATION REQUIRED BY THIS SUBTITLE AND SATISFY REQUESTS FOR INFORMATION RELATING TO QUALIFICATIONS IN THE FORM SPECIFIED BY THE COMMISSION.

(3) APPLICANTS AND LICENSEES SHALL CONSENT TO INSPECTIONS, SEARCHES, AND SEIZURES AUTHORIZED BY THIS SUBTITLE OR REGULATIONS ISSUED UNDER THIS SUBTITLE.

(4) (I) APPLICANTS AND LICENSEES SHALL HAVE THE CONTINUING DUTY TO:

1. PROVIDE ASSISTANCE OR INFORMATION REQUIRED BY THE COMMISSION; AND

2. COOPERATE IN AN INQUIRY, INVESTIGATION, OR HEARING CONDUCTED BY THE COMMISSION.

(II) ON ISSUANCE OF A FORMAL REQUEST TO ANSWER OR PRODUCE INFORMATION, EVIDENCE, OR TESTIMONY, IF AN APPLICANT OR LICENSEE REFUSES TO COMPLY, THE APPLICATION OR LICENSE OF THE PERSON MAY BE DENIED, SUSPENDED, OR REVOKED BY THE COMMISSION.

(5) (I) IF THE APPLICANT IS AN INDIVIDUAL, THE APPLICANT SHALL BE PHOTOGRAPHED AND FINGERPRINTED FOR IDENTIFICATION AND INVESTIGATION PURPOSES.

(II) IF THE APPLICANT IS NOT AN INDIVIDUAL, THE COMMISSION BY REGULATION MAY ESTABLISH THE CATEGORIES OF INDIVIDUALS WHO SHALL BE PHOTOGRAPHED AND FINGERPRINTED FOR IDENTIFICATION AND INVESTIGATION PURPOSES.

(6) (I) APPLICANTS AND LICENSEES SHALL HAVE A DUTY TO INFORM THE COMMISSION OF AN ACT OR OMISSION THAT THE PERSON KNOWS OR SHOULD KNOW CONSTITUTES A VIOLATION OF THIS SUBTITLE OR THE REGULATIONS ISSUED UNDER THIS SUBTITLE.

(II) APPLICANTS AND LICENSEES MAY NOT DISCRIMINATE AGAINST A PERSON WHO IN GOOD FAITH INFORMS THE COMMISSION OF AN ACT OR OMISSION THAT THE PERSON BELIEVES CONSTITUTES A VIOLATION OF THIS SUBTITLE OR THE REGULATIONS ISSUED UNDER THIS SUBTITLE.

(7) APPLICANTS AND LICENSEES SHALL PRODUCE INFORMATION, DOCUMENTATION, AND ASSURANCES TO ESTABLISH THE FOLLOWING QUALIFICATION CRITERIA BY CLEAR AND CONVINCING EVIDENCE:

(I) THE FINANCIAL STABILITY, INTEGRITY, AND RESPONSIBILITY OF THE APPLICANT OR LICENSEE;

(II) THE INTEGRITY OF ANY FINANCIAL BACKERS, INVESTORS, MORTGAGEES, BONDHOLDERS, AND HOLDERS OF OTHER EVIDENCES OF INDEBTEDNESS THAT BEAR A RELATION TO THE APPLICATION;

(III) THE APPLICANT'S OR LICENSEE'S GOOD CHARACTER, HONESTY, AND INTEGRITY;

(IV) SUFFICIENT BUSINESS ABILITY AND EXPERIENCE OF THE APPLICANT OR LICENSEE; AND

(V) THAT:

1. THE APPLICANT OR LICENSEE HAS ENTERED INTO A LABOR PEACE AGREEMENT WITH EACH LABOR ORGANIZATION THAT IS ACTIVELY ENGAGED IN REPRESENTING OR ATTEMPTING TO REPRESENT VIDEO LOTTERY AND HOSPITALITY INDUSTRY WORKERS IN THE STATE;

2. THE LABOR PEACE AGREEMENT IS VALID AND ENFORCEABLE UNDER 29 U.S.C. § 185;

3. THE LABOR PEACE AGREEMENT PROTECTS THE STATE'S REVENUES BY PROHIBITING THE LABOR ORGANIZATION AND ITS MEMBERS FROM ENGAGING IN PICKETING, WORK STOPPAGES, BOYCOTTS, AND ANY OTHER ECONOMIC INTERFERENCE WITH THE OPERATION OF THE VIDEO LOTTERY FACILITY WITHIN THE FIRST 5 YEARS OF THE EFFECTIVE DATE OF THE VIDEO LOTTERY OPERATION LICENSE; AND

4. THE LABOR PEACE AGREEMENT APPLIES TO ALL OPERATIONS AT THE VIDEO LOTTERY FACILITY THAT ARE CONDUCTED BY A LESSEE OR TENANT OR UNDER A MANAGEMENT AGREEMENT.

(D) ON THE FILING OF AN APPLICATION FOR ANY LICENSE REQUIRED UNDER THIS SUBTITLE AND ANY SUPPLEMENTAL INFORMATION REQUIRED BY THE COMMISSION, THE COMMISSION SHALL:

(1) REFER THE APPLICATION TO THE DEPARTMENT OF STATE POLICE OR AN APPROVED VENDOR UNDER § 9–1A–20 OF THIS SUBTITLE TO CONDUCT A BACKGROUND INVESTIGATION ON THE QUALIFICATIONS OF THE APPLICANT AND ANY PERSON WHO IS REQUIRED TO BE QUALIFIED UNDER THIS SUBTITLE AS A CONDITION OF A LICENSE; AND

(2) IF THE APPLICANT IS APPLYING FOR A VIDEO LOTTERY OPERATION LICENSE, CONDUCT A HEARING ON THE QUALIFICATIONS OF THE APPLICANT AND ANY PERSON WHO IS REQUIRED TO BE QUALIFIED UNDER THIS SUBTITLE AS A CONDITION OF A LICENSE.

(E) (1) AFTER RECEIVING THE RESULTS OF THE BACKGROUND INVESTIGATION AND CONDUCTING ANY HEARING REQUIRED UNDER THIS SUBTITLE, THE COMMISSION MAY EITHER GRANT A LICENSE TO AN APPLICANT WHOM THE COMMISSION DETERMINES TO BE QUALIFIED OR DENY THE LICENSE TO AN APPLICANT WHOM THE COMMISSION DETERMINES TO BE NOT QUALIFIED OR DISQUALIFIED.

(2) IF AN APPLICATION FOR A LICENSE IS DENIED, THE COMMISSION SHALL PREPARE AND FILE AN ORDER DENYING THE LICENSE WITH A STATEMENT OF THE REASONS FOR THE DENIAL, INCLUDING THE SPECIFIC FINDINGS OF FACT.

(F) EXCEPT AS PROVIDED IN § 9–1A–13 OF THIS SUBTITLE, IF SATISFIED THAT AN APPLICANT IS QUALIFIED TO RECEIVE A LICENSE, AND ON TENDER OF ALL REQUIRED APPLICATION, LICENSE, AND OTHER FEES AND TAXES, AND ANY BOND REQUIRED UNDER § 9–1A–04(E) OF THIS SUBTITLE, THE COMMISSION SHALL ISSUE A LICENSE FOR A TERM OF 1 YEAR.

(G) (1) AN INDIVIDUAL MAY NOT KNOWINGLY GIVE FALSE INFORMATION OR MAKE A MATERIAL MISSTATEMENT IN AN APPLICATION REQUIRED FOR ANY LICENSE UNDER THIS SUBTITLE OR IN ANY SUPPLEMENTAL INFORMATION REQUIRED BY THE COMMISSION.

(2) AN INDIVIDUAL WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING $5,000 OR BOTH.

9–1A–08.

(A) IN ADDITION TO OTHER INFORMATION REQUIRED BY THIS SUBTITLE, A BUSINESS ENTITY APPLYING FOR A VIDEO LOTTERY OPERATION LICENSE SHALL PROVIDE THE FOLLOWING INFORMATION:

(1) THE ORGANIZATION, FINANCIAL STRUCTURE, AND NATURE OF ALL BUSINESSES OPERATED BY THE BUSINESS ENTITY;

(2) THE NAMES, PERSONAL EMPLOYMENT, AND, WHEN APPLICABLE, CRIMINAL HISTORIES OF THE OFFICERS, DIRECTORS, PARTNERS, AND PRINCIPAL EMPLOYEES OF THE BUSINESS ENTITY;

(3) THE NAMES OF ALL HOLDING, INTERMEDIARY, AND SUBSIDIARY COMPANIES OR OTHER SIMILAR BUSINESS ENTITIES OF THE BUSINESS ENTITY;

(4) THE ORGANIZATION, FINANCIAL STRUCTURE, AND NATURE OF ALL BUSINESSES OPERATED BY THE BUSINESS ENTITY'S HOLDING, INTERMEDIARY, AND SUBSIDIARY COMPANIES OR OTHER SIMILAR BUSINESS ENTITIES;

(5) THE RIGHTS AND PRIVILEGES ACQUIRED BY THE HOLDERS OF DIFFERENT CLASSES OF AUTHORIZED SECURITIES, PARTNERSHIP INTERESTS, OR OTHER SIMILAR OWNERSHIP INTERESTS OF THE BUSINESS ENTITY AND ITS HOLDING, INTERMEDIARY, AND SUBSIDIARY COMPANIES OR OTHER SIMILAR BUSINESS ENTITIES;

(6) THE TERMS ON WHICH THE SECURITIES, PARTNERSHIP INTERESTS, OR OTHER SIMILAR OWNERSHIP INTERESTS HAVE BEEN OR ARE TO BE OFFERED;

(7) THE TERMS AND CONDITIONS OF ALL OUTSTANDING LOANS, MORTGAGES, TRUST DEEDS, PLEDGES, OR OTHER INDEBTEDNESS OR SECURITY DEVICES UTILIZED BY THE BUSINESS ENTITY;

(8) THE EXTENT OF THE EQUITY SECURITY HOLDING IN THE BUSINESS ENTITY OF THE OFFICERS, DIRECTORS, PARTNERS, AND UNDERWRITERS AND THEIR REMUNERATION IN THE FORM OF SALARY, WAGES, FEES, OR OTHERWISE;

(9) THE NAMES OF PERSONS OTHER THAN THE DIRECTORS AND OFFICERS WHO OCCUPY POSITIONS SPECIFIED BY THE COMMISSION OR WHOSE COMPENSATION EXCEEDS AN AMOUNT DETERMINED BY THE COMMISSION;

(10) THE NAMES OF PERSONS WHO OWN OR CONTROL THE BUSINESS ENTITY;

(11) A DESCRIPTION OF ALL BONUS AND PROFIT SHARING ARRANGEMENTS;

(12) COPIES OF MANAGEMENT AND SERVICE CONTRACTS; AND

(13) A LISTING OF STOCK OPTIONS.

(B) IF A BUSINESS ENTITY THAT APPLIES FOR A VIDEO LOTTERY OPERATION LICENSE IS A SUBSIDIARY OR IF A BUSINESS ENTITY HOLDING A VIDEO LOTTERY OPERATION LICENSE IS TO BECOME A SUBSIDIARY, EACH HOLDING COMPANY AND EACH INTERMEDIARY COMPANY WITH RESPECT TO THE BUSINESS ENTITY SHALL, AS A CONDITION OF THE SUBSIDIARY ACQUIRING OR RETAINING A VIDEO LOTTERY OPERATION LICENSE:

(1) QUALIFY TO DO BUSINESS IN THE STATE; OR

(2) FURNISH THE COMMISSION WITH THE INFORMATION REQUIRED UNDER SUBSECTION (A) OF THIS SECTION AND OTHER INFORMATION THAT THE COMMISSION MAY REQUIRE.

(C) AN INDIVIDUAL APPLYING FOR A VIDEO LOTTERY OPERATION LICENSE SHALL PROVIDE, TO THE EXTENT APPLICABLE TO AN INDIVIDUAL, THE INFORMATION REQUIRED UNDER SUBSECTION (A) OF THIS SECTION IN THE FORM REQUIRED BY THE COMMISSION.

(D) THE COMMISSION SHALL DENY A VIDEO LOTTERY OPERATION LICENSE TO AN APPLICANT WHO IS DISQUALIFIED ON THE BASIS OF ANY OF THE FOLLOWING CRITERIA:

(1) FAILURE OF THE APPLICANT TO PROVE BY CLEAR AND CONVINCING EVIDENCE THAT THE APPLICANT AND EACH PERSON WHO OWNS OR CONTROLS THE APPLICATION ARE QUALIFIED UNDER THE PROVISIONS OF THIS SUBTITLE;

(2) FAILURE OF THE APPLICANT OR ANY PERSON REQUIRED TO BE QUALIFIED UNDER THIS SUBTITLE AS A CONDITION OF A LICENSE TO PROVIDE INFORMATION, DOCUMENTATION, AND ASSURANCES REQUIRED BY THIS SUBTITLE OR REQUESTED BY THE COMMISSION;

(3) FAILURE OF THE APPLICANT OR ANY PERSON REQUIRED TO BE QUALIFIED UNDER THIS SUBTITLE AS A CONDITION OF A LICENSE TO REVEAL ANY FACT MATERIAL TO QUALIFICATION;

(4) SUPPLYING, BY THE APPLICANT OR ANY PERSON REQUIRED TO BE QUALIFIED UNDER THIS SUBTITLE AS A CONDITION OF A LICENSE, INFORMATION THAT IS UNTRUE OR MISLEADING AS TO A MATERIAL FACT CONCERNING THE QUALIFICATION CRITERIA;

(5) CONVICTION OF THE APPLICANT OR OF ANY PERSON REQUIRED TO BE QUALIFIED UNDER THIS SUBTITLE AS A CONDITION OF A LICENSE OF AN OFFENSE UNDER THE LAWS OF THE UNITED STATES OR ANY JURISDICTION WITHIN THE UNITED STATES THAT IS A CRIMINAL OFFENSE INVOLVING MORAL TURPITUDE OR A GAMBLING OFFENSE;

(6) CURRENT PROSECUTION OF THE APPLICANT OR A PERSON WHO IS REQUIRED TO BE QUALIFIED UNDER THIS SUBTITLE AS A CONDITION OF A LICENSE FOR AN OFFENSE DESCRIBED UNDER ITEM (5) OF THIS SUBSECTION, PROVIDED THAT, AT THE REQUEST OF THE APPLICANT, THE COMMISSION MAY DEFER ITS DECISION ON THE APPLICATION DURING THE PENDENCY OF THE CHARGE;

(7) PURSUIT BY THE APPLICANT OR A PERSON WHO IS REQUIRED TO BE QUALIFIED UNDER THIS SUBTITLE AS A CONDITION OF A LICENSE OF ECONOMIC GAIN IN AN OCCUPATIONAL MANNER OR CONTEXT THAT IS IN VIOLATION OF THE LAWS OF THE STATE, IF THE PURSUIT CREATES A REASONABLE BELIEF THAT PARTICIPATION OF THE APPLICANT IN VIDEO LOTTERY OPERATIONS WOULD BE INIMICAL TO THE POLICIES OF THIS SUBTITLE;

(8) IDENTIFICATION OF THE APPLICANT OR A PERSON WHO IS REQUIRED TO BE QUALIFIED UNDER THIS SUBTITLE AS A CONDITION OF A LICENSE AS A CAREER OFFENDER OR A MEMBER OF A CAREER OFFENDER CARTEL OR AN ASSOCIATE OF A CAREER OFFENDER OR CAREER OFFENDER CARTEL IN A MANNER THAT CREATES A REASONABLE BELIEF THAT THE ASSOCIATION IS OF A NATURE AS TO BE INIMICAL TO THE POLICIES OF THIS SUBTITLE;

(9) THE COMMITTING OF AN ACT BY THE APPLICANT OR A PERSON WHO IS REQUIRED TO BE QUALIFIED UNDER THIS SUBTITLE AS A CONDITION OF A LICENSE THAT WOULD CONSTITUTE AN OFFENSE DESCRIBED UNDER ITEM (5) OF THIS SUBSECTION, EVEN IF THE ACT HAS NOT BEEN OR MAY NOT BE PROSECUTED UNDER THE CRIMINAL LAWS OF THE STATE;

(10) WILLFUL DEFIANCE BY THE APPLICANT OR A PERSON WHO IS REQUIRED TO BE QUALIFIED UNDER THIS SUBTITLE AS A CONDITION OF A LICENSE OF A LEGISLATIVE INVESTIGATORY BODY OR OTHER OFFICIAL INVESTIGATORY BODY OF THE UNITED STATES OR A JURISDICTION WITHIN THE UNITED STATES WHEN THE BODY IS ENGAGED IN THE INVESTIGATION OF CRIMES RELATING TO GAMBLING, OFFICIAL CORRUPTION, OR ORGANIZED CRIME ACTIVITY; AND

(11) ANY OTHER REASON ESTABLISHED IN REGULATIONS OF THE COMMISSION AS A REASON FOR DENYING A LICENSE.

9–1A–09.

(A) IN THIS SECTION, "RACING LICENSEE" MEANS THE HOLDER OF A LICENSE ISSUED BY THE STATE RACING COMMISSION TO HOLD A RACE MEETING IN THE STATE UNDER TITLE 11 OF THE BUSINESS REGULATION ARTICLE.

(B) AS A CONDITION OF ELIGIBILITY FOR FUNDING UNDER § 9–1A–29 OF THIS SUBTITLE, A RACING LICENSEE SHALL:

(1) (I) FOR LAUREL PARK AND PIMLICO RACE COURSE, CONDUCT A MINIMUM OF 220 ANNUAL LIVE RACING DAYS COMBINED BETWEEN LAUREL PARK OR PIMLICO RACE COURSE UNLESS OTHERWISE AGREED TO BY THE RACING LICENSEE AND THE ORGANIZATION THAT REPRESENTS THE MAJORITY OF LICENSED THOROUGHBRED OWNERS AND TRAINERS IN THE STATE OR UNLESS THE RACING LICENSEE IS PREVENTED BY WEATHER, ACTS OF GOD, OR OTHER CIRCUMSTANCES BEYOND THE RACING LICENSEE'S CONTROL;

(II) FOR ROSECROFT RACEWAY, CONDUCT A MINIMUM OF 90 ANNUAL LIVE RACING DAYS UNLESS OTHERWISE AGREED TO BY THE RACING LICENSEE AND THE ORGANIZATION THAT REPRESENTS THE MAJORITY OF LICENSED STANDARDBRED OWNERS AND TRAINERS IN THE STATE OR UNLESS THE RACING LICENSEE IS PREVENTED BY WEATHER, ACTS OF GOD, OR OTHER CIRCUMSTANCES BEYOND THE RACING LICENSEE'S CONTROL; AND

(III) FOR OCEAN DOWNS RACETRACK, CONDUCT A MINIMUM OF 40 ANNUAL LIVE RACING DAYS UNLESS OTHERWISE AGREED TO BY THE RACING LICENSEE AND THE ORGANIZATION THAT REPRESENTS THE MAJORITY OF LICENSED STANDARDBRED OWNERS AND TRAINERS IN THE STATE OR UNLESS THE RACING LICENSEE IS PREVENTED BY WEATHER, ACTS OF GOD, OR OTHER CIRCUMSTANCES BEYOND THE RACING LICENSEE'S CONTROL;

(2) IF THE RACING LICENSEE HOLDS THE RACING LICENSE FOR PIMLICO RACE COURSE, RETAIN IN THE STATE OF MARYLAND THE NAME, COMMON LAW AND STATUTORY COPYRIGHTS, SERVICE MARKS, TRADEMARKS, TRADE NAMES, AND HORSE RACING EVENTS THAT ARE ASSOCIATED WITH THE PREAKNESS STAKES AND THE WOODLAWN VASE;

(3) IF THE RACING LICENSEE HOLDS THE RACING LICENSE FOR THE PIMLICO RACE COURSE, PROMOTE AND CONDUCT THE PREAKNESS STAKES EACH YEAR AT:

(I) THE PIMLICO RACE COURSE; OR

(II) IF THE PIMLICO RACE COURSE NO LONGER EXISTS, THE PREAKNESS STAKES RACE IS PREVENTED FROM BEING CONDUCTED AT THE PIMLICO RACE COURSE, OR THE STATE RACING COMMISSION, UNDER § 11–513 OF THE BUSINESS REGULATION ARTICLE, DEEMS AN EMERGENCY EXISTS, ANOTHER TRACK LOCATED IN THE STATE THAT IS APPROVED BY THE STATE RACING COMMISSION;

(4) IF THE RACING LICENSEE HOLDS THE RACING LICENSE FOR LAUREL PARK, PERMIT THE EVENT KNOWN AS THE MARYLAND MILLION TO BE RUN ANNUALLY AT LAUREL PARK UNLESS:

(I) THE RACING LICENSEE IS PREVENTED FROM DOING SO BY WEATHER, ACTS OF GOD, OR OTHER CIRCUMSTANCES BEYOND THE CONTROL OF THE RACING LICENSEE; OR

(II) THE RACING LICENSEE AND THE MARYLAND MILLION LLC AGREE TO ANOTHER LOCATION THAT IS APPROVED BY THE STATE RACING COMMISSION;

(5) DEVELOP AND SUBMIT TO THE STATE RACING COMMISSION A MULTIYEAR PLAN TO IMPROVE THE QUALITY AND MARKETING OF HORSE RACING AT RACETRACK LOCATIONS OWNED OR OPERATED BY THE RACING LICENSEE IN MARYLAND, WHICH SHALL INCLUDE:

(I) GOALS, INDICATORS, AND TIMELINES FOR SPECIFIC ACTIONS THAT WILL BE TAKEN BY THE RACING LICENSEE TO IMPROVE THE QUALITY AND MARKETING OF THE HORSE RACING INDUSTRY IN MARYLAND; AND

(II) A MASTER PLAN FOR CAPITAL IMPROVEMENTS THAT REFLECTS, AT A MINIMUM:

1. COMMITMENTS THAT HAVE BEEN MADE TO THE STATE RACING COMMISSION; AND

2. AN ONGOING INVESTMENT IN CAPITAL MAINTENANCE AND IMPROVEMENTS IN THE HORSE RACING FACILITIES OF AT LEAST $1,500,000 ANNUALLY, WHICH MAY INCLUDE AMOUNTS PROVIDED AS A MATCHING FUND AS REQUIRED UNDER § 9–1A–29(E)(2) OF THIS SUBTITLE; AND

(6) DEVELOP WITH OTHER RACING INDUSTRY REPRESENTATIVES A MULTIYEAR PLAN TO IMPROVE THE QUALITY AND MARKETING OF THE HORSE RACING INDUSTRY IN MARYLAND, WHICH SHALL INCLUDE GOALS, INDICATORS, AND TIMELINES FOR SPECIFIC ACTIONS THAT WILL BE TAKEN BY THE THOROUGHBRED AND HARNESS RACING INDUSTRIES TO IMPROVE THE QUALITY AND MARKETING OF THE HORSE RACING INDUSTRY IN MARYLAND, INCLUDING JOINT MARKETING EFFORTS.

(C) AS PART OF THE CAPITAL MAINTENANCE AND IMPROVEMENT ITEMS IN THE PLAN SUBMITTED UNDER SUBSECTION (B)(5) OF THIS SECTION, A RACING LICENSEE SHALL INCLUDE ANY IMPROVEMENTS NECESSARY TO ENSURE THAT THE CONDITION OF ANY PART OF THE RACETRACK FACILITY WHERE INDIVIDUALS RESIDE IS SATISFACTORY FOR HUMAN HABITATION AND MEETS MINIMUM HOUSING AND SANITATION STANDARDS IN THE COUNTY WHERE THE FACILITY IS LOCATED.

(D) THE PLANS REQUIRED UNDER SUBSECTION (B) OF THIS SECTION SHALL ALSO BE PROVIDED TO THE DEPARTMENT OF GENERAL SERVICES AND TO THE LEGISLATIVE POLICY COMMITTEE OF THE GENERAL ASSEMBLY.

(E) (1) IF A VIDEO LOTTERY OPERATION LICENSE HAS BEEN ISSUED FOR A RACETRACK LOCATION AT LAUREL PARK, THE VIDEO LOTTERY OPERATION LICENSE FOR THE LOCATION SHALL BE REVOKED IF THE NAME, COMMON LAW AND STATUTORY COPYRIGHTS, SERVICE MARKS, TRADEMARKS, TRADE NAMES, OR HORSE RACING EVENTS THAT ARE ASSOCIATED WITH THE PREAKNESS STAKES RACE OR THE WOODLAWN VASE ARE TRANSFERRED TO A LOCATION OUTSIDE THE STATE.

(2) AS AN ADDITIONAL CONDITION OF A VIDEO LOTTERY OPERATION LICENSE, IF A RACETRACK LICENSEE HOLDS A VIDEO LOTTERY OPERATION LICENSE FOR LAUREL PARK, THE LICENSEE SHALL BE REQUIRED TO:

(I) PROMOTE AND CONDUCT THE PREAKNESS STAKES RACE AT THE PIMLICO RACE COURSE EACH YEAR; OR

(II) IF THE PIMLICO RACE COURSE NO LONGER EXISTS, THE PREAKNESS STAKES RACE IS PREVENTED FROM BEING CONDUCTED AT THE PIMLICO RACE COURSE, OR THE STATE RACING COMMISSION, UNDER § 11–513 OF THE BUSINESS REGULATION ARTICLE, DEEMS AN EMERGENCY EXISTS, PROMOTE AND CONDUCT THE PREAKNESS STAKES RACE EACH YEAR AT ANOTHER TRACK LOCATED IN THE STATE THAT IS APPROVED BY THE STATE RACING COMMISSION.

(3) IF A RACETRACK LICENSEE HAS BEEN ISSUED A VIDEO LOTTERY OPERATION LICENSE FOR A RACETRACK LOCATION AT LAUREL PARK, THE LICENSEE SHALL PERMIT THE EVENT KNOWN AS THE MARYLAND MILLION TO BE RUN ANNUALLY AT LAUREL PARK UNLESS:

(I) THE LICENSEE IS PREVENTED FROM DOING SO BY WEATHER, ACTS OF GOD, OR OTHER CIRCUMSTANCES BEYOND THE CONTROL OF THE LICENSEE; OR

(II) THE LICENSEE AND THE MARYLAND MILLION LLC AGREE TO ANOTHER LOCATION THAT IS APPROVED BY THE STATE RACING COMMISSION.

(4) IF A VIDEO LOTTERY OPERATION LICENSE IS ISSUED TO A RACETRACK LOCATION AT LAUREL PARK, THE VIDEO LOTTERY OPERATION LICENSEE SHALL:

(I) MAINTAIN THE OPERATION OF THE BOWIE TRAINING CENTER; OR

(II) IF STATE LAW NO LONGER REQUIRES THE BOWIE TRAINING CENTER TO OPERATE AS A TRAINING FACILITY, CONVEY THE PROPERTY ASSOCIATED WITH THE BOWIE TRAINING CENTER TO THE STATE AS PRESERVED LAND UNDER PROGRAM OPEN SPACE.

9–1A–10.

(A) (1) FOR THE CONSTRUCTION AND PROCUREMENT RELATED TO THE OPERATION OF VIDEO LOTTERY TERMINALS, THE APPLICANT OR LICENSEE SHALL AT A MINIMUM MEET THE SAME REQUIREMENTS OF A DESIGNATED UNIT FOR MINORITY BUSINESS PARTICIPATION AS DESCRIBED UNDER TITLE 14, SUBTITLE 3 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(2) IF THE COUNTY IN WHICH A VIDEO LOTTERY FACILITY WILL BE LOCATED HAS HIGHER MINORITY BUSINESS PARTICIPATION REQUIREMENTS THAN THE STATE AS DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, THE APPLICANT SHALL MEET THE COUNTY'S MINORITY BUSINESS PARTICIPATION REQUIREMENTS TO THE EXTENT POSSIBLE.

(3) ANY COLLECTIVE BARGAINING AGREEMENT OR AGREEMENTS, INCLUDING A PROJECT LABOR AGREEMENT OR A NEUTRALITY AGREEMENT, ENTERED INTO BY AN APPLICANT OR LICENSEE MAY NOT NEGATE THE REQUIREMENTS OF THIS SUBSECTION.

(4) IF AN APPLICANT FOR EMPLOYMENT AT A VIDEO LOTTERY FACILITY BELIEVES THAT THE APPLICANT HAS BEEN DISCRIMINATED AGAINST IN THE EMPLOYMENT PROCESS, THE APPLICANT MAY APPEAL THE EMPLOYMENT DECISION TO THE LOCAL HUMAN RELATIONS BOARD IN THE COUNTY WHERE THE FACILITY IS LOCATED.

(5) NOTWITHSTANDING ANY COLLECTIVE BARGAINING AGREEMENT OR AGREEMENTS, A LICENSEE SHALL:

(I) PROVIDE HEALTH INSURANCE COVERAGE FOR ITS EMPLOYEES;

(II) GIVE A PREFERENCE TO HIRING QUALIFIED EMPLOYEES FROM THE COMMUNITIES WITHIN 10 MILES OF THE VIDEO LOTTERY FACILITY.

(6) A LICENSEE SHALL:

(I) PROVIDE RETIREMENT BENEFITS FOR ITS EMPLOYEES; AND

(II) IF THE LICENSEE IS A RACETRACK LICENSEE, PROVIDE RETIREMENT BENEFITS TO ITS VIDEO LOTTERY OPERATION EMPLOYEES THAT ARE EQUIVALENT TO THE LEVEL OF BENEFITS PROVIDED TO THE RACETRACK EMPLOYEES WHO ARE ELIGIBLE UNDER THE MARYLAND RACETRACK EMPLOYEES PENSION FUND.

(7) NOTWITHSTANDING ANY COLLECTIVE BARGAINING AGREEMENT OR AGREEMENTS, IF THE LICENSEE IS A RACETRACK LOCATION, THE LICENSEE SHALL PROVIDE HEALTH INSURANCE COVERAGE TO ALL EMPLOYEES OF THE RACETRACK, INCLUDING THE EMPLOYEES OF THE RACETRACK ON THE BACKSTRETCH OF THE RACETRACK.

(B) (1) THE COMMISSION SHALL ENSURE THAT A VIDEO LOTTERY OPERATION LICENSEE COMPLIES WITH THE REQUIREMENTS OF SUBSECTION (A)(1)

AND (2) OF THIS SECTION AS A CONDITION OF HOLDING THE VIDEO LOTTERY OPERATION LICENSE.

(2) THE GOVERNOR'S OFFICE OF MINORITY AFFAIRS SHALL MONITOR A LICENSEE'S COMPLIANCE WITH SUBSECTION (A)(1) AND (2) OF THIS SECTION.

(3) THE GOVERNOR'S OFFICE OF MINORITY AFFAIRS SHALL REPORT TO THE COMMISSION AT LEAST EVERY 6 MONTHS ON THE COMPLIANCE OF LICENSEES WITH SUBSECTION (A)(1) AND (2) OF THIS SECTION.

(4) IF THE GOVERNOR'S OFFICE OF MINORITY AFFAIRS REPORTS THAT A LICENSEE IS NOT IN COMPLIANCE WITH SUBSECTION (A)(1) AND (2) OF THIS SECTION, THE COMMISSION MAY TAKE IMMEDIATE ACTION TO ENSURE THE COMPLIANCE OF THE LICENSEE.

(C) ON OR AFTER JULY 1, 2011, THE PROVISIONS OF SUBSECTION (A)(1) AND (2) OF THIS SECTION AND ANY REGULATIONS ADOPTED UNDER SUBSECTION (A)(1) AND (2) OF THIS SECTION SHALL BE OF NO EFFECT AND MAY NOT BE ENFORCED.

9–1A–11.

(A) ANY VIDEO LOTTERY OPERATION LICENSES NOT ISSUED FOR A LOCATION AUTHORIZED UNDER THIS SUBTITLE SHALL AUTOMATICALLY REVERT TO THE STATE.

(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A LICENSEE SHALL COMMENCE OPERATION OF VIDEO LOTTERY TERMINALS IN A PERMANENT FACILITY AT THE LOCATION FOR WHICH THE VIDEO LOTTERY OPERATION LICENSE HAS BEEN ISSUED WITHIN 18 MONTHS AFTER THE LICENSE IS ISSUED.

(2) (I) ON A DETERMINATION BY THE COMMISSION THAT EXTENUATING CIRCUMSTANCES EXIST THAT ARE BEYOND THE CONTROL OF A LICENSEE AND HAVE PREVENTED THE LICENSEE FROM COMPLYING WITH THE REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION, THE COMMISSION MAY ALLOW THE LICENSEE AN EXTENSION OF 6 MONTHS TO COMPLY WITH THE REQUIREMENTS.

(II) THE COMMISSION MAY NOT GRANT MORE THAN TWO EXTENSIONS TO A LICENSEE UNDER THIS PARAGRAPH.

(3) IF A VIDEO LOTTERY OPERATION LICENSEE FAILS TO COMPLY WITH THE REQUIREMENTS OF THIS SUBSECTION, THE LICENSE ISSUED TO THE LICENSEE SHALL BE REVOKED AND SHALL AUTOMATICALLY REVERT TO THE STATE.

(C) (1) NOTHING IN THIS SUBTITLE MAY BE CONSTRUED TO PROHIBIT A VIDEO LOTTERY OPERATION LICENSEE THAT IS AWARDED A LICENSE AT A RACETRACK LOCATION FROM BEGINNING VIDEO LOTTERY TERMINAL OPERATIONS IN A TEMPORARY FACILITY THAT MEETS THE MINIMUM REQUIREMENTS ESTABLISHED IN REGULATIONS ADOPTED BY THE STATE LOTTERY COMMISSION.

(2) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION, A VIDEO LOTTERY OPERATION LICENSEE AT A RACETRACK LOCATION SHALL BE OPERATIONAL IN A PERMANENT FACILITY NO LATER THAN 30 MONTHS AFTER THE ISSUANCE OF THE VIDEO LOTTERY OPERATION LICENSE.

9–1A–12.

IF A VIDEO LOTTERY OPERATION LICENSEE CONTRACTS WITH ANOTHER PERSON OTHER THAN AN EMPLOYEE OF THE VIDEO LOTTERY OPERATION LICENSEE TO PROVIDE ANY OF THE SERVICES RELATED TO OPERATING A VIDEO LOTTERY FACILITY, EACH PERSON AND EACH OTHER PERSON WHO OWNS OR CONTROLS THE PERSON OR MANAGEMENT AND SUPERVISORY PERSONNEL AND OTHER PRINCIPAL EMPLOYEES OF THE PERSON SHALL QUALIFY UNDER THE STANDARDS AND PROVISIONS SET FORTH IN §§ 9–1A–07 AND 9–1A–08 OF THIS SUBTITLE FOR VIDEO LOTTERY OPERATION LICENSEES.

9–1A–13.

(A) THE INITIAL TERM OF A VIDEO LOTTERY OPERATION LICENSE IS 15 YEARS.

(B) DURING THE INITIAL TERM OF A VIDEO LOTTERY OPERATION LICENSE, THE LICENSEE SHALL PROVIDE THE COMMISSION WITH AN ANNUAL UPDATE OF THE INFORMATION REQUIRED UNDER THIS SUBTITLE FOR THE ISSUANCE OF A LICENSE BY THE DATE SET BY THE COMMISSION IN REGULATIONS AND ON THE FORM REQUIRED BY THE COMMISSION.

(C) ONE YEAR BEFORE THE EXPIRATION OF THE TERM OF A VIDEO LOTTERY OPERATION LICENSE, THE LICENSEE SHALL FILE WITH THE COMMISSION A NOTICE OF INTENT TO REAPPLY FOR THE LICENSE UNDER THIS SUBTITLE.

(D) WITHIN 1 YEAR OF THE END OF THE INITIAL 15–YEAR LICENSE TERM, A VIDEO LOTTERY OPERATION LICENSEE MAY REAPPLY FOR A LICENSE THAT HAS A LICENSE TERM OF 10 YEARS AND A LICENSE FEE TO BE ESTABLISHED BY STATUTE.

(E) IF A LICENSEE HAS ITS LICENSE REVOKED OR OTHERWISE SURRENDERS THE LICENSE, THE VIDEO LOTTERY OPERATION LICENSE REVERTS TO THE STATE.

9–1A–14.

(A) UNLESS AN INDIVIDUAL HOLDS A VALID VIDEO LOTTERY EMPLOYEE LICENSE ISSUED BY THE COMMISSION, THE INDIVIDUAL MAY NOT BE EMPLOYED BY A VIDEO LOTTERY OPERATION LICENSEE AS A VIDEO LOTTERY EMPLOYEE.

(B) BEFORE ISSUANCE OF A VIDEO LOTTERY EMPLOYEE LICENSE, AN APPLICANT SHALL PROVIDE SUFFICIENT INFORMATION, DOCUMENTATION, AND ASSURANCES THAT THE COMMISSION MAY REQUIRE.

(C) THE COMMISSION SHALL DENY A VIDEO LOTTERY EMPLOYEE LICENSE TO AN APPLICANT WHO IS DISQUALIFIED DUE TO:

(1) THE APPLICANT'S FAILURE TO PROVE THE APPLICANT'S GOOD CHARACTER, HONESTY, AND INTEGRITY;

(2) THE APPLICANT'S LACK OF EXPERTISE OR TRAINING TO BE A VIDEO LOTTERY EMPLOYEE;

(3) THE APPLICANT'S CONVICTION FOR ANY CRIME INVOLVING MORAL TURPITUDE OR GAMBLING UNDER THE LAWS OF THE UNITED STATES OR ANY STATE;

(4) THE APPLICANT'S CURRENT PROSECUTION FOR ANY CRIME INVOLVING MORAL TURPITUDE OR GAMBLING UNDER THE LAWS OF THE UNITED STATES OR ANY STATE, BUT, AT THE REQUEST OF THE APPLICANT, THE COMMISSION MAY DEFER A DECISION ON THE APPLICATION DURING THE PENDENCY OF THE CHARGE;

(5) PURSUIT BY THE APPLICANT OF ECONOMIC GAIN IN AN OCCUPATIONAL MANNER OR CONTEXT THAT IS IN VIOLATION OF THE LAWS OF THE STATE, IF THE PURSUIT CREATES A REASONABLE BELIEF THAT PARTICIPATION OF THE APPLICANT IN VIDEO LOTTERY OPERATIONS WOULD BE INIMICAL TO THE POLICIES OF THIS SUBTITLE;

(6) IDENTIFICATION OF THE APPLICANT AS A CAREER OFFENDER OR A MEMBER OF A CAREER OFFENDER CARTEL OR AN ASSOCIATE OF A CAREER OFFENDER OR CAREER OFFENDER CARTEL IN A MANNER THAT CREATES A REASONABLE BELIEF THAT THE ASSOCIATION IS OF A NATURE AS TO BE INIMICAL TO THE POLICIES OF THIS SUBTITLE;

(7) COMMISSION OF AN ACT BY THE APPLICANT THAT WOULD CONSTITUTE AN OFFENSE DESCRIBED UNDER ITEM (3) OF THIS SUBSECTION, EVEN IF THE ACT HAS NOT BEEN OR MAY NOT BE PROSECUTED UNDER THE CRIMINAL LAWS OF THE STATE;

(8) WILLFUL DEFIANCE BY THE APPLICANT OR A PERSON THAT IS REQUIRED TO BE QUALIFIED UNDER THIS SUBTITLE AS A CONDITION OF A LICENSE

OF A LEGISLATIVE INVESTIGATORY BODY OR OTHER OFFICIAL INVESTIGATORY BODY OF THE UNITED STATES OR A JURISDICTION WITHIN THE UNITED STATES WHEN THE BODY IS ENGAGED IN THE INVESTIGATION OF CRIMES RELATING TO GAMBLING, OFFICIAL CORRUPTION, OR ORGANIZED CRIME ACTIVITY; AND

(9) ANY OTHER REASON ESTABLISHED IN THE REGULATIONS OF THE COMMISSION AS A REASON FOR DENYING A LICENSE.

9–1A–15.

(A) UNLESS A MANUFACTURER HOLDS A VALID MANUFACTURER'S LICENSE ISSUED BY THE COMMISSION BEFORE CONDUCTING BUSINESS WITH A LICENSEE OR THE STATE, THE MANUFACTURER MAY NOT OFFER ANY VIDEO LOTTERY TERMINAL, CENTRAL MONITOR AND CONTROL SYSTEM, ASSOCIATED EQUIPMENT OR SOFTWARE, OR GOODS OR SERVICES THAT DIRECTLY RELATE TO THE OPERATION OF VIDEO LOTTERY TERMINALS UNDER THIS SUBTITLE.

(B) EACH MANUFACTURER, AND EACH PERSON THAT OWNS OR CONTROLS THE MANUFACTURER OR MANAGEMENT AND SUPERVISORY PERSONNEL AND OTHER PRINCIPAL EMPLOYEES OF THE MANUFACTURER, SHALL QUALIFY UNDER THE STANDARDS AND PROVISIONS SET FORTH IN §§ 9–1A–07 AND 9–1A–08 OF THIS SUBTITLE FOR VIDEO LOTTERY OPERATION LICENSEES.

(C) EXCEPT AS PROVIDED IN § 9–1A–16(A) OF THIS SUBTITLE, THE COMMISSION MAY NOT GRANT AN EXEMPTION OR WAIVER OF ANY LICENSING REQUIREMENT TO AN APPLICANT FOR OR HOLDER OF A MANUFACTURER'S LICENSE.

(D) A MANUFACTURER OF THE VIDEO LOTTERY TERMINALS, CENTRAL MONITOR AND CONTROL SYSTEM, AND ASSOCIATED EQUIPMENT AND SOFTWARE SHALL MANUFACTURE OR DISTRIBUTE THE VIDEO LOTTERY TERMINALS, CENTRAL MONITOR AND CONTROL SYSTEM, AND ASSOCIATED EQUIPMENT AND SOFTWARE THAT MEET SPECIFICATIONS AND PROCEDURES ESTABLISHED BY THE COMMISSION.

9–1A–16.

(A) FOR ALL LICENSES REQUIRED UNDER THIS SUBTITLE OTHER THAN A VIDEO LOTTERY OPERATION LICENSE, IF AN APPLICANT OR LICENSEE HOLDS A VALID LICENSE IN ANOTHER STATE AND THE COMMISSION DETERMINES THAT THE LICENSING STANDARDS OF THE OTHER STATE ARE COMPREHENSIVE, THOROUGH, AND PROVIDE SIMILAR ADEQUATE SAFEGUARDS TO THOSE PROVIDED IN THIS SUBTITLE, THE COMMISSION MAY:

(1) WAIVE SOME OR ALL OF THE REQUIREMENTS OF THIS SUBTITLE; AND

(2) ISSUE A LICENSE TO A PERSON HAVING A SIMILAR LICENSE IN ANOTHER STATE.

(B) (1) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, ON THE REQUEST OF AN APPLICANT, THE COMMISSION MAY GRANT AN EXEMPTION OR WAIVER OF A LICENSING REQUIREMENT OR GROUNDS FOR DENIAL OF A LICENSE IF THE COMMISSION DETERMINES THAT THE REQUIREMENT OR GROUNDS FOR DENIAL OF A LICENSE AS APPLIED TO THE APPLICANT ARE NOT NECESSARY IN ORDER TO PROTECT THE PUBLIC INTEREST OR ACCOMPLISH THE POLICIES ESTABLISHED BY THIS SUBTITLE.

(2) ON GRANTING TO AN APPLICANT AN EXEMPTION OR WAIVER OF A LICENSING REQUIREMENT OR GROUNDS FOR DENIAL OF A LICENSE, OR AT ANY TIME AFTER A WAIVER OR EXEMPTION HAS BEEN GRANTED, THE COMMISSION MAY:

(I) LIMIT OR PLACE RESTRICTIONS ON THE EXEMPTION OR WAIVER AS THE COMMISSION CONSIDERS NECESSARY IN THE PUBLIC INTEREST; AND

(II) REQUIRE THE PERSON THAT IS GRANTED THE EXEMPTION OR WAIVER TO COOPERATE WITH THE COMMISSION AND TO PROVIDE THE COMMISSION WITH ANY ADDITIONAL INFORMATION REQUIRED BY THE COMMISSION AS A CONDITION OF THE WAIVER OR EXEMPTION.

(C) THE COMMISSION MAY NOT WAIVE ANY OF THE REQUIREMENTS OF THIS SUBTITLE FOR ISSUANCE OF A VIDEO LOTTERY OPERATION LICENSE.

9–1A–17.

SUBJECT TO THE POWER OF THE COMMISSION TO DENY, REVOKE, OR SUSPEND A LICENSE, A LICENSE IN FORCE MAY BE RENEWED BY THE COMMISSION FOR THE NEXT SUCCEEDING LICENSE PERIOD ON:

(1) PROPER APPLICATION FOR RENEWAL; AND

(2) PAYMENT OF ALL REQUIRED APPLICATION, LICENSE, AND OTHER FEES AND TAXES.

9–1A–18.

(A) BECAUSE THE PUBLIC HAS A VITAL INTEREST IN VIDEO LOTTERY OPERATIONS AND HAS ESTABLISHED A LIMITED EXCEPTION TO THE POLICY OF THE STATE CONCERNING GAMBLING FOR PRIVATE GAIN, PARTICIPATION IN VIDEO LOTTERY OPERATIONS BY A LICENSEE UNDER THIS SUBTITLE SHALL BE DEEMED A REVOCABLE PRIVILEGE CONDITIONED ON THE PROPER AND CONTINUED QUALIFICATION OF THE LICENSEE AND ON THE DISCHARGE OF THE AFFIRMATIVE RESPONSIBILITY OF EACH LICENSEE TO PROVIDE TO THE REGULATORY AND

INVESTIGATORY AUTHORITIES UNDER THIS SUBTITLE OR ANY OTHER PROVISION OF LAW, ANY ASSISTANCE AND INFORMATION NECESSARY TO ASSURE THAT THE POLICIES DECLARED BY THIS SUBTITLE ARE ACHIEVED.

(B) CONSISTENT WITH THE POLICY DESCRIBED IN SUBSECTION (A) OF THIS SECTION, IT IS THE INTENT OF THIS SECTION TO:

(1) PRECLUDE:

(I) THE CREATION OF ANY PROPERTY RIGHT IN ANY LICENSE REQUIRED UNDER THIS SUBTITLE;

(II) THE ACCRUAL OF ANY MONETARY VALUE TO THE PRIVILEGE OF PARTICIPATION IN VIDEO LOTTERY OPERATIONS; AND

(III) THE TRANSFER OF ANY LICENSE ISSUED UNDER THIS SUBTITLE; AND

(2) REQUIRE THAT PARTICIPATION IN VIDEO LOTTERY OPERATIONS BE CONDITIONED SOLELY ON THE CONTINUING INDIVIDUAL QUALIFICATIONS OF THE PERSON WHO SEEKS THE PRIVILEGE.

9–1A–19.

(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A LICENSE ISSUED UNDER THIS SUBTITLE MAY NOT BE:

(1) TRANSFERRED OR ASSIGNED TO ANOTHER PERSON; OR

(2) PLEDGED AS COLLATERAL.

(B) (1) A LICENSEE MAY NOT SELL OR OTHERWISE TRANSFER MORE THAN 5% OF THE LEGAL OR BENEFICIAL INTERESTS OF THE LICENSEE UNLESS:

(I) THE LICENSEE NOTIFIES THE COMMISSION OF THE PROPOSED SALE OR TRANSFER;

(II) THE COMMISSION DETERMINES THAT THE PROPOSED BUYER OR TRANSFEREE MEETS THE REQUIREMENTS OF THIS SUBTITLE; AND

(III) THE TRANSFER IS CONSISTENT WITH THE POLICIES AND INTENT OF § 9–1A–18 OF THIS SUBTITLE.

(2) UNLESS THE COMMISSION NEEDS A LONGER TIME TO DETERMINE WHETHER THE PROPOSED BUYER OR TRANSFEREE MEETS THE REQUIREMENTS OF THIS SUBTITLE, IF THE REQUIREMENTS OF PARAGRAPH (1) OF

THIS SUBSECTION ARE NOT SATISFIED, A LICENSE ISSUED UNDER THIS SUBTITLE IS AUTOMATICALLY REVOKED 90 DAYS AFTER THE SALE OR TRANSFER.

9–1A–20.

(A) IN THIS SECTION, "APPROVED VENDOR" MEANS A PERSON THAT:

(1) SPECIALIZES IN CONDUCTING BACKGROUND INVESTIGATIONS;

(2) HAS EXPERIENCE IN THE GAMING INDUSTRY; AND

(3) OBTAINS THE APPROVAL OF THE COMMISSION TO CONDUCT BACKGROUND INVESTIGATIONS UNDER THIS SECTION.

(B) THE DEPARTMENT OF STATE POLICE OR AN APPROVED VENDOR SHALL:

(1) CONDUCT A BACKGROUND INVESTIGATION IN A TIMELY MANNER OF:

(I) A VIDEO LOTTERY TERMINAL OPERATION LICENSEE;

(II) A VIDEO LOTTERY OPERATOR; AND

(III) ANY OTHER APPLICANT THE COMMISSION CONSIDERS NECESSARY; AND

(2) COOPERATE WITH THE COMMISSION IN OBTAINING AND PROVIDING THE NECESSARY BACKGROUND INVESTIGATION INFORMATION.

(C) (1) AN APPLICANT SHALL PROVIDE THE DEPARTMENT OF STATE POLICE OR AN APPROVED VENDOR WITH ALL INFORMATION THE DEPARTMENT REQUIRES IN ORDER TO CONDUCT A BACKGROUND INVESTIGATION.

(2) FAILURE TO PROVIDE TIMELY OR ACCURATE INFORMATION IS GROUNDS FOR THE COMMISSION TO DENY AN APPLICATION.

(D) (1) THE DEPARTMENT OF STATE POLICE OR AN APPROVED VENDOR SHALL APPLY TO THE CENTRAL REPOSITORY FOR A STATE AND A NATIONAL CRIMINAL HISTORY RECORDS CHECK FOR THE APPLICANT IF REQUIRED BY THE COMMISSION.

(2) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY RECORDS CHECK, THE DEPARTMENT OF STATE POLICE OR AN APPROVED VENDOR SHALL SUBMIT TO THE CENTRAL REPOSITORY:

(I) TWO COMPLETE SETS OF THE APPLICANT'S LEGIBLE FINGERPRINTS TAKEN ON FORMS APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;

(II) THE FEE AUTHORIZED UNDER § 10–221(B)(7) OF THE CRIMINAL PROCEDURE ARTICLE FOR ACCESS TO MARYLAND CRIMINAL HISTORY RECORDS;

(III) THE MANDATORY PROCESSING FEE REQUIRED BY THE FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORDS CHECK; AND

(IV) THE MANDATORY PROCESSING FEE REQUIRED BY INTERPOL FOR AN INTERNATIONAL CRIMINAL HISTORY RECORDS CHECK.

(3) IN ACCORDANCE WITH §§ 10–201 THROUGH 10–234 OF THE CRIMINAL PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE APPLICANT AND THE COMMISSION A PRINTED STATEMENT OF THE APPLICANT'S CRIMINAL HISTORY RECORD INFORMATION.

(4) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER THIS SECTION:

(I) SHALL BE CONFIDENTIAL;

(II) MAY NOT BE REDISSEMINATED; AND

(III) MAY BE USED ONLY IN CONNECTION WITH THE ISSUANCE OF A LICENSE REQUIRED UNDER THIS SUBTITLE.

(5) THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK UNDER THIS SECTION MAY CONTEST THE CONTENTS OF THE PRINTED STATEMENT ISSUED BY THE CENTRAL REPOSITORY AS PROVIDED IN § 10–223 OF THE CRIMINAL PROCEDURE ARTICLE.

(E) AFTER COMPLETION OF THE BACKGROUND INVESTIGATION OF EACH PERSON SPECIFIED IN SUBSECTION (B)(1) OF THIS SECTION, THE DEPARTMENT OF STATE POLICE OR AN APPROVED VENDOR SHALL PROMPTLY FORWARD THE RESULTS OF THE INVESTIGATION TO THE COMMISSION.

(F) THE COMMISSION SHALL ADOPT REGULATIONS SPECIFYING THE FACTORS USED TO DETERMINE WHETHER AN APPLICANT FOR A LICENSE MUST SUBMIT TO AN INTERNATIONAL CRIMINAL HISTORY RECORDS CHECK.

9–1A–21.

(A) EACH VIDEO LOTTERY TERMINAL DEVICE, THE CENTRAL MONITOR AND CONTROL SYSTEM, AND THE ASSOCIATED EQUIPMENT AND SOFTWARE SHALL BE:

(1) OWNED OR LEASED BY THE COMMISSION; AND

(2) UNDER THE CONTROL OF THE COMMISSION.

(B) SUBJECT TO THE COMMISSION'S ABILITY TO CANCEL OR ALTER THE CONTRACT IN THE EVENT ONE OR MORE ELIGIBLE APPLICANTS FOR A VIDEO LOTTERY FACILITY FAIL TO OBTAIN A LICENSE, THE COMMISSION SHALL CONTRACT WITH ONE OR MORE LICENSED MANUFACTURERS FOR THE LEASE OR PURCHASE OF THE VIDEO LOTTERY TERMINALS, CENTRAL MONITOR AND CONTROL SYSTEM, AND ASSOCIATED EQUIPMENT AND SOFTWARE AUTHORIZED UNDER THIS SUBTITLE.

(C) (1) THE COMMISSION SHALL ADOPT REGULATIONS GOVERNING THE SALE OR LEASE OF VIDEO LOTTERY TERMINALS BY THE COMMISSION UNDER THIS SUBTITLE.

(2) THE COMMISSION MAY ADOPT REGULATIONS TO PROVIDE INCENTIVES TO LICENSED MANUFACTURERS BASED ON THE PERFORMANCE OF THE MANUFACTURERS' VIDEO LOTTERY TERMINALS.

(D) THE COMMISSION SHALL ESTABLISH A PROCESS ENABLING A LICENSEE AND THE COMMISSION TO SELECT VIDEO LOTTERY TERMINALS FROM A LIST APPROVED BY THE COMMISSION, SUBJECT TO AVAILABLE FUNDS, FOR USE IN THE LICENSEE'S VIDEO LOTTERY FACILITY.

9–1A–22.

(A) EXCEPT AS PROVIDED IN SUBSECTIONS (B) AND (C) OF THIS SECTION, A VIDEO LOTTERY TERMINAL SHALL HAVE AN AVERAGE PAYOUT PERCENTAGE OF AT LEAST 87%.

(B) THE COMMISSION MAY BY REGULATION ESTABLISH AN AVERAGE PAYOUT PERCENTAGE OF MORE THAN 90% BUT NOT MORE THAN 95% FOR VIDEO LOTTERY OPERATION LICENSEES.

(C) THE COMMISSION MAY APPROVE AN AVERAGE PAYOUT PERCENTAGE OF MORE THAN 95% FOR THE VIDEO LOTTERY TERMINALS AT A VIDEO LOTTERY FACILITY.

9–1A–23.

(A) A VIDEO LOTTERY FACILITY MAY OPERATE DAILY FROM 8 A.M. TO 2 A.M.

(B) A VIDEO LOTTERY OPERATION LICENSEE SHALL BE RESPONSIBLE FOR ALL MARKETING, ADVERTISING, AND PROMOTION FOR ITS VIDEO LOTTERY OPERATION.

(C) ANY STATE LOTTERY GAMES THAT ARE OFFERED BY OR THROUGH THE COMMISSION MAY BE OFFERED FOR SALE AT A VIDEO LOTTERY FACILITY IN THE STATE.

9–1A–24.

(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE COMMISSION SHALL ENSURE THAT A VIDEO LOTTERY OPERATION LICENSEE COMPLIES WITH THE REQUIREMENTS OF THIS SECTION AS A CONDITION OF HOLDING THE VIDEO LOTTERY OPERATION LICENSE.

(B) (1) THE COUNTY ALCOHOLIC BEVERAGES LICENSING AUTHORITY FOR THE COUNTY IN WHICH A VIDEO LOTTERY FACILITY IS LOCATED SHALL ENSURE THAT THE VIDEO LOTTERY LICENSEE COMPLIES WITH THE REQUIREMENTS OF THIS SUBSECTION.

(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, A VIDEO LOTTERY OPERATION LICENSEE MAY NOT PROVIDE FOOD OR ALCOHOLIC BEVERAGES TO INDIVIDUALS AT NO COST.

(3) ANY FOOD OR ALCOHOLIC BEVERAGES OFFERED BY A VIDEO LOTTERY OPERATION LICENSEE FOR SALE TO INDIVIDUALS MAY BE OFFERED ONLY AT PRICES THAT ARE DETERMINED BY THE COUNTY ALCOHOLIC BEVERAGES LICENSING AUTHORITY TO BE COMMENSURATE WITH THE PRICE OF SIMILAR TYPES OF FOOD AND ALCOHOLIC BEVERAGES AT RESTAURANTS IN THE COUNTY IN WHICH THE VIDEO LOTTERY FACILITY IS LOCATED.

(4) A VIDEO LOTTERY OPERATION LICENSEE MAY PROVIDE FOOD AT NO COST TO INDIVIDUALS TO THE SAME EXTENT ALLOWED UNDER ARTICLE 2B, § 12–106 OF THE CODE FOR A PERSON ENGAGED IN THE SALE OR BARTER OF SPIRITUOUS, MALT, OR INTOXICATING LIQUORS AND LICENSED UNDER THE LAWS OF MARYLAND.

(C) A VIDEO LOTTERY OPERATION LICENSEE SHALL ENSURE THAT INTOXICATED INDIVIDUALS AND INDIVIDUALS UNDER THE AGE OF 21 YEARS ARE NOT ALLOWED TO PLAY VIDEO LOTTERY TERMINALS AND ARE NOT ALLOWED IN AREAS OF THE VIDEO LOTTERY FACILITY WHERE VIDEO LOTTERY TERMINALS ARE LOCATED.

(D) (1) BY REGULATION, THE COMMISSION SHALL PROVIDE FOR THE ESTABLISHMENT OF A LIST OF INDIVIDUALS WHO ARE TO BE MANDATORILY

EXCLUDED OR EJECTED BY A VIDEO LOTTERY OPERATION LICENSEE FROM ANY VIDEO LOTTERY OPERATION LICENSED UNDER THIS SUBTITLE.

(2) THE REGULATIONS UNDER THIS SUBSECTION SHALL DEFINE THE STANDARDS FOR EXCLUSION OR EJECTION AND SHALL INCLUDE STANDARDS RELATING TO INDIVIDUALS:

(I) WHO ARE CAREER OFFENDERS AS DEFINED BY REGULATIONS ADOPTED BY THE COMMISSION;

(II) WHO HAVE BEEN CONVICTED OF A CRIMINAL OFFENSE UNDER THE LAWS OF THE UNITED STATES OR ANY JURISDICTION WITHIN THE UNITED STATES THAT IS A CRIMINAL OFFENSE INVOLVING MORAL TURPITUDE OR A GAMBLING OFFENSE; OR

(III) WHOSE PRESENCE IN THE ESTABLISHMENT OF A LICENSEE WOULD BE ADVERSE TO THE INTEREST OF THE STATE, THE LICENSEE, OR THE PERSON.

(3) THE COMMISSION MAY IMPOSE SANCTIONS ON A LICENSEE IN ACCORDANCE WITH THIS SUBTITLE IF THE LICENSEE KNOWINGLY FAILS TO EXCLUDE OR EJECT FROM THE PREMISES OF THE LICENSEE AN INDIVIDUAL PLACED BY THE COMMISSION ON THE LIST OF INDIVIDUALS TO BE EXCLUDED OR EJECTED.

(4) AN ORDER UNDER THIS SUBSECTION IS SUBJECT TO JUDICIAL REVIEW.

(E) (1) BY REGULATION, THE COMMISSION SHALL ADOPT MEASURES THAT ARE INTENDED TO REDUCE OR MITIGATE THE EFFECTS OF PROBLEM GAMBLING.

(2) THE REGULATIONS SHALL:

(I) INCLUDE ESTABLISHMENT OF A VOLUNTARY EXCLUSION LIST OF INDIVIDUALS WITH GAMBLING PROBLEMS WHO HAVE REQUESTED TO BE EXCLUDED FROM ANY VIDEO LOTTERY OPERATION LICENSED UNDER THIS SUBTITLE; AND

(II) PROVIDE A SIMPLE MECHANISM FOR AN INDIVIDUAL WHO IS SOBER AND INFORMED TO REQUEST PLACEMENT ON THE VOLUNTARY EXCLUSION LIST FOR A SPECIFIED PERIOD OF TIME.

(3) A VIDEO LOTTERY OPERATION LICENSEE MAY NOT PERMIT AN INDIVIDUAL ON THE VOLUNTARY EXCLUSION LIST TO ENTER INTO THE VIDEO LOTTERY FACILITY OR TO PLAY A VIDEO LOTTERY TERMINAL.

(4) THE COMMISSION MAY IMPOSE SANCTIONS ON A LICENSEE IN ACCORDANCE WITH THIS SUBTITLE IF THE LICENSEE KNOWINGLY FAILS TO EXCLUDE FROM THE PREMISES OF THE LICENSEE AN INDIVIDUAL ON THE VOLUNTARY EXCLUSION LIST.

(F) IN ORDER TO PROTECT THE PUBLIC INTEREST, THE REGULATIONS SHALL INCLUDE PROVISIONS THAT:

(1) LIMIT THE NUMBER AND LOCATION OF AND MAXIMUM WITHDRAWAL AMOUNTS FROM AUTOMATED TELLER MACHINES;

(2) REQUIRE PAYOUTS ABOVE AN AMOUNT ADOPTED BY THE COMMISSION TO BE MADE BY CHECK;

(3) REQUIRE CONSPICUOUS DISCLOSURES RELATED TO THE PAYOUT OF VIDEO LOTTERY TERMINALS;

(4) LIMIT THE DOLLAR AMOUNT THAT VIDEO LOTTERY TERMINALS WILL ACCEPT;

(5) PROHIBIT THE USE OF SPECIFIED NEGOTIABLE INSTRUMENTS AT VIDEO LOTTERY FACILITIES AND THE USE OF CREDIT CARDS, DEBIT CARDS, AND SIMILAR DEVICES IN VIDEO LOTTERY TERMINALS;

(6) PROVIDE CONSUMERS WITH A RECORD OF VIDEO LOTTERY TERMINAL SPENDING LEVELS IF MARKETING MEASURES ARE UTILIZED THAT TRACK CONSUMER SPENDING AT VIDEO LOTTERY FACILITIES;

(7) PROHIBIT CONSUMERS FROM CASHING PAYCHECKS AT VIDEO LOTTERY FACILITIES; AND

(8) PROHIBIT VIDEO LOTTERY OPERATION LICENSEES FROM ENGAGING IN OR CONTRACTING WITH ANOTHER TO ENGAGE IN PREDATORY MARKETING PRACTICES.

9–1A–25.

(A) THE COMMISSION MAY DENY A LICENSE TO AN APPLICANT, REPRIMAND OR FINE A LICENSEE, OR SUSPEND OR REVOKE A LICENSE FOR A VIOLATION OF:

(1) THIS SUBTITLE;

(2) A REGULATION ADOPTED UNDER THIS SUBTITLE; OR

(3) A CONDITION THAT THE COMMISSION SETS.

(B) (1) FOR EACH VIOLATION SPECIFIED IN SUBSECTION (A) OF THIS SECTION, THE COMMISSION MAY IMPOSE A PENALTY NOT EXCEEDING $5,000.

(2) EACH DAY THAT A PERSON IS IN VIOLATION UNDER THIS SECTION SHALL BE CONSIDERED A SEPARATE VIOLATION.

(3) TO DETERMINE THE AMOUNT OF THE PENALTY IMPOSED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE COMMISSION SHALL CONSIDER:

(I) THE SERIOUSNESS OF THE VIOLATION;

(II) THE HARM CAUSED BY THE VIOLATION; AND

(III) THE GOOD FAITH OR LACK OF GOOD FAITH OF THE PERSON WHO COMMITTED THE VIOLATION.

(C) EXCEPT AS OTHERWISE EXPRESSLY PROVIDED IN THIS SUBTITLE, NOTHING CONTAINED IN THIS SUBTITLE ABROGATES OR LIMITS THE CRIMINAL LAWS OF THE STATE OR LIMITS THE AUTHORITY OF THE GENERAL ASSEMBLY TO ENACT STATUTES ESTABLISHING CRIMINAL OFFENSES AND PENALTIES RELATING TO VIDEO LOTTERY OPERATIONS.

9–1A–26.

(A) ALL PROCEEDS FROM THE OPERATION OF VIDEO LOTTERY TERMINALS SHALL BE ELECTRONICALLY TRANSFERRED DAILY INTO THE STATE LOTTERY FUND ESTABLISHED UNDER SUBTITLE 3 OF THIS TITLE AND DISTRIBUTED AS PROVIDED UNDER § 9–1A–27 OF THIS SUBTITLE.

(B) (1) THE COMMISSION SHALL ACCOUNT TO THE COMPTROLLER FOR ALL OF THE REVENUE UNDER THIS SUBTITLE.

(2) THE PROCEEDS FROM VIDEO LOTTERY TERMINALS SHALL BE UNDER THE CONTROL OF THE COMPTROLLER AND SHALL BE DISTRIBUTED AS PROVIDED UNDER § 9–1A–27 OF THIS SUBTITLE.

9–1A–27.

(A) ON A PROPERLY APPROVED TRANSMITTAL PREPARED BY THE COMMISSION, THE COMPTROLLER SHALL PAY THE FOLLOWING AMOUNTS FROM THE PROCEEDS OF VIDEO LOTTERY TERMINALS AT EACH VIDEO LOTTERY FACILITY:

(1) 2% TO THE STATE LOTTERY AGENCY FOR COSTS AS DEFINED IN § 9–1A–01 OF THIS SUBTITLE;

(2) TO THE VIDEO LOTTERY OPERATION LICENSEE, THE PERCENTAGE STATED IN THE ACCEPTED BID FOR THE LOCATION, NOT TO EXCEED 33%;

(3) 5.5% IN LOCAL IMPACT GRANTS, IN ACCORDANCE WITH § 9–1A–31 OF THIS SUBTITLE;

(4) 7% TO THE PURSE DEDICATION ACCOUNT ESTABLISHED UNDER § 9–1A–28 OF THIS SUBTITLE, NOT TO EXCEED A TOTAL OF $100,000,000 TO THE ACCOUNT ANNUALLY;

(5) FOR THE FIRST 8 YEARS OF OPERATIONS AT A VIDEO LOTTERY FACILITY, 2.5% TO THE RACETRACK FACILITY RENEWAL ACCOUNT ESTABLISHED UNDER § 9–1A–29 OF THIS SUBTITLE, NOT TO EXCEED A TOTAL OF $40,000,000 TO THE ACCOUNT ANNUALLY;

(6) 1.5% TO THE SMALL, MINORITY, AND WOMEN–OWNED BUSINESSES ACCOUNT ESTABLISHED UNDER § 9–1A–35 OF THIS SUBTITLE; AND

(7) THE REMAINDER TO THE EDUCATION TRUST FUND ESTABLISHED UNDER § 9–1A–30 OF THIS SUBTITLE.

(B) (1) IF THE COSTS OF THE STATE LOTTERY AGENCY ARE LESS THAN THE PROCEEDS SPECIFIED IN SUBSECTION (A)(1) OF THIS SECTION, ANY AMOUNT NOT DISTRIBUTED TO THE STATE LOTTERY AGENCY SHALL BE PAID TO THE EDUCATION TRUST FUND ESTABLISHED UNDER § 9–1A–30 OF THIS SUBTITLE.

(2) THE COSTS OF THE COMMISSION SHALL BE AS PROVIDED IN THE STATE BUDGET.

9–1A–28.

(A) THERE IS A PURSE DEDICATION ACCOUNT UNDER THE AUTHORITY OF THE STATE RACING COMMISSION.

(B) (1) THE ACCOUNT SHALL RECEIVE MONEY AS REQUIRED UNDER § 9–1A–27 OF THIS SUBTITLE.

(2) MONEY IN THE ACCOUNT SHALL BE INVESTED AND REINVESTED BY THE TREASURER AND INTEREST AND EARNINGS SHALL ACCRUE TO THE ACCOUNT.

(3) THE COMPTROLLER SHALL:

(I) ACCOUNT FOR THE ACCOUNT; AND

(II) ON A PROPERLY APPROVED TRANSMITTAL PREPARED BY THE STATE RACING COMMISSION, ISSUE A WARRANT TO PAY OUT MONEY FROM THE ACCOUNT IN THE MANNER PROVIDED UNDER THIS SECTION.

(4) THE ACCOUNT IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7–302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(5) EXPENDITURES FROM THE ACCOUNT SHALL ONLY BE MADE ON A PROPERLY APPROVED TRANSMITTAL PREPARED BY THE STATE RACING COMMISSION AS PROVIDED UNDER SUBSECTION (C) OF THIS SECTION.

(C) SUBJECT TO SUBSECTIONS (D) AND (E) OF THIS SECTION, THE STATE RACING COMMISSION SHALL ALLOCATE FUNDS IN THE ACCOUNT AS FOLLOWS:

(1) 80% TO THE THOROUGHBRED INDUSTRY; AND

(2) 20% TO THE STANDARDBRED INDUSTRY.

(D) THE AMOUNT OF FUNDS ALLOCATED TO THOROUGHBRED PURSES AND THE MARYLAND–BRED RACE FUND SHALL BE ALLOCATED AS FOLLOWS:

(1) 85% TO THOROUGHBRED PURSES AT THE PIMLICO RACE COURSE, LAUREL PARK, THE RACECOURSE IN ALLEGANY COUNTY, AND THE RACECOURSE AT TIMONIUM; AND

(2) 15% TO THE MARYLAND–BRED RACE FUND.

(E) THE AMOUNT OF FUNDS ALLOCATED TO STANDARDBRED PURSES AND THE STANDARDBRED RACE FUND SHALL BE ALLOCATED AS FOLLOWS:

(1) 85% TO STANDARDBRED PURSES AT ROSECROFT RACEWAY, OCEAN DOWNS RACE COURSE, AND THE RACECOURSE IN ALLEGANY COUNTY, ALLOCATED BASED ON THE NUMBER OF LIVE RACING DAYS AT EACH TRACK LOCATION; AND

(2) 15% TO THE STANDARDBRED RACE FUND.

(F) FROM THE AMOUNT PROVIDED TO THOROUGHBRED PURSES, THE STATE RACING COMMISSION SHALL PAY AN ANNUAL GRANT OF $100,000 TO FAIR HILL, AS DEFINED UNDER § 11–811 OF THE BUSINESS REGULATION ARTICLE.

(G) THE PROVISIONS OF THIS SECTION MAY NOT BE CONSTRUED TO APPLY TO THE RACECOURSE IN ALLEGANY COUNTY UNTIL HORSE RACING BEGINS AT THAT RACECOURSE.

(H) ON OR BEFORE DECEMBER 1, 2014, THE STATE RACING COMMISSION SHALL:

(1) CONDUCT A STUDY TO DETERMINE THE IMPACT OF THE PURSE DEDICATION ACCOUNT ON THE RACING INDUSTRY IN THE STATE; AND

(2) MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY REGARDING THE CONTINUATION OF THE PURSE DEDICATION ACCOUNT AND THE AMOUNT OF MONEY DISTRIBUTED TO THE PURSE DEDICATION ACCOUNT.

9–1A–29.

(A) THERE IS A RACETRACK FACILITY RENEWAL ACCOUNT UNDER THE AUTHORITY OF THE STATE RACING COMMISSION.

(B) (1) THE ACCOUNT SHALL RECEIVE MONEY AS REQUIRED UNDER § 9–1A–27 OF THIS SUBTITLE.

(2) MONEY IN THE ACCOUNT SHALL BE INVESTED AND REINVESTED BY THE TREASURER AND INTEREST AND EARNINGS SHALL ACCRUE TO THE ACCOUNT.

(3) THE COMPTROLLER SHALL:

(I) ACCOUNT FOR THE ACCOUNT; AND

(II) ON A PROPERLY APPROVED TRANSMITTAL PREPARED BY THE STATE RACING COMMISSION, ISSUE A WARRANT TO PAY OUT MONEY FROM THE ACCOUNT IN THE MANNER PROVIDED UNDER THIS SECTION.

(4) THE ACCOUNT IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7–302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(5) EXPENDITURES FROM THE ACCOUNT SHALL ONLY BE MADE ON A PROPERLY APPROVED TRANSMITTAL PREPARED BY THE STATE RACING COMMISSION AS PROVIDED UNDER SUBSECTION (C) OF THIS SECTION.

(C) FUNDS FROM THE ACCOUNT SHALL BE USED TO PROVIDE A GRANT TO THE HOLDER OF A LICENSE TO HOLD A RACE MEETING IN THE STATE FOR RACETRACK FACILITY CAPITAL CONSTRUCTION AND IMPROVEMENTS.

(D) THE AMOUNT OF FUNDS MADE AVAILABLE FROM THE RACETRACK FACILITY RENEWAL ACCOUNT SHALL BE ALLOCATED AS FOLLOWS:

(1) 80% TO THE PIMLICO RACE COURSE, LAUREL PARK, AND THE RACECOURSE AT TIMONIUM; AND

(2) 20% TO ROSECROFT RACEWAY AND OCEAN DOWNS RACE COURSE.

(E) IN ORDER TO OBTAIN A GRANT, A HOLDER OF A LICENSE TO HOLD A RACE MEETING IN THE STATE SHALL:

(1) SUBMIT A CAPITAL CONSTRUCTION PLAN TO BE IMPLEMENTED WITHIN A SPECIFIED TIME FRAME TO THE STATE RACING COMMISSION FOR APPROVAL; AND

(2) EXCEPT AS PROVIDED IN SUBSECTION (F) OF THIS SECTION, PROVIDE AND EXPEND A MATCHING FUND.

(F) (1) OF THE AMOUNT PROVIDED FROM THE RACETRACK FACILITY RENEWAL ACCOUNT UNDER SUBSECTION (D)(1) OF THIS SECTION, $1,000,000 SHALL BE PROVIDED ANNUALLY FOR 5 YEARS TO THE RACECOURSE AT TIMONIUM FOR RACETRACK FACILITY CAPITAL CONSTRUCTION AND IMPROVEMENTS.

(2) A MATCHING FUND IS NOT REQUIRED FOR THE AMOUNT PROVIDED FOR THE RACECOURSE AT TIMONIUM UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(G) OF THE AMOUNT PROVIDED FROM THE RACETRACK FACILITY RENEWAL ACCOUNT UNDER SUBSECTION (D)(1) OF THIS SECTION, THE STATE RACING COMMISSION MAY PROVIDE DIRECT GRANT FUNDING FOR THE ESTABLISHMENT OF A HORSE RACING MUSEUM AS PART OF THE PIMLICO RACE COURSE.

(H) AFTER A GRANT HAS BEEN PROVIDED UNDER THIS SECTION, THE STATE RACING COMMISSION SHALL:

(1) IN CONSULTATION WITH THE DEPARTMENT OF GENERAL SERVICES, MONITOR THE IMPLEMENTATION OF THE APPROVED CAPITAL CONSTRUCTION PLAN; AND

(2) MAKE PROVISIONS FOR RECAPTURE OF GRANT MONEYS IF THE CAPITAL CONSTRUCTION PLAN IS NOT IMPLEMENTED WITHIN THE TIME FRAME APPROVED BY THE STATE RACING COMMISSION.

(I) ANY UNENCUMBERED FUNDS REMAINING IN THE RACETRACK FACILITY RENEWAL ACCOUNT ON JULY 1, 2018, SHALL BE PAID TO THE EDUCATION TRUST FUND ESTABLISHED UNDER § 9–1A–30 OF THIS SUBTITLE.

(J) THE STATE RACING COMMISSION SHALL ADOPT REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SUBSECTION, INCLUDING REGULATIONS TO ADDRESS MINIMUM CRITERIA FOR THE TYPES OF IMPROVEMENTS TO BE MADE BY THE HOLDER OF A LICENSE.

(K) THE PROVISIONS OF THIS SECTION MAY NOT BE CONSTRUED TO APPLY TO THE RACECOURSE IN ALLEGANY COUNTY.

9–1A–30.

(A) THERE IS AN EDUCATION TRUST FUND WHICH IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7–302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(B) (1) THERE SHALL BE CREDITED TO THE EDUCATION TRUST FUND ALL PROCEEDS ALLOCATED TO THE FUND UNDER § 9–1A–27 OF THIS SUBTITLE.

(2) MONEY IN THE EDUCATION TRUST FUND SHALL BE INVESTED AND REINVESTED BY THE TREASURER, AND INTEREST AND EARNINGS SHALL ACCRUE TO THE FUND.

(C) MONEY IN THE EDUCATION TRUST FUND SHALL BE USED TO:

(1) PROVIDE FUNDING FOR PUBLIC ELEMENTARY AND SECONDARY EDUCATION, THROUGH CONTINUATION OF THE FUNDING AND FORMULAS ESTABLISHED UNDER THE PROGRAMS COMMONLY KNOWN AS THE BRIDGE TO EXCELLENCE IN PUBLIC SCHOOLS ACT, FIRST ENACTED BY CHAPTER 288 OF THE ACTS OF THE GENERAL ASSEMBLY OF 2002, INCLUDING THE FUNDING FOR REGIONAL DIFFERENCES IN THE COST OF EDUCATION UNDER § 5–202(F) OF THE EDUCATION ARTICLE;

(2) PROVIDE FUNDS TO CONSTRUCT PUBLIC SCHOOL BUILDINGS AND PROVIDE PUBLIC SCHOOL CAPITAL IMPROVEMENTS IN ACCORDANCE WITH §§ 5–301 THROUGH 5–303 OF THE EDUCATION ARTICLE; AND

(3) PROVIDE FUNDS FOR CAPITAL PROJECTS AT COMMUNITY COLLEGES AND PUBLIC SENIOR HIGHER EDUCATION INSTITUTIONS.

(D) EXPENDITURES FROM THE EDUCATION TRUST FUND SHALL BE MADE EACH FISCAL YEAR IN ACCORDANCE WITH THE STATE BUDGET.

9–1A–31.

(A) (1) THE LOCAL IMPACT GRANTS PROVIDED UNDER § 9–1A–27 OF THIS SUBTITLE SHALL BE DISTRIBUTED IN THE FOLLOWING MANNER:

(I) 82% TO THE LOCAL JURISDICTIONS WITH VIDEO LOTTERY FACILITIES, BASED ON EACH JURISDICTION'S PERCENTAGE OF OVERALL GROSS REVENUES FROM VIDEO LOTTERY TERMINALS; AND

(II) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, FOR OPERATIONS AT A VIDEO LOTTERY FACILITY STARTING IN

FISCAL YEAR 2012 AND ENDING IN FISCAL YEAR 2027, 18% TO BALTIMORE CITY WITH THE PIMLICO COMMUNITY DEVELOPMENT AUTHORITY ACTING AS THE LOCAL DEVELOPMENT COUNCIL IN ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION, TO BE DISTRIBUTED PRIMARILY FOR CAPITAL PROJECTS BENEFITING ECONOMIC AND COMMUNITY DEVELOPMENT IN THE FOLLOWING MANNER:

1. AT LEAST 75% IN A MANNER THAT IS CONSISTENT WITH THE PARK HEIGHTS MASTER PLAN; AND

2. THE REMAINDER DEDICATED TO THE NEEDS OF:

A. ANY CENSUS BLOCKGROUP THAT BALTIMORE CITY IDENTIFIES AS BEING LOCATED PARTLY OR ENTIRELY WITHIN 1 MILE OF PIMLICO RACE COURSE BUT NOT WITHIN THE BOUNDARIES OF THE PARK HEIGHTS MASTER PLAN; AND

B. ANY NEIGHBORHOOD INCLUDED IN THE NORTHWEST COMMUNITY PLANNING FORUM STRATEGIC NEIGHBORHOOD ACTION PLAN.

(2) (I) OF THE AMOUNT SPECIFIED UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION, $1,000,000 SHALL BE PROVIDED ANNUALLY TO PRINCE GEORGE'S COUNTY TO BE USED FOR CAPITAL PROJECTS IN THE COMMUNITY WITHIN 10 MILES SURROUNDING ROSECROFT RACEWAY.

(II) THE LEGISLATIVE POLICY COMMITTEE SHALL REPORT ITS FINDINGS AND RECOMMENDATIONS CONCERNING THE ADVISABILITY OF THE CONTINUATION OF THE DISTRIBUTION OF FUNDS AFTER FISCAL YEAR 2027 TO THE COMPTROLLER AND, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY, ON OR BEFORE NOVEMBER 1, 2025.

(3) BALTIMORE CITY AND PRINCE GEORGE'S COUNTY SHALL REPORT TO THE LEGISLATIVE POLICY COMMITTEE BY DECEMBER 31ST OF EACH YEAR AS TO THE DISTRIBUTION OF THE FUNDS PROVIDED UNDER THIS SECTION.

(B) LOCAL IMPACT GRANTS PROVIDED UNDER SUBSECTION (A)(1)(I) OF THIS SECTION SHALL BE USED FOR IMPROVEMENTS IN THE COMMUNITIES IN IMMEDIATE PROXIMITY TO THE VIDEO LOTTERY FACILITIES AND MAY BE USED FOR THE FOLLOWING PURPOSES:

(1) INFRASTRUCTURE IMPROVEMENTS;

(2) FACILITIES;

(3) PUBLIC SAFETY;

(4) SANITATION;

(5) ECONOMIC AND COMMUNITY DEVELOPMENT, INCLUDING HOUSING; AND

(6) OTHER PUBLIC SERVICES AND IMPROVEMENTS.

(C) (1) A LOCAL DEVELOPMENT COUNCIL SHALL BE ESTABLISHED IN EACH GEOGRAPHIC AREA WHERE A VIDEO LOTTERY FACILITY IS LOCATED.

(2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, A LOCAL DEVELOPMENT COUNCIL SHALL CONSIST OF THE FOLLOWING 15 MEMBERS APPOINTED BY THE CHIEF EXECUTIVE OF THE COUNTY IN WHICH THE LOCAL DEVELOPMENT COUNCIL IS LOCATED, IN CONSULTATION WITH THE SENATORS AND DELEGATES WHO REPRESENT THE COMMUNITIES SURROUNDING THE FACILITY AND THE RESPECTIVE COUNTY COUNCILS, CITY COUNCILS, OR COUNTY COMMISSIONERS:

(I) ONE SENATOR WHO REPRESENTS THE DISTRICT WHERE THE FACILITY IS LOCATED;

(II) TWO DELEGATES WHO REPRESENT THE DISTRICTS WHERE THE COMMUNITIES SURROUNDING THE FACILITY ARE LOCATED;

(III) ONE REPRESENTATIVE OF THE VIDEO LOTTERY OPERATION LICENSEE;

(IV) SEVEN RESIDENTS OF THE COMMUNITIES IN IMMEDIATE PROXIMITY TO THE FACILITY; AND

(V) FOUR REPRESENTATIVES OF BUSINESSES OR INSTITUTIONS LOCATED IN IMMEDIATE PROXIMITY TO THE FACILITY.

(3) (I) IF THE VIDEO LOTTERY FACILITY IS AT A RACE TRACK LOCATION AT LAUREL PARK, THE COUNTY EXECUTIVE OF ANNE ARUNDEL COUNTY, THE COUNTY EXECUTIVE OF PRINCE GEORGE'S COUNTY, AND THE COUNTY EXECUTIVE OF HOWARD COUNTY SHALL JOINTLY APPOINT THE LOCAL DEVELOPMENT COUNCIL.

(II) IF THE VIDEO LOTTERY FACILITY IS AT A RACE TRACK LOCATION AT THE OCEAN DOWNS RACE COURSE, THE COUNTY COMMISSIONERS OF WORCESTER COUNTY AND THE MAYOR OF THE TOWN OF OCEAN CITY SHALL JOINTLY APPOINT THE LOCAL DEVELOPMENT COUNCIL.

(D) (1) PRIOR TO ANY EXPENDITURE OF LOCAL IMPACT GRANT FUNDS PROVIDED UNDER § 9–1A–27 OF THIS SUBTITLE, A COUNTY OR MUNICIPALITY SHALL DEVELOP, IN CONSULTATION WITH THE LOCAL DEVELOPMENT COUNCIL, A

MULTIYEAR PLAN FOR THE EXPENDITURE OF THE LOCAL IMPACT GRANT FUNDS FOR SERVICES AND IMPROVEMENTS CONSISTENT WITH SUBSECTION (B) OF THIS SECTION.

(2) A COUNTY OR MUNICIPALITY SHALL SUBMIT THE PLAN TO THE LOCAL DEVELOPMENT COUNCIL FOR REVIEW AND COMMENT BEFORE ADOPTING THE PLAN OR EXPENDING ANY GRANT FUNDS.

(3) THE LOCAL DEVELOPMENT COUNCIL SHALL ADVISE THE COUNTY OR MUNICIPALITY ON THE IMPACT OF THE FACILITY ON THE COMMUNITIES AND THE NEEDS AND PRIORITIES OF THE COMMUNITIES IN IMMEDIATE PROXIMITY TO THE FACILITY.

(4) (I) A LOCAL DEVELOPMENT COUNCIL SHALL HAVE 45 DAYS TO REVIEW, COMMENT, AND MAKE RECOMMENDATIONS ON THE PLAN REQUIRED UNDER THIS SUBSECTION.

(II) ON THE REQUEST OF A LOCAL DEVELOPMENT COUNCIL, THE COUNTY OR MUNICIPALITY SHALL HOLD A PUBLIC HEARING ON THE PLAN.

(5) A COUNTY OR MUNICIPALITY SHALL MAKE BEST EFFORTS TO ACCOMMODATE THE RECOMMENDATIONS OF THE LOCAL DEVELOPMENT COUNCIL AND ANY TESTIMONY PRESENTED AT THE HEARING BEFORE ADOPTING THE PLAN REQUIRED UNDER THIS SUBSECTION.

(E) A VIDEO LOTTERY OPERATION LICENSEE SHALL PROVIDE TO THE LOCAL DEVELOPMENT COUNCIL A MASTER PLAN FOR THE DEVELOPMENT OF THE SITE ON WHICH THE VIDEO LOTTERY FACILITY WILL BE LOCATED.

9–1A–32.

(A) THE STATE MAY PAY FOR THE REASONABLE TRANSPORTATION COSTS TO:

(1) MITIGATE THE IMPACT ON THE COMMUNITIES IN THE IMMEDIATE PROXIMITY TO THE FACILITY; AND

(2) MAKE EACH VIDEO LOTTERY FACILITY ACCESSIBLE TO THE PUBLIC.

(B) (1) A COMPREHENSIVE TRANSPORTATION PLAN SHALL BE:

(I) DEVELOPED BY EACH COUNTY WHERE A FACILITY IS LOCATED, IN CONSULTATION WITH THE LOCAL DEVELOPMENT COUNCIL CREATED UNDER § 9–1A–31 OF THIS SUBTITLE; AND

(II) APPROVED BY THE MARYLAND DEPARTMENT OF TRANSPORTATION.

(2) THE COMPREHENSIVE TRANSPORTATION PLAN SHALL INCLUDE PROVISIONS ON ROADS AND PROVISIONS REGARDING MASS TRANSIT IF MASS TRANSIT IS A SUBSTANTIAL MANNER OF TRANSPORTATION IN THE COUNTY WHERE A VIDEO LOTTERY FACILITY IS LOCATED.

(C) THE MARYLAND DEPARTMENT OF TRANSPORTATION SHALL FACILITATE NEGOTIATIONS WITH AFFECTED COMMUNITIES TO ENSURE THE MOST PRACTICAL INGRESS TO AND EGRESS FROM THE VIDEO LOTTERY FACILITY.

(D) (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, THE DEPARTMENT OF TRANSPORTATION MAY PAY FOR AND UNDERTAKE THE IMPROVEMENT AND ENHANCEMENT OF MD ROUTE 589 FROM THE INTERSECTION OF MD ROUTE 50 THROUGH MD ROUTE 113 IN WORCESTER COUNTY TO ADDRESS THE NEEDS RELATED TO TRAFFIC CAPACITY, PUBLIC SAFETY, AND ESTHETICS IN THE AREA WHERE A VIDEO LOTTERY FACILITY IS LOCATED.

(2) THE DEPARTMENT MAY TAKE THE NECESSARY STEPS TO ENSURE THAT THE PLANS FOR THE IMPROVEMENTS AND ENHANCEMENTS TO MD ROUTE 589 ARE UNDER DEVELOPMENT ON OR BEFORE THE DATE ON WHICH THE VIDEO LOTTERY FACILITY AT THE WORCESTER COUNTY LOCATION IS OPERATIONAL AND OPEN TO THE PUBLIC.

9–1A–33.

(A) THE COMMISSION SHALL:

(1) ESTABLISH AN ANNUAL FEE OF $425, TO BE PAID BY EACH VIDEO LOTTERY OPERATION LICENSEE, FOR EACH VIDEO LOTTERY POSITION OPERATED BY THE LICENSEE DURING THE YEAR, BASED ON THE MAXIMUM NUMBER OF TERMINAL POSITIONS IN USE DURING THE YEAR; AND

(2) DISTRIBUTE THE FEES COLLECTED UNDER ITEM (1) OF THIS SUBSECTION TO THE PROBLEM GAMBLING FUND ESTABLISHED IN SUBSECTION (B) OF THIS SECTION.

(B) (1) THERE IS A PROBLEM GAMBLING FUND IN THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE.

(2) THE PROBLEM GAMBLING FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7–302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(3) MONEY IN THE PROBLEM GAMBLING FUND SHALL BE INVESTED AND REINVESTED BY THE TREASURER, AND INTEREST AND EARNINGS SHALL ACCRUE TO THE FUND.

(4) EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS SUBSECTION, EXPENDITURES FROM THE PROBLEM GAMBLING FUND SHALL BE MADE ONLY BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE TO:

(I) ESTABLISH A 24–HOUR HOTLINE FOR COMPULSIVE AND PROBLEM GAMBLERS AND TO PROVIDE COUNSELING AND OTHER SUPPORT SERVICES FOR COMPULSIVE AND PROBLEM GAMBLERS; AND

(II) DEVELOP AND IMPLEMENT PROBLEM GAMBLING TREATMENT AND PREVENTION PROGRAMS, INCLUDING THE PROGRAMS ESTABLISHED UNDER TITLE 19, SUBTITLE 8 OF THE HEALTH – GENERAL ARTICLE.

(5) AFTER SATISFYING THE REQUIREMENTS OF PARAGRAPH (4) OF THIS SUBSECTION, ANY UNSPENT FUNDS IN THE PROBLEM GAMBLING FUND MAY BE EXPENDED BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE ON DRUG AND OTHER ADDICTION TREATMENT SERVICES.

(6) EXPENDITURES FROM THE PROBLEM GAMBLING FUND SHALL BE MADE IN ACCORDANCE WITH AN APPROPRIATION APPROVED BY THE GENERAL ASSEMBLY IN THE ANNUAL STATE BUDGET OR BY THE BUDGET AMENDMENT PROCEDURE PROVIDED FOR IN § 7–209 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

9–1A–34.

(A) THE COMMISSION SHALL MAKE AN ANNUAL REPORT TO THE GOVERNOR AND, SUBJECT TO § 2–1246 OF THIS ARTICLE, TO THE GENERAL ASSEMBLY:

(1) ON THE OPERATION AND FINANCES OF THE VIDEO LOTTERY FACILITIES;

(2) WITH THE ASSISTANCE OF LOCAL POLICE DEPARTMENTS AND THE DEPARTMENT OF STATE POLICE, DETAILING THE CRIMES THAT OCCUR WITHIN THE COMMUNITIES SURROUNDING A VIDEO LOTTERY FACILITY; AND

(3) ON THE ATTAINMENT OF MINORITY BUSINESS PARTICIPATION GOALS SPECIFIED FOR LICENSEES UNDER § 9–1A–10(A)(1) AND (2) OF THIS SUBTITLE AND THE EFFORTS BY LICENSEES TO MAINTAIN THOSE GOALS.

(B) EACH FISCAL YEAR THE LEGISLATIVE AUDITOR SHALL AUDIT AND EVALUATE THE INFORMATION SUBMITTED TO THE COMMISSION BY LICENSEES

UNDER SUBSECTION (A)(3) OF THIS SECTION, WITH SPECIAL EMPHASIS ON THE LICENSEE'S UTILIZATION OF CONTRACTORS ACROSS A BROAD SPECTRUM OF ITS BUSINESS ACTIVITIES, INCLUDING THOSE THAT ARE FUNCTIONALLY RELATED TO THE GAMING INDUSTRY.

9–1A–35.

(A) THERE IS A SMALL, MINORITY, AND WOMEN–OWNED BUSINESSES ACCOUNT UNDER THE AUTHORITY OF THE BOARD OF PUBLIC WORKS.

(B) (1) THE ACCOUNT SHALL RECEIVE MONEY AS REQUIRED UNDER § 9–1A–27 OF THIS SUBTITLE.

(2) MONEY IN THE ACCOUNT SHALL BE INVESTED AND REINVESTED BY THE TREASURER AND INTEREST AND EARNINGS SHALL ACCRUE TO THE ACCOUNT.

(3) THE COMPTROLLER SHALL:

(I) ACCOUNT FOR THE ACCOUNT; AND

(II) ON A PROPERLY APPROVED TRANSMITTAL PREPARED BY THE BOARD OF PUBLIC WORKS, ISSUE A WARRANT TO PAY OUT MONEY FROM THE ACCOUNT IN THE MANNER PROVIDED UNDER THIS SECTION.

(4) THE ACCOUNT IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7–302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(5) EXPENDITURES FROM THE ACCOUNT SHALL ONLY BE MADE ON A PROPERLY APPROVED TRANSMITTAL PREPARED BY THE BOARD OF PUBLIC WORKS AS PROVIDED UNDER SUBSECTION (C) OF THIS SECTION.

(C) (1) IN THIS SUBSECTION, "ELIGIBLE FUND MANAGER" MEANS AN ENTITY THAT HAS SIGNIFICANT FINANCIAL OR INVESTMENT EXPERIENCE, UNDER CRITERIA DEVELOPED BY THE BOARD OF PUBLIC WORKS.

(2) SUBJECT TO THE PROVISIONS OF PARAGRAPH (3) OF THIS SUBSECTION, THE BOARD OF PUBLIC WORKS SHALL MAKE GRANTS TO ELIGIBLE FUND MANAGERS TO PROVIDE INVESTMENT CAPITAL AND LOANS TO SMALL, MINORITY, AND WOMEN–OWNED BUSINESSES IN THE STATE.

(3) THE BOARD OF PUBLIC WORKS SHALL ENSURE THAT ELIGIBLE FUND MANAGERS ALLOCATE AT LEAST 50% OF THE FUNDS FROM THIS ACCOUNT TO SMALL, MINORITY, AND WOMEN–OWNED BUSINESSES IN THE JURISDICTIONS AND COMMUNITIES SURROUNDING A VIDEO LOTTERY FACILITY.

(D) FUND MANAGERS RECEIVING GRANTS UNDER THIS SECTION SHALL:

(1) KEEP PROPER RECORDS OF FUNDS AND ACCOUNTS;

(2) PROVIDE AN ANNUAL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1246 OF THIS ARTICLE, THE GENERAL ASSEMBLY ON INVESTMENT CAPITAL AND LOANS MADE PURSUANT TO SUBSECTION (C) OF THIS SECTION; AND

(3) BE SUBJECT TO AUDIT BY THE OFFICE OF LEGISLATIVE AUDITS OF THE DEPARTMENT OF LEGISLATIVE SERVICES.

(E) EACH FISCAL YEAR THE LEGISLATIVE AUDITOR SHALL AUDIT AND EVALUATE THE UTILIZATION OF THE FUNDS THAT ARE ALLOCATED TO SMALL, MINORITY, AND WOMEN–OWNED BUSINESSES BY ELIGIBLE FUND MANAGERS UNDER SUBSECTION (C)(3) OF THIS SECTION.

9–1A–36.

(A) THERE IS A VIDEO LOTTERY FACILITY LOCATION COMMISSION.

(B) (1) THE VIDEO LOTTERY FACILITY LOCATION COMMISSION CONSISTS OF SEVEN MEMBERS.

(2) (I) THREE OF THE MEMBERS SHALL BE APPOINTED BY THE GOVERNOR;

(II) TWO OF THE MEMBERS SHALL BE APPOINTED BY THE PRESIDENT OF THE SENATE BUT MAY NOT BE MEMBERS OF THE SENATE OF MARYLAND; AND

(III) TWO OF THE MEMBERS SHALL BE APPOINTED BY THE SPEAKER OF THE HOUSE OF DELEGATES BUT MAY NOT BE MEMBERS OF THE HOUSE.

(3) THE MEMBERSHIP OF THE VIDEO LOTTERY FACILITY LOCATION COMMISSION APPOINTED UNDER THIS SUBSECTION SHOULD REFLECT THE RACE, GENDER, AND GEOGRAPHIC DIVERSITY OF THE POPULATION OF THE STATE.

(4) ONE OF THE MEMBERS APPOINTED BY THE GOVERNOR SHALL BE THE CHAIR OF THE VIDEO LOTTERY FACILITY LOCATION COMMISSION.

(5) THE GOVERNOR, IN CONSULTATION WITH THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF DELEGATES, MAY REMOVE A MEMBER OF THE VIDEO LOTTERY FACILITY LOCATION COMMISSION FOR INEFFICIENCY, MISCONDUCT IN OFFICE, OR NEGLECT OF DUTY.

(C) A MEMBER OF THE VIDEO LOTTERY FACILITY LOCATION COMMISSION:

(1) SHALL BE AT LEAST 21 YEARS OF AGE;

(2) SHALL BE A CITIZEN OF THE UNITED STATES;

(3) SHALL BE A RESIDENT OF THE STATE;

(4) SHALL BE KNOWLEDGEABLE AND EXPERIENCED IN FISCAL MATTERS AND SHALL HAVE AT LEAST 10 YEARS SUBSTANTIAL EXPERIENCE:

(I) AS AN EXECUTIVE WITH FIDUCIARY RESPONSIBILITIES IN CHARGE OF A LARGE ORGANIZATION OR FOUNDATION;

(II) IN AN ACADEMIC FIELD RELATING TO FINANCE OR ECONOMICS; OR

(III) AS AN ECONOMIST, FINANCIAL ANALYST, ACCOUNTANT, OR AS A PROFESSIONAL IN A SIMILAR PROFESSION RELATING TO FISCAL MATTERS OR ECONOMICS;

(5) MAY NOT HAVE BEEN CONVICTED OF OR GRANTED PROBATION BEFORE JUDGMENT FOR A SERIOUS CRIME OR A CRIME THAT INVOLVES GAMBLING OR MORAL TURPITUDE;

(6) MAY NOT HAVE AN OFFICIAL RELATIONSHIP TO A PERSON WHO HOLDS A LICENSE UNDER THIS SUBTITLE;

(7) MAY NOT HAVE ANY DIRECT OR INDIRECT FINANCIAL INTEREST, OWNERSHIP, OR MANAGEMENT, INCLUDING HOLDING ANY STOCKS, BONDS, OR OTHER SIMILAR FINANCIAL INTERESTS IN ANY GAMING ACTIVITIES, INCLUDING HORSE RACING, VIDEO LOTTERY TERMINALS, OR LOTTERY;

(8) MAY NOT RECEIVE OR SHARE IN, DIRECTLY OR INDIRECTLY, THE RECEIPTS OR PROCEEDS OF ANY GAMING ACTIVITIES, INCLUDING HORSE RACING OR LOTTERY;

(9) MAY NOT HAVE A BENEFICIAL INTEREST IN ANY CONTRACT FOR THE MANUFACTURE OR SALE OF GAMING DEVICES, THE CONDUCT OF ANY GAMING ACTIVITY, OR THE PROVISION OF ANY INDEPENDENT CONSULTING SERVICES IN CONNECTION WITH ANY GAMING ESTABLISHMENT OR GAMING ACTIVITY;

(10) MAY NOT BE AN ELECTED OFFICIAL OF STATE OR LOCAL GOVERNMENT; AND

(11) SHALL FILE A FINANCIAL DISCLOSURE STATEMENT WITH THE STATE ETHICS COMMISSION IN ACCORDANCE WITH TITLE 15, SUBTITLE 6 OF THE STATE GOVERNMENT ARTICLE.

(D) A MEMBER OF THE VIDEO LOTTERY FACILITY LOCATION COMMISSION:

(1) MAY NOT RECEIVE COMPENSATION FOR SERVING ON THE VIDEO LOTTERY FACILITY LOCATION COMMISSION; BUT

(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

(E) (1) THE COMMISSION AND THE DEPARTMENT OF LEGISLATIVE SERVICES SHALL PROVIDE STAFF TO THE VIDEO LOTTERY FACILITY LOCATION COMMISSION.

(2) THE DEPARTMENT OF LEGISLATIVE SERVICES SHALL CONTRACT WITH AN INDEPENDENT CONSULTANT THAT HAS AT LEAST 10 YEARS SUBSTANTIAL EXPERIENCE IN CONSULTING ON MATTERS RELATING TO THE GAMING INDUSTRY TO ASSIST AND ADVISE THE VIDEO LOTTERY FACILITY LOCATION COMMISSION IN THE REVIEW AND ANALYSIS OF BIDS SUBMITTED UNDER THIS SECTION.

(F) THE VIDEO LOTTERY FACILITY LOCATION COMMISSION MAY AWARD NOT MORE THAN FIVE VIDEO LOTTERY OPERATION LICENSES TO QUALIFIED BIDDERS, THROUGH A COMPETITIVE BIDDING PROCESS CONSISTENT WITH THE PROCESS FOR COMPETITIVE SEALED PROPOSALS UNDER TITLE 13 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(G) THE VIDEO LOTTERY FACILITY LOCATION COMMISSION MAY NOT AWARD MORE THAN ONE VIDEO LOTTERY FACILITY OPERATION LICENSE IN A SINGLE COUNTY OR BALTIMORE CITY.

(H) (1) IN ORDER TO QUALIFY FOR A VIDEO LOTTERY OPERATION LICENSE FOR A VIDEO LOTTERY DESTINATION LOCATION UNDER THIS SECTION, A PROPOSED VIDEO LOTTERY FACILITY SHALL BE LOCATED IN ONE OF THE FOLLOWING COUNTIES:

(I) A LOCATION IN ANNE ARUNDEL COUNTY, WITHIN 2 MILES OF MD ROUTE 295;

(II) A LOCATION IN CECIL COUNTY, WITHIN 2 MILES OF INTERSTATE 95;

(III) A LOCATION ON STATE PROPERTY ASSOCIATED WITH THE ROCKY GAP STATE PARK IN ALLEGANY COUNTY THAT SHALL BE IN A

BUILDING THAT IS PHYSICALLY SEPARATE FROM THE ROCKY GAP LODGE AND GOLF RESORT;

(IV) A LOCATION IN WORCESTER COUNTY, WITHIN 1 MILE OF THE INTERSECTION OF ROUTE 50 AND ROUTE 589; OR

(V) A LOCATION IN BALTIMORE CITY THAT IS:

1. LOCATED:

A. IN A NONRESIDENTIAL AREA;

B. WITHIN ONE–HALF MILE OF INTERSTATE 95;

C. WITHIN ONE–HALF MILE OF MD ROUTE 295; AND

D. ON PROPERTY THAT IS OWNED BY BALTIMORE CITY ON THE DATE ON WHICH THE APPLICATION FOR A VIDEO LOTTERY OPERATION LICENSE IS SUBMITTED; AND

2. NOT ADJACENT TO OR WITHIN ONE–QUARTER MILE OF PROPERTY THAT IS:

A. ZONED FOR RESIDENTIAL USE; AND

B. USED FOR A RESIDENTIAL DWELLING ON THE DATE THE APPLICATION FOR A VIDEO LOTTERY OPERATION LICENSE IS SUBMITTED.

(2) NOTHING IN PARAGRAPH (1)(V)1D OF THIS SUBSECTION MAY BE CONSTRUED TO PREEMPT THE EXCLUSIVE AUTHORITY OF THE VIDEO LOTTERY FACILITY LOCATION COMMISSION TO AWARD VIDEO LOTTERY OPERATION LICENSES IN ACCORDANCE WITH THIS SUBTITLE.

(3) (I) WITH RESPECT TO A VIDEO LOTTERY OPERATION LICENSE ISSUED FOR A LOCATION UNDER PARAGRAPH (1)(IV) OF THIS SUBSECTION, THE HOLDER OF THE VIDEO LOTTERY OPERATION LICENSE OR ANY OTHER PERSON WITH A DIRECT OR INDIRECT LEGAL OR FINANCIAL INTEREST IN THE OCEAN DOWNS RACETRACK OR VIDEO LOTTERY FACILITY MAY NOT:

1. BUILD ANY TYPE OF HOTEL, MOTEL, OR OTHER PUBLIC LODGING ACCOMMODATION ON OR WITHIN 10 MILES OF THE PROPERTY OWNED BY THE HOLDER OF THE LICENSE ON WHICH A VIDEO LOTTERY FACILITY IS OPERATED;

2. CONVERT AN EXISTING FACILITY ON OR WITHIN 10 MILES OF THE PROPERTY DESCRIBED IN ITEM 1 OF THIS SUBPARAGRAPH INTO ANY TYPE OF HOTEL, MOTEL, OR OTHER PUBLIC LODGING ACCOMMODATION;

3. BUILD OR OPERATE A CONFERENCE CENTER OR CONVENTION CENTER, AMUSEMENT PARK, AMUSEMENT RIDES, ARCADE, OR MINIATURE GOLF COURSE ON OR WITHIN 10 MILES OF THE PROPERTY DESCRIBED IN ITEM 1 OF THIS SUBPARAGRAPH; OR

4. OFFER TO PATRONS OF THE VIDEO LOTTERY FACILITY THE PLAYING OF LIVE MUSIC, FLOOR SHOWS, DANCING, DANCING EXHIBITIONS, PERFORMANCES, OR ANY OTHER FORM OF LIVE ENTERTAINMENT IN OR NEAR THE VIDEO LOTTERY FACILITY, PROVIDED THAT THE HOLDER OF THE VIDEO LOTTERY OPERATION LICENSE FOR THE LOCATION UNDER PARAGRAPH (1)(IV) OF THIS SUBSECTION OR ANOTHER PERSON WITH A DIRECT OR INDIRECT LEGAL OR FINANCIAL INTEREST IN THE OCEAN DOWNS RACETRACK OR THE VIDEO LOTTERY FACILITY MAY ALLOW:

A. LIVE FIREWORKS DISPLAYS TO BE CONDUCTED ON THE PROPERTY; AND

B. A SINGLE PIANO THAT IS PLAYED BY AN INDIVIDUAL.

(II) THE PROHIBITIONS UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH APPLY TO ANY SUBSEQUENT HOLDER OF A VIDEO LOTTERY OPERATION LICENSE ISSUED UNDER PARAGRAPH (1)(IV) OF THIS SUBSECTION.

(I) (1) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, THE VIDEO LOTTERY FACILITY LOCATION COMMISSION MAY NOT ALLOCATE MORE THAN THE FOLLOWING NUMBER OF VIDEO LOTTERY TERMINALS FOR:

(I) A LOCATION IN ANNE ARUNDEL COUNTY – 4,750 VIDEO LOTTERY TERMINALS;

(II) A LOCATION IN BALTIMORE CITY – 3,750 VIDEO LOTTERY TERMINALS;

(III) A LOCATION IN CECIL COUNTY – 2,500 VIDEO LOTTERY TERMINALS;

(IV) A LOCATION IN ROCKY GAP STATE PARK (ALLEGANY COUNTY) – 1,500 VIDEO LOTTERY TERMINALS; AND

(V) A LOCATION IN WORCESTER COUNTY – 2,500 VIDEO LOTTERY TERMINALS.

(2) THE VIDEO LOTTERY FACILITY LOCATION COMMISSION MAY ALLOCATE VIDEO LOTTERY TERMINALS IN A MANNER THAT IS DIFFERENT FROM THE ALLOCATION PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION ON A DETERMINATION THAT THE MARKET FACTORS AND OTHER FACTORS EVALUATED UNDER SUBSECTION (K) OF THIS SECTION WARRANT THE DIFFERENT ALLOCATION, PROVIDED THAT NO ONE LOCATION MAY BE ALLOCATED MORE THAN 4,750 VIDEO LOTTERY TERMINALS.

(3) (I) BEGINNING WITH THE TERMINATION DATE FOR THE VIDEO LOTTERY FACILITY LOCATION COMMISSION AND EVERY 3 YEARS THEREAFTER, IF ALL OF THE VIDEO LOTTERY TERMINALS AUTHORIZED UNDER THIS SUBTITLE ARE NOT ALLOCATED OR HAVE BEEN ALLOCATED BUT ARE NOT IN REGULAR OPERATION, THE STATE LOTTERY COMMISSION MAY ALLOCATE OR REALLOCATE VIDEO LOTTERY TERMINALS TO VIDEO LOTTERY OPERATION LICENSEES IN A MANNER THAT ENSURES THAT THE HIGHEST POTENTIAL REVENUES ARE ACHIEVED.

(II) IN DETERMINING THE HIGHEST POTENTIAL REVENUES TO BE ACHIEVED BY ADDITIONAL VIDEO LOTTERY TERMINALS AT EACH POTENTIAL LOCATION, THE STATE LOTTERY COMMISSION SHALL CONSIDER THE MARKET PERFORMANCE OF THE EXISTING VIDEO LOTTERY TERMINALS AT EACH LOCATION.

(J) (1) A BID SUBMITTED FOR A VIDEO LOTTERY OPERATION LICENSE AT A VIDEO LOTTERY DESTINATION LOCATION UNDER THIS SECTION SHALL BE SUBMITTED BY FEBRUARY 1, 2009, AND SHALL INCLUDE AN INITIAL LICENSE FEE IN THE BID OF AT LEAST $3,000,000 FOR EACH 500 VIDEO LOTTERY TERMINALS INCLUDED IN THE BID.

(2) ALL INITIAL LICENSE FEES SUBMITTED UNDER THIS SUBTITLE SHALL ACCRUE TO THE EDUCATION TRUST FUND ESTABLISHED UNDER § 9–1A–30 OF THIS SUBTITLE.

(3) A BID SUBMITTED FOR A VIDEO LOTTERY OPERATION LICENSE UNDER THIS SECTION SHALL PROVIDE FOR AT LEAST $25,000,000 IN DIRECT INVESTMENT BY THE APPLICANT IN CONSTRUCTION AND RELATED COSTS FOR EACH 500 VIDEO LOTTERY TERMINALS CONTAINED IN THE PROPOSED BID THAT SHALL BE PRORATED BASED ON THE EXACT NUMBER OF VIDEO LOTTERY TERMINALS CONTAINED IN THE BID.

(K) (1) IN AWARDING A VIDEO LOTTERY OPERATION LICENSE, THE VIDEO LOTTERY FACILITY LOCATION COMMISSION SHALL EVALUATE THE FACTORS UNDER THIS SUBSECTION IN THE MANNER SPECIFIED.

(2) THE DECISION BY THE VIDEO LOTTERY FACILITY LOCATION COMMISSION TO AWARD A LICENSE SHALL BE WEIGHTED BY 70% BASED ON BUSINESS AND MARKET FACTORS INCLUDING:

(I) THE HIGHEST POTENTIAL BENEFIT AND HIGHEST PROSPECTIVE TOTAL REVENUES TO BE DERIVED BY THE STATE;

(II) THE POTENTIAL REVENUES FROM A PROPOSED LOCATION BASED ON A MARKET ANALYSIS;

(III) THE EXTENT TO WHICH THE PROPOSED LOCATION ENCOURAGES MARYLAND GAMING PARTICIPANTS TO REMAIN IN THE STATE;

(IV) THE EXTENT TO WHICH THE PROPOSED LOCATION DEMONSTRATES THAT THE FACILITY WILL BE A SUBSTANTIAL REGIONAL AND NATIONAL TOURIST DESTINATION;

(V) THE PROPOSED FACILITY CAPITAL CONSTRUCTION PLANS AND COMPETITIVENESS OF THE PROPOSED FACILITY;

(VI) THE AMOUNT OF GROSS REVENUES TO BE ALLOCATED TO THE OPERATOR OVER THE TERM OF THE LICENSE;

(VII) THE PERCENT OF OWNERSHIP BY ENTITIES MEETING THE DEFINITION OF MINORITY BUSINESS ENTERPRISE UNDER TITLE 14, SUBTITLE 3 OF THE STATE FINANCE AND PROCUREMENT ARTICLE;

(VIII) THE EXTENT TO WHICH THE PROPOSED LOCATION WILL PRESERVE EXISTING MARYLAND JOBS AND THE NUMBER OF NET NEW JOBS TO BE CREATED; AND

(IX) THE CONTENTS OF THE LICENSEE'S PLAN TO ACHIEVE MINORITY BUSINESS PARTICIPATION GOALS IN ACCORDANCE WITH THE REQUIREMENTS DESCRIBED UNDER § 9–1A–10(A)(1) AND (2) OF THIS SUBTITLE.

(3) THE DECISION BY THE VIDEO LOTTERY FACILITY LOCATION COMMISSION TO AWARD A LICENSE SHALL BE WEIGHTED BY 15% BASED ON ECONOMIC DEVELOPMENT FACTORS, INCLUDING:

(I) THE ANTICIPATED WAGES AND BENEFITS FOR NEW JOBS TO BE CREATED; AND

(II) ANY ADDITIONAL ECONOMIC DEVELOPMENT PLANNED IN THE AREA OF THE PROPOSED FACILITY.

(4) THE DECISION BY THE VIDEO LOTTERY FACILITY LOCATION COMMISSION TO AWARD A LICENSE SHALL BE WEIGHTED BY 15% BASED ON LOCATION SITING FACTORS, INCLUDING:

(I) THE EXISTING TRANSPORTATION INFRASTRUCTURE SURROUNDING THE PROPOSED FACILITY LOCATION;

(II) THE NEGATIVE IMPACT, IF ANY, OF A PROPOSED FACILITY LOCATION ON THE SURROUNDING RESIDENTIAL COMMUNITY; AND

(III) THE NEED FOR ADDITIONAL PUBLIC INFRASTRUCTURE EXPENDITURES AT THE PROPOSED FACILITY.

(L) THE VIDEO LOTTERY FACILITY LOCATION COMMISSION MAY NOT AWARD A VIDEO LOTTERY OPERATION LICENSE TO A PERSON THAT IS NOT QUALIFIED UNDER THIS SECTION OR THIS SUBTITLE.

(M) (1) THE VIDEO LOTTERY FACILITY LOCATION COMMISSION SHALL REFER TO THE STATE LOTTERY COMMISSION THE NAME AND ALL RELEVANT INFORMATION CONCERNING A PERSON THAT MAKES A BID UNDER THIS SECTION.

(2) ON RECEIPT OF THE INFORMATION IN PARAGRAPH (1) OF THIS SUBSECTION, THE STATE LOTTERY COMMISSION SHALL DETERMINE WHETHER A BIDDER IS QUALIFIED TO HOLD A VIDEO LOTTERY OPERATION LICENSE UNDER THIS SUBTITLE.

(3) ON COMPLETION OF ITS DETERMINATION, THE STATE LOTTERY COMMISSION SHALL NOTIFY THE VIDEO LOTTERY FACILITY LOCATION COMMISSION OF THE DETERMINATION AS TO WHETHER A BIDDER IS QUALIFIED TO HOLD A VIDEO LOTTERY OPERATION LICENSE UNDER THIS SUBTITLE.

(N) AFTER AWARD OF A VIDEO LOTTERY OPERATION LICENSE UNDER THIS SECTION, THE STATE LOTTERY COMMISSION SHALL BE RESPONSIBLE FOR ALL MATTERS RELATING TO REGULATION OF THE LICENSEE.

(O) AN UNSUCCESSFUL BIDDER FOR A VIDEO LOTTERY OPERATION LICENSE UNDER THIS SECTION MAY SEEK, UNDER TITLE 15 OF THE STATE FINANCE AND PROCUREMENT ARTICLE, REVIEW BY THE STATE BOARD OF CONTRACT APPEALS OF THE AWARDING OF THE VIDEO LOTTERY OPERATION LICENSE BY THE VIDEO LOTTERY FACILITY LOCATION COMMISSION.

(P) (1) NOTHING IN THIS SUBTITLE MAY BE CONSTRUED TO REQUIRE THE VIDEO LOTTERY FACILITY LOCATION COMMISSION TO ISSUE ALL FIVE VIDEO LOTTERY OPERATION LICENSES AUTHORIZED UNDER THIS SUBTITLE.

(2) NOTWITHSTANDING ANY OF THE PROVISIONS OF THIS SUBTITLE, THE VIDEO LOTTERY FACILITY LOCATION COMMISSION MAY NOT AWARD A VIDEO LOTTERY OPERATION LICENSE UNDER THIS SUBTITLE UNLESS THE VIDEO LOTTERY FACILITY LOCATION COMMISSION DETERMINES AND DECLARES

THAT A BID SELECTED FOR AWARD OF THE LICENSE IS IN THE PUBLIC INTEREST AND IS CONSISTENT WITH THE PURPOSES OF THIS SUBTITLE.

(Q) THE VIDEO LOTTERY FACILITY LOCATION COMMISSION MAY REISSUE A VIDEO LOTTERY OPERATION LICENSE THAT IS REVOKED OR SURRENDERED UTILIZING THE CRITERIA ESTABLISHED IN THIS SUBTITLE.

(R) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE VIDEO LOTTERY FACILITY LOCATION COMMISSION SHALL TERMINATE ON JANUARY 1, 2015.

(2) THE GOVERNOR MAY RECONSTITUTE THE VIDEO LOTTERY FACILITY LOCATION COMMISSION, WHICH SHALL INCLUDE THE APPOINTMENT OF NEW MEMBERS BASED ON THE CRITERIA ESTABLISHED UNDER SUBSECTIONS (B) AND (C) OF THIS SECTION:

(I) ONE YEAR PRIOR TO THE EXPIRATION OF A VIDEO LOTTERY OPERATION LICENSE; OR

(II) FOLLOWING THE REVOCATION OR SURRENDER OF A VIDEO LOTTERY OPERATION LICENSE.

Article – Tax – Property

7–514.

(A) THE GOVERNING BODY OF ALLEGANY COUNTY SHALL ENTER INTO AN AGREEMENT WITH AN OWNER OR OPERATOR OF A VIDEO LOTTERY FACILITY THAT LOCATES IN ALLEGANY COUNTY FOR A NEGOTIATED PAYMENT IN LIEU OF TAXES ON THE VIDEO LOTTERY FACILITY.

(B) AN AGREEMENT FOR A NEGOTIATED PAYMENT IN LIEU OF TAXES UNDER THIS SECTION SHALL PROVIDE THAT, FOR THE TERM SPECIFIED IN THE AGREEMENT:

(1) A SPECIFIED AMOUNT SHALL BE PAID TO ALLEGANY COUNTY IN LIEU OF THE PAYMENT OF ALLEGANY COUNTY PROPERTY TAX; AND

(2) ALL OR A SPECIFIED PART OF THE REAL AND PERSONAL PROPERTY AT THE VIDEO LOTTERY FACILITY SHALL BE EXEMPT FROM ALLEGANY COUNTY PROPERTY TAX FOR THE TERM OF THE AGREEMENT.

SECTION 2. AND BE IT FURTHER ENACTED, That if any provision of this Act or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Act which can be given effect

without the invalid provision or application, and for this purpose the provisions of this Act are declared severable.

SECTION 3. AND BE IT FURTHER ENACTED, That the intent of this Act and its various integrated provisions is to provide for the authorization and regulation of certain gaming devices for the purpose of generating State revenues and other funds for specified purposes, including funding educational facility construction and renovation and assisting the State's racing industry. This section is not intended to detract from the application of the severability provision contained in Section 2 of this Act or from the ability of a court of competent jurisdiction to consider and apply appropriate severability principles in the event of a judicial challenge to the validity of a specific portion or portions of the bill.

SECTION 4. AND BE IT FURTHER ENACTED, That the agency designated by the Board of Public Works under § 14–303(b) of the State Finance and Procurement Article, in consultation with the General Assembly and the Office of the Attorney General, shall initiate two studies of the requirements of § 9–1A–10 of the State Government Article, as enacted by Section 1 of this Act, that evaluate the continued compliance of the requirement with any federal and constitutional requirements. In preparation for the studies, the State Lottery Commission shall require video lottery operation license applicants and licensees to provide any information necessary to perform the study. The studies shall also evaluate race–neutral programs or other methods that can be used to address the needs of minority investors and minority businesses. A final report of the first study shall be submitted to the Legislative Policy Committee on or before December 15, 2010, so that the General Assembly may review the report prior to the 2011 Session. A final report of the second study shall be submitted to the Legislative Policy Committee on or before September 30, 2013, so that the General Assembly may review the report in conjunction with the report of the study on the Minority Business Enterprise Program prior to the 2014 Session.

SECTION 5. AND BE IT FURTHER ENACTED, That this Act may not be construed to affect the terms of the members of the State Lottery Commission appointed before the effective date of this Act. The terms of the four new members of the State Lottery Commission appointed under this Act shall expire as follows:

(a) one member in 2010;

(b) one member in 2011; and

(c) two members in 2012.

SECTION 6. AND BE IT FURTHER ENACTED, That:

(a) The State Lottery Agency shall conduct a market analysis every 2 years to determine the jurisdiction of residence, demographic characteristics, and annual net customer spending for each of the following gaming products:

(1) video lottery terminals;

(2) keno;

(3) instant scratch–off games;

(4) daily games;

(5) multistate lotto type games; and

(6) any other products that the Agency deems appropriate.

(b) The results of this analysis shall be reported to the Governor, the Secretary of Health and Mental Hygiene, and the Legislative Policy Committee of the General Assembly.

(c) The Governor shall provide at least $250,000 in the fiscal year 2010 budget to support this analysis, which may take the form of reprogramming existing resources of the State Lottery Agency, and $125,000 every 2 years thereafter.

(d) The initial analysis shall be completed on or before June 30, 2010, and the initial report shall be submitted on or before October 1, 2010.

SECTION 7. AND BE IT FURTHER ENACTED, That the State Racing Commission shall study the current levels of benefits provided to employees of the State's thoroughbred and standardbred racetracks. The State Racing Commission shall make recommendations to ensure that the benefits to and funding for racetrack employees are adequate. On or before January 1, 2009, the State Racing Commission shall submit a report to the General Assembly, in accordance with § 2–1246 of the State Government Article, and make recommendations on statutory changes, if needed.

SECTION 8. AND BE IT FURTHER ENACTED, That:

(a) If a video lottery operation license is awarded to Laurel Park in Anne Arundel County, the local impact grant provided under § 9–1A–27(a)(3) of the State Government Article, as enacted by Section 1 of this Act, shall be distributed in the following manner:

(1) 70% to Anne Arundel County;

(2) 13% to Howard County;

(3) 5% to Prince George's County; and

(4) subject to subsection (b) of this section, 12% to the City of Laurel.

(b) Proceeds distributed under subsection (a)(4) of this section shall be distributed directly to the Mayor and City Council of the City of Laurel.

SECTION 8A. AND BE IT FURTHER ENACTED, That, if a video lottery operation license is awarded to Ocean Downs Racetrack, the local impact grant provided under § 9–1A–27(a)(3) of the State Government Article, as enacted by Section 1 of this Act, shall be distributed in the following manner:

(1) 70% to Worcester County;

(2) 20% to Ocean City; and

(3) 10% to the Town of Berlin.

SECTION 9. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, not less than 95% of the revenues received by Baltimore City through a partnership with a video lottery operation licensee, excluding any local impact grants received under § 9–1A–27(a)(3) of the State Government Article, as enacted by Section 1 of this Act, shall be used to reduce real property taxes in Baltimore City and for public school construction and rehabilitation of Baltimore City public schools.

SECTION 10. AND BE IT FURTHER ENACTED, That:

(a) (1) In this section the following words have the meanings indicated.

(2) "Ballot issue committee" has the meaning stated in § 1–101(f) of the Election Law Article.

(3) "Campaign finance report" has the meaning stated in § 1–101(i) of the Election Law Article.

(4) "Campaign material" has the meaning stated in § 1–101(k) of the Election Law Article.

(b) A ballot issue committee that is formed to promote the success or defeat of the constitutional amendment proposed by Chapter ___ (S.B. 4/H.B. 4) of the Acts of the General Assembly of the Special Session of 2007 shall file, in addition to the campaign finance reports required under § 13–309 of the Election

Law Article, a campaign finance report on or before the fourth Friday immediately preceding the 2008 general election.

(c) A corporation that cumulatively spends more than $10,000 on campaign material to promote the success or defeat of the constitutional amendment proposed by Chapter ___ (S.B. 4/H.B. 4) of the Acts of the General Assembly of the Special Session of 2007 shall:

(1) file a campaign finance report on the same dates as required for a ballot issue committee under § 13–309 of the Election Law Article and this Act; and

(2) include the information required under § 13–401 of the Election Law Article on all campaign material published or distributed by the corporation to promote the success or defeat of the constitutional amendment proposed by Chapter ___ (S.B. 4/H.B. 4) of the Acts of the General Assembly of the Special Session of 2007.

SECTION 11. AND BE IT FURTHER ENACTED, That Section 10 of this Act shall take effect January 1, 2008, contingent on the passage of Chapter ___ (S.B. 4/H.B. 4) of the Acts of the General Assembly of the Special Session of 2007.

SECTION 12. AND BE IT FURTHER ENACTED, That this Act shall be contingent on the passage of Chapter ___ (S.B. 4/H.B. 4) of the Acts of the General Assembly of the Special Session of 2007, a constitutional amendment, and its ratification by the voters of the State.

SECTION 13. AND BE IT FURTHER ENACTED, That, subject to the provisions of Sections 11 and 12 of this Act, this Act shall take effect on the proclamation of the Governor that the constitutional amendment, having received a majority of the votes cast at the general election, has been adopted by the people of Maryland.".

AMENDMENT NO. 2

On pages 1 through 69, strike in their entirety the lines beginning with line 3 on page 1 through line 18 on page 69, inclusive.

The preceding 2 amendments were read and concurred in by roll call vote as follows:

Affirmative – 27 Negative – 16 (See Roll Call No. 122)

Senator Kasemeyer moved, duly seconded, to limit the debate on **Senate Bill 3**.

MOTION TO LIMIT DEBATE

PURSUANT TO THE PROVISIONS OF SENATE RULE 77(B), DEBATE ON **SENATE BILL 3** SHALL BE LIMITED TO 10 MINUTES IN THE AGGREGATE FOR CONSIDERATION OF THE MOTION TO CONCUR AND ON THIRD READING AND FINAL PASSAGE, AND ON ALL SUBSEQUENT QUESTIONS, AMENDMENTS AND MOTIONS SO RELATED TO SUCH MOTIONS, READINGS AND OTHER ACTIONS. THE PRESIDENT SHALL ALLOCATE THE 10 MINUTES AGGREGATE TIME AMONG THOSE SENATORS DESIRING TO SPEAK THEREON, PROVIDED THAT NOT MORE THAN 5 MINUTES SHALL BE ALLOCATED FOR THE PROPONENTS AND NOT MORE THAN 5 MINUTES SHALL BE ALLOCATED FOR THE OPPONENTS OF SUCH BILL.

The motion was adopted by a roll call vote as follows:

Affirmative – 32 Negative – 12 (See Roll Call No. 123)

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 25 Negative – 19 (See Roll Call No. 124)

MESSAGE TO THE SENATE

BILL: **SB 0006**
SPONSOR: The Pres (Admin)
SUBJECT: Working Families and Small Business Health Coverage Act

By the Majority Leader:
Ladies and Gentlemen of the Senate:

The House of Delegates does not recede in the House Amendments to the Senate Bill and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The Senate has appointed: Senators Middleton, Chair, Kelley, and Garagiola. The House appoints: Delegates Hubbard, Chairman, Hammen, and Weldon.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

Senator Brinkley motioned the Senate adjourn Sine Die.

The motion was rejected by roll call vote as follows:

Affirmative – 13 Negative – 32 (See Roll Call No. 125)

THE COMMITTEE ON BUDGET AND TAXATION REPORT #4

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

House Bill 5 – The Speaker (By Request – Administration)

AN ACT concerning

Transportation and State Investment Act

(Amendment ID: HB0005/369333/1)

BY: Budget and Taxation Committee

AMENDMENTS TO HOUSE BILL 5
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, after "cigarettes;" insert "imposing a State admissions and amusement tax on the net proceeds derived from the operation of certain bingo games and tip jars; providing for the distribution of certain admissions and amusement tax revenue;"; strike beginning with "altering" in line 13 down through "guest;" in line 14; strike beginning with "altering" in line 19 down through "tax;" in line 20; in lines 22 and 26, in each instance, strike "each year" and substitute "in certain fiscal years".

On page 2, in line 4, after "purposes;" insert "increasing the maximum allowable aggregate amount of outstanding and unpaid consolidated transportation bonds and bonds of prior issues;"; strike beginning with ", subject" in line 5 down through "half" in line 6; in line 12, after "semitrailers;" insert "setting the amount of certain fees imposed for issuance of a certificate of title for a motor vehicle; altering the distribution of certain revenues to a certain account

in the Transportation Trust Fund;"; in line 10, strike "the" and substitute "a certain"; strike beginning with "establishing" in line 10 down through "activities;" in line 11; and strike beginning with "provide" in line 24 down through "time" in line 26 and substitute "include certain information in a separate section of a certain Consolidated Transportation Program".

AMENDMENT NO. 2

On page 2, in line 36, after "Section" insert "2-202, 2-1104, 2-1302.1, 2–1303,"; after line 40, insert:

"BY adding to
Article – Tax – General
Section 2-1302.2, 4-102(d), and 4-105(a-1)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)";

in line 41, strike "without" and substitute "with"; and in line 43, after "3-202" insert ", 3-215(b), and 8-402".

On page 3, in line 3, strike "3-215" and substitute "13-613(d), 13-802,"; and strike in their entirety lines 36 through 40, inclusive.

On page 4, strike in their entirety lines 1 through 31, inclusive.

AMENDMENT NO. 3

On page 5, strike line 1 in its entirety and substitute:

"2–202.

After making the distribution required under § 2–201 of this subtitle, within 20 days after the end of each quarter, the Comptroller shall distribute:

(1) THE REVENUE FROM THE STATE ADMISSIONS AND AMUSEMENT TAX ON ELECTRONIC BINGO AND ELECTRONIC TIP JARS UNDER § 4–102(D) OF THIS ARTICLE TO THE GENERAL FUND OF THE STATE; AND

(2) the remaining admissions and amusement tax revenue:

[(1)**]** **(I)** to the Maryland Stadium Authority, county, or municipal corporation that is the source of the revenue; or

[(2)**]** **(II)** if the Maryland Stadium Authority and also a county or municipal corporation tax a reduced charge or free admission:

[(i)**]** **1.** 80% of that revenue to the Authority; and

[(ii)**]** **2.** 20% to the county or municipal corporation.

4–102.

(D) (1) IN THIS SUBSECTION, "NET PROCEEDS" MEANS THE TOTAL RECEIPTS FROM THE OPERATION OF AN ELECTRONIC BINGO MACHINE OR ELECTRONIC TIP JAR MACHINE LESS THE AMOUNT OF MONEY WINNINGS OR PRIZES PAID OUT TO PLAYERS.

(2) A STATE TAX IS IMPOSED ON THE NET PROCEEDS DERIVED FROM ANY CHARGE FOR THE OPERATION OF AN ELECTRONIC BINGO MACHINE PERMITTED UNDER A COMMERCIAL BINGO LICENSE OR AN ELECTRONIC TIP JAR MACHINE AUTHORIZED UNDER TITLE 13 OF THE CRIMINAL LAW ARTICLE THAT IS OPERATED FOR COMMERCIAL PURPOSES.

4–105.

(A–1) THE RATE OF THE STATE ADMISSIONS AND AMUSEMENT TAX IMPOSED ON ELECTRONIC BINGO OR ELECTRONIC TIP JARS UNDER § 4–102(D) OF THIS SUBTITLE IS 20% OF THE NET PROCEEDS SUBJECT TO THE TAX.".

AMENDMENT NO. 4

On pages 6 and 7, strike in their entirety the lines beginning with line 10 on page 6 through line 15 on page 7, inclusive.

AMENDMENT NO. 5

On page 11, in line 11, strike "**THE**" and substitute "**BEGINNING IN CALENDAR YEAR 2011, THE**"; and in line 26, strike "The" and substitute "**BEGINNING IN CALENDAR YEAR 2010, THE**".

AMENDMENT NO. 6

On page 14, in line 8, strike beginning with "of" through "billion" and substitute "**OF $2.6 BILLION**".

AMENDMENT NO. 7

On page 14, after line 26, insert:

"13–802.

[The fees**] EXCEPT AS PROVIDED IN § 13-805 OF THIS SUBTITLE, THE FEE** for **[**certificates**] EACH CERTIFICATE** of title issued under this title **[**shall be established by the Administration**] IS $50**.";

in line 28, strike "**(I)**"; and strike beginning with "**AS**" in line 30 down through "**PARAGRAPH,**" in line 31.

On page 15, strike in their entirety lines 1 through 5, inclusive.

On page 24, in line 11, strike "§ 13–809" and substitute "§§ 13–802 and 13–809".

AMENDMENT NO. 8

On pages 17 and 18, strike in their entirety the lines beginning with line 23 on page 17 through line 11 on page 18.

AMENDMENT NO. 9

On page 19, in line 27, strike "**8%**" and substitute "**6.5%**".

AMENDMENT NO. 10

On page 20, in line 14, strike "80 percent" and substitute "**TWO-THIRDS**".

AMENDMENT NO. 11

On page 22, strike beginning with the colon in line 25 down through "2008," in line 26 and substitute a comma; in line 27, strike "submit a report for the proposed projects included" and substitute "include"; in line 28, strike ". The report shall" and substitute "a separate section to"; and in line 33, after "2013;" insert "and".

On pages 22 and 23, strike beginning with "; and" in line 35 on page 22 down through "report" in line 21 on page 23.

The preceding 11 amendments were read and adopted by a roll call vote as follows:

Affirmative – 27 Negative – 18 (See Roll Call No. 126)

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

ADJOURNMENT

At 12:39 A.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 12:39 A.M. on Legislative Day, November 8, 2007, Calendar Day, Monday, November 19, 2007.

Annapolis, Maryland
Legislative Day: November 8, 2007
Calendar Day: Monday, November 19, 2007
12:38 A.M. Session

The Senate met at 12:39 A.M.

QUORUM CALL

The presiding officer announced a quorum call, showing 45 Members present.

(See Roll Call No. 127)

The Journal of November 7, 2007 was read and approved.

On motion of Senator Kasemeyer it was ordered that Senators Hooper and Jacobs be excused from today's session.

BILLS ON THIRD READING

House Bill 5 – The Speaker (By Request – Administration)

AN ACT concerning

Transportation and State Investment Act

Senator Kasemeyer moved, duly seconded, to limit the debate on **House Bill 5**.

MOTION TO LIMIT DEBATE

PURSUANT TO THE PROVISIONS OF SENATE RULE 77(B), DEBATE ON **HOUSE BILL 5** SHALL BE LIMITED TO 20 MINUTES IN THE AGGREGATE FOR CONSIDERATION OF THIRD READING AND FINAL PASSAGE, ON ALL SUBSEQUENT QUESTIONS AND MOTIONS SO RELATED TO SUCH READING AND OTHER ACTIONS. THE PRESIDENT SHALL ALLOCATE THE 20 MINUTES AGGREGATE TIME AMONG THOSE SENATORS DESIRING TO SPEAK THEREON, PROVIDED THAT NOT MORE THAN 10 SHALL BE ALLOCATED FOR THE PROPONENTS AND NOT MORE THAN 10 SHALL BE ALLOCATED FOR THE OPPONENTS OF SUCH BILL.

The motion was adopted by a roll call vote as follows:

Affirmative – 29 Negative – 16 (See Roll Call No. 128)

Read the third time and passed by yeas and nays as follows:

Affirmative – 25 Negative – 20 (See Roll Call No. 129)

The Bill was then sent to the House of Delegates.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #5

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

House Bill 1 – The Speaker (By Request – Administration)

AN ACT concerning

Budget Reconciliation Act

(Amendment ID: HB0001/329734/1)

BY: Budget and Taxation Committee

AMENDMENTS TO HOUSE BILL 1
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, strike "in certain fiscal years"; in line 26, after "information;" insert "providing that the Comptroller's appointment of the Chief of the Bureau of Revenue Estimates is subject to the approval of the Board of Revenue Estimates; providing that the Chief may be removed only by a majority of the Board for certain reasons; providing that the Chief is subject to the supervision of a certain Deputy Comptroller, except under certain circumstances; providing for the appointment of other employees of the Bureau by the Chief; requiring the Bureau to submit certain reports including certain information regarding certain revenues to the Board each year; altering a provision relating to certain studies of State revenue sources conducted by the Bureau; requiring the Bureau to submit certain reports to the Governor and to the General Assembly; establishing a Consensus Revenue Monitoring and Forecasting Group to perform certain functions and to advise and collaborate with the Bureau; requiring the Comptroller and the Bureau to provide certain data and certain

documents to members of the Group; requiring the Board to submit certain reports to the General Assembly each year; requiring the Governor to incorporate a certain estimate of revenues in the State budget and any supplemental budget submitted to the General Assembly; requiring the Governor to submit a certain statement to the General Assembly under certain circumstances; requiring the Department of Transportation to incorporate in a certain financial forecast a certain estimate of revenues by the Board;".

On pages 1 and 2, strike beginning with "altering" in line 26 on page 1 down through "purposes;" in line 3 on page 2.

On page 2, strike beginning with "altering" in line 5 down through "program;" in line 11; strike beginning with "altering" in line 14 down through "fund;" in line 17; in line 20, after "employees" insert "and retirees"; in the same line, after "period" insert "or equivalent adjustment"; strike beginning with "withdrawing" in line 23 down through "year;" in line 24; in line 26, after "positions;" insert "requiring the State Department of Education to update a certain Geographic Cost of Education Index (GCEI) at certain times; requiring the State Department of Education to submit a certain proposed GCEI adjustment update to the Governor and the General Assembly and to recommend certain legislation at certain times; requiring a certain GCEI adjustment to be used in certain fiscal years; requiring the review of certain supplemental grants in a certain adequacy study; authorizing the transfer of certain funds by budget amendment for a certain fiscal year from a certain special fund to be used only to provide a certain grant; providing that a certain grant may not be provided except under certain circumstances"; and strike beginning with "5–206(f)," in line 42 down through "and 23–510(e)(5)" in line 44, and substitute "16–305(c)(1)(ii), 16–512(a)(2), and 17–104(d)".

On page 3, in line 4, strike ", 7–117, and 7–118"; and strike in their entirety lines 12 through 18, inclusive.

On page 4, in line 1, strike "9–117(a)(1),"; strike in their entirety lines 9 through 23, inclusive; and in line 26, strike "1–504 and".

On pages 4 and 5, strike in their entirety the lines beginning with line 39 on page 4 down through line 3 on page 5, inclusive.

On page 5, in line 11, strike "7–325" and substitute "6–103, 6–104, 6–106, and 7–311(a)"; and strike in their entirety lines 14 through 16, inclusive, and substitute:

"BY adding to
Article – State Finance and Procurement
Section 6–105
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 2–103.1(l)(2)
Annotated Code of Maryland
(2001 Replacement Volume and 2007 Supplement)".

AMENDMENT NO. 2

On page 8, in line 20, strike "**YEARS**" and substitute "**YEAR**"; in the same line, after "**2011**" insert "**AND EACH FISCAL YEAR THEREAFTER**"; and in line 21, strike "**THROUGH 2013**".

AMENDMENT NO. 3

On pages 9 and 10, strike in their entirety the lines beginning with line 19 on page 9 through line 2 on page 10, and substitute:

"Article – Education

16–305.

(c) (1) (ii) For purposes of this subsection, the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State for the previous fiscal year shall**:**

1. INCLUDE NONCAPITAL APPROPRIATIONS FROM THE HIGHER EDUCATION INVESTMENT FUND; AND

2. [reflect**] REFLECT** any amendments or reductions to the appropriation for the previous fiscal year.

16–512.

(a) (2) For purposes of this subsection, the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State for the previous fiscal year shall:

(I) INCLUDE NONCAPITAL APPROPRIATIONS FROM THE HIGHER EDUCATION INVESTMENT FUND; AND

(II) [reflect] **REFLECT** any amendments or reductions to the appropriation for the previous fiscal year.

17–104.

(d) For purposes of this section, the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State for the previous fiscal year shall:

(1) INCLUDE NONCAPITAL APPROPRIATIONS FROM THE HIGHER EDUCATION INVESTMENT FUND; AND

(2) [reflect] **REFLECT** any amendments or reductions to the appropriation for the previous fiscal year.".

AMENDMENT NO. 4

On page 10, in line 20, after "**TITLE,**" insert "**AND SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, FOR A TAXABLE YEAR BEGINNING BEFORE JULY 1, 2011,**"; after line 23, insert:

"**(2) THE GOVERNING BODY OF A COUNTY MAY NOT INCREASE THE PERCENT OF ASSESSMENT OF PERSONAL PROPERTY DESCRIBED IN § 7-237 OF THIS TITLE THAT IS SUBJECT TO COUNTY PERSONAL PROPERTY TAX TO MORE THAN:**

(I) 65% FOR THE TAXABLE YEAR BEGINNING JULY 1, 2008;

(II) 60% FOR THE TAXABLE YEAR BEGINNING JULY 1, 2009; AND

(III) 55% FOR THE TAXABLE YEAR BEGINNING JULY 1, 2010.";

and in line 24, strike "**(2)**" and substitute "**(3)**".

AMENDMENT NO. 5

On page 12, in line 1, after "(i)" insert "**1.**"; in line 2, strike ", one" and substitute "**:**

A. ONE";

in line 3, after "Commission" insert "**; AND**

B. 20% OF THE FUNDS OR $21,000,000, WHICHEVER IS GREATER, SHALL BE APPROPRIATED TO THE FOREST AND PARK SERVICE IN THE DEPARTMENT TO OPERATE STATE FORESTS AND PARKS";

in the same line, before "Except" insert:

"**2.**";

in line 7, after "under" insert "**SUBPARAGRAPH (I)1A OF THIS PARAGRAPH FOR**"; in line 16, after "under" insert "**SUBPARAGRAPH (I)1A OF THIS PARAGRAPH FOR**"; in line 17, strike "the amounts specified below" and substitute "**$8,000,000 FOR EACH FISCAL YEAR**"; strike beginning with the colon in line 19 down through "million" in line 25; and strike in their entirety lines 31 through 34, inclusive.

AMENDMENT NO. 6

On pages 15 and 16, strike in their entirety the lines beginning with line 10 on page 15 through line 27 on page 16, inclusive.

On pages 16 and 17, strike in their entirety the lines beginning with line 29 on page 16 through line 22 on page 17, inclusive.

On pages 18 through 31, strike in their entirety the lines beginning with line 6 on page 18 through line 31 on page 31, inclusive.

AMENDMENT NO. 7

On pages 31 and 32, strike in their entirety the lines beginning with line 34 on page 31 through line 3 on page 32, inclusive, and substitute:

"Article – State Finance and Procurement

6–103.

(a) There is a Bureau of Revenue Estimates in the Office of the Comptroller.

(b) (1) The head of the Bureau is the Chief.

(2) Subject to the supervision of the Comptroller, the Chief has administrative control of the Bureau.

(3) UNLESS THE COMPTROLLER, WITH THE APPROVAL OF THE BOARD, DETERMINES THAT AN ALTERNATIVE STRUCTURE IS APPROPRIATE, THE CHIEF SHALL BE SUBJECT TO THE SUPERVISION OF THE DEPUTY COMPTROLLER WITH RESPONSIBILITY FOR TAX ADMINISTRATION.

(c) **(1)** Except as otherwise provided by law, **SUBJECT TO THE APPROVAL OF THE BOARD,** the Comptroller shall appoint the Chief **[**and**].**

(2) THE CHIEF MAY BE REMOVED ONLY BY A MAJORITY OF THE BOARD FOR INCOMPETENCE OR OTHER GOOD CAUSE.

(3) THE CHIEF SHALL APPOINT other employees of the Bureau in accordance with the provisions of the State Personnel and Pensions Article.

6–104.

(a) (1) After the end of each fiscal year, the Bureau shall submit to the Board a report that:

(i) contains an itemized statement of the State revenues from all sources for that fiscal year; and

(ii) includes any recommendations of the Bureau.

(2) **[**Before each regular session of the General Assembly**]** **IN DECEMBER, MARCH, AND SEPTEMBER OF EACH YEAR**, the Bureau shall submit to the Board a report that contains an itemized statement of the estimated State revenues from all sources for the fiscal year following **[**the session**]** **THE FISCAL YEAR IN WHICH THE REPORT IS MADE**.

(3) The Bureau shall provide to the Board any other information that the Board requests.

(4) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE REPORTS REQUIRED UNDER PARAGRAPHS (1) AND (2) OF THIS SUBSECTION SHALL INCLUDE AN ITEMIZED STATEMENT OF:

(I) REVENUES OR ESTIMATED REVENUES DISTRIBUTED TO THE TRANSPORTATION TRUST FUND, INCLUDING THE MOTOR FUEL TAXES IMPOSED UNDER TITLE 9, SUBTITLE 3 OF THE TAX – GENERAL ARTICLE AND MOTOR VEHICLE TITLING TAXES IMPOSED UNDER TITLE 13, SUBTITLE 8 OF THE TRANSPORTATION ARTICLE; AND

(II) REVENUES FROM THE STATE TRANSFER TAX IMPOSED UNDER TITLE 13, SUBTITLE 2 OF THE TAX – PROPERTY ARTICLE.

(b) In addition to these reports, the Bureau shall continually conduct studies of State revenue sources to:

(1) determine the amount of revenue produced; and

(2) devise and recommend new methods and sources for improved efficiency, equity, and economy in production **[**and**]**, collection**, AND ESTIMATION** of revenue.

(C) (1) ON OR BEFORE DECEMBER 1, 2008, AND DECEMBER 1 OF EVERY THIRD YEAR THEREAFTER, THE BUREAU SHALL SUBMIT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY A TAX INCIDENCE STUDY MEASURING THE BURDEN OF ALL THE MAJOR TAXES IMPOSED BY THE STATE AND HOW THAT BURDEN IS SHARED AMONG TAXPAYERS OF DIFFERENT INCOME LEVELS.

(2) THE BUREAU SHALL PREPARE AND SUBMIT THE STATISTICS OF INCOME REPORT REQUIRED UNDER § 10–223 OF THE TAX – GENERAL ARTICLE.

6–105.

(A) IN THIS SECTION, "GROUP" MEANS THE CONSENSUS REVENUE MONITORING AND FORECASTING GROUP ESTABLISHED UNDER THIS SECTION.

(B) THERE IS A CONSENSUS REVENUE MONITORING AND FORECASTING GROUP.

(C) THE GROUP CONSISTS OF:

(1) THE CHIEF AND STAFF OF THE BUREAU AS DESIGNATED BY THE CHIEF;

(2) THE DEPUTY COMPTROLLER WITH RESPONSIBILITY FOR TAX ADMINISTRATION AND STAFF AS DESIGNATED BY THE DEPUTY COMPTROLLER WITH RESPONSIBILITY FOR TAX ADMINISTRATION;

(3) STAFF OF THE OFFICE OF THE TREASURER AS DESIGNATED BY THE TREASURER;

(4) STAFF OF THE DEPARTMENT OF BUDGET AND MANAGEMENT AS DESIGNATED BY THE SECRETARY OF BUDGET AND MANAGEMENT;

(5) STAFF OF THE DEPARTMENT OF TRANSPORTATION AS DESIGNATED BY THE SECRETARY OF TRANSPORTATION; AND

(6) STAFF OF THE OFFICE OF POLICY ANALYSIS OF THE DEPARTMENT OF LEGISLATIVE SERVICES AS DESIGNATED BY THE DIRECTOR OF THE OFFICE.

(D) THE CHIEF SHALL CHAIR THE GROUP.

(E) THE GROUP AND ITS CONSTITUENT UNITS SHALL:

(1) REVIEW AND ANALYZE ATTAINMENT OF REVENUES ON A MONTHLY BASIS; AND

(2) ADVISE AND COLLABORATE WITH THE BUREAU:

(I) IN THE DEVELOPMENT OF REVENUE FORECASTS AND ANY NECESSARY REVISIONS TO THOSE FORECASTS; AND

(II) IN THE PERFORMANCE OF ANY PERTINENT STUDIES OR ANALYSES AS REQUESTED BY THE CHIEF OR AS DIRECTED BY THE BOARD.

(F) TO ASSIST THE GROUP IN PERFORMING ITS FUNCTION, THE COMPTROLLER AND THE BUREAU SHALL:

(1) WITHIN 7 CALENDAR DAYS AFTER THE END OF EACH MONTH, PROVIDE TO MEMBERS OF THE GROUP DETAILED DATA ON REVENUE COLLECTIONS; AND

(2) BEFORE ANY DOCUMENT RELATING TO THE WORK OF THE BUREAU IS PUBLISHED, PROVIDE A DRAFT OF THE DOCUMENT TO THE MEMBERS OF THE GROUP FOR REVIEW AND COMMENT.

6–106.

(a) The Board shall:

(1) study the information that the Bureau provides; and

(2) consider the recommendations of the Bureau.

(b) (1) **[**Annually**] IN DECEMBER, MARCH, AND SEPTEMBER OF EACH YEAR**, the Board shall submit to the Governor **AND, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY,** a report that:

(i) contains an itemized statement of the estimated State revenues from all sources for the fiscal year following the fiscal year in which the report is made; and

(ii) includes any recommendations of the Board.

(2) **(I) [**The**]** **SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE** Governor shall **[**send the report of the Board, subject to § 2–1246 of the State Government Article, to the General Assembly**]** **STATE THE MOST RECENT ESTIMATES OF REVENUES REPORTED BY THE BOARD IN THE PROPOSED BUDGET AND ANY SUPPLEMENTAL BUDGET SUBMITTED TO THE GENERAL ASSEMBLY**.

(II) IF THE GOVERNOR USES DIFFERENT ESTIMATES OF REVENUES IN THE FORMULATION OF THE PROPOSED BUDGET AND ANY SUPPLEMENTAL BUDGET SUBMITTED TO THE GENERAL ASSEMBLY THAN THOSE REPORTED BY THE BOARD, A STATEMENT PROVIDING AN EXPLANATION AS TO THE DIFFERENCES SHALL BE INCLUDED TOGETHER WITH THOSE SUBMISSIONS.

7–311.

(a) (1) In this section the following words have the meanings indicated.

(2) "Account" means the Revenue Stabilization Account.

(3) "Estimated General Fund revenues" means the estimated General Fund revenues **FOR A FISCAL YEAR** stated in the **[**annual**]** report of the Board of Revenue Estimates submitted to the Governor under § 6–106 of this article **IN DECEMBER PRECEDING THE FISCAL YEAR**.

Article – Transportation

2–103.1.

(l) (2) (i) The financial forecast supporting the Consolidated Transportation Program to be submitted to the General Assembly under paragraph (1) of this subsection shall include the following components:

1. A schedule of operating expenses for each specific modal administration;

2. A schedule of revenues, including tax and fee revenues, deductions from revenues for other agencies, Department program and fees, Motor Vehicle Administration cost recovery, deductions for highway user

revenues, operating revenues by modal administration, and miscellaneous revenues; and

3. A summary schedule for the Transportation Trust Fund that includes the opening and closing Fund balance, revenues, transfers, bond sales, bond premiums, any other revenues, expenditures for debt service, operating expenses, amounts available for capital expenses, bond interest rates, bond coverage ratios, total bonds outstanding, federal capital aid, and the total amount for the transportation capital program.

(ii) The financial forecast shall include, for each of the components specified in subparagraph (i) of this paragraph:

1. Actual information for the last full fiscal year; and

2. Forecasts of the information for each of the six subsequent fiscal years, including the current fiscal year, the fiscal year for the proposed budget, and the next four subsequent fiscal years.

(III) THE DEPARTMENT SHALL INCORPORATE IN THE FINANCIAL FORECAST THE MOST RECENT ESTIMATES BY THE BOARD OF REVENUE ESTIMATES OF THE REVENUES FROM:

1. THE CORPORATE INCOME TAX AND THE SALES AND USE TAX FOR EACH OF THE SIX SUBSEQUENT YEARS, INCLUDING THE CURRENT FISCAL YEAR AND THE FISCAL YEAR FOR THE PROPOSED BUDGET; AND

2. MOTOR FUEL TAXES AND MOTOR VEHICLE TITLING TAXES FOR THE CURRENT FISCAL YEAR AND THE FISCAL YEAR FOR THE PROPOSED BUDGET.".

AMENDMENT NO. 8

On page 32, in line 10, after "employees" insert "and retirees"; in line 11, after "period" insert "or equivalent adjustment"; in line 18, strike "750" and substitute "500"; in line 23, after "2007" insert ", as amended,"; and in line 26, strike "$7,600,000" and substitute "$5,000,000".

AMENDMENT NO. 9

On pages 32 and 33, strike in their entirety the lines beginning with line 30 on page 32 through line 40 on page 33, inclusive, and substitute:

"SECTION 11. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that:

(a) In developing the fiscal 2009 budget, the Governor make reductions of at least $550,000,000 in general funds from the fiscal 2009 current services baseline budget after the reductions made by the Board of Public Works in July 2007, including the items specified in this Act.

(b) In implementing the reduction specified in subsection (a) of this section, the Governor shall consider proposing legislation at the 2008 session of the General Assembly to defer formula increases and alter funding mandates in order to slow growth in the baseline budget.".

On page 33, in line 41, strike "15." and substitute "12.".

On page 34, strike in their entirety lines 4 through 11, inclusive; in line 12, strike "18." and substitute "13."; and in line 26, strike "19." and substitute "14.".

AMENDMENT NO. 10

On pages 34 and 35, strike in their entirety the lines beginning with line 34 on page 34 through line 3 on page 35, inclusive, and substitute:

"SECTION 15. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the supplemental grants established in Section 2 of this Act be reviewed as part of the adequacy study required by Section 7 of Chapter 288, Acts of 2002, to determine whether the grants should continue. In making this determination, the study must consider the integrity of the State's education finance structure, the role of the supplemental grants in addressing the equity and adequacy of State education aid, and the fiscal impact on local school systems that receive the supplemental grants.

SECTION 16. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law:

(a) For fiscal year 2008 only, up to $20,000,000 may be transferred from the Dedicated Purpose Account established under § 7–310 of the State Finance

and Procurement Article by budget amendment to the Department of Health and Mental Hygiene for the purpose of providing a special fund operating grant to an independent entity with authority over the facilities currently operated and health care services currently provided by Dimensions Healthcare System until the facilities and obligation to provide the services are transferred to a new owner or operator.

(b) (1) The Department of Health and Mental Hygiene may not provide a special fund operating grant under this section until a long–term, comprehensive solution to the control and operation of the facilities and provision of health care services currently operated and provided by Dimensions Healthcare System is reached through:

(i) an Act of the General Assembly; or

(ii) a memorandum of understanding between the State and Prince George's County.

(2) The long–term, comprehensive solution required under paragraph (1) of this subsection shall address issues related to health care needs in Prince George's County and the surrounding region, including:

(i) the transfer to a new owner or operator of the facilities currently operated and the obligation to provide the health care services currently provided by Dimensions Healthcare System;

(ii) a plan for the assets currently held by Prince George's County related to the facilities currently operated by Dimensions Healthcare System;

(iii) a mechanism to provide a steady revenue stream to help support ongoing operations of the facilities currently operated by Dimensions Healthcare System and to retire the long–term bond indebtedness and satisfy the unfunded pension liability of Dimensions Healthcare System; and

(iv) a mechanism to assure equitable and sustainable funding from Prince George's County and the State.".

AMENDMENT NO. 11

On page 35, strike in their entirety lines 4 through 8, inclusive; in line 9, strike "22." and substitute "17."; in line 11, strike "23." and substitute "18."; after line 18, insert:

"SECTION 19. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall take effect contingent on the taking effect of legislation passed during the Special Session of 2007 establishing a Higher Education Investment Fund, and if legislation establishing a Higher Education Investment Fund does not become effective, Section 3 of this Act shall be null and void without the necessity of further action by the General Assembly.";

in line 19, strike "24." and substitute "20."; in line 27, strike "25." and substitute "21."; in line 29, strike "26." and substitute "22."; in line 30, strike "21" and substitute "17"; and in the same line, strike "25" and substitute "21".

The preceding 11 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

ADJOURNMENT

At 1:04 A.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 1:04 A.M. on Legislative Day November 9, 2007, Calendar Day, Monday, November 19, 2007.

Annapolis, Maryland
Legislative Day: November 9, 2007
Calendar Day: Monday, November 19, 2007
1:03 A.M. Session

The Senate met at 1:04 A.M.

QUORUM CALL

The presiding officer announced a quorum call, showing 45 Members present.

(See Roll Call No. 130)

The Journal of November 8, 2007 was read and approved.

On motion of Senator Kasemeyer it was ordered that Senators Hooper and Jacobs be excused from today's session.

BILLS ON THIRD READING

House Bill 1 – The Speaker (By Request – Administration)

AN ACT concerning

Budget Reconciliation Act

FLOOR AMENDMENT

(Amendment ID: HB0001/343828/1)

BY: Senator Harris

AMENDMENTS TO HOUSE BILL 1
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 21, after "required;" insert "stating a certain legislative intent that certain federal programs are fully funded;".

AMENDMENT NO. 2

On page 33, after line 40, insert:

"SECTION 14A. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that adequate funding be provided to fully implement the Federal REAL ID Act of 2005 when final regulations are published.".

The preceding 2 amendments were read and rejected by a roll call vote as follows:

Affirmative – 13 Negative – 31 (See Roll Call No. 131)

Senator Kasemeyer moved, duly seconded, to limit the debate on **House Bill 1**.

MOTION TO LIMIT DEBATE

PURSUANT TO THE PROVISIONS OF SENATE RULE 77(B), DEBATE ON **HOUSE BILL 1** SHALL BE LIMITED TO 20 MINUTES IN THE AGGREGATE FOR CONSIDERATION OF THIRD READING AND FINAL PASSAGE, ON ALL SUBSEQUENT QUESTIONS AND MOTIONS SO RELATED TO SUCH READING AND OTHER ACTIONS. THE PRESIDENT SHALL ALLOCATE THE 20 MINUTES AGGREGATE TIME AMONG THOSE SENATORS DESIRING TO SPEAK THEREON, PROVIDED THAT NOT MORE THAN 10 SHALL BE ALLOCATED FOR THE PROPONENTS AND NOT MORE THAN 10 SHALL BE ALLOCATED FOR THE OPPONENTS OF SUCH BILL.

The motion was adopted by a roll call vote as follows:

Affirmative – 30 Negative – 15 (See Roll Call No. 132)

Read the third time and passed by yeas and nays as follows:

Affirmative – 32 Negative – 13 (See Roll Call No. 133)

The Bill was then sent to the House of Delegates.

RECESS

At 1:18 A.M. on motion of Senator Kasemeyer, seconded, the Senate took a recess until 1:30 A.M. on Legislative Day, November 9, 2007, Calendar Day, Monday, November 19, 2007.

AFTER RECESS
Annapolis, Maryland
Legislative Day: November 9, 2007
Calendar Day: Monday, November 19, 2007
1:30 A.M. Session

At 1:58 A.M. the Senate resumed its session.

QUORUM CALL

The presiding officer announced a quorum call, showing 44 Members present.

(See Roll Call No. 134)

On motion of Senator Kasemeyer it was ordered that Senators Hooper, Jacobs and Stoltzfus be excused from today's session.

CONFERENCE COMMITTEE REPORT

BILL NO.: **SB 6** SPONSOR: **The President**

SUBJECT: **Working Families and Small Business Health Coverage Act**

THIRD READING CALENDAR HOUSE NO. **R/S** SENATE NO. **3**

Hon. Thomas V. Mike Miller, Jr., President of the Senate
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

(1) That Amendment No. 2 of the attached Health and Government Operations Committee Amendments (SB0006/436688/1) be adopted.

(2) That Amendment Nos. 1 and 3 of the attached Health and Government Operations Committee Amendments be rejected.

(3) That the attached Conference Committee Amendment (SB0006/203923/1) be adopted.

(Amendment ID: SB0006/436688/1)

BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL 6
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, strike beginning with the comma in line 14 down through "amounts" in line 16.

On page 3, after line 33, insert:

"BY repealing and reenacting, with amendments,
Article – Insurance
Section 15–1207(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)
(As enacted by Chapter 287 of the Acts of the General Assembly of 2004)".

On page 22, in line 21, strike "Insurance" and substitute "Benefit Plan"; and in line 36, strike "§ 19–214" and substitute "§ 19–214(d)".

On page 23, in line 1, strike "§ 19–214" and substitute "§ 19–214(d)".

AMENDMENT NO. 2

On page 15, after line 14, insert:

"**(4) MONEYS TRANSFERRED FROM THE MARYLAND HEALTH INSURANCE PLAN FUND OR COLLECTED FROM AN ASSESSMENT BY THE STATE HEALTH SERVICES COST REVIEW COMMISSION ON HOSPITALS MAY NOT BE USED FOR THE PURPOSE OF THIS SUBSECTION.**".

AMENDMENT NO. 3

On page 21, strike beginning with "if" in line 18 down through "$16,241,000,000" in line 20; strike beginning with ", if" in line 21 down through "$16,918,000,000" in line 23; and strike beginning with ", if" in line 25 down through "$18,069,000,000" in line 27.

(Amendment ID: SB0006/203923/1)

BY: Conference Committee

AMENDMENT TO SENATE BILL 6
(Third Reading File Bill)

On page 3, after line 33, insert:

"BY repealing and reenacting, with amendments,
Article – Insurance
Section 15–1207(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)
(As enacted by Chapter 287 of the Acts of the General Assembly of 2004)".

On page 22, in line 21, strike "Insurance" and substitute "Benefit Plan"; and in line 36, strike "§ 19–214" and substitute "§ 19–214(d)".

On page 23, in line 1, strike "§ 19-214" and substitute "§ 19-214(d)".

Senate Members:	House Members:
Chairman, **Thomas M. Middleton**	Chairman, **James W. Hubbard**
Delores G. Kelley	**Peter A. Hammen**
Rob Garagiola	**Richard B. Weldon, Jr.**

Read in the Senate:	Read in the House of Delegates:
Amendment Office Delivers Report to:	( ) Chief Clerk (X) Secretary, Senate

Conference Committee Report read and adopted.

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 30 Negative – 14 (See Roll Call No. 135)

CONCURRENCE CALENDAR #3

AMENDED IN THE HOUSE

Senate Bill 2 – The President (By Request – Administration)

AN ACT concerning

Tax Reform and Transportation Investment Act of 2007

Senator Currie moved that the Senate concur in the House amendments.

(Amendment ID: SB0002/605260/1)

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 2
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "and Transportation Investment"; strike beginning with "altering" in line 5 down through "tax;" in line 6; strike beginning with "additional" in line 9 down through "age;" in line 11 and substitute "certain exemptions under certain circumstances;".

On pages 1 and 2, strike beginning with "imposing" in line 22 on page 1 down through "applies;" in line 3 on page 2.

On page 2, strike beginning with "establishing" in line 8 down through "entertainment;" in line 16; strike beginning with "designating" in line 18 down through "buyer;" in line 29.

On page 3, strike beginning with "altering" in line 23 down through "years;" in line 29.

On pages 3 and 4, strike beginning with "altering" in line 37 on page 3 down through "fund;" in line 2 on page 4.

On page 4, strike beginning with "requiring" in line 4 down through "date;" in line 6; in line 13, after "circumstances;" insert "requiring the Comptroller to submit

certain reports to the Governor and General Assembly;"; and in line 14, after "Act;" insert "providing for the termination of certain provisions of this Act;".

AMENDMENT NO. 2

On page 4, in line 18, after "10–207(r)," insert "and"; in lines 18 and 19, strike ", and 12–303(b)"; in line 24, strike "2–202,"; in the same line, strike "2–1103, 2–1303, 4–105(b),"; in line 25, strike "10–101(k)(1)(i),"; in line 27, strike "(k)(2) and"; strike beginning with "10–811," in line 27 down through "12–302(a)" in line 30 and substitute "11–105, and 11–219"; and strike in their entirety lines 36 and 37 and substitute:

"Section 2–613.1, 10–110, 10–804.1, and 11–101(c–1)".

On page 5, strike in their entirety lines 1 through 25, inclusive.

On pages 5 and 6, strike in their entirety the lines beginning with line 31 on page 5 through line 11 on page 6, inclusive.

AMENDMENT NO. 3

On page 7, strike in their entirety lines 1 through 7, inclusive.

AMENDMENT NO. 4

On page 7, in line 30, strike "**$500,000**" and substitute "**$300,000;**

(VI) 5.25% OF MARYLAND TAXABLE INCOME OF $300,001 THROUGH $500,000".

On page 8, in line 1, strike "**(VI)**" and substitute "**(VII)**"; in line 25, strike "**$500,000**" and substitute "**$350,000;**

(VI) 5.25% OF MARYLAND TAXABLE INCOME OF $350,001 THROUGH $500,000";

and in line 26, strike "**(VI)**" and substitute "**(VII)**".

AMENDMENT NO. 5

On page 9, in line 23, strike "Whether" and substitute "**(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, WHETHER**"; and in line 25, strike "**$2,600**" and substitute "**$3,200**".

On page 10, in line 5, strike "**$2,600**" and substitute "**$3,200**"; in lines 18 and 20, in each instance, strike the brackets; in lines 18 and 20, in each instance, strike "**$2,000**"; and after line 21, insert:

"**(B) (1) IF AN INDIVIDUAL OTHER THAN ONE DESCRIBED IN SUBSECTION (C) OF THIS SECTION HAS FEDERAL ADJUSTED GROSS INCOME FOR THE TAXABLE YEAR GREATER THAN $100,000, THE AMOUNT ALLOWED FOR EACH EXEMPTION UNDER SUBSECTION (A)(1) OR (2) OF THIS SECTION IS LIMITED TO:**

(I) $2,400 IF FEDERAL ADJUSTED GROSS INCOME FOR THE TAXABLE YEAR DOES NOT EXCEED $125,000;

(II) $1,800 IF FEDERAL ADJUSTED GROSS INCOME FOR THE TAXABLE YEAR IS GREATER THAN $125,000 BUT NOT GREATER THAN $150,000;

(III) $1,200 IF FEDERAL ADJUSTED GROSS INCOME FOR THE TAXABLE YEAR IS GREATER THAN $150,000 BUT NOT GREATER THAN $200,000; AND

(IV) $600 IF FEDERAL ADJUSTED GROSS INCOME FOR THE TAXABLE YEAR IS GREATER THAN $200,000.

(2) IF A MARRIED COUPLE FILING A JOINT RETURN OR AN INDIVIDUAL DESCRIBED IN § 2 OF THE INTERNAL REVENUE CODE AS A HEAD OF HOUSEHOLD OR AS A SURVIVING SPOUSE HAS FEDERAL ADJUSTED GROSS INCOME FOR THE TAXABLE YEAR GREATER THAN $150,000, THE AMOUNT ALLOWED FOR EACH EXEMPTION UNDER SUBSECTION (A)(1) OR (2) OF THIS SECTION IS LIMITED TO:

(I) $2,400 IF FEDERAL ADJUSTED GROSS INCOME FOR THE TAXABLE YEAR DOES NOT EXCEED $175,000;

(II) $1,800 IF FEDERAL ADJUSTED GROSS INCOME FOR THE TAXABLE YEAR IS GREATER THAN $175,000 BUT NOT GREATER THAN $200,000;

(III) $1,200 IF FEDERAL ADJUSTED GROSS INCOME FOR THE TAXABLE YEAR IS GREATER THAN $200,000 BUT NOT GREATER THAN $250,000; AND

(IV) $600 IF FEDERAL ADJUSTED GROSS INCOME FOR THE TAXABLE YEAR IS GREATER THAN $250,000.".

On page 11, strike beginning with "for" in line 31 down through "exemptions" in line 32.

AMENDMENT NO. 6

On page 17, in line 7, strike the brackets; in the same line, strike "**SUBSECTION (B)**"; strike beginning with "**THE**" in line 9 down through "**(I)**" in line 10; strike beginning with "**; OR**" in line 11 down through "**RETURN**" in line 12; strike beginning with the colon in line 20 down through "**(I)**" in line 21 and substitute a comma; in line 23, strike "**; AND**" and substitute a period; in line 24, strike "**(II)**" and substitute "**(C) FROM JANUARY 3, 2008 THROUGH JUNE 30, 2011:**

(1) THE CREDIT ALLOWED UNDER SUBSECTION (A) OF THIS SECTION MAY NOT EXCEED $500 FOR EACH RETURN; AND

(2) FOR A VENDOR WHO FILES OR IS ELIGIBLE TO FILE A CONSOLIDATED RETURN UNDER § 11–502 OF THIS TITLE,";

and in line 26, strike "**$1,000**" and substitute "**$500**".

AMENDMENT NO. 7

On page 23, in line 4, strike "**AND**"; after line 4, insert:

"**(V) DATA PROCESSING, STORAGE, AND RECOVERY;**";

in line 5, strike "**(V)**" and substitute "**(VI)**"; in lines 5 and 6, strike "**OR MAINTENANCE**" and substitute "**, MAINTENANCE, AND REPAIR**"; strike in their entirety lines 7 through 9, inclusive, and substitute:

"**(2) "COMPUTER SERVICE" DOES NOT INCLUDE:**

(I) INTERNET ACCESS, AS DEFINED IN THE FEDERAL INTERNET TAX FREEDOM ACT;

(II) TYPING OR DATA ENTRY ON WORD PROCESSING EQUIPMENT;

(III) COMPUTER TRAINING;

(IV) THE INSTALLATION, MAINTENANCE, OR REPAIR OF TANGIBLE PERSONAL PROPERTY OTHER THAN COMPUTER HARDWARE OR SOFTWARE THAT INCLUDES COMPUTER HARDWARE OR SOFTWARE AS A COMPONENT PART; OR

(V) A SERVICE OTHERWISE DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION THAT IS PROVIDED AS PART OF OR IN CONNECTION WITH:

1. ELECTRONIC FUND TRANSFERS, FINANCIAL TRANSACTIONS, AUTOMATED TELLER MACHINE TRANSACTIONS, OR OTHER BANKING OR TRUST SERVICES;

2. BUSINESS MANAGEMENT, ACCOUNT MANAGEMENT, PERSONNEL, PAYROLL, EMPLOYEE BENEFIT, OR OTHER ADMINISTRATIVE SERVICES;

3. EDUCATIONAL, LEGAL, ACCOUNTING, ARCHITECTURAL, ACTUARIAL, MEDICAL, MEDICAL DIAGNOSTIC, OR OTHER PROFESSIONAL SERVICES; OR

4. TELECOMMUNICATIONS SERVICES.";

and strike in their entirety lines 16 through 23, inclusive.

On page 25, strike in their entirety lines 20 through 28, inclusive.

On page 61, strike in their entirety lines 22 through 31, inclusive, and substitute:

"SECTION 9. AND BE IT FURTHER ENACTED, That, on or before December 1, 2009, and December 1, 2011, the Comptroller shall report to the Governor and, subject to § 2–1246 of the State Government Article, the General Assembly, on the implementation of the imposition of the sales and use tax on the sale of computer services, as provided for under this Act, and the impact on sales and use tax revenues as a result of the imposition of the sales and use tax on the sale of computer services.".

On page 63, in line 29, after "2008." insert "Section 3 shall remain effective for a period of 5 years and, at the end of June 30, 2013, with no further action required by the General Assembly, Section 3 of this Act shall be abrogated and of no further force and effect.".

AMENDMENT NO. 8

On page 30, in line 24, strike "**FOR FISCAL YEARS 2008 AND 2009 ONLY,**"; in line 26, strike "**MONTHLY**"; and strike in their entirety lines 27 through 29, inclusive, and substitute:

"**(I) FOR FISCAL YEAR 2008 ONLY:**

1. $16,000,000 TO THE HIGHER EDUCATION INVESTMENT FUND ESTABLISHED UNDER § 15–106.6 OF THE EDUCATION ARTICLE; AND

2. THE AMOUNT BY WHICH 15.15% OF THE REMAINING INCOME TAX REVENUE FROM CORPORATIONS EXCEEDS $16,000,000 TO THE GENERAL FUND; AND

(II) FOR FISCAL YEAR 2009 ONLY:

1. 6% TO THE HIGHER EDUCATION INVESTMENT FUND ESTABLISHED UNDER § 15–106.6 OF THE EDUCATION ARTICLE; AND

2. 9.15% TO THE GENERAL FUND; AND".

On page 31, in line 2, strike "**12.5%**" and substitute "**15.15%**"; and in line 20, strike "**8%**" and substitute "**8.25%**".

On page 61, in line 20, strike "125%" and substitute "130%".

On page 63, strike beginning with "if" in line 14 down through "State," in line 16 and substitute "if the General Assembly determines it to be affordable and fiscally prudent to do so, legislation shall be adopted by the General Assembly in 2009 to continue"; and in line 22, strike "continue".

AMENDMENT NO. 9

On page 36, in line 16, after "**PUBLIC**" insert "**, EACH OF WHOM SHALL BE AN ATTORNEY AT LAW OR AN ACCOUNTANT**".

On page 37, in line 21, in each instance, strike "October" and substitute "December".

On page 39, in lines 18 and 20, in each instance, before "**PERFORMING**" insert "**REGULARLY AND SYSTEMATICALLY**".

On page 41, in line 7, strike "**4–DIGIT**" and substitute "**6–DIGIT**".

AMENDMENT NO. 10

On page 54, in lines 7, 9, and 12, in each instance, strike "**90%**" and substitute "**80%**".

On page 55, in line 5, strike "**90%**" and substitute "**80%**"; in line 10, strike "**AS**"; and strike beginning with "**BY**" in line 10 down through "**TRANSFER**" in line 11.

On page 57, strike in their entirety lines 20 through 25, inclusive; in line 26, strike "**(7)**" and substitute "**(6)**"; and in line 29, strike "**(6)**" and substitute "**(5)**".

On page 63, strike beginning with the semicolon in line 35 down through "2008" in line 37.

AMENDMENT NO. 11

On pages 14 through 17, strike in their entirety the lines beginning with line 34 on page 14 through line 5 on page 17, inclusive.

On pages 18 through 22, strike in their entirety the lines beginning with line 6 on page 18 through line 4 on page 22, inclusive.

On page 22, after line 24, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:".

On pages 25 through 28, strike in their entirety the lines beginning with line 29 on page 25 through line 21 on page 28, inclusive.

On pages 45 through 53, strike in their entirety the lines beginning with line 25 on page 45 through line 20 on page 53, inclusive, and substitute:

"SECTION 7. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:".

On page 60, strike in their entirety lines 29 through 33, inclusive.

On page 61, in line 1, strike "11." and substitute "8."; and in line 32, strike "13." and substitute "10.".

On page 62, strike in their entirety lines 3 through 36, inclusive.

On page 63, in line 23, strike the second comma; strike in their entirety lines 26 and 27; strike in their entirety lines 30 through 32, inclusive; in lines 13, 23, 28, 33, and 38, strike "17.", "18.", "20.", "22.", and "23.", respectively, and substitute "11.", "12.", "13.", "14.", and "15.", respectively; in line 33, strike "9" and substitute "7"; in line 39, strike "18" and substitute "12"; and in the same line, strike "22" and substitute "14".

The preceding 11 amendments were read and concurred in.

Senator Kasemeyer moved, duly seconded, to limit the debate on **Senate Bill 2**.

MOTION TO LIMIT DEBATE

PURSUANT TO THE PROVISIONS OF SENATE RULE 77(B), DEBATE ON **SENATE BILL 2** SHALL BE LIMITED TO 20 MINUTES IN THE AGGREGATE FOR CONSIDERATION OF THIRD READING AND FINAL PASSAGE, AND ON ALL SUBSEQUENT QUESTIONS AND MOTIONS SO RELATED TO SUCH READING AND OTHER ACTIONS. THE PRESIDENT SHALL ALLOCATE THE 20 MINUTES AGGREGATE TIME AMONG THOSE SENATORS DESIRING TO SPEAK THEREON, PROVIDED THAT NOT MORE THAN 10 SHALL BE ALLOCATED FOR THE PROPONENTS AND NOT MORE THAN 10 SHALL BE ALLOCATED FOR THE OPPONENTS OF SUCH BILL.

The motion was rejected by a roll call vote as follows:

Affirmative – 28 Negative – 16 (See Roll Call No. 136)

Senator Kasemeyer moved, duly seconded, to limit the debate on **Senate Bill 2**.

MOTION TO LIMIT DEBATE

PURSUANT TO THE PROVISIONS OF SENATE RULE 77(B), DEBATE ON **SENATE BILL 2** SHALL BE LIMITED TO 10 MINUTES IN THE AGGREGATE FOR CONSIDERATION OF THIRD READING AND FINAL PASSAGE, AND ON ALL SUBSEQUENT QUESTIONS AND MOTIONS SO RELATED TO SUCH READING AND OTHER ACTIONS. THE PRESIDENT SHALL ALLOCATE THE

10 MINUTES AGGREGATE TIME AMONG THOSE SENATORS DESIRING TO SPEAK THEREON, PROVIDED THAT NOT MORE THAN 5 SHALL BE ALLOCATED FOR THE PROPONENTS AND NOT MORE THAN 5 SHALL BE ALLOCATED FOR THE OPPONENTS OF SUCH BILL.

The motion was rejected by a roll call vote as follows:

Affirmative – 28 Negative – 16 (See Roll Call No. 137)

Senator Kasemeyer moved, duly seconded, to limit the debate on **Senate Bill 2**.

MOTION TO LIMIT DEBATE

PURSUANT TO THE PROVISIONS OF SENATE RULE 77(B), DEBATE ON **SENATE BILL 2** SHALL BE LIMITED TO 8 MINUTES IN THE AGGREGATE FOR CONSIDERATION OF THIRD READING AND FINAL PASSAGE, AND ON ALL SUBSEQUENT QUESTIONS AND MOTIONS SO RELATED TO SUCH READING AND OTHER ACTIONS. THE PRESIDENT SHALL ALLOCATE THE 8 MINUTES AGGREGATE TIME AMONG THOSE SENATORS DESIRING TO SPEAK THEREON, PROVIDED THAT NOT MORE THAN 4 SHALL BE ALLOCATED FOR THE PROPONENTS AND NOT MORE THAN 4 SHALL BE ALLOCATED FOR THE OPPONENTS OF SUCH BILL.

The motion was adopted by a roll call vote as follows:

Affirmative – 29 Negative – 15 (See Roll Call No. 138)

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 24 Negative – 20 (See Roll Call No. 139)

MESSAGE TO THE SENATE

NOVEMBER 19, 2007

BY THE MAJORITY LEADER:

LADIES AND GENTLEMEN OF THE SENATE:

WE PROPOSE WITH YOUR CONCURRENCE, THAT WHEN THE GENERAL ASSEMBLY ADJOURNS NOVEMBER 19, 2007, IT STANDS ADJOURNED SINE DIE.

WE FURTHER PROPOSE THAT THE APPOINTMENT OF A JOINT COMMITTEE, TWO ON THE PART OF THE SENATE AND THREE ON THE PART OF THE HOUSE, TO WAIT UPON HIS EXCELLENCY, THE GOVERNOR

OF MARYLAND, TO INFORM HIM THAT THE GENERAL ASSEMBLY WILL ADJOURN SINE DIE, IN ACCORDANCE WITH THE PROVISIONS OF THE CONSTITUTION AND TO INQUIRE IF HE HAS ANY FURTHER COMMUNICATIONS TO MAKE TO THE GENERAL ASSEMBLY.

WE HAVE APPOINTED ON THE PART OF THE HOUSE, DELEGATES BARVE AND O'DONNELL.

BY ORDER,
MARY MONAHAN
CHIEF CLERK

Read and Ordered journalized.

MESSAGE TO THE HOUSE OF DELEGATES

November 19, 2007

BY THE MAJORITY LEADER:

LADIES AND GENTLEMEN OF THE HOUSE OF DELEGATES:

We have received your message proposing that when the General Assembly adjourns, November 19, 2007, it stands adjourned, Sine Die.

The Senate concurs therein.

We agree to the Joint Committee to wait upon His Excellency, the Honorable Martin O'Malley, Governor of Maryland. The Senate appoints Senators Kasemeyer and Brinkley.

By Order,
William B.C. Addison, Jr.
Secretary

Read and adopted.

At 2:41 A.M. on motion of Senator Kasemeyer the Senate adjourned Sine Die, in Honor of Senator J. Robert Hooper.

APPENDIX I

ROLL CALLS

Seq No. 0010 October 29, 2007 8:08 PM
Presiding: MR.PRESIDENT Legislative Date: October 29, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Attendance Quorum: 47

Quorum -- Attendance

47 Yeas	0 Nays	0 Excused	0 Not Voting	0 Excused (Absent)

Voting Yea - 47

MR.PRESIDENT	DYSON	HOOPER	MADALENO	RASKIN
ASTLE	EDWARDS	JACOBS	MCFADDEN	ROBEY
BRINKLEY	EXUM	JONES	MIDDLETON	ROSAPEPE
BRITT	FOREHAND	KASEMEYER	MOONEY	SIMONAIRE
BROCHIN	FROSH	KELLEY	MUNSON	STOLTZFUS
COLBURN	GARAGIOLA	KING	MUSE	STONE
CONWAY	GLADDEN	KITTLEMAN	PETERS	ZIRKIN
CURRIE	GREENIP	KLAUSMEIER	PINSKY	
DEGRANGE	HAINES	KRAMER	PIPKIN	
DELLA	HARRIS	LENETT	PUGH	

Voting Nay - 0
Not Voting - 0
Excused From Voting - 0
Excused (Absent) - 0

Seq No. 0011 October 29, 2007 8:18 PM
Presiding: MR.PRESIDENT Legislative Date: October 29, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Rules with the exception of Rule 116 Adopted
(39-8)

ORDERS

RULES
Adoption of Rules, Except Rule 116

39 Yeas	8 Nays	0 Excused	0 Not Voting	0 Excused (Absent)

Voting Yea - 39

MR.PRESIDENT	DEGRANGE	GLADDEN	LENETT	PUGH
ASTLE	DELLA	HAINES	MADALENO	RASKIN
BRINKLEY	DYSON	JONES	MCFADDEN	ROBEY
BRITT	EDWARDS	KASEMEYER	MIDDLETON	ROSAPEPE
BROCHIN	EXUM	KELLEY	MUNSON	STOLTZFUS
COLBURN	FOREHAND	KING	MUSE	STONE
CONWAY	FROSH	KLAUSMEIER	PETERS	ZIRKIN
CURRIE	GARAGIOLA	KRAMER	PINSKY	

Voting Nay - 8

GREENIP	HOOPER	KITTLEMAN	PIPKIN
HARRIS	JACOBS	MOONEY	SIMONAIRE

Not Voting - 0
Excused From Voting - 0
Excused (Absent) - 0

SEQ NO. 11A - October 29, 2007 - Attendance Quorum: 47

Joint Session of Maryland General Assembly

Seq No. 0003 October 29, 2007 8:40 PM
Presiding: Speaker Busch Legislative Date: October 29, 2007

Maryland House of Delegates
2007 Special Session

Quorum: 136

JOINT SESSION

HOUSE QUORUM

136 Yeas	0 Nays	0 Excused	1 Not Voting	4 Excused (Absent)

Voting Yea - 136

Speaker Busch	Davis	Hixson	Mathias	Rudolph
Ali	DeBoy	Holmes	McComas	Schuh
Anderson	Donoghue	Howard	McConkey	Schuler
Aumann	Doory	Hubbard	McDonough	Shank
Barkley	Dumais	Hucker	McHale	Shewell
Barnes	Dwyer	Impallaria	McIntosh	Simmons
Bartlett	Eckardt	Ivey	McKee	Smigiel
Barve	Elliott	James	Miller	Sophocleus
Bates	Elmore	Jameson	Minnick	Stein
Beidle	Feldman	Jennings	Mizeur	Stifler
Beitzel	Frank	Jones	Morhaim	Stukes
Benson	Frick	Kaiser	Murphy	Stull
Bobo	Frush	Kelly	Myers	Tarrant
Bohanan	Gaines	King	Nathan-Pulliam	Taylor
Boteler	George	Kipke	Niemann	Turner_F
Branch	Gilchrist	Kirk	O'Donnell	Turner_V
Braveboy	Glassman	Kramer	Oaks	Vallario
Bromwell	Glenn	Krebs	Olszewski	Vaughn
Bronrott	Griffith	Krysiak	Pena-Melnyk	Waldstreicher
Burns	Gutierrez	Kullen	Pendergrass	Walker
Cane	Guzzone	Lafferty	Proctor	Walkup
Cardin	Haddaway	Lawton	Ramirez	Weir
Carter	Hammen	Lee	Reznik	Weldon
Clagett_G	Harrison	Levi	Rice	Wood
Clagett_V	Haynes	Levy	Riley	
Conaway	Healey	Love	Robinson	
Conway	Hecht	Malone	Rosenberg	
Costa	Heller	Manno	Ross	

Voting Nay - 0

Not Voting - 1

Kach

Excused From Voting - 0

Excused (Absent) - 4

Montgomery	Sossi	Stocksdale	Valderrama

Seq No. 0016 November 2, 2007 10:23 AM
Presiding: MR.PRESIDENT Legislative Date: October 29, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Attendance Quorum: 45

Quorum -- Attendance

45 Yeas	0 Nays	0 Excused	0 Not Voting	2 Excused (Absent)

Voting Yea - 45

MR.PRESIDENT	DELLA	HAINES	KRAMER	PINSKY
ASTLE	DYSON	HARRIS	LENETT	PIPKIN
BRINKLEY	EDWARDS	JACOBS	MADALENO	PUGH
BRITT	EXUM	JONES	MCFADDEN	RASKIN
BROCHIN	FOREHAND	KASEMEYER	MIDDLETON	ROBEY
COLBURN	FROSH	KELLEY	MOONEY	ROSAPEPE
CONWAY	GARAGIOLA	KING	MUNSON	SIMONAIRE
CURRIE	GLADDEN	KITTLEMAN	MUSE	STONE
DEGRANGE	GREENIP	KLAUSMEIER	PETERS	ZIRKIN

Voting Nay - 0

Not Voting - 0

Excused From Voting - 0

Excused (Absent) - 2

HOOPER	STOLTZFUS

Seq No. 0017 November 2, 2007 10:32 AM
Presiding: MR.PRESIDENT Legislative Date: October 29, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Proposed Rule 118 Rejected (13-32)

SPECIAL ORDER
Adoption of Proposed Rule 118
Actions that are deemed to be increases in state revenues by the fiscal note can only be pursued in the context of an operating budget that contains both expenses and revenues.

13 Yeas	32 Nays	0 Excused	0 Not Voting	2 Excused (Absent)

Voting Yea - 13

BRINKLEY	EDWARDS	HARRIS	MOONEY	SIMONAIRE
BROCHIN	GREENIP	JACOBS	MUNSON	
COLBURN	HAINES	KITTLEMAN	PIPKIN	

Voting Nay - 32

MR.PRESIDENT	DYSON	KASEMEYER	MCFADDEN	ROBEY
ASTLE	EXUM	KELLEY	MIDDLETON	ROSAPEPE
BRITT	FOREHAND	KING	MUSE	STONE
CONWAY	FROSH	KLAUSMEIER	PETERS	ZIRKIN
CURRIE	GARAGIOLA	KRAMER	PINSKY	
DEGRANGE	GLADDEN	LENETT	PUGH	
DELLA	JONES	MADALENO	RASKIN	

Not Voting - 0

Excused From Voting - 0

Excused (Absent) - 2

HOOPER	STOLTZFUS

Seq No. 0018 November 2, 2007 10:33 AM
Presiding: MR.PRESIDENT Legislative Date: October 29, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Rule 116 Adopted (43-2)

SPECIAL ORDERS

RULES
Adoption of Rule 116

43 Yeas	2 Nays	0 Excused	0 Not Voting	2 Excused (Absent)

Voting Yea - 43

MR.PRESIDENT	DELLA	HAINES	MADALENO	PUGH
ASTLE	DYSON	JONES	MCFADDEN	RASKIN
BRINKLEY	EDWARDS	KASEMEYER	MIDDLETON	ROBEY
BRITT	EXUM	KELLEY	MOONEY	ROSAPEPE
BROCHIN	FOREHAND	KING	MUNSON	SIMONAIRE
COLBURN	FROSH	KITTLEMAN	MUSE	STONE
CONWAY	GARAGIOLA	KLAUSMEIER	PETERS	ZIRKIN
CURRIE	GLADDEN	KRAMER	PINSKY	
DEGRANGE	GREENIP	LENETT	PIPKIN	

Voting Nay - 2

HARRIS JACOBS

Not Voting - 0

Excused From Voting - 0

Excused (Absent) - 2

HOOPER STOLTZFUS

Seq No. 0019 November 2, 2007 10:34 AM
Presiding: MR.PRESIDENT Legislative Date: October 29, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

sustained (0-45)

SPECIAL ORDER-VETOED BILLS
DUPLICATIVE BILLS
Consent Calendar #1

Shall the bills pass notwithstanding the objectives of the Chief Executive?

0 Yeas	45 Nays	0 Excused	0 Not Voting	2 Excused (Absent)

Voting Yea - 0

Voting Nay - 45

MR.PRESIDENT	DELLA	HAINES	KRAMER	PINSKY
ASTLE	DYSON	HARRIS	LENETT	PIPKIN
BRINKLEY	EDWARDS	JACOBS	MADALENO	PUGH
BRITT	EXUM	JONES	MCFADDEN	RASKIN
BROCHIN	FOREHAND	KASEMEYER	MIDDLETON	ROBEY
COLBURN	FROSH	KELLEY	MOONEY	ROSAPEPE
CONWAY	GARAGIOLA	KING	MUNSON	SIMONAIRE
CURRIE	GLADDEN	KITTLEMAN	MUSE	STONE
DEGRANGE	GREENIP	KLAUSMEIER	PETERS	ZIRKIN

Not Voting - 0

Excused From Voting - 0

Excused (Absent) - 2

HOOPER STOLTZFUS

Seq No. 0020 November 2, 2007 10:47 AM
Presiding: MR.PRESIDENT Legislative Date: October 29, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Quorum: 45

QUORUM

45 Yeas	0 Nays	0 Excused	0 Not Voting	2 Excused (Absent)

Voting Yea - 45

MR.PRESIDENT	DELLA	HAINES	KRAMER	PINSKY
ASTLE	DYSON	HARRIS	LENETT	PIPKIN
BRINKLEY	EDWARDS	JACOBS	MADALENO	PUGH
BRITT	EXUM	JONES	MCFADDEN	RASKIN
BROCHIN	FOREHAND	KASEMEYER	MIDDLETON	ROBEY
COLBURN	FROSH	KELLEY	MOONEY	ROSAPEPE
CONWAY	GARAGIOLA	KING	MUNSON	SIMONAIRE
CURRIE	GLADDEN	KITTLEMAN	MUSE	STONE
DEGRANGE	GREENIP	KLAUSMEIER	PETERS	ZIRKIN

Voting Nay - 0

Not Voting - 0

Excused From Voting - 0

Excused (Absent) - 2

HOOPER	STOLTZFUS

Seq No. 0023 November 5, 2007 6:17 PM
Presiding: MR.PRESIDENT Legislative Date: October 30, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Attendance Quorum: 44

Quorum -- Attendance

44 Yeas	0 Nays	0 Excused	0 Not Voting	3 Excused (Absent)

Voting Yea - 44

MR.PRESIDENT	DELLA	HAINES	KRAMER	PIPKIN
ASTLE	DYSON	HARRIS	LENETT	PUGH
BRINKLEY	EDWARDS	JACOBS	MADALENO	RASKIN
BRITT	EXUM	JONES	MCFADDEN	ROBEY
BROCHIN	FOREHAND	KASEMEYER	MOONEY	ROSAPEPE
COLBURN	FROSH	KELLEY	MUNSON	SIMONAIRE
CONWAY	GARAGIOLA	KING	MUSE	STONE
CURRIE	GLADDEN	KITTLEMAN	PETERS	ZIRKIN
DEGRANGE	GREENIP	KLAUSMEIER	PINSKY	

Voting Nay - 0

Not Voting - 0

Excused From Voting - 0

Excused (Absent) - 3

HOOPER	MIDDLETON	STOLTZFUS

Seq No. 0024 November 5, 2007 6:22 PM
Presiding: MR.PRESIDENT Legislative Date: October 30, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

sustained (15-29)

SPECIAL ORDER-VETOED BILLS-TECHNICAL CALENDAR NO.2
SB 657 Senator Muse, et al.
Prince George's County - Board of Education

Shall the bill pass notwithstanding the objections of the Chief Executive?

15 Yeas	29 Nays	0 Excused	0 Not Voting	3 Excused (Absent)

Voting Yea - 15

BRITT	EXUM	JACOBS	MOONEY	PIPKIN
COLBURN	GREENIP	KING	MUSE	PUGH
CURRIE	HAINES	KITTLEMAN	PETERS	ROSAPEPE

Voting Nay - 29

MR.PRESIDENT	DELLA	GLADDEN	KRAMER	RASKIN
ASTLE	DYSON	HARRIS	LENETT	ROBEY
BRINKLEY	EDWARDS	JONES	MADALENO	SIMONAIRE
BROCHIN	FOREHAND	KASEMEYER	MCFADDEN	STONE
CONWAY	FROSH	KELLEY	MUNSON	ZIRKIN
DEGRANGE	GARAGIOLA	KLAUSMEIER	PINSKY	

Not Voting - 0

Excused From Voting - 0

Excused (Absent) - 3

HOOPER	MIDDLETON	STOLTZFUS

Seq No. 0025 November 5, 2007 6:40 PM
Presiding: MR.PRESIDENT Legislative Date: October 30, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Quorum: 44

QUORUM

44 Yeas	0 Nays	0 Excused	0 Not Voting	3 Excused (Absent)

Voting Yea - 44

MR.PRESIDENT	DELLA	HAINES	KRAMER	PIPKIN
ASTLE	DYSON	HARRIS	LENETT	PUGH
BRINKLEY	EDWARDS	JACOBS	MADALENO	RASKIN
BRITT	EXUM	JONES	MCFADDEN	ROBEY
BROCHIN	FOREHAND	KASEMEYER	MOONEY	ROSAPEPE
COLBURN	FROSH	KELLEY	MUNSON	SIMONAIRE
CONWAY	GARAGIOLA	KING	MUSE	STONE
CURRIE	GLADDEN	KITTLEMAN	PETERS	ZIRKIN
DEGRANGE	GREENIP	KLAUSMEIER	PINSKY	

Voting Nay - 0

Not Voting - 0

Excused From Voting - 0

Excused (Absent) - 3

HOOPER	MIDDLETON	STOLTZFUS

Seq No. 0028 November 7, 2007 11:17 AM
Presiding: MR.PRESIDENT Legislative Date: October 31, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Attendance Quorum: 47

Quorum -- Attendance

47 Yeas	0 Nays	0 Excused	0 Not Voting	0 Excused (Absent)

Voting Yea - 47

MR.PRESIDENT	DYSON	HOOPER	MADALENO	RASKIN
ASTLE	EDWARDS	JACOBS	MCFADDEN	ROBEY
BRINKLEY	EXUM	JONES	MIDDLETON	ROSAPEPE
BRITT	FOREHAND	KASEMEYER	MOONEY	SIMONAIRE
BROCHIN	FROSH	KELLEY	MUNSON	STOLTZFUS
COLBURN	GARAGIOLA	KING	MUSE	STONE
CONWAY	GLADDEN	KITTLEMAN	PETERS	ZIRKIN
CURRIE	GREENIP	KLAUSMEIER	PINSKY	
DEGRANGE	HAINES	KRAMER	PIPKIN	
DELLA	HARRIS	LENETT	PUGH	

Voting Nay - 0
Not Voting - 0
Excused From Voting - 0
Excused (Absent) - 0

Seq No. 0029 November 7, 2007 4:54 PM
Presiding: MR.PRESIDENT Legislative Date: October 31, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Quorum: 47

QUORUM

47 Yeas	0 Nays	0 Excused	0 Not Voting	0 Excused (Absent)

Voting Yea - 47

MR.PRESIDENT	DYSON	HOOPER	MADALENO	RASKIN
ASTLE	EDWARDS	JACOBS	MCFADDEN	ROBEY
BRINKLEY	EXUM	JONES	MIDDLETON	ROSAPEPE
BRITT	FOREHAND	KASEMEYER	MOONEY	SIMONAIRE
BROCHIN	FROSH	KELLEY	MUNSON	STOLTZFUS
COLBURN	GARAGIOLA	KING	MUSE	STONE
CONWAY	GLADDEN	KITTLEMAN	PETERS	ZIRKIN
CURRIE	GREENIP	KLAUSMEIER	PINSKY	
DEGRANGE	HAINES	KRAMER	PIPKIN	
DELLA	HARRIS	LENETT	PUGH	

Voting Nay - 0
Not Voting - 0
Excused From Voting - 0
Excused (Absent) - 0

Seq No. 0031 November 8, 2007 11:27 AM
Presiding: MR.PRESIDENT Legislative Date: November 1, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Attendance Quorum: 47

Quorum -- Attendance

47 Yeas	0 Nays	0 Excused	0 Not Voting	0 Excused (Absent)

Voting Yea - 47

MR.PRESIDENT	DYSON	HOOPER	MADALENO	RASKIN
ASTLE	EDWARDS	JACOBS	MCFADDEN	ROBEY
BRINKLEY	EXUM	JONES	MIDDLETON	ROSAPEPE
BRITT	FOREHAND	KASEMEYER	MOONEY	SIMONAIRE
BROCHIN	FROSH	KELLEY	MUNSON	STOLTZFUS
COLBURN	GARAGIOLA	KING	MUSE	STONE
CONWAY	GLADDEN	KITTLEMAN	PETERS	ZIRKIN
CURRIE	GREENIP	KLAUSMEIER	PINSKY	
DEGRANGE	HAINES	KRAMER	PIPKIN	
DELLA	HARRIS	LENETT	PUGH	

Voting Nay - 0
Not Voting - 0
Excused From Voting - 0
Excused (Absent) - 0

Seq No. 0032 November 8, 2007 11:32 AM
Presiding: MR.PRESIDENT Legislative Date: November 1, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Motion to begin with SB 3 (Pipkin) Rejected (14-28)

Motion to begin with SB 3

14 Yeas	28 Nays	0 Excused	5 Not Voting	0 Excused (Absent)

Voting Yea - 14

BRINKLEY	DELLA	HAINES	KITTLEMAN	SIMONAIRE
BROCHIN	EDWARDS	HOOPER	MOONEY	STOLTZFUS
COLBURN	GREENIP	JACOBS	PIPKIN	

Voting Nay - 28

MR.PRESIDENT	DYSON	KASEMEYER	MADALENO	RASKIN
ASTLE	EXUM	KELLEY	MCFADDEN	ROBEY
BRITT	FROSH	KING	MIDDLETON	STONE
CONWAY	GARAGIOLA	KLAUSMEIER	MUSE	ZIRKIN
CURRIE	GLADDEN	KRAMER	PETERS	
DEGRANGE	JONES	LENETT	PUGH	

Not Voting - 5

FOREHAND	HARRIS	MUNSON	PINSKY	ROSAPEPE

Excused From Voting - 0

Excused (Absent) - 0

Seq No. 0033 November 8, 2007 11:44 AM
Presiding: MR.PRESIDENT Legislative Date: November 1, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Favorable with Amendments Adopted (30-17)

SB 4 Special Orders
The President
Video Lottery Terminals - Authorization and Limitations
Question is on the adoption of the favorable report, as amended.

30 Yeas	17 Nays	0 Excused	0 Not Voting	0 Excused (Absent)

Voting Yea - 30

MR.PRESIDENT	CURRIE	GLADDEN	KRAMER	PETERS
ASTLE	DEGRANGE	JONES	LENETT	PUGH
BRITT	DYSON	KASEMEYER	MADALENO	ROBEY
BROCHIN	EDWARDS	KELLEY	MCFADDEN	ROSAPEPE
COLBURN	FOREHAND	KING	MIDDLETON	STONE
CONWAY	GARAGIOLA	KLAUSMEIER	MUNSON	ZIRKIN

Voting Nay - 17

BRINKLEY	GREENIP	JACOBS	PINSKY	STOLTZFUS
DELLA	HAINES	KITTLEMAN	PIPKIN	
EXUM	HARRIS	MOONEY	RASKIN	
FROSH	HOOPER	MUSE	SIMONAIRE	

Not Voting - 0
Excused From Voting - 0
Excused (Absent) - 0

Seq No. 0034 November 8, 2007 11:58 AM
Presiding: MR.PRESIDENT Legislative Date: November 1, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Floor Amendment (Kittleman) {953224/1 Rejected (17-30)

SB 4 Special Orders
The President
Video Lottery Terminals - Authorization and Limitations
Floor Amendments KITTLEMAN /953224/1

17 Yeas	30 Nays	0 Excused	0 Not Voting	0 Excused (Absent)

Voting Yea - 17

BRINKLEY	EDWARDS	HOOPER	MUNSON	STONE
COLBURN	GREENIP	JACOBS	PIPKIN	
DELLA	HAINES	KITTLEMAN	SIMONAIRE	
DYSON	HARRIS	MOONEY	STOLTZFUS	

Voting Nay - 30

MR.PRESIDENT	DEGRANGE	JONES	LENETT	PINSKY
ASTLE	EXUM	KASEMEYER	MADALENO	PUGH
BRITT	FOREHAND	KELLEY	MCFADDEN	RASKIN
BROCHIN	FROSH	KING	MIDDLETON	ROBEY
CONWAY	GARAGIOLA	KLAUSMEIER	MUSE	ROSAPEPE
CURRIE	GLADDEN	KRAMER	PETERS	ZIRKIN

Not Voting - 0
Excused From Voting - 0
Excused (Absent) - 0

Seq No. 0035 November 8, 2007 12:09 PM
Presiding: MR.PRESIDENT Legislative Date: November 1, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Favorable with Amendments Adopted (29-17)

SB 3 Special Orders
The President
Maryland Education Trust Fund - Video Lottery Terminals
Question is on adoption of favorable rpt, as amended.

29 Yeas	17 Nays	0 Excused	1 Not Voting	0 Excused (Absent)

Voting Yea - 29

MR.PRESIDENT	CURRIE	JONES	LENETT	PUGH
ASTLE	DEGRANGE	KASEMEYER	MADALENO	ROBEY
BRITT	EDWARDS	KELLEY	MCFADDEN	ROSAPEPE
BROCHIN	FOREHAND	KING	MIDDLETON	STONE
COLBURN	GARAGIOLA	KLAUSMEIER	MUNSON	ZIRKIN
CONWAY	GLADDEN	KRAMER	PETERS	

Voting Nay - 17

DELLA	GREENIP	JACOBS	PINSKY	STOLTZFUS
DYSON	HAINES	KITTLEMAN	PIPKIN	
EXUM	HARRIS	MOONEY	RASKIN	
FROSH	HOOPER	MUSE	SIMONAIRE	

Not Voting - 1

BRINKLEY

Excused From Voting - 0

Excused (Absent) - 0

Seq No. 0036 November 8, 2007 12:12 PM
Presiding: MR.PRESIDENT Legislative Date: November 1, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Floor Amendment (Brochin) {543228/1 Adopted (33-13)

SB 3 Special Orders
The President
Maryland Education Trust Fund - Video Lottery Terminals
Floor Amendments BROCHIN /543228/1

33 Yeas	13 Nays	0 Excused	1 Not Voting	0 Excused (Absent)

Voting Yea - 33

MR.PRESIDENT	DELLA	JONES	MADALENO	RASKIN
ASTLE	DYSON	KASEMEYER	MCFADDEN	ROBEY
BRITT	EXUM	KELLEY	MIDDLETON	ROSAPEPE
BROCHIN	FOREHAND	KING	MUSE	STONE
CONWAY	FROSH	KLAUSMEIER	PETERS	ZIRKIN
CURRIE	GARAGIOLA	KRAMER	PINSKY	
DEGRANGE	GLADDEN	LENETT	PUGH	

Voting Nay - 13

BRINKLEY	GREENIP	HOOPER	MOONEY	SIMONAIRE
COLBURN	HAINES	JACOBS	MUNSON	
EDWARDS	HARRIS	KITTLEMAN	PIPKIN	

Not Voting - 1

STOLTZFUS

Excused From Voting - 0

Excused (Absent) - 0

Seq No. 0037 November 8, 2007 12:23 PM
Presiding: MR.PRESIDENT Legislative Date: November 1, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Floor Amendment (Della) {463021/1 Rejected (11-33)

SB 3 Special Orders
The President
Maryland Education Trust Fund - Video Lottery Terminals
Floor Amendments DELLA /463021/1

11 Yeas	33 Nays	0 Excused	3 Not Voting	0 Excused (Absent)

Voting Yea - 11

DELLA	HAINES	JACOBS	SIMONAIRE	
EXUM	HARRIS	MOONEY	STONE	
GREENIP	HOOPER	PIPKIN		

Voting Nay - 33

MR.PRESIDENT	DYSON	KASEMEYER	MADALENO	RASKIN
ASTLE	EDWARDS	KELLEY	MCFADDEN	ROBEY
BRITT	FOREHAND	KING	MIDDLETON	ROSAPEPE
BROCHIN	FROSH	KITTLEMAN	MUNSON	STOLTZFUS
CONWAY	GARAGIOLA	KLAUSMEIER	MUSE	ZIRKIN
CURRIE	GLADDEN	KRAMER	PETERS	
DEGRANGE	JONES	LENETT	PUGH	

Not Voting - 3

BRINKLEY	COLBURN	PINSKY

Excused From Voting - 0

Excused (Absent) - 0

Seq No. 0038 November 8, 2007 12:44 PM
Presiding: MR.PRESIDENT Legislative Date: November 1, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Floor Amendment (Pipkin) {193925/1 Rejected (9-36)

SB 3 Special Orders
The President
Maryland Education Trust Fund - Video Lottery Terminals
Floor Amendments PIPKIN /193925/1

9 Yeas	36 Nays	0 Excused	2 Not Voting	0 Excused (Absent)

Voting Yea - 9

BRINKLEY	HAINES	JACOBS	MOONEY	STONE
GREENIP	HARRIS	KITTLEMAN	PIPKIN	

Voting Nay - 36

MR.PRESIDENT	DELLA	JONES	MCFADDEN	ROBEY
ASTLE	DYSON	KASEMEYER	MIDDLETON	ROSAPEPE
BRITT	EDWARDS	KELLEY	MUNSON	SIMONAIRE
BROCHIN	FOREHAND	KING	MUSE	ZIRKIN
COLBURN	FROSH	KLAUSMEIER	PETERS	
CONWAY	GARAGIOLA	KRAMER	PINSKY	
CURRIE	GLADDEN	LENETT	PUGH	
DEGRANGE	HOOPER	MADALENO	RASKIN	

Not Voting - 2

EXUM	STOLTZFUS

Excused From Voting - 0

Excused (Absent) - 0

Seq No. 0039 November 8, 2007 1:32 PM
Presiding: MR.PRESIDENT Legislative Date: November 1, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Committee Amendment (#3) Adopted (25-20)

SB 2 Special Orders
The President
Tax Reform and Transportation Investment Act of 2007
Question is the adoption of the committee amendment #3

25 Yeas	20 Nays	0 Excused	2 Not Voting	0 Excused (Absent)

Voting Yea - 25

MR.PRESIDENT	FROSH	KELLEY	MCFADDEN	PUGH
CONWAY	GARAGIOLA	KING	MIDDLETON	RASKIN
CURRIE	GLADDEN	KRAMER	MUSE	ROBEY
DEGRANGE	JONES	LENETT	PETERS	ROSAPEPE
FOREHAND	KASEMEYER	MADALENO	PINSKY	ZIRKIN

Voting Nay - 20

ASTLE	DELLA	HAINES	KITTLEMAN	PIPKIN
BRINKLEY	DYSON	HARRIS	KLAUSMEIER	SIMONAIRE
BROCHIN	EDWARDS	HOOPER	MOONEY	STOLTZFUS
COLBURN	GREENIP	JACOBS	MUNSON	STONE

Not Voting - 2

BRITT EXUM

Excused From Voting - 0

Excused (Absent) - 0

Seq No. 0040 November 8, 2007 1:38 PM
Presiding: MR.PRESIDENT Legislative Date: November 1, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Committee Amendment (#5) Adopted (45-2)

SB 2 Special Orders
The President
Tax Reform and Transportation Investment Act of 2007
Question is the adoption of the committee amendment #5

45 Yeas	2 Nays	0 Excused	0 Not Voting	0 Excused (Absent)

Voting Yea - 45

MR.PRESIDENT	DELLA	HARRIS	LENETT	PIPKIN
ASTLE	DYSON	JACOBS	MADALENO	PUGH
BRINKLEY	EDWARDS	JONES	MCFADDEN	RASKIN
BRITT	EXUM	KASEMEYER	MIDDLETON	ROBEY
BROCHIN	FOREHAND	KELLEY	MOONEY	ROSAPEPE
COLBURN	FROSH	KING	MUNSON	SIMONAIRE
CONWAY	GARAGIOLA	KITTLEMAN	MUSE	STOLTZFUS
CURRIE	GLADDEN	KLAUSMEIER	PETERS	STONE
DEGRANGE	HAINES	KRAMER	PINSKY	ZIRKIN

Voting Nay - 2

GREENIP	HOOPER

Not Voting - 0
Excused From Voting - 0
Excused (Absent) - 0

Seq No. 0041 November 8, 2007 1:42 PM
Presiding: MR.PRESIDENT Legislative Date: November 1, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Committee Amendment (#6) Adopted (28-16)

SB 2 Special Orders
The President
Tax Reform and Transportation Investment Act of 2007
Question is the adoption of the committee amendment #6

28 Yeas	16 Nays	0 Excused	3 Not Voting	0 Excused (Absent)

Voting Yea - 28

MR.PRESIDENT	DELLA	GLADDEN	KRAMER	PUGH
BRINKLEY	DYSON	JONES	LENETT	RASKIN
BRITT	EXUM	KASEMEYER	MADALENO	ROSAPEPE
CONWAY	FOREHAND	KELLEY	MCFADDEN	ZIRKIN
CURRIE	FROSH	KING	MUSE	
DEGRANGE	GARAGIOLA	KITTLEMAN	PETERS	

Voting Nay - 16

ASTLE	GREENIP	JACOBS	PIPKIN
BROCHIN	HAINES	KLAUSMEIER	SIMONAIRE
COLBURN	HARRIS	MOONEY	STOLTZFUS
EDWARDS	HOOPER	MUNSON	STONE

Not Voting - 3

MIDDLETON	PINSKY	ROBEY

Excused From Voting - 0

Excused (Absent) - 0

Seq No. 0042 November 8, 2007 1:51 PM
Presiding: MR.PRESIDENT Legislative Date: November 1, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Committee Amendment (#8) Adopted (35-11)

SB 2 Special Orders
The President
Tax Reform and Transportation Investment Act of 2007
Question is the adoption of the committee amendment #8

35 Yeas	11 Nays	0 Excused	1 Not Voting	0 Excused (Absent)

Voting Yea - 35

MR.PRESIDENT	DELLA	GLADDEN	MADALENO	PUGH
ASTLE	DYSON	JONES	MCFADDEN	RASKIN
BRITT	EDWARDS	KASEMEYER	MIDDLETON	ROBEY
COLBURN	EXUM	KING	MUNSON	ROSAPEPE
CONWAY	FOREHAND	KLAUSMEIER	MUSE	SIMONAIRE
CURRIE	FROSH	KRAMER	PETERS	STONE
DEGRANGE	GARAGIOLA	LENETT	PINSKY	ZIRKIN

Voting Nay - 11

BRINKLEY	HAINES	JACOBS	PIPKIN
BROCHIN	HARRIS	KITTLEMAN	STOLTZFUS
GREENIP	HOOPER	MOONEY	

Not Voting - 1

KELLEY

Excused From Voting - 0

Excused (Absent) - 0

Seq No. 0043 November 8, 2007 1:53 PM
Presiding: MR.PRESIDENT Legislative Date: November 1, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Committee Amendment (#10) Adopted (29-16)

SB 2 Special Orders
The President
Tax Reform and Transportation Investment Act of 2007
Question is the adoption of the committee amendment #10

29 Yeas	16 Nays	0 Excused	2 Not Voting	0 Excused (Absent)

Voting Yea - 29

MR.PRESIDENT	DELLA	JONES	MADALENO	PUGH
ASTLE	DYSON	KASEMEYER	MCFADDEN	RASKIN
BRITT	FOREHAND	KING	MIDDLETON	ROBEY
CONWAY	FROSH	KLAUSMEIER	MUSE	ROSAPEPE
CURRIE	GARAGIOLA	KRAMER	PETERS	ZIRKIN
DEGRANGE	GLADDEN	LENETT	PINSKY	

Voting Nay - 16

BRINKLEY	GREENIP	JACOBS	PIPKIN
BROCHIN	HAINES	KITTLEMAN	SIMONAIRE
COLBURN	HARRIS	MOONEY	STOLTZFUS
EDWARDS	HOOPER	MUNSON	STONE

Not Voting - 2

EXUM	KELLEY

Excused From Voting - 0

Excused (Absent) - 0

Seq No. 0044 November 8, 2007 1:58 PM
Presiding: MR.PRESIDENT Legislative Date: November 1, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Committee Amendment (#12) Adopted (26-21)

SB 2 Special Orders
The President
Tax Reform and Transportation Investment Act of 2007
Question is the adoption of the committee amendment #12

26 Yeas	21 Nays	0 Excused	0 Not Voting	0 Excused (Absent)

Voting Yea - 26

MR.PRESIDENT	FOREHAND	KELLEY	MIDDLETON	ROBEY
BRITT	FROSH	KING	MUSE	ZIRKIN
CONWAY	GARAGIOLA	KRAMER	PETERS	
CURRIE	GLADDEN	LENETT	PINSKY	
DEGRANGE	JONES	MADALENO	PUGH	
EXUM	KASEMEYER	MCFADDEN	RASKIN	

Voting Nay - 21

ASTLE	DYSON	HOOPER	MUNSON	STONE
BRINKLEY	EDWARDS	JACOBS	PIPKIN	
BROCHIN	GREENIP	KITTLEMAN	ROSAPEPE	
COLBURN	HAINES	KLAUSMEIER	SIMONAIRE	
DELLA	HARRIS	MOONEY	STOLTZFUS	

Not Voting - 0

Excused From Voting - 0

Excused (Absent) - 0

Seq No. 0045 November 8, 2007 2:08 PM
Presiding: MR.PRESIDENT Legislative Date: November 1, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Committee Amendment (#14) Adopted (26-20)

SB 2 Special Orders
The President
Tax Reform and Transportation Investment Act of 2007
Question is the adoption of the committee amendment #14

26 Yeas	20 Nays	0 Excused	1 Not Voting	0 Excused (Absent)

Voting Yea - 26

MR.PRESIDENT	FOREHAND	KING	MUSE	ROSAPEPE
BRITT	FROSH	KRAMER	PETERS	ZIRKIN
CONWAY	GARAGIOLA	LENETT	PINSKY	
CURRIE	GLADDEN	MADALENO	PUGH	
DEGRANGE	JONES	MCFADDEN	RASKIN	
EXUM	KASEMEYER	MIDDLETON	ROBEY	

Voting Nay - 20

ASTLE	DELLA	HAINES	KITTLEMAN	PIPKIN
BRINKLEY	DYSON	HARRIS	KLAUSMEIER	SIMONAIRE
BROCHIN	EDWARDS	HOOPER	MOONEY	STOLTZFUS
COLBURN	GREENIP	JACOBS	MUNSON	STONE

Not Voting - 1

KELLEY

Excused From Voting - 0

Excused (Absent) - 0

Seq No. 0046 November 8, 2007 2:12 PM
Presiding: MR.PRESIDENT Legislative Date: November 1, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Committee Amendment (#16) Adopted (28-18)

SB 2 Special Orders
The President
Tax Reform and Transportation Investment Act of 2007
Question is the adoption of the committee amendment #16

28 Yeas	18 Nays	0 Excused	1 Not Voting	0 Excused (Absent)

Voting Yea - 28

MR.PRESIDENT	FOREHAND	KELLEY	MIDDLETON	RASKIN
BRITT	FROSH	KING	MUNSON	ROBEY
CONWAY	GARAGIOLA	KRAMER	MUSE	ROSAPEPE
CURRIE	GLADDEN	LENETT	PETERS	ZIRKIN
DEGRANGE	JONES	MADALENO	PINSKY	
EXUM	KASEMEYER	MCFADDEN	PUGH	

Voting Nay - 18

ASTLE	DYSON	HARRIS	KLAUSMEIER	STOLTZFUS
BRINKLEY	EDWARDS	HOOPER	MOONEY	STONE
BROCHIN	GREENIP	JACOBS	PIPKIN	
DELLA	HAINES	KITTLEMAN	SIMONAIRE	

Not Voting - 1

COLBURN

Excused From Voting - 0

Excused (Absent) - 0

Seq No. 0047 November 8, 2007 2:28 PM
Presiding: MR.PRESIDENT Legislative Date: November 1, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Floor Amendment (Kelley) {253226/1 Rejected (23-24)

SB 2 Special Orders
The President
Tax Reform and Transportation Investment Act of 2007
Floor Amendments KELLEY /253226/1

23 Yeas	24 Nays	0 Excused	0 Not Voting	0 Excused (Absent)

Voting Yea - 23

BRINKLEY	GREENIP	JONES	MUSE	STOLTZFUS
BROCHIN	HAINES	KELLEY	PETERS	STONE
COLBURN	HARRIS	KITTLEMAN	PIPKIN	ZIRKIN
CONWAY	HOOPER	MOONEY	RASKIN	
EDWARDS	JACOBS	MUNSON	SIMONAIRE	

Voting Nay - 24

MR.PRESIDENT	DELLA	GARAGIOLA	KRAMER	PINSKY
ASTLE	DYSON	GLADDEN	LENETT	PUGH
BRITT	EXUM	KASEMEYER	MADALENO	ROBEY
CURRIE	FOREHAND	KING	MCFADDEN	ROSAPEPE
DEGRANGE	FROSH	KLAUSMEIER	MIDDLETON	

Not Voting - 0
Excused From Voting - 0
Excused (Absent) - 0

Seq No. 0048 November 8, 2007 2:43 PM
Presiding: MR.PRESIDENT Legislative Date: November 1, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Floor Amendment (Mooney) {713226/1 Rejected (21-26)

SB 2 Special Orders
The President
Tax Reform and Transportation Investment Act of 2007
Floor Amendments MOONEY /713226/1

21 Yeas	26 Nays	0 Excused	0 Not Voting	0 Excused (Absent)

Voting Yea - 21

BRINKLEY	GREENIP	KELLEY	MUSE	ZIRKIN
BROCHIN	HAINES	KITTLEMAN	PIPKIN	
COLBURN	HARRIS	KLAUSMEIER	SIMONAIRE	
DELLA	HOOPER	MOONEY	STOLTZFUS	
EDWARDS	JACOBS	MUNSON	STONE	

Voting Nay - 26

MR.PRESIDENT	DYSON	JONES	MCFADDEN	ROBEY
ASTLE	EXUM	KASEMEYER	MIDDLETON	ROSAPEPE
BRITT	FOREHAND	KING	PETERS	
CONWAY	FROSH	KRAMER	PINSKY	
CURRIE	GARAGIOLA	LENETT	PUGH	
DEGRANGE	GLADDEN	MADALENO	RASKIN	

Not Voting - 0
Excused From Voting - 0
Excused (Absent) - 0

Seq No. 0049 November 8, 2007 2:49 PM
Presiding: MR.PRESIDENT Legislative Date: November 1, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Quorum: 47

QUORUM

47 Yeas	0 Nays	0 Excused	0 Not Voting	0 Excused (Absent)

Voting Yea - 47

MR.PRESIDENT	DYSON	HOOPER	MADALENO	RASKIN
ASTLE	EDWARDS	JACOBS	MCFADDEN	ROBEY
BRINKLEY	EXUM	JONES	MIDDLETON	ROSAPEPE
BRITT	FOREHAND	KASEMEYER	MOONEY	SIMONAIRE
BROCHIN	FROSH	KELLEY	MUNSON	STOLTZFUS
COLBURN	GARAGIOLA	KING	MUSE	STONE
CONWAY	GLADDEN	KITTLEMAN	PETERS	ZIRKIN
CURRIE	GREENIP	KLAUSMEIER	PINSKY	
DEGRANGE	HAINES	KRAMER	PIPKIN	
DELLA	HARRIS	LENETT	PUGH	

Voting Nay - 0
Not Voting - 0
Excused From Voting - 0
Excused (Absent) - 0

Seq No. 0050 November 8, 2007 3:39 PM
Presiding: MR.PRESIDENT Legislative Date: November 1, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Floor Amendment (Stoltzfus) {403222/1 Rejected (22-22)

SB 3 Laid-over Bills
The President
Maryland Education Trust Fund - Video Lottery Terminals
Floor Amendments STOLTZFUS /403222/1

22 Yeas	22 Nays	0 Excused	3 Not Voting	0 Excused (Absent)

Voting Yea - 22

BRINKLEY	FOREHAND	KITTLEMAN	MOONEY	STOLTZFUS
BROCHIN	GREENIP	KLAUSMEIER	MUNSON	STONE
COLBURN	HAINES	KRAMER	PIPKIN	
DELLA	HARRIS	MADALENO	ROBEY	
EDWARDS	JACOBS	MIDDLETON	SIMONAIRE	

Voting Nay - 22

MR.PRESIDENT	DYSON	JONES	MCFADDEN	ROSAPEPE
BRITT	EXUM	KASEMEYER	PETERS	ZIRKIN
CONWAY	FROSH	KELLEY	PINSKY	
CURRIE	GARAGIOLA	KING	PUGH	
DEGRANGE	GLADDEN	LENETT	RASKIN	

Not Voting - 3

ASTLE	HOOPER	MUSE

Excused From Voting - 0

Excused (Absent) - 0

Seq No. 0051 November 8, 2007 3:41 PM
Presiding: MR.PRESIDENT Legislative Date: November 1, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Floor Amendment (Kittleman) {863928/1 Rejected (16-28)

SB 3 Laid-over Bills
The President
Maryland Education Trust Fund - Video Lottery Terminals
Floor Amendments KITTLEMAN /863928/1

16 Yeas	28 Nays	0 Excused	3 Not Voting	0 Excused (Absent)

Voting Yea - 16

ASTLE	EDWARDS	JACOBS	PIPKIN	
BRINKLEY	GREENIP	KITTLEMAN	SIMONAIRE	
DELLA	HAINES	MOONEY	STOLTZFUS	
DYSON	HARRIS	MUNSON	STONE	

Voting Nay - 28

MR.PRESIDENT	DEGRANGE	JONES	MADALENO	RASKIN
BRITT	EXUM	KASEMEYER	MCFADDEN	ROBEY
BROCHIN	FOREHAND	KING	MIDDLETON	ROSAPEPE
COLBURN	FROSH	KLAUSMEIER	PETERS	ZIRKIN
CONWAY	GARAGIOLA	KRAMER	PINSKY	
CURRIE	GLADDEN	LENETT	PUGH	

Not Voting - 3

HOOPER	KELLEY	MUSE

Excused From Voting - 0

Excused (Absent) - 0

Seq No. 0052 November 8, 2007 3:48 PM
Presiding: MR.PRESIDENT Legislative Date: November 1, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Floor Amendment (Jacobs) {803226/1 Rejected (15-28)

SB 2 Special Orders
The President
Tax Reform and Transportation Investment Act of 2007
Floor Amendments JACOBS /803226/1

15 Yeas	28 Nays	0 Excused	4 Not Voting	0 Excused (Absent)

Voting Yea - 15

BRINKLEY	DELLA	HAINES	KITTLEMAN	PIPKIN
BROCHIN	EDWARDS	HARRIS	MOONEY	SIMONAIRE
COLBURN	GREENIP	JACOBS	MUNSON	STONE

Voting Nay - 28

MR.PRESIDENT	DYSON	JONES	MADALENO	PUGH
ASTLE	EXUM	KASEMEYER	MCFADDEN	RASKIN
BRITT	FOREHAND	KING	MIDDLETON	ROBEY
CONWAY	FROSH	KLAUSMEIER	MUSE	ROSAPEPE
CURRIE	GARAGIOLA	KRAMER	PETERS	
DEGRANGE	GLADDEN	LENETT	PINSKY	

Not Voting - 4

HOOPER	KELLEY	STOLTZFUS	ZIRKIN

Excused From Voting - 0

Excused (Absent) - 0

Seq No. 0053 November 8, 2007 4:26 PM
Presiding: MR.PRESIDENT Legislative Date: November 1, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Favorable with Amendments Adopted (31-16)

SB 6 Finance Report No. 1
The President
Working Families and Small Business Health Coverage Act
Question is on adoption of favorable rpt, as amended.

31 Yeas	16 Nays	0 Excused	0 Not Voting	0 Excused (Absent)

Voting Yea - 31

MR.PRESIDENT	DYSON	KASEMEYER	MCFADDEN	ROBEY
ASTLE	EXUM	KELLEY	MIDDLETON	ROSAPEPE
BRITT	FOREHAND	KING	MUSE	ZIRKIN
CONWAY	FROSH	KLAUSMEIER	PETERS	
CURRIE	GARAGIOLA	KRAMER	PINSKY	
DEGRANGE	GLADDEN	LENETT	PUGH	
DELLA	JONES	MADALENO	RASKIN	

Voting Nay - 16

BRINKLEY	GREENIP	JACOBS	PIPKIN
BROCHIN	HAINES	KITTLEMAN	SIMONAIRE
COLBURN	HARRIS	MOONEY	STOLTZFUS
EDWARDS	HOOPER	MUNSON	STONE

Not Voting - 0
Excused From Voting - 0
Excused (Absent) - 0

Seq No. 0054 November 8, 2007 4:33 PM
Presiding: MR.PRESIDENT Legislative Date: November 1, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Floor Amendment (Jacobs) {333729/1 Rejected (20-26)

SB 2 Special Orders
The President
Tax Reform and Transportation Investment Act of 2007
Floor Amendments JACOBS/333729/1

20 Yeas	26 Nays	0 Excused	1 Not Voting	0 Excused (Absent)

Voting Yea - 20

BRINKLEY	DEGRANGE	HARRIS	MCFADDEN	ROBEY
BROCHIN	EDWARDS	HOOPER	MOONEY	SIMONAIRE
COLBURN	GREENIP	JACOBS	MUNSON	STOLTZFUS
CURRIE	HAINES	KITTLEMAN	PIPKIN	STONE

Voting Nay - 26

MR.PRESIDENT	FOREHAND	KELLEY	MIDDLETON	ROSAPEPE
ASTLE	FROSH	KING	MUSE	ZIRKIN
BRITT	GARAGIOLA	KLAUSMEIER	PETERS	
CONWAY	GLADDEN	KRAMER	PINSKY	
DELLA	JONES	LENETT	PUGH	
DYSON	KASEMEYER	MADALENO	RASKIN	

Not Voting - 1

EXUM

Excused From Voting - 0

Excused (Absent) - 0

Seq No. 0055 November 8, 2007 4:42 PM
Presiding: MR.PRESIDENT Legislative Date: November 1, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Floor Amendment (Jacobs) {833123/1 Rejected (18-29)

SB 2 Special Orders
The President
Tax Reform and Transportation Investment Act of 2007
Floor Amendments JACOBS /833123/1

18 Yeas	29 Nays	0 Excused	0 Not Voting	0 Excused (Absent)

Voting Yea - 18

BRINKLEY	EXUM	HOOPER	MOONEY	STOLTZFUS
BROCHIN	GREENIP	JACOBS	MUNSON	STONE
COLBURN	HAINES	KITTLEMAN	PIPKIN	
EDWARDS	HARRIS	KLAUSMEIER	SIMONAIRE	

Voting Nay - 29

MR.PRESIDENT	DELLA	JONES	MADALENO	PUGH
ASTLE	DYSON	KASEMEYER	MCFADDEN	RASKIN
BRITT	FOREHAND	KELLEY	MIDDLETON	ROBEY
CONWAY	FROSH	KING	MUSE	ROSAPEPE
CURRIE	GARAGIOLA	KRAMER	PETERS	ZIRKIN
DEGRANGE	GLADDEN	LENETT	PINSKY	

Not Voting - 0
Excused From Voting - 0
Excused (Absent) - 0

Seq No. 0056 November 8, 2007 4:43 PM
Presiding: MR.PRESIDENT Legislative Date: November 1, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Floor Amendment (McFadden) {503725/1 Adopted (36-10)

SB 2 Special Orders
The President
Tax Reform and Transportation Investment Act of 2007
Floor Amendments MCFADDEN /503725/1

36 Yeas	10 Nays	0 Excused	1 Not Voting	0 Excused (Absent)

Voting Yea - 36

MR.PRESIDENT	DYSON	JACOBS	MIDDLETON	ROBEY
ASTLE	EXUM	JONES	MOONEY	ROSAPEPE
BRITT	FOREHAND	KASEMEYER	MUNSON	STOLTZFUS
COLBURN	FROSH	KING	MUSE	ZIRKIN
CONWAY	GARAGIOLA	KRAMER	PETERS	
CURRIE	GLADDEN	LENETT	PINSKY	
DEGRANGE	HAINES	MADALENO	PUGH	
DELLA	HARRIS	MCFADDEN	RASKIN	

Voting Nay - 10

BRINKLEY	EDWARDS	HOOPER	KLAUSMEIER	SIMONAIRE
BROCHIN	GREENIP	KITTLEMAN	PIPKIN	STONE

Not Voting - 1

KELLEY

Excused From Voting - 0

Excused (Absent) - 0

Seq No. 0057 November 8, 2007 4:48 PM
Presiding: MR.PRESIDENT Legislative Date: November 1, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Floor Amendment (McFadden) {683926/1 Rejected (10-35)

SB 2 Special Orders
The President
Tax Reform and Transportation Investment Act of 2007
Floor Amendments MCFADDEN /683926/1

10 Yeas	35 Nays	0 Excused	2 Not Voting	0 Excused (Absent)

Voting Yea - 10

COLBURN	HOOPER	KRAMER	MOONEY	STOLTZFUS
HARRIS	KITTLEMAN	MCFADDEN	MUNSON	STONE

Voting Nay - 35

MR.PRESIDENT	DEGRANGE	GLADDEN	KLAUSMEIER	PIPKIN
ASTLE	DELLA	GREENIP	LENETT	PUGH
BRINKLEY	DYSON	HAINES	MADALENO	RASKIN
BRITT	EXUM	JACOBS	MIDDLETON	ROBEY
BROCHIN	FOREHAND	JONES	MUSE	ROSAPEPE
CONWAY	FROSH	KASEMEYER	PETERS	SIMONAIRE
CURRIE	GARAGIOLA	KING	PINSKY	ZIRKIN

Not Voting - 2

EDWARDS	KELLEY

Excused From Voting - 0

Excused (Absent) - 0

Seq No. 0058 November 8, 2007 4:55 PM
Presiding: MR.PRESIDENT Legislative Date: November 1, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Floor Amendment (Colburn) {233224/1 Rejected (16-31)

SB 2 Special Orders
The President
Tax Reform and Transportation Investment Act of
2007
Floor Amendments COLBURN JACOBS PIPKIN STOLTZFUS
/233224/1

16 Yeas	31 Nays	0 Excused	0 Not Voting	0 Excused (Absent)

Voting Yea - 16

BRINKLEY	GREENIP	JACOBS	PIPKIN	
BROCHIN	HAINES	KITTLEMAN	SIMONAIRE	
COLBURN	HARRIS	MOONEY	STOLTZFUS	
EDWARDS	HOOPER	MUNSON	STONE	

Voting Nay - 31

MR.PRESIDENT	DYSON	KASEMEYER	MCFADDEN	ROBEY
ASTLE	EXUM	KELLEY	MIDDLETON	ROSAPEPE
BRITT	FOREHAND	KING	MUSE	ZIRKIN
CONWAY	FROSH	KLAUSMEIER	PETERS	
CURRIE	GARAGIOLA	KRAMER	PINSKY	
DEGRANGE	GLADDEN	LENETT	PUGH	
DELLA	JONES	MADALENO	RASKIN	

Not Voting - 0
Excused From Voting - 0
Excused (Absent) - 0

Seq No. 0059 November 8, 2007 5:00 PM
Presiding: MR.PRESIDENT Legislative Date: November 1, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Floor Amendment (Greenip) {453320/1 Rejected (17-29)

SB 2 Special Orders
The President
Tax Reform and Transportation Investment Act of 2007
Floor Amendments GREENIP /453320/1

17 Yeas	29 Nays	0 Excused	1 Not Voting	0 Excused (Absent)

Voting Yea - 17

BRINKLEY	GREENIP	JACOBS	MUNSON	STONE
BROCHIN	HAINES	JONES	PIPKIN	
COLBURN	HARRIS	KITTLEMAN	SIMONAIRE	
EDWARDS	HOOPER	MOONEY	STOLTZFUS	

Voting Nay - 29

MR.PRESIDENT	DELLA	GLADDEN	LENETT	PINSKY
ASTLE	DYSON	KASEMEYER	MADALENO	PUGH
BRITT	EXUM	KELLEY	MCFADDEN	RASKIN
CONWAY	FOREHAND	KING	MIDDLETON	ROBEY
CURRIE	FROSH	KLAUSMEIER	MUSE	ZIRKIN
DEGRANGE	GARAGIOLA	KRAMER	PETERS	

Not Voting - 1

ROSAPEPE

Excused From Voting - 0

Excused (Absent) - 0

Seq No. 0060 November 8, 2007 5:20 PM
Presiding: MR.PRESIDENT Legislative Date: November 1, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Floor Amendment (Pipkin) {113622/1 Rejected (13-32)

SB 2 Special Orders
The President
Tax Reform and Transportation Investment Act of 2007
Floor Amendments PIPKIN /113622/1

13 Yeas	32 Nays	0 Excused	2 Not Voting	0 Excused (Absent)

Voting Yea - 13

BROCHIN	GREENIP	HOOPER	PIPKIN	STONE
COLBURN	HAINES	JACOBS	RASKIN	
DELLA	HARRIS	MOONEY	SIMONAIRE	

Voting Nay - 32

MR.PRESIDENT	DYSON	JONES	LENETT	ROBEY
ASTLE	EDWARDS	KASEMEYER	MADALENO	ROSAPEPE
BRINKLEY	EXUM	KELLEY	MCFADDEN	STOLTZFUS
BRITT	FOREHAND	KING	MIDDLETON	ZIRKIN
CONWAY	FROSH	KITTLEMAN	MUNSON	
CURRIE	GARAGIOLA	KLAUSMEIER	MUSE	
DEGRANGE	GLADDEN	KRAMER	PUGH	

Not Voting - 2

PETERS	PINSKY

Excused From Voting - 0

Excused (Absent) - 0

Seq No. 0061 November 8, 2007 5:44 PM
Presiding: MR.PRESIDENT Legislative Date: November 1, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Floor Committee Amendment (#1-2) Adopted (36-10)

SB 2 Special Orders
The President
Tax Reform and Transportation Investment Act of 2007
Floor Amendments Budget & Taxation /873529/1
#1 & #2

36 Yeas	10 Nays	0 Excused	1 Not Voting	0 Excused (Absent)

Voting Yea - 36

MR.PRESIDENT	DYSON	KELLEY	MUNSON	SIMONAIRE
ASTLE	EDWARDS	KING	MUSE	STOLTZFUS
BRITT	FOREHAND	KLAUSMEIER	PETERS	STONE
BROCHIN	FROSH	KRAMER	PINSKY	ZIRKIN
CONWAY	GARAGIOLA	LENETT	PUGH	
CURRIE	GLADDEN	MADALENO	RASKIN	
DEGRANGE	JONES	MCFADDEN	ROBEY	
DELLA	KASEMEYER	MIDDLETON	ROSAPEPE	

Voting Nay - 10

BRINKLEY	GREENIP	HARRIS	JACOBS	MOONEY
COLBURN	HAINES	HOOPER	KITTLEMAN	PIPKIN

Not Voting - 1

EXUM

Excused From Voting - 0

Excused (Absent) - 0

Seq No. 0062 November 8, 2007 5:52 PM
Presiding: MR.PRESIDENT Legislative Date: November 1, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Floor Committee Amendment (#3) Adopted (30-17)

SB 2 Special Orders
The President
Tax Reform and Transportation Investment Act of 2007
Floor Amendments Budget & Taxation /873529/1
#3

30 Yeas	17 Nays	0 Excused	0 Not Voting	0 Excused (Absent)

Voting Yea - 30

MR.PRESIDENT	EXUM	JONES	LENETT	PINSKY
BRITT	FOREHAND	KASEMEYER	MADALENO	PUGH
CONWAY	FROSH	KELLEY	MCFADDEN	RASKIN
CURRIE	GARAGIOLA	KING	MIDDLETON	ROBEY
DEGRANGE	GLADDEN	KLAUSMEIER	MUSE	ROSAPEPE
DELLA	JACOBS	KRAMER	PETERS	ZIRKIN

Voting Nay - 17

ASTLE	DYSON	HARRIS	MUNSON	STONE
BRINKLEY	EDWARDS	HOOPER	PIPKIN	
BROCHIN	GREENIP	KITTLEMAN	SIMONAIRE	
COLBURN	HAINES	MOONEY	STOLTZFUS	

Not Voting - 0
Excused From Voting - 0
Excused (Absent) - 0

Seq No. 0063 November 8, 2007 5:56 PM
Presiding: MR.PRESIDENT Legislative Date: November 1, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Floor Committee Amendment (#4) Adopted (29-18)

SB 2 Special Orders
The President
Tax Reform and Transportation Investment Act of 2007
Floor Amendments Budget & Taxation /873529/1
#4

29 Yeas	18 Nays	0 Excused	0 Not Voting	0 Excused (Absent)

Voting Yea - 29

MR.PRESIDENT	EXUM	KASEMEYER	MADALENO	PUGH
BRITT	FOREHAND	KELLEY	MCFADDEN	RASKIN
BROCHIN	FROSH	KING	MIDDLETON	ROBEY
CONWAY	GARAGIOLA	KLAUSMEIER	MUSE	ROSAPEPE
CURRIE	GLADDEN	KRAMER	PETERS	ZIRKIN
DEGRANGE	JONES	LENETT	PINSKY	

Voting Nay - 18

ASTLE	DYSON	HARRIS	MOONEY	STOLTZFUS
BRINKLEY	EDWARDS	HOOPER	MUNSON	STONE
COLBURN	GREENIP	JACOBS	PIPKIN	
DELLA	HAINES	KITTLEMAN	SIMONAIRE	

Not Voting - 0
Excused From Voting - 0
Excused (Absent) - 0

Seq No. 0064 November 8, 2007 5:58 PM
Presiding: MR.PRESIDENT Legislative Date: November 1, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Floor Committee Amendment (#5) Adopted (47-0)

SB 2 Special Orders
The President
Tax Reform and Transportation Investment Act of 2007
Floor Amendments Budget & Taxation /873529/1
#5

47 Yeas	0 Nays	0 Excused	0 Not Voting	0 Excused (Absent)

Voting Yea - 47

MR.PRESIDENT	DYSON	HOOPER	MADALENO	RASKIN
ASTLE	EDWARDS	JACOBS	MCFADDEN	ROBEY
BRINKLEY	EXUM	JONES	MIDDLETON	ROSAPEPE
BRITT	FOREHAND	KASEMEYER	MOONEY	SIMONAIRE
BROCHIN	FROSH	KELLEY	MUNSON	STOLTZFUS
COLBURN	GARAGIOLA	KING	MUSE	STONE
CONWAY	GLADDEN	KITTLEMAN	PETERS	ZIRKIN
CURRIE	GREENIP	KLAUSMEIER	PINSKY	
DEGRANGE	HAINES	KRAMER	PIPKIN	
DELLA	HARRIS	LENETT	PUGH	

Voting Nay - 0
Not Voting - 0
Excused From Voting - 0
Excused (Absent) - 0

Seq No. 0065 November 8, 2007 6:20 PM
Presiding: MR.PRESIDENT Legislative Date: November 1, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Floor Amendment (Frosh) {373126/1 Adopted (24-23)

SB 2 Special Orders
The President
Tax Reform and Transportation Investment Act of 2007
Floor Amendments FROSH /373126/1

24 Yeas	23 Nays	0 Excused	0 Not Voting	0 Excused (Absent)

Voting Yea - 24

MR.PRESIDENT	EXUM	JONES	MADALENO	PUGH
BRITT	FOREHAND	KASEMEYER	MCFADDEN	RASKIN
CONWAY	FROSH	KING	MUSE	ROBEY
CURRIE	GARAGIOLA	KRAMER	PETERS	ROSAPEPE
DYSON	GLADDEN	LENETT	PINSKY	

Voting Nay - 23

ASTLE	DELLA	HOOPER	MIDDLETON	STOLTZFUS
BRINKLEY	EDWARDS	JACOBS	MOONEY	STONE
BROCHIN	GREENIP	KELLEY	MUNSON	ZIRKIN
COLBURN	HAINES	KITTLEMAN	PIPKIN	
DEGRANGE	HARRIS	KLAUSMEIER	SIMONAIRE	

Not Voting - 0
Excused From Voting - 0
Excused (Absent) - 0

Seq No. 0066 November 8, 2007 7:48 PM
Presiding: MR.PRESIDENT Legislative Date: November 1, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Quorum: 46

QUORUM

46 Yeas	0 Nays	0 Excused	0 Not Voting	1 Excused (Absent)

Voting Yea - 46

MR.PRESIDENT	DYSON	JACOBS	MCFADDEN	ROBEY
ASTLE	EDWARDS	JONES	MIDDLETON	ROSAPEPE
BRINKLEY	EXUM	KASEMEYER	MOONEY	SIMONAIRE
BRITT	FOREHAND	KELLEY	MUNSON	STOLTZFUS
BROCHIN	FROSH	KING	MUSE	STONE
COLBURN	GARAGIOLA	KITTLEMAN	PETERS	ZIRKIN
CONWAY	GLADDEN	KLAUSMEIER	PINSKY	
CURRIE	GREENIP	KRAMER	PIPKIN	
DEGRANGE	HAINES	LENETT	PUGH	
DELLA	HARRIS	MADALENO	RASKIN	

Voting Nay - 0

Not Voting - 0

Excused From Voting - 0

Excused (Absent) - 1

HOOPER

Seq No. 0067 November 8, 2007 8:31 PM
Presiding: MR.PRESIDENT Legislative Date: November 1, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Floor Committee Amendment (Budget and Taxation)
{393124/1 Adopted (34-11)

SB 1 Special Orders
The President
Budget Reconciliation Act

Floor Amendments/393124/1
Budget & Taxation

34 Yeas	11 Nays	0 Excused	1 Not Voting	1 Excused (Absent)

Voting Yea - 34

MR.PRESIDENT	DYSON	GREENIP	LENETT	PUGH
ASTLE	EDWARDS	JONES	MADALENO	RASKIN
BRITT	EXUM	KASEMEYER	MCFADDEN	ROBEY
CONWAY	FOREHAND	KELLEY	MIDDLETON	ROSAPEPE
CURRIE	FROSH	KING	MUSE	SIMONAIRE
DEGRANGE	GARAGIOLA	KLAUSMEIER	PETERS	ZIRKIN
DELLA	GLADDEN	KRAMER	PINSKY	

Voting Nay - 11

BRINKLEY	HAINES	KITTLEMAN	PIPKIN
BROCHIN	HARRIS	MOONEY	STOLTZFUS
COLBURN	JACOBS	MUNSON	

Not Voting - 1

STONE

Excused From Voting - 0

Excused (Absent) - 1

HOOPER

Seq No. 0068 November 8, 2007 9:04 PM
Presiding: MR.PRESIDENT Legislative Date: November 1, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Floor Amendment (Madaleno) {293127/1 Rejected (19-27)

SB 1 Special Orders
The President
Budget Reconciliation Act

Floor Amendments MADALENO /293127/1

19 Yeas	27 Nays	0 Excused	0 Not Voting	1 Excused (Absent)

Voting Yea - 19

BRITT	DYSON	JONES	MADALENO	RASKIN
CONWAY	EXUM	KASEMEYER	MUSE	ROSAPEPE
CURRIE	FROSH	KING	PETERS	STONE
DELLA	GLADDEN	LENETT	PINSKY	

Voting Nay - 27

MR.PRESIDENT	EDWARDS	JACOBS	MIDDLETON	SIMONAIRE
ASTLE	FOREHAND	KELLEY	MOONEY	STOLTZFUS
BRINKLEY	GARAGIOLA	KITTLEMAN	MUNSON	ZIRKIN
BROCHIN	GREENIP	KLAUSMEIER	PIPKIN	
COLBURN	HAINES	KRAMER	PUGH	
DEGRANGE	HARRIS	MCFADDEN	ROBEY	

Not Voting - 0

Excused From Voting - 0

Excused (Absent) - 1

HOOPER

Seq No. 0069 November 8, 2007 9:35 PM
Presiding: MR.PRESIDENT Legislative Date: November 1, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Floor Amendment (Pipkin) {403024/1 Rejected (9-36)

SB 1 Special Orders
The President
Budget Reconciliation Act

Floor Amendments PIPKIN /403024/1

9 Yeas	36 Nays	0 Excused	1 Not Voting	1 Excused (Absent)

Voting Yea - 9

BRINKLEY	GREENIP	HARRIS	KITTLEMAN	PIPKIN
BROCHIN	HAINES	JACOBS	MOONEY	

Voting Nay - 36

MR.PRESIDENT	DYSON	KASEMEYER	MIDDLETON	ROSAPEPE
ASTLE	EDWARDS	KELLEY	MUNSON	SIMONAIRE
BRITT	EXUM	KING	MUSE	STONE
COLBURN	FOREHAND	KLAUSMEIER	PETERS	ZIRKIN
CONWAY	FROSH	KRAMER	PINSKY	
CURRIE	GARAGIOLA	LENETT	PUGH	
DEGRANGE	GLADDEN	MADALENO	RASKIN	
DELLA	JONES	MCFADDEN	ROBEY	

Not Voting - 1

STOLTZFUS

Excused From Voting - 0

Excused (Absent) - 1

HOOPER

Seq No. 0070 November 8, 2007 9:46 PM
Presiding: MR.PRESIDENT Legislative Date: November 1, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Floor Amendment (Pipkin) {173423/1 Rejected (17-28)

SB 1 Special Orders
The President
Budget Reconciliation Act

Floor Amendments PIPKIN /173423/1

17 Yeas	28 Nays	0 Excused	1 Not Voting	1 Excused (Absent)

Voting Yea - 17

BRINKLEY	EDWARDS	JACOBS	MOONEY	STONE
BROCHIN	GREENIP	KELLEY	PINSKY	
COLBURN	HAINES	KITTLEMAN	PIPKIN	
DELLA	HARRIS	KLAUSMEIER	RASKIN	

Voting Nay - 28

MR.PRESIDENT	DYSON	JONES	MCFADDEN	ROSAPEPE
ASTLE	EXUM	KASEMEYER	MIDDLETON	SIMONAIRE
BRITT	FOREHAND	KING	MUNSON	STOLTZFUS
CONWAY	FROSH	KRAMER	PETERS	ZIRKIN
CURRIE	GARAGIOLA	LENETT	PUGH	
DEGRANGE	GLADDEN	MADALENO	ROBEY	

Not Voting - 1

MUSE

Excused From Voting - 0

Excused (Absent) - 1

HOOPER

Seq No. 0071 November 8, 2007 9:51 PM
Presiding: MR.PRESIDENT Legislative Date: November 1, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Floor Amendment (Pipkin) {313025/1 Rejected (13-32)

SB 1 Special Orders
The President
Budget Reconciliation Act

Floor Amendments PIPKIN /313025/1

13 Yeas	32 Nays	0 Excused	1 Not Voting	1 Excused (Absent)

Voting Yea - 13

BRINKLEY	EDWARDS	HARRIS	KLAUSMEIER	STOLTZFUS
BROCHIN	GREENIP	JACOBS	MOONEY	
COLBURN	HAINES	KITTLEMAN	PIPKIN	

Voting Nay - 32

MR.PRESIDENT	DYSON	KASEMEYER	MIDDLETON	ROSAPEPE
ASTLE	EXUM	KELLEY	MUNSON	SIMONAIRE
BRITT	FOREHAND	KING	PETERS	STONE
CONWAY	FROSH	KRAMER	PINSKY	ZIRKIN
CURRIE	GARAGIOLA	LENETT	PUGH	
DEGRANGE	GLADDEN	MADALENO	RASKIN	
DELLA	JONES	MCFADDEN	ROBEY	

Not Voting - 1

MUSE

Excused From Voting - 0

Excused (Absent) - 1

HOOPER

Seq No. 0072 November 8, 2007 9:55 PM
Presiding: MR.PRESIDENT Legislative Date: November 1, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Floor Amendment (Pipkin) {513025/1 Rejected (13-33)

SB 1 Special Orders
The President
Budget Reconciliation Act

Floor Amendments PIPKIN/513025/1

13 Yeas	33 Nays	0 Excused	0 Not Voting	1 Excused (Absent)

Voting Yea - 13

BRINKLEY	FROSH	HARRIS	MOONEY	STOLTZFUS
BROCHIN	GREENIP	JACOBS	PIPKIN	
COLBURN	HAINES	KITTLEMAN	SIMONAIRE	

Voting Nay - 33

MR.PRESIDENT	DYSON	KASEMEYER	MCFADDEN	RASKIN
ASTLE	EDWARDS	KELLEY	MIDDLETON	ROBEY
BRITT	EXUM	KING	MUNSON	ROSAPEPE
CONWAY	FOREHAND	KLAUSMEIER	MUSE	STONE
CURRIE	GARAGIOLA	KRAMER	PETERS	ZIRKIN
DEGRANGE	GLADDEN	LENETT	PINSKY	
DELLA	JONES	MADALENO	PUGH	

Not Voting - 0

Excused From Voting - 0

Excused (Absent) - 1

HOOPER

Seq No. 0073 November 8, 2007 10:07 PM
Presiding: MR.PRESIDENT Legislative Date: November 1, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Floor Amendment (Pipkin) {423722/2 Rejected (16-29)

SB 2 Special Orders
The President
Tax Reform and Transportation Investment Act of 2007
Floor Amendments PIPKIN /423722/2

16 Yeas	29 Nays	0 Excused	1 Not Voting	1 Excused (Absent)

Voting Yea - 16

BRINKLEY	EDWARDS	JACOBS	PIPKIN	
BROCHIN	GREENIP	KITTLEMAN	SIMONAIRE	
COLBURN	HAINES	MOONEY	STOLTZFUS	
DYSON	HARRIS	MUNSON	STONE	

Voting Nay - 29

MR.PRESIDENT	DELLA	JONES	LENETT	PUGH
ASTLE	EXUM	KASEMEYER	MADALENO	RASKIN
BRITT	FOREHAND	KELLEY	MCFADDEN	ROBEY
CONWAY	FROSH	KING	MIDDLETON	ROSAPEPE
CURRIE	GARAGIOLA	KLAUSMEIER	PETERS	ZIRKIN
DEGRANGE	GLADDEN	KRAMER	PINSKY	

Not Voting - 1

MUSE

Excused From Voting - 0

Excused (Absent) - 1

HOOPER

Seq No. 0074 November 8, 2007 10:08 PM
Presiding: MR.PRESIDENT Legislative Date: November 1, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Floor Amendment (Kasemeyer) {723926/1 Adopted (46-0)

SB 2 Special Orders
The President
Tax Reform and Transportation Investment Act of 2007
Floor Amendments KASEMEYER /723926/1

46 Yeas	0 Nays	0 Excused	0 Not Voting	1 Excused (Absent)

Voting Yea - 46

MR.PRESIDENT	DYSON	JACOBS	MCFADDEN	ROBEY
ASTLE	EDWARDS	JONES	MIDDLETON	ROSAPEPE
BRINKLEY	EXUM	KASEMEYER	MOONEY	SIMONAIRE
BRITT	FOREHAND	KELLEY	MUNSON	STOLTZFUS
BROCHIN	FROSH	KING	MUSE	STONE
COLBURN	GARAGIOLA	KITTLEMAN	PETERS	ZIRKIN
CONWAY	GLADDEN	KLAUSMEIER	PINSKY	
CURRIE	GREENIP	KRAMER	PIPKIN	
DEGRANGE	HAINES	LENETT	PUGH	
DELLA	HARRIS	MADALENO	RASKIN	

Voting Nay - 0
Not Voting - 0
Excused From Voting - 0
Excused (Absent) - 1
HOOPER

Seq No. 0075 November 8, 2007 10:12 PM
Presiding: MR.PRESIDENT Legislative Date: November 1, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

overridden (46-0)

SPECIAL ORDER-VETOED BILLS - POLICY
SB 497 Senator Haines, et al.
Public Safety - Disposal of Handguns Owned by a Law Enforcement Agency
Shall the bill pass notwithstanding the objections of the Chief Executive?

46 Yeas	0 Nays	0 Excused	0 Not Voting	1 Excused (Absent)

Voting Yea - 46

MR.PRESIDENT	DYSON	JACOBS	MCFADDEN	ROBEY
ASTLE	EDWARDS	JONES	MIDDLETON	ROSAPEPE
BRINKLEY	EXUM	KASEMEYER	MOONEY	SIMONAIRE
BRITT	FOREHAND	KELLEY	MUNSON	STOLTZFUS
BROCHIN	FROSH	KING	MUSE	STONE
COLBURN	GARAGIOLA	KITTLEMAN	PETERS	ZIRKIN
CONWAY	GLADDEN	KLAUSMEIER	PINSKY	
CURRIE	GREENIP	KRAMER	PIPKIN	
DEGRANGE	HAINES	LENETT	PUGH	
DELLA	HARRIS	MADALENO	RASKIN	

Voting Nay - 0
Not Voting - 0
Excused From Voting - 0
Excused (Absent) - 1
HOOPER

Seq No. 0076 November 8, 2007 10:23 PM
Presiding: MR.PRESIDENT Legislative Date: November 1, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Quorum: 45

QUORUM

45 Yeas	0 Nays	0 Excused	1 Not Voting	1 Excused (Absent)

Voting Yea - 45

MR.PRESIDENT	DYSON	HARRIS	LENETT	PIPKIN
ASTLE	EDWARDS	JACOBS	MADALENO	PUGH
BRINKLEY	EXUM	JONES	MCFADDEN	RASKIN
BRITT	FOREHAND	KASEMEYER	MIDDLETON	ROBEY
BROCHIN	FROSH	KELLEY	MOONEY	ROSAPEPE
COLBURN	GARAGIOLA	KING	MUNSON	SIMONAIRE
CONWAY	GLADDEN	KITTLEMAN	MUSE	STOLTZFUS
DEGRANGE	GREENIP	KLAUSMEIER	PETERS	STONE
DELLA	HAINES	KRAMER	PINSKY	ZIRKIN

Voting Nay - 0

Not Voting - 1

CURRIE

Excused From Voting - 0

Excused (Absent) - 1

HOOPER

Seq No. 0077 November 8, 2007 10:26 PM
Presiding: MR.PRESIDENT Legislative Date: November 1, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Quorum: 45

QUORUM

45 Yeas	0 Nays	0 Excused	1 Not Voting	1 Excused (Absent)

Voting Yea - 45

MR.PRESIDENT	DYSON	HARRIS	LENETT	PIPKIN
ASTLE	EDWARDS	JACOBS	MADALENO	PUGH
BRINKLEY	EXUM	JONES	MCFADDEN	RASKIN
BRITT	FOREHAND	KASEMEYER	MIDDLETON	ROBEY
BROCHIN	FROSH	KELLEY	MOONEY	ROSAPEPE
COLBURN	GARAGIOLA	KING	MUNSON	SIMONAIRE
CONWAY	GLADDEN	KITTLEMAN	MUSE	STOLTZFUS
DEGRANGE	GREENIP	KLAUSMEIER	PETERS	STONE
DELLA	HAINES	KRAMER	PINSKY	ZIRKIN

Voting Nay - 0

Not Voting - 1

CURRIE

Excused From Voting - 0

Excused (Absent) - 1

HOOPER

Seq No. 0078 November 8, 2007 10:44 PM
Presiding: MR.PRESIDENT Legislative Date: November 2, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Third Reading Passed (31-15)

SB 4 Third Reading (SB) Calendar No. 1
The President (B&T)
Video Lottery Terminals - Authorization and Limitations
On Third Reading (Const)

31 Yeas	15 Nays	0 Excused	0 Not Voting	1 Excused (Absent)

Voting Yea - 31

MR.PRESIDENT	DEGRANGE	JONES	MADALENO	ROSAPEPE
ASTLE	DYSON	KASEMEYER	MCFADDEN	STONE
BRITT	EDWARDS	KELLEY	MIDDLETON	ZIRKIN
BROCHIN	EXUM	KING	MUNSON	
COLBURN	FOREHAND	KLAUSMEIER	PETERS	
CONWAY	GARAGIOLA	KRAMER	PUGH	
CURRIE	GLADDEN	LENETT	ROBEY	

Voting Nay - 15

BRINKLEY	GREENIP	JACOBS	MUSE	RASKIN
DELLA	HAINES	KITTLEMAN	PINSKY	SIMONAIRE
FROSH	HARRIS	MOONEY	PIPKIN	STOLTZFUS

Not Voting - 0

Excused From Voting - 0

Excused (Absent) - 1

HOOPER

Seq No. 0079 November 8, 2007 11:00 PM
Presiding: MR.PRESIDENT Legislative Date: November 2, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Third Reading Passed (25-20)

SB 3 Third Reading (SB) Calendar No. 2
The President (B&T)
Maryland Education Trust Fund - Video Lottery Terminals
On Third Reading

25 Yeas	20 Nays	0 Excused	1 Not Voting	1 Excused (Absent)

Voting Yea - 25

MR.PRESIDENT	EDWARDS	KASEMEYER	LENETT	PUGH
BROCHIN	EXUM	KELLEY	MADALENO	ROBEY
COLBURN	GARAGIOLA	KING	MCFADDEN	ROSAPEPE
CURRIE	GLADDEN	KLAUSMEIER	MIDDLETON	STONE
DEGRANGE	JONES	KRAMER	MUNSON	ZIRKIN

Voting Nay - 20

ASTLE	DYSON	HAINES	MOONEY	PIPKIN
BRITT	FOREHAND	HARRIS	MUSE	RASKIN
CONWAY	FROSH	JACOBS	PETERS	SIMONAIRE
DELLA	GREENIP	KITTLEMAN	PINSKY	STOLTZFUS

Not Voting - 1

BRINKLEY

Excused From Voting - 0

Excused (Absent) - 1

HOOPER

Seq No. 0080 November 8, 2007 11:02 PM
Presiding: MR.PRESIDENT Legislative Date: November 2, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Motion to stay and work tonight (Kasemeyer)
Rejected (14-32)

Stay here and work tonight

14 Yeas	32 Nays	0 Excused	0 Not Voting	1 Excused (Absent)

Voting Yea - 14

MR.PRESIDENT	DELLA	JONES	MADALENO	PINSKY
COLBURN	FOREHAND	KASEMEYER	MIDDLETON	PUGH
DEGRANGE	GLADDEN	KING	PETERS	

Voting Nay - 32

ASTLE	EDWARDS	JACOBS	MOONEY	SIMONAIRE
BRINKLEY	EXUM	KELLEY	MUNSON	STOLTZFUS
BRITT	FROSH	KITTLEMAN	MUSE	STONE
BROCHIN	GARAGIOLA	KLAUSMEIER	PIPKIN	ZIRKIN
CONWAY	GREENIP	KRAMER	RASKIN	
CURRIE	HAINES	LENETT	ROBEY	
DYSON	HARRIS	MCFADDEN	ROSAPEPE	

Not Voting - 0

Excused From Voting - 0

Excused (Absent) - 1

HOOPER

Seq No. 0081 November 8, 2007 11:04 PM
Presiding: MR.PRESIDENT Legislative Date: November 2, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Quorum: 46

QUORUM

46 Yeas	0 Nays	0 Excused	0 Not Voting	1 Excused (Absent)

Voting Yea - 46

MR.PRESIDENT	DYSON	JACOBS	MCFADDEN	ROBEY
ASTLE	EDWARDS	JONES	MIDDLETON	ROSAPEPE
BRINKLEY	EXUM	KASEMEYER	MOONEY	SIMONAIRE
BRITT	FOREHAND	KELLEY	MUNSON	STOLTZFUS
BROCHIN	FROSH	KING	MUSE	STONE
COLBURN	GARAGIOLA	KITTLEMAN	PETERS	ZIRKIN
CONWAY	GLADDEN	KLAUSMEIER	PINSKY	
CURRIE	GREENIP	KRAMER	PIPKIN	
DEGRANGE	HAINES	LENETT	PUGH	
DELLA	HARRIS	MADALENO	RASKIN	

Voting Nay - 0

Not Voting - 0

Excused From Voting - 0

Excused (Absent) - 1

HOOPER

Seq No. 0083 November 9, 2007 9:33 AM
Presiding: MR.PRESIDENT Legislative Date: November 3, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Attendance Quorum: 47

Quorum -- Attendance

47 Yeas	0 Nays	0 Excused	0 Not Voting	0 Excused (Absent)

Voting Yea - 47

MR.PRESIDENT	DYSON	HOOPER	MADALENO	RASKIN
ASTLE	EDWARDS	JACOBS	MCFADDEN	ROBEY
BRINKLEY	EXUM	JONES	MIDDLETON	ROSAPEPE
BRITT	FOREHAND	KASEMEYER	MOONEY	SIMONAIRE
BROCHIN	FROSH	KELLEY	MUNSON	STOLTZFUS
COLBURN	GARAGIOLA	KING	MUSE	STONE
CONWAY	GLADDEN	KITTLEMAN	PETERS	ZIRKIN
CURRIE	GREENIP	KLAUSMEIER	PINSKY	
DEGRANGE	HAINES	KRAMER	PIPKIN	
DELLA	HARRIS	LENETT	PUGH	

Voting Nay - 0
Not Voting - 0
Excused From Voting - 0
Excused (Absent) - 0

Seq No. 0084 November 9, 2007 10:37 AM
Presiding: MR.PRESIDENT Legislative Date: November 3, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Third Reading Passed (32-15)

SB 1 Third Reading (SB) Calendar No. 5
The President (B&T)
Budget Reconciliation Act

On Third Reading

32 Yeas	15 Nays	0 Excused	0 Not Voting	0 Excused (Absent)

Voting Yea - 32

MR.PRESIDENT	EDWARDS	KASEMEYER	MCFADDEN	RASKIN
ASTLE	EXUM	KELLEY	MIDDLETON	ROBEY
BRITT	FOREHAND	KING	MUNSON	ROSAPEPE
CONWAY	FROSH	KLAUSMEIER	MUSE	ZIRKIN
CURRIE	GARAGIOLA	KRAMER	PETERS	
DEGRANGE	GLADDEN	LENETT	PINSKY	
DYSON	JONES	MADALENO	PUGH	

Voting Nay - 15

BRINKLEY	DELLA	HARRIS	KITTLEMAN	SIMONAIRE
BROCHIN	GREENIP	HOOPER	MOONEY	STOLTZFUS
COLBURN	HAINES	JACOBS	PIPKIN	STONE

Not Voting - 0
Excused From Voting - 0
Excused (Absent) - 0

Seq No. 0085 November 9, 2007 11:53 AM
Presiding: MR.PRESIDENT Legislative Date: November 3, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Quorum: 37

QUORUM

37 Yeas	0 Nays	0 Excused	10 Not Voting	0 Excused (Absent)

Voting Yea - 37

MR.PRESIDENT	DELLA	HARRIS	MCFADDEN	ROSAPEPE
ASTLE	DYSON	JACOBS	MIDDLETON	SIMONAIRE
BRINKLEY	EDWARDS	JONES	MOONEY	STOLTZFUS
BROCHIN	FROSH	KASEMEYER	MUNSON	STONE
COLBURN	GARAGIOLA	KING	PETERS	ZIRKIN
CONWAY	GLADDEN	KITTLEMAN	PIPKIN	
CURRIE	GREENIP	LENETT	PUGH	
DEGRANGE	HAINES	MADALENO	ROBEY	

Voting Nay - 0

Not Voting - 10

BRITT	FOREHAND	KELLEY	KRAMER	PINSKY
EXUM	HOOPER	KLAUSMEIER	MUSE	RASKIN

Excused From Voting - 0

Excused (Absent) - 0

Seq No. 0086 November 9, 2007 12:05 PM
Presiding: MR.PRESIDENT Legislative Date: November 3, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Quorum: 47

QUORUM

47 Yeas	0 Nays	0 Excused	0 Not Voting	0 Excused (Absent)

Voting Yea - 47

MR.PRESIDENT	DYSON	HOOPER	MADALENO	RASKIN
ASTLE	EDWARDS	JACOBS	MCFADDEN	ROBEY
BRINKLEY	EXUM	JONES	MIDDLETON	ROSAPEPE
BRITT	FOREHAND	KASEMEYER	MOONEY	SIMONAIRE
BROCHIN	FROSH	KELLEY	MUNSON	STOLTZFUS
COLBURN	GARAGIOLA	KING	MUSE	STONE
CONWAY	GLADDEN	KITTLEMAN	PETERS	ZIRKIN
CURRIE	GREENIP	KLAUSMEIER	PINSKY	
DEGRANGE	HAINES	KRAMER	PIPKIN	
DELLA	HARRIS	LENETT	PUGH	

Voting Nay - 0
Not Voting - 0
Excused From Voting - 0
Excused (Absent) - 0

Seq No. 0087 November 9, 2007 12:07 PM
Presiding: MR.PRESIDENT Legislative Date: November 3, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Motion limit debate (Kasemeyer) Adopted (29-18)

Motion to limit debate to 2 hours on Senate Bill 2

29 Yeas	18 Nays	0 Excused	0 Not Voting	0 Excused (Absent)

Voting Yea - 29

MR.PRESIDENT	DYSON	JONES	MADALENO	PUGH
ASTLE	EXUM	KASEMEYER	MCFADDEN	RASKIN
BRITT	FOREHAND	KELLEY	MIDDLETON	ROBEY
CONWAY	FROSH	KING	MUSE	ROSAPEPE
CURRIE	GARAGIOLA	KRAMER	PETERS	ZIRKIN
DEGRANGE	GLADDEN	LENETT	PINSKY	

Voting Nay - 18

BRINKLEY	EDWARDS	HOOPER	MOONEY	STOLTZFUS
BROCHIN	GREENIP	JACOBS	MUNSON	STONE
COLBURN	HAINES	KITTLEMAN	PIPKIN	
DELLA	HARRIS	KLAUSMEIER	SIMONAIRE	

Not Voting - 0

Excused From Voting - 0

Excused (Absent) - 0

Seq No. 0088 November 9, 2007 12:22 PM
Presiding: MR.PRESIDENT Legislative Date: November 3, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Quorum: 31

QUORUM

31 Yeas	0 Nays	0 Excused	16 Not Voting	0 Excused (Absent)

Voting Yea - 31

BRINKLEY	EDWARDS	JONES	MIDDLETON	SIMONAIRE
BRITT	GARAGIOLA	KASEMEYER	MUNSON	STOLTZFUS
BROCHIN	GLADDEN	KING	MUSE	STONE
COLBURN	GREENIP	KITTLEMAN	PIPKIN	
CURRIE	HAINES	LENETT	PUGH	
DEGRANGE	HOOPER	MADALENO	RASKIN	
DELLA	JACOBS	MCFADDEN	ROBEY	

Voting Nay - 0

Not Voting - 16

MR.PRESIDENT	EXUM	KELLEY	PETERS
ASTLE	FOREHAND	KLAUSMEIER	PINSKY
CONWAY	FROSH	KRAMER	ROSAPEPE
DYSON	HARRIS	MOONEY	ZIRKIN

Excused From Voting - 0

Excused (Absent) - 0

Seq No. 0089 November 9, 2007 1:32 PM
Presiding: MR.PRESIDENT Legislative Date: November 3, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Third Reading Passed (24-23)

SB 2 Third Reading (SB) Calendar No. 4
The President (B&T)
Tax Reform and Transportation Investment Act of 2007
On Third Reading

24 Yeas	23 Nays	0 Excused	0 Not Voting	0 Excused (Absent)

Voting Yea - 24

MR.PRESIDENT	FOREHAND	KASEMEYER	MCFADDEN	PUGH
BRITT	FROSH	KELLEY	MIDDLETON	RASKIN
CONWAY	GARAGIOLA	KING	MUSE	ROBEY
CURRIE	GLADDEN	LENETT	PETERS	ROSAPEPE
EXUM	JONES	MADALENO	PINSKY	

Voting Nay - 23

ASTLE	DELLA	HARRIS	KRAMER	STOLTZFUS
BRINKLEY	DYSON	HOOPER	MOONEY	STONE
BROCHIN	EDWARDS	JACOBS	MUNSON	ZIRKIN
COLBURN	GREENIP	KITTLEMAN	PIPKIN	
DEGRANGE	HAINES	KLAUSMEIER	SIMONAIRE	

Not Voting - 0
Excused From Voting - 0
Excused (Absent) - 0

Seq No. 0090 November 9, 2007 1:54 PM
Presiding: MR.PRESIDENT Legislative Date: November 3, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Third Reading Passed (30-17)

SB 6 Third Reading (SB) Calendar No. 3
The President (FIN)
Working Families and Small Business Health Coverage Act
On Third Reading

30 Yeas	17 Nays	0 Excused	0 Not Voting	0 Excused (Absent)

Voting Yea - 30

MR.PRESIDENT	DYSON	JONES	LENETT	PINSKY
ASTLE	EXUM	KASEMEYER	MADALENO	PUGH
BRITT	FOREHAND	KELLEY	MCFADDEN	RASKIN
CONWAY	FROSH	KING	MIDDLETON	ROBEY
CURRIE	GARAGIOLA	KLAUSMEIER	MUSE	ROSAPEPE
DELLA	GLADDEN	KRAMER	PETERS	ZIRKIN

Voting Nay - 17

BRINKLEY	EDWARDS	HOOPER	MUNSON	STONE
BROCHIN	GREENIP	JACOBS	PIPKIN	
COLBURN	HAINES	KITTLEMAN	SIMONAIRE	
DEGRANGE	HARRIS	MOONEY	STOLTZFUS	

Not Voting - 0
Excused From Voting - 0
Excused (Absent) - 0

Seq No. 0091 November 9, 2007 1:58 PM
Presiding: MR.PRESIDENT Legislative Date: November 3, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Quorum: 47

QUORUM

47 Yeas	0 Nays	0 Excused	0 Not Voting	0 Excused (Absent)

Voting Yea - 47

MR.PRESIDENT	DYSON	HOOPER	MADALENO	RASKIN
ASTLE	EDWARDS	JACOBS	MCFADDEN	ROBEY
BRINKLEY	EXUM	JONES	MIDDLETON	ROSAPEPE
BRITT	FOREHAND	KASEMEYER	MOONEY	SIMONAIRE
BROCHIN	FROSH	KELLEY	MUNSON	STOLTZFUS
COLBURN	GARAGIOLA	KING	MUSE	STONE
CONWAY	GLADDEN	KITTLEMAN	PETERS	ZIRKIN
CURRIE	GREENIP	KLAUSMEIER	PINSKY	
DEGRANGE	HAINES	KRAMER	PIPKIN	
DELLA	HARRIS	LENETT	PUGH	

Voting Nay - 0
Not Voting - 0
Excused From Voting - 0
Excused (Absent) - 0

Seq No. 0093 November 15, 2007 10:32 AM
Presiding: MR.PRESIDENT Legislative Date: November 4, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Attendance Quorum: 46

Quorum -- Attendance

46 Yeas	0 Nays	0 Excused	1 Not Voting	0 Excused (Absent)

Voting Yea - 46

MR.PRESIDENT	DYSON	JACOBS	MCFADDEN	ROBEY
ASTLE	EDWARDS	JONES	MIDDLETON	ROSAPEPE
BRINKLEY	FOREHAND	KASEMEYER	MOONEY	SIMONAIRE
BRITT	FROSH	KELLEY	MUNSON	STOLTZFUS
BROCHIN	GARAGIOLA	KING	MUSE	STONE
COLBURN	GLADDEN	KITTLEMAN	PETERS	ZIRKIN
CONWAY	GREENIP	KLAUSMEIER	PINSKY	
CURRIE	HAINES	KRAMER	PIPKIN	
DEGRANGE	HARRIS	LENETT	PUGH	
DELLA	HOOPER	MADALENO	RASKIN	

Voting Nay - 0

Not Voting - 1

EXUM

Excused From Voting - 0

Excused (Absent) - 0

Seq No. 0094 November 15, 2007 10:52 AM
Presiding: MR.PRESIDENT Legislative Date: November 4, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Resolution to Honor Senator Hooper Adopted
(46-0)

The Senate of Maryland
offers its sincerest congratulations to
SENATOR J. ROBERT HOOPER
in recognition of your 9 years as our esteemed
colleague, who has served the constituents of Harford
County with great integrity and commitment.

46 Yeas	0 Nays	0 Excused	1 Not Voting	0 Excused (Absent)

Voting Yea - 46

MR.PRESIDENT	DYSON	JACOBS	MCFADDEN	ROBEY
ASTLE	EDWARDS	JONES	MIDDLETON	ROSAPEPE
BRINKLEY	FOREHAND	KASEMEYER	MOONEY	SIMONAIRE
BRITT	FROSH	KELLEY	MUNSON	STOLTZFUS
BROCHIN	GARAGIOLA	KING	MUSE	STONE
COLBURN	GLADDEN	KITTLEMAN	PETERS	ZIRKIN
CONWAY	GREENIP	KLAUSMEIER	PINSKY	
CURRIE	HAINES	KRAMER	PIPKIN	
DEGRANGE	HARRIS	LENETT	PUGH	
DELLA	HOOPER	MADALENO	RASKIN	

Voting Nay - 0

Not Voting - 1

EXUM

Excused From Voting - 0

Excused (Absent) - 0

Seq No. 0095 November 15, 2007 11:01 AM
Presiding: MR.PRESIDENT Legislative Date: November 4, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Quorum: 46

QUORUM

46 Yeas	0 Nays	0 Excused	1 Not Voting	0 Excused (Absent)

Voting Yea - 46

MR.PRESIDENT	DYSON	JACOBS	MCFADDEN	ROBEY
ASTLE	EDWARDS	JONES	MIDDLETON	ROSAPEPE
BRINKLEY	FOREHAND	KASEMEYER	MOONEY	SIMONAIRE
BRITT	FROSH	KELLEY	MUNSON	STOLTZFUS
BROCHIN	GARAGIOLA	KING	MUSE	STONE
COLBURN	GLADDEN	KITTLEMAN	PETERS	ZIRKIN
CONWAY	GREENIP	KLAUSMEIER	PINSKY	
CURRIE	HAINES	KRAMER	PIPKIN	
DEGRANGE	HARRIS	LENETT	PUGH	
DELLA	HOOPER	MADALENO	RASKIN	

Voting Nay - 0

Not Voting - 1

EXUM

Excused From Voting - 0

Excused (Absent) - 0

Seq No. 0097 November 16, 2007 8:56 AM
Presiding: MR.PRESIDENT Legislative Date: November 5, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Attendance Quorum: 43

Quorum -- Attendance

43 Yeas	0 Nays	0 Excused	0 Not Voting	4 Excused (Absent)

Voting Yea - 43

MR.PRESIDENT	DELLA	HARRIS	LENETT	PUGH
ASTLE	EDWARDS	JACOBS	MADALENO	RASKIN
BRINKLEY	EXUM	JONES	MCFADDEN	ROBEY
BRITT	FOREHAND	KASEMEYER	MIDDLETON	SIMONAIRE
BROCHIN	FROSH	KELLEY	MOONEY	STOLTZFUS
COLBURN	GARAGIOLA	KING	MUNSON	STONE
CONWAY	GLADDEN	KITTLEMAN	MUSE	ZIRKIN
CURRIE	GREENIP	KLAUSMEIER	PETERS	
DEGRANGE	HAINES	KRAMER	PIPKIN	

Voting Nay - 0

Not Voting - 0

Excused From Voting - 0

Excused (Absent) - 4

DYSON	HOOPER	PINSKY	ROSAPEPE

Seq No. 0098 November 16, 2007 9:01 AM
Presiding: MR.PRESIDENT Legislative Date: November 5, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Quorum: 43

QUORUM

43 Yeas	0 Nays	0 Excused	0 Not Voting	4 Excused (Absent)

Voting Yea - 43

MR.PRESIDENT	DELLA	HARRIS	LENETT	PUGH
ASTLE	EDWARDS	JACOBS	MADALENO	RASKIN
BRINKLEY	EXUM	JONES	MCFADDEN	ROBEY
BRITT	FOREHAND	KASEMEYER	MIDDLETON	SIMONAIRE
BROCHIN	FROSH	KELLEY	MOONEY	STOLTZFUS
COLBURN	GARAGIOLA	KING	MUNSON	STONE
CONWAY	GLADDEN	KITTLEMAN	MUSE	ZIRKIN
CURRIE	GREENIP	KLAUSMEIER	PETERS	
DEGRANGE	HAINES	KRAMER	PIPKIN	

Voting Nay - 0

Not Voting - 0

Excused From Voting - 0

Excused (Absent) - 4

DYSON	HOOPER	PINSKY	ROSAPEPE

Seq No. 0100 November 17, 2007 3:26 PM
Presiding: MR.PRESIDENT Legislative Date: November 5, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Attendance Quorum: 45

Quorum -- Attendance

45 Yeas	0 Nays	0 Excused	0 Not Voting	2 Excused (Absent)

Voting Yea - 45

MR.PRESIDENT	DELLA	HAINES	KRAMER	PIPKIN
ASTLE	DYSON	HARRIS	LENETT	PUGH
BRINKLEY	EDWARDS	JACOBS	MADALENO	RASKIN
BRITT	EXUM	JONES	MCFADDEN	ROBEY
BROCHIN	FOREHAND	KASEMEYER	MOONEY	ROSAPEPE
COLBURN	FROSH	KELLEY	MUNSON	SIMONAIRE
CONWAY	GARAGIOLA	KING	MUSE	STOLTZFUS
CURRIE	GLADDEN	KITTLEMAN	PETERS	STONE
DEGRANGE	GREENIP	KLAUSMEIER	PINSKY	ZIRKIN

Voting Nay - 0

Not Voting - 0

Excused From Voting - 0

Excused (Absent) - 2

HOOPER	MIDDLETON

Seq No. 0101 November 17, 2007 3:50 PM
Presiding: MR.PRESIDENT Legislative Date: November 5, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Motion adjourn sine die (Pipkin) Rejected (13-31)

MOTION TO
ADJOURN SINE DIE

13 Yeas	31 Nays	0 Excused	1 Not Voting	2 Excused (Absent)

Voting Yea - 13

BRINKLEY	EDWARDS	HARRIS	MOONEY	STOLTZFUS
BROCHIN	GREENIP	JACOBS	PIPKIN	
COLBURN	HAINES	KITTLEMAN	SIMONAIRE	

Voting Nay - 31

MR.PRESIDENT	DYSON	KASEMEYER	MUNSON	ROSAPEPE
ASTLE	EXUM	KING	MUSE	STONE
BRITT	FOREHAND	KLAUSMEIER	PETERS	ZIRKIN
CONWAY	FROSH	KRAMER	PINSKY	
CURRIE	GARAGIOLA	LENETT	PUGH	
DEGRANGE	GLADDEN	MADALENO	RASKIN	
DELLA	JONES	MCFADDEN	ROBEY	

Not Voting - 1

KELLEY

Excused From Voting - 0

Excused (Absent) - 2

HOOPER MIDDLETON

Seq No. 0102 November 17, 2007 3:58 PM
Presiding: MR.PRESIDENT Legislative Date: November 5, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Quorum: 45

QUORUM

45 Yeas	0 Nays	0 Excused	0 Not Voting	2 Excused (Absent)

Voting Yea - 45

MR.PRESIDENT	DELLA	HAINES	KRAMER	PIPKIN
ASTLE	DYSON	HARRIS	LENETT	PUGH
BRINKLEY	EDWARDS	JACOBS	MADALENO	RASKIN
BRITT	EXUM	JONES	MCFADDEN	ROBEY
BROCHIN	FOREHAND	KASEMEYER	MOONEY	ROSAPEPE
COLBURN	FROSH	KELLEY	MUNSON	SIMONAIRE
CONWAY	GARAGIOLA	KING	MUSE	STOLTZFUS
CURRIE	GLADDEN	KITTLEMAN	PETERS	STONE
DEGRANGE	GREENIP	KLAUSMEIER	PINSKY	ZIRKIN

Voting Nay - 0

Not Voting - 0

Excused From Voting - 0

Excused (Absent) - 2

HOOPER MIDDLETON

Seq No. 0104 November 18, 2007 6:25 PM
Presiding: MR.PRESIDENT Legislative Date: November 5, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Attendance Quorum: 43

Quorum -- Attendance

43 Yeas	0 Nays	0 Excused	0 Not Voting	4 Excused (Absent)

Voting Yea - 43

MR.PRESIDENT	DELLA	HARRIS	MADALENO	RASKIN
ASTLE	DYSON	JONES	MCFADDEN	ROBEY
BRINKLEY	EDWARDS	KASEMEYER	MIDDLETON	ROSAPEPE
BRITT	EXUM	KELLEY	MOONEY	SIMONAIRE
BROCHIN	FOREHAND	KING	MUNSON	STOLTZFUS
COLBURN	FROSH	KITTLEMAN	PETERS	STONE
CONWAY	GARAGIOLA	KLAUSMEIER	PINSKY	ZIRKIN
CURRIE	GLADDEN	KRAMER	PIPKIN	
DEGRANGE	GREENIP	LENETT	PUGH	

Voting Nay - 0

Not Voting - 0

Excused From Voting - 0

Excused (Absent) - 4

HAINES	HOOPER	JACOBS	MUSE

Seq No. 0105 November 18, 2007 6:30 PM
Presiding: MR.PRESIDENT Legislative Date: November 6, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Attendance Quorum: 43

QUORUM

43 Yeas	0 Nays	0 Excused	0 Not Voting	4 Excused (Absent)

Voting Yea - 43

MR.PRESIDENT	DELLA	HARRIS	MADALENO	RASKIN
ASTLE	DYSON	JONES	MCFADDEN	ROBEY
BRINKLEY	EDWARDS	KASEMEYER	MIDDLETON	ROSAPEPE
BRITT	EXUM	KELLEY	MOONEY	SIMONAIRE
BROCHIN	FOREHAND	KING	MUNSON	STOLTZFUS
COLBURN	FROSH	KITTLEMAN	PETERS	STONE
CONWAY	GARAGIOLA	KLAUSMEIER	PINSKY	ZIRKIN
CURRIE	GLADDEN	KRAMER	PIPKIN	
DEGRANGE	GREENIP	LENETT	PUGH	

Voting Nay - 0

Not Voting - 0

Excused From Voting - 0

Excused (Absent) - 4

HAINES	HOOPER	JACOBS	MUSE

Seq No. 0106 November 18, 2007 7:09 PM
Presiding: MR.PRESIDENT Legislative Date: November 6, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Favorable Adopted (31-12)

HB 4 Budget & Taxation Report No. 3
The Speaker
Video Lottery Terminals - Authorization and Limitations
Question is on the adoption of the favorable report.

31 Yeas	12 Nays	0 Excused	0 Not Voting	4 Excused (Absent)

Voting Yea - 31

MR.PRESIDENT	DEGRANGE	JONES	MADALENO	ROSAPEPE
ASTLE	DYSON	KASEMEYER	MCFADDEN	STONE
BRITT	EDWARDS	KELLEY	MIDDLETON	ZIRKIN
BROCHIN	EXUM	KING	MUNSON	
COLBURN	FOREHAND	KLAUSMEIER	PETERS	
CONWAY	GARAGIOLA	KRAMER	PUGH	
CURRIE	GLADDEN	LENETT	ROBEY	

Voting Nay - 12

BRINKLEY	GREENIP	MOONEY	RASKIN
DELLA	HARRIS	PINSKY	SIMONAIRE
FROSH	KITTLEMAN	PIPKIN	STOLTZFUS

Not Voting - 0

Excused From Voting - 0

Excused (Absent) - 4

HAINES	HOOPER	JACOBS	MUSE

Seq No. 0107 November 18, 2007 7:55 PM
Presiding: MR.PRESIDENT Legislative Date: November 6, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Quorum: 44

QUORUM

44 Yeas	0 Nays	0 Excused	0 Not Voting	3 Excused (Absent)

Voting Yea - 44

MR.PRESIDENT	DELLA	HAINES	LENETT	PUGH
ASTLE	DYSON	HARRIS	MADALENO	RASKIN
BRINKLEY	EDWARDS	JONES	MCFADDEN	ROBEY
BRITT	EXUM	KASEMEYER	MIDDLETON	ROSAPEPE
BROCHIN	FOREHAND	KELLEY	MOONEY	SIMONAIRE
COLBURN	FROSH	KING	MUNSON	STOLTZFUS
CONWAY	GARAGIOLA	KITTLEMAN	PETERS	STONE
CURRIE	GLADDEN	KLAUSMEIER	PINSKY	ZIRKIN
DEGRANGE	GREENIP	KRAMER	PIPKIN	

Voting Nay - 0

Not Voting - 0

Excused From Voting - 0

Excused (Absent) - 3

HOOPER	JACOBS	MUSE

Electronic copies of Committee Votes are unavailable.

Please see the printed version of the Senate Journal.

Seq No. 0121 November 18, 2007 10:35 PM
Presiding: MR.PRESIDENT Legislative Date: November 7, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Quorum: 45

QUORUM

45 Yeas	0 Nays	0 Excused	0 Not Voting	2 Excused (Absent)

Voting Yea - 45

MR.PRESIDENT	DELLA	HAINES	LENETT	PIPKIN
ASTLE	DYSON	HARRIS	MADALENO	PUGH
BRINKLEY	EDWARDS	JONES	MCFADDEN	RASKIN
BRITT	EXUM	KASEMEYER	MIDDLETON	ROBEY
BROCHIN	FOREHAND	KELLEY	MOONEY	ROSAPEPE
COLBURN	FROSH	KING	MUNSON	SIMONAIRE
CONWAY	GARAGIOLA	KITTLEMAN	MUSE	STOLTZFUS
CURRIE	GLADDEN	KLAUSMEIER	PETERS	STONE
DEGRANGE	GREENIP	KRAMER	PINSKY	ZIRKIN

Voting Nay - 0

Not Voting - 0

Excused From Voting - 0

Excused (Absent) - 2

HOOPER	JACOBS

Seq No. 0122 November 18, 2007 11:15 PM
Presiding: MR.PRESIDENT Legislative Date: November 7, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Senate Concur - House Amendments (27-16)

SB 3 Special Orders
The President (3rg#2 B&T)
Maryland Education Trust Fund - Video Lottery Terminals
Motion to concur with the House amendments

27 Yeas	16 Nays	0 Excused	2 Not Voting	2 Excused (Absent)

Voting Yea - 27

MR.PRESIDENT	EDWARDS	JONES	MADALENO	ROSAPEPE
BRINKLEY	EXUM	KASEMEYER	MCFADDEN	STONE
BROCHIN	FOREHAND	KING	MIDDLETON	ZIRKIN
COLBURN	GARAGIOLA	KLAUSMEIER	MUNSON	
CURRIE	GLADDEN	KRAMER	PUGH	
DEGRANGE	HARRIS	LENETT	ROBEY	

Voting Nay - 16

BRITT	FROSH	MOONEY	PIPKIN
CONWAY	GREENIP	MUSE	RASKIN
DELLA	HAINES	PETERS	SIMONAIRE
DYSON	KITTLEMAN	PINSKY	STOLTZFUS

Not Voting - 2

ASTLE	KELLEY

Excused From Voting - 0

Excused (Absent) - 2

HOOPER	JACOBS

Seq No. 0123 November 18, 2007 11:21 PM
Presiding: MR.PRESIDENT Legislative Date: November 7, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Motion limit debate (Kasemeyer) Adopted (32-12)

SB 3 Special Orders
The President (3rg#2 B&T)
Maryland Education Trust Fund - Video Lottery Terminals
Motion to limit debate to 10 minutes in the aggregate

32 Yeas	12 Nays	0 Excused	1 Not Voting	2 Excused (Absent)

Voting Yea - 32

MR.PRESIDENT	DYSON	KASEMEYER	MCFADDEN	ROBEY
ASTLE	EXUM	KELLEY	MIDDLETON	ROSAPEPE
BRITT	FOREHAND	KING	MUSE	STONE
BROCHIN	FROSH	KLAUSMEIER	PETERS	ZIRKIN
CONWAY	GARAGIOLA	KRAMER	PINSKY	
CURRIE	GLADDEN	LENETT	PUGH	
DEGRANGE	JONES	MADALENO	RASKIN	

Voting Nay - 12

BRINKLEY	EDWARDS	HARRIS	PIPKIN
COLBURN	GREENIP	KITTLEMAN	SIMONAIRE
DELLA	HAINES	MOONEY	STOLTZFUS

Not Voting - 1

MUNSON

Excused From Voting - 0

Excused (Absent) - 2

HOOPER JACOBS

Seq No. 0124 November 18, 2007 11:21 PM
Presiding: MR.PRESIDENT Legislative Date: November 7, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Third Reading Passed (25-19)

SB 3 Special Orders
The President (3rg#2 B&T)
Maryland Education Trust Fund - Video Lottery Terminals

On third reading

25 Yeas	19 Nays	0 Excused	1 Not Voting	2 Excused (Absent)

Voting Yea - 25

MR.PRESIDENT	EDWARDS	JONES	LENETT	PUGH
BROCHIN	EXUM	KASEMEYER	MADALENO	ROBEY
COLBURN	FOREHAND	KING	MCFADDEN	ROSAPEPE
CURRIE	GARAGIOLA	KLAUSMEIER	MIDDLETON	STONE
DEGRANGE	GLADDEN	KRAMER	MUNSON	ZIRKIN

Voting Nay - 19

ASTLE	DYSON	HARRIS	MUSE	RASKIN
BRITT	FROSH	KELLEY	PETERS	SIMONAIRE
CONWAY	GREENIP	KITTLEMAN	PINSKY	STOLTZFUS
DELLA	HAINES	MOONEY	PIPKIN	

Not Voting - 1

BRINKLEY

Excused From Voting - 0

Excused (Absent) - 2

HOOPER JACOBS

Seq No. 0125 November 18, 2007 11:24 PM
Presiding: MR.PRESIDENT Legislative Date: November 7, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Motion Adjourn Sine Die (Brinkley) Rejected (13-32)

Motion to adjourn sine die

13 Yeas	32 Nays	0 Excused	0 Not Voting	2 Excused (Absent)

Voting Yea - 13

BRINKLEY	EDWARDS	HARRIS	PIPKIN	STONE
BROCHIN	GREENIP	KITTLEMAN	SIMONAIRE	
COLBURN	HAINES	MOONEY	STOLTZFUS	

Voting Nay - 32

MR.PRESIDENT	DYSON	KASEMEYER	MCFADDEN	RASKIN
ASTLE	EXUM	KELLEY	MIDDLETON	ROBEY
BRITT	FOREHAND	KING	MUNSON	ROSAPEPE
CONWAY	FROSH	KLAUSMEIER	MUSE	ZIRKIN
CURRIE	GARAGIOLA	KRAMER	PETERS	
DEGRANGE	GLADDEN	LENETT	PINSKY	
DELLA	JONES	MADALENO	PUGH	

Not Voting - 0

Excused From Voting - 0

Excused (Absent) - 2

HOOPER	JACOBS

Seq No. 0126 November 19, 2007 12:36 AM
Presiding: MR.PRESIDENT Legislative Date: November 7, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Committee Amendment {369333/1 Adopted (27-18)

HB 5 Budget & Taxation Report No. 4
The Speaker
Transportation and State Investment Act

Favorable with 11 amendments /369333/1 uestion is on
the adoption of the committee amendments

27 Yeas	18 Nays	0 Excused	0 Not Voting	2 Excused (Absent)

Voting Yea - 27

MR.PRESIDENT	FOREHAND	KELLEY	MIDDLETON	ROBEY
BRITT	FROSH	KING	MUSE	ROSAPEPE
CONWAY	GARAGIOLA	KRAMER	PETERS	ZIRKIN
CURRIE	GLADDEN	LENETT	PINSKY	
DEGRANGE	JONES	MADALENO	PUGH	
EXUM	KASEMEYER	MCFADDEN	RASKIN	

Voting Nay - 18

ASTLE	DELLA	HAINES	MOONEY	STOLTZFUS
BRINKLEY	DYSON	HARRIS	MUNSON	STONE
BROCHIN	EDWARDS	KITTLEMAN	PIPKIN	
COLBURN	GREENIP	KLAUSMEIER	SIMONAIRE	

Not Voting - 0

Excused From Voting - 0

Excused (Absent) - 2

HOOPER	JACOBS

Seq No. 0127 November 19, 2007 12:45 AM
Presiding: MR.PRESIDENT Legislative Date: November 8, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Quorum: 45

QUORUM

45 Yeas	0 Nays	0 Excused	0 Not Voting	2 Excused (Absent)

Voting Yea - 45

MR.PRESIDENT	DELLA	HAINES	LENETT	PIPKIN
ASTLE	DYSON	HARRIS	MADALENO	PUGH
BRINKLEY	EDWARDS	JONES	MCFADDEN	RASKIN
BRITT	EXUM	KASEMEYER	MIDDLETON	ROBEY
BROCHIN	FOREHAND	KELLEY	MOONEY	ROSAPEPE
COLBURN	FROSH	KING	MUNSON	SIMONAIRE
CONWAY	GARAGIOLA	KITTLEMAN	MUSE	STOLTZFUS
CURRIE	GLADDEN	KLAUSMEIER	PETERS	STONE
DEGRANGE	GREENIP	KRAMER	PINSKY	ZIRKIN

Voting Nay - 0

Not Voting - 0

Excused From Voting - 0

Excused (Absent) - 2

HOOPER	JACOBS

Seq No. 0128 November 19, 2007 12:46 AM
Presiding: MR.PRESIDENT Legislative Date: November 8, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Motion limit debate (Kasemeyer) Adopted (29-16)

HB 5
The Speaker
Transportation and State Investment Act

Motion to limit debate to 20 minutes in the aggregate

29 Yeas	16 Nays	0 Excused	0 Not Voting	2 Excused (Absent)

Voting Yea - 29

MR.PRESIDENT	DYSON	JONES	MADALENO	PUGH
ASTLE	EXUM	KASEMEYER	MCFADDEN	RASKIN
BRITT	FOREHAND	KELLEY	MIDDLETON	ROBEY
CONWAY	FROSH	KING	MUSE	ROSAPEPE
CURRIE	GARAGIOLA	KRAMER	PETERS	ZIRKIN
DEGRANGE	GLADDEN	LENETT	PINSKY	

Voting Nay - 16

BRINKLEY	EDWARDS	KITTLEMAN	PIPKIN
BROCHIN	GREENIP	KLAUSMEIER	SIMONAIRE
COLBURN	HAINES	MOONEY	STOLTZFUS
DELLA	HARRIS	MUNSON	STONE

Not Voting - 0

Excused From Voting - 0

Excused (Absent) - 2

HOOPER JACOBS

Seq No. 0129 November 19, 2007 12:49 AM
Presiding: MR.PRESIDENT Legislative Date: November 8, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Third Reading Passed (25-20)

HB 5
The Speaker
Transportation and State Investment Act

On third reading

25 Yeas	20 Nays	0 Excused	0 Not Voting	2 Excused (Absent)

Voting Yea - 25

MR.PRESIDENT	FROSH	KELLEY	MCFADDEN	PUGH
BRITT	GARAGIOLA	KING	MIDDLETON	RASKIN
CONWAY	GLADDEN	KRAMER	MUSE	ROBEY
CURRIE	JONES	LENETT	PETERS	ROSAPEPE
EXUM	KASEMEYER	MADALENO	PINSKY	ZIRKIN

Voting Nay - 20

ASTLE	DEGRANGE	FOREHAND	KITTLEMAN	PIPKIN
BRINKLEY	DELLA	GREENIP	KLAUSMEIER	SIMONAIRE
BROCHIN	DYSON	HAINES	MOONEY	STOLTZFUS
COLBURN	EDWARDS	HARRIS	MUNSON	STONE

Not Voting - 0

Excused From Voting - 0

Excused (Absent) - 2

HOOPER JACOBS

Seq No. 0130 November 19, 2007 1:03 AM
Presiding: MR.PRESIDENT Legislative Date: November 9, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Quorum: 45

QUORUM

45 Yeas	0 Nays	0 Excused	0 Not Voting	2 Excused (Absent)

Voting Yea - 45

MR.PRESIDENT	DELLA	HAINES	LENETT	PIPKIN
ASTLE	DYSON	HARRIS	MADALENO	PUGH
BRINKLEY	EDWARDS	JONES	MCFADDEN	RASKIN
BRITT	EXUM	KASEMEYER	MIDDLETON	ROBEY
BROCHIN	FOREHAND	KELLEY	MOONEY	ROSAPEPE
COLBURN	FROSH	KING	MUNSON	SIMONAIRE
CONWAY	GARAGIOLA	KITTLEMAN	MUSE	STOLTZFUS
CURRIE	GLADDEN	KLAUSMEIER	PETERS	STONE
DEGRANGE	GREENIP	KRAMER	PINSKY	ZIRKIN

Voting Nay - 0

Not Voting - 0

Excused From Voting - 0

Excused (Absent) - 2

HOOPER	JACOBS

Seq No. 0131 November 19, 2007 1:08 AM
Presiding: MR.PRESIDENT Legislative Date: November 9, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Floor Amendment (Harris) {343828/1 Rejected (13-31)

HB 1 Budget & Taxation Report No. 5
The Speaker
Budget Reconciliation Act

Floor Amendments HARRIS /343828/1

13 Yeas	31 Nays	0 Excused	1 Not Voting	2 Excused (Absent)

Voting Yea - 13

BRINKLEY	GREENIP	KITTLEMAN	PIPKIN	STONE
COLBURN	HAINES	MOONEY	SIMONAIRE	
EDWARDS	HARRIS	MUNSON	STOLTZFUS	

Voting Nay - 31

MR.PRESIDENT	DELLA	JONES	MADALENO	RASKIN
ASTLE	DYSON	KASEMEYER	MCFADDEN	ROBEY
BRITT	EXUM	KELLEY	MIDDLETON	ROSAPEPE
BROCHIN	FOREHAND	KING	MUSE	
CONWAY	FROSH	KLAUSMEIER	PETERS	
CURRIE	GARAGIOLA	KRAMER	PINSKY	
DEGRANGE	GLADDEN	LENETT	PUGH	

Not Voting - 1

ZIRKIN

Excused From Voting - 0

Excused (Absent) - 2

HOOPER JACOBS

Seq No. 0132 November 19, 2007 1:09 AM
Presiding: MR.PRESIDENT Legislative Date: November 9, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Motion limit debate (Kasemeyer) Adopted (30-15)

HB 1 Budget & Taxation Report No. 5
The Speaker
Budget Reconciliation Act

On third reading
Motion to limit debate to 20 minutes in the aggregate

30 Yeas	15 Nays	0 Excused	0 Not Voting	2 Excused (Absent)

Voting Yea - 30

MR.PRESIDENT	DYSON	JONES	LENETT	PINSKY
ASTLE	EXUM	KASEMEYER	MADALENO	PUGH
BRITT	FOREHAND	KELLEY	MCFADDEN	RASKIN
CONWAY	FROSH	KING	MIDDLETON	ROBEY
CURRIE	GARAGIOLA	KLAUSMEIER	MUSE	ROSAPEPE
DEGRANGE	GLADDEN	KRAMER	PETERS	ZIRKIN

Voting Nay - 15

BRINKLEY	DELLA	HAINES	MOONEY	SIMONAIRE
BROCHIN	EDWARDS	HARRIS	MUNSON	STOLTZFUS
COLBURN	GREENIP	KITTLEMAN	PIPKIN	STONE

Not Voting - 0

Excused From Voting - 0

Excused (Absent) - 2

HOOPER	JACOBS

Seq No. 0133 November 19, 2007 1:15 AM
Presiding: MR.PRESIDENT Legislative Date: November 9, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Third Reading Passed (32-13)

HB 1
The Speaker
Budget Reconciliation Act

On third reading

32 Yeas	13 Nays	0 Excused	0 Not Voting	2 Excused (Absent)

Voting Yea - 32

MR.PRESIDENT	EDWARDS	KASEMEYER	MCFADDEN	RASKIN
ASTLE	EXUM	KELLEY	MIDDLETON	ROBEY
BRITT	FOREHAND	KING	MUNSON	ROSAPEPE
CONWAY	FROSH	KLAUSMEIER	MUSE	ZIRKIN
CURRIE	GARAGIOLA	KRAMER	PETERS	
DEGRANGE	GLADDEN	LENETT	PINSKY	
DYSON	JONES	MADALENO	PUGH	

Voting Nay - 13

BRINKLEY	DELLA	HARRIS	PIPKIN	STONE
BROCHIN	GREENIP	KITTLEMAN	SIMONAIRE	
COLBURN	HAINES	MOONEY	STOLTZFUS	

Not Voting - 0

Excused From Voting - 0

Excused (Absent) - 2

HOOPER	JACOBS

Seq No. 0134 November 19, 2007 1:58 AM
Presiding: MR.PRESIDENT Legislative Date: November 9, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Quorum: 44

QUORUM

44 Yeas	0 Nays	0 Excused	0 Not Voting	3 Excused (Absent)

Voting Yea - 44

MR.PRESIDENT	DELLA	HAINES	LENETT	PIPKIN
ASTLE	DYSON	HARRIS	MADALENO	PUGH
BRINKLEY	EDWARDS	JONES	MCFADDEN	RASKIN
BRITT	EXUM	KASEMEYER	MIDDLETON	ROBEY
BROCHIN	FOREHAND	KELLEY	MOONEY	ROSAPEPE
COLBURN	FROSH	KING	MUNSON	SIMONAIRE
CONWAY	GARAGIOLA	KITTLEMAN	MUSE	STONE
CURRIE	GLADDEN	KLAUSMEIER	PETERS	ZIRKIN
DEGRANGE	GREENIP	KRAMER	PINSKY	

Voting Nay - 0

Not Voting - 0

Excused From Voting - 0

Excused (Absent) - 3

HOOPER	JACOBS	STOLTZFUS

Seq No. 0135 November 19, 2007 2:00 AM
Presiding: MR.PRESIDENT Legislative Date: November 9, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Third Reading Passed (30-14)

SB 6
The President
Working Families and Small Business Health Coverage Act
On third reading

30 Yeas	14 Nays	0 Excused	0 Not Voting	3 Excused (Absent)

Voting Yea - 30

MR.PRESIDENT	DYSON	JONES	LENETT	PINSKY
ASTLE	EXUM	KASEMEYER	MADALENO	PUGH
BRITT	FOREHAND	KELLEY	MCFADDEN	RASKIN
CONWAY	FROSH	KING	MIDDLETON	ROBEY
CURRIE	GARAGIOLA	KLAUSMEIER	MUSE	ROSAPEPE
DELLA	GLADDEN	KRAMER	PETERS	ZIRKIN

Voting Nay - 14

BRINKLEY	DEGRANGE	HAINES	MOONEY	SIMONAIRE
BROCHIN	EDWARDS	HARRIS	MUNSON	STONE
COLBURN	GREENIP	KITTLEMAN	PIPKIN	

Not Voting - 0

Excused From Voting - 0

Excused (Absent) - 3

HOOPER	JACOBS	STOLTZFUS

Seq No. 0136 November 19, 2007 2:21 AM
Presiding: MR.PRESIDENT Legislative Date: November 9, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Motion limit debate (Kasemeyer) Rejected (28-16)

SB 2 Senate Bills Amended in the House No. 3
The President (3rg#4 B&T)
Tax Reform Act of 2007

On third reading Motion to limit debate

28 Yeas	16 Nays	0 Excused	0 Not Voting	3 Excused (Absent)

Voting Yea - 28

MR.PRESIDENT	DYSON	KASEMEYER	MCFADDEN	RASKIN
ASTLE	EXUM	KELLEY	MIDDLETON	ROBEY
BRITT	FROSH	KING	MUSE	ROSAPEPE
CONWAY	GARAGIOLA	KRAMER	PETERS	ZIRKIN
CURRIE	GLADDEN	LENETT	PINSKY	
DEGRANGE	JONES	MADALENO	PUGH	

Voting Nay - 16

BRINKLEY	EDWARDS	HARRIS	MUNSON
BROCHIN	FOREHAND	KITTLEMAN	PIPKIN
COLBURN	GREENIP	KLAUSMEIER	SIMONAIRE
DELLA	HAINES	MOONEY	STONE

Not Voting - 0

Excused From Voting - 0

Excused (Absent) - 3

HOOPER	JACOBS	STOLTZFUS

Seq No. 0137 November 19, 2007 2:30 AM
Presiding: MR.PRESIDENT Legislative Date: November 9, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Motion limit debate (Kasemeyer) Rejected (28-16)

SB 2 Senate Bills Amended in the House No. 3
The President (3rg#4 B&T)
Tax Reform Act of 2007

On third reading
Motion to limit debate to 10 minutes in the aggregate

28 Yeas	16 Nays	0 Excused	0 Not Voting	3 Excused (Absent)

Voting Yea - 28

MR.PRESIDENT	DYSON	KASEMEYER	MCFADDEN	RASKIN
ASTLE	EXUM	KELLEY	MIDDLETON	ROBEY
BRITT	FROSH	KING	MUSE	ROSAPEPE
CONWAY	GARAGIOLA	KRAMER	PETERS	ZIRKIN
CURRIE	GLADDEN	LENETT	PINSKY	
DEGRANGE	JONES	MADALENO	PUGH	

Voting Nay - 16

BRINKLEY	EDWARDS	HARRIS	MUNSON
BROCHIN	FOREHAND	KITTLEMAN	PIPKIN
COLBURN	GREENIP	KLAUSMEIER	SIMONAIRE
DELLA	HAINES	MOONEY	STONE

Not Voting - 0

Excused From Voting - 0

Excused (Absent) - 3

HOOPER	JACOBS	STOLTZFUS

Seq No. 0138 November 19, 2007 2:36 AM
Presiding: MR.PRESIDENT Legislative Date: November 9, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Motion limit debate (Kasemeyer) Adopted (29-15)

SB 2 Senate Bills Amended in the House No. 3
The President (3rg#4 B&T)
Tax Reform Act of 2007

On third reading
Motion to limit debate to 8 minutes in the aggregate

29 Yeas	15 Nays	0 Excused	0 Not Voting	3 Excused (Absent)

Voting Yea - 29

MR.PRESIDENT	DYSON	JONES	MADALENO	PUGH
ASTLE	EXUM	KASEMEYER	MCFADDEN	RASKIN
BRITT	FOREHAND	KELLEY	MIDDLETON	ROBEY
CONWAY	FROSH	KING	MUSE	ROSAPEPE
CURRIE	GARAGIOLA	KRAMER	PETERS	ZIRKIN
DEGRANGE	GLADDEN	LENETT	PINSKY	

Voting Nay - 15

BRINKLEY	DELLA	HAINES	KLAUSMEIER	PIPKIN
BROCHIN	EDWARDS	HARRIS	MOONEY	SIMONAIRE
COLBURN	GREENIP	KITTLEMAN	MUNSON	STONE

Not Voting - 0

Excused From Voting - 0

Excused (Absent) - 3

HOOPER	JACOBS	STOLTZFUS

Seq No. 0139 November 19, 2007 2:37 AM
Presiding: MR.PRESIDENT Legislative Date: November 9, 2007

General Assembly Of Maryland
Senate of Maryland
2007 Special Session

Third Reading Passed (24-20)

SB 2 Senate Bills Amended in the House No. 3
The President (3rg#4 B&T)
Tax Reform Act of 2007

On third reading

24 Yeas	20 Nays	0 Excused	0 Not Voting	3 Excused (Absent)

Voting Yea - 24

MR.PRESIDENT	FOREHAND	KASEMEYER	MCFADDEN	PUGH
BRITT	FROSH	KELLEY	MIDDLETON	RASKIN
CONWAY	GARAGIOLA	KING	MUSE	ROBEY
CURRIE	GLADDEN	LENETT	PETERS	ROSAPEPE
EXUM	JONES	MADALENO	PINSKY	

Voting Nay - 20

ASTLE	DEGRANGE	GREENIP	KLAUSMEIER	PIPKIN
BRINKLEY	DELLA	HAINES	KRAMER	SIMONAIRE
BROCHIN	DYSON	HARRIS	MOONEY	STONE
COLBURN	EDWARDS	KITTLEMAN	MUNSON	ZIRKIN

Not Voting - 0

Excused From Voting - 0

Excused (Absent) - 3

HOOPER	JACOBS	STOLTZFUS

APPENDIX II

COMMITTEE VOTES

SENATE COMMITTEE VOTES

2007 SPECIAL SESSION

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Electronic copies of Committee Votes are unavailable.

Please see the printed version of the Senate Journal.

APPENDIX III

EXHIBITS A THROUGH B

SENATE JOURNAL EXHIBITS
2007 Special Session

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EXHIBIT A

PRAYER BEFORE THE MARYLAND SENATE
NOVEMBER 5, 2007

In every Session, O God, there are two decisions that are made.

The first decision settles the business of the day:
balancing budgets,
enacting laws,
establishing policies.

This decision will be widely reported by the media, and in the short run, will be both praised and condemned.

The second decision involves
whether we will do the right,
whether we will uphold justice,
whether we will be people of integrity,
whether we will work for the good of the whole,
whether we will honor You, the Creator of us all.

This decision will go largely unnoticed, but in the long run, it is the decision that will save us or lead us to ruin.

O God, keep us from making the first decision without also making the second.

In Your Holy Name we pray, Amen.

Byron P. Brought, Senior Pastor
Calvary United Methodist Church
Annapolis, MD

Senate Prayer

Almighty God,

You have lifted us up above all other created things and fashioned each of us in Your image. And although you have the power to govern all matters and decide all choices, in you infinite wisdom, You have seen it fit to give us the liberty to govern and the freedom to choose, so that we might ultimately find our need for You.

In light of this awesome responsibility, we come before You.

Give us, we pray, the humility to discern clearly Your path and Your heart for the benefit of all mankind. Show us clearly the difference between right and wrong and allow all our words and actions to be governed by your wisdom and our commitment to those who look to us to lead and to prosper this great state.

Give us a spirit of cooperation and unity so that we may responsibly fulfill the task you have ordained for us with the authority given to us and the resources that have been entrusted to us.

May all the decisions we make today be done with a right heart. May we confidently stand before one another, those who elected us, and our own families knowing that we have served them and sought to do what is best in Your eyes. Ultimately, may we collectively stand before you with a clean conscience, knowing we have been faithful to our calling as Senators and bearers of your image on this Earth.

It is in Your name we pray, Amen

EXHIBIT B

2007 Vetoed Senate Bills

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 2 - *State Employees Rights and Protections Act of 2007.*

This bill requires the Secretary of Budget and Management to designate specified positions in State government as special appointment positions. It clarifies that at-will State employees cannot be terminated for any reason that is illegal or unconstitutional. Under the bill, all executive branch employees must be notified of their position classification and associated rights every six months. Finally, the bill requires the Department of Legislative Services to study at-will employment and make recommendations for legislation and administrative changes to the State's personnel systems.

House Bill 162, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 2.

Sincerely,

Martin O'Malley
Governor

Senate Bill 2

AN ACT concerning

State Employees' Rights and Protections Act of 2007

FOR the purpose of requiring the Secretary of Budget and Management to designate certain positions in State government as special appointment positions based on certain criteria; requiring the Secretary to provide certain information on special appointments; providing that certain personnel actions regarding certain special appointments in State government be made under certain circumstances; providing a certain exception; <u>providing that certain special appointment positions may be filled with regard to certain criteria;</u> extending current provisions to require special appointees in the

skilled, professional, and management services to be given a certain written job description and an annual performance evaluation; ~~clarifying that certain disciplinary appeals by certain employees may only be based on the grounds that an action is arbitrary or capricious;~~ clarifying that only employees in the executive or management services or under a special appointment in the State Personnel Management System may be terminated for any reason that is not illegal or unconstitutional, solely within the discretion of the employee's appointing authority; providing that certain employees may not be terminated under certain circumstances; ~~providing that terminated management service employees be given the reason for a termination in writing; allowing a court to allow certain fees and costs as a result of an action by certain employees;~~ requiring the Secretary of Transportation to designate certain positions in the Human Resources Management System that must be filled without regard to certain criteria and that may be filled with regard to certain criteria; requiring the Secretary of Transportation to report certain information to the Governor and the General Assembly on an annual basis; requiring the Department of Legislative Services, with assistance from the Department of Budget and Management, *the Department of Transportation*, and certain labor organizations, to undertake a review of the current State Personnel Management System and other State laws, and the extent to which changes to the laws may be needed particularly with respect to at–will and special appointment positions; requiring the Secretary of Budget and Management to develop certain processes through regulation for notifying certain employees of a certain status; requiring the Chancellor of the University System of Maryland and the Presidents of Morgan State University, St. Mary's College of Maryland, and Baltimore City Community College to identify certain nonmerit and at–will positions in certain personnel systems and report certain information to the Governor and the General Assembly on an annual basis; and generally relating to State personnel in the Executive Branch of State government.

BY repealing and reenacting, without amendments,
Article – State Personnel and Pensions
Section 1–101(c) and 11–113
Annotated Code of Maryland
(2004 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 4–201, 4–302, 5–208, 6–405, 7–102, 7–501, ~~11–113,~~ and 11–305
Annotated Code of Maryland
(2004 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 2–103.4(b)
Annotated Code of Maryland

(2001 Replacement Volume and 2006 Supplement)

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 58 - *Study Commission to Explore the Expanded Application of State Stipends for National Certification of Teachers.*

This bill establishes a Study Commission to Explore the Expanded Application of State Stipends for National Certification of Teachers to assess the rigors of national certification for speech-language pathologists, occupational therapists, school psychologists, physical therapists, school counselors, and other school system personnel, as compared to national teacher certification from the National Board for Professional Teaching Standards. The commission shall make recommendations regarding whether the stipends for national teacher certification should be expanded to include the professions listed above.

House Bill 274, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 58.

Sincerely,

Martin O'Malley
Governor

Senate Bill 58

AN ACT concerning

Study Commission to Explore the Expanded Application of State Stipends for National Certification of Teachers

FOR the purpose of establishing a Study Commission to Explore the Expanded Application of State Stipends for National Certification of Teachers; providing for the membership of the Study Commission; requiring the Governor to designate the chair of the Study Commission; requiring the State

Department of Education to provide staff for the Study Commission; providing that a member of the Study Commission may not receive compensation but is entitled to certain reimbursement; requiring the Study Commission to assess the rigor of national certification for certain occupations and determine how these national certifications compare to national teacher certification and make certain recommendations; requiring the Study Commission to report certain findings and recommendations to the Governor and to the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to the expanded application of State stipends for national certification of teachers.

BY repealing and reenacting, without amendments,
Article – Education
Section 6–306(a) and (b)(2)
Annotated Code of Maryland
(2006 Replacement Volume)

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 62 - *Somerset County - County Commissioners and Members of the County Roads Board - Salaries.*

This bill increases the salaries of the County Commissioners for Somerset County and the members of the County Roads Board of Somerset County. It also establishes a salary for the President of the County Commissioners for Somerset County and the President of the County Roads Board and provides that the Act does not apply to the salary or compensation of the incumbent County Commissioners, President of the County Commissioners, members of the County Roads Board, or President of the County Roads Board.

House Bill 13, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 62.

Sincerely,

Martin O'Malley
Governor

Senate Bill 62

AN ACT concerning

Somerset County – County Commissioners and Members of the County Roads Board – Salaries

FOR the purpose of increasing the salaries of the County Commissioners for Somerset County and the members of the County Roads Board of Somerset County; establishing a salary for the President of the County Commissioners for Somerset County and the President of the County Roads Board; providing that this Act does not apply to the salary or compensation of the incumbent County Commissioners, President of the County Commissioners, members of the County Roads Board, or President of the County Roads Board; and generally relating to the salaries of the County Commissioners for Somerset County, the President of the County Commissioners for Somerset County, members of the County Roads Board of Somerset County, and the President of the County Roads Board of Somerset County.

BY repealing and reenacting, with amendments,
The Public Local Laws of Somerset County
Section 2–101 and 9–104(a)
Article 20 – Public Local Laws of Maryland
(2003 Edition and 2006 Supplement, as amended)

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 66 - *Electric Cooperatives - Standard Offer Service Supply Contracts*.

This bill authorizes specified electric cooperatives to supply their standard offer service load through a portfolio of blended wholesale supply contracts of short, medium, and long terms under specified circumstances. The bill also prohibits the

Public Service Commission from setting or enforcing a termination date for the procurement of supply through a specified managed portfolio.

House Bill 60, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 66.

Sincerely,

Martin O'Malley
Governor

Senate Bill 66

AN ACT concerning

Electric Cooperatives – Standard Offer Service Supply Contracts

FOR the purpose of authorizing certain electric cooperatives to supply their standard offer service load through a portfolio of blended wholesale supply contracts of short, medium, and long terms under certain circumstances; prohibiting the Public Service Commission from setting or enforcing a certain termination date for the procurement of certain supply; making this Act an emergency measure; and generally relating to wholesale supply contracts and electric cooperatives.

BY repealing and reenacting, with amendments,
Article – Public Utility Companies
Section 7–510(c)
Annotated Code of Maryland
(1998 Volume and 2006 Supplement)

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 102 - *State Agencies - StateStat.*

This bill establishes a StateStat accountability process to enhance the managing for results process in State government. The bill authorizes the Governor to require agencies to participate in the StateStat process and submit specified strategic plans and performance measurement reports to the Secretary of Budget and Management.

House Bill 137, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 102.

Sincerely,

Martin O'Malley
Governor

Senate Bill 102

AN ACT concerning

State Agencies – StateStat

FOR the purpose of establishing a StateStat accountability process to enhance the managing for results process; authorizing the Governor to require certain agencies to participate in the StateStat process; requiring certain agencies to submit certain strategic plans and performance measurement reports to the Secretary of Budget and Management ~~by a certain date~~ *as part of a certain budget submission*; requiring the performance measurement reports to contain certain information; requiring the budget books to contain certain limited information from the StateStat agency strategic plan of certain units of State government; authorizing the Office of Legislative Audits to include in certain performance audits a review of certain performance measures; defining certain terms; and generally relating to a StateStat accountability process and the managing for results process.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 3–1001 through 3–1003 and 7–121(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, without amendments,
Article – State Government
Section 2–1221(a)
Annotated Code of Maryland
(2004 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,

Article – State Government
Section 2–1221(b)
Annotated Code of Maryland
(2004 Replacement Volume and 2006 Supplement)

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 108 - *Higher Education - Tuition Affordability Act of 2007.*

This bill prohibits University System of Maryland institutions and Morgan State University from increasing resident undergraduate tuition for the 2007-2008 academic year beyond the rates charged in the 2005-2006 academic year.

House Bill 134, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 108.

Sincerely,

Martin O'Malley
Governor

Senate Bill 108

AN ACT concerning

Higher Education – Tuition Affordability Act of 2007

FOR the purpose of prohibiting, for a certain academic year, an increase in the tuition that may be charged to a resident undergraduate student at certain public senior higher education institutions in Maryland; and generally relating to tuition reductions at certain public senior higher education institutions in the State.

BY repealing and reenacting, with amendments,
Article – Education

Section 15–106.5
Annotated Code of Maryland
(2006 Replacement Volume)

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 115 - *Prince George's County - Alcoholic Beverages - Class B-DD (Development District) License.*

This bill creates in Prince George's County a Class B-DD (development district) 7-day beer, wine and liquor license for on-sale consumption, specifies an annual license fee of $2,750, provides that a Class B-DD license may be issued only for restaurants within a specified area, and imposes restrictions on the transfer of a Class B-DD license. The bill also requires the Board of License Commissioners to determine the number of Class B-DD licenses to be issued, the persons to whom they are to be issued, and the number of licenses each recipient may hold.

House Bill 503, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 115.

Sincerely,

Martin O'Malley
Governor

Senate Bill 115

AN ACT concerning

Prince George's County – Alcoholic Beverages – Class B–DD (Development District) License

FOR the purpose of creating in Prince George's County a Class B–DD (development district) 7–day beer, wine and liquor license for on–sale consumption; specifying a certain annual license fee; specifying that a Class B–DD license

be issued only for restaurants within ~~certain areas~~ a certain area; specifying certain restrictions on the transfer of a Class B–DD license; requiring the Board of License Commissioners to determine the number of Class B–DD licenses to be issued, the persons to whom Class B–DD licenses are to be issued**,** and the number of licenses each recipient may hold; authorizing a holder of a Class B–DD license to hold any other alcoholic beverages license; limiting the number of Class B–DD licenses that may be issued in a certain area; limiting the number of Class B–DD licenses that a license holder in a certain area may hold for restaurants in that area; authorizing the Board of License Commissioners to revoke a license to enforce certain provisions; requiring certain restaurants to submit a certain monthly report to the Board of License Commissioners; ~~repealing the provisions that establish a Class B–RD license;~~ exempting holders of Class B–DD licenses from certain qualifications for licensees and restrictions on holding multiple licenses; specifying ~~certain areas, including in~~ the Capital Plaza commercial ~~area,~~ area as the area in which Class B–DD licenses may be issued; ~~repealing certain provisions allowing the holding of certain multiple Class B licenses under certain circumstances;~~ making certain stylistic changes; and generally relating to alcoholic beverages licenses in Prince George's County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 6–201(r)(1)(i) and 9–217(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY adding to
Article 2B – Alcoholic Beverages
Section 6–201(r)(15) and 9–217(f)(7)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

~~BY repealing~~
~~Article 2B – Alcoholic Beverages~~
~~Section 8–1001 and the Subtitle "Subtitle 10. Revitalization Districts"~~
~~Annotated Code of Maryland~~
~~(2005 Replacement Volume and 2006 Supplement)~~

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 9–101(d)(6), 9–102(a), ~~and~~ 9–217(d), (e)(5), and (f)(1)(i), (2), and (5), and 10–401(g)(5)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 118 - *State Board of Nursing - Licensing, Certification, and Reinstatement Requirements.*

This bill makes various changes to the Maryland Nurse Practice Act relating to the revocation, reinstatement, and renewal of licenses and certificates issued by the State Board of Nursing. Changes include requirements for criminal background checks and the scope of permissible activities of nursing students and unlicensed persons working under the supervision of nurses and other health care professionals.

House Bill 315, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 118.

Sincerely,

Martin O'Malley
Governor

Senate Bill 118

AN ACT concerning

State Board of Nursing – Licensing, Certification, and Reinstatement Requirements

FOR the purpose of ~~repealing certain authorization for~~ altering certain supervision provisions concerning the authority of certain unlicensed individuals ~~to perform~~ performing certain acts of registered nursing and licensed practical nursing; requiring the State Board of Nursing to begin a process of requiring certain criminal history records checks as a condition of certain licensure reinstatement and certain certificate reinstatement; altering certain grounds for revoking certain temporary licenses or temporary certificates if a criminal history records check reveals certain information; authorizing the Board to reinstate certain licenses or certain certificates if the licensee or certificate

holder meets certain requirements for reinstatement and submits to a certain criminal history records check; providing that a certain subtitle does not apply to certain individuals who perform certain nursing assistant tasks while enrolled in certain nursing assistant training programs and practicing under certain supervision; requiring certain certified medicine aides and certain certified medication technicians who are renewing certain certificates to provide certain evidence of completion of a certain amount of practice within a certain time period; and generally relating to licensing, certification, and reinstatement requirements for nurses, nursing assistants, medicine aides, and medication technicians.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 8–102, 8–312(g), 8–315(e), 8–319, 8–6A–02, 8–6A–10(e), and 8–705
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, without amendments,
Article – Health Occupations
Section 8–313
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 8–6A–08
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)
(As enacted by Chapter 390 of the Acts of the General Assembly of 2006)

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 143 - *Real Property - Electronic Recording Pilot Program*.

This bill authorizes the Administrative Office of the Courts to establish a pilot program for electronic recording or indexing of deeds and certain other instruments

in land records, to be governed by Maryland Rule 16-307 and funded out of the Circuit Court Real Property Records Improvement Fund.

House Bill 331, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 143.

Sincerely,

Martin O'Malley
Governor

Senate Bill 143

AN ACT concerning

Real Property – Electronic Recording Pilot Program

FOR the purpose of authorizing the Administrative Office of the Courts, in collaboration with the other members of the oversight committee of the Circuit Court Real Property Records Improvement Fund, to establish a pilot program for electronic filing of certain instruments relating to real property; requiring that the pilot program be governed by the Maryland Rules; authorizing the pilot program to waive ~~certain~~ or modify certain methods, procedures, and requirements for recording or indexing; requiring costs of the pilot program to be paid from the Circuit Court Real Property Records Improvement Fund; providing for the validity and effectiveness of certain instruments filed in accordance with the pilot program; providing for the termination of certain provisions of this Act; and generally relating to land records.

BY adding to
Article – Real Property
Section 3–502
Annotated Code of Maryland
(2003 Replacement Volume and 2006 Supplement)

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 147 - *Housing and Community Development - Radium Pilot Grant Program - Sunset Repeal.*

This bill alters the name of the Radium Pilot Grant Program and repeals a termination provision relating to the Program.

House Bill 551, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 147.

Sincerely,

Martin O'Malley
Governor

Senate Bill 147

AN ACT concerning

Housing and Community Development – Radium Pilot Grant Program – Sunset Repeal

FOR the purpose of *altering the name of the Radium Pilot Grant Program;* repealing a certain termination provision relating to the ~~Radium Pilot Grant~~ Program; and generally relating to the Radium Pilot Grant Program.

BY repealing and reenacting, with amendments,
Article – Housing and Community Development
Section 4–1301 and 4–1302
Annotated Code of Maryland
(2006 Volume)

BY repealing and reenacting, without amendments,
Article – Housing and Community Development
Section ~~4–1301~~ *4–1303* through 4–1308
Annotated Code of Maryland
(2006 Volume)

BY repealing and reenacting, without amendments,
Chapter 116 of the Acts of the General Assembly of 2003
Section 2

BY repealing and reenacting, with amendments,
Chapter 116 of the Acts of the General Assembly of 2003

Section 3

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 153 - *Frederick County - Board of Education - Nonvoting Student Member*.

This bill adds a nonvoting student member to the Frederick County Board of Education. It specifies qualifications and procedures for the student member's selection, and establishes the student's roles and responsibilities.

House Bill 179, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 153.

Sincerely,

Martin O'Malley
Governor

Senate Bill 153

AN ACT concerning

Frederick County – Board of Education – Nonvoting Student Member

FOR the purpose of adding a nonvoting student member to the Frederick County Board of Education; requiring the student member to meet certain qualifications; specifying the term of the student member; requiring that the student member advise the County Board on certain matters; prohibiting the student member from attending an executive session of the Board; <u>providing that only voting members of the Board may receive certain compensation;</u> and generally relating to the Frederick County Board of Education.

BY repealing and reenacting, with amendments,
Article – Education

Section 3–5B–01 and 3–5B–04(a)
Annotated Code of Maryland
(2006 Replacement Volume)

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 157 - *Public Safety - Eyewitness Identification - Written Policies.*

This bill requires each law enforcement agency in the State to adopt written policies relating to eyewitness identification that comply with Department of Justice standards by a specified date and to file a copy of the policies with the Department of State Police. The Department will compile the written policies and allow public inspection of each policy compiled.

House Bill 103, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 157.

Sincerely,

Martin O'Malley
Governor

Senate Bill 157

AN ACT concerning

Public Safety – Eyewitness Identification – Written Policies

FOR the purpose of requiring each law enforcement agency in the State to adopt written policies relating to eyewitness identification that comply with certain standards by a certain date; requiring each law enforcement agency to file a copy of a certain policy with the Department of State Police by a certain date; requiring the Department to compile certain policies and allow public inspection of certain policies by a certain date; and generally relating to eyewitness identification in a criminal proceeding.

BY adding to
Article – Public Safety
Section 3–505
Annotated Code of Maryland
(2003 Volume and 2006 Supplement)

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 190 - *Harford County - Alcoholic Beverages - Repeal of Obsolete and Unused Provisions.*

This bill repeals obsolete and unused provisions relating to alcoholic beverage licensing in Harford County.

House Bill 299, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 190.

Sincerely,

Martin O'Malley
Governor

Senate Bill 190

AN ACT concerning

Harford County – Alcoholic Beverages – Repeal of Obsolete and Unused Provisions

FOR the purpose of repealing certain alcoholic beverage provisions for Harford County that are obsolete or no longer used; repealing certain provisions regarding a Class B–4 (seafood restaurant) license, the distance required between a school and a premises licensed for alcoholic beverages, the use of a neighborhood by the Liquor Control Board as a factor in deciding whether to

issue a license, possession of alcoholic beverages brought on the premises of a racetrack in the county, a certain requirement regarding alcoholic beverages inspectors, licenses for racquet clubs and box lacrosse clubs, and the borrowing power of the Board for the benefit of dispensaries; and generally relating to alcoholic beverages in Harford County.

BY repealing
Article 2B – Alcoholic Beverages
Section 5–201(n)(6), 9–213(b)(4) and (7) and (g), 11–513(b)(2), and 12–213(d)(3)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 6–301(n)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 6–301(n)(6), 10–202(a)(2), 15–112(n), and 15–202(b)(2) and (c)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 191 - *Harford County - Liquor Control Board - Salaries*.

This bill alters the annual salaries of the Chairman and regular members of the Harford County Liquor Control Board. The bill also provides that the Act does not apply to the salary or compensation of the incumbent Chairman or regular members of the Board.

House Bill 296, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 191.

Sincerely,

Martin O'Malley
Governor

Senate Bill 191

AN ACT concerning

Harford County – Liquor Control Board – Salaries

FOR the purpose of altering the annual salaries of the Chairman and regular members of the Harford County Liquor Control Board; providing that this Act does not apply to the salary or compensation of the incumbent Chairman or regular members of the Board; and generally relating to the Harford County Liquor Control Board.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 15–201(h)(2)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 201 - *Somerset County - Alcoholic Beverages - License Fees*.

This bill increases the annual fees for all retail alcoholic beverages licenses in Somerset County.

House Bill 121, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 201.

Sincerely,

Martin O'Malley
Governor

Senate Bill 201

AN ACT concerning

Somerset County – Alcoholic Beverages – License Fees

FOR the purpose of increasing by a certain amount the annual fees for all retail alcoholic beverages licenses in Somerset County; and generally relating to alcoholic beverages in Somerset County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 3–101(u), 3–201(u), 3–301(u), 3–401(u), 4–201(b)(6), 5–101(u), 5–201(u), 5–301(u), 5–401(u), 6–201(u)(2), 6–301(u)(2), 6–401(u), 7–101(s)(5), and 8–312(f)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 3–201(a)(1), 3–301(a)(1), 3–401(a)(1), 4–201(a)(15), 5–201(a)(1), 5–301(a)(1), 5–401(a)(1), 6–201(a)(1) and (u)(1), 6–301(a)(1) and (u)(1), 6–401(a)(1), 7–101(s)(1), and 8–312(a) and (b)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 203 - *Maryland Consolidated Capital Bond Loan of 2005 - Wicomico County - Salisbury Area Chamber of Commerce.*

This bill amends the Maryland Consolidated Capital Bond Loan of 2005 to authorize the Board of Directors of the Salisbury Area Chamber of Commerce, Inc. to include funds expended on or after a specified date in the matching fund and to authorize the matching fund to include real property, and this bill extends the deadline by which the grantee is required to present evidence to the Board of Public Works that a matching fund will be provided.

House Bill 1311, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 203.

Sincerely,

Martin O'Malley
Governor

Senate Bill 203

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2005 – Wicomico County – Salisbury Area Chamber of Commerce

FOR the purpose of amending the Maryland Consolidated Capital Bond Loan of 2005 *to authorize the Board of Directors of the Salisbury Area Chamber of Commerce, Inc. to include funds expended on or after a certain date in the matching fund and* to authorize the matching fund to include real property; extending the deadline by which the grantee is required to present evidence to the Board of Public Works that a matching fund will be provided; and generally relating to the Maryland Consolidated Capital Bond Loan of 2005 and the Salisbury Area Chamber of Commerce.

BY repealing and reenacting, with amendments,
Chapter 445 of the Acts of the General Assembly of 2005
Section 1(3) Item ZA01 (BR)

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House

Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 224 - *Baltimore City - Property Tax Credit for Newly Constructed Dwellings.*

This bill extends the termination date of the Baltimore City property tax credit for newly constructed dwellings from June 30, 2007 to June 30, 2009. The credit is 50% for the first taxable year and decreases 10% each year until it expires after the fifth year.

House Bill 251, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 224.

Sincerely,

Martin O'Malley
Governor

Senate Bill 224

AN ACT concerning

Baltimore City – Property Tax Credit for Newly Constructed Dwellings

FOR the purpose of altering the termination date applicable to certain provisions authorizing the Mayor and City Council of Baltimore City to grant, by law, a property tax credit against the local property tax imposed on certain newly constructed dwellings under certain circumstances; and generally relating to property tax credits for newly constructed dwellings in Baltimore City.

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 9–304(d)
Annotated Code of Maryland
(2001 Replacement Volume and 2006 Supplement)

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate

State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 247 - *Prince George's County - Board of License Commissioners - Attorney Compensation*.

This bill requires the County Council of Prince George's County to pay the attorney for the Board of License Commissioners specified legal fees approved by the Board but not paid in prior fiscal years. The bill also requires the Board to establish the rate for the fees and specifies that the salary of and any additional compensation for legal fees for the attorney for the Board be included in the annual budget.

House Bill 492, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 247.

Sincerely,

Martin O'Malley
Governor

Senate Bill 247

AN ACT concerning

Prince George's County – Board of License Commissioners – Attorney Compensation

FOR the purpose of requiring the County Council of Prince George's County to pay the attorney for the Board of License Commissioners of Prince George's County certain legal fees for representing the Board in court; requiring the Board to establish the rate for those fees; specifying that the salary of and certain additional compensation for the attorney for the Board be included in the annual budget; making certain stylistic changes; and generally relating to the Board of License Commissioners of Prince George's County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 15–109(r)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages

Section 15–109(r)(5) and (6)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 278 - *Baltimore City - Housing Authority - Continued Occupancy by Family Member on Death of Tenant.*

This bill alters the circumstances under which an individual who is the surviving spouse or other immediate family member of a deceased tenant of housing assisted under a program administered by the Housing Authority of Baltimore City and who occupied the premises at the time of the tenant's death may be considered eligible to enter into a lease for continued occupancy. The bill authorizes the Authority to initiate legal proceedings no earlier than a specified time to evict an occupant who does not satisfy specified conditions.

House Bill 762, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 278.

Sincerely,

Martin O'Malley
Governor

Senate Bill 278

AN ACT concerning

Baltimore City – Housing Authority – Continued Occupancy by Family Member on Death of Tenant

FOR the purpose of altering the circumstances under which an individual who is the surviving spouse or other immediate family member of a deceased tenant of housing assisted under a program administered by the Housing Authority

of Baltimore City and who occupied the premises at the time of the tenant's death may be considered eligible to enter into a lease for continued occupancy; authorizing the Authority to initiate legal proceedings no earlier than a certain time to evict a certain occupant who does not satisfy certain conditions for continued occupancy of the premises; and generally relating to the Housing Authority of Baltimore City.

BY repealing and reenacting, with amendments,
The Public Local Laws of Baltimore City
Section 9–8
Article 4 – Public Local Laws of Maryland
(1979 Edition and 1997 Supplement, and 2000 Supplement, as amended)

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 281 - *Mental Health - Incarcerated Individuals with Mental Illness*.

This bill authorizes up to $425,000 in funds remaining from the Senior Prescription Drug Program that have accrued to the account of the Senior Prescription Drug Assistance Program of the Maryland Health Insurance Plan Fund to be transferred and appropriated to the Department of Health and Mental Hygiene for a grant to the Maryland MedBank Program.

House Bill 1004, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 281.

Sincerely,

Martin O'Malley
Governor

Senate Bill 281

AN ACT concerning

~~**Department of Health and Mental Hygiene – Family Health Administration**~~
– Maryland Medbank Program ***– Funding***

FOR the purpose of ~~transferring the Maryland Medbank Program to the Family Health Administration within the Department of Health and Mental Hygiene~~ *authorizing certain funds to be transferred and appropriated to the Department of Health and Mental Hygiene in a certain fiscal year for a certain purpose*; and generally relating to *funding for* the Maryland Medbank Program.

BY ~~renumbering~~ *repealing and reenacting, without amendments,*
Article – Health – General
Section 15–124.2
~~to be Section 13–2501~~
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

~~BY repealing and reenacting, with amendments,~~
~~Article – Health – General~~
~~Section 13–2501 to be under the new subtitle "Subtitle 25. Maryland Medbank Program"~~
~~Annotated Code of Maryland~~
~~(2005 Replacement Volume and 2006 Supplement)~~
~~(As enacted by Section 1 of this Act)~~

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 299 - *Expungement - Civil Offenses or Infractions.*

This bill provides for the expungement of court, police, and other governmental records concerning specified civil offenses or infractions under specified circumstances. The bill also allows the retroactive application of the Act.

House Bill 278, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 299.

Sincerely,

Martin O'Malley
Governor

Senate Bill 299

AN ACT concerning

Expungement – Civil Offenses or Infractions

FOR the purpose of providing for expungement of court, police, and other governmental records concerning certain civil offenses or infractions under certain circumstances; providing for the application of this Act; and generally relating to expungement of court, police, and other governmental records concerning certain civil offenses or infractions under certain circumstances.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 10–101(c)(1) and (h) and 10–105(a)
Annotated Code of Maryland
(2001 Volume and 2006 Supplement)

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 303 - *Motor Carrier Transportation Contracts - Indemnity Agreements Void*.

This bill provides that specified indemnity agreements in motor carrier transportation contracts that purport to indemnify the promisee against specified liability resulting from specified conduct by the promisee are against public policy and are void and unenforceable.

House Bill 898, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 303.

Sincerely,

Martin O'Malley
Governor

Senate Bill 303

AN ACT concerning

Motor Carrier Transportation Contracts – Indemnity Agreements Void

FOR the purpose of providing that certain indemnity agreements, collateral to, or affecting certain motor carrier transportation contracts that purport to indemnify the promisee against certain liability resulting from certain conduct by the promisee are against public policy and are void and unenforceable; defining certain terms; and generally relating to certain indemnity agreements in certain motor carrier transportation contracts.

BY repealing and reenacting, without amendments,
Article – Transportation
Section 11–134.2
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 5–401
Annotated Code of Maryland
(2006 Replacement Volume)

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 304 - *State Retirement and Pension System - Military Service that Interrupts State Service - Calculation.*

This bill provides that when military service interrupts State service, members of a state or local retirement or pension system receive specified service credit applied toward their retirement allowance using the accrual rate in effect at the time of the member's retirement from the State system.

House Bill 1406, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 304.

Sincerely,

Martin O'Malley
Governor

Senate Bill 304

AN ACT concerning

State Retirement and Pension System – Military Service that Interrupts State Service – Calculation

FOR the purpose of providing that certain military service that members receive is applied toward their retirement allowance using a certain accrual rate; and generally relating to the calculation of military service that interrupts State service.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 38–103
Annotated Code of Maryland
(2004 Replacement Volume and 2006 Supplement)

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 318 - *Maryland Small Business Development Financing Authority - Financing Limitations.*

This bill alters limitations on lending, guarantees, and equity participation financing by the Maryland Small Business Development Financing Authority in specified transactions. It alters the maximum amount of a loan guarantee that the Authority may make using the Contract Financing Fund and alters the maximum amount of a loan guarantee that the Authority may make using the Guaranty Fund.

House Bill 989, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 318.

Sincerely,

Martin O'Malley
Governor

Senate Bill 318

AN ACT concerning

Maryland Small Business Development Financing Authority – Financing Limitations

FOR the purpose of altering certain limitations on lending, guarantees, and equity participation financing by the Maryland Small Business Development Financing Authority in certain transactions; altering the maximum amount of a loan guarantee that the Authority may make using the Contract Financing Fund; altering the maximum amount of a loan guarantee that the Authority may make using the Guaranty Fund; altering the scope of contracts for which the Authority may act as a surety and guarantee losses incurred by certain sureties under the Small Business Surety Bond Program and certain limitations; altering certain limitations on the amount of equity and investment that the Authority may own in certain businesses and franchises under the equity participation financing program; altering certain limitations on the qualifications of certain enterprises and principals seeking to acquire certain existing businesses in connection with equity participation financing provided by the Authority; requiring that certain reports include a certain evaluation; requiring that the Authority submit certain reports to certain committees of the General Assembly; providing for the effective date of certain provisions of this Act; and generally relating to the Maryland Small Business Development Financing Authority.

BY repealing and reenacting, with amendments,

Article 83A – Department of Business and Economic Development
Section 5–1022(a), 5–1024(a), 5–1029(a), 5–1035(a) and (d)(1), and 5–1046
Annotated Code of Maryland
(2003 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article 83A – Department of Business and Economic Development
Section 5–1035(a)
Annotated Code of Maryland
(2003 Replacement Volume and 2006 Supplement)
(As enacted by Section 1 of this Act)

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 326 - *Cecil County - Bridge or Road Construction or Repair Contracts*.

This bill alters the threshold amount of specified expenditures that are required to be made by competitively bid contracts in Cecil County; and repealing a limitation on the amount of specified contracts that a contractor may be awarded during a 2-month period.

House Bill 907, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 326.

Sincerely,

Martin O'Malley
Governor

Senate Bill 326

AN ACT concerning

Cecil County – Bridge or Road Construction or Repair Contracts

FOR the purpose of altering the threshold amount of certain expenditures that are required to be made by competitively bid contracts in Cecil County; repealing a limitation on the amount of certain contracts that a contractor may be awarded during a certain period; and generally relating to bridge or road construction or repair contracts in Cecil County.

BY repealing and reenacting, with amendments,
Article 25 – County Commissioners
Section 37A
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 348 - *Child Fatality Review Teams - Access and Disclosure of Information*.

This bill authorizes a local child fatality review team to investigate the information and records of a child convicted of a crime or adjudicated as having committed a delinquent act that caused the death or near fatality of another child. It requires State and local government agencies and health care providers to provide such information and records upon request by the team. The bill also prohibits the disclosure in a public meeting of any information that identifies an alleged child perpetrator of a death or near fatality.

House Bill 1071, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 348.

Sincerely,

Martin O'Malley
Governor

AN ACT concerning

Child Fatality Review Teams – Access and Disclosure of Information

FOR the purpose of authorizing a certain local team to investigate certain information and records; requiring that a certain local team be immediately provided access to certain information and records maintained by a health care provider regarding a child *convicted of a crime or* ~~convicted of a crime~~ adjudicated as having committed a delinquent act that caused a certain death or fatality; requiring that a certain local team be immediately provided access to all information and records maintained by any State or local government agency that provided services to a certain child or family; prohibiting the identification of a child *convicted of a crime or* ~~convicted of a crime~~ adjudicated as having committed a delinquent act that caused a certain death or fatality during certain public meetings; prohibiting the disclosure of information regarding the involvement of any agency with certain individuals during certain public meetings; and generally relating to access and disclosure of information by child fatality review teams.

BY repealing and reenacting, with amendments,
Article – Health – General
Section ~~5–707~~ 5–706, 5–707, and 5–708
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 374 - *Worcester County - Sheriff's Office - Personnel Policies.*

This bill establishes a minimum annual salary of $85,000 for the Sheriff of Worcester County and authorizes the Sheriff to appoint specified employees. Furthermore, the bill requires the County Commissioners of Worcester County to pay specified expenses of the Sheriff's Office. Finally, it is established that the chief deputy sheriff serves at the pleasure of the Sheriff and upon removal will revert to their prior held position within the Sheriff's office.

House Bill 323, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 374.

Sincerely,

Martin O'Malley
Governor

Senate Bill 374

AN ACT concerning

Worcester County – Sheriff's Office – Personnel Policies

FOR the purpose of establishing a certain minimum annual salary for the Sheriff of Worcester County; authorizing the Sheriff to appoint certain employees; requiring the County Commissioners of Worcester County to pay certain expenses of the Sheriff's Office; providing that the chief deputy sheriff serves at the pleasure of the Sheriff; requiring that a certain person who serves as chief deputy sheriff revert to a certain status upon removal; providing that certain personnel rules and regulations of Worcester County apply to certain employees of the Sheriff's Office, authorizing the Sheriff to adopt certain rules for employees of the Sheriff's Office; providing that certain employees of the Sheriff's Office may be disciplined or terminated for cause only in accordance with certain policies; requiring that certain employees of the Sheriff's Office be reappointed at certain times; authorizing the County Commissioners to provide certain support to the Sheriff relating to personnel matters; granting the Sheriff control over the employees of the Sheriff's Office, subject to certain limitations; providing that this Act does not apply to the salary or compensation of the incumbent Sheriff of Worcester County; and generally relating to the personnel policies of the Sheriff's Office of Worcester County.

BY repealing
Article – Courts and Judicial Proceedings
Section 2–309(y)
Annotated Code of Maryland
(2006 Replacement Volume)

BY adding to
Article – Courts and Judicial Proceedings
Section 2–309(y)
Annotated Code of Maryland
(2006 Replacement Volume)

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 376 - *Baltimore County - Election Law - Compensation for Election Judges*.

This bill alters the compensation for chief election judges and other election judges in Baltimore County.

House Bill 181, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 376.

Sincerely,

Martin O'Malley
Governor

Senate Bill 376

AN ACT concerning

Baltimore County – Election Law – ~~Assistant Chief Election Judge~~ Compensation for Election Judges

FOR the purpose of ~~creating the position of assistant chief election judge in Baltimore County; specifying the amount of the compensation for assistant chief election judges;~~ altering the compensation for chief election judges and other election judges in Baltimore County; and generally relating to election judges in Baltimore County.

BY repealing and reenacting, with amendments,
Article – Election Law
Section ~~10–203 and~~ 10–205(b)(3)
Annotated Code of Maryland
(2003 Volume and 2006 Supplement)

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 388 - *Baltimore County – Todd's Inheritance Loan of 2000.*

This bill amends Chapter 409 of the Acts of 2000 to require that specified loan proceeds be encumbered by the Board of Public Works or expended for specified purposes by June 1, 2009.

House Bill 335, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 388.

Sincerely,

Martin O'Malley
Governor

Senate Bill 388

AN ACT concerning

Baltimore County – Todd's Inheritance Loan of 2000

FOR the purpose of ~~extending the deadline by which the County Council and County Executive of Baltimore County must present evidence to the Board of Public Works that a matching fund will be provided~~ *amending Chapter 409 of the Acts of 2000 to require that certain loan proceeds be encumbered by the Board of Public Works or expended for certain purposes by a certain date*.

BY repealing and reenacting, without amendments,
Chapter 409 of the Acts of the General Assembly of 2000
Section 1(1) *and (5)*

~~BY repealing and reenacting, with amendments,~~
~~Chapter 409 of the Acts of the General Assembly of 2000~~
~~Section 1(5)~~

BY adding to
Chapter 409 of the Acts of the General Assembly of 2000
Section 1(6)

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 390 - *Prince George's County - Special Taxing Districts.*

This bill authorizes Prince George's County to use specified special taxing district and tax increment financing authority to provide financing, refinancing, or reimbursement for the costs of renovation, rehabilitation, and repair of existing buildings, building systems, and components for existing residential condominiums designated as workforce housing.

House Bill 622, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 390.

Sincerely,

Martin O'Malley
Governor

Senate Bill 390

AN ACT concerning

Prince George's County – Special Taxing Districts

FOR the purpose of altering the definition of "cost" for purposes of certain authority for Prince George's County to establish certain special taxing districts, issue certain bonds, and levy certain taxes; authorizing Prince George's County to exercise certain authority to provide financing, refinancing, or reimbursement for the costs of certain renovation, rehabilitation, and repair; and generally relating to certain authority for Prince George's County to

establish certain special taxing districts, issue certain bonds, and levy certain taxes.

BY repealing and reenacting, with amendments,
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 9–1301(a) and (c)(5)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
The Public Local Laws of Prince George's County
Section 10–269(a)(3) and (b)
Article 17 – Public Local Laws of Maryland
(2003 Edition, as amended)

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 397 - *Ground Rents - Conversion of Irredeemable Ground Rents.*

This bill authorizes the conversion of an irredeemable ground rent to a redeemable ground rent unless a notice of intention to preserve irredeemability is recorded in the land records on or before December 31, 2010.

House Bill 452, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 397.

Sincerely,

Martin O'Malley
Governor

Senate Bill 397

AN ACT concerning

Ground Rents – Conversion of Irredeemable Ground Rents

FOR the purpose of providing for the conversion of an irredeemable ground rent to a redeemable ground rent unless a notice of intention to preserve irredeemability is recorded within a certain period of time; providing that a disability or lack of knowledge does not prevent the conversion of an irredeemable ground rent if a notice of intention to preserve irredeemability is not recorded within a certain period of time; authorizing certain persons to file a notice in the land records of the county where the land is located; requiring a notice to be executed in a certain manner and to contain certain information; requiring a notice that meets certain requirements to be accepted for recording on payment of certain fees; exempting a notice from certain taxes; providing for the indexing of notices; requiring notices to be filed on or before a certain date; providing that a ground rent becomes redeemable if a notice is not recorded on or before a certain date; establishing the period of effectiveness of a filed notice; providing for the filing of renewal notices and the extension of the period of effectiveness of a filed notice; establishing the sum for which a converted ground rent may be redeemed; defining certain terms; and generally relating to the conversion of irredeemable ground rents.

BY adding to
Article – Real Property
Section 8–110.1
Annotated Code of Maryland
(2003 Replacement Volume and 2006 Supplement)

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 427 - *Health Insurance - Authorization of Additional Products and Small Group Administrative Discounts and Study*.

This bill authorizes insurers and nonprofit health service plans to offer certain preferred provider insurance policies that condition payment of benefits on the use of preferred providers. Provider panels must comply with specified regulations, and the policies cannot restrict payment for covered services provided by nonpreferred

providers for emergency services, an unforeseen illness, injury, or condition requiring immediate care, or as otherwise specified under law. Insurers and nonprofit health service plans must provide the inclusion of preferred and nonpreferred providers as an optional benefit, and they must disclose the availability of this option.

House Bill 579, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 427.

Sincerely,

Martin O'Malley
Governor

Senate Bill 427

AN ACT concerning

Health Insurance – Authorization of Additional Products and Small Group Administrative Discounts and Study

FOR the purpose of ~~making certain provisions of this Act applicable to health maintenance organizations; providing that certain insurance policies may provide for payment of services rendered by certain providers; requiring an insurer to establish payment in a certain manner under certain circumstances; requiring a certain policy to allow direct access to specialists;~~ providing that the Maryland Insurance Commissioner may authorize certain health insurance carriers to offer a preferred provider insurance policy that conditions the payment of benefits on the use of preferred providers if the health insurance carrier meets certain requirements; requiring certain insurers and nonprofit health service plans to offer an option to include preferred and nonpreferred providers as an additional benefit under certain circumstances; requiring certain insurers and nonprofit health service plans to provide certain disclosures under certain circumstances; authorizing certain entities to require a certain individual to pay a certain premium under certain circumstances; ~~providing that certain provisions of law do not apply to a small employer under certain circumstances; requiring a small employer to provide a certain certification under certain circumstances; authorizing a health insurance carrier to offer a certain plan under certain circumstances;~~ requiring certain carriers that use a provider panel and offer a certain preferred provider insurance policy to adhere to certain standards; authorizing a carrier to offer a certain administrative discount to a small employer under certain circumstances; ~~providing for the intent of the General Assembly; authorizing a carrier to offer a certain policy to certain employees; specifying what a certain policy may exclude~~ providing that a limited benefit

group health insurance contract may be issued only by an insurer or nonprofit health service plan to an employer to provide health coverage only for certain employees; authorizing certain health insurance carriers to condition the sale of certain contracts on an employer taking certain actions; requiring ~~a carrier~~ certain health insurance carriers to make a certain disclosure under certain circumstances; requiring the Maryland Health Care Commission to conduct a certain study and report to certain committees of the General Assembly on or before a certain date; defining certain terms; and generally relating to the authorization of additional health insurance products and discounts.

~~BY adding to~~
~~Article – Health – General~~
~~Section 19–706(jjj)~~
~~Annotated Code of Maryland~~
~~(2005 Replacement Volume and 2006 Supplement)~~

BY repealing and reenacting, without amendments,
Article – Insurance
Section 14–201 through 14–204
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section ~~14–205, 15–1202, 15–1204,~~ 15–112(b)(1) and 15–1205
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)

BY adding to
Article – Insurance
Section ~~14–205.1; and 15–1701 through 15–1703 to be under the new subtitle "Subtitle 17. Health Insurance Coverage for Part–Time, Seasonal, and Temporary Employees"~~ 14–205.1 and 15–1104
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 432 - *Baltimore County - Arbutus Community Center Loan of 2000*.

This bill extends the deadline by which the County Executive and County Council of Baltimore County must present evidence to the Board of Public Works that a matching fund will be provided.

House Bill 429, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 432.

Sincerely,

Martin O'Malley
Governor

Senate Bill 432

AN ACT concerning

Baltimore County – Arbutus Community Center Loan of 2000

FOR the purpose of extending the deadline by which the County Executive and County Council of Baltimore County must present evidence to the Board of Public Works that a matching fund will be provided.

BY repealing and reenacting, without amendments,
Chapter 317 of the Acts of the General Assembly of 2000, as amended by Chapter 168 of the Acts of the General Assembly of 2002 and Chapter 149 of the Acts of the General Assembly of 2004
Section 1(1)

BY repealing and reenacting, with amendments,
Chapter 317 of the Acts of the General Assembly of 2000, as amended by Chapter 168 of the Acts of the General Assembly of 2002 and Chapter 149 of the Acts of the General Assembly of 2004
Section 1(5)

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.

President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 441 - *Tri-County Council for the Lower Eastern Shore of Maryland -Membership.*

This bill alters the membership of the Tri-County Council for the Lower Eastern Shore of Maryland.

House Bill 303, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 441.

Sincerely,

Martin O'Malley
Governor

Senate Bill 441

AN ACT concerning

Tri–County Council for the Lower Eastern Shore of Maryland – Membership ~~– Immunity~~

FOR the purpose of altering the membership of the Tri–County Council for the Lower Eastern Shore of Maryland; and ~~providing that~~ generally relating to the membership of the Tri–County Council for the Lower Eastern Shore of Maryland ~~is immune from being sued~~.

BY repealing and reenacting, with amendments,
Article 20B – Tri–County Council for the Lower Eastern Shore of Maryland
Section 2–101
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, without amendments,
Article 20B – Tri–County Council for the Lower Eastern Shore of Maryland
Section 2–102
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

~~BY adding to~~
~~Article – Courts and Judicial Proceedings~~

~~Section 5–506.1~~
~~Annotated Code of Maryland~~
~~(2006 Replacement Volume)~~

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 452 - *Dorchester County - Alcoholic Beverages - Class D License.*

This bill authorizes the Board of License Commissioners of Dorchester County to issue a Class D (on-sale) beer, wine and liquor license and specifies a fee for such a license. The bill also specifies that the license be for a specified period and requires that alcoholic beverages sold under the license be consumed only on the licensed premises.

House Bill 62, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 452.

Sincerely,

Martin O'Malley
Governor

Senate Bill 452

AN ACT concerning

Dorchester County – Alcoholic Beverages – Class D License

FOR the purpose of authorizing the Board of License Commissioners of Dorchester County to issue a Class D (on–sale) beer, wine and liquor license; specifying a license fee; specifying that the license is for a certain period; requiring that alcoholic beverages sold under the license be consumed only on the licensed premises; prohibiting an individual under a certain age from being on the licensed premises; providing that only the Board may decide the number of Class D licenses to be issued; requiring the Board to determine whether the

premises for which a Class D license is issued meets certain requirements; requiring the Board to adopt certain regulations; and generally relating to alcoholic beverages licenses in Dorchester County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 6–401(k)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 9–210
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 453 - *Dorchester County - Alcoholic Beverages - Issuance of Additional Class A Beer Licenses.*

This bill repeals in Dorchester County specified limitations on the types of specified alcoholic beverages licenses that entitle premises to be issued additional Class A beer licenses. The bill also authorizes the Board of License Commissioners of Dorchester County to limit the number of additional Class A beer licenses that it issues.

House Bill 65, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 453.

Sincerely,

Martin O'Malley
Governor

Senate Bill 453

AN ACT concerning

Dorchester County – Alcoholic Beverages – Issuance of Additional Class A Beer Licenses

FOR the purpose of ~~adding~~ *repealing* in Dorchester County ~~a certain type of~~ *certain limitations on the types of certain* alcoholic beverages ~~license to the types of~~ licenses that entitle premises to be issued additional Class A beer licenses; authorizing the Board of License Commissioners of Dorchester County to limit the number of additional Class A beer licenses that it issues; and generally relating to alcoholic beverages licenses in Dorchester County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 9–102(b–6)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 455 - *Maryland Consolidated Capital Bond Loan of 2005 - Talbot County - Frederick Douglass Memorial.*

This bill amends the Maryland Consolidated Capital Bond Loan of 2005 to extend the deadline by which the Frederick Douglass Memorial Action Coalition may present evidence to the Board of Public Works that a matching fund will be provided and alters the matching fund requirement.

House Bill 105, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 455.

Sincerely,

Martin O'Malley
Governor

Senate Bill 455

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2005 – Talbot County – Frederick Douglass Memorial

FOR the purpose of amending the Maryland Consolidated Capital Bond Loan of 2005 to extend the deadline by which the Frederick Douglass Memorial Action Coalition may present evidence to the Board of Public Works that a matching fund will be provided; and altering the matching fund requirement.

BY repealing and reenacting, with amendments,
Chapter 445 of the Acts of the General Assembly of 2005
Section 1(3) Item ZA01 (BN)

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 458 - *Wicomico County - Alcoholic Beverages - Minimum Seating Capacity for Licensed Restaurants.*

This bill lowers the minimum seating capacity requirement from 75 to 40 persons for restaurants in Wicomico County for which a Class B beer, wine and liquor license is issued.

House Bill 80, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 458.

Sincerely,

Martin O'Malley
Governor

Senate Bill 458

AN ACT concerning

Wicomico County – Alcoholic Beverages – Minimum Seating Capacity for Licensed Restaurants

FOR the purpose of lowering the minimum seating capacity requirement for restaurants in Wicomico County for which a Class B beer, wine and liquor license is issued; and generally relating to alcoholic beverages licenses in Wicomico County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 6–201(a)(1) and (x)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 6–201(x)(2)(iv)1.C.
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 459 - *Alcoholic Beverages - Places of Public Entertainment and Unlicensed Establishments.*

This bill prohibits unlicensed establishments in Caroline County, Dorchester County, Kent County, Queen Anne's County, Somerset County, Talbot County, Wicomico County, or Worcester County from serving alcohol or allowing alcohol to be consumed on the premises.

House Bill 68, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 459.

Sincerely,

Martin O'Malley
Governor

Senate Bill 459

AN ACT concerning

Alcoholic Beverages – Places of Public Entertainment and Unlicensed Establishments

FOR the purpose of prohibiting a person in Caroline County, Dorchester County, Kent County, Queen Anne's County, Somerset County, Talbot County, Wicomico County, or Worcester County from serving or dispensing certain items or serving, dispensing, keeping, or allowing to be consumed alcoholic beverages or other component parts of mixed alcoholic drinks in certain places of public entertainment; prohibiting a person who operates a certain business establishment for profit in certain counties from knowingly allowing customers to bring alcoholic beverages for consumption into the establishment; defining certain terms; establishing certain penalties; and generally relating to alcoholic beverages in places of public entertainment and unlicensed establishments in Caroline County, Dorchester County, Kent County, Queen Anne's County, Somerset County, Talbot County, Wicomico County, and Worcester County.

BY adding to
Article 2B – Alcoholic Beverages
Section 20–103.1, 20–107.1, 20–108.2, 20–110, 20–111, 20–112, and 20–113
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 20–105.1
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 463 - *Maryland Transit Administration - Public Hearings.*

This bill requires the Maryland Transit Administration to hold a public hearing before changing an established bus or rail route alignment, or before establishing or abandoning a rail transit station. The bill also limits the time period during which the Administration may implement a specified change in route alignment and establishes notice requirements.

House Bill 868, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 463.

Sincerely,

Martin O'Malley
Governor

Senate Bill 463

AN ACT concerning

Maryland Transit Administration – Public Hearings

FOR the purpose of requiring, except under certain circumstances, the Maryland Transit Administration to hold a public hearing before changing a <u>certain</u> bus or rail route alignment ~~or bus stop location~~; requiring the Administration to hold a public hearing before establishing or abandoning a rail transit station; limiting the time period during which the Administration may implement a ~~policy~~ <u>certain</u> change ~~on certain matters~~; establishing notice requirements that must be met for a public hearing on ~~certain matters~~ <u>a certain change</u> before the Administration may implement ~~policy changes on those matters~~ <u>the change</u>; requiring a public hearing to be at a certain location and time; <u>requiring the Administration to accept written comments during a certain time period after a public hearing; authorizing the Administration to alter a bus route alignment in a certain manner without holding a public hearing;</u> requiring the People's Counsel ~~to the Public Service Commission~~ to appear at certain hearings called by the Administration; making a stylistic change; and

generally relating to public hearings held by the Maryland Transit Administration.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 7–506
Annotated Code of Maryland
(2001 Replacement Volume and 2006 Supplement)

May 16, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 497- *Disposal of Handguns Owned by a Law Enforcement Agency*.

Senate Bill 497 authorizes law enforcement agencies to dispose of agency owned handguns by selling, exchanging, or transferring the handguns to a manufacturer. Currently, these weapons may only be destroyed or sold to other law enforcement agencies, to retired officers, or to the officer to whom the handgun was issued.

Marylanders are all too familiar with the tragic effects of gun crimes. In my view, current law provides sufficient options for the disposal of law enforcement weapons. Police weapons should not be made potentially available outside of the law enforcement community. Citizens who seek to own a handgun have many options for purchasing those weapons; unneeded police handguns do not have to be added to existing inventories.

Some supporters of the bill argue that it will help local governments save money when purchasing new service weapons. However, a fiscal analysis of the bill revealed little or no impact on the overall finances of police agencies. In any event, significant legislation passed this Session to provide additional funding for local police departments. Senate Bill 130 and House Bill 611, which I will sign tomorrow, improve the State Aid for Police Protection Fund by increasing State funding from $1,800 to $1,950 per sworn officer employed by each qualifying municipality in FY 2009. This will result in an increase in municipal police aid of over $235,000.

For the above stated reasons, I have vetoed Senate Bill 497.

Sincerely,

Martin O'Malley
Governor

Senate Bill 497

AN ACT concerning

Public Safety – Disposal of Handguns Owned by a Law Enforcement Agency

FOR the purpose of authorizing a law enforcement agency to dispose of a handgun owned by the agency by selling, exchanging, or transferring the handgun to a manufacturer; defining a certain term; and generally relating to the disposal of handguns owned by a law enforcement agency.

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 3–501
Annotated Code of Maryland
(2003 Volume and 2006 Supplement)

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 502 - *Commercial Law - Consumer Protection - Vehicle Protection Products Act.*

This bill prohibits a vehicle protection product from being sold or offered for sale in the State unless the seller and the warrantor of the vehicle protection product, and warrantor's administrator, comply with the Act. The bill exempts a seller, warrantor, or administrator that complies with the Act from subject to specified provisions of law and requires a specified warrantor to register with the Division of Consumer Protection of the Office of the Attorney General.

House Bill 449, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 502.

Sincerely,

Martin O'Malley
Governor

Senate Bill 502

AN ACT concerning

Commercial Law – Consumer Protection – Vehicle Protection Products Act

FOR the purpose of prohibiting a vehicle protection product from being sold or offered for sale in the State unless the seller and the warrantor of the vehicle protection product, and the warrantor's administrator, comply with the provisions of this Act; providing that a seller, warrantor, or administrator that complies with this Act is not required to comply with certain provisions of law; requiring a warrantor of a vehicle protection product that is sold or offered for sale in the State to register with the Division of Consumer Protection of the Office of the Attorney General; requiring a registration form to include certain information; requiring a warrantor that registers with the Division to pay a certain registration fee and renewal fee; providing that certain information shall be made available to the public under certain circumstances; requiring a certain warrantor to maintain certain accounts, books, and records for a certain period of time and to make the accounts, books, and records available for inspection by the Division; requiring a certain warrantor to be insured under a certain warranty reimbursement insurance policy or to maintain a certain amount of net worth or stockholders' equity; requiring a warranty reimbursement insurance policy to contain certain provisions; specifying certain contents of a vehicle protection product warranty; authorizing a vehicle protection product warranty to provide for the reimbursement of certain incidental costs; requiring a seller or warrantor of a vehicle protection product to provide a written copy of a vehicle protection product warranty to a purchaser at a certain time; providing that a certain warrantor may negotiate the purchase price of a vehicle protection product warranty; prohibiting a vehicle protection product warrantor from using certain terms in its name, contracts, or literature; authorizing a vehicle protection product warrantor to use a certain term in its name; prohibiting a vehicle protection product seller or warrantor from requiring, as a condition of the sale or financing of a vehicle, that the purchaser of the vehicle buy a vehicle protection product; providing for the resolution of disputes between a vehicle protection product warrantor and a warranty holder; providing that a violation of this Act is an unfair or

deceptive trade practice under the Maryland Consumer Protection Act and is subject to certain enforcement and penalty provisions; establishing a certain short title; defining certain terms; providing for the application of this Act; prohibiting this Act from being interpreted in a certain manner; providing for a delayed effective date; and generally relating to the Vehicle Protection Products Act.

BY adding to
Article – Commercial Law
Section 14–4A–01 through 14–4A–14 to be under the new subtitle "Subtitle 4A. Vehicle Protection Products Act"
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 511 - *Real Property - Sale of Property Encumbered by a Conservation Easement.*

This bill requires a seller of property encumbered by a conservation easement to provide the purchaser a copy of all such easements encumbering the property. The seller must also include in the sales contract a statement with specified information about the conservation easement and the purchaser's rights and responsibilities regarding it. If a seller fails to meet these requirements, the purchaser has the right to rescind the contract. The purchaser must also give notice of the sale to the owner of the conservation easement.

House Bill 465, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 511.

Sincerely,

Martin O'Malley
Governor

Senate Bill 511

AN ACT concerning

Real Property – Sale of Property Encumbered by a Conservation ~~Easements – Notification of Buyers~~ Easement

FOR the purpose of ~~requiring a seller of real property to provide copies of any conservation easements encumbering the property to the buyer within a certain time; requiring a contract for the sale of real property encumbered by a conservation easement~~ establishing that a purchaser has the right to rescind a contract for the sale of property encumbered by a conservation easement if the seller fails to give the purchaser a copy of certain conservation easements within a certain time and the contract of sale fails to contain a certain notice under certain circumstances; requiring the ~~buyer~~ purchaser of certain real property to provide certain notice to the owner of a conservation easement; providing that the seller and ~~buyer~~ purchaser are entitled to rely on a conservation easement recorded in the land records in satisfying certain requirements; ~~providing for certain exceptions;~~ defining certain terms; and generally relating to the sale of real property encumbered by a conservation easement.

BY adding to
Article – Real Property
Section 10–705
Annotated Code of Maryland
(2003 Replacement Volume and 2006 Supplement)

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 552 - *Education - Relocatable Classrooms - Indoor Air Quality Standards.*

This bill requires the Board of Public Works, in consultation with the Department of General Services and the Department of Housing and Community Development, to adopt regulations establishing criteria designed to enhance indoor air quality in

relocatable classrooms that may be purchased or leased with State or local funds. The bill applies only prospectively to relocatable classrooms purchased after the bill's effective date.

House Bill 164, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 552.

Sincerely,

Martin O'Malley
Governor

Senate Bill 552

AN ACT concerning

Education – Relocatable Classrooms – Indoor Air Quality Standards

FOR the purpose of requiring the Board of Public Works, in consultation with the Department of General Services and the Department of Housing and Community Development, to adopt regulations to establish certain standards and specifications to enhance the indoor air quality of certain relocatable classrooms; providing for the application of this Act; and generally relating to regulations governing the indoor air quality of relocatable classrooms.

BY repealing and reenacting, without amendments,
Article – Education
Section 5–301(a)
Annotated Code of Maryland
(2006 Replacement Volume)

~~BY repealing and reenacting, with amendments,~~
~~Article – Education~~
~~Section 5–301(b)~~
~~Annotated Code of Maryland~~
~~(2006 Replacement Volume)~~

BY adding to
Article – Education
Section 5–301(b–1)
Annotated Code of Maryland
(2006 Replacement Volume)

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 557 - *Health Insurance - Credentialing Intermediaries and Uniform Credentialing Form*.

This bill exempts carriers that use specified credentialing intermediaries from the requirement to use the uniform credentialing form, and from certain time frames for credentialing decisions. Such carriers must use a credentialing intermediary that: 1) is a hospital or academic medical center; 2) is a participating provider on the carrier's provider panel; and 3) acts as a credentialing intermediary for that carrier for health care practitioners that participate on the carrier's provider panel and have privileges at the hospital or academic health center.

House Bill 515, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 557.

Sincerely,

Martin O'Malley
Governor

Senate Bill 557

AN ACT concerning

Health Insurance – Credentialing Intermediaries ~~– Exemptions~~ and Uniform Credentialing Form

FOR the purpose of providing that certain carriers are exempt from providing certain information within a certain time frame to a provider under certain circumstances; exempting certain credentialing intermediaries from certain requirements regarding the uniform credentialing form; repealing a requirement that the Insurance Commissioner designate the uniform credentialing form through regulation; authorizing, rather than requiring, the Commissioner to adopt regulations to implement provisions of law relating to credentialing; altering a certain definition; defining a certain term; and generally relating to credentialing intermediaries ~~for health insurance carriers~~ and the uniform credentialing form.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 15–112(a) and (d) and 15–112.1
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)

BY adding to
Article – Insurance
Section 15–112(o)
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 572 - *State Personnel - Collective Bargaining - Use of Employee Information*.

This bill requires the University System of Maryland system institutions, Morgan State University, St. Mary's College of Maryland, and Baltimore City Community College to provide specified employee information to exclusive bargaining representatives. The bill authorizes employees to give a notice to an employer that the employee does not want their information released to the exclusive representative.

House Bill 971, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 572.

Sincerely,

Martin O'Malley
Governor

Senate Bill 572

AN ACT concerning

State Personnel – Collective Bargaining – Use of Employee Information

FOR the purpose of ~~requiring that certain information be delivered to certain exclusive representatives in electronic form; providing that a certain fee may not exceed a certain amount;~~ requiring the University System of Maryland system institutions, Morgan State University, St. Mary's College of Maryland, and Baltimore City Community College to provide certain information to certain exclusive representatives under certain circumstances; requiring certain employers to give certain notice to certain employees at a certain time; authorizing certain employees to give a certain notice to an employer that the employee does not want the employer to provide certain information to an exclusive representative; requiring that certain notices remain in effect until further notice; prohibiting certain exclusive representatives from requesting or receiving certain information under certain circumstances; prohibiting certain exclusive representatives from releasing certain information; providing a certain exception; prohibiting a certain exclusive representative from using certain information for a certain purpose; authorizing a certain exclusive representative to use certain information only for a certain purpose; and generally relating to the use of employee information and collective bargaining for State employees and employees of State institutions of higher education.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section ~~3–208(a) and (f)~~ 3–208(d) and 3–2A–08
Annotated Code of Maryland
(2004 Replacement Volume and 2006 Supplement)

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 573 - *Natural Resources - Forest Conservation - Net Tract Area.*

This bill alters the definition of "net tract area" for forest conservation requirements and forest mitigation bank credits to include specified forested areas

of specified tracts of land partially within 100-year floodplains or wetlands under specified circumstances.

House Bill 588, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 573.

Sincerely,

Martin O'Malley
Governor

Senate Bill 573

AN ACT concerning

Natural Resources – Forest Conservation – Net Tract Area

FOR the purpose of altering the definition of "net tract area" for forest conservation requirements and forest mitigation bank credits to include certain forested areas of <u>certain tracts of land partially within</u> 100–year floodplains or wetlands under certain circumstances; ~~including in the definition of "net tract area" a nontidal wetland, stream buffer, and the forested area of a 100–year floodplain or wetland under certain circumstances;~~ providing for the application of this Act; <u>providing for the termination of this Act;</u> and generally relating to the forest conservation program.

~~BY repealing and reenacting, with amendments,~~
~~Article – Natural Resources~~
~~Section 5–1601(z) and (aa)~~
~~Annotated Code of Maryland~~
~~(2005 Replacement Volume and 2006 Supplement)~~

~~BY repealing and reenacting, without amendments,~~
~~Article – Natural Resources~~
~~Section 5–1601(bb), (ff), and (jj) and 5–1607(c)(1) through (3) and (d)(1) through (4)~~
~~Annotated Code of Maryland~~
~~(2005 Replacement Volume and 2006 Supplement)~~

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate

State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 576 - *Maryland Emergency Management Assistance Compact - Emergency Responders.*

This bill defines the term "emergency responder" for purposes of the Maryland Emergency Management Assistance Compact, and includes in the defined term specified firefighters, emergency medical services providers, rescue squad members, county employees, and law enforcement officers.

House Bill 689, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 576.

Sincerely,

Martin O'Malley
Governor

Senate Bill 576

AN ACT concerning

Maryland Emergency Management Assistance Compact – Emergency Responders

FOR the purpose of ~~providing that certain emergency responders and certain law enforcement officers may be a party to~~ defining the term "emergency responder" for purposes of the Maryland Emergency Management Assistance Compact~~, under certain circumstances; defining certain terms~~; including in the defined term certain firefighters, certain emergency medical services providers, certain rescue squad members, certain county employees, and certain law enforcement officers; and generally relating to the Maryland Emergency Management Assistance Compact.

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 14–801 ~~and 14–802~~
Annotated Code of Maryland
(2003 Volume and 2006 Supplement)

BY repealing and reenacting, without amendments,
Article – Public Safety

Section 14–802
Annotated Code of Maryland
(2003 Volume and 2006 Supplement)

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 579 - *Children with Disabilities - Voluntary Placement Agreements*.

This bill requires the juvenile court, before determining whether a child with a developmental disability or a mental illness is a child in need of assistance, to make a finding as to whether the local department of social services made reasonable efforts to place the child in accordance with a voluntary placement agreement.

House Bill 1226, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 579.

Sincerely,

Martin O'Malley
Governor

Senate Bill 579

AN ACT concerning

Children with Disabilities – Voluntary Placement Agreements

FOR the purpose of requiring the juvenile court to make a certain finding in certain hearings involving a child with a developmental disability or mental illness; authorizing the juvenile court, in making a disposition on a child in need of assistance petition involving a child with a developmental disability or mental illness, to ~~make a certain finding and~~ hold a certain finding in abeyance, require a local department of social services to take certain actions, and hold a certain hearing; requiring each local department of social services

to designate a certain staff person to administer requests for voluntary placement agreements for children with developmental disabilities or mental illnesses; requiring each local department of social services to make a certain annual report to the Social Services Administration; requiring a local department of social services to take certain actions on receipt of a request for a voluntary placement agreement for a child with a developmental disability or mental illness; requiring the Social Services Administration to provide certain training for certain staff who administer requests for voluntary placement agreements; and generally relating to children with disabilities or mental illnesses and voluntary placement agreements.

BY repealing and reenacting, without amendments,
Article – Courts and Judicial Proceedings
Section 3–816.1(a)
Annotated Code of Maryland
(2006 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 3–816.1(b) and 3–819(b)
Annotated Code of Maryland
(2006 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Family Law
Section 5–525(a) and (b)
Annotated Code of Maryland
(2006 Replacement Volume)

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 587 - *District Court - Citations*.

This bill requires the Chief Judge of the District Court to authorize the use of a single document for issuance of specified multiple, separately numbered, citations. The bill requires the Chief Judge of the District Court to delineate the means used

to execute citations by a police officer. Finally, it requires the Chief Judge of the District Court to authorize specified citations to include a summons.

House Bill 459, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 587.

Sincerely,

Martin O'Malley
Governor

Senate Bill 587

AN ACT concerning

District Court – Citations

FOR the purpose of requiring the Chief Judge of the District Court to authorize the use of a single document for issuance of certain multiple, separately numbered, citations; requiring the Chief Judge of the District Court to specify certain means used to execute certain citations by a police officer issuing a citation and by a person to whom a citation is issued; requiring the Chief Judge of the District Court to authorize certain citations to include a summons; allowing a police officer to dispense with the acknowledgment of a person receiving a certain citation containing a summons in accordance with certain regulations; requiring a police officer to execute certain citations under penalties of perjury; providing for notice of certain trial dates; repealing certain references to appearance in court as specified in certain citations; repealing certain requirements as to signatures; authorizing the initial filing electronically of certain citations with the District Court; altering the duty of the District Court with regard to providing certain traffic citation forms; providing for consultation with the Chief Judge of the District Court by the Motor Vehicle Administration with regard to distribution and disposition of certain citation forms; making certain technical and stylistic changes; providing for the effect of this Act on pending citations; and generally relating to certain citations filed with the District Court.

BY repealing and reenacting, without amendments,
Article – Courts and Judicial Proceedings
Section 1–605(d)(4)
Annotated Code of Maryland
(2006 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 1–605(d)(8) and (9)

Annotated Code of Maryland
(2006 Replacement Volume)

BY adding to
Article – Courts and Judicial Proceedings
Section 1–605(d)(9), (10), and (11) and (e)
Annotated Code of Maryland
(2006 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 5–212
Annotated Code of Maryland
(2001 Volume and 2006 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 12–104.1(b)
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 24–304(b), 26–201, 26–203, 26–204, 26–402, 26–407, and 26–409(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 596 - *Discount Medical Plan Organizations and Discount Drug Plan Organizations - Registration and Regulation*.

This bill gives the Maryland Insurance Administration (MIA) authority to regulate medical and pharmacy discount plans. It requires the plans to register with the MIA, allows the MIA to deny or revoke their registration for fraud, misrepresentations, and violation of other prohibitions, and places limitations on

advertising, plan access, payment to medical providers, and termination of plan membership. Various disclosure and notification requirements to plan members are also required. The MIA may conduct examinations of discount plans and impose corrective actions, including cease and desist orders, restitution, and penalties.

House Bill 847, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 596.

Sincerely,

Martin O'Malley
Governor

Senate Bill 596

AN ACT concerning

Discount Medical Plan Organizations and Discount Drug Plan Organizations – Registration and Regulation

FOR the purpose of providing for the regulation by the Maryland Insurance Commissioner of certain discount medical plan organizations and discount drug plan organizations; requiring the registration of certain entities as discount medical plan organizations or discount drug plan organizations; providing for the application and renewal process for registration; authorizing the Commissioner to deny a registration or refuse to renew, suspend, or revoke a registration under certain circumstances; prohibiting certain actions by a discount medical plan organization and discount drug plan organization; requiring certain disclosures to be made by discount medical plan organizations and discount drug plan organizations; requiring certain reimbursement if membership in a discount medical plan or discount drug plan is canceled under certain circumstances; requiring the Commissioner, in consultation with the Office of the Attorney General, to adopt regulations that establish standards for determining a certain fee; requiring ~~that certain information appear on certain discount cards; requiring a certain statement to be included on or attached to certain discount cards~~ each discount medical plan organization and each discount drug plan organization to provide to a plan member a discount card that includes, at a minimum, certain data elements; requiring a discount medical plan organization or discount drug plan organization to reissue a discount card under certain circumstances; authorizing the examination of discount medical plan organizations and discount drug plan organizations under certain circumstances; authorizing the Commissioner to take certain actions to enforce certain provisions of law; providing for certain penalties; providing for the payment of the examinations; requiring an insurer, nonprofit health service plan, health maintenance organization, or dental plan organization to

meet certain requirements; requiring the Commissioner to adopt certain regulations; ~~requiring the Commissioner to review the continued need for a certain requirement and report on the findings of the review to certain committees of the General Assembly on or before a certain date;~~ defining certain terms; providing for the application of this Act; and generally relating to discount medical plan organizations and discount drug plan organizations.

BY adding to
Article – Health – General
Section 19–706(jjj)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 2–208
Annotated Code of Maryland
(2003 Replacement Volume and 2006 Supplement)

BY adding to
Article – Insurance
Section 14–601 through 14–612 to be under the new subtitle "Subtitle 6. Discount Medical Plan Organizations and Discount Drug Plan Organizations"
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 622 - *Ground Rents - Registry of Properties Subject to Ground Leases*.

This bill establishes a central registry of ground leases in the State Department of Assessments and Taxation.

House Bill 580, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 622.

Sincerely,

Martin O'Malley
Governor

Senate Bill 622

AN ACT concerning

Ground Rents – ~~Limitation of Actions –~~ Registry of Properties Subject to Ground Leases

FOR the purpose of authorizing the recordation of a certain ground lease extinguishment certificate under certain circumstances; ~~providing that a ground rent is extinguished if there is no demand or payment for more than a certain number of years of any specific ground rent under certain circumstances;~~ requiring the State Department of Assessments and Taxation to maintain ~~and update regularly on–line registries of landlords and~~ an on–line registry of properties that are subject to ground leases; requiring a ~~landlord~~ ground lease holder ~~to apply~~ to register a ground lease with the Department by submitting a certain registration ~~application~~ form and a certain fee; requiring the Department to register a ground lease under certain circumstances; requiring a ~~landlord~~ ground lease holder to notify the Department of certain information after a ground lease is registered; requiring a ~~landlord~~ ground lease holder ~~to apply~~ to register a ground lease by a certain date; providing for the extinguishment of a ground lease if the ground lease is not registered under certain circumstances; providing for certain considerations and rights if a ground lease is extinguished under certain circumstances; requiring the Department to work with the State Archives for certain purposes regarding ground leases registered under this Act; requiring the Department to credit all fees collected under this Act to a certain fund; requiring the Department to adopt regulations to carry out the provisions of this Act; requiring the Department to publish a certain notice regarding the registration of ground leases; requiring the Department to report to the General Assembly on or before certain dates; requiring the Comptroller of the State to report to the General Assembly on or before a certain date; defining certain terms; providing for the application of certain provisions of this Act; and generally relating to a registry of properties subject to ground ~~rents~~ leases.

BY repealing and reenacting, with amendments,
Article – Real Property
Section 3–102(a) ~~and 8–107~~

Annotated Code of Maryland
(2003 Replacement Volume and 2006 Supplement)

BY adding to
Article – Real Property
Section 8–701 through ~~8–709~~ 8–711 to be under the new subtitle "Subtitle 7. Registry of Ground Leases"
Annotated Code of Maryland
(2003 Replacement Volume and 2006 Supplement)

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 623 - *Ground Rents - Redemption*.

This bill repeals the statutory waiting period for redeeming specified ground rents, and establishes notice requirements about the right to redeem when a ground lease is transferred to a third party and at settlement on a loan secured by property subject to a ground rent.

House Bill 489, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 623.

Sincerely,

Martin O'Malley
Governor

Senate Bill 623

AN ACT concerning

Ground Rents – Redemption

FOR the purpose of repealing a certain waiting period for redeeming certain ground rents; ~~requiring, before a voluntary transfer of a redeemable ground rent to a~~

~~third party, that the landlord give the tenant notice of the tenant's right to redeem the ground rent and offer the tenant the opportunity to exercise the right; requiring the notice to contain certain information and to be given in a certain manner; establishing procedures for the tenant to exercise the right to redeem;~~ requiring the transferee of a ground lease to notify the leasehold tenant of the transfer within a certain period of time after the transfer; requiring the notification to include certain information and to be sent to a certain address; requiring a settlement agent, before settlement of a certain loan, to notify the borrower of the right to redeem a redeemable ground rent and the redemption amount; ~~requiring the Department of Housing and Community Development to study the feasibility of establishing or expanding a certain program to redeem certain ground rents and to report its findings to certain committees;~~ defining certain terms; providing for the application of certain provisions of this Act; and generally relating to ~~encouraging~~ the redemption of existing ground rents.

BY repealing and reenacting, with amendments,
Article – Real Property
Section 8–110
Annotated Code of Maryland
(2003 Replacement Volume and 2006 Supplement)

BY adding to
Article – Real Property
Section ~~8–110.1~~ 14–116.1 and 14–129
Annotated Code of Maryland
(2003 Replacement Volume and 2006 Supplement)

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 657 - *Prince George's County - Board of Education*.

Senate Bill 657 alters the election structure of the Prince George's County Board of Education beginning in 2010 by requiring that each of the nine elected members of the Board reside in, and be elected only by the residents of, designated school board districts. The bill also establishes eligibility criteria for school board members and

new procedures for electing members to fill vacant positions. Furthermore, the bill repeals a mandated external review of the Prince George's County school system.

The Prince George's County Board of Education is currently an elected board consisting of five regional members, four at-large members, and one student member. This board took office on December 4, 2006, following the November 2006 general election. Senate Bill 657 would replace this board in 2010 with nine single-member school board districts. While I have no policy objections to the bill, the Attorney General has informed me in a letter dated May 15, 2007, that in his view, the school board districts proposed under Senate Bill 657 violate the one person/one vote requirement of the Fourteenth Amendment and are unconstitutional. The Attorney General further states in his letter that the unconstitutional election plan is not severable from the remainder of the bill and, therefore, he cannot recommend that the legislation be signed into law.

Based on the Attorney General's opinion alone, I regretfully must veto Senate Bill 657.

Sincerely,

Martin O'Malley
Governor

Senate Bill 657

AN ACT concerning

Prince George's County – Board of Education ~~– Election of Members~~

FOR the purpose of ~~repealing certain provisions of law relating to the composition of certain school districts in Prince George's County; requiring the members of the Prince George's County Board of Education to be elected from certain school board districts; providing for the boundaries of certain school board districts; requiring candidates to live in certain school board districts and be registered voters; requiring candidates for election to the County Board to include a certain petition containing a certain number of signatures with the candidate's certificate of candidacy; providing for the initial terms of the elected members of the County Board; requiring that a vacancy on the County Board be filled by a certain election if the vacancy occurs within a certain time period; requiring that certain vacancies on the County Board remain vacant under certain circumstances; providing that a member whose term expires may not hold over; requiring certain special elections to take place within a certain number of days under certain provisions of law; requiring the term of the chair and vice chair to be a certain number of years; specifying that the State Open Meetings Act applies to any committee or other entity created by the County Board; requiring the County Board or certain entities of the County Board to take certain actions before and after~~

~~an executive session; altering the requirements for a quorum of the County Board; requiring the presence of a certain quorum of the County~~ ~~Board in order for the County Board to take any action; repealing provisions relating to the Shared Space Council in Prince George's County; repealing a certain provision relating to the composition of a committee of the County Board; requiring certain documents and records relating to employment terms and financial compensation of certain officers in a certain school system be public records; repealing certain provisions and altering the title of a certain officer in the Prince George's County school system; and generally relating to the election of members of the Prince George's County Board of Education~~ *repealing certain provisions of law relating to the composition of certain school districts in Prince George's County; requiring the members of the Prince George's County Board of Education to be elected from certain school board districts; providing for the boundaries of certain school board districts; requiring candidates to live in certain school board districts and be registered voters; providing for the initial terms of the elected members of the County Board; requiring that a vacancy on the County Board be filled by a certain election if the vacancy occurs within a certain time period; requiring that certain vacancies on the County Board remain vacant under certain circumstances; requiring certain special elections to take place within a certain number of days under certain provisions of law; requiring that certain special elections be funded by Prince George's County; requiring a certain individual elected to the County Board to serve for the remainder of a certain term and the following term; prohibiting a member of the County Board from holding an office of profit in Prince George's County government; repealing certain provisions relating to public meetings and executive sessions of the County Board; requiring a certain vote of the County Board to pass a motion of the County Board; altering the requirements for a quorum of the County Board; repealing a certain provision relating to the composition of a committee of the County Board; repealing certain provisions relating to the Chief Financial Officer of the county public school system; repealing a certain requirement that the County Board and the Maryland State Department of Education hire a consultant to conduct a comprehensive review of the Prince George's County school system; repealing certain requirements that the County Board and the Maryland State Department of Education conduct certain hearings and prepare certain reports concerning a certain comprehensive review; making stylistic changes; and generally relating to the Prince George's County Board of Education*.

~~BY repealing~~
~~Article – Education~~
~~Section 3–1001, 3–1005, and 3–1008~~
~~Annotated Code of Maryland~~
~~(2006 Replacement Volume)~~

~~BY repealing and reenacting, with amendments,~~
~~Article – Education~~

~~Section 3–1002, 3–1003, 3–1004, 3–1006, and 3–1007~~
~~Annotated Code of Maryland~~
~~(2006 Replacement Volume)~~

~~BY adding to~~
~~Article – Education~~
~~Section 4–401 and 4–402 to be under the new subtitle "Subtitle 4. Prince George's County"~~
~~Annotated Code of Maryland~~
~~(2006 Replacement Volume)~~

BY repealing
Article – Education
Section 3–1001 and 3–1008
Annotated Code of Maryland
(2006 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Education
Section 3–1002 through 3–1007
Annotated Code of Maryland
(2006 Replacement Volume)

BY repealing
Chapter 289 of the Acts of the General Assembly of 2002, as amended by Chapter 344 of the Acts of the General Assembly of 2005
Section 17 and 18

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 662 - *Local Law Enforcement Agencies - Disposal of Personal Property*.

This bill requires local law enforcement agencies to hold personal property that comes into their possession until specified determinations are made, subject to a specified exception and establishes a procedure for local law enforcement agencies

to notify the owner of the property and for the owner of the property to secure the release of the property in a specified manner within 30 days. It also authorizes a local law enforcement agency to sell personal property at public auction after 3 months.

House Bill 1067, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 662.

Sincerely,

Martin O'Malley
Governor

Senate Bill 662

AN ACT concerning

Local Law Enforcement Agencies – Disposal of Personal Property

FOR the purpose of requiring local law enforcement agencies to hold certain personal property that comes into their possession until certain determinations are made, subject to a certain exception; establishing a procedure for local law enforcement agencies to notify the owner of the property and for the owner of the property to secure the release of the property in a certain manner within a certain period of time; authorizing a local law enforcement agency to sell certain personal property in a certain manner after a certain period of time; establishing that the amount received from the sale of personal property shall be distributed in a certain order of priority to certain entities; ~~requiring that a certain remaining amount from the sale of personal property that was in the possession of the Baltimore Police Department be divided equally among certain entities;~~ providing that a person who submits certain proof of the right to possession of the property shall be paid a certain amount under certain circumstances; providing that a certain claim is barred after a certain period of time; providing for the interpretation of this Act; defining a certain term; and generally relating to the disposal of personal property in the possession of local law enforcement agencies.

BY adding to
Article – Public Safety
Section 3–505
Annotated Code of Maryland
(2003 Volume and 2006 Supplement)

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 668 - *Teachers' Retirement System and Teachers' Pension System - Reemployment of Retirees.*

This bill alters the total number of retirees of the Teachers' Retirement System or Teachers' Pension System that school districts may rehire and that are exempt from an earnings offset of a retirement allowance. The bill also broadens criteria under which retired teachers may be rehired to include teachers returning to work in either a low-performing school teaching any subject or class, or any type of school teaching in an area of critical shortage.

House Bill 962, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 668.

Sincerely,

Martin O'Malley
Governor

Senate Bill 668

AN ACT concerning

Teachers' Retirement System and Teachers' Pension ~~Systems~~ System – Reemployment of Retirees

FOR the purpose of ~~exempting, from a certain offset of a retirement allowance,~~ altering the total number of certain retirees of the Teachers' Retirement System or Teachers' Pension System that certain school districts may rehire; altering the criteria ~~that~~ for hiring certain retirees of the Teachers' Retirement System or the Teachers' Pension System ~~are required to meet to be~~ who are exempt from a certain offset of a retirement allowance; and generally relating to the reemployment of retirees ~~of~~ in the Teachers' Retirement System or the Teachers' Pension System.

BY repealing and reenacting, with amendments,

Article – State Personnel and Pensions
Section 22–406 and 23–407
Annotated Code of Maryland
(2004 Replacement Volume and 2006 Supplement)

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 680 - *Cecil County - Public Facilities Bonds.*

This bill authorizes and empowers the County Commissioners of Cecil County to borrow not more than $31,405,000 in order to finance the cost of the construction and improvement of specified public facilities in Cecil County and to effect that borrowing by the issuance and sale at public or private sale of its general obligation bonds.

House Bill 915, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 680.

Sincerely,

Martin O'Malley
Governor

Senate Bill 680

AN ACT concerning

Cecil County – Public Facilities Bonds

FOR the purpose of authorizing and empowering the County Commissioners of Cecil County, from time to time, to borrow not more than $31,405,000 in order to finance the cost of the construction and improvement of certain public facilities in Cecil County and to effect that borrowing by the issuance and sale at public or private sale of its general obligation bonds in like amount; empowering the County to fix and determine, by resolution, the

form, tenor, interest rate or rates or method of determining the same, terms, conditions, maturities, and all other details incident to the issuance and sale of the bonds; empowering the County to issue refunding bonds for the purchase or redemption of bonds in advance of maturity; empowering and directing the County to levy, impose, and collect, annually, ad valorem taxes in rate and amount sufficient to provide funds for the payment of the maturing principal of and interest on the bonds; exempting the bonds and refunding bonds, and the interest thereon and any income derived therefrom, from all State, county, municipal, and other taxation in the State of Maryland; and relating generally to the issuance and sale of the bonds by Cecil County.

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 681 - *Cecil County - Alcoholic Beverages - Caterer's License.*

This bill establishes a caterer's license in Cecil County. The bill also provides for a $100 license fee, qualifications of license holders, license privileges, and requirements for a caterer's license. Finally, the bill provides that specified Class B license holders need not have a caterer's license for catering on the premises for which their license is issued.

House Bill 649, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 681.

Sincerely,

Martin O'Malley
Governor

Senate Bill 681

AN ACT concerning

Cecil County – Alcoholic Beverages – Caterer's License

FOR the purpose of establishing a caterer's license in Cecil County; providing for a license fee, qualifications of license holders, license privileges, and requirements for a caterer's license; specifying that certain license holders need not have a caterer's license for a certain purpose; and generally relating to alcoholic beverages licenses in Cecil County.

BY adding to
Article 2B – Alcoholic Beverages
Section 6–711
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 684 - *Cecil County - Alcoholic Beverages - New Year's Sales.*

This bill extends the hours of sale of alcoholic beverages in Cecil County when December 31 falls on a Sunday to 4 a.m. the following day and extends the hours of sale in a specified way when January 1 falls on a Sunday.

House Bill 658, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 684.

Sincerely,

Martin O'Malley
Governor

Senate Bill 684

AN ACT concerning

Cecil County – Alcoholic Beverages – New Year's Sales

FOR the purpose of altering the hours of sale of alcoholic beverages in Cecil County when December 31 falls on a Sunday; altering the hours of sale when January 1 falls on a Sunday; and generally relating to sales of alcoholic beverages in Cecil County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 11–402(i)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 693 - *HIV Testing - Exposure - Forensic Scientist.*

This bill includes a forensic scientist who works under the direction of a law enforcement agency within the definition of a public safety worker required to test for HIV in the event of a specified exposure.

House Bill 216, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 693.

Sincerely,

Martin O'Malley
Governor

Senate Bill 693

AN ACT concerning

HIV Testing – ~~Prohibited~~ Exposure – ~~Victims~~ Forensic Scientist

FOR the purpose of ~~including a forensic scientist who works under the direction of a law enforcement agency within the list of possible victims of prohibited~~

~~exposure to HIV;~~ including a forensic scientist who works under the direction of a law enforcement agency within the definition of a public safety worker required to test for HIV in the event of a certain exposure; and generally relating to ~~victims of prohibited~~ HIV exposure.

~~BY repealing and reenacting, with amendments,~~
~~Article – Criminal Procedure~~
~~Section 11–107~~
~~Annotated Code of Maryland~~
~~(2001 Volume and 2006 Supplement)~~

BY repealing and reenacting, with amendments,
Article – Health – General
Section 18–338.3(a)(8)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 714 - *Health Insurance - Prohibited Discrimination and Rebates - Incentives for Participation in Wellness Programs and Other Exceptions.*

This bill provides that it is not discrimination or a rebate for a health insurer, nonprofit health service plan, HMO, or dental plan organization (carrier) to provide reasonable incentives to an individual who is an insured, subscriber, or member for participation in a bona fide wellness program offered by the carrier. The bill imposes certain restrictions on a carrier's provision of incentives, including the prohibition that participation in the wellness program be a condition of coverage.

House Bill 157, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 714.

Sincerely,

Martin O'Malley

Governor

Senate Bill 714

AN ACT concerning

Health Insurance – Prohibited Discrimination and Rebates – Incentives for Participation in Wellness Programs and Other Exceptions

FOR the purpose of providing that it is not discrimination or a rebate under certain insurance laws for an insurer, nonprofit health service plan, ~~or~~ health maintenance organization, or dental plan organization to provide reasonable incentives to an individual who is an insured, subscriber, or member for participation in a bona fide wellness program offered by the insurer, nonprofit health service plan, ~~or~~ health maintenance organization, or dental plan organization under certain circumstances; requiring any incentive offered for participation in a bona fide wellness program to be reasonably related to the program; prohibiting the value of the incentive from exceeding a certain limit; requiring the Maryland Insurance Commissioner to adopt certain regulations; applying certain exceptions to certain prohibitions against certain discrimination and rebates to health maintenance organizations; defining certain terms; and generally relating to exceptions to prohibitions against discrimination and rebates under insurance laws.

BY adding to
Article – Health – General
Section 19–706(jjj)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 27–210
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 723 - *Certified Social Workers-Clinical - Practice - Definition.*

This bill expands the scope of practice for an individual licensed as a certified social worker-clinical to include the evaluation, diagnosis, and treatment of mental and emotional conditions and impairments, in addition to psychosocial conditions and mental disorders.

House Bill 358, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 723.

Sincerely,

Martin O'Malley
Governor

Senate Bill 723

AN ACT concerning

Certified Social Workers–Clinical – Practice – Definition

FOR the purpose of altering the definition of "practice social work" so as to authorize a licensed certified social worker–clinical to practice social work by evaluating, diagnosing, and treating certain mental and emotional conditions and impairments in addition to certain other conditions and disorders; and generally relating to defining the practice of social work for certified social workers–clinical.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 19–101
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 733 - *Vehicle Laws - Exceptional Milk Hauling Permit - Raw Liquid Milk*.

This bill authorizes the State Highway Administration to issue an exceptional milk hauling permit for a combination of vehicles that carries specified raw liquid milk to a processing plant and has an axle configuration that meets specified requirements. It also requires a combination of vehicles operating under the authority of an exceptional milk hauling permit to comply with specified weight limits.

House Bill 420, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 733.

Sincerely,

Martin O'Malley
Governor

Senate Bill 733

AN ACT concerning

Vehicle Laws – Exceptional Milk Hauling Permit – Raw Liquid Milk

FOR the purpose of authorizing the State Highway Administration to issue an exceptional milk hauling permit <u>valid in certain counties</u> for a combination of vehicles ~~or a straight truck~~ that carries certain raw liquid milk to a processing plant and has an axle configuration that meets certain requirements; requiring a combination of vehicles ~~or a straight truck~~ operating under the authority of an exceptional milk hauling permit to comply with certain weight limits; requiring a certain combination of vehicles ~~or straight truck~~, twice each year, to submit to and pass a certain inspection and be allowed only a certain load limit tolerance; prohibiting a person who operates a certain combination of vehicles ~~or straight truck~~ from violating certain highway restrictions, operating the combination of vehicles on an interstate highway system, or operating the vehicle if it exceeds certain ratings or restrictions or fails to comply with the terms and conditions of the permit; requiring a person who operates a certain combination of vehicles ~~or straight truck~~ to have, in the person's possession, a certain permit and certain inspection reports; specifying the penalties for the violation of certain provisions of law, regulations, or the terms and conditions of certain exceptional milk hauling permits; authorizing the revocation of an exceptional milk hauling permit under certain circumstances; authorizing a certain person to appeal the revocation of an exceptional milk hauling permit;

requiring certain records to be provided to the State Highway Administrator or the Administrator's designee on request; authorizing the State Highway Administrator to take certain action if certain records are not received; establishing certain fees; providing that an exceptional milk hauling permit is valid for a certain period; requiring the State Highway Administration, in consultation with the Secretary of State Police, to adopt certain regulations; requiring the State Highway Administration and the Department of State Police to submit a certain report on or before a certain date; establishing that the issuance of a permit under this Act is at the discretion of the State Highway Administrator; requiring the State Highway Administrator to report a certain decision to the General Assembly; providing for the construction of this Act; providing for the termination of this Act; and generally relating to vehicle size, weight, and load limits, and exceptional milk hauling permits.

BY adding to
Article – Transportation
Section 24–113.3
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 736 - *Cecil County - Alcoholic Beverages - Sunday Sales for Class B and Class BLX Licenses.*

This bill alters the hours of Sunday sales of alcoholic beverages for specified Class B and Class BLX beer, wine and liquor license holders in Cecil County.

House Bill 616, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 736.

Sincerely,

Martin O'Malley

Governor

Senate Bill 736

AN ACT concerning

Cecil County – Alcoholic Beverages – Sunday Sales for Class B and Class BLX Licenses

FOR the purpose of altering the hours of Sunday sales of alcoholic beverages for certain Class B and Class BLX licenses in Cecil County; and generally relating to alcoholic beverages licenses in Cecil County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 11–508(a)(2)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 744 - *Former Governors - Death Benefits - Surviving Spouses*.

This bill corrects an oversight in the pension law by providing that regardless of a former Governor's age at the time of death, the surviving spouse shall receive a monthly retirement allowance equal to a specified percent of the benefit due to the former Governor.

House Bill 1013, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 744.

Sincerely,

Martin O'Malley
Governor

Senate Bill 744

AN ACT concerning

Former Governors – Death Benefits – Surviving Spouses

FOR the purpose of providing certain death benefits to surviving spouses of former Governors; and generally relating to death benefits for surviving spouses of former Governors.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 22–405
Annotated Code of Maryland
(2004 Replacement Volume and 2006 Supplement)

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 755 - *Ground Rents - Property Owned by Baltimore City - Reimbursement for Expenses - Notices.*

This bill provides that in any suit to recover back rent, a ground rent landlord may recover no more than 3 years back rent if the property is owned by Baltimore City. It also specifies a single place to send documents regarding ground rents on Baltimore City properties.

House Bill 458, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 755.

Sincerely,

Martin O'Malley
Governor

Senate Bill 755

AN ACT concerning

Ground Rents – Property Owned by Baltimore City – Reimbursement for Expenses – Notices

FOR the purpose of providing that in any suit, action, or proceeding to recover back rent, a ground rent landlord may only recover not more than a certain amount of back rent if the property is owned by Baltimore City and is abandoned or distressed under certain circumstances; authorizing a ground rent landlord of property that is owned by Baltimore City and is abandoned or distressed to request the Mayor and City Council of Baltimore to acquire the reversionary interest under the ground rent for a certain value under certain circumstances; prohibiting the application of a certain provision regarding reimbursement of a ground rent holder's expenses to collect a ground rent on property that is owned by Baltimore City and is abandoned or distressed under certain circumstances; establishing a certain Baltimore City office as the recipient of certain bills, notices, or other documents sent with regard to any property owned by Baltimore City that is subject to a ground rent; and generally relating to property owned by Baltimore City that is subject to a ground rent.

BY repealing and reenacting, with amendments,
Article – Real Property
Section 8–111.1 and 8–402.3
Annotated Code of Maryland
(2003 Replacement Volume and 2006 Supplement)

BY adding to
Article – Real Property
Section 14–115.1
Annotated Code of Maryland
(2003 Replacement Volume and 2006 Supplement)

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 770 - *Milk Products - Farmstead Cheese Production - Pilot Study.*

This bill establishes a "milk processor - farmstead cheese producer" permit and authorizes the holder of a "milk processor - farmstead cheese producer" permit to perform specified functions and to produce farmstead cheese. The bill also requires the Department of Health and Mental Hygiene to issue only a specified number of such permits and to issue this permit to persons meeting specified eligibility qualifications.

House Bill 865, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 770.

Sincerely,

Martin O'Malley
Governor

Senate Bill 770

AN ACT concerning

Milk Products – Farmstead Cheese Production – Pilot Study

FOR the purpose of establishing a milk processor – farmstead cheese producer permit; authorizing the holder of a milk processor – farmstead cheese producer permit to perform certain functions and to produce farmstead cheese; requiring the Department of Health and Mental Hygiene to issue only a certain number of milk processor – farmstead cheese producer permits; establishing certain qualifications for a certain milk processor – farmstead cheese producer permit; providing for the expiration date of a milk processor – farmstead cheese producer permit; exempting the sale of farmstead cheese from a certain prohibition on the sale of raw milk; defining a certain term; providing for the termination of this Act; and generally relating to a pilot study for the production of farmstead cheese.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 21–401, 21–410, 21–413, 21–416, 21–417, and 21–434
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY adding to
Article – Health – General
Section 21–416.1
Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 801 - *Maryland Consolidated Capital Bond Loan of 2005 - Baltimore City - Baltimore Museum of Art.*

This bill amends the Maryland Consolidated Capital Bond Loan of 2005 to change the authorized uses of a specified grant to the Board of Trustees of the Baltimore Museum of Art, Inc.

House Bill 1235, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 801.

Sincerely,

Martin O'Malley
Governor

Senate Bill 801

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2005 – Baltimore City – Baltimore Museum of Art

FOR the purpose of amending the Maryland Consolidated Capital Bond Loan of 2005 to change the authorized uses of a certain grant to the Board of Trustees of the Baltimore Museum of Art, Inc.

BY repealing and reenacting, with amendments,
Chapter 445 of the Acts of the General Assembly of 2005
Section 1(3) Item ZA01 (A)

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 833 - *Worcester County - Fire and Explosive Investigators – Authority.*

This bill extends to a Worcester County fire and explosive investigator specified authority of the State Fire Marshal and full-time investigative and inspection assistants in that office to make warrantless arrests and exercise powers of arrest. The bill authorizes a Worcester County fire and explosive investigator to exercise specified authority while operating outside Worcester County when detailed circumstances are present.

House Bill 683, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 833.

Sincerely,

Martin O'Malley
Governor

Senate Bill 833

AN ACT concerning

Worcester County – Fire and Explosive Investigators – Authority

FOR the purpose of providing that, under certain circumstances, a Worcester County fire and explosive investigator operating in Worcester County has the same authority as the State Fire Marshal and a full–time investigative and inspection assistant in the Office of the State Fire Marshal to make an arrest without a warrant and exercise certain powers of arrest; authorizing a Worcester County fire and explosive investigator to exercise certain authority while operating outside Worcester County under certain circumstances; authorizing the Worcester County Fire Marshal to limit certain authority of a

fire and explosive investigator to make an arrest without a warrant or exercise certain powers of arrest; requiring the Worcester County Fire Marshal to express the limitation in writing; excluding a Worcester County fire and explosive investigator from the definition of "law enforcement officer" under the law relating to the Law Enforcement Officers' Bill of Rights; including a Worcester County fire and explosive investigator in the definition of "police officer" in connection with provisions of law relating to the Maryland Police Training Commission and the authorized carrying of a handgun by a person engaged in law enforcement; defining certain terms; requiring the Maryland Police Training Commission to certify certain fire and explosive investigators as police officers under certain circumstances; and generally relating to the authority of Worcester County fire and explosive investigators.

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 4–201(a)
Annotated Code of Maryland
(2002 Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 4–201(d)
Annotated Code of Maryland
(2002 Volume and 2006 Supplement)

BY repealing and reenacting, without amendments,
Article – Criminal Procedure
Section 2–208
Annotated Code of Maryland
(2001 Volume and 2006 Supplement)

BY adding to
Article – Criminal Procedure
Section 2–208.3
Annotated Code of Maryland
(2001 Volume and 2006 Supplement)

BY repealing and reenacting, without amendments,
Article – Public Safety
Section 3–101(a) and 3–201(a)
Annotated Code of Maryland
(2003 Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 3–101(e)(2) and 3–201(e)(2)

Annotated Code of Maryland
(2003 Volume and 2006 Supplement)

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 868 - *Carroll County - Bingo and Gaming Events - Qualified Organizations.*

This bill repeals a requirement in Carroll County that restricts the conduct of bingo or gaming events in the county to qualified organizations that are located in the county.

House Bill 1278, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 868.

Sincerely,

Martin O'Malley
Governor

Senate Bill 868

AN ACT concerning

Carroll County – Bingo and Gaming Events – Qualified Organizations

FOR the purpose of repealing a certain requirement in Carroll County that restricts the conduct of bingo or gaming events in the county to qualified organizations that are located in the county; and generally relating to bingo and gaming events in Carroll County.

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 13–901(a) and (c) and 13–902(a)
Annotated Code of Maryland

(2002 Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 13–903(b) and 13–907(b)(2)
Annotated Code of Maryland
(2002 Volume and 2006 Supplement)

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 876 - *Child Abuse and Neglect - Disclosure of Records to Nonpublic School Principals and Superintendents*.

This bill extends to nonpublic school officials the same rights to receive child abuse and neglect records concerning a school employee who has allegedly abused or neglected a student as are afforded to public school officials. Nonpublic school officials may disclose these records when determining appropriate personnel or administrative actions following a report of suspected abuse or neglect of a student committed by the employee.

House Bill 1332, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 876.

Sincerely,

Martin O'Malley
Governor

Senate Bill 876

AN ACT concerning

~~**Education – Suspected Child Abuse by Employee or Independent Contractor – Notice to Nonpublic Schools**~~

Child Abuse and Neglect – Disclosure of Records to Nonpublic School Principals and Superintendents

FOR the purpose of ~~providing that certain provisions relating to the disclosure of a report or record of suspected child abuse to public schools be made applicable to private schools; designating which individuals in nonpublic schools are to receive certain reports or records~~ authorizing the disclosure of certain reports and records concerning child abuse or neglect to certain nonpublic school officials under certain circumstances; providing for the effective date of certain provisions of this Act; providing for the termination of certain provisions of this Act; and generally relating to the disclosure of reports or records of suspected child abuse.

BY repealing and reenacting, with amendments,
Article 88A – Department of Human Resources
Section 6(b)(2)(vii)
Annotated Code of Maryland
(2003 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, without amendments,
Article – Human Services
Section 1–202(a)
Annotated Code of Maryland
(As enacted by Chapter _____ (S.B. 6) of the Acts of the General Assembly of 2007)

BY repealing and reenacting, with amendments,
Article – Human Services
Section 1–202(c)(1)(vii)
Annotated Code of Maryland
(As enacted by Chapter _____ (S.B. 6) of the Acts of the General Assembly of 2007)

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 889 - *Anne Arundel County - Alcoholic Beverages - Board of License Commissioners - Inspectors.*

This bill increases the annual salaries of the chairman and other members of the Board of License Commissioners of Anne Arundel County to $18,000 and $15,000, respectively. The bill also increases the annual salaries and monthly expenses of the part-time chief inspector and part-time inspectors of the Board and increases the annual salary of the attorney for the Board. Finally, the bill authorizes the Board to increase to 19 the number of part-time inspectors and provides that the Act does not apply to the salary or compensation of the incumbent chairman or other members of the Board.

House Bill 1245, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 889.

Sincerely,

Martin O'Malley
Governor

Senate Bill 889

AN ACT concerning

Anne Arundel County – Alcoholic Beverages – Board of License Commissioners – Inspectors

FOR the purpose of altering the annual salaries of the chairman and other members of the Board of License Commissioners of Anne Arundel County; altering the annual salaries and monthly expenses of the part–time chief inspector and part–time inspectors of the Board; altering the annual salary of the attorney for the Board; authorizing the Board to increase the number of part–time inspectors; providing that this Act does not apply to the salary or compensation of the incumbent chairman or other members of the Board; and generally relating to the members and employees of the Board of License Commissioners of Anne Arundel County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 15–109(c) and 15–112(c)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 890 - *Anne Arundel County - Mental Health Advisory Committee.*

This bill codifies existing practice by allowing the governing body of Anne Arundel County to designate the Anne Arundel County Mental Health Agency, Inc., the county's core service agency, as the Mental Health Advisory Committee for the county.

House Bill 1243, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 890.

Sincerely,

Martin O'Malley
Governor

Senate Bill 890

AN ACT concerning

Anne Arundel County – Mental Health Advisory Committee

FOR the purpose of authorizing the governing body in Anne Arundel County to designate Anne Arundel County Mental Health Agency, Inc. as the mental health advisory committee for Anne Arundel County; providing for an exception to the membership requirements for a mental health advisory committee in Anne Arundel County; and generally relating to mental health advisory committees.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 10–308 and 10–309(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 920 - *Individuals with Developmental Disabilities Respite Care - Sunset Extension*.

This bill extends the termination provisions relating to the requirement that State residential centers operated by the Department of Health and Mental Hygiene provide respite care.

House Bill 1359, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 920.

Sincerely,

Martin O'Malley
Governor

Senate Bill 920

AN ACT concerning

Individuals with Developmental Disabilities Respite Care – Sunset ~~Repeal~~ Extension

FOR the purpose of ~~repealing~~ extending the termination provisions relating to the requirement that State residential centers operated by the Department of Health and Mental Hygiene provide respite care; and generally relating to respite care and individuals with developmental disabilities.

BY repealing and reenacting, with amendments,
Chapter 178 of the Acts of the General Assembly of 2004
Section 4

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 926 - *Harford County - Gaming - Political Fundraising.*

This bill authorizes a political committee in Harford County to conduct a fundraiser at which prizes of money or merchandise are awarded in specified games of chance and requires that a prize not exceed the amount otherwise allowed for a prize in the county.

House Bill 1391, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 926.

Sincerely,

Martin O'Malley
Governor

Senate Bill 926

AN ACT concerning

Harford County – Gaming – Political Fundraising

FOR the purpose of authorizing a political committee in Harford County to conduct a fundraiser at which prizes of money or merchandise are awarded in certain games of chance; requiring that a prize not exceed the amount otherwise allowed for a prize in the county; and generally relating to gaming and political fundraising in Harford County.

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 13–1501(a), (b), (c), (d), and (e) and 13–1502
Annotated Code of Maryland
(2002 Volume and 2006 Supplement)

BY adding to
Article – Criminal Law
Section 13–1508.1

Annotated Code of Maryland
(2002 Volume and 2006 Supplement)

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 936 - *Nonprofit Health Service Plans - Boards of Directors - Term Limits and Compensation.*

This bill makes certain changes to the term limits and compensation of nonprofit health service plan board members. It extends the term limit to a maximum of three full terms (or nine years) and specifies that a Compensation Committee of the board shall develop guidelines for reasonable compensation.

House Bill 487, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 936.

Sincerely,

Martin O'Malley
Governor

Senate Bill 936

AN ACT concerning

Nonprofit Health Service Plans – Boards of Directors – Term Limits and Compensation

FOR the purpose of altering the number of terms and the total number of years that may be served by a member of the board of directors of a nonprofit health service plan; altering the amount and type of compensation that may be received by a board member; ~~requiring the Maryland Insurance Commissioner to make a certain review in a certain manner about the amount of compensation to be paid to board members; requiring the Commissioner to submit a certain report to certain committees of the General~~

~~Assembly on or before a certain date each year;~~ altering the requirement that a certain corporation report certain information to the Maryland Insurance Commissioner; requiring a certain compensation committee to develop certain guidelines for certain compensation for board members; requiring the board of a nonprofit health service plan to provide a copy of certain guidelines to each member of the board; requiring the board of a nonprofit health service plan to adhere to certain guidelines in compensating the board members of the nonprofit health service plan; requiring the Commissioner to review certain compensation paid to board members; and generally relating to the boards of directors of nonprofit health service plans.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 14–115(e)(6) and (g) and 14–139(d)
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 953 - *Department of Health and Mental Hygiene - Maryland Medical Assistance Program - Information from and Liability of Health Insurance Carriers.*

This bill requires health insurance carriers, health maintenance organizations and certain third parties to provide the Department of Health and Mental Hygiene (DHMH) with information about individuals eligible for or enrolled in Medicaid so DHMH may determine whether an individual, the individual's spouse and/or dependent are receiving private health care coverage. Carriers must accept Medicaid's right of recovery and the assignment to Medicaid of any right of an individual or other entity to payment from the carrier for an item or service for which payment has been made under Medicaid. As a condition of doing business in the State, a carrier must also comply with certain requirements of federal law regarding third-party liability.

House Bill 1313, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 953.

Sincerely,

Martin O'Malley
Governor

Senate Bill 953

AN ACT concerning

Department of Health and Mental Hygiene – Maryland Medical Assistance Program – Information from and Liability of Health Insurance Carriers

FOR the purpose of requiring certain health insurance carriers to provide certain information in a certain manner to the Department of Health and Mental Hygiene, at the request of the Department, about individuals who are eligible for benefits under the Maryland Medical Assistance Program or are Program recipients; requiring certain health insurance carriers to accept the Program's right of recovery and the assignment of certain rights under certain circumstances; requiring certain health insurance carriers ~~to respond to certain inquiries by the Department under certain circumstances; prohibiting certain health insurance carriers from denying certain claims under certain circumstances~~ as a condition of doing business in the State, to comply with the requirements set forth in certain provisions of law; prohibiting certain health insurance carriers from denying or otherwise affecting a health insurance policy or contract due to the eligibility of an individual for Program benefits or receipt by an individual of benefits under the Program; defining a certain term; and generally relating to health insurance and the Maryland Medical Assistance Program.

BY adding to
Article – Health – General
Section 15–144 and 19–706(jjj)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House

Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 957 - *Frederick County - Public Facilities Bonds.*

This bill authorizes and empowers the County Commissioners of Frederick County, from time to time, to borrow not more than $120,000,000 in order to finance the cost of specified public facilities in Frederick County. The bill also authorizes the Commissioners to effect such borrowing by the issuance and sale at public or private sale of its general obligation bonds.

House Bill 196, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 957.

Sincerely,

Martin O'Malley
Governor

Senate Bill 957

AN ACT concerning

Frederick County – Public Facilities Bonds

FOR the purpose of authorizing and empowering the County Commissioners of Frederick County, from time to time, to borrow not more than $120,000,000 in order to finance the cost of certain public facilities in Frederick County, as herein defined, ~~to finance the payment of any unfunded liability of the County to the State Retirement and Pension System of Maryland,~~ and to effect such borrowing by the issuance and sale at public or private sale of its general obligation bonds; empowering the County to fix and determine, by resolution, the form, tenor, interest rate or rates or method of determining the same, terms, conditions, maturities, and all other details incident to the issuance and sale of the bonds; empowering the County to issue refunding bonds for the purchase or redemption of bonds in advance of maturity; empowering and directing the County to levy, impose, and collect, annually, ad valorem taxes in rate and amount sufficient to provide funds for the payment of the maturing principal of and interest on the bonds; exempting the bonds and refunding bonds and the interest thereon and any income derived therefrom from all State, county, municipal, and other taxation in the State of Maryland; providing that nothing in this Act shall prevent the County from authorizing the issuance and sale of bonds the interest on which is not excludable from gross income for federal income tax purposes;

providing that such borrowing may be undertaken by Frederick County in the form of installment purchase obligations executed and delivered by Frederick County for the purpose of acquiring agricultural land and woodland preservation easements; ~~providing that such borrowing may be undertaken by Frederick County to finance the payment of any unfunded liability of Frederick County to the State Retirement and Pension System of Maryland for certain public purposes;~~ and generally relating to the issuance and sale of the bonds by Frederick County.

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 958 - *Frederick County - Alcoholic Beverages - Tables and Chairs at Wineries.*

This bill allows in Frederick County a holder of a limited winery license to provide tables and chairs on the premises of the licensed facility for the sale, by the glass, of wine and pomace brandy made at the facility to a person who participates in a guided tour of the facility.

House Bill 320, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 958.

Sincerely,

Martin O'Malley
Governor

Senate Bill 958

AN ACT concerning

Frederick County – Alcoholic Beverages – Tables and Chairs at Wineries

FOR the purpose of allowing in Frederick County a holder of a limited winery license to provide tables and chairs on the premises of the licensed facility for

the sale, by the glass, of wine and pomace brandy made at the facility to a person who participates in a guided tour of the facility; and generally relating to alcoholic beverages in Frederick County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 8–211(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 8–211(f)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 960 - *Frederick County - Procurement Contracts - Architectural and Engineering Services.*

This bill authorizes the Board of County Commissioners of Frederick County to award procurement contracts for architectural and engineering services costing more than $30,000 based on an evaluation of the technical proposals and qualifications of at least two persons. It further requires that the contracts be fair, competitive, and reasonable.

House Bill 905, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 960.

Sincerely,

Martin O'Malley
Governor

Senate Bill 960

AN ACT concerning

Frederick County – Procurement Contracts – Architectural and Engineering Services

FOR the purpose of authorizing the Board of County Commissioners of Frederick County to award certain procurement contracts for architectural and engineering services based on an evaluation of the technical proposals and qualifications of at least a certain number of persons; requiring that the contracts be fair, competitive, and reasonable; making stylistic changes; and generally relating to contracts for architectural and engineering services awarded by the Board of County Commissioners of Frederick County.

BY repealing and reenacting, without amendments,
Article 25 – County Commissioners
Section 3(l)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article 25 – County Commissioners
Section 3(l)(3)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 979 - *Frederick County Commissioners - Zoning and Planning - Public Ethics.*

This bill establishes ethics requirements for planning and zoning proceedings in Frederick County.

House Bill 1344, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 979.

Sincerely,

Martin O'Malley
Governor

Senate Bill 979

AN ACT concerning

Frederick County Commissioners – Zoning and Planning – Public Ethics

FOR the purpose of establishing certain ethics requirements that relate to planning and zoning proceedings and apply to members of the Frederick County Board of County Commissioners and certain other persons; prohibiting certain campaign contributions by certain persons under certain circumstances; prohibiting a Board member from participating in certain planning and zoning proceedings; requiring a Board member who communicates ex parte with an individual concerning a certain application to file a disclosure within a certain time; allowing a party of record in certain planning and zoning proceedings to submit certain affidavits; requiring the Frederick County Ethics Commission to direct and control the enforcement of this Act; requiring the County Manager to perform certain administrative functions and prepare certain reports; establishing certain requirements and procedures for judicial review of certain planning and zoning proceedings; establishing certain penalties for a violation of this Act; requiring certain persons to retain and make available certain documents for inspection; defining certain terms; and generally relating to public ethics requirements in planning and zoning proceedings in Frederick County.

BY adding to
Article – Election Law
Section 13–504
Annotated Code of Maryland
(2003 Volume and 2006 Supplement)

BY repealing and reenacting, without amendments,
Article – State Government
Section 1–101(a) and (d)
Annotated Code of Maryland
(2004 Replacement Volume and 2006 Supplement)

BY adding to
Article – State Government

Section 15–853 through 15–858 to be under the new part "Part VIII. Frederick County – Special Provisions"
Annotated Code of Maryland
(2004 Replacement Volume and 2006 Supplement)

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 1001 - *Baltimore City - West Arlington Planetarium and Multipurpose Center Loan of 1999.*

This bill provides that the proceeds of the Baltimore City - West Arlington Planetarium and Multipurpose Center Loan of 1999 must be encumbered by the Board of Public Works or expended for the purposes provided in the Act by June 1, 2009.

House Bill 1401, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 1001.

Sincerely,

Martin O'Malley
Governor

Senate Bill 1001

AN ACT concerning

Baltimore City – West Arlington Planetarium and Multipurpose Center Loan of 1999

FOR the purpose of amending the Baltimore City – West Arlington Planetarium and Multipurpose Center Loan of 1999 to require that the loan proceeds be encumbered by the Board of Public Works or expended for certain purposes by a certain date; and generally relating to the Baltimore City – West Arlington Planetarium and Multipurpose Center Loan of 1999.

BY repealing and reenacting, with amendments,
Chapter 292 of the Acts of the General Assembly of 1999, as amended by Chapter 333 of the Acts of the General Assembly of 2001
Section 1

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 1006 - *Redhouse Run Stormwater Systems Loan of 1984.*

This bill amends the Redhouse Run Stormwater Systems Loan of 1984 to extend the date by which the loan proceeds must be encumbered by the Board of Public Works or expended.

House Bill 1396, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 1006.

Sincerely,

Martin O'Malley
Governor

Senate Bill 1006

AN ACT concerning

Redhouse Run Stormwater Systems Loan of 1984

FOR the purpose of amending the Redhouse Run Stormwater Systems Loan of 1984 to extend the date by which the loan proceeds must be encumbered by the Board of Public Works or expended.

BY repealing and reenacting, with amendments,
Chapter 389 of the Acts of the General Assembly of 1984, as amended by Chapter 138 of the Acts of the General Assembly of 1985, Chapter 28 of

the Acts of the General Assembly of 2004, and Chapter 533 of the Acts of the General Assembly of 2006
Section 1

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 1009 - *Town of Eldorado (Dorchester County) - Urban Renewal Authority for Slum Clearance.*

This bill authorizes the Town of Eldorado, Dorchester County, to undertake and carry out specified urban renewal projects for slum clearance and redevelopment. The bill also prohibits specified land or property from being taken for specified purposes without just compensation first being paid to the party entitled to the compensation.

House Bill 1362, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 1009.

Sincerely,

Martin O'Malley
Governor

Senate Bill 1009

AN ACT concerning

Town of Eldorado (Dorchester County) – Urban Renewal Authority for Slum Clearance

FOR the purpose of authorizing the Town of Eldorado, Dorchester County, to undertake and carry out certain urban renewal projects for slum clearance and redevelopment; prohibiting certain land or property from being taken for certain purposes without just compensation first being paid to the party entitled to the compensation; declaring that certain land or property taken in

connection with certain urban renewal powers is needed for public uses or purposes; authorizing the legislative body of the Town of Eldorado by ordinance to elect to have certain urban renewal powers exercised by a certain public body; imposing certain requirements for the initiation and approval of an urban renewal area; providing for the disposal of property in an urban renewal area; authorizing the municipal corporation to issue certain bonds under certain circumstances; clarifying that a certain appendix may be amended or repealed only by the General Assembly of Maryland; defining certain terms; and generally relating to urban renewal authority for slum clearance for the Town of Eldorado in Dorchester County.

BY adding to
Chapter 48 – Charter of the Town of Eldorado
Section A1–101 through A1–114 and the heading "Appendix I – Urban Renewal Authority for Slum Clearance"
Public Local Laws of Maryland – Compilation of Municipal Charters
(1990 Replacement Edition and 2005 Supplement)

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 1011 - *Town of Hurlock (Dorchester County) - Urban Renewal Authority for Slum Clearance.*

This bill authorizes the Town of Hurlock, Dorchester County, to undertake and carry out specified urban renewal projects for slum clearance and redevelopment. The bill also prohibits specified land or property from being taken for specified purposes without just compensation first being paid to the party entitled to the compensation.

House Bill 1364, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 1011.

Sincerely,

Martin O'Malley

Governor

Senate Bill 1011

AN ACT concerning

Town of Hurlock (Dorchester County) – Urban Renewal Authority for Slum Clearance

FOR the purpose of authorizing the Town of Hurlock, Dorchester County, to undertake and carry out certain urban renewal projects for slum clearance and redevelopment; prohibiting certain land or property from being taken for certain purposes without just compensation first being paid to the party entitled to the compensation; declaring that certain land or property taken in connection with certain urban renewal powers is needed for public uses or purposes; authorizing the legislative body of the Town of Hurlock by ordinance to elect to have certain urban renewal powers exercised by a certain public body; imposing certain requirements for the initiation and approval of an urban renewal area; providing for the disposal of property in an urban renewal area; authorizing the municipal corporation to issue certain bonds under certain circumstances; clarifying that a certain appendix may be amended or repealed only by the General Assembly of Maryland; defining certain terms; and generally relating to urban renewal authority for slum clearance for the Town of Hurlock in Dorchester County.

BY adding to
Chapter 77 – Charter of the Town of Hurlock
Section A1–101 through A1–114 and the heading "Appendix I – Urban Renewal Authority for Slum Clearance"
Public Local Laws of Maryland – Compilation of Municipal Charters
(1990 Replacement Edition and 2005 Supplement)

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 1015 - *Maryland Consolidated Capital Bond Loan of 2006 - Montgomery County - Blair Baseball Field Improvements.*

This bill amends the Maryland Consolidated Capital Bond Loan of 2006 to permit the Board of Directors of Maryland Community Baseball, Inc. to include funds expended on or after January 1, 2002, in the matching fund.

House Bill 1184, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 1015.

Sincerely,

Martin O'Malley
Governor

Senate Bill 1015

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2006 – Montgomery County – Blair Baseball Field Improvements

FOR the purpose of amending the Maryland Consolidated Capital Bond Loan of 2006 to permit the Board of Directors of Maryland Community Baseball, Inc. to include funds expended on or after a certain date in the matching fund.

BY repealing and reenacting, with amendments,
Chapter 46 of the Acts of the General Assembly of 2006
Section 1(3) Item ZA02

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 1032 - *Maryland Consolidated Capital Bond Loan of 2006 - Charles County - Black Box Theatre.*

This bill amends the Maryland Consolidated Capital Bond Loan of 2006 to authorize the Board of Directors of the Chesapeake Bay Floating Theatre, Inc. to include in kind contributions in the matching fund.

House Bill 1441, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 1032.

Sincerely,

Martin O'Malley
Governor

Senate Bill 1032

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2006 – Charles County – Black Box Theatre

FOR the purpose of amending the Maryland Consolidated Capital Bond Loan of 2006 to authorize the Board of Directors of the Chesapeake Bay Floating Theatre, Inc. to include in kind contributions in the matching fund.

BY repealing and reenacting, with amendments,
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2 – ***Tax Reform Act of 2007 –*** Altering the rates and rate brackets under the State individual income tax; increasing the sales and use tax rate from 5% to 6%; expanding the sales and use tax to specified services; designating specified tax–free periods each year; increasing the corporate income tax rate from 7% to 8%; requiring specified corporations to compute Maryland taxable income using a specified method; imposing recordation and transfer taxes on the transfer of controlling interest in specified real property owning entities; etc..... 21
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3 – ***Maryland Education Trust Fund – Video Lottery Terminals –*** Requiring the State Lottery Commission to regulate the operation of video lottery terminals for commercial gaming purposes; providing for the issuance of video lottery terminal operation licenses; creating a Video Lottery Facilities Location Commission; limiting the number of video lottery terminals allowed in the State; providing for the distribution of

the proceeds of video lottery terminal gaming activity for education funding and specified other purposes; etc. 24
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4 – ***Video Lottery Terminals – Authorization and Limitations –*** Adding a new article to the Maryland Constitution to authorize video lottery terminal gaming in the State for the primary purpose of providing funds for public education; limiting the number of video lottery terminals; limiting the number of licenses that the State may issue to operate video lottery terminals; limiting the number of locations for the operation of video lottery terminals; etc. 28
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5 – ***Transportation Investment Act –*** Increasing the motor fuel tax rates by one–half cent per gallon for motor fuel other than aviation fuel; providing for future increases in the motor fuel tax rates for motor fuel other than aviation fuel under specified circumstances; increasing from $2 billion to $3 billion the maximum allowable aggregate amount of consolidated transportation bonds; increasing the rate of the motor vehicle titling tax from 5 percent to 6 percent; altering the distribution of specified revenues; requiring specified appropriations; etc. 29

6 – ***Working Families and Small Business Health Coverage Act –*** Establishing a Small Employer Health Insurance Premium Subsidy Program; establishing the purposes, administration, eligibility and other requirements, and funding for the Program; authorizing the Maryland Health Care Commission to alter subsidy amounts; requiring the total amount of subsidies to be subject to the limitations of the State budget; requiring the Commission to report to the Governor and the General Assembly on the implementation of the Program; etc. 31
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7 – ***Maryland Taxpayer Protection Act –*** Proposing an addition to the Maryland Constitution to require the approval of two–thirds of the members elected to each House of the General Assembly to pass legislation to increase the rate of an existing tax or to impose a tax on an individual or entity not subject to the tax at the time of consideration of the legislation; and submitting the amendment to the qualified voters of the State of Maryland for their adoption or rejection. 33

8 – ***Elementary Education – Kindergarten – Hours and Days of Operation –*** Exempting kindergarten programs from the requirement that public schools operate for a minimum number of days and hours. 34

9 – ***Maryland Funding Accountability and Transparency Act –*** Requiring the Department of Budget and Management to develop and operate a searchable website that includes specified

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10 – ***Baltimore City – AIDS Prevention Sterile Needle and Syringe Exchange Program – Funding –*** Altering a provision of law establishing a specified AIDS Prevention Sterile Needle and Syringe Exchange Program in the Baltimore City Health Department; prohibiting the use of State funds for the Program; renaming the Program; and altering the defined term "Program".. 35

11 – ***Health Insurance – Required Coverage –*** Prohibiting health insurance carriers from issuing individual health benefit plans in the State unless the carriers offer a specified health benefit plan to any individual who has been uninsured for a specified period of time; requiring the plan to provide coverage for specified benefits; establishing copayments for benefits under the plan; establishing out–of–pocket maximums and maximum deductibles for the plan; prohibiting a carrier from limiting coverage under the plan for preexisting conditions; etc. 36

12 – ***Individual Income Tax – Rate –*** Increasing from 4.75% to 5% the top marginal State individual income tax rate; repealing obsolete provisions; and applying the Act to tax years after 2007... 37

13 – ***Individual Income Tax – Rate and Personal Exemptions –*** Increasing from 4.75% to 5% the top marginal rate under the State income tax on individuals; decreasing from $2,400 to $2,000 the amount allowed as a deduction for specified personal exemptions under the Maryland income tax; repealing obsolete provisions; and applying the Act to tax years after 2007. 38

14 – ***Reduction of Tax Evasion –*** Requiring specified transferors of real property to pay specified amounts before recording documents of title; including specified income of banks in specified types of payments; increasing the tobacco tax rate; requiring specified employers to file a specified return; including payments in the federal offset program; requiring verification of tax compliance before issuance and renewal of specified licenses; etc. 38

15 – ***Vehicle Laws – Motorcycles – Definition –*** Altering the definition of "motorcycle" under the Maryland Vehicle Law; and making the Act an emergency measure. 39

16 – ***Income Tax Checkoff System – Tax Me More Voluntary Account –*** Establishing an Education Trust Fund; establishing a Tax Me More Voluntary Account to provide individuals an opportunity for voluntary payments of additional State income tax through contributions to the Account; requiring the Comptroller to include on individual income tax returns a checkoff option allowing for contribution to the Account; allowing

individuals to deduct a contribution from an income tax refund or add the contribution to income tax to be paid; etc. 40

17 – ***Alcoholic Beverage Tax – Rates –*** Increasing the State tax rates for alcoholic beverages in Maryland from $1.50 to $4.50 per gallon for distilled spirits, from 40 cents to $1.20 per gallon for wine, and from 9 cents to 27 cents per gallon for beer; etc..... 40

18 – ***Preakness Protection Plan –*** Specifying that, if legislation is enacted providing for the operation and licensing of video lottery terminals at Pimlico Race Course, the license to operate the terminals shall be revoked if the name, horse racing events, or other attributes associated with the Preakness Stakes or the Woodlawn Vase are transferred to a location outside the State; and requiring that the Comptroller pay 0.001% of the net proceeds from the video lottery terminals to a special fund for a museum, equestrian center, and other specified purposes. 45

19 – ***Motor Vehicle Excise Tax – Fuel Efficiency Surcharge –*** Repealing provisions of law providing for and relating to a fuel efficiency surcharge or credit on specified new or used motor vehicles under specified circumstances; imposing a fuel efficiency surcharge on specified new motor vehicles under specified circumstances; requiring the Administration to adopt specified regulations; etc. 46

20 – ***Casino Gaming in Maryland –*** Requiring the State Lottery Commission to regulate the operation of casinos; authorizing the Commission to issue licenses for one casino near the Inner Harbor in Baltimore City and one casino in the Rocky Gap Lodge and Golf Resort in Allegany County; authorizing the Commission to consider an application for a casino license under specified circumstances; specifying requirements for applications; specifying factors that the Commission shall weigh in awarding a license; etc. 46

21 – ***Alcoholic Beverages Surcharge – Maryland Children's Health Program –*** Establishing the Maryland Children's Health Program Fund in the Department of Health and Mental Hygiene; requiring that the Fund be used for purposes related to the Maryland Children's Health Program; providing for the administration of the Fund; imposing a supplemental surcharge of 5% on the sale of alcoholic beverages; providing for the distribution of revenues to the Fund; providing for the distribution of the supplemental surcharge to the Fund; etc..... 47

22 – ***Taxation of Corporations – Alternative Minimum Assessment –*** Imposing an alternative minimum assessment on corporations doing business in the State; providing for the computation of the alternative minimum assessment as a percentage of a corporation's gross receipts or gross profits, based on an election made by the corporation; limiting the alternative minimum assessment to $5,000,000 for any corporation and to

$20,000,000 for affiliated groups of corporations; providing for credits against the corporate income tax under specified circumstances; etc. 48

23 – ***Little Cigars – Taxation and Packaging –*** Altering the application of the tobacco tax to little cigars weighing not more than 3 pounds per thousand; providing a specified rate of tax for little cigars; requiring a manufacturer that distributes free sample little cigars in the State to complete and file a tobacco tax return and pay the tax on the little cigars; requiring that little cigars be sold in packages of no fewer than five; defining "little cigar"; etc. 49

24 – ***Sales and Use Tax – Voter Approval –*** Proposing an amendment to the Declaration of Rights of the Maryland Constitution requiring a majority of the voters to approve any increase in the State sales and use tax rate; and submitting this amendment to the qualified voters of the State of Maryland for their adoption or rejection. 49

25 – ***Income Tax – Voter Approval –*** Proposing an amendment to the Declaration of Rights of the Maryland Constitution requiring a majority of the voters to approve any increase in the State income tax rate; and submitting this amendment to the qualified voters of the State of Maryland for their adoption or rejection. 50

26 – ***Maryland Children's Health Program – Limitation of Eligibility –*** Altering the income eligibility requirements for the Maryland Children's Health Program; and altering the amounts of family contributions under the Maryland Children's Health Program premium plan..... 50

27 – ***Corporate Income Tax – Reporting and Study –*** Establishing the Maryland Business Tax Reform Commission to review and evaluate the State's business tax structure and to recommend changes; requiring specified corporations to submit specified information to the Comptroller; requiring the Comptroller to collect, compile, and analyze specified information and to use the information to provide analyses to the Governor and General Assembly; requiring the Comptroller to submit specified reports to the Governor and General Assembly; etc. 51

28 – ***Chesapeake Bay 2010 Trust Fund –*** Establishing a Chesapeake Bay 2010 Trust Fund in the Department of Natural Resources to provide financial assistance for the restoration of the Chesapeake Bay and its tributaries; providing that the Fund consists of money appropriated in the State budget to the Fund; providing for the management of the Fund; providing that the Fund may be used only for specified purposes; etc..... 52

29 – ***Income Tax – Resident –*** Altering the definition of "resident" under the Maryland income tax law to provide that an individual who maintains a place of abode in the State for more than 3 months of the taxable year is a resident for income tax purposes

whether or not the individual is domiciled in the State; and applying the Act to tax years after 2007. 56

30 – ***Sales and Use Tax – Surcharge – Tobacco Paraphernalia –*** Imposing a supplemental surcharge on the sale of tobacco paraphernalia of $20 for each item; etc. 57

31 – ***Motor Fuel Tax – Rates –*** Increasing the motor fuel tax rates by 5 cents for motor fuel other than aviation fuel; providing for the payment of additional tax on tax–paid fuel held for sale as of the start of business on January 1, 2008; etc. 57

32 – ***County Income Tax Disparity Grants –*** Increasing from 75% to 85% the percentage of the per capita statewide yield of the county income tax that is used to determine eligibility for and the amount of State grants to the counties and Baltimore City based on disparities in the per capita yield of county income taxes. 59

33 – ***State Government – Public Benefits and Services – Illegal Aliens –*** Prohibiting the State from authorizing or providing specified public benefits or services to illegal aliens in Maryland, unless the benefit or service is required under federal law. 328

34 – ***Task Force to Study the Cost of Illegal Immigrants in Maryland –*** Establishing a Task Force to Study the Cost of Illegal Immigrants in Maryland; providing for the membership and duties of the Task Force; providing for the designation of a chair of the Task Force; requiring the Department of Business and Economic Development to provide staff for the Task Force; prohibiting members of the Task Force from receiving compensation; authorizing a member to receive reimbursement for specified expenses; requiring the Task Force to report its findings; etc. 328

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Utilities —
See also Vetoed Senate Bills SB 66
Budget Reconciliation Act – See SB 1; HB 1

V

Vending Machines —
Tax Reform Act of 2007 – See HB 2
Tax Reform and Transportation Investment Act of 2007 – See SB 2
Transportation and State Investment Act – See HB 5
Veterans —
See Vetoed Senate Bills SB 304
Vetoed Senate Bills –
2 – ***State Employees' Rights and Protections Act of 2007*** **–** Requiring the Secretary of Budget and Management to designate specified positions in State government as special appointment positions; requiring the Secretary to provide information on special appointments; providing that personnel actions regarding special appointments in State government be made under specified circumstances; providing that specified special appointment positions may be filled with regard to specified criteria; etc. 53 (19)
58 – ***Study Commission to Explore the Expanded Application of State Stipends for National Certification of Teachers*** **–** Establishing a Study Commission to Explore the Expanded Application of State Stipends for National Certification of Teachers; requiring the Study Commission to assess the rigor of national certification for speech–language pathologists, occupational therapists, school psychologists, physical therapists, school counselors, and others to determine how these national certifications compare to national teacher certification and make recommendations; etc. 53 (19)
62 – ***Somerset County – County Commissioners and Members of the County Roads Board – Salaries*** **–** Increasing the salaries of the County Commissioners for Somerset County and the members of the County Roads Board of Somerset County; establishing a salary for the President of the County Commissioners for Somerset County and the President of the

County Roads Board; and providing that the Act does not apply to the salary or compensation of the incumbent County Commissioners, President of the County Commissioners, members of the County Roads Board, or President of the County Roads Board. 53 (19)

66 – ***Electric Cooperatives – Standard Offer Service Supply Contracts –*** Authorizing specified electric cooperatives to supply their standard offer service load through a portfolio of blended wholesale supply contracts of short, medium, and long terms under specified circumstances; prohibiting the Public Service Commission from setting or enforcing a termination date for the procurement of supply through a specified managed portfolio; etc..... 54 (19)

102 – ***State Agencies – StateStat –*** Establishing a StateStat accountability process to enhance the managing for results process; authorizing the Governor to require specified agencies to participate in the StateStat process; requiring specified agencies to submit specified strategic plans and performance measurement reports to the Secretary of Budget and Management as part of a specified budget submission; requiring the performance measurement reports to contain specified information; etc. 54 (19)

108 – ***Higher Education – Tuition Affordability Act of 2007 –*** Prohibiting the Board of Regents of the University System of Maryland and the Board of Regents of Morgan State University from increasing tuition for resident undergraduate students at the institutions in the years 2006 and 2007. ..... 54 (19)

115 – ***Prince George's County – Alcoholic Beverages – Class B–DD (Development District) License –*** Creating in Prince George's County a Class B–DD (development district) 7–day beer, wine and liquor license for on–sale consumption; specifying an annual license fee of $2,750; providing that a Class B–DD license may be issued only for restaurants within a specified area; imposing restrictions on the transfer of a Class B–DD license; requiring the Board of License Commissioners to determine the number of Class B–DD licenses to be issued, the persons to whom they are to be issued, and the number of licenses each recipient may hold; etc. 54 (19)

118 – ***State Board of Nursing – Licensing, Certification, and Reinstatement Requirements –*** Altering supervision provisions concerning the authority of unlicensed individuals performing specified acts of registered nursing and licensed practical nursing; requiring the State Board of Nursing to begin a process of requiring criminal history records checks as a condition of licensure reinstatement and certificate reinstatement; altering specified grounds for revoking temporary licenses or temporary certificates if a criminal history records

check reveals specified information; etc. 54 (19)

143 – ***Real Property – Electronic Recording Pilot Program –*** Authorizing the Administrative Office of the Courts, in collaboration with the other members of the oversight committee of the Circuit Court Real Property Records Improvement Fund, to establish a pilot program for electronic filing of instruments relating to real property; requiring costs of the pilot program to be paid from the Circuit Court Real Property Records Improvement Fund; providing for the validity and effectiveness of instruments filed in accordance with the pilot program; etc. 54 (19)

147 – ***Housing and Community Development – Radium Pilot Grant Program – Sunset Repeal –*** Altering the name of the Radium Pilot Grant Program; and repealing a termination provision relating to the Program. 54 (19)

153 – ***Frederick County – Board of Education – Nonvoting Student Member –*** Adding a nonvoting student member to the Frederick County Board of Education; requiring the student member to meet specified qualifications; specifying that the student member serve a 1–year term; prohibiting the student member from attending an executive session of the Board; providing that only voting members of the Board may receive specified compensation; and requiring that the student member advise the County Board on the thoughts and feelings of students. 54 (19)

157 – ***Public Safety – Eyewitness Identification – Written Policies –*** Requiring each law enforcement agency in the State to adopt written policies relating to eyewitness identification that comply with specified standards by a specified date and to file a copy of the policies with the Department of State Police by a specified date; and requiring the Department to compile the written policies by a specified date and to allow public inspection of each policy compiled. 54 (19)

190 – ***Harford County – Alcoholic Beverages – Repeal of Obsolete and Unused Provisions –*** Repealing specified alcoholic beverages provisions for Harford County that are obsolete or no longer used; repealing provisions concerning a Class B–4 (seafood restaurant) license, the distance required between a school and a premises licensed for alcoholic beverages, the use of a neighborhood by the Liquor Control Board as a factor in deciding whether to issue a license, possession of alcoholic beverages brought on the premises of a racetrack in the county; etc. 54 (19)

191 – ***Harford County – Liquor Control Board – Salaries –*** Altering the annual salaries of the Chairman and regular members of the Harford County Liquor Control Board; and providing that the Act does not apply to the salary or compensation of the incumbent Chairman or regular members of

the Board. 54 (19)

201 – ***Somerset County – Alcoholic Beverages – License Fees –*** Increasing the annual fees for all retail alcoholic beverages licenses in Somerset County. 54 (19)

203 – ***Maryland Consolidated Capital Bond Loan of 2005 – Wicomico County – Salisbury Area Chamber of Commerce –*** Amending the Maryland Consolidated Capital Bond Loan of 2005 to authorize the Board of Directors of the Salisbury Area Chamber of Commerce, Inc. to include funds expended on or after a specified date in the matching fund and to authorize the matching fund to include real property; extending the deadline by which the grantee is required to present evidence to the Board of Public Works that a matching fund will be provided; etc. 54 (19)

224 – ***Baltimore City – Property Tax Credit for Newly Constructed Dwellings –*** Extending from June 30, 2007, to June 30, 2009, the termination date applicable to provisions authorizing the Mayor and City Council of Baltimore City to grant, by law, a property tax credit against the local property tax imposed on newly constructed dwellings under specified circumstances; etc. 54 (19)

247 – ***Prince George's County – Board of License Commissioners – Attorney Compensation –*** Requiring the County Council of Prince George's County to pay the attorney for the Board of License Commissioners specified legal fees approved by the Board but not paid in prior fiscal years; requiring the Board to establish the rate for the fees; and specifying that the salary of and any additional compensation for legal fees for the attorney for the Board be included in the annual budget. 53 (19)

278 – ***Baltimore City – Housing Authority – Continued Occupancy by Family Member on Death of Tenant –*** Altering the circumstances under which an individual who is the surviving spouse or other immediate family member of a deceased tenant of housing assisted under a program administered by the Housing Authority of Baltimore City and who occupied the premises at the time of the tenant's death may be considered eligible to enter into a lease for continued occupancy; authorizing the Authority to initiate legal proceedings no earlier than a specified time to evict an occupant who does not satisfy specified conditions; etc. 53 (19)

281 – ***Maryland Medbank Program – Funding –*** Authorizing specified funds to be transferred and appropriated to the Department of Health and Mental Hygiene in fiscal year 2008 for the purpose of providing a grant up to $425,000 to the Maryland Medbank Program. 53 (19)

299 – ***Expungement – Civil Offenses or Infractions –*** Providing for expungement of court, police, and other governmental records concerning specified civil offenses or infractions under specified

circumstances; and providing for the retroactive application of the Act. 54 (19)

303 – ***Motor Carrier Transportation Contracts – Indemnity Agreements Void –*** Providing that specified indemnity agreements in motor carrier transportation contracts that purport to indemnify the promisee against specified liability resulting from specified conduct by the promisee are against public policy and are void and unenforceable; etc. 54 (19)

304 – ***State Retirement and Pension System – Military Service that Interrupts State Service – Calculation –*** Providing that when military service interrupts State service, members of a state or local retirement or pension system receive specified service credit applied toward their retirement allowance using the accrual rate in effect at the time of the member's retirement from the State system. 54 (19)

318 – ***Maryland Small Business Development Financing Authority – Financing Limitations –*** Altering limitations on lending, guarantees, and equity participation financing by the Maryland Small Business Development Financing Authority in specified transactions; altering the maximum amount of a loan guarantee that the Authority may make using the Contract Financing Fund; altering the maximum amount of a loan guarantee that the Authority may make using the Guaranty Fund; altering the scope of contracts for which the Authority may act as a surety or guarantee under the Small Business Surety Bond Program; etc. 54 (19)

326 – ***Cecil County – Bridge or Road Construction or Repair Contracts –*** Altering the threshold amount of specified expenditures that are required to be made by competitively bid contracts in Cecil County; and repealing a limitation on the amount of specified contracts that a contractor may be awarded during a 2–month period. 54 (19)

348 – ***Child Fatality Review Teams – Access and Disclosure of Information –*** Authorizing a specified local team to investigate specified information and records; requiring that a local team be immediately provided access to information and records maintained by a health care provider regarding a child convicted of a crime or adjudicated as having committed a delinquent act that caused a death or near fatality; prohibiting the disclosure of specified information during specified public meetings; etc. 54 (19)

374 – ***Worcester County – Sheriff's Office – Personnel Policies –*** Establishing a minimum annual salary of $85,000 for the Sheriff of Worcester County; authorizing the Sheriff to appoint specified employees; requiring the County Commissioners of Worcester County to pay specified expenses of the Sheriff's Office; providing that the chief deputy sheriff serves at the pleasure of the Sheriff; requiring that a specified person who serves as chief deputy

sheriff revert to a specified status on removal; etc. 54 (19)

376 – ***Baltimore County – Election Law – Compensation for Election Judges –*** Altering the compensation for chief election judges and other election judges in Baltimore County..... 54 (19)

388 – ***Baltimore County – Todd's Inheritance Loan of 2000 –*** Amending Chapter 409 of the Acts of 2000 to require that specified loan proceeds be encumbered by the Board of Public Works or expended for specified purposes by June 1, 2009. ..... 54 (19)

390 – ***Prince George's County – Special Taxing Districts –*** Authorizing Prince George's County to use specified special taxing district and tax increment financing authority to provide financing, refinancing, or reimbursement for the costs of renovation, rehabilitation, and repair of existing buildings, building systems, and components for existing residential condominiums designated as workforce housing; etc. 54 (19)

397 – ***Ground Rents – Conversion of Irredeemable Ground Rents –*** Providing for the conversion of an irredeemable ground rent to a redeemable ground rent unless a notice of intention to preserve irredeemability is recorded in the land records on or before December 31, 2010; providing for the filing of renewal notices and the extension of the period of effectiveness of a filed notice; establishing the sum for which a converted ground rent may be redeemed; etc. 54 (19)

427 – ***Health Insurance – Authorization of Additional Products and Small Group Administrative Discounts and Study –*** Providing that the Maryland Insurance Commissioner may authorize health insurance carriers to offer a preferred provider insurance policy that conditions the payment of benefits on the use of preferred providers if the health insurance carrier meets specified requirements; requiring specified insurers and nonprofit health service plans to offer an option to include preferred and nonpreferred providers as an additional benefit under specified circumstances; etc. 54 (19)

432 – ***Baltimore County – Arbutus Community Center Loan of 2000 –*** Extending the deadline by which the County Executive and County Council of Baltimore County must present evidence to the Board of Public Works that a matching fund will be provided. 54 (19)

441 – ***Tri–County Council for the Lower Eastern Shore of Maryland – Membership –*** Altering the membership of the Tri–County Council for the Lower Eastern Shore of Maryland..... 54 (19)

452 – ***Dorchester County – Alcoholic Beverages – Class D License –*** Authorizing the Board of License Commissioners of Dorchester County to issue a Class D (on–sale) beer, wine and liquor license; specifying a license fee; specifying that the license is for a specified period; requiring that alcoholic beverages sold under the license be consumed only on the licensed premises; etc. 53 (19)

453 – ***Dorchester County – Alcoholic Beverages – Issuance of Additional Class A Beer Licenses –*** Repealing in Dorchester County specified limitations on the types of specified alcoholic beverages licenses that entitle premises to be issued additional Class A beer licenses; and authorizing the Board of License Commissioners of Dorchester County to limit the number of additional Class A beer licenses that it issues. 53 (19)

455 – ***Maryland Consolidated Capital Bond Loan of 2005 – Talbot County – Frederick Douglass Memorial –*** Amending the Maryland Consolidated Capital Bond Loan of 2005 to extend the deadline by which the Frederick Douglass Memorial Action Coalition may present evidence to the Board of Public Works that a matching fund will be provided; and altering the matching fund requirement. 53 (19)

458 – ***Wicomico County – Alcoholic Beverages – Minimum Seating Capacity for Licensed Restaurants –*** Lowering the minimum seating capacity requirement from 75 to 40 persons for restaurants in Wicomico County for which a Class B beer, wine and liquor license is issued. 54 (19)

459 – ***Alcoholic Beverages – Places of Public Entertainment and Unlicensed Establishments –*** Prohibiting a person in Caroline County, Dorchester County, Kent County, Queen Anne's County, Somerset County, Talbot County, Wicomico County, or Worcester County from serving or dispensing specified items or allowing to be consumed alcoholic beverages in specified places of public entertainment; prohibiting an operator of a specified business establishment from knowingly allowing customers to bring alcoholic beverages for consumption into the establishment; establishing a penalty; etc. 54 (19)

463 – ***Maryland Transit Administration – Public Hearings –*** Requiring the Maryland Transit Administration to hold a public hearing before changing a specified bus or rail route alignment, or before establishing or abandoning a rail transit station; limiting the time period during which the Administration may implement a specified change; establishing specified notice requirements; requiring a public hearing to be at a specified location and time; requiring the People's Counsel to appear at specified hearings called by the Administration; etc. 54 (19)

497 – ***Public Safety – Disposal of Handguns Owned by a Law Enforcement Agency –*** Authorizing a law enforcement agency to dispose of a handgun owned by the agency by selling, exchanging, or transferring the handgun to a manufacturer; and defining "manufacturer". 54
58, 303 (75), 323

502 – ***Commercial Law – Consumer Protection – Vehicle Protection Products Act –*** Prohibiting a vehicle protection product from being sold or offered for sale in the State unless the

seller and the warrantor of the vehicle protection product, and warrantor's administrator, comply with the Act; providing that a seller, warrantor, or administrator that complies with the Act is not subject to specified provisions of law; requiring a specified warrantor to register with the Division of Consumer Protection of the Office of the Attorney General; etc..... 54 (19)

511 – ***Real Property – Sale of Property Encumbered by a Conservation Easement –*** Establishing that a purchaser has the right to rescind a contract for the sale of property encumbered by a conservation easement if the seller fails to give the purchaser a copy of specified conservation easements within a specified time and the contract of sale fails to contain a specified notice under specified circumstances; requiring the purchaser of specified real property to provide notice of the sale to the owner of a conservation easement; defining "conservation easement" and "land trust"; etc. 54 (19)

552 – ***Education – Relocatable Classrooms – Indoor Air Quality Standards –*** Requiring the Board of Public Works, in consultation with the Department of General Services and the Department of Housing and Community Development, to adopt regulations to establish standards and specifications to enhance the indoor air quality of specified relocatable classrooms; and applying the Act prospectively. 54 (19)

557 – ***Health Insurance – Credentialing Intermediaries and Uniform Credentialing Form –*** Providing that specified carriers are exempt from providing specified information within a specified time frame to a provider under specified circumstances; exempting specified credentialing intermediaries from specified requirements regarding the uniform credentialing form; repealing a requirement that the Insurance Commissioner designate the uniform credentialing form through regulation; etc. 54 (19)

572 – ***State Personnel – Collective Bargaining – Use of Employee Information –*** Requiring the University System of Maryland system institutions, Morgan State University, St. Mary's College of Maryland, and Baltimore City Community College to provide specified employee information to exclusive representatives; authorizing specified employees to give a specified notice to an employer that the employee does not want the employer to provide specified information to an exclusive representative; prohibiting exclusive representatives from requesting or receiving specified information; etc. 54 (19)

573 – ***Natural Resources – Forest Conservation – Net Tract Area –*** Altering the definition of "net tract area" for forest conservation requirements and forest mitigation bank credits to include specified forested areas of specified tracts of land partially within 100–year floodplains or wetlands under specified circumstances; etc. 54 (19)

576 – ***Maryland Emergency Management Assistance Compact – Emergency Responders –*** Defining the term "emergency responder" for purposes of the Maryland Emergency Management Assistance Compact; and including in the defined term specified firefighters, emergency medical services providers, rescue squad members, county employees, and law enforcement officers. 54 (19)

579 – ***Children with Disabilities – Voluntary Placement Agreements –*** Requiring the juvenile court to make a specified finding in specified hearings involving a child with a developmental disability or mental illness; authorizing the juvenile court, in making a disposition on a child in need of assistance petition involving a child with a developmental disability or mental illness, to hold a specified finding in abeyance, require a local department of social services to take specified actions, and hold a specified hearing; etc. 54 (19)

587 – ***District Court – Citations –*** Requiring the Chief Judge of the District Court to authorize the use of a single document for issuance of specified multiple, separately numbered, citations; requiring the Chief Judge of the District Court to specify the means used to execute specified citations by a police officer and by a person to whom a citation is issued; requiring the Chief Judge of the District Court to authorize specified citations to include a summons; etc. 54 (19)

596 – ***Discount Medical Plan Organizations and Discount Drug Plan Organizations – Registration and Regulation –*** Providing for the regulation by the Maryland Insurance Commissioner of specified discount medical plan organizations and discount drug plan organizations; requiring the registration of specified entities as discount medical plan organizations or discount drug plan organizations; providing for the application and renewal process for registration; authorizing the Commissioner to deny a registration or refuse to renew, suspend, or revoke a registration under specified circumstances; etc. 54 (19)

622 – ***Ground Rents – Registry of Properties Subject to Ground Leases –*** Authorizing the recordation of a specified ground lease extinguishment certificate under specified circumstances; requiring the State Department of Assessments and Taxation to maintain an on–line registry of properties that are subject to ground leases; requiring a ground lease holder to register a ground lease with the Department by submitting a specified registration form and a specified fee; requiring the Department to register a ground lease under specified circumstances; etc. 54 (19)

623 – ***Ground Rents – Redemption –*** Repealing the waiting period for redeeming specified ground rents; requiring the transferee of a ground lease to notify the leasehold tenant of the transfer within a specified period of time after the transfer; requiring the

notification to include specified information and to be sent to a specified address; requiring a settlement agent, before settlement of a specified loan, to notify the borrower of the right to redeem a redeemable ground rent and the redemption amount; etc. 53 (19)

657 – ***Prince George's County – Board of Education –*** Repealing provisions of law relating to the composition of specified school districts in Prince George's County; requiring the members of the Prince George's County Board of Education to be elected from specified school board districts; providing for the boundaries of specified school board districts; requiring candidates to live in specified school board districts and be registered voters; etc. 54
58 (24)

662 – ***Local Law Enforcement Agencies – Disposal of Personal Property –*** Requiring local law enforcement agencies to hold personal property that comes into their possession until specified determinations are made, subject to a specified exception; establishing a procedure for local law enforcement agencies to notify the owner of the property and for the owner of the property to secure the release of the property in a specified manner within 30 days; authorizing a local law enforcement agency to sell personal property at public auction after 3 months; etc. 53 (19)

668 – ***Teachers' Retirement System and Teachers' Pension System – Reemployment of Retirees –*** Altering the total number of specified retirees of the Teachers' Retirement System or Teachers' Pension System that specified school districts may rehire; and altering the criteria for hiring specified retirees of the Teachers' Retirement System or the Teachers' Pension System who are exempt from an earnings offset of a retirement allowance. 53 (19)

680 – ***Cecil County – Public Facilities Bonds –*** Authorizing and empowering the County Commissioners of Cecil County to borrow not more than $31,405,000 in order to finance the cost of the construction and improvement of specified public facilities in Cecil County and to effect that borrowing by the issuance and sale at public or private sale of its general obligation bonds; etc. ... 54 (19)

681 – ***Cecil County – Alcoholic Beverages – Caterer's License –*** Establishing a caterer's license in Cecil County; providing for a $100 license fee, qualifications of license holders, license privileges, and requirements for a caterer's license; and providing that specified Class B license holders need not have a caterer's license for catering on the premises for which their license is issued. 54 (19)

684 – ***Cecil County – Alcoholic Beverages – New Year's Sales –*** Extending the hours of sale of alcoholic beverages in Cecil County when December 31 falls on a Sunday to 4 a.m. the

following day; and extending the hours of sale in a specified way when January 1 falls on a Sunday. 54 (19)

693 – ***HIV Testing – Exposure – Forensic Scientist –*** Including a forensic scientist who works under the direction of a law enforcement agency within the definition of a public safety worker required to test for HIV in the event of a specified exposure..... 54 (19)

714 – ***Health Insurance – Prohibited Discrimination and Rebates – Incentives for Participation in Wellness Programs and Other Exceptions –*** Providing that it is not discrimination or a rebate under specified insurance laws for an insurer, nonprofit health service plan, health maintenance organization, or dental plan organization to provide reasonable incentives to an individual who is an insured, subscriber, or member for participation in a bona fide wellness program offered by the insurer, nonprofit health service plan, health maintenance organization, or dental plan organization under specified circumstances; etc. 54 (19)

723 – ***Certified Social Workers–Clinical – Practice – Definition –*** Altering the definition of "practice social work" so as to authorize a licensed certified social worker–clinical to practice social work by evaluating, diagnosing, and treating specified mental and emotional conditions and impairments in addition to specified other conditions and disorders. 54 (19)

733 – ***Vehicle Laws – Exceptional Milk Hauling Permit – Raw Liquid Milk –*** Authorizing the State Highway Administration to issue an exceptional milk hauling permit for a combination of vehicles that carries specified raw liquid milk to a processing plant and has an axle configuration that meets specified requirements; requiring a combination of vehicles operating under the authority of an exceptional milk hauling permit to comply with specified weight limits; etc. 54 (19)

736 – ***Cecil County – Alcoholic Beverages – Sunday Sales for Class B and Class BLX Licenses –*** Altering the hours of Sunday sales of alcoholic beverages for specified Class B and Class BLX beer, wine and liquor license holders in Cecil County... 54 (19)

744 – ***Former Governors – Death Benefits – Surviving Spouses –*** Providing death benefits to surviving spouses of former Governors. 54 (19)

755 – ***Ground Rents – Property Owned by Baltimore City – Reimbursement for Expenses – Notices –*** Providing that in any suit to recover back rent, a ground rent landlord may only recover not more than 3 years back rent if the property is owned by Baltimore City and is abandoned or distressed; authorizing a ground rent landlord of property that is owned by Baltimore City and is abandoned or distressed to request Baltimore City to acquire the reversionary interest under the ground rent for a

specified value; etc. 54 (19)

770 – ***Milk Products – Farmstead Cheese Production – Pilot Study –*** Establishing a milk processor – farmstead cheese producer permit; authorizing the holder of a milk processor – farmstead cheese producer permit to perform specified functions and to produce farmstead cheese; requiring the Department of Health and Mental Hygiene to issue only a specified number of milk processor – farmstead cheese producer permits; establishing qualifications for a specified milk processor – farmstead cheese producer permit; providing for the expiration date of a milk processor – farmstead cheese producer permit; etc. 54 (19)

801 – ***Maryland Consolidated Capital Bond Loan of 2005 – Baltimore City – Baltimore Museum of Art –*** Amending the Maryland Consolidated Capital Bond Loan of 2005 to change the authorized uses of a specified grant to the Board of Trustees of the Baltimore Museum of Art, Inc. 54 (19)

833 – ***Worcester County – Fire and Explosive Investigators – Authority –*** Extending to a Worcester County fire and explosive investigator specified authority of the State Fire Marshal and full–time investigative and inspection assistants in that office to make warrantless arrests and exercise powers of arrest; authorizing a Worcester County fire and explosive investigator to exercise specified authority while operating outside Worcester County under specified circumstances; etc. 54 (19)

868 – ***Carroll County – Bingo and Gaming Events – Qualified Organizations –*** Repealing a requirement in Carroll County that restricts the conduct of bingo or gaming events in the county to qualified organizations that are located in the county..... 54 (19)

876 – ***Child Abuse and Neglect – Disclosure of Records to Nonpublic School Principals and Superintendents –*** Authorizing the disclosure of specified reports and records concerning child abuse or neglect to specified nonpublic school officials under specified circumstances; providing for the effective date of specified provisions of the Act; providing for the termination of specified provisions of the Act; etc. 53 (19)

889 – ***Anne Arundel County – Alcoholic Beverages – Board of License Commissioners – Inspectors –*** Increasing the annual salaries of the chairman and other members of the Board of License Commissioners of Anne Arundel County to $18,000 and $15,000, respectively; increasing the annual salaries and monthly expenses of the part–time chief inspector and part–time inspectors of the Board; increasing the annual salary of the attorney for the Board; authorizing the Board to increase to 19 the number of part–time inspectors; and providing that the Act does not apply to the salary or compensation of the incumbent chairman or other members of the Board. 53 (19)

890 – ***Anne Arundel County – Mental Health Advisory Committee***

– Authorizing the governing body in Anne Arundel County to designate Anne Arundel County Mental Health Agency, Inc. as the mental health advisory committee for Anne Arundel County; and providing for an exception to the membership requirements for a mental health advisory committee in Anne Arundel County. 53 (19)

920 – ***Individuals with Developmental Disabilities Respite Care – Sunset Extension*** – Extending the termination provisions relating to the requirement that State residential centers operated by the Department of Health and Mental Hygiene provide respite care. 54 (19)

926 – ***Harford County – Gaming – Political Fundraising*** – Authorizing a political committee in Harford County to conduct a fundraiser at which prizes of money or merchandise are awarded in specified games of chance; and requiring that a prize not exceed the amount otherwise allowed for a prize in the county. 54 (19)

936 – ***Nonprofit Health Service Plans – Boards of Directors – Term Limits and Compensation*** – Altering the number of terms and the total number of years that may be served by a member of the board of directors of a nonprofit health service plan; altering the amount and type of compensation that may be received by a board member; requiring a compensation committee to develop guidelines for compensation to be paid to board members; etc. 54 (19)

953 – ***Department of Health and Mental Hygiene – Maryland Medical Assistance Program – Information from and Liability of Health Insurance Carriers*** – Requiring specified health insurance carriers to provide specified information in a specified manner to the Department of Health and Mental Hygiene, at the request of the Department, about individuals who are eligible for benefits under the Maryland Medical Assistance Program or are Program recipients; requiring specified health insurance carriers to accept the Program's right of recovery and the assignment of specified rights under specified circumstances; etc. 54 (19)

957 – ***Frederick County – Public Facilities Bonds*** – Authorizing and empowering the County Commissioners of Frederick County, from time to time, to borrow not more than $120,000,000 in order to finance the cost of specified public facilities in Frederick County, and to effect such borrowing by the issuance and sale at public or private sale of its general obligation bonds; etc. 54 (19)

958 – ***Frederick County – Alcoholic Beverages – Tables and Chairs at Wineries*** – Allowing in Frederick County a holder of a limited winery license to provide tables and chairs on the premises of the licensed facility for the sale, by the glass, of wine and pomace brandy made at the facility to a person who participates in a guided tour of the facility; and generally

relating to alcoholic beverages in Frederick County. 54 (19)

960 – ***Frederick County – Procurement Contracts – Architectural and Engineering Services –*** Authorizing the Board of County Commissioners of Frederick County to award procurement contracts for architectural and engineering services costing more than $30,000 based on an evaluation of the technical proposals and qualifications of at least two persons; and requiring that the contracts be fair, competitive, and reasonable. 54 (19)

979 – ***Frederick County Commissioners – Zoning and Planning – Public Ethics –*** Establishing ethics requirements that relate to planning and zoning proceedings and apply to members of the Frederick County Board of County Commissioners and specified other persons; prohibiting a Board member who has accepted a prohibited contribution from participating in related planning and zoning proceedings; requiring the disclosure of related ex parte communications; establishing penalties; etc..... 54 (19)

1001 – ***Baltimore City – West Arlington Planetarium and Multipurpose Center Loan of 1999 –*** Providing that the proceeds of the Baltimore City – West Arlington Planetarium and Multipurpose Center Loan of 1999 must be encumbered by the Board of Public Works or expended for the purposes provided in the Act by June 1, 2009. ..... 54 (19)

1006 – ***Redhouse Run Stormwater Systems Loan of 1984 –*** Amending the Redhouse Run Stormwater Systems Loan of 1984 to extend the date by which the loan proceeds must be encumbered by the Board of Public Works or expended. 54 (19)

1009 – ***Town of Eldorado (Dorchester County) – Urban Renewal Authority for Slum Clearance –*** Authorizing the Town of Eldorado, Dorchester County, to undertake and carry out specified urban renewal projects for slum clearance and redevelopment; prohibiting specified land or property from being taken for specified purposes without just compensation first being paid to the party entitled to the compensation; declaring that specified land or property taken in connection with specified urban renewal powers is needed for public uses or purposes; etc.... 54 (19)

1011 – ***Town of Hurlock (Dorchester County) – Urban Renewal Authority for Slum Clearance –*** Authorizing the Town of Hurlock, Dorchester County, to undertake and carry out specified urban renewal projects for slum clearance and redevelopment; prohibiting specified land or property from being taken for specified purposes without just compensation first being paid to the party entitled to the compensation; declaring that specified land or property taken in connection with specified urban renewal powers is needed for public uses or purposes; etc.... 54 (19)

1015 – ***Maryland Consolidated Capital Bond Loan of 2006 – Montgomery County – Blair Baseball Field Improvements –*** Amending the Maryland Consolidated Capital Bond Loan of

2006 to permit the Board of Directors of Maryland Community Baseball, Inc. to include funds expended on or after January 1, 2002, in the matching fund..... 54 (19)

1032 – ***Maryland Consolidated Capital Bond Loan of 2006 – Charles County – Black Box Theatre –*** Amending the Maryland Consolidated Capital Bond Loan of 2006 to authorize the Board of Directors of the Chesapeake Bay Floating Theatre, Inc. to include in kind contributions in the matching fund. 54 (19)

Victims —
See Vetoed Senate Bills SB 693
Video —
Tax Reform and Transportation Investment Act of 2007 – See SB 2
Violence –see– Domestic Violence
Vocational Education –see– Education
Voter Registration –see– Voting
Voting —
See also Elections; Vetoed Senate Bills SB 153

W

Wages –see– Salaries
Warranties —
See Vetoed Senate Bills SB 502
Washington County —
See also Vetoed Senate Bills SB 733
Budget Reconciliation Act – See SB 1; HB 1
Washington Transit Districts –see– Mass Transit
Water —
See also Vetoed Senate Bills SB 147
Budget Reconciliation Act – See HB 1
Chesapeake Bay 2010 Trust Fund – See HB 23
Water Pollution –see– Pollution
Waterway Improvement Fund —
Tax Reform and Transportation Investment Act of 2007 – See SB 2
Transportation and State Investment Act – See HB 5
Transportation Investment Act – See SB 5
Weapons —
See Vetoed Senate Bills SB 497
Weights and Measures —
See Vetoed Senate Bills SB 733
Welfare —
See also Social Services
State Government – Public Benefits and Services – Illegal Aliens – See SB 33
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Wells —
See Vetoed Senate Bills SB 147
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Chesapeake Bay 2010 Trust Fund – See HB 23
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See Vetoed Senate Bills SB 203, SB 441, SB 458, SB 459
Wildlife –see– Animals
Wine –see– Alcoholic Beverages
Witnesses —
See Vetoed Senate Bills SB 157
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