

tions; AND MAKING PROVISION FOR CERTAIN PAYMENTS FOLLOWING AND AS A RESULT OF THE LICENSE AND DATES SO AWARDED.

May 28, 1971.

Honorable Thomas Hunter Lowe
Speaker of the House of Delegates
State House
Annapolis, Maryland 21404

Dear Mr. Speaker:

In accordance with Article II, Section 17, of the Maryland Constitution, I have today vetoed House Bill 1128.

As originally introduced, House Bill 1128 added a new Section 18B(e) to Article 78B of the Annotated Code of Maryland. The bill authorized the Racing Commission to award a license and racing dates to a joint venture consisting of the Agricultural and Mechanical Association of Washington County (herein called "Hagerstown") and the Southern Maryland Agricultural Fair Association of Prince George's County (herein called "Marlboro"). Under the bill the Racing Commission could award the racing dates heretofore awarded to Hagerstown, to the joint venture, and could approve agreements between the two tracks providing for the running of the Hagerstown dates at the Marlboro track for a period aggregating not more than nine years. In the event that the joint venture is awarded the license and dates for running at the Marlboro Track during nine calendar years, Hagerstown shall be deemed to have forfeited its rights to conduct racing after the ninth year, and its racing dates shall thereafter be awarded to Marlboro in addition to Marlboro's own racing days.

The bill in its original form is similar to Article 78B, Section 18(d), which authorized the transfer of the dates of the Cumberland Fair Association to the Maryland State Fair and Agricultural Society.

House Bill 1128, however, was amended during its course through the General Assembly, and, as enacted, contains a provision which raises serious questions. The Amendment provides that if the Racing Commission awards the dates of Hagerstown to the joint venture, then for a period of ten years Marlboro shall pay an amount to be reviewed by the Racing Commission but not less than \$6,000 per racing date for each racing day transferred. Payment of this sum of money is to be made to the State Comptroller, and from the payments the State Comptroller is directed to pay for a period of ten years, \$85,000 per year to Hagerstown if that Association operates a fair in the particular year. The remainder of the monies received by the Comptroller are to be credited to the General Funds of the State Treasury.

Under Article 78B, Section 15(a), the Racing Commission is authorized to issue licenses to various fairs or agricultural exhibitions. Both Hagerstown and Marlboro may be awarded "not to exceed eighteen days".

First, it should be noted that the Racing Commission is not required to award the full number of authorized days to any organization. Each calendar year, specific dates are awarded, and the Racing Commission in any particular year, for any one of numerous reasons,