

determined by the General Assembly in its sole discretion, the General Assembly may, by joint resolution, direct that the Commission, notwithstanding any other provision of the law, shall not award in the following calendar year any part of or all of the additional 90 days of racing authorized in Section 17(a) of this article to the licensee whose proposed use or expenditure of the increased funds is found inconsistent by the General Assembly with the purposes specified in this section.

(b-4) (1) The increased funds retained by a licensee under subsection (b-2) of this section are provided so that the licensee shall improve the facilities and services of its track and increase its promotional and marketing activities, in order that attendance and wagering may be increased and the well-being of the standardbred racing industry enhanced.

(2) A licensee who retains additional funds under subsection (b-2) of this section, [by October 1, 1988 and October 1 of each year thereafter] WITHIN 90 DAYS AFTER THE END OF THE LICENSEE'S FISCAL YEAR, shall submit to the Commission and the fiscal committees of the General Assembly a written report, based on audited financial statements, on the use of the increased funds retained by the licensee beginning July 1, 1985 under subsection (b-2) of this section.

(3) In no year shall the licensee's expenditure for capital improvements, marketing, public relations, promotions, and maintenance be less than the average expenditure of the licensee for the 3 fiscal years preceding the enactment of this legislation for each of the above listed areas. In calculating the minimum required expenditure, a licensee may not include in the calculation any allowance for income tax consequences resulting from the increased funds.

(4) The report submitted to the Commission and to the fiscal committees under paragraph (2) of this subsection shall be submitted under penalty of perjury.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1991.

Approved May 24, 1991.

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## CHAPTER 476

(Senate Bill 152)

AN ACT concerning

### Dredge Spoil — Baltimore Harbor Material — Chesapeake Bay

FOR the purpose of ~~expanding the definition of Baltimore Harbor to include certain approach channels in order to prohibit the dumping of spoil taken from certain approach channels into the Chesapeake Bay or its tributaries; and generally relating to the redeposit of spoil taken from Baltimore Harbor prohibiting the dumping, depositing, or scattering of certain materials excavated or dredged from certain~~