JOURNAL

of

PROCEEDINGS

of the

HOUSE OF DELEGATES

of

MARYLAND

SPECIAL SESSION

OCTOBER 29, 2007

through

NOVEMBER 19, 2007

Compiled and edited by:

Sylvia Siegert
Journal Clerk
Chief Clerk's Office

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Mary Monahan
Chief Clerk

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SPECIAL SESSION
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Annapolis, Maryland
Monday, October 29, 2007

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

(See Exhibit A of Appendix II)

Read and ordered journalized.

The House met at 8:08 P.M. and pledged Allegiance to the Flag.

This being the day prescribed by proclamation of the Governor in accordance with Section 16 of Article II of the Constitution for The Special and Extraordinary Meeting of The General Assembly of Maryland.

Prayer by Delegate Mary Ann Love of Anne Arundel County.

EXCUSES:
Del. Montgomery – in China
Del. Sossi – surgery
Del. Stocksdale – foot surgery
Del. Valderrama – personal – sister's wedding

QUORUM CALL

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

(See Roll Call No. 1)

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 adopted.

MESSAGE FROM THE SENATE

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 ordered journalized.

ORDER

October 29, 2007

Ordered By The House of Delegates of Maryland, that the Orders and Appointments adopted for the Regular Session of 2007 be hereby continued for The Special Session of October 29, 2007.

By Order,
Mary Monahan
Chief Clerk

Read and adopted.

ORDER

October 29, 2007

Ordered By the House of Delegates of Maryland, that the Rules of the House of Delegates in effect at the end of the Regular Session of 2007 with the exception of Rule 116, be Adopted for the Special Session of October 29, 2007.

By Order,
Mary Monahan,
Chief Clerk

Read and adopted.

RULES

House Rule 116

Delegate Barve moved to make House Rule 116 a Special Order of Business until Friday.

The motion was adopted.

APPOINTMENTS

October 29, 2007

RESOLVED, That The Speaker makes the following Leadership Appointments:

Honorable Dan K. Morhaim Deputy Majority Leader.

Honorable James W. Hubbard Assistant Majority Floor Leader.

Honorable Shane E. Pendergrass Vice Chairman, Health and Government Operations Committee.

BY ORDER,
MARY MONAHAN,
CHIEF CLERK

Read and adopted.

APPOINTMENTS

October 29, 2007

RESOLVED, That The Speaker makes the following Committee Appointments:

Honorable Charles William Frick to the Ways and Means Committee.

Honorable Kirill Reznik to the Health and Government Operations Committee.

BY ORDER,
MARY MONAHAN,
CHIEF CLERK

Read and adopted.

MESSAGE TO THE SENATE

October 29, 2007

By The Majority Leader:

Ladies and Gentlemen of the Senate:

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

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 adopted.

MESSAGE FROM THE SENATE

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, 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, Jr.
Secretary

Read and ordered journalized.

VETOED HOUSE BILLS – 2007

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

The Messages from the Governor were read and ordered journalized.

The Speaker put the question: Shall all of the following bills pass, notwithstanding the objections of the Governor?

HB 28 sustained (0–135)
HB 45 sustained (0–135)
HB 53 sustained (0–135)
HB 61 sustained (0–135)
HB 63 sustained (0–135)
HB 72 sustained (0–135)
HB 79 sustained (0–135)
HB 102 sustained (0–135)
HB 112 sustained (0–135)
HB 128 sustained (0–135)
HB 135 sustained (0–135)
HB 136 sustained (0–135)
HB 140 sustained (0–135)
HB 145 sustained (0–135)
HB 161 sustained (0–135)
HB 165 sustained (0–135)
HB 172 sustained (0–135)
HB 191 sustained (0–135)
HB 197 sustained (0–135)
HB 222 sustained (0–135)
HB 252 sustained (0–135)
HB 275 sustained (0–135)
HB 282 sustained (0–135)
HB 284 sustained (0–135)
HB 297 sustained (0–135)
HB 302 sustained (0–135)
HB 305 sustained (0–135)
HB 337 sustained (0–135)
HB 351 sustained (0–135)
HB 425 sustained (0–135)
HB 442 sustained (0–135)
HB 463 sustained (0–135)
HB 564 sustained (0–135)
HB 610 sustained (0–135)
HB 629 sustained (0–135)
HB 634 sustained (0–135)
HB 651 sustained (0–135)
HB 677 sustained (0–135)
HB 697 sustained (0–135)
HB 769 sustained (0–135)
HB 770 sustained (0–135)
HB 789 sustained (0–135)

HB 791 sustained (0–135)
HB 879 sustained (0–135)
HB 988 sustained (0–135)
HB 990 sustained (0–135)
HB 991 sustained (0–135)
HB 992 sustained (0–135)
HB 1091 sustained (0–135)
HB 1093 sustained (0–135)
HB 1106 sustained (0–135)
HB 1133 sustained (0–135)
HB 1239 sustained (0–135)
HB 1247 sustained (0–135)
HB 1356 sustained (0–135)
HB 1365 sustained (0–135)
HB 1366 sustained (0–135)
HB 1412 sustained (0–135)
HB 1434 sustained (0–135)

The vetoes were sustained by roll call vote as follows:

Affirmative - 0 Negative - 135 (See Roll Call No. 2)

INTRODUCTION OF 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; 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 Appropriations and the Committee on Ways and Means.

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 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 Ways and Means and the Committee on Appropriations.

House Bill 3 – The Speaker (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 Ways and Means.

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; 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 Ways and Means.

House Bill 5 – The Speaker (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)
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 Ways and Means and the Committee on Appropriations.

House Bill 6 – The Speaker (By Request – Administration)

SECOND PRINTING

AN ACT concerning

Working Families and Small Business Health Coverage

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 Health and Government Operations.

House Bill 7 – Delegates Miller, Aumann, Bates, Beitzel, Boteler, Dwyer, Elliott, Frank, George, Glassman, Haddaway, Jennings, Kach, King, Kipke, McComas, McConkey, McDonough, Myers, O'Donnell, Schuh, Shewell, Smigiel, Stull, and Weldon

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 Appropriations.

House Bill 8 – Delegates Hubbard, Oaks, and Rosenberg

EMERGENCY BILL

AN ACT concerning

Lead–Containing Products – Prohibition

FOR the purpose of prohibiting the manufacture, sale, offer for sale, importation, or distribution of certain lead–containing children's products or lead–adulterated consumable products; providing that certain provisions of this Act do not apply to certain electronic devices; authorizing an agent of the Department of Health and Mental Hygiene to enter certain factories, warehouses, and establishments to inspect certain products at any reasonable time; requiring an agent of the Department to present certain credentials to certain persons under certain circumstances; authorizing an agent of the Department to obtain a sample of any product, package, or labeling during an inspection; requiring an agent of the Department to take certain actions when obtaining a certain sample; requiring the Department to test a certain sample of a product under certain circumstances; requiring the Secretary of Health and Mental Hygiene to make certain declarations if a product is a lead–containing product or a lead–adulterated consumable product; requiring the Department to issue and give certain notices under certain circumstances; requiring a certain person to send certain information to the Department under certain circumstances; requiring a certain person to submit a certain report to the Department under certain circumstances; providing that certain provisions of this Act do not affect the enforcement of certain local laws; establishing certain penalties; defining certain terms; authorizing the Secretary of Health and Mental Hygiene to adopt certain regulations; making this Act an emergency measure; and generally relating to prohibiting lead–containing products.

BY adding to
Article – Health – General
Section 22–601 through 22–609 to be under the new subtitle "Subtitle 6. Lead–Containing Products"
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 9 – Delegates Smigiel, Beitzel, Boteler, Elliott, George, Jennings, Kipke, McConkey, Miller, Myers, Shewell, Stull, and Weldon

AN ACT concerning

Sales and Use Tax – Payment of Tax by Seller

FOR the purpose of 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; and generally relating to authorizing vendors to pay all or any part of the sales and use tax imposed on a retail sale or use on behalf of the buyer.

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 11–302, 11–402, and 11–601(b)(1)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Ways and Means.

House Bill 10 – Delegates Healey, V. Clagett, Gaines, Gilchrist, Harrison, Haynes, Heller, Hixson, Howard, Hubbard, Ivey, Jones, Krysiak, McIntosh, Niemann, Pendergrass, Proctor, Rice, Robinson, Ross, Stukes, F. Turner, and Vallario

AN ACT concerning

Public School Construction Assistance Act of 2008

FOR the purpose of imposing recordation and transfer taxes on the transfer of controlling interest in certain entities owning certain interests in real property in Maryland; requiring the counties and Baltimore City for certain fiscal years to dedicate certain recordation tax revenues to public school construction and renovation; providing that certain transfer tax revenues for certain fiscal years may be used for certain purposes; providing for a certain report to be submitted to the Governor and the General Assembly by a certain date; 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 State Department of Assessments and Taxation to adopt certain regulations; requiring the Department to deduct and credit certain revenues to a certain fund; defining certain terms; providing for a delayed effective date; and generally relating to the taxation of transfers of controlling interests in certain entities.

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 12–110(d) and 13–209(a) and (b)
Annotated Code of Maryland
(2007 Replacement Volume)

BY adding to
Article – Tax – Property
Section 12–110(e), 12–117, and 13–103
Annotated Code of Maryland
(2007 Replacement Volume)

Read the first time and referred to the Committee on Ways and Means and the Committee on Appropriations.

House Bill 11 – Delegates Gilchrist and Rice

AN ACT concerning

Sales and Use Tax – Services

FOR the purpose of altering the definition of "taxable service" under the sales and use tax to impose the tax on certain services; exempting from the tax the sale of certain services by a political subdivision of the State; providing for the effective date of this Act; and generally relating to the sales and use taxation of certain services.

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

BY adding to
Article – Tax – General
Section 11–230
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Ways and Means.

House Bill 12 – Delegates Glenn, Anderson, Benson, Braveboy, Conaway, Gutierrez, Haynes, Hucker, Nathan–Pulliam, Oaks, Olszewski, Pena–Melnyk, Rice, Robinson, Schuler, Stein, and Stukes

AN ACT concerning

Construction Industry Employee Misclassification Act

FOR the purpose of prohibiting construction industry employers from failing to properly classify an individual as an employee with the intent to evade payment of wages, benefits, taxes, or other contributions as required under certain provisions of State law; prohibiting certain persons from conspiring with, aiding and abetting, or assisting another person in violating certain actions prohibited under this Act; prohibiting a person from incorporating or assisting in the incorporation of certain entities for the purposes of facilitating or evading detection of a violation of a certain provision of this Act; requiring the Commissioner of Labor and Industry to institute an investigation in a certain manner under certain circumstances; requiring the Commissioner to provide notice to the State Workers' Compensation Commission, the Division of Unemployment Insurance, and the Comptroller's Office under certain circumstances; requiring the State Workers' Compensation Commission, the Division of Unemployment Insurance, and the Comptroller's Office to provide notice to the Commissioner under certain circumstances; requiring the Commissioner to issue a stop–work order in a certain manner under certain circumstances; requiring the Commissioner to grant an employer's request for a hearing to contest a stop–work order in a certain manner; authorizing an employer to appeal a Commissioner's stop–work order in a certain manner; requiring the Commissioner to notify a public body of a certain violation by a contractor that entered into a public work contract; requiring the public body, on notification, to withhold payment to the contractor in a certain amount; requiring the Commissioner to file with the Secretary of State a certain list; prohibiting certain contractors and subcontractors from entering into a construction contract with a public body under certain circumstances; prohibiting an employer from taking certain action against a person under certain circumstances; prohibiting a person from making certain complaints to the Commissioner or bringing an action in a certain manner under certain provisions of this Act; requiring the Commissioner to apply certain moneys collected in a certain manner; requiring the Commissioner to forward certain information to the Office of the Attorney General under certain circumstances; authorizing the Attorney General to take certain action in circuit court on referral by the Commissioner; authorizing an individual who has not been properly classified as an employee to bring a civil action for damages against an employer; authorizing an employee organization on behalf of an individual, or group of individuals, to bring a certain civil action; requiring that a certain civil action be filed within a certain time period; requiring a court to award an individual or class of individuals certain costs under certain circumstances; requiring the Commissioner to adopt regulations to carry out certain provisions of this Act; requiring a contractor to require that a subcontractor's insurance carrier provide certain evidence that the subcontractor secured workers' compensation insurance in accordance with certain provisions of the State Workers' Compensation Act; requiring a

contractor to preserve certain information for a certain period of time; requiring a contractor to make certain information available to the State Workers' Compensation Commission; requiring certain contracts to provide the State Workers' Compensation Commission, the Commissioner of Labor and Industry, and the Comptroller with certain information under certain circumstances; requiring certain persons engaged in construction to file with the Comptroller a certain return within a certain time period; requiring the Comptroller to adopt certain regulations; establishing certain criminal, civil, and administrative penalties and related appeals processes; making certain provisions of this Act severable; declaring the intent of the General Assembly; defining certain terms; providing for the application of this Act; and generally relating to the misclassification of employees as independent contractors within the construction industry.

BY repealing and reenacting, without amendments,
Article – Labor and Employment
Section 3–101
Annotated Code of Maryland
(1999 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 3–102(a), 3–103, and 3–104
Annotated Code of Maryland
(1999 Replacement Volume and 2007 Supplement)

BY adding to
Article – Labor and Employment
Section 3–901 through 3–914 to be under the new subtitle "Subtitle 9. Construction Industry Employee Misclassification"; and 9–411
Annotated Code of Maryland
(1999 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Tax – General
Section 1–101(p)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY adding to
Article – Tax – General
Section 10–831
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

House Bill 13 – Delegates Gutierrez, Anderson, Glenn, and Robinson

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 Ways and Means.

House Bill 14 – Delegate Pendergrass

AN ACT concerning

State Lottery Agency – Tip Jar Games – Exclusive Authority

FOR the purpose of repealing the authority of certain counties to regulate games that use tip jars; specifying that the State Lottery Agency has the exclusive authority to operate games that use tip jars; and generally relating to tip jar games in the State.

BY repealing
Article – Criminal Law
Section 13–2414 through 13–2439 and the part "Part III. Tip Jars"
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 13–302(a), 13–1301(c), 13–1303(d), 13–1305, 13–1401, 13–1404(a), and 13–2404(c)(2)
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,

Article – Criminal Law
Section 13–302(b), 13–1301(a), 13–1302, 13–1402(a), and 13–2402
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

BY adding to
Article – Criminal Law
Section 13–1303(e)
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – State Government
Section 9–101(a) and (b)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY adding to
Article – State Government
Section 9–111.1
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Ways and Means.

House Bill 15 – Delegates Haynes, Carter, Conaway, Kirk, Oaks, Robinson, Rosenberg, Stukes, and Tarrant

AN ACT concerning

Correctional Services – Parole Fund

FOR the purpose of establishing the Parole Fund; requiring the Governor to include a certain amount in the State budget each fiscal year for the Fund; requiring the Director of the Division of Parole and Probation to administer the Fund, establish certain procedures, and make certain grant awards; requiring a certain law enforcement agency or Police Athletic League center to provide the Director with certain information; requiring the Director to report to the Governor and the General Assembly on or before a certain date; defining certain terms; and generally relating to the Parole Fund.

BY adding to
Article – Correctional Services
Section 6–301 through 6–304 to be under the new subtitle "Subtitle 3. Parole Fund"
Annotated Code of Maryland
(1999 Volume and 2007 Supplement)

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

House Bill 16 – Delegate Ross

AN ACT concerning

Corporate Income Tax Reform

FOR the purpose of requiring certain corporations to compute Maryland taxable income using a certain method; providing that, except as provided by and 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 for certain taxable years; requiring the Comptroller to adopt certain regulations; requiring certain corporations under certain circumstances to include with an income tax return or otherwise file with the Comptroller a certain statement; defining certain terms; providing for the effective date and application of this Act; and generally relating to the income tax on corporations.

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

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 10–804(e) and 10–811
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Ways and Means.

House Bill 17 – Delegate Cardin

AN ACT concerning

Solar Energy Tax Credit

FOR the purpose of establishing a period of eligibility for a credit against the State income tax for certain costs of certain equipment that uses solar energy to generate electricity, to heat or cool a structure or provide hot water for use in a structure, or to provide solar process heat; providing for the amount of the credit; prohibiting the use of the credit under certain circumstances; providing for the application of this Act; and generally relating to a State

income tax credit for certain equipment using solar energy.

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 10–719
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Ways and Means.

House Bill 18 – Delegates Ross and Kaiser

AN ACT concerning

Sales and Use Tax – Services

FOR the purpose of altering the definition of "taxable service" under the sales and use tax to impose the tax on certain services; providing for the effective date of this Act; and generally relating to the sales and use taxation of certain services.

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

Read the first time and referred to the Committee on Ways and Means.

House Bill 19 – Delegates Cardin and F. Turner

AN ACT concerning

Task Force to Study Charitable and Commercial Gaming Activities in Maryland

FOR the purpose of establishing a Task Force to Study Charitable and Commercial Gaming Activities in Maryland to study and assess certain gaming activities in the State; providing for the membership and staffing of the Task Force; prohibiting members of the Task Force from receiving certain compensation but authorizing the reimbursement of certain expenses; requiring a report by a certain date; providing for the termination of this Act; providing for a delayed effective date; and generally relating to the Task Force to Study Charitable and Commercial Gaming Activities in Maryland.

Read the first time and referred to the Committee on Ways and Means.

House Bill 20 – Delegate Tarrant

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 Ways and Means.

House Bill 21 – Delegates Smigiel, Boteler, Elliott, George, Jennings, King, Kipke, McConkey, McDonough, Miller, Myers, Shewell, and Stull

AN ACT concerning

State Property Tax Exemption – Surviving Spouse of a Law Enforcement Officer or Rescue Worker

FOR the purpose of providing for an exemption from State property tax under certain circumstances for a dwelling owned by a surviving spouse of a law enforcement officer or rescue worker who died as a result of an injury or a disease incurred during the course of employment under certain

circumstances; defining certain terms; providing for the application of this Act; and generally relating to a State property tax exemption for a dwelling owned by a surviving spouse of a fallen law enforcement officer or rescue worker.

BY adding to
Article – Tax – Property
Section 7–309
Annotated Code of Maryland
(2007 Replacement Volume)

Read the first time and referred to the Committee on Ways and Means.

House Bill 22 – Delegates Pendergrass, Ali, Barkley, V. Clagett, Conway, Guzzone, Hecht, Heller, James, Mathias, McHale, Niemann, Simmons, and Taylor

CONSTITUTIONAL AMENDMENT

AN ACT concerning

Video Lottery Terminals – Constitutional Amendment Subject to Voter Approval

FOR the purpose of adding a new article to the Maryland Constitution to prohibit the statutory expansion of forms of gaming, with certain exceptions, by the General Assembly; limiting the number of licenses that the State may issue to operate video lottery terminals; limiting to a certain number the number of video lottery terminals that a video lottery facility licensee may operate at a certain facility; limiting the number of licenses to operate video lottery terminals to locations at a certain number of different regions and counties of the State; prohibiting the State from issuing a license for a video lottery facility under certain circumstances; 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 through 3

Read the first time and referred to the Committee on Ways and Means.

House Bill 23 – Delegates McIntosh, V. Clagett, Frush, Lafferty, Lawton, Niemann, and Stein

AN ACT concerning

Chesapeake and Atlantic Coastal Bays – Maryland Green Fund

FOR the purpose of establishing the Maryland Green 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; 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 Fund as a dedicated funding source for the restoration of the Chesapeake and Atlantic Coastal Bays and the waters of the State.

BY adding to
Article – Natural Resources
Section 8–2201 through 8–2206 to be under the new subtitle "Subtitle 22. Maryland Green Fund"
Annotated Code of Maryland
(2007 Replacement Volume)

Read the first time and referred to the Committee on Environmental Matters.

House Bill 24 – Delegates Haynes, Anderson, Cane, Carter, Conaway, Doory, Glenn, Hammen, Harrison, Healey, Holmes, Kirk, Krysiak, McHale, McIntosh, Oaks, Ramirez, Robinson, Rosenberg, Ross, Stukes, Tarrant, V. Turner, and Vaughn

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 Appropriations.

JOINT SESSION

Delegates Howard and Myers escorted the Senate into the House Chamber.

President Miller called for the Senate roll.

SENATE QUORUM CALL

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

(See Senate Roll Call No. 11-A)

Speaker Busch called for the House roll.

QUORUM CALL

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

(See Roll Call No. 3)

A majority of both the House and the Senate being present, Speaker Busch declared both bodies in Joint Session.

Senators Garagiola and Kittleman and Delegates Griffith and O'Donnell escorted the Lieutenant Governor Anthony G. Brown to the Rostrum.

Senators Kasemeyer, Brinkley and Currie and Delegates McHale, Benson and Kach escorted the Chief Executive to the Speaker's Rostrum.

Speaker Busch presented the Chief Executive of Maryland, Governor Martin O'Malley.

The Chief Executive addressed the General Assembly.

ADDRESS TO THE GENERAL ASSEMBLY
Remarks of Governor Martin O'Malley

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.

Senators Kasemeyer, Brinkley and Currie and Delegates McHale, Benson and Kach escorted the Chief Executive from the Chamber.

Senators Garagiola and Kittleman and Delegates Griffith and O'Donnell escorted the Lieutenant Governor from the Chamber.

Delegate Barve moved the Chief Executive's remarks be journalized.

The motion was adopted.

Senator Kasemeyer moved the Chief Executive's remarks be journalized.

The motion was adopted.

Senator Kasemeyer moved the Senate be adjourned.

The motion was adopted.

INTRODUCTION OF BILLS

House Bill 25 – The Minority Leader and Delegates Aumann, Boteler, Costa, Eckardt, Elliott, Frank, Haddaway, Impallaria, Jennings, Kipke, McComas, McDonough, McKee, Miller, O'Donnell, Schuh, Shank, Stull, and Weldon

AN ACT concerning

Video Slot Machines Revenues and Operations

FOR the purpose of renaming the State Lottery Commission to be the State Gaming Commission and requiring the Commission to regulate the operation of certain video slot machines; altering the membership of the State Gaming Commission and specifying certain requirements for members of the Commission; authorizing the operation of video slot machines connected to a certain central computer that allows the State Gaming Commission to monitor a video slot machine 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 slot machine operation license may offer a video slot machine 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 slot machines authorized under this Act; requiring the State Gaming Commission to conduct certain investigations and hearings; requiring the State Gaming Commission to adopt certain regulations; requiring the State Gaming Commission to require a certain bond and collect certain fees, civil penalties, and taxes; authorizing the State Gaming Commission to inspect and seize certain equipment, financial information, and records without notice but with a judicially authorized warrant; requiring certain video slot machine manufacturers, video slot machine gaming facility operators, video slot machine gaming employees, and other individuals required by the State Gaming 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 Gaming Commission; establishing certain penalties; establishing certain eligibility criteria and disqualifying criteria for a video slot machine operation license; requiring a person that contracts with a video slot machine operation licensee to meet certain requirements under certain circumstances; requiring that a video slot machine operation license not issued under this Act reverts to the State; requiring a licensee to commence operation of video slot machines within a certain time period and authorizing the State Gaming Commission to grant extensions under certain circumstances; providing for certain eligibility criteria and disqualifying criteria for certain licenses; providing for certain license terms and renewals; stating the intent of the General Assembly relating to video slot machine operation licenses; prohibiting certain video slot machine 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 slot machine operation license be approved by the State Gaming Commission; requiring the State Gaming Commission to buy or lease the central computer authorized under this Act; prohibiting more than a certain number of video slot machines from being allocated in one county; providing the minimum payout percentage for video slot machines and authorizing the State Gaming Commission to adopt certain video slot machine payout percentages; providing for the hours of operation of video slot machines; prohibiting the State Gaming Commission from issuing certain licenses under certain circumstances; requiring the State Gaming Commission to adopt certain regulations pertaining to the expulsion of underaged or substance impaired individuals from video slot machine gaming facilities; authorizing the State Gaming 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 certain ways; establishing a Purse Dedication Account under the authority of the State Racing Commission; providing for a certain distribution from video slot machine gaming operation 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 slot machine gaming operation 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 certain local development grants; establishing an Administrative 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 Gaming 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 Gaming Commission; exempting certain procurements by the State Gaming Commission from certain requirements; requiring the State Gaming Commission to establish a certain application fee; prohibiting the State Gaming Commission from awarding more than a certain number of video slot machine operation licenses; requiring the State Gaming Commission to conduct a certain number of separate, simultaneously held auctions of all of the video slot machine operation licenses; requiring that the State Gaming Commission award the video slot machine operation licenses in accordance with a certain bidding process; providing for certain fees to be paid by bidders of video slot machine operation licenses; requiring certain bids for video slot machine operation licenses to include certain information and to meet certain requirements; prohibiting the State Gaming Commission from issuing more than a certain number of certain licenses in one county; requiring the State Gaming Commission to consider certain factors and to award a video slot machine operation license on the basis of the lowest percentage of the gross revenues from the operation of video slot machine gaming that the bidder is willing to keep or hold; requiring the State

Gaming Commission to be responsible for certain matters relating to racetrack locations and nonracetrack destination locations after the award of video slot machine operation licenses; providing for review of a denial of an application for a certain license by the State Board of Contract Appeals; allowing the operation of video slot machines in a temporary facility under certain circumstances; requiring, before the issuance of a video slot machine operation license by the State Gaming Commission to an applicant to provide clear and convincing evidence that the applicant has complied with all applicable local zoning, planning, and land use laws, ordinances, and regulations; providing for the staggering of the terms of certain new members of the State Gaming Commission; making certain stylistic changes; defining certain terms; providing for the effective date of this Act; and generally relating to the regulation and operation of and revenues from lawfully authorized video slot machine gaming in the State.

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–101(c), 9–104, and 9–105
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY adding to
Article – State Government
Section 9–1A–01 through 9–1A–25 to be under the new subtitle "Subtitle 1A. Video Slot Machines"
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Ways and Means.

House Bill 26 – Delegate Rudolph

AN ACT concerning

Maryland Gaming Act of 2008

FOR the purpose of renaming the State Lottery Commission to be the Maryland Gaming and Lottery Administration; providing for the continuity of all units, personnel, properties, appropriations, and other attributes of the State Lottery Commission; requiring the Administration to regulate the operation of casino games; authorizing the Administration to issue licenses for a certain number of resort casinos and racinos; authorizing the Administration to authorize a certain number of video lottery terminals for a resort casino and a certain number of video lottery terminals for a racino; specifying certain requirements of applicants for a resort casino license or racino license; requiring the Administration to conduct a certain hearing; specifying certain factors that the Administration shall weigh in issuing a resort casino license

or racino license; specifying that a resort casino license or racino license shall revert to the Administration under certain conditions if the licensee does not take a certain action within a certain time; requiring the Administration to charge certain fees for certain licenses and slot machines; requiring persons to obtain certain licenses before taking certain actions; requiring the Administration to establish average annual payout percentages for successful players of casino games; authorizing the Administration to deny a license, reprimand or fine a licensee, or suspend or revoke a license under certain circumstances; requiring that all proceeds from the operation of the resort casino and racinos be electronically transferred daily into the State Lottery Fund; requiring certain distributions from proceeds of casino games for certain purposes; establishing 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 that the Office of the Attorney General establish a Division of Gaming Enforcement for a certain purpose; requiring the resort casino and racino licensees to adopt certain programs for certain purposes and to act as licensed agents of the State Lottery; defining certain terms; providing for certain corrections in cross–references and terminology; and generally relating to the operation of casino games 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 Ways and Means.

House Bill 27 – Delegates Eckardt, Aumann, Elmore, Frank, Haddaway, Jennings, Kach, Kipke, Krebs, Miller, O'Donnell, Schuh, and Smigiel

EMERGENCY BILL

AN ACT concerning

Budget – Mandated Appropriations – Review

FOR the purpose of requiring a certain itemized statement to be included in the budget books with certain statutory references; requiring a certain summary statement to be included in the budget books; requiring the synopses for certain bills to include a certain statement; requiring certain bills to include certain reporting and termination provisions; requiring certain fiscal notes and a certain report to contain certain information; defining certain terms; making this Act an emergency measure; and generally relating to the review of mandated appropriations.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 7–121(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – State Finance and Procurement
Section 7–121.1
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 2–1501, 2–1504, and 2–1505(e) and (j)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY adding to
Article – State Government
Section 2–1504.1
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)

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

House Bill 28 – Delegate Simmons

AN ACT concerning

Election Law – Campaign Contributions by Persons Authorized by the State to Engage in Gaming Activity – Prohibition

FOR the purpose of prohibiting certain persons engaged in, or who are affiliated with certain persons engaged in, gaming activity from making contributions to certain persons; defining certain terms; making this Act inapplicable to certain persons; and generally relating to a prohibition on campaign contributions to certain persons by certain persons engaged in State–sanctioned gaming activity in this State.

BY adding to
Article – Election Law
Section 13–237
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

Read the first time and referred to the Committee on Ways and Means.

House Bill 29 – Delegate Simmons

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 under certain circumstances; disallowing certain deductions for certain personal exemptions under certain circumstances; 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 Ways and Means.

House Bill 30 – Delegates Pena–Melnyk, Barnes, Braveboy, Cane, Conaway, Frush, Gaines, Glenn, Hammen, Holmes, Hucker, Ivey, Kaiser, Lee, Levi, McIntosh, Morhaim, Murphy, Oaks, Rice, Robinson, Ross, Stukes, V. Turner, Vaughn, and Walker

AN ACT concerning

Education – Maryland Education Fund – Establishment and Funding

FOR the purpose of establishing the Maryland Education Fund as a special, nonlapsing fund; establishing the purpose and contents of the Fund; requiring the State Superintendent of Schools to administer the Fund and to adopt certain regulations; requiring the State Treasurer to hold the Fund separately and to invest the money of the Fund in a certain manner; requiring the Comptroller to account for the Fund; providing that expenditures from the Fund may be made only in a certain manner;

providing that on a certain date the balance remaining on a gift certificate shall be presumed to be abandoned; requiring a person that sells or issues gift certificates in the State to remit to the Comptroller the remaining balances on certain gift certificates on or before a certain date each year; requiring the Comptroller to distribute certain revenues to the Maryland Education Fund on or before a certain date each year; altering the information that must be printed on a gift certificate, a sticker permanently affixed to a gift certificate, or an envelope containing a gift certificate; requiring a person that sells or issues a gift certificate in the State to maintain accounts, books, and records relating to the sale and issuance of the gift certificate for a certain period of time; requiring the person to make the accounts, books, and records available for inspection by the Comptroller on request; defining a certain term; altering a certain definition; and generally relating to the Maryland Education Fund and abandoned gift certificates.

BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 14–1319
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

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

House Bill 31 – Delegate Morhaim

EMERGENCY BILL

AN ACT concerning

Government Efficiency and Streamlining Operations

FOR the purpose of requiring certain persons to use eMaryland Marketplace to advertise for and conduct certain procurements, and to publish notice of an award of a certain contract; requiring the Department of General Services and the Department of Budget and Management to study and report to the General Assembly on certain matters on or before certain dates; defining certain terms; making this Act an emergency measure; and generally relating to the use of eMaryland Marketplace and the study of efficiency in procurement.

BY adding to
Article – State Finance and Procurement
Section 17–501 and 17–502 to be under the new subtitle "Subtitle 5. eMaryland Marketplace – Use by Certain Persons"
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 32 – Delegates Anderson, Glenn, Gutierrez, Holmes, Murphy, Niemann, Proctor, Robinson, and Simmons

AN ACT concerning

Alcoholic Beverage Tax – Rates

FOR the purpose of altering the State tax rate for alcoholic beverages; 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
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Ways and Means.

House Bill 33 – Delegates Olszewski, Minnick, Oaks, and Weir

CONSTITUTIONAL AMENDMENT

AN ACT concerning

Casino Act of 2008

FOR the purpose of adding a new article to the Maryland Constitution to authorize the General Assembly on or after a certain date to allow expanded or additional locations for casino–style gaming; specifying certain forms of authorized casino–style gaming; 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 – Casinos
Section 1

Read the first time and referred to the Committee on Ways and Means.

House Bill 34 – Delegates Olszewski and Lafferty

AN ACT concerning

Maryland–Mined Coal Credit – Repeal

FOR the purpose of repealing certain tax credits allowed for the purchase of Maryland–mined coal; providing for the effective date and application of this Act; and generally relating to the repeal of the Maryland–mined coal credit.

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 8–406
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing
Article – Tax – General
Section 10–704.1
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Ways and Means.

House Bill 35 – Delegates Olszewski, Hucker, and Schuler

AN ACT concerning

Casino Gaming – Conditions and Restrictions

FOR the purpose of requiring that if legislation is enacted authorizing for–profit casino gaming in the State, the State entity designated to license and regulate the casino gaming shall require that the casino gaming be conducted in not more than a certain number of casinos, that successful applicants for casino licenses engage in certain agreements and meet certain standards, and that casino employees be paid at least the State's living wage; defining a certain term; and generally relating to casino gaming.

BY adding to
Article – State Government
Section 9–1A–01 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 Ways and Means.

House Bill 36 – Delegates Miller, Boteler, Dwyer, Eckardt, Frank, George, Impallaria, Jennings, Krebs, McDonough, and O'Donnell

CONSTITUTIONAL AMENDMENT

AN ACT concerning

Taxpayers' Bill of Rights

FOR the purpose of proposing an amendment to the Maryland Constitution that establishes a certain Bill of Rights for individual income taxpayers in the State; requiring certain voter approval for new State or local taxes, tax rate increases, and repeal of tax exemptions; imposing certain spending limits on the State; requiring that a certain Rainy Day Fund be maintained; requiring that certain revenues received in excess of certain estimates be transferred to a certain Rainy Day Fund; prohibiting use of the Rainy Day Fund except under certain circumstances; requiring that under certain circumstances certain balances in excess of certain amounts be returned to individual income taxpayers; prohibiting certain transfers from State special funds to the State General Fund; prohibiting appropriations from State special funds that supplant General Fund appropriations or that if not made would necessitate a State General Fund appropriation; prohibiting the State from imposing certain obligations on local units of government under certain circumstances; providing for the severability of certain provisions; 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 15A

Read the first time and referred to the Committee on Ways and Means.

House Bill 37 – Delegates Frush, Barnes, Beidle, Bromwell, V. Clagett, Hubbard, Ivey, Kaiser, Lafferty, Niemann, Olszewski, Pena–Melnyk, Ramirez, Ross, Schuler, and Vaughn

EMERGENCY BILL

AN ACT concerning

Transportation – Intercounty Connector – Elimination of Funding

FOR the purpose of 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; making this Act an emergency measure; and generally relating to the financing of the Intercounty Connector.

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)

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

House Bill 38 – Delegate Niemann

EMERGENCY BILL

AN ACT concerning

Prince George's County Hospital Authority

FOR the purpose of establishing the Prince George's County Hospital Authority; providing for the mission of the Authority; providing that the Authority is an instrumentality of the State and a public corporation; providing that the exercise by the Authority of certain powers is the performance of an essential public function; requiring the Authority to be subject to the State Open Meetings Law; exempting the Authority from certain provisions of State law; providing that the employees of the Authority are not State personnel as defined in a certain provision of State law; authorizing the Authority to take certain actions to fulfill its mission; requiring Prince George's County to automatically transfer a certain title under certain circumstances; requiring

the Authority to allow the Secretary of Health and Mental Hygiene access to certain records, notes, contracts, and plans; requiring the county to provide the Authority with access to certain books and records; requiring the Authority to submit certain reports to the Governor and the General Assembly at certain times; requiring that the Authority be governed by a Board of Directors; providing for the membership of the Board; providing for the removal of Board members under certain circumstances; establishing certain duties of the Board; providing that a member of the Board is entitled to reimbursement for certain expenses; providing that an officer or director of the Authority is not liable personally for actions taken as an officer or director under certain circumstances; providing that Board members are subject to the provisions of the State ethics laws; specifying the terms of the initial members of the Board; requiring the Authority to enter into certain negotiations; providing that a certain agreement is contingent on the fulfillment of certain contingencies; providing for the powers and duties of the Authority; requiring the Authority to submit certain information to the State Treasurer, the Secretary of Health and Mental Hygiene, certain legislative committees, the County Executive, and the County Council within a certain time period; providing that a certain health care entity shall be recognized as a merged asset system under certain provisions of law; authorizing the Authority to issue revenue bonds for a certain purpose; establishing the rights and duties associated with revenue bonding authority; requiring Prince George's County to pay as a grant to the Authority certain amounts on or before a certain date and in certain fiscal years; authorizing the Authority to use the amounts paid by the county for certain purposes; authorizing the State under certain circumstances to redirect to the Authority certain State funds otherwise required to be paid to the county; requiring the Governor to include certain appropriations in the annual State budget bill for certain fiscal years for the operating costs of the Authority; requiring the Governor to include certain amounts in the annual State capital budget for the capital costs of the Authority; stating the intent of the General Assembly regarding certain State funding for the support of the Prince George's Hospital Center; defining certain terms; requiring the Department of Health and Mental Hygiene and the Department of Business and Economic Development to provide certain staffing and receive certain reimbursement; stating the intent of the General Assembly that State funding for certain purposes will not be affected by certain State support for the Prince George's County Hospital Authority; making this Act an emergency measure; and generally relating to the establishment of the Prince George's County Hospital Authority.

BY adding to

Article – Health – General

Section 24–1601 through 24–1609 to be under the new subtitle "Subtitle 16. Prince George's County Hospital Authority"

Annotated Code of Maryland

(2005 Replacement Volume and 2007 Supplement)

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

House Bill 39 – Delegate Pendergrass

AN ACT concerning

Sales and Use Tax – Snack Tax

FOR the purpose of providing that a certain exemption under the sales and use tax for certain sales of food does not apply to certain snack food; repealing an exemption under the sales and use tax for certain snack food sold through vending machines; defining a certain term; providing for the effective date of this Act; and generally relating to the sales and use taxation of certain snack food.

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 11–206
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Ways and Means.

House Bill 40 – Delegate Smigiel

AN ACT concerning

Sales and Use Tax – Exemption – Clothing

FOR the purpose of exempting from the sales and use tax the sale of clothing; and generally relating to the sales and use tax.

BY adding to
Article – Tax – General
Section 11–230
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Ways and Means.

House Bill 41 – Delegate Riley

AN ACT concerning

Gaming – Video Lottery Terminals and Slot Machines

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 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; making provisions that authorize eligible organizations to own or operate slot machines applicable statewide; 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.

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 – Criminal Law
Section 12–304
Annotated Code of Maryland
(2002 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)(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, 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)

Read the first time and referred to the Committee on Ways and Means.

House Bill 42 – Delegates Barve, Gilchrist, and Simmons

AN ACT concerning

Recordation Tax – Distribution to Municipal Corporations

FOR the purpose of requiring a county to distribute to a municipal corporation a certain portion of any recordation tax attributable to an instrument of writing for property located in the municipal corporation; and generally relating to the recordation tax.

BY adding to
Article – Tax – Property
Section 12–110(e)
Annotated Code of Maryland
(2007 Replacement Volume)

Read the first time and referred to the Committee on Ways and Means.

House Bill 43 – Delegates Schuh, Bates, and McKee

AN ACT concerning

Budget – Mandatory Funding and Calculations – Modifications

FOR the purpose of altering certain provisions relating to State aid to certain local governments; authorizing the Governor to determine a certain per pupil foundation amount; altering the manner of calculating a certain geographic cost of education index; repealing a required calculation for certain State funding to a certain public institution of higher education; altering the calculation of certain State funding for certain nonpublic institutions of higher education; altering a requirement that a certain amount of State funds be provided to a certain public library capital projects program; altering a requirement that the Maryland Stadium Authority contribute a certain percentage to a certain operating deficit; altering a requirement that the Authority contribute a certain amount to a certain fund; repealing the required calculation for a certain appropriation to a certain arts council; repealing a requirement to distribute to a certain local government a certain amount received from certain filing fees; repealing a requirement to provide a certain amount of funds for a certain assistance fund; requiring certain public institutions of higher education to receive an appropriation in a certain fiscal year; providing for the effective date of this Act; and generally relating to modifications to mandatory funding and required calculations of amounts in

the State budget.

BY repealing and reenacting, with amendments,
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 9–1101 and 9–1102
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Education
Section 5–202(b)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Education
Section 5–202(a) and (f), 14–405(b), 17–104, and 23–510
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Financial Institutions
Section 13–712.1(6)
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 7–325(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 13–208
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing
Chapter 269 of the Acts of the General Assembly of 2006
Section 2

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

House Bill 44 – Delegate Hixson

AN ACT concerning

Individual Income Tax – Rates

FOR the purpose of altering the rates and rate brackets under the Maryland income tax on individuals; repealing a Maryland income tax subtraction modification for certain income of certain spouses filing joint returns; altering the calculation of the rate of a certain tax imposed on certain pass–through entities; altering the calculation of the rate of income tax withholding required 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; providing for the effective date and application of this Act; and generally relating to the alteration of rates and rate brackets under the Maryland income tax on individuals.

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 10–102.1(d)(1), 10–105, 10–908(d) through (f), and 10–912(c)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing
Article – Tax – General
Section 10–207(r)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Ways and Means.

House Bill 45 – Delegate G. Clagett

AN ACT concerning

Public School Construction – Funding – Video Lottery Terminals

FOR the purpose of requiring the State Lottery Commission to regulate the operation of certain video lottery terminals at certain horse racetracks in the State; requiring the Governor to appoint a member of the State Racing Commission as a liaison to the State Lottery Commission; 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 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; authorizing 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 State Lottery Commission to issue a certain number of video lottery operation licenses under certain circumstances; requiring certain video lottery terminal manufacturers, video lottery operators, video lottery employees, and other individuals as determined 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 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 outside the State; requiring a certain licensee to conduct a certain annual race with certain exceptions; requiring certain video lottery operation licensees to submit to the State Lottery Commission a certain plan to improve the quality and marketing of horse racing; requiring certain video lottery operation licensees to offer for sale a certain percentage of equity ownership to certain individuals under certain circumstances; 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; providing for the monitoring of certain provisions of this Act by the Governor's Office of Minority Affairs; 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; 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; specifying limits on the number of video lottery terminals allowed at certain facilities; 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; establishing the Public School Construction Fund; requiring certain distributions from video lottery proceeds to the Public School Construction Fund to be used for a certain purpose; establishing a Purse Dedication Fund under the authority of the State Racing Commission; providing for a certain distribution from video lottery proceeds to the Purse Dedication Fund for horse racing; providing for certain distributions from the Purse Dedication Fund for horse racing in a certain manner; 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; 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 certain local development grants should be used for certain purposes; 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; expanding the types of funds that a certain fire, rescue, and ambulance special fund may receive; 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; requiring the Department of Transportation to conduct a certain study and make a certain report by a certain date; 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 for the termination of certain provisions of this Act; providing that certain provisions of this Act are contingent on the termination of another Act; providing for the effective date of certain provisions of this Act; 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 – 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–33 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 – Public Safety
Section 8–102
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 11–203(a)(1)(xvi) and (xvii) and (b)(3)
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)(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)

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 8–102(d)
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)
(As enacted by Chapter 497 of the Acts of the General Assembly of 2007)

Read the first time and referred to the Committee on Ways and Means.

House Bill 46 – Delegates Gaines, Frush, Griffith, Healey, Ivey, Malone, Niemann, and Pena–Melnyk

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 Rules and Executive Nominations.

House Bill 47 – Delegates Impallaria, Boteler, Dwyer, McDonough, Minnick, and Shewell

AN ACT concerning

Video Lottery Terminals – Gaming Card

FOR the purpose of specifying that, if legislation is enacted providing for the operation and licensing of video lottery facilities, the State entity designated to license and regulate video lottery facilities shall require that each video lottery terminal be operated only by the insertion of a video lottery gaming card; requiring an individual who seeks to obtain a video lottery gaming card to provide the operator of the video lottery facility with certain proof of identification; requiring the operator of a video lottery facility to use video lottery gaming cards for certain purposes; requiring the State regulatory entity to adopt certain regulations; defining certain terms; and generally relating to video lottery terminals.

BY adding to
Article – State Government
Section 9–1A–01 to be under the new subtitle "Subtitle 1A. Video Lottery Terminals"

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

Read the first time and referred to the Committee on Ways and Means.

House Bill 48 – Delegates Impallaria, Boteler, Dwyer, McDonough, and Shewell

AN ACT concerning

State Lottery and Video Terminals – Credit Cards – Prohibited

FOR the purpose of prohibiting a person or governmental unit from accepting payment by credit card for a State lottery ticket or share; specifying that, if legislation is enacted providing for the operation and licensing of video lottery facilities, the State entity designated to license and regulate the operation of video lottery facilities shall prohibit an operator of a video lottery facility from accepting a payment by credit card for any purpose from a player of a video lottery terminal; defining certain terms; and generally relating to the State lottery and the operation of video lottery terminals.

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–124(b)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

Read the first time and referred to the Committee on Ways and Means.

House Bill 49 – Delegate King

AN ACT concerning

Education – Geographic Cost of Education Index – Funding

FOR the purpose of requiring the State to provide certain grants to certain county boards of education to reflect regional differences in the cost of education that are due to factors outside the control of local jurisdictions; providing for the manner of calculation and distribution of certain grants in certain fiscal years; requiring the State Department of Education to update a certain geographic cost of education index (GCEI) at certain times; requiring the

Department to submit a certain proposed GCEI adjustment to the Governor and General Assembly and to recommend certain legislation at certain times; providing for the effective date of this Act; and generally relating to the funding of a geographic cost of education index in the Bridge to Excellence in Public Schools Act.

BY repealing and reenacting, with amendments,
Article – Education
Section 5–202(f)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Ways and Means.

House Bill 50 – Delegate Donoghue

AN ACT concerning

State Retirement and Pension System – Employer Contributions – Educators and Educational Staff

FOR the purpose of providing for the calculation of a certain percentage of employer contributions for certain members of the Teachers' Retirement System, Teachers' Pension System, or Optional Retirement Program; requiring counties to pay a certain amount of employer contributions for certain members of the Teachers' Retirement System, Teachers' Pension System, or Optional Retirement Program; requiring the State to pay, under certain circumstances, a certain portion of certain employer contributions for certain members of the Teachers' Retirement System or Teachers' Pension System; altering the amount of employer contributions the State is required to pay for certain members of the Teachers' Retirement System, Teachers' Pension System, or Optional Retirement Program; defining certain terms; and generally relating to the payment of employer contributions for members in the State Retirement and Pension System who are educators or educational staff.

BY adding to
Article – Education
Section 5–204 and 16–306.1
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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)

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

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 adopted.

MESSAGE FROM THE SENATE

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 ordered journalized.

QUORUM CALL

The presiding officer announced a quorum call, showing 134 Members present.

(See Roll Call No. 4)

ADJOURNMENT

At 9:20 P.M. on motion of Delegate Barve the House adjourned until 10:30 A.M. on Legislative Day October 30, 2007, Calendar Day Friday, November 2, 2007.

Annapolis, Maryland
Legislative Day: October 30, 2007
Calendar Day: Friday, November 2, 2007

The House met at 10:38 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate Roger P. Manno of Montgomery County.

QUORUM CALL

The presiding officer announced a quorum call, showing 135 Members present.

(See Roll Call No. 5)

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

EXCUSES:
Del. Cane – medical appointment
Del. Montgomery – in China
Del. Valderrama – personal – sister's wedding

INTRODUCTION OF BILLS

House Bill 51 – Delegate Hucker

AN ACT concerning

Sales and Use Tax – Short–Term Vehicle Rentals – Tax Rate

FOR the purpose of altering the sales and use tax rate for short–term vehicle rentals; providing for the effective date of this Act; and generally relating to the sales and use tax rate for short–term vehicle rentals.

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 11–104(c)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Ways and Means.

House Bill 52 – Delegate Hucker

AN ACT concerning

Sales and Use Tax Rate – Room Rentals

FOR the purpose of altering the sales and use tax rate for the sale of a right to occupy a room or lodgings as a transient guest; providing for the effective date of this Act; and generally relating to the sales and use taxation of the sale of a right to occupy a room or lodgings as a transient guest.

BY repealing and reenacting, without amendments,
Article – Tax – General
Section 11–101(k)(1) and 11–104(a)
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 Ways and Means.

House Bill 53 – Delegate Howard

AN ACT concerning

Sales and Use Tax – Rates

FOR the purpose of altering the rate of the sales and use tax; making this Act subject to a certain contingency; providing for the effective date of this Act; and generally relating to the sales and use tax rate.

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 11–104(a)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Ways and Means.

House Bill 54 – Delegates Simmons and Dumais

AN ACT concerning

Commission to Study Maryland's Tax Structure

FOR the purpose of establishing the Commission to Study Maryland's Tax Structure to review and evaluate the State's current tax structure and 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 a report by a certain date; providing for the effective date of this Act; providing for the termination of this Act; and generally relating to the Commission to Study Maryland's Tax Structure.

Read the first time and referred to the Committee on Ways and Means.

House Bill 55 – Delegate Hucker

AN ACT concerning

Business Organization Filing Fees – Income Tax Credit

FOR the purpose of increasing the filing fee for certain annual reports required to be filed by certain business organizations; providing a credit against the State income tax for certain filing fees paid related to filing certain annual reports; providing certain limitations on the amount of the credit allowed under certain circumstances; allowing certain unused credit to be carried forward to certain taxable years under certain circumstances; defining certain terms; providing for the effective date and application of this Act; and generally relating to certain filing fees of certain business organizations.

BY repealing and reenacting, without amendments,
Article – Corporations and Associations
Section 1–203(a) and (b)(1) and (2)
Annotated Code of Maryland
(2007 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Corporations and Associations
Section 1–203(b)(3)
Annotated Code of Maryland
(2007 Replacement Volume)

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

Read the first time and referred to the Committee on Ways and Means.

House Bill 56 – Delegate Mizeur

AN ACT concerning

Corporate Income Tax Rate – Mass Transit Funding

FOR the purpose of altering the distribution of corporate income tax revenue; creating a Mass Transit Account within the Transportation Trust Fund; providing for the distribution of certain corporate income tax revenue to the Mass Transit Account within the Transportation Trust Fund; altering the State income tax rate for corporations; pledging certain taxes collected to pay the principal and interest on certain bonds; limiting the use of the Mass Transit Account to funding certain transit expenses; providing that certain revenues distributed to the Mass Transit Account are in addition to and may not supplant certain other funds for mass transit; providing for the effective date of this Act; providing for the application of certain provisions of this Act; and generally relating to certain taxes used for certain transportation funding.

BY repealing
Article – Transportation
The subtitle designation "Subtitle 4. Transportation Revenue Sharing Fund" of Title 3
Annotated Code of Maryland
(2001 Replacement Volume and 2007 Supplement)

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

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 2–614, 2–615, and 10–105(b)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 3–215(b) and 3–216(c)(2)(i)
Annotated Code of Maryland
(2001 Replacement Volume and 2007 Supplement)

BY adding to

Article – Transportation
Section 3–401 to be under the new subtitle "Subtitle 4. Mass Transit Account"
Annotated Code of Maryland
(2001 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Ways and Means.

SPECIAL ORDERS

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

House Rule 116

Delegate Barve moved to make House Rule No.116 a Special Order of Business until next session.

The motion was adopted.

QUORUM CALL

The presiding officer announced a quorum call, showing 138 Members present.

(See Roll Call No. 6)

ADJOURNMENT

At 10:49 A.M. on motion of Delegate Barve the House adjourned until 10:00 A.M. on Legislative Day October 31, 2007, Calendar Day Tuesday, November 6, 2007.

Annapolis, Maryland
Legislative Day: October 31, 2007
Calendar Day: Tuesday, November 6, 2007

The House met at 10:13 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate Carolyn J. Krysiak of Baltimore City.

QUORUM CALL

The presiding officer announced a quorum call, showing 133 Members present.

(See Roll Call No. 7)

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

EXCUSES:
Del. Cane – medical appointment
Del. Levi – appointment
Del. Montgomery – in China
Del. Rudolph – Illness

INTRODUCTION OF BILLS

House Bill 57 – Delegate Rice

AN ACT concerning

Vehicle Laws – Improper Use of HOV Lanes – Penalties

FOR the purpose of establishing a minimum penalty for improper use of a high occupancy vehicle lane in violation of a certain provision of law; and generally relating to penalties for improper use of a high occupancy vehicle lane.

BY adding to
Article – Transportation
Section 27–106(d)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 58 – Delegate Rice

AN ACT concerning

Vehicle Laws – Required Security – Termination or Lapse – Penalties

FOR the purpose of altering the penalties the Motor Vehicle Administration may assess if the required security for a vehicle terminates or otherwise lapses during the vehicle's registration year; altering the allocation of the penalties; repealing certain obsolete provisions of law; and generally relating to penalties for termination or lapse of required security for vehicles.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 17–106(e)(1) and (2) and (f)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

SPECIAL ORDERS

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

House Rule 116

Delegate Barve moved to make House Rule 116 a Special Order of Business until Thursday.

The motion was adopted.

INTRODUCTION OF BILLS

House Bill 59 – Delegate Krebs

AN ACT concerning

Transportation Trust Fund – Dedicated Highway Funds

FOR the purpose of providing that certain taxes, fees, charges, and revenues deposited into the Transportation Trust Fund may be used only for certain

purposes; repealing certain obsolete provisions; repealing certain provisions relating to the transfer of certain funds from the Transportation Trust Fund to a special fund; and generally relating to dedicated highway funds deposited into the Transportation Trust Fund.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 3–216
Annotated Code of Maryland
(2001 Replacement Volume and 2007 Supplement)

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

QUORUM CALL

The presiding officer announced a quorum call, showing 134 Members present.

(See Roll Call No. 8)

ADJOURNMENT

At 10:29 A.M. on motion of Delegate Barve the House adjourned until 3:00 P.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

The House met at 3:18 P.M. and pledged Allegiance to the Flag.

Prayer by Delegate Virginia Clagett of Anne Arundel County.

QUORUM CALL

The presiding officer announced a quorum call, showing 133 Members present.

(See Roll Call No. 9)

The Journal of October 31, 2007 was read and approved.

EXCUSES:
Del. Hecht – medical appointment
Del. Jameson – NCSL/France – business
Del. McDonough – medical appointment
Del. Montgomery – in China
Del. Riley – personal
Del. Walker – business
Del. Walkup – personal
Del. Wood – funeral

INTRODUCTION OF BILLS

House Bill 60 – Delegate George

CONSTITUTIONAL AMENDMENT

AN ACT concerning

Operating Budget – Forecasted Deficit – Spending Limits

FOR the purpose of proposing an amendment to the Maryland Constitution that imposes certain limits on General Fund appropriations in the State Budget under certain circumstances; and submitting this amendment to the qualified voters of the State of Maryland for their adoption or rejection.

BY proposing an amendment to the Maryland Constitution
Article III – Legislative Department
Section 52(4)

BY proposing an addition to the Maryland Constitution
Article III – Legislative Department
Section 53

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

SPECIAL ORDERS

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

House Rule 116

Delegate Barve moved to make House Rule 116 a Special Order of Business until next session.

The motion was adopted.

QUORUM CALL

The presiding officer announced a quorum call, showing 133 Members present.

(See Roll Call No. 10)

ADJOURNMENT

At 3:30 P.M. on motion of Delegate Barve the House adjourned until 2:00 P.M. on Legislative Day November 2, 2007, Calendar Day Friday, November 9, 2007.

Annapolis, Maryland
Legislative Day: November 2, 2007
Calendar Day: Friday, November 9, 2007

The House met at 4:42 P.M. and pledged Allegiance to the Flag.

Prayer by Delegate Adelaide C. Eckardt of Caroline, Dorchester, Talbot and Wicomico counties.

QUORUM CALL

The presiding officer announced a quorum call, showing 133 Members present.

(See Roll Call No. 11)

The Journal of November 1, 2007 was read and approved.

EXCUSES:
Del. Glassman – personal
Del. Hecht – medical
Del. Heller – business
Del. Jameson – NCSL/ France - business
Del. Montgomery – in China
Del. Riley – personal

MESSAGE FROM THE SENATE

FIRST READING OF SENATE 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~~ 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; requiring Washington County to distribute a certain portion of the 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; 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; 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; 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; 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; 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 and reenacting, without 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 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)~~ 5–903(g)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

~~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 and reenacting, without amendments,
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)

Read the first time and referred to the Committee on Appropriations and the Committee on Ways and Means.

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

AN ACT concerning

Tax Reform and Transportation Investment 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; altering the definition of "resident" under the Maryland income tax; providing for the application of the income tax rates to nonresidents; altering the amount allowed as a deduction for certain exemptions under the Maryland income tax; 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; removing a certain restriction on eligibility to claim a refundable earned income credit under certain circumstances; 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 eligibility for and 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;~~ imposing a State admissions and amusement tax on the ~~gross receipts~~ net proceeds derived

from the operation of certain bingo games and tip jars; providing for the distribution of certain admissions and amusement tax revenue; 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~~ imposing a certain limit on a certain credit relating to collecting and paying the sales and use tax; 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; 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; altering the definition of "taxable service" under the sales and use tax to impose the tax on certain services; designating ~~certain periods~~ a certain period ~~each year~~ in certain fiscal years to be ~~tax–free periods~~ 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 ~~certain periods~~ a certain period ~~each year~~ in certain fiscal years to be ~~tax–free periods~~ a tax–free period during which a certain sales and use tax exemption for the sale of certain clothing or footwear is provided; 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; 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; 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~~ ~~to the General Fund of the State~~ 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; 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;~~ 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; 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 and certain tobacco intended to be placed in the oral cavity; altering the information required to be stated in a tobacco tax return; ~~altering a certain discount provision under the tobacco tax;~~ providing for the application of the tobacco tax to certain cigarettes; altering the application of the tobacco tax to

certain cigars weighing no more than a certain amount or meeting certain other criteria for production type, size, content, and cost; 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; 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;~~ 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; 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 and revenues.

BY repealing and reenacting, without amendments,
Article – Tax – General
Section 2–106(c)(3) and (d)(3), 10–207(r), ~~and 10–908(d)~~ 10–908(d), and 12–303(b)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 2–106(f), 2–202, 2–614, 2–615, 2–1103, 2–1303, 4–105(b), 10–101(k)(1)(i), 10–102.1(d)(1), 10–105, 10–210.1(b)(3), 10–211, 10–402(c)(2)(vi) and (vii), 10–601, 10–704, 10–804(e)(3)(ii) and (iii), 10–908(e) and (f), 10–912(c), ~~11–101(m)~~ 11–101(k)(2) and (m), 10–811, 11–104(a) and (b), 11–105, 11–219, 11–226, 11–228, 11–301, 11–302, 11–402, 11–601(b)(1), 12–101(c), ~~12–105(a)~~ 12–105, and ~~12–303(b)~~ 12–201(a), 12–202, and 12–302(a)
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~~

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

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 10–313
Annotated Code of Maryland
(2004 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 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)

BY adding to
Article – Education
Section 15–106.6
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 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)

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 Ways and Means and the Committee on Appropriations.

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 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 ~~a~~ certain ~~licensee~~ licensees to conduct ~~a~~ certain annual ~~race~~ races 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 a certain licensee to maintain or convey certain property under certain circumstances; 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; requiring certain licensees to pay a certain minimum

wage rate 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; providing that Allegany County shall agree to 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 and submit a certain report to the General Assembly; 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 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 adding to
Article – Tax – Property
Section 7–514
Annotated Code of Maryland
(2007 Replacement Volume)

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 Ways and Means.

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 Ways and Means.

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

EMERGENCY BILL

AN ACT concerning

Working Families and Small Business Health Coverage Act

FOR the purpose of establishing a Small Employer Health ~~Insurance~~ Benefit Plan Premium Subsidy Program; establishing the purposes, administration, eligibility and other requirements, and funding for the Program; requiring the Maryland Health Care Commission to adopt regulations to establish certain eligibility requirements and certain levels of subsidies under 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; providing that certain contributions to health savings accounts shall be considered additional premium contributions for the purpose of calculating certain subsidies under certain circumstances; 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 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; 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 Maryland Health Care Commission to adopt certain regulations that specify the requirements of a certain benefit;

requiring the Maryland Health Care Commission to comply with certain provisions of law in carrying out its duties; ~~providing~~ declaring the intent of the General Assembly regarding the level of certain benefits; ~~providing~~ declaring 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; declaring the intent of the General Assembly to increase access to certain services; 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; making this Act an emergency measure; 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)~~, (d), and (e)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – Insurance
Section 15–1201(s), 15–1204(g), and 15–1206(g); and 15–12A–01 through 15–12A–05 to be under the new subtitle "Subtitle 12A. Small Employer Health ~~Insurance~~ Benefit Plan Premium Subsidy Program"
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 15–1207(a)
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 Health and Government Operations.

SPECIAL ORDERS

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

House Rule 116

Delegate Barve moved to make House Rule 116 a Special Order of Business until next session.

The motion was adopted.

MESSAGE FROM THE SENATE

November 9, 2007

BY THE MAJORITY LEADER

Ladies and Gentlemen of the House of Delegates:

The Senate of Maryland has voted to override the Governor's veto of Senate Bill 497. Said Bill is sent to you for your consideration.

By Order,
William B.C. Addison, Jr.
Secretary of the Senate

Read and ordered journalized.

VETOED SENATE BILLS – 2007 SESSION

VETOED SENATE BILL AND MESSAGE – 2007 REGULAR SESSION

(See Exhibit C of Appendix II)

Read and ordered journalized.

Senate Bill 497 (2007 Regular Session)

AN ACT concerning

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

Delegate Barve moved to make the Bill a Special Order for Monday.

The motion was adopted.

QUORUM CALL

The presiding officer announced a quorum call, showing 135 Members present.

(See Roll Call No. 12)

RECESS

At 4:55 P.M. on motion of Delegate Barve the House recessed until 8:30 P.M. on Legislative Day November 2, 2007, Calendar Day Friday, November 9, 2007.

AFTER RECESS
Annapolis, Maryland
Legislative Day: November 2, 2007
Calendar Day: Friday, November 9, 2007

At 10:18 P.M. the House resumed its session and pledged Allegiance to the Flag.

Prayer by Delegate Gail H. Bates of Howard County.

QUORUM CALL

The presiding officer announced a quorum call, showing 133 Members present.

(See Roll Call No. 13)

EXCUSES:
Del. Donoghue – illness
Del. Dwyer – personal
Del. Glassman – personal
Del. Hecht – medical
Del. Jameson – NCSL/France – business
Del. Montgomery – in China
Del. Riley – personal
Del. Rudolph – illness

SPECIAL ORDERS

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

House Rule 116

Delegate Barve moved to make House Rule 116 a Special Order of Business until Monday.

The motion was adopted.

THE COMMITTEE ON WAYS AND MEANS REPORT #1

Delegate Hixson, Chair, for the Committee on Ways and Means and Delegate Conway, Chair, for the Committee on Appropriations reported favorably with amendments:

House Bill 2 – The Speaker (By Request – Administration)

AN ACT concerning

Tax Reform Act of 2007

(Amendment ID: HB0002/605469/1)

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 2
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "altering" in line 6 down through "age;" in line 8 and substitute "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;"; in line 11, after "altering" insert "eligibility for and"; in line 16, after "credit;" insert "removing a certain restriction on eligibility to claim a refundable earned income credit under certain circumstances;"; and strike beginning with "allowing" in line 16 down through "provided;" in line 31.

On page 2, strike beginning with "requiring" in line 1 down through "Fund;" in line 3, inclusive; in line 4, strike "Higher" and substitute "Maryland"; in line 7, strike "certain revenues" and substitute "a certain appropriation"; strike beginning with the first "altering" in line 24 down through "cigarettes;" in line 26; and strike beginning with "requiring" in line 27 down through "circumstances;" in line 34, inclusive.

On page 2, in line 44, strike "4–105(b),".

On page 3, in line 1, strike "11–101(m)," and substitute "and"; strike beginning with ", 11–104(a)" in line 1 down through "12–303(b)" in line 2; in line 7, strike the first comma and substitute "and"; in the same line, strike ", and 10–726"; and in line 12, strike "15–106.6" and substitute "27–101 to be under the new title "Title 27. Maryland Education Investment Fund"".

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, 22, 23, 24, and 25, respectively, strike "**$15,000**", "**$15,001**", "**$150,000**", "**$150,001**", and "**$500,000**", respectively, and substitute "**$3,000**", "**$3,001**", "**$125,000**", "**$125,001**", and "**$150,000**", respectively; in line 25, strike "**AND**" and substitute:

"**(VI) 5.5% OF MARYLAND TAXABLE INCOME OF $150,001 THROUGH $200,000; AND**";

in lines 24 and 26, strike "**6%**" and "**6.5%**", respectively, and substitute "**5.25%**" and "**5.75%**", respectively; in line 26, strike "**(VI)**" and substitute "**(VII)**"; and in line 27, strike "**$500,000**" and substitute "**$200,000**".

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**", "**$22,501**", "**$200,000**", and "**$200,001**", respectively, and substitute "**$1,000**", "**$1,001**", "**$2,000**", "**$2,001**", "**$3,000**", "**$3,001**", "**$175,000**", and "**$175,001**", respectively; in lines 18 and 20, strike "**6%**" and "**6.5%**", respectively, and substitute "**5.25%**" and "**5.75%**", respectively; in line 19, strike "**$500,000**" and substitute "**$200,000**"; in the same line, strike "**AND**" and substitute:

"**(VI) 5.5% OF MARYLAND TAXABLE INCOME OF $200,001 THROUGH $250,000; AND**";

in line 20, strike "**(VI)**" and substitute "**(VII)**"; and in line 21, strike "**$500,000**" and substitute "**$250,000**".

AMENDMENT NO. 4

On page 6, in line 16, strike "Whether" and substitute "**(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, WHETHER**"; and in lines 18 and 31, in each instance, strike "**$2,400**" and substitute "**$3,200**".

On page 7, after line 14, insert:

"**(B) 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:**

(1) $2,400 IF FEDERAL ADJUSTED GROSS INCOME FOR THE TAXABLE YEAR DOES NOT EXCEED $125,000;

(2) $1,800 IF FEDERAL ADJUSTED GROSS INCOME FOR THE TAXABLE YEAR IS GREATER THAN $125,000 BUT NOT GREATER THAN $150,000;

(3) $1,200 IF FEDERAL ADJUSTED GROSS INCOME FOR THE TAXABLE YEAR IS GREATER THAN $150,000 BUT NOT GREATER THAN $200,000; AND

(4) $600 IF FEDERAL ADJUSTED GROSS INCOME FOR THE TAXABLE YEAR IS GREATER THAN $200,000.

(C) 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:

(1) $2,400 IF FEDERAL ADJUSTED GROSS INCOME FOR THE TAXABLE YEAR DOES NOT EXCEED $175,000;

(2) $1,800 IF FEDERAL ADJUSTED GROSS INCOME FOR THE TAXABLE YEAR IS GREATER THAN $175,000 BUT NOT GREATER THAN $200,000;

(3) $1,200 IF FEDERAL ADJUSTED GROSS INCOME FOR THE TAXABLE YEAR IS GREATER THAN $200,000 BUT NOT GREATER THAN $250,000; AND

(4) $600 IF FEDERAL ADJUSTED GROSS INCOME FOR THE TAXABLE YEAR IS GREATER THAN $250,000.".

AMENDMENT NO. 5

On page 8, strike beginning with "with" in line 1 down through "exemptions" in line 2; strike beginning with "for" in line 25 down through "exemptions" in line 26; and strike beginning with "with" in line 32 down through "exemptions" in line 33.

AMENDMENT NO. 6

On page 7, in lines 11 and 13, in each instance, strike the brackets; and in the same lines, in each instance, strike "**$2,000**".

AMENDMENT NO. 7

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. 8

On pages 11 through 16, strike in their entirety the lines beginning with line 25 on page 11 through line 34 on page 16, inclusive.

AMENDMENT NO. 9

On page 17, in line 1, strike "4." and substitute "2."; in line 4, strike "**15–106.6.**" and substitute:

"**TITLE 27. MARYLAND EDUCATION INVESTMENT FUND.**

27–101.";

in lines 7 and 14, in each instance, strike "**HIGHER**" and substitute "**MARYLAND**"; strike in their entirety lines 9 through 13, inclusive; strike beginning with the colon in line 15 down through "**FAMILIES**" in line 19 and substitute "**INVEST IN CAPITAL PROJECTS AT PUBLIC SCHOOLS AND PUBLIC HIGHER EDUCATION INSTITUTIONS, INCLUDING COMMUNITY COLLEGES**"; and in line 22, after "**FUND**" insert "**SEPARATELY**".

On page 18, strike beginning with "**REVENUES**" in line 1 down through "**ARTICLE**" in line 2 and substitute "**ANY MONEY APPROPRIATED TO THE FUND**"; strike line 5 in its entirety; in lines 6 and 13, strike "**(9)**" and "**(10)**", respectively, and substitute "**(8)**", and "**(9)**", respectively; strike beginning with the colon in line 6 down through "**COMMISSION**" in line 12 and substitute "**FOR CAPITAL PROJECTS AT PUBLIC SCHOOLS AND PUBLIC HIGHER EDUCATION INSTITUTIONS, INCLUDING COMMUNITY COLLEGES**".

AMENDMENT NO. 10

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 20% OF THE REMAINING INCOME TAX REVENUE FROM CORPORATIONS TO THE GENERAL FUND OF THE STATE.**".

AMENDMENT NO. 11

On page 19, in line 12, strike "**8%**" and substitute "**8.75%**"; and in line 28, strike "5." and substitute "3.".

AMENDMENT NO. 12

On page 20, strike lines 1 and 2 in their entirety and substitute:

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

(2) "COMBINED GROUP" MEANS:

(I) ALL MEMBERS OF A UNITARY GROUP THAT ARE SUBJECT TO THE INCOME TAX OR WOULD BE SUBJECT TO THE INCOME TAX IF DOING BUSINESS IN THE STATE; AND

(II) OTHER MEMBERS OF THE UNITARY GROUP NOT DESCRIBED IN ITEM (I) OF THIS PARAGRAPH, UNDER THE CIRCUMSTANCES AND TO THE EXTENT PROVIDED IN REGULATIONS ADOPTED BY THE COMPTROLLER TO PREVENT THE AVOIDANCE OF TAX OR TO CLEARLY REFLECT INCOME OF ANY MEMBER OF THE COMBINED GROUP FOR ANY PERIOD.

(3) "UNITARY GROUP" MEANS AN AFFILIATED GROUP OF CORPORATIONS:";

in lines 3, 4, 6, and 8, strike "**(1)**", "**(2)**", "**(I)**", and "**(II)**", respectively, and substitute "**(I)**", "**(II)**", "**1.**", and "**2.**", respectively; and in lines 9, 10, 19, 20, 21, 22, 23, 26, 30, 31, and 33, in each instance, strike "**UNITARY**" and substitute "**COMBINED**".

On page 21, in lines 7, 10, 13, and 16, in each instance, strike "**UNITARY**" and substitute "**COMBINED**".

AMENDMENT NO. 13

On page 21, in line 13, strike "**SHALL**" and substitute "**MAY ELECT TO**".

AMENDMENT NO. 14

On page 22, in line 31, strike "6." and substitute "4.".

On pages 22 and 23, strike in their entirety the lines beginning with line 33 on page 22 through line 11 on page 23, inclusive.

AMENDMENT NO. 15

On page 30, in lines 23 and 29, strike "135%" and "125%", respectively, and substitute "125%" and "137.5%", respectively.

AMENDMENT NO. 16

On page 30, in line 11, strike "7." and substitute "5."; and in line 15, strike "4" and substitute "2".

On page 32, in lines 9 and 15, strike "12." and "15.", respectively, and substitute "7." and "8.", respectively; in line 9, strike "4, and 5" and substitute "2, and 3"; strike in their entirety lines 11 through 14, inclusive; in lines 15 and 16, strike "12 through 14" and substitute "6 and 7".

AMENDMENT NO. 17

On pages 30 through 32, strike in their entirety the lines beginning with line 31 on page 30 through line 8 on page 32, inclusive, and substitute:

"SECTION 6. AND BE IT FURTHER ENACTED, That Section 4 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.".

The preceding 17 amendments were read only.

Delegate Hixson moved to make the Bill and Amendments a Special Order for Saturday.

The motion was adopted.

Delegate Hixson, Chair, for the Committee on Ways and Means and Delegate Conway, Chair, for the Committee on Appropriations reported favorably with amendments:

House Bill 5 – The Speaker (By Request – Administration)

AN ACT concerning

Transportation Investment Act

(Amendment ID: HB0005/905960/1)

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 5
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Transportation" insert "and State"; strike beginning with "altering" in line 3 down through "issues;" in line 9 and substitute "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; 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"; in line 18, strike "defining a certain term;" and substitute "providing for the distribution of certain sales and use tax revenue collected for a certain period to a certain special fund; repealing an obsolete provision 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; making a provision of this Act subject to a certain contingency;"; in line 20, after "to" insert "tax revenues and"; and in line 24, strike "9–305" and substitute "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, and 12–105(a)".

On page 2, in line 5, strike "13–809(c)(1)" and substitute "13–809(a)(3) and (c)(1)"; strike in their entirety lines 18 through 22, inclusive; in line 25, after "4–209(k)" insert "and 8–205"; after line 32, insert:

"BY repealing
Article – State Finance and Procurement
Section 7–313
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding
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)";

strike line 35 in its entirety and substitute:

"Section 2–1104, 2–1302.1, and 2–1303".

On pages 2 and 3, strike in their entirety the lines beginning with line 38 on page 2 through line 2 on page 3, inclusive.

AMENDMENT NO. 2

On page 3, after line 25, insert:

"4–105.

(b) If gross receipts subject to the admissions and amusement tax are also subject to the sales and use tax, a county or a municipal corporation may not set a rate so that, when combined with the sales and use tax, the total tax rate will exceed **[**10%**] 11%** of the gross receipts.

11–104.

(a) Except as otherwise provided in this section, the sales and use tax rate is:

(1) for a taxable price of less than $1:

(i) 1 cent if the taxable price is 20 cents; **[**and**]**

(ii) **[**1 cent for each additional 20 cents or part of 20 cents; and**] 2 CENTS IF THE TAXABLE PRICE IS AT LEAST 21 CENTS BUT LESS THAN 34 CENTS;**

(III) 3 CENTS IF THE TAXABLE PRICE IS AT LEAST 34 CENTS BUT LESS THAN 51 CENTS;

(IV) 4 CENTS IF THE TAXABLE PRICE IS AT LEAST 51 CENTS BUT LESS THAN 67 CENTS;

(V) 5 CENTS IF THE TAXABLE PRICE IS AT LEAST 67 CENTS BUT LESS THAN 84 CENTS; AND

(VI) 6 CENTS IF THE TAXABLE PRICE IS AT LEAST 84 CENTS; AND

(2) for a taxable price of $1 or more:

(i) **[**5**] 6** cents for each exact dollar; and

(ii) **[**1 cent for each 20 cents or part of 20 cents**] FOR THAT PART OF A DOLLAR** in excess of an exact dollar**:**

1. 1 CENT IF THE EXCESS OVER AN EXACT DOLLAR IS AT LEAST 1 CENT BUT LESS THAN 17 CENTS;

2. 2 CENTS IF THE EXCESS OVER AN EXACT DOLLAR IS AT LEAST 17 CENTS BUT LESS THAN 34 CENTS;

3. 3 CENTS IF THE EXCESS OVER AN EXACT DOLLAR IS AT LEAST 34 CENTS BUT LESS THAN 51 CENTS;

4. 4 CENTS IF THE EXCESS OVER AN EXACT DOLLAR IS AT LEAST 51 CENTS BUT LESS THAN 67 CENTS;

5. 5 CENTS IF THE EXCESS OVER AN EXACT DOLLAR IS AT LEAST 67 CENTS BUT LESS THAN 84 CENTS; AND

6. 6 CENTS IF THE EXCESS OVER AN EXACT DOLLAR IS AT LEAST 84 CENTS.

(b) 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%**] 6%**, applied to **[**95.25%**] 94.5%** of the gross receipts from the vending machine sales.

(G) THE SALES AND USE TAX RATE FOR THE SALE OF A RIGHT TO OCCUPY A ROOM OR LODGINGS AS A TRANSIENT GUEST IS:

(1) 10 CENTS FOR EACH EXACT DOLLAR OF TAXABLE PRICE; AND

(2) 1 CENT FOR EACH 10 CENTS OR PART OF 10 CENTS OF TAXABLE PRICE IN EXCESS OF AN EXACT DOLLAR.

11–105.

(a) (1) Except as provided in **[**subsections (b) and (c)**] SUBSECTION (B)** of this section, a vendor who timely files a sales and use tax return is allowed, for the expense of collecting and paying the tax, a credit equal to **THE LESSER OF:**

(I) 0.9% of the gross amount of sales and use tax that the vendor is to pay to the Comptroller**; OR**

(II) $300 FOR EACH RETURN.

(2) The credit allowed under this section does not apply to any sales and use tax that a vendor is required to pay to the Comptroller for any purchase or use that the vendor makes that is subject to the tax.

(b) (1) Subject to paragraph (2) of this subsection, the credit allowed under this section is 1.2% of the first $6,000 of the gross amount of sales and use tax that the vendor is to pay with each return.

(2) For a vendor who files or is eligible to file a consolidated return under § 11–502 of this title **[**,**]:**

(I) the credit allowed under paragraph (1) of this subsection is 1.2% of the first $6,000 of the gross amount of sales and use tax that the vendor is or would be required to pay with the consolidated return**; AND**

(II) THE TOTAL MAXIMUM CREDIT THAT THE VENDOR IS ALLOWED UNDER THIS SECTION FOR ALL RETURNS FILED FOR ANY PERIOD IS $300.

[(c) From July 1, 2004 through June 30, 2006:

(1) the credit allowed under subsection (a) of this section is 0.45% of the gross amount of sales and use tax that the vendor is to pay to the Comptroller; and

(2) the credit allowed under subsection (b) is:

(i) 0.6% of the first $6,000 of the gross amount of sales and use tax that the vendor is to pay with each return; or

(ii) for a vendor described in subsection (b)(2) of this section, 0.6% of the first $6,000 of the gross amount of sales and use tax that the vendor is or would be required to pay with the consolidated return.**]**

11–301.

The sales and use tax is computed on:

(1) the taxable price of each separate sale;

(2) if a combined sale is made, the combined taxable price of all retail sales on the same occasion by the same vendor to the same buyer; or

(3) if retail sales of tangible personal property or a taxable service are made through vending or other self–service machines, **[**95.25%**] 94.5%** of the gross receipts from the retail sales.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Tax – General

11–101.

(C–1) "REPAIR SERVICE" INCLUDES:

(1) LAUNDERING, CLEANING, MENDING, ALTERING, AND FITTING OF CLOTHING AND OTHER TEXTILES, INCLUDING:

(I) FUR STORAGE AND REPAIR; AND

(II) SHOE REPAIR AND SHOE SHINING;

(2) FURNITURE, RUG, CARPET, AND UPHOLSTERY CLEANING AND REPAIR, INCLUDING REUPHOLSTERY;

(3) COMPUTER AND OFFICE MACHINE REPAIR OF ALL TYPES;

(4) MOTOR VEHICLE AND BOAT REPAIR OF ALL TYPES, BUT NOT INCLUDING ROADSIDE ASSISTANCE SERVICES;

(5) ELECTRICAL AND ELECTRONIC REPAIR OF ALL TYPES;

(6) WATCH, CLOCK, AND JEWELRY REPAIR; AND

(7) REPAIR OF ANY OTHER TANGIBLE PERSONAL PROPERTY.

(m) "Taxable service" means:

(1) fabrication, printing, or production of tangible personal property by special order;

(2) commercial cleaning or laundering of textiles for a buyer who is engaged in a business that requires the recurring service of commercial cleaning or laundering of the textiles;

(3) cleaning of a commercial or industrial building;

(4) cellular telephone or other mobile telecommunications service;

(5) "900", "976", "915", and other "900"–type telecommunications service;

(6) custom calling service provided in connection with basic telephone service;

(7) a telephone answering service;

(8) pay per view television service;

(9) credit reporting;

(10) a security service, including:

(i) a detective, guard, or armored car service; and

(ii) a security systems service;

(11) a transportation service for transmission, distribution, or delivery of electricity or natural gas, if the sale or use of the electricity or natural gas is subject to the sales and use tax; **[**or**]**

(12) a prepaid telephone calling arrangement**;**

(13) A REPAIR SERVICE; OR

(14) A PARKING FACILITY OR SERVICE.

11–226.

[(a) The sales and use tax does not apply to the sale of the following electric appliances that meet or exceed the applicable Energy Star efficiency requirements developed by the United States Environmental Protection Agency and the United States Department of Energy:

(1) a clothes washer purchased on or after July 1, 2000, but before July 1, 2003;

(2) a room air conditioner purchased on or after January 1, 2001, but before July 1, 2004; or

(3) a standard size refrigerator purchased on or after July 1, 2001, but before July 1, 2004.

(b) The sales and use tax does not apply to the sale, on or before July 1, 2004, of:

(1) a fuel cell that:

(i) generates electricity and heat using an electrochemical process;

(ii) has an electricity–only generation efficiency greater than 35%; and

(iii) has a generating capacity of at least 2 kilowatts;

(2) a natural gas heat pump that has a coefficient of performance of at least 1.25 for heating and at least 0.70 for cooling;

(3) an electric heat pump hot water heater that yields an energy factor of at least 1.7;

(4) an electric heat pump that has a heating system performance factor of at least 7.5 and a cooling seasonal energy efficiency ratio of at least 13.5;

(5) a central air conditioner that has a cooling seasonal energy efficiency ratio of at least 13.5; or

(6) an advanced natural gas water heater that has an energy factor of at least 0.65.]

(A) (1) IN THIS SUBSECTION, "ENERGY STAR PRODUCT" MEANS AN AIR CONDITIONER, CLOTHES WASHER OR DRYER, FURNACE, HEAT PUMP, STANDARD SIZE REFRIGERATOR, COMPACT FLUORESCENT LIGHT BULB, DEHUMIDIFIER, OR PROGRAMMABLE THERMOSTAT THAT HAS BEEN DESIGNATED AS MEETING OR EXCEEDING THE APPLICABLE ENERGY STAR EFFICIENCY REQUIREMENTS DEVELOPED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY AND THE UNITED STATES DEPARTMENT OF ENERGY.

(2) THE WEEKEND THAT CONSISTS OF THE SATURDAY IMMEDIATELY PRECEDING THE THIRD MONDAY IN FEBRUARY THROUGH THE THIRD MONDAY IN FEBRUARY EACH YEAR SHALL BE A TAX–FREE WEEKEND DURING WHICH THE EXEMPTION UNDER PARAGRAPH (3) OF THIS SUBSECTION SHALL APPLY.

(3) DURING THE TAX–FREE WEEKEND ESTABLISHED UNDER PARAGRAPH (2) OF THIS SUBSECTION, THE SALES AND USE TAX DOES NOT APPLY TO THE SALE OF ANY:

(I) ENERGY STAR PRODUCT; OR

(II) SOLAR WATER HEATER.

[(c)] **(B)** The sales and use tax does not apply to the sale of a multifuel pellet stove designed to burn agricultural field corn.

11–228.

(a) In this section, "accessory items" includes jewelry, watches, watchbands, handbags, handkerchiefs, umbrellas, scarves, ties, headbands, and belt buckles.

(b) (1) The [5–day period from August 23, 2006 through August 27, 2006,] **7–DAY PERIOD FROM THE SECOND SUNDAY IN AUGUST THROUGH THE FOLLOWING SATURDAY** shall be a tax–free period for back–to–school shopping in Maryland during which the exemption under paragraph (2) of this subsection shall apply.

(2) During the tax–free period for back–to–school shopping established under paragraph (1) of this subsection, the sales and use tax does not apply to the sale of any item of clothing or footwear, excluding accessory items, if the taxable price of the item of clothing or footwear is $100 or less.

SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Tax – General

12–105.

(a) The tobacco tax rate for cigarettes is:

(1) **[**50 cents**] $1.00** for each package of 10 or fewer cigarettes;

(2) **[**$1.00**] $2.00** for each package of at least 11 and not more than 20 cigarettes;

(3) **[**5.0**] 10.0** cents for each cigarette in a package of more than 20 cigarettes; and

(4) **[**5.0**] 10.0** cents for each cigarette in a package of free sample cigarettes.

SECTION 4. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:".

AMENDMENT NO. 3

On pages 3 through 5, strike in their entirety the lines beginning with line 26 on page 3 through line 8 on page 5, inclusive.

AMENDMENT NO. 4

On page 5, in line 16, strike the brackets; in the same line, strike "**$3.0**" and substitute "**$2.0**"; after line 22, insert:

"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 excise tax imposed on vehicles by Part II of Title 13, Subtitle 8 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.";

and after line 23, insert:

"(a) (3) **(I)** "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**]** **AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, BUT WITH NO ALLOWANCE FOR** other nonmonetary consideration.

(II) A TRADE–IN ALLOWANCE SHALL EQUAL 50% OF THE VALUE, NOT TO EXCEED 50% OF THE VALUE SHOWN IN A NATIONAL PUBLICATION OF USED VEHICLE VALUES ADOPTED FOR USE BY THE DEPARTMENT, OF ANY VEHICLE THAT IS TRADED IN AS PART OF THE CONSIDERATION OF THE SALE.".

AMENDMENT NO. 5

On page 6, strike in their entirety lines 7 through 11, inclusive; after line 16, insert:

"**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 §§ 2–1104 AND 2–1302.2 OF THE TAX – GENERAL ARTICLE;

(3) 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.".

On pages 6 and 7, strike in their entirety the lines beginning with line 22 on page 6 through line 17 on page 7, inclusive.

On page 7, in lines 18 and 26, in each instance, strike the bracket; strike in their entirety lines 21 and 22; in lines 23 and 25, strike "(3)" and "(4)", respectively, and substitute "**(1)**" and "**(2)**", respectively; strike beginning with "General" in line 23 down through "programs" in line 24 and substitute "**CHESAPEAKE BAY 2010 TRUST FUND**"; in line 29, strike "the Comptroller monthly shall distribute" and substitute "**OF**"; in line 30, after "article" insert "**THE COMPTROLLER SHALL DISTRIBUTE:**

(1) 45%";

in line 31, after "Article" insert "**; AND**

(2) THE REMAINDER TO THE CHESAPEAKE BAY 2010 TRUST FUND";

and after line 31, insert:

"**2–1302.2.**

AFTER MAKING THE DISTRIBUTIONS REQUIRED UNDER § 2–1301 THROUGH 2–1302.1 OF THIS SUBTITLE, THE COMPTROLLER SHALL PAY 8% OF THE REMAINING SALES AND USE TAX REVENUE INTO 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.".

On pages 8 and 9, strike in their entirety the lines beginning with line 22 on page 8 through line 17 on page 9, inclusive.

AMENDMENT NO. 6

On page 6, in line 1, strike "2." and substitute "5.".

On page 6, after line 20, insert:

"Article – State Finance and Procurement

7–328.

(A) IN THIS SECTION, "FUND" MEANS THE TOURISM, ARTS, AND CULTURAL DEVELOPMENT FUND.

(B) (1) THERE IS A TOURISM, ARTS, AND CULTURAL DEVELOPMENT FUND.

(2) THE PURPOSE OF THE FUND IS TO ENRICH THE LIVES OF MARYLAND CITIZENS BY INVESTING IN TOURISM, THE ARTS, AND OTHER CULTURAL ACTIVITIES.

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

(4) THE TREASURER SHALL HOLD THE FUND AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

(5) THE PROCEEDS OF THE FUND SHALL BE INVESTED AND REINVESTED.

(6) ANY INVESTMENT EARNINGS SHALL BE PAID INTO THE FUND.

(7) THE FUND CONSISTS OF:

(I) ANY MONEY APPROPRIATED TO THE FUND; AND

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

(8) MONEY IN THE FUND MAY BE EXPENDED ONLY TO SUPPORT TOURISM, THE ARTS, AND OTHER CULTURAL ACTIVITIES.".

AMENDMENT NO. 7

On page 10, after line 6, insert:

"SECTION 6. 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. It is the intent of the General Assembly that the Governor include in the annual budget bill in fiscal years 2009 through 2012, an amount sufficient from the Fund, to purchase 3 helicopters each fiscal year. It is the further intent of the General Assembly that the State Police purchase a flight simulator to use for helicopter pilot training.

SECTION 7. AND BE IT FURTHER ENACTED, That:

(a) On or before February 1, 2008, the Maryland Department of Transportation shall submit a report for the proposed projects included in the 2008 through 2013 Consolidated Transportation Program. The report shall:

(1) include:

(i) the specific major, minor, and system preservation transportation capital projects, along with a listing of fund source by project; and

(ii) an estimate of the cash flow for each project for each of fiscal years 2009 through 2013; and

(2) demonstrate how the major projects contribute toward a comprehensive approach to meeting the State's overall transportation needs; and

(3) be provided to the Senate Budget & Taxation Committee, the House Appropriations Committee, and the House Committee on Ways and Means.

(b) It is the intent of the General Assembly that:

(1) any additional revenue dedicated to the Transportation Trust Fund through enactment of legislation during the First Special Session of 2007 not be programmed by the Department in fiscal years 2008 or 2009 in the Consolidated Transportation Program or appropriated in either of the fiscal years 2008 or 2009 State budgets, except for projects needed:

(i) to respond to an act of God or natural disaster;

(ii) to respond to acts of terrorism;

(iii) to implement critical system preservation projects;

(iv) to implement repair or replacement of structurally deficient or functionally obsolete bridges; or

(v) for any other purpose to insure the public safety and economic interests of the State.

(2) (i) the Senate Budget and Taxation Committee and the House Appropriations Committee shall review the report in subsection (a) of this section during the fiscal 2009 budget hearings for the Department; and

(ii) after review and comment by the budget committees, the Governor may provide funding in fiscal years 2008 or 2009 through a supplemental budget to implement elements of the report.

SECTION 8. AND BE IT FURTHER ENACTED, That the Comptroller shall adopt regulations that will exempt from the increase in the rate of the sales and use tax under § 11–104 of the Tax – General Article as enacted by Section 1 of this Act any otherwise taxable sales of tangible personal property to contractors or builders to be used for the construction, repair, or alteration of real property, on contracts entered into prior to the effective date of the sales and use tax increase under § 11–104 of the Tax – General Article as enacted by Section 1 of this Act. The exemption may be in the form of a refund, credit, or, to the extent practicable, deduction at the time of sale. The regulations shall be applicable only with respect to the 1% increase in the rate of the sales and use tax which becomes effective January 3, 2008.

SECTION 9. AND BE IT FURTHER ENACTED, That all cigarettes used, possessed, or held in the State on or after January 1, 2008, by any person for sale or use in the State, shall be subject to the full tobacco tax of $2.00 on cigarettes imposed by this Act. This requirement includes: (1) cigarettes in vending machines or other mechanical dispensers; and (2) cigarettes (generally referred to as "floor stock") in packages which already bear stamps issued by the Comptroller under the State Tobacco Tax Act but for an amount less than the full tax imposed on $1 for each 10 cigarettes or fractional part thereof; all cigarettes held for sale by any person in the State on or after January 1, 2008, that bear a stamp issued by the Comptroller of a value less than $2.00 for each pack of 20 cigarettes must be stamped with the additional stamps necessary to make the aggregate tax value equal to $2.00. The Comptroller may provide an alternative method of collecting the additional tax. The revenue attributable to this requirement shall be remitted to the Comptroller by April 30, 2008. Except as otherwise provided in this Section, on or after January 1, 2008, no Maryland stamp shall be used except the stamp issued

by the Comptroller to evidence the tobacco tax on cigarettes of $2.00 imposed by this Act."; in line 7, strike "3." and substitute "10."; in line 8, strike "1" and substitute "4"; and strike in their entirety lines 13 through 17, inclusive, and substitute:

"SECTION 11. AND BE IT FURTHER ENACTED, That, notwithstanding the provisions of Section 4 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 4 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 4 of this Act.

SECTION 12. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect January 3, 2008.";

in line 18, strike "5." and substitute "13."; in the same line, strike "Section 2" and substitute "Sections 2 and 5"; in line 19, after "2008." insert "Section 5 of this Act shall be applicable to the fiscal year beginning July 1, 2008, and each subsequent fiscal year. Section 8–205 of the Natural Resources Article as enacted by Section 5 of this Act shall take effect contingent on the failure of House Bill 23 during the 2007 Special Session of the General Assembly. If House Bill 23 is enacted, § 8–205 of the Natural Resources Article as enacted by Section 5 of this Act shall be null and void without the necessity of further action by the General Assembly."; in line 20, strike "6." and substitute "14."; and in line 21, strike "Section 5" and substitute "Sections 12 and 13".

The preceding 7 amendments were read only.

Delegate Hixson moved to make the Bill and Amendments a Special Order for Saturday.

The motion was adopted.

QUORUM CALL

The presiding officer announced a quorum call, showing 133 Members present.

(See Roll Call No. 14)

ADJOURNMENT

At 10:28 P.M. on motion of Delegate Barve the House adjourned until 1:00 P.M., on Legislative Day November 3, 2007, Calendar Day Saturday, November 10, 2007.

Annapolis, Maryland
Legislative Day: November 3, 2007
Calendar Day: Saturday, November 10, 2007

The House met at 7:05 P.M. and pledged Allegiance to the Flag.

Prayer by Delegate Joanne C. Benson of Prince George's County.

QUORUM CALL

The presiding officer announced a quorum call, showing 126 Members present.

(See Roll Call No. 15)

The Journal of November 2, 2007 was read and approved.

EXCUSES:
Del. Donoghue – personal – left briefly
Del. Hecht – medical
Del. Jameson – NCSL/ France – business
Del. McComas – late – family illness
Del. Montgomery – in China
Del. Riley – personal
Del. Schuh – late – business

SPECIAL ORDERS

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

House Bill 2 – The Speaker (By Request – Administration)

AN ACT concerning

Tax Reform Act of 2007

STATUS OF BILL: BILL ON 2ND READING. COMMITTEE AMENDMENTS NOT ADOPTED. FAVORABLE REPORT NOT ADOPTED.

(Amendment ID: HB0002/605469/1)

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 2
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "altering" in line 6 down through "age;" in line 8 and substitute "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;"; in line 11, after "altering" insert "eligibility for and"; in line 16, after "credit;" insert "removing a certain restriction on eligibility to claim a refundable earned income credit under certain circumstances;"; and strike beginning with "allowing" in line 16 down through "provided;" in line 31.

On page 2, strike beginning with "requiring" in line 1 down through "Fund;" in line 3, inclusive; in line 4, strike "Higher" and substitute "Maryland"; in line 7, strike "certain revenues" and substitute "a certain appropriation"; strike beginning with the first "altering" in line 24 down through "cigarettes;" in line 26; and strike beginning with "requiring" in line 27 down through "circumstances;" in line 34, inclusive.

On page 2, in line 44, strike "4 –105(b),".

On page 3, in line 1, strike "11–101(m)," and substitute "and"; strike beginning with ", 11–104(a)" in line 1 down through "12–303(b)" in line 2; in line 7, strike the first comma and substitute "and"; in the same line, strike ", and 10–726"; and in line 12, strike "15–106.6" and substitute "27–101 to be under the new title "Title 27. Maryland Education Investment Fund"".

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, 22, 23, 24, and 25, respectively, strike "**$15,000**", "**$15,001**", "**$150,000**", "**$150,001**", and "**$500,000**", respectively, and substitute "**$3,000**", "**$3,001**", "**$125,000**", "**$125,001**", and "**$150,000**", respectively; in line 25, strike "**AND**" and substitute:

"**(VI) 5.5% OF MARYLAND TAXABLE INCOME OF $150,001 THROUGH $200,000; AND**";

in lines 24 and 26, strike "**6%**" and "**6.5%**", respectively, and substitute "**5.25%**" and "**5.75%**", respectively; in line 26, strike "**(VI)**" and substitute "**(VII)**"; and in line 27, strike "**$500,000**" and substitute "**$200,000**".

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**", "**$22,501**", "**$200,000**", and "**$200,001**", respectively, and substitute "**$1,000**", "**$1,001**", "**$2,000**", "**$2,001**", "**$3,000**", "**$3,001**", "**$175,000**", and "**$175,001**", respectively; in lines 18 and 20, strike "**6%**" and "**6.5%**", respectively, and substitute "**5.25%**" and "**5.75%**", respectively; in line 19, strike "**$500,000**" and substitute "**$200,000**"; in the same line, strike "**AND**" and substitute:

"**(VI) 5.5% OF MARYLAND TAXABLE INCOME OF $200,001 THROUGH $250,000; AND**";

in line 20, strike "**(VI)**" and substitute "**(VII)**"; and in line 21, strike "**$500,000**" and substitute "**$250,000**".

AMENDMENT NO. 4

On page 6, in line 16, strike "Whether" and substitute "**(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, WHETHER**"; and in lines 18 and 31, in each instance, strike "**$2,400**" and substitute "**$3,200**".

On page 7, after line 14, insert:

"**(B) 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:**

(1) $2,400 IF FEDERAL ADJUSTED GROSS INCOME FOR THE TAXABLE YEAR DOES NOT EXCEED $125,000;

(2) $1,800 IF FEDERAL ADJUSTED GROSS INCOME FOR THE TAXABLE YEAR IS GREATER THAN $125,000 BUT NOT GREATER THAN $150,000;

(3) $1,200 IF FEDERAL ADJUSTED GROSS INCOME FOR THE TAXABLE YEAR IS GREATER THAN $150,000 BUT NOT GREATER THAN $200,000; AND

(4) $600 IF FEDERAL ADJUSTED GROSS INCOME FOR THE TAXABLE YEAR IS GREATER THAN $200,000.

(C) 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:

(1) $2,400 IF FEDERAL ADJUSTED GROSS INCOME FOR THE TAXABLE YEAR DOES NOT EXCEED $175,000;

(2) $1,800 IF FEDERAL ADJUSTED GROSS INCOME FOR THE TAXABLE YEAR IS GREATER THAN $175,000 BUT NOT GREATER THAN $200,000;

(3) $1,200 IF FEDERAL ADJUSTED GROSS INCOME FOR THE TAXABLE YEAR IS GREATER THAN $200,000 BUT NOT GREATER THAN $250,000; AND

(4) $600 IF FEDERAL ADJUSTED GROSS INCOME FOR THE TAXABLE YEAR IS GREATER THAN $250,000.".

AMENDMENT NO. 5

On page 8, strike beginning with "with" in line 1 down through "exemptions" in line 2; strike beginning with "for" in line 25 down through "exemptions" in line 26; and strike beginning with "with" in line 32 down through "exemptions" in line 33.

AMENDMENT NO. 6

On page 7, in lines 11 and 13, in each instance, strike the brackets; and in the same lines, in each instance, strike "**$2,000**".

AMENDMENT NO. 7

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. 8

On pages 11 through 16, strike in their entirety the lines beginning with line 25 on page 11 through line 34 on page 16, inclusive.

AMENDMENT NO. 9

On page 17, in line 1, strike "4." and substitute "2."; in line 4, strike "**15–106.6.**" and substitute:

"**TITLE 27. MARYLAND EDUCATION INVESTMENT FUND.**

27 –101.";

in lines 7 and 14, in each instance, strike "**HIGHER**" and substitute "**MARYLAND**"; strike in their entirety lines 9 through 13, inclusive; strike beginning with the colon in line 15 down through "**FAMILIES**" in line 19 and substitute "**INVEST IN CAPITAL PROJECTS AT PUBLIC SCHOOLS AND PUBLIC HIGHER EDUCATION INSTITUTIONS, INCLUDING COMMUNITY COLLEGES**"; and in line 22, after "**FUND**" insert "**SEPARATELY**".

On page 18, strike beginning with "**REVENUES**" in line 1 down through "**ARTICLE**" in line 2 and substitute "**ANY MONEY APPROPRIATED TO THE FUND**"; strike line 5 in its entirety; in lines 6 and 13, strike "**(9)**" and "**(10)**", respectively, and substitute "**(8)**", and "**(9)**", respectively; strike beginning with the colon in line 6 down through "**COMMISSION**" in line 12 and substitute "**FOR CAPITAL PROJECTS AT PUBLIC SCHOOLS AND PUBLIC HIGHER EDUCATION INSTITUTIONS, INCLUDING COMMUNITY COLLEGES**".

AMENDMENT NO. 10

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 20% OF THE REMAINING INCOME TAX REVENUE FROM CORPORATIONS TO THE GENERAL FUND OF THE STATE.**".

AMENDMENT NO. 11

On page 19, in line 12, strike "**8%**" and substitute "**8.75%**"; and in line 28, strike "5." and substitute "3.".

AMENDMENT NO. 12

On page 20, strike lines 1 and 2 in their entirety and substitute:

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

(2) "COMBINED GROUP" MEANS:

(I) ALL MEMBERS OF A UNITARY GROUP THAT ARE SUBJECT TO THE INCOME TAX OR WOULD BE SUBJECT TO THE INCOME TAX IF DOING BUSINESS IN THE STATE; AND

(II) OTHER MEMBERS OF THE UNITARY GROUP NOT DESCRIBED IN ITEM (I) OF THIS PARAGRAPH, UNDER THE CIRCUMSTANCES AND TO THE EXTENT PROVIDED IN REGULATIONS ADOPTED BY THE COMPTROLLER TO PREVENT THE AVOIDANCE OF TAX OR TO CLEARLY REFLECT INCOME OF ANY MEMBER OF THE COMBINED GROUP FOR ANY PERIOD.

(3) "UNITARY GROUP" MEANS AN AFFILIATED GROUP OF CORPORATIONS:";

in lines 3, 4, 6, and 8, strike "**(1)**", "**(2)**", "**(I)**", and "**(II)**", respectively, and substitute "**(I)**", "**(II)**", "**1.**", and "**2.**", respectively; and in lines 9, 10, 19, 20, 21, 22, 23, 26, 30, 31, and 33, in each instance, strike "**UNITARY**" and substitute "**COMBINED**".

On page 21, in lines 7, 10, 13, and 16, in each instance, strike "**UNITARY**" and substitute "**COMBINED**".

AMENDMENT NO. 13

On page 21, in line 13, strike "**SHALL**" and substitute "**MAY ELECT TO**".

AMENDMENT NO. 14

On page 22, in line 31, strike "6." and substitute "4.".

On pages 22 and 23, strike in their entirety the lines beginning with line 33 on page 22 through line 11 on page 23, inclusive.

AMENDMENT NO. 15

On page 30, in lines 23 and 29, strike "135%" and "125%", respectively, and substitute "125%" and "137.5%", respectively.

AMENDMENT NO. 16

On page 30, in line 11, strike "7." and substitute "5."; and in line 15, strike "4" and substitute "2".

On page 32, in lines 9 and 15, strike "12." and "15.", respectively, and substitute "7." and "8.", respectively; in line 9, strike "4, and 5" and substitute "2, and 3"; strike in their entirety lines 11 through 14, inclusive; in lines 15 and 16, strike "12 through 14" and substitute "6 and 7".

AMENDMENT NO. 17

On pages 30 through 32, strike in their entirety the lines beginning with line 31 on page 30 through line 8 on page 32, inclusive, and substitute:

"SECTION 6. AND BE IT FURTHER ENACTED, That Section 4 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.".

The preceding 17 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

(Amendment ID: HB0002/923720/1)

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 2

(First Reading File Bill – Committee Reprint)

AMENDMENT NO. 1

On page 2, in line 7, after "corporations;" insert "altering the distribution of the corporate income tax;"; and strike beginning with "establishing" in line 10 down through "circumstances;" in line 16.

On page 3, strike in their entirety lines 15 through 20, inclusive.

AMENDMENT NO. 2

On pages 18 and 19, strike in their entirety the lines beginning with line 9 on page 18 through line 24 on page 19, inclusive.

AMENDMENT NO. 3

On page 21, strike beginning with the colon in line 17 down through "**(I)**" in line 18; and strike beginning with "**; AND**" in line 20 down through "**PERIOD**" in line 25.

The preceding 3 amendments were read and adopted.

FLOOR AMENDMENT

(Amendment ID: HB0002/303122/1)

BY: Delegate McConkey

AMENDMENTS TO HOUSE BILL 2

(First Reading File Bill – Committee Reprint)

AMENDMENT NO. 1

On page 1, strike beginning with "altering" in line 3 down through "nonresidents;" in line 6.

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 44 on page 2 through line 1 on page 3, inclusive.

On page 3, in line 4, strike "2–106(f),"; in the same line, strike "10–102.1(d)(1), 10–105,"; in line 5, strike "10–601,"; and in the same line, strike "10–908(e) and (f),".

AMENDMENT NO. 3

On pages 3 through 6, strike in their entirety the lines beginning with line 34 on page 3 through line 25 on page 6, inclusive.

On page 8, strike in their entirety lines 23 through 26, inclusive.

On pages 11 and 12, strike in their entirety the lines beginning with line 28 on page 11 through line 17 on page 12, inclusive.

AMENDMENT NO. 4

On page 32, in line 11, strike "an individual or"; in line 12, strike "(a) and"; in line 13, strike "Sections 1 and" and substitute "Section"; strike beginning with the colon in line 16 down through "(ii)" in line 24 and substitute a comma; and in lines 26 and 28, strike "1." and "2.", respectively, and substitute "(i)" and "(ii)", respectively.

The preceding 4 amendments were read only.

Delegate Ross moved the previous question.

The motion was adopted.

The preceding 4 amendments were read and rejected by a roll call vote as follows:

Affirmative – 40 Negative – 93 (See Roll Call No. 16)

Delegate O'Donnell moved to make the Bill a Special Order for Monday.

The motion was rejected by a roll call vote as follows:

Affirmative – 38 Negative – 97 (See Roll Call No. 17)

FLOOR AMENDMENT

(Amendment ID: HB0002/263628/1)

BY: Delegate Schuh

AMENDMENTS TO HOUSE BILL 2
(First Reading File Bill – Committee Reprint)

AMENDMENT NO. 1

On page 1, in line 5, after "individuals" insert "and increasing the rate brackets for certain taxable years by a certain cost–of–living adjustment"; and in line 11, after "circumstances;" 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, in line 12, after "2–613.1" insert ", 10–202,".

AMENDMENT NO. 2

On page 6, after line 17, insert:

"**(E) (1) FOR EACH TAXABLE YEAR BEGINNING AFTER DECEMBER 31, 2008, THE RATE BRACKET THRESHOLDS SPECIFIED IN THIS SECTION SHALL BE INCREASED BY AN AMOUNT EQUAL TO THE PRODUCT OF MULTIPLYING THE RATE BRACKET THRESHOLDS TIMES THE COST–OF–LIVING ADJUSTMENT SPECIFIED IN THIS SECTION.**

(2) 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.

(3) 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.";

before line 18, 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 27, strike "**EXCEPT AS PROVIDED IN**" and substitute "**SUBJECT TO § 10–202 OF THIS SUBTITLE AND**".

The preceding 2 amendments were read and rejected by a roll call vote as follows:

Affirmative – 40 Negative – 93 (See Roll Call No. 18)

FLOOR AMENDMENT

(Amendment ID: HB0002/573922/1)

BY: Delegate Aumann

AMENDMENTS TO HOUSE BILL 2
(First Reading File Bill – Committee Reprint)

AMENDMENT NO. 1

On page 1, in line 6, after "nonresidents;" insert "altering the amount allowed as a deduction for additional exemptions for certain individuals who as of the last day of the taxable year are blind or are at least a certain age;".

AMENDMENT NO. 2

On page 7, in lines 22 and 24, in each instance, strike "$1,000"; and in the same lines, before "if" insert "**$2,000**".

The preceding 2 amendments were read and rejected by a roll call vote as follows:

Affirmative – 46 Negative – 85 (See Roll Call No. 19)

FLOOR AMENDMENT

(Amendment ID: HB0002/743121/1)

BY: Delegate Stocksdale

AMENDMENTS TO HOUSE BILL 2
(First Reading File Bill – Committee Reprint)

AMENDMENT NO. 1

On page 1, in line 20, after "circumstances;" insert "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;".

On page 3, strike line 12 in its entirety and substitute:

"Section 2.613.1, 10–402.1, and 10–726".

AMENDMENT NO. 2

On page 11, after line 27, insert:

"**10–726.**

(A) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, IF AN INDIVIDUAL OR A MARRIED COUPLE FILING A JOINT RETURN HAS FEDERAL ADJUSTED GROSS INCOME FOR THE TAXABLE YEAR THAT DOES NOT EXCEED $30,000, OR $15,000 IN THE CASE OF A MARRIED INDIVIDUAL FILING A SEPARATE RETURN, THE INDIVIDUAL OR MARRIED COUPLE FILING A JOINT RETURN MAY CLAIM A CREDIT AGAINST THE STATE INCOME TAX FOR THE TAXABLE YEAR IN AN AMOUNT EQUAL TO $50.

(B) (1) IF THE CREDIT ALLOWED UNDER THIS SECTION IN ANY TAXABLE YEAR EXCEEDS THE STATE INCOME TAX FOR THAT TAXABLE YEAR, AN INDIVIDUAL MAY CLAIM A REFUND OF THE EXCESS CREDIT.

(2) FOR PURPOSES OF THIS SUBSECTION, THE STATE INCOME TAX:

(I) SHALL BE CALCULATED BEFORE THE APPLICATION OF THE CREDITS ALLOWED UNDER THIS SECTION AND §§ 10–701 AND 10–701.1 OF THIS SUBTITLE BUT AFTER THE APPLICATION OF THE OTHER CREDITS ALLOWED UNDER THIS SUBTITLE; AND

(II) MAY NOT BE LESS THAN ZERO.

(C) (1) THE CREDIT ALLOWED UNDER THIS SECTION MAY NOT BE CLAIMED BY:

(I) A FIDUCIARY; OR

(II) AN INDIVIDUAL WHO MAY BE CLAIMED AS A DEPENDENT ON ANOTHER INDIVIDUAL'S TAX RETURN.

(2) OF THE CREDIT ALLOWED UNDER THIS SECTION, AN INDIVIDUAL WHO IS A NONRESIDENT OR IS A RESIDENT OF THE STATE FOR ONLY A PART OF THE YEAR SHALL BE ALLOWED A FRACTION:

(I) THE NUMERATOR OF WHICH IS THE INDIVIDUAL'S MARYLAND ADJUSTED GROSS INCOME; AND

(II) THE DENOMINATOR OF WHICH IS THE INDIVIDUAL'S FEDERAL ADJUSTED GROSS INCOME.".

The preceding 2 amendments were read and rejected by a roll call vote as follows:

Affirmative – 39 Negative – 94 (See Roll Call No. 20)

FLOOR AMENDMENT

(Amendment ID: HB0002/223523/1)

BY: Delegate Frank

AMENDMENTS TO HOUSE BILL 2
(First Reading File Bill – Committee Reprint)

AMENDMENT NO. 1

On page 2, strike beginning with "altering" in line 6 down through "corporations;" in line 7.

On page 3, in line 4, strike "2–614, 2–615,"; in line 12, strike "2–613.1"; and in the same line, strike "and".

AMENDMENT NO. 2

On page 19, strike line 26 in its entirety.

On page 20, strike in their entirety lines 5 through 23, inclusive; in line 25, strike the brackets; and in the same line, strike "**8.75%**".

AMENDMENT NO. 3

On page 32, in line 11, strike "or a corporation"; in line 12, strike "and (b)"; in line 13, strike "Sections" and substitute "Section"; in the same line, strike "and"; in the same line, strike "2"; strike beginning with the colon in line 16 down through "(i)" in line 17; in lines 19 and 21, strike "1." and "2.", respectively, and substitute "(i)" and "(ii)", respectively; and strike beginning with "; or" in line 23 down through "year" in line 29.

The preceding 3 amendments were read and rejected by a roll call vote as follows:

Affirmative – 48 Negative – 84 (See Roll Call No. 21)

FLOOR AMENDMENT

(Amendment ID: HB0002/593023/1)

BY: Delegate Miller

AMENDMENTS TO HOUSE BILL 2
(First Reading File Bill – Committee Reprint)

AMENDMENT NO. 1

On page 1, in line 6, after "nonresidents;" insert "allowing certain individuals a credit against the State income tax if the individual has paid a certain increase in a certain bill;".

On page 3, in line 12, strike "and" and substitute a comma; and in the same line, after "10–402.1" insert ", and 10–726".

AMENDMENT NO. 2

On page 10, after line 32, insert:

"**10–726.**

(A) IF AN INDIVIDUAL HAS PAID AN ELECTRIC BILL THAT INCREASED MORE THAN 10% IN A 3–YEAR PERIOD AS A RESULT OF AN INCREASE IN RATES CHARGED BY AN ELECTRICITY PROVIDER, THE INDIVIDUAL MAY CLAIM A $1,000 CREDIT AGAINST THE STATE INCOME TAX.

(B) (1) FOR ANY TAXABLE YEAR, THE CREDIT ALLOWED UNDER THIS SECTION MAY NOT EXCEED THE STATE INCOME TAX FOR THE TAXABLE YEAR.

(2) THE UNUSED AMOUNT OF THE CREDIT FOR ANY TAXABLE YEAR MAY NOT BE CARRIED OVER TO ANY OTHER TAXABLE YEAR.".

The preceding 2 amendments were read and rejected by a roll call vote as follows:

Affirmative – 38 Negative – 94 (See Roll Call No. 22)

FLOOR AMENDMENT

(Amendment ID: HB0002/293120/1)

BY: Delegate Shewell

AMENDMENTS TO HOUSE BILL 2
(First Reading File Bill – Committee Reprint)

AMENDMENT NO. 1

On page 2, in line 34, after "year;" insert "stating the intent of the General Assembly that, beginning in a certain fiscal year, the Budget Bill include a certain appropriation to allow the Board of Public Works to establish a certain property tax rate;"

AMENDMENT NO. 2

On page 34, before line 6, insert:

"SECTION 6. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Budget Bill for fiscal year 2009 and each subsequent fiscal year include a General Fund appropriation for the payment of debt service on State bonds in an amount not less than the amount estimated to be sufficient to allow the Board of Public Works to establish a property tax rate of 8.2 cents per $100 of assessed value for real property other than operating property of a public utility.".

On page 34, in lines 6, 9, and 16, strike "6.", "7.", and "8.", respectively, and substitute "7.", "8.", and "9.", respectively; and in line 17, strike "6 and 7" and substitute "7 and 8".

The preceding 2 amendments were read and rejected by a roll call vote as follows:

Affirmative – 40 Negative – 91 (See Roll Call No. 23)

Read the second time and ordered prepared for Third Reading.

House Bill 5 – The Speaker (By Request – Administration)

AN ACT concerning

Transportation Investment Act

STATUS OF BILL: BILL ON 2ND READING. COMMITTEE AMENDMENTS NOT ADOPTED. FAVORABLE REPORT NOT ADOPTED.

(Amendment ID: HB0005/905960/1)

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 5

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Transportation" insert "and State"; strike beginning with "altering" in line 3 down through "issues;" in line 9 and substitute "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; 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"; in line 18, strike "defining a certain term;" and substitute "providing for the distribution of certain sales and use tax revenue collected for a certain period to a certain special fund; repealing an obsolete provision 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; making a provision of this Act subject to a certain contingency;"; in line 20, after "to" insert "tax revenues and"; and in line 24, strike "9–305" and substitute "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, and 12–105(a)".

On page 2, in line 5, strike "13–809(c)(1)" and substitute "13–809(a)(3) and (c)(1)"; strike in their entirety lines 18 through 22, inclusive; in line 25, after "4–209(k)" insert "and 8–205"; after line 32, insert:

"BY repealing
Article – State Finance and Procurement
Section 7–313
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding
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)";

strike line 35 in its entirety and substitute:

"Section 2–1104, 2–1302.1, and 2–1303".

On pages 2 and 3, strike in their entirety the lines beginning with line 38 on page 2 through line 2 on page 3, inclusive.

AMENDMENT NO. 2

On page 3, after line 25, insert:

"4–105.

(b) If gross receipts subject to the admissions and amusement tax are also subject to the sales and use tax, a county or a municipal corporation may not set a rate so that, when combined with the sales and use tax, the total tax rate will exceed **[**10%**] 11%** of the gross receipts.

11–104.

(a) Except as otherwise provided in this section, the sales and use tax rate is:

(1) for a taxable price of less than $1:

(i) 1 cent if the taxable price is 20 cents; **[**and**]**

(ii) **[**1 cent for each additional 20 cents or part of 20 cents; and**] 2 CENTS IF THE TAXABLE PRICE IS AT LEAST 21 CENTS BUT LESS THAN 34 CENTS;**

(III) 3 CENTS IF THE TAXABLE PRICE IS AT LEAST 34 CENTS BUT LESS THAN 51 CENTS;

(IV) 4 CENTS IF THE TAXABLE PRICE IS AT LEAST 51 CENTS BUT LESS THAN 67 CENTS;

(V) 5 CENTS IF THE TAXABLE PRICE IS AT LEAST 67 CENTS BUT LESS THAN 84 CENTS; AND

(VI) 6 CENTS IF THE TAXABLE PRICE IS AT LEAST 84 CENTS; AND

(2) for a taxable price of $1 or more:

(i) **[**5**] 6** cents for each exact dollar; and

(ii) **[**1 cent for each 20 cents or part of 20 cents**] FOR THAT PART OF A DOLLAR** in excess of an exact dollar**:**

1. 1 CENT IF THE EXCESS OVER AN EXACT DOLLAR IS AT LEAST 1 CENT BUT LESS THAN 17 CENTS;

2. 2 CENTS IF THE EXCESS OVER AN EXACT DOLLAR IS AT LEAST 17 CENTS BUT LESS THAN 34 CENTS;

3. 3 CENTS IF THE EXCESS OVER AN EXACT DOLLAR IS AT LEAST 34 CENTS BUT LESS THAN 51 CENTS;

4. 4 CENTS IF THE EXCESS OVER AN EXACT DOLLAR IS AT LEAST 51 CENTS BUT LESS THAN 67 CENTS;

5. 5 CENTS IF THE EXCESS OVER AN EXACT DOLLAR IS AT LEAST 67 CENTS BUT LESS THAN 84 CENTS; AND

6. 6 CENTS IF THE EXCESS OVER AN EXACT DOLLAR IS AT LEAST 84 CENTS.

(b) 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%**] 6%**, applied to **[**95.25%**] 94.5%** of the gross receipts from the vending machine sales.

(G) THE SALES AND USE TAX RATE FOR THE SALE OF A RIGHT TO OCCUPY A ROOM OR LODGINGS AS A TRANSIENT GUEST IS:

(1) 10 CENTS FOR EACH EXACT DOLLAR OF TAXABLE PRICE; AND

(2) 1 CENT FOR EACH 10 CENTS OR PART OF 10 CENTS OF TAXABLE PRICE IN EXCESS OF AN EXACT DOLLAR.

11–105.

(a) (1) Except as provided in [subsections (b) and (c)] **SUBSECTION (B)** of this section, a vendor who timely files a sales and use tax return is allowed, for the expense of collecting and paying the tax, a credit equal to **THE LESSER OF:**

(I) 0.9% of the gross amount of sales and use tax that the vendor is to pay to the Comptroller**; OR**

(II) **$300 FOR EACH RETURN.**

(2) The credit allowed under this section does not apply to any sales and use tax that a vendor is required to pay to the Comptroller for any purchase or use that the vendor makes that is subject to the tax.

(b) (1) Subject to paragraph (2) of this subsection, the credit allowed under this section is 1.2% of the first $6,000 of the gross amount of sales and use tax that the vendor is to pay with each return.

(2) For a vendor who files or is eligible to file a consolidated return under § 11–502 of this title **[,]:**

(I) the credit allowed under paragraph (1) of this subsection is 1.2% of the first $6,000 of the gross amount of sales and use tax that the vendor is or would be required to pay with the consolidated return**; AND**

(II) **THE TOTAL MAXIMUM CREDIT THAT THE VENDOR IS ALLOWED UNDER THIS SECTION FOR ALL RETURNS FILED FOR ANY PERIOD IS $300.**

[(c) From July 1, 2004 through June 30, 2006:

(1) the credit allowed under subsection (a) of this section is 0.45% of the gross amount of sales and use tax that the vendor is to pay to the Comptroller; and

(2) the credit allowed under subsection (b) is:

(i) 0.6% of the first $6,000 of the gross amount of sales and use tax that the vendor is to pay with each return; or

(ii) for a vendor described in subsection (b)(2) of this section, 0.6% of the first $6,000 of the gross amount of sales and use tax that the vendor is or would be required to pay with the consolidated return.**]**

11–301.

The sales and use tax is computed on:

(1) the taxable price of each separate sale;

(2) if a combined sale is made, the combined taxable price of all retail sales on the same occasion by the same vendor to the same buyer; or

(3) if retail sales of tangible personal property or a taxable service are made through vending or other self–service machines, **[**95.25%**] 94.5%** of the gross receipts from the retail sales.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Tax – General

11–101.

(C–1) "REPAIR SERVICE" INCLUDES:

(1) LAUNDERING, CLEANING, MENDING, ALTERING, AND FITTING OF CLOTHING AND OTHER TEXTILES, INCLUDING:

(I) FUR STORAGE AND REPAIR; AND

(II) SHOE REPAIR AND SHOE SHINING;

(2) FURNITURE, RUG, CARPET, AND UPHOLSTERY CLEANING AND REPAIR, INCLUDING REUPHOLSTERY;

(3) COMPUTER AND OFFICE MACHINE REPAIR OF ALL TYPES;

(4) MOTOR VEHICLE AND BOAT REPAIR OF ALL TYPES, BUT NOT INCLUDING ROADSIDE ASSISTANCE SERVICES;

(5) ELECTRICAL AND ELECTRONIC REPAIR OF ALL TYPES;

(6) WATCH, CLOCK, AND JEWELRY REPAIR; AND

(7) REPAIR OF ANY OTHER TANGIBLE PERSONAL PROPERTY.

(m) "Taxable service" means:

(1) fabrication, printing, or production of tangible personal property by special order;

(2) commercial cleaning or laundering of textiles for a buyer who is engaged in a business that requires the recurring service of commercial cleaning or laundering of the textiles;

(3) cleaning of a commercial or industrial building;

(4) cellular telephone or other mobile telecommunications service;

(5) "900", "976", "915", and other "900"–type telecommunications service;

(6) custom calling service provided in connection with basic telephone service;

(7) a telephone answering service;

(8) pay per view television service;

(9) credit reporting;

(10) a security service, including:

(i) a detective, guard, or armored car service; and

(ii) a security systems service;

(11) a transportation service for transmission, distribution, or delivery of electricity or natural gas, if the sale or use of the electricity or natural gas is subject to the sales and use tax; **[**or**]**

(12) a prepaid telephone calling arrangement**;**

(13) A REPAIR SERVICE; OR

(14) A PARKING FACILITY OR SERVICE.

11–226.

[(a) The sales and use tax does not apply to the sale of the following electric appliances that meet or exceed the applicable Energy Star efficiency requirements developed by the United States Environmental Protection Agency and the United States Department of Energy:

(1) a clothes washer purchased on or after July 1, 2000, but before July 1, 2003;

(2) a room air conditioner purchased on or after January 1, 2001, but before July 1, 2004; or

(3) a standard size refrigerator purchased on or after July 1, 2001, but before July 1, 2004.

(b) The sales and use tax does not apply to the sale, on or before July 1, 2004, of:

(1) a fuel cell that:

(i) generates electricity and heat using an electrochemical process;

(ii) has an electricity–only generation efficiency greater than 35%; and

(iii) has a generating capacity of at least 2 kilowatts;

(2) a natural gas heat pump that has a coefficient of performance of at least 1.25 for heating and at least 0.70 for cooling;

(3) an electric heat pump hot water heater that yields an energy factor of at least 1.7;

(4) an electric heat pump that has a heating system performance factor of at least 7.5 and a cooling seasonal energy efficiency ratio of at least 13.5;

(5) a central air conditioner that has a cooling seasonal energy efficiency ratio of at least 13.5; or

(6) an advanced natural gas water heater that has an energy factor of at least 0.65.**]**

(A) (1) IN THIS SUBSECTION, "ENERGY STAR PRODUCT" MEANS AN AIR CONDITIONER, CLOTHES WASHER OR DRYER, FURNACE, HEAT PUMP, STANDARD SIZE REFRIGERATOR, COMPACT FLUORESCENT LIGHT BULB, DEHUMIDIFIER, OR PROGRAMMABLE THERMOSTAT THAT HAS BEEN DESIGNATED AS MEETING OR EXCEEDING THE APPLICABLE ENERGY STAR EFFICIENCY REQUIREMENTS DEVELOPED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY AND THE UNITED STATES DEPARTMENT OF ENERGY.

(2) THE WEEKEND THAT CONSISTS OF THE SATURDAY IMMEDIATELY PRECEDING THE THIRD MONDAY IN FEBRUARY THROUGH THE THIRD MONDAY IN FEBRUARY EACH YEAR SHALL BE A TAX–FREE WEEKEND DURING WHICH THE EXEMPTION UNDER PARAGRAPH (3) OF THIS SUBSECTION SHALL APPLY.

(3) DURING THE TAX–FREE WEEKEND ESTABLISHED UNDER PARAGRAPH (2) OF THIS SUBSECTION, THE SALES AND USE TAX DOES NOT APPLY TO THE SALE OF ANY:

(I) ENERGY STAR PRODUCT; OR

(II) SOLAR WATER HEATER.

[(c)**]** **(B)** The sales and use tax does not apply to the sale of a multifuel pellet stove designed to burn agricultural field corn.

11–228.

(a) In this section, "accessory items" includes jewelry, watches, watchbands, handbags, handkerchiefs, umbrellas, scarves, ties, headbands, and belt buckles.

(b) (1) The **[**5–day period from August 23, 2006 through August 27, 2006,**] 7–DAY PERIOD FROM THE SECOND SUNDAY IN AUGUST THROUGH THE FOLLOWING SATURDAY** shall be a tax–free period for back–to–school shopping in Maryland during which the exemption under paragraph (2) of this subsection shall apply.

(2) During the tax–free period for back–to–school shopping established under paragraph (1) of this subsection, the sales and use tax does not apply to the sale of any item of clothing or footwear, excluding accessory items, if the taxable price of the item of clothing or footwear is $100 or less.

SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Tax – General

12–105.

(a) The tobacco tax rate for cigarettes is:

(1) **[**50 cents**] $1.00** for each package of 10 or fewer cigarettes;

(2) **[**$1.00**] $2.00** for each package of at least 11 and not more than 20 cigarettes;

(3) **[**5.0**] 10.0** cents for each cigarette in a package of more than 20 cigarettes; and

(4) **[**5.0**] 10.0** cents for each cigarette in a package of free sample cigarettes.

SECTION 4. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:".

AMENDMENT NO. 3

On pages 3 through 5, strike in their entirety the lines beginning with line 26 on page 3 through line 8 on page 5, inclusive.

AMENDMENT NO. 4

On page 5, in line 16, strike the brackets; in the same line, strike "**$3.0**" and substitute "**$2.0**"; after line 22, insert:

"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 excise tax imposed on vehicles by Part II of Title 13, Subtitle 8 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.";

and after line 23, insert:

"(a) (3) **(I)** "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**]** **AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, BUT WITH NO ALLOWANCE FOR** other nonmonetary consideration.

(II) A TRADE–IN ALLOWANCE SHALL EQUAL 50% OF THE VALUE, NOT TO EXCEED 50% OF THE VALUE SHOWN IN A NATIONAL PUBLICATION OF USED VEHICLE VALUES ADOPTED FOR USE BY THE DEPARTMENT, OF ANY VEHICLE THAT IS TRADED IN AS PART OF THE CONSIDERATION OF THE SALE.".

AMENDMENT NO. 5

On page 6, strike in their entirety lines 7 through 11, inclusive; after line 16, insert:

"**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 §§ 2–1104 AND 2–1302.2 OF THE TAX – GENERAL ARTICLE;

(3) 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.".

On pages 6 and 7, strike in their entirety the lines beginning with line 22 on page 6 through line 17 on page 7, inclusive.

On page 7, in lines 18 and 26, in each instance, strike the bracket; strike in their entirety lines 21 and 22; in lines 23 and 25, strike "(3)" and "(4)", respectively,

and substitute "**(1)**" and "**(2)**", respectively; strike beginning with "General" in line 23 down through "programs" in line 24 and substitute "**CHESAPEAKE BAY 2010 TRUST FUND**"; in line 29, strike "the Comptroller monthly shall distribute" and substitute "**OF**"; in line 30, after "article" insert "**THE COMPTROLLER SHALL DISTRIBUTE:**

(1) 45%";

in line 31, after "Article" insert "**; AND**

(2) THE REMAINDER TO THE CHESAPEAKE BAY 2010 TRUST FUND";

and after line 31, insert:

"**2–1302.2.**

AFTER MAKING THE DISTRIBUTIONS REQUIRED UNDER § 2–1301 THROUGH 2–1302.1 OF THIS SUBTITLE, THE COMPTROLLER SHALL PAY 8% OF THE REMAINING SALES AND USE TAX REVENUE INTO 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.".

On pages 8 and 9, strike in their entirety the lines beginning with line 22 on page 8 through line 17 on page 9, inclusive.

AMENDMENT NO. 6

On page 6, in line 1, strike "2." and substitute "5.".

On page 6, after line 20, insert:

"Article – State Finance and Procurement

7–328.

(A) IN THIS SECTION, "FUND" MEANS THE TOURISM, ARTS, AND CULTURAL DEVELOPMENT FUND.

(B) (1) THERE IS A TOURISM, ARTS, AND CULTURAL DEVELOPMENT FUND.

(2) THE PURPOSE OF THE FUND IS TO ENRICH THE LIVES OF MARYLAND CITIZENS BY INVESTING IN TOURISM, THE ARTS, AND OTHER CULTURAL ACTIVITIES.

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

(4) THE TREASURER SHALL HOLD THE FUND AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

(5) THE PROCEEDS OF THE FUND SHALL BE INVESTED AND REINVESTED.

(6) ANY INVESTMENT EARNINGS SHALL BE PAID INTO THE FUND.

(7) THE FUND CONSISTS OF:

(I) ANY MONEY APPROPRIATED TO THE FUND; AND

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

(8) MONEY IN THE FUND MAY BE EXPENDED ONLY TO SUPPORT TOURISM, THE ARTS, AND OTHER CULTURAL ACTIVITIES.".

AMENDMENT NO. 7

On page 10, after line 6, insert:

"SECTION 6. 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. It is the intent of the General Assembly that the Governor include in the annual budget bill in fiscal years 2009 through 2012, an amount sufficient from the Fund, to purchase 3 helicopters each fiscal year. It is the further intent of the General Assembly that the State Police purchase a flight simulator to use for helicopter pilot training.

SECTION 7. AND BE IT FURTHER ENACTED, That:

(a) On or before February 1, 2008, the Maryland Department of Transportation shall submit a report for the proposed projects included in the 2008 through 2013 Consolidated Transportation Program. The report shall:

(1) include:

(i) the specific major, minor, and system preservation transportation capital projects, along with a listing of fund source by project; and

(ii) an estimate of the cash flow for each project for each of fiscal years 2009 through 2013; and

(2) demonstrate how the major projects contribute toward a comprehensive approach to meeting the State's overall transportation needs; and

(3) be provided to the Senate Budget & Taxation Committee, the House Appropriations Committee, and the House Committee on Ways and Means.

(b) It is the intent of the General Assembly that:

(1) any additional revenue dedicated to the Transportation Trust Fund through enactment of legislation during the First Special Session of 2007 not be programmed by the Department in fiscal years 2008 or 2009 in the Consolidated Transportation Program or appropriated in either of the fiscal years 2008 or 2009 State budgets, except for projects needed:

(i) to respond to an act of God or natural disaster;

(ii) to respond to acts of terrorism;

(iii) to implement critical system preservation projects;

(iv) to implement repair or replacement of structurally deficient or functionally obsolete bridges; or

(v) for any other purpose to insure the public safety and economic interests of the State.

(2) (i) the Senate Budget and Taxation Committee and the House Appropriations Committee shall review the report in subsection (a) of this section during the fiscal 2009 budget hearings for the Department; and

(ii) after review and comment by the budget committees, the Governor may provide funding in fiscal years 2008 or 2009 through a supplemental budget to implement elements of the report.

SECTION 8. AND BE IT FURTHER ENACTED, That the Comptroller shall adopt regulations that will exempt from the increase in the rate of the sales and use tax under § 11–104 of the Tax – General Article as enacted by Section 1 of this Act any otherwise taxable sales of tangible personal property to contractors or builders

to be used for the construction, repair, or alteration of real property, on contracts entered into prior to the effective date of the sales and use tax increase under § 11–104 of the Tax – General Article as enacted by Section 1 of this Act. The exemption may be in the form of a refund, credit, or, to the extent practicable, deduction at the time of sale. The regulations shall be applicable only with respect to the 1% increase in the rate of the sales and use tax which becomes effective January 3, 2008.

SECTION 9. AND BE IT FURTHER ENACTED, That all cigarettes used, possessed, or held in the State on or after January 1, 2008, by any person for sale or use in the State, shall be subject to the full tobacco tax of $2.00 on cigarettes imposed by this Act. This requirement includes: (1) cigarettes in vending machines or other mechanical dispensers; and (2) cigarettes (generally referred to as "floor stock") in packages which already bear stamps issued by the Comptroller under the State Tobacco Tax Act but for an amount less than the full tax imposed on $1 for each 10 cigarettes or fractional part thereof; all cigarettes held for sale by any person in the State on or after January 1, 2008, that bear a stamp issued by the Comptroller of a value less than $2.00 for each pack of 20 cigarettes must be stamped with the additional stamps necessary to make the aggregate tax value equal to $2.00. The Comptroller may provide an alternative method of collecting the additional tax. The revenue attributable to this requirement shall be remitted to the Comptroller by April 30, 2008. Except as otherwise provided in this Section, on or after January 1, 2008, no Maryland stamp shall be used except the stamp issued by the Comptroller to evidence the tobacco tax on cigarettes of $2.00 imposed by this Act."; in line 7, strike "3." and substitute "10."; in line 8, strike "1" and substitute "4"; and strike in their entirety lines 13 through 17, inclusive, and substitute:

"SECTION 11. AND BE IT FURTHER ENACTED, That, notwithstanding the provisions of Section 4 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 4 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 4 of this Act.

SECTION 12. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect January 3, 2008.";

in line 18, strike "5." and substitute "13."; in the same line, strike "Section 2" and substitute "Sections 2 and 5"; in line 19, after "2008." insert "Section 5 of this Act shall be applicable to the fiscal year beginning July 1, 2008, and each subsequent fiscal year. Section 8–205 of the Natural Resource Article as enacted by Section 5 of

this Act shall take effect contingent on the failure of House Bill 23 during the 2007 Special Session of the General Assembly. If House Bill 23 is enacted, § 8–205 of the Natural Resources Article as enacted by Section 5 of this Act shall be null and void without the necessity of further action by the General Assembly.”; in line 20, strike “6.” and substitute “14.”; and in line 21, strike “Section 5” and substitute “Sections 12 and 13”.

The preceding 7 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

(Amendment ID: HB0005/185062/1)

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 5
(First Reading File Bill – Committee Reprint)

AMENDMENT NO. 1

On page 1, strike beginning with “altering” in line 17 down through “services;” in line 18.

On page 2, in line 25, strike “11–101(m),”.

On page 3, in line 33, strike “,11–101(c–1),”.

AMENDMENT NO. 2

On page 6, strike beginning with the colon in line 5 down through “**DOLLAR**” in line 8 and substitute “**7.5% OF THE TAXABLE PRICE**”.

AMENDMENT NO. 3

On pages 7 and 8, strike in their entirety the lines beginning with line 18 on page 7 through line 27 on page 8, inclusive.

The preceding 3 amendments were read and adopted.

FLOOR AMENDMENT

(Amendment ID: HB0005/103725/1)

BY: Delegate Shank

AMENDMENTS TO HOUSE BILL 5
(First Reading File Bill – Committee Reprint)

AMENDMENT NO. 1

On page 1, strike beginning with "altering" in line 10 down through the second "tax;" in line 12; strike beginning with "altering" in line 14 down through "tax;" in line 17; and strike beginning with "providing" in line 24 down through "purposes;" in line 26.

On page 2, strike beginning with "providing" in line 14 down through "fund;" in line 15; in line 25, strike "4–105(b),"; in lines 25 and 26, strike "11–104(a) and (b),"; and in line 26, strike "11–301,".

On page 3, in line 33, strike "2–1302.2, 11–101(c–1),"and substitute "11–101(c–1)".

AMENDMENT NO. 2

On page 4, strike in their entirety lines 29 through 33, inclusive.

On pages 4 through 6, strike in their entirety the lines beginning with line 35 on page 4 through line 3 on page 6, inclusive.

On page 7, strike in their entirety lines 7 through 14, inclusive.

AMENDMENT NO. 3

On page 13, strike in their entirety lines 13 through 24, inclusive.

On page 18, strike in their entirety lines 9 through 21, inclusive.

AMENDMENT NO. 4

On pages 20 and 21, strike in their entirety the lines beginning with line 28 on page 20 through line 2 on page 21, inclusive, and substitute:

"SECTION 6. RESERVED.".

On page 22, strike in their entirety lines 4 through 13, inclusive, and substitute:

"SECTION 8. RESERVED.".

The preceding 4 amendments were read and rejected by a roll call vote as follows:

Affirmative – 48 Negative – 86 (See Roll Call No. 24)

FLOOR AMENDMENT

(Amendment ID: HB0005/515361/2)

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 5
(First Reading File Bill – Committee Reprint)

AMENDMENT NO. 1

On page 1, in line 15, after "applies;" 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;".

On page 2, in line 4, after "activities" insert a semicolon; strike beginning with "altering" in line 7 down through "corporations;" in line 8; in line 15, strike "an" and substitute "certain"; in the same line, strike "provision" and substitute "provisions"; in line 18, after "time;" insert "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;"; in line 25, strike "2–1104, 2–1302.2, 2–1303,"; in line 26, after "11–301," insert "11–302, 11–402, 11–601(b)(1),"; in line 29, strike "with" and substitute "without"; and in line 36, after "Section" insert "3–215 and".

On page 3, in line 13, strike "and 8–205"; in line 18, after "Section" insert "8–205 and"; and in line 26, after "adding" insert "to".

On page 4, strike in their entirety lines 11 through 15, inclusive; and in line 18, strike "12–118(b) and".

AMENDMENT NO. 2

On page 7, after line 14, 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. 3

On page 13, in line 6, strike "**$2.0**".

On page 15, in line 14, strike "**2–1302.2**" and substitute "**2–1302.1**".

AMENDMENT NO. 4

On page 16, after line 1, insert:

"**[**7–313.

(a) In this section, "Fund" means the Maryland Emergency Medical Service System Fund.

(b) For fiscal year 1988, $31,000,000 derived from the increase in revenues under Chapter 291 of the Acts of 1987 and allocated for the use of the Department of Transportation shall be transferred to this Fund from the Transportation Trust Fund.

(c) The Fund is a continuing, nonlapsing fund which is not subject to § 7–302 of this subtitle.

(d) Expenditures under this section shall be made pursuant to an appropriation approved by the General Assembly in the annual State budget or by the budget amendment procedure provided for in § 7–209 of this title, provided that any budget amendment shall be submitted to and approved by the Legislative Policy Committee prior to the expenditure or obligation of funds.

(e) The moneys distributed to this Fund may be used only for the procurement of new helicopters and auxiliary helicopter equipment, ground support equipment, and other capital equipment related to the helicopters and for equipment and related improvements to the Emergency Medical Services' Communication System.**]**".

The preceding 4 amendments were read and adopted.

FLOOR AMENDMENT

(Amendment ID: HB0005/853323/1)

BY: Delegate Haddaway

AMENDMENTS TO HOUSE BILL 5
(First Reading File Bill – Committee Reprint)

AMENDMENT NO. 1

On page 1, strike beginning with "altering" in line 13 down through "guest;" in line 14.

On page 3, in line 33, strike the first comma and substitute "and"; and in the same line, strike ", and 11–104(g)".

AMENDMENT NO. 2

On page 6, strike in their entirety lines 4 through 8, inclusive.

The preceding 2 amendments were read only.

Delegate Minnick moved the previous question.

The motion was adopted.

The preceding 2 amendments were read and rejected by a roll call vote as follows:

Affirmative – 49 Negative – 87 (See Roll Call No. 25)

FLOOR AMENDMENT

(Amendment ID: HB0005/163527/1)

BY: Delegate Miller

AMENDMENTS TO HOUSE BILL 5
(First Reading File Bill – Committee Reprint)

AMENDMENT NO. 1

On page 1, strike beginning with "altering" in line 15 down through "tax;" in line 17.

On page 2, in line 26, strike "11–105,".

AMENDMENT NO. 2

On pages 6 and 7, strike in their entirety the lines beginning with line 9 on page 6 through line 6 on page 7, inclusive.

The preceding 2 amendments were read and rejected by a roll call vote as follows:

Affirmative – 40 Negative – 93 (See Roll Call No. 26)

FLOOR AMENDMENT

(Amendment ID: HB0005/923921/1)

BY: Delegate O'Donnell

AMENDMENTS TO HOUSE BILL 5
(First Reading File Bill – Committee Reprint)

AMENDMENT NO. 1

On page 1, in line 14, after "guest;" insert "providing for the distribution of certain sales and use tax revenue to a certain special fund;".

AMENDMENT NO. 2

On page 18, in line 19, strike "and"; after line 19, insert:

"**(2) TO THE TOURISM, ARTS, AND CULTURAL DEVELOPMENT FUND ESTABLISHED UNDER § 7–238 OF THE STATE FINANCE AND PROCUREMENT ARTICLE, THE SALES AND USE TAX REVENUE ATTRIBUTABLE TO THE DIFFERENCE BETWEEN:**

(I) THE TAX RATE SPECIFIED IN § 11–104(G) OF THIS ARTICLE FOR THE SALE OF A RIGHT TO OCCUPY A ROOM OR LODGINGS AS A TRANSIENT GUEST; AND

(II) THE TAX RATE SPECIFIED IN § 11–104(A) OF THIS ARTICLE; AND";

and in line 20, strike "(2)" and substitute "**(3)**".

The preceding 2 amendments were read only.

Delegate O'Donnell moved to make the Amendments a Special Order for later.

The motion was adopted.

FLOOR AMENDMENT

(Amendment ID: HB0005/623127/1)

BY: Delegate Smigiel

AMENDMENTS TO HOUSE BILL 5

(First Reading File Bill – Committee Reprint)

AMENDMENT NO. 1

On page 1, strike beginning with the comma in line 27 down through "vehicle" in line 29 and substitute "an allowance for trade–in".

AMENDMENT NO. 2

On page 13, in line 26 strike "**(I)**"; strike beginning with "**AS**" in line 28 down through "**PARAGRAPH**" in line 29; and strike beginning with "**(II)**" in line 30 down through "**SALE.**" in line 34.

The preceding 2 amendments were read and rejected by a roll call vote as follows:

Affirmative – 51 Negative – 84 (See Roll Call No. 27)

FLOOR AMENDMENT

(Amendment ID: HB0005/583926/1)

BY: Delegate Smigiel

AMENDMENTS TO HOUSE BILL 5
(First Reading File Bill – Committee Reprint)

AMENDMENT NO. 1

On page 1, in line 18, after "services;" insert "allowing a certain exemption under the sales and use tax for the sale of certain textbooks;".

On page 3, in line 33, strike "and"; and in the same line, after "11–104(g)" insert ", and 11–203".

AMENDMENT NO. 2

On page 8, after line 27, insert:

"**11–203.**

THE SALES AND USE TAX DOES NOT APPLY TO A SALE OF A TEXTBOOK:

(1) WRITTEN, DESIGNED, AND PRODUCED FOR EDUCATIONAL, INSTRUCTIONAL, OR PEDAGOGICAL PURPOSES; AND

(2) REQUIRED FOR A COURSE AT AN INSTITUTION OF HIGHER EDUCATION AS DEFINED IN § 10–101 OF THE EDUCATION ARTICLE.".

The preceding 2 amendments were read and rejected by a roll call vote as follows:

Affirmative – 40 Negative – 90 (See Roll Call No. 28)

FLOOR AMENDMENT

(Amendment ID: HB0005/593623/1)

BY: Delegate Eckardt

AMENDMENTS TO HOUSE BILL 5
(First Reading File Bill – Committee Reprint)

AMENDMENT NO. 1

On page 2, in line 5, after "semitrailers;" insert "providing that a certain amount of the vehicle excise tax collected under this Act is to be used exclusively for certain purposes;"; and in line 36, after "(c)(1)" insert "and 13–814".

AMENDMENT NO. 2

On page 14, after line 10, insert:

"13–814.

(A) 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.

(B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ANY MONEY COLLECTED FROM THE INCREASE IN THE VEHICLE EXCISE TAX IMPOSED UNDER CHAPTER _____ (HOUSE BILL 5) OF THE ACTS OF THE SPECIAL SESSION OF THE GENERAL ASSEMBLY OF 2007 SHALL BE USED EXCLUSIVELY FOR THE CONSTRUCTION, MAINTENANCE, AND REPAIR OF ROADS AND BRIDGES IN THE STATE.".

The preceding 2 amendments were read and rejected by a roll call vote as follows:

Affirmative – 35 Negative – 95 (See Roll Call No. 29)

FLOOR AMENDMENT

(Amendment ID: HB0005/923921/1)

BY: Delegate O'Donnell

AMENDMENTS TO HOUSE BILL 5
(First Reading File Bill – Committee Reprint)

AMENDMENT NO. 1

On page 1, in line 14, after "guest;" insert "providing for the distribution of certain sales and use tax revenue to a certain special fund;".

AMENDMENT NO. 2

On page 18, in line 19, strike "and"; after line 19, insert:

"**(2)** **TO THE TOURISM, ARTS, AND CULTURAL DEVELOPMENT FUND ESTABLISHED UNDER § 7–238 OF THE STATE FINANCE AND PROCUREMENT ARTICLE, THE SALES AND USE TAX REVENUE ATTRIBUTABLE TO THE DIFFERENCE BETWEEN:**

(I) **THE TAX RATE SPECIFIED IN § 11–104(G) OF THIS ARTICLE FOR THE SALE OF A RIGHT TO OCCUPY A ROOM OR LODGINGS AS A TRANSIENT GUEST; AND**

(II) **THE TAX RATE SPECIFIED IN § 11–104(A) OF THIS ARTICLE; AND**";

and in line 20, strike "(2)" and substitute "**(3)**".

The preceding 2 amendments were withdrawn.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

The presiding officer announced a quorum call, showing 137 Members present.

(See Roll Call No. 30)

ADJOURNMENT

At 10:36 P.M. on motion of Delegate Barve the House adjourned until 10:45 P.M. on Legislative Day November 4, 2007, Calendar Day Saturday, November 10, 2007.

Annapolis, Maryland
Legislative Day: November 4, 2007
Calendar Day: Saturday, November 10, 2007

The House met at 11:09 P.M. and pledged Allegiance to the Flag.

Prayer by Delegate Sheila E. Hixson of Montgomery County.

QUORUM CALL

The presiding officer announced a quorum call, showing 137 Members present.

(See Roll Call No. 31)

The Journal of November 3, 2007 was read and approved.

EXCUSES:
Del. Hecht – medical
Del. Jameson – NCSL/France – business
Del. Montgomery – in China
Del. Riley – personal

QUORUM CALL

The presiding officer announced a quorum call, showing 137 Members present.

(See Roll Call No. 32)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #1

House Bill 2 – The Speaker (By Request – Administration)

AN ACT concerning

Tax Reform Act of 2007

Delegate Minnick moved the previous question.

The motion was adopted.

Read the third time and passed by yeas and nays as follows:

Affirmative – 82 Negative – 55 (See Roll Call No. 33)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #2

House Bill 5 – The Speaker (By Request – Administration)

AN ACT concerning

Transportation and State Investment Act

Delegate Minnick moved the previous question.

The motion was adopted.

Read the third time and passed by yeas and nays as follows:

Affirmative – 80 Negative – 56 (See Roll Call No. 34)

The Bill was then sent to the Senate.

QUORUM CALL

The presiding officer announced a quorum call, showing 135 Members present.

(See Roll Call No. 35)

ADJOURNMENT

At 1:22 A.M. on motion of Delegate Barve the House adjourned until 4:00 P.M., on Legislative Day November 5, 2007, Calendar Day Monday, November 12, 2007.

Annapolis, Maryland
Legislative Day: November 5, 2007
Calendar Day: Monday, November 12, 2007

The House met at 9:12 P.M. and pledged Allegiance to the Flag.

Prayer by Delegate Joseph "Sonny" Minnick of Baltimore County.

QUORUM CALL

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

(See Roll Call No. 36)

The Journal of November 4, 2007 was read and approved.

EXCUSES:
Del. Benson – business
Del. Davis – personal
Del. Montgomery – in China
Del. Walkup – husband's illness

THE COMMITTEE ON APPROPRIATIONS REPORT #1

Delegate Conway, Chair, for the Committee on Appropriations and Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably with amendments:

House Bill 1 – The Speaker (By Request – Administration)

AN ACT concerning

Budget Reconciliation Act

(Amendment ID: HB0001/454069/1)

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 1

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after "education" insert "in certain fiscal years"; strike beginning with "repealing" in line 8 down through "purposes;" in line 11 and substitute "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;"; in line 12, after "purposes;" insert "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;"; in line 12, strike "providing" and substitute "declaring a certain legislative intent"; in line 14, after "purpose" insert "and that certain employees receive a certain pay period in which certain health insurance contributions are not required"; and in the same line, after "law;" insert "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;".

AMENDMENT NO. 2

On page 2, in line 2, strike "16–305(c)(1)(ii), 16–512(a)(2), and 17–104(d)" and substitute "5–206(f), 8–415(d), 13–104, 16–305(c)(1), 16–512(a), 17–104, 23–205(c), 23–503, and 23–510(e)"; in line 7, after "5–202(e)" insert ", 7–117, and 7–118"; after line 14, insert:

"BY repealing and reenacting, with amendments,
Article – Tax – General
Section 2–1303
Annotated Code of Maryland
(As enacted by Chapter ____ (H.B. 5) of the Acts of the General Assembly of the 2007 Special Session)";

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)";

in line 20, strike "without" and substitute "with"; in line 22, after "(a)" insert "and (b)"; strike in their entirety lines 25 through 29; after line 29, insert:

"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 ".

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**"; 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, in line 9, after "**(VIII)**" insert "**50% OF THE**"; in line 24, strike the first "**YEAR**" and substitute "**YEARS**"; in the same line, strike beginning with "**AND**" through "**THEREAFTER**", and substitute "**THROUGH 2013**".

AMENDMENT NO. 4

On pages 5 and 6, strike in their entirety the lines beginning with line 30 on page 5 through line 23 on page 6, inclusive, and substitute:

"Article – Tax – General

2–1303.

After making the distributions required under §§ 2–1301 through 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) TO THE TOURISM, ARTS, AND CULTURAL DEVELOPMENT FUND ESTABLISHED UNDER § 7–238 OF THE STATE FINANCE AND PROCUREMENT ARTICLE, ONE–THIRD OF THE SALES AND USE TAX REVENUE ATTRIBUTABLE TO THE SALE OF A RIGHT TO OCCUPY A ROOM OR LODGINGS AS A TRANSIENT GUEST SUBJECT TO THE TAX RATE SPECIFIED IN § 11–104(G) OF THIS ARTICLE; AND

[(2)**] (3)** the remaining sales and use tax revenue into the General Fund of the State.".

AMENDMENT NO. 5

On page 6, in line 27, strike the bracket.

On page 7, in line 2, strike "Personal" and substitute "**SUBJECT TO § 7–514 OF THIS TITLE, PERSONAL**"; in line 6, strike the bracket; and after line 6, insert:

"**7–514.**

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

(B) (1) NOTWITHSTANDING § 7–237 OF THIS TITLE, THE GOVERNING BODY OF A COUNTY MAY INCREASE TO NOT MORE THAN 65%, 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.

(C) (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.

(D) 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.

(E) FOR EACH TAXABLE YEAR, WASHINGTON COUNTY SHALL DISTRIBUTE TO THE TOWN OF WILLIAMSPORT AN AMOUNT EQUAL TO 35% OF:

(1) ANY COUNTY PROPERTY TAX REVENUE ATTRIBUTABLE TO INCREASING THE PERCENT OF ASSESSMENT OF ANY PERSONAL PROPERTY DESCRIBED IN § 7–237 OF THIS TITLE THAT IS SUBJECT TO COUNTY PROPERTY TAX, AS AUTHORIZED UNDER SUBSECTION (B) OF THIS SECTION; OR

(2) ANY AMOUNT RECEIVED BY THE COUNTY UNDER A NEGOTIATED PAYMENT IN LIEU OF TAXES UNDER THIS SECTION.".

AMENDMENT NO. 6

On page 8, after line 10, insert:

"**(3) OF THE REMAINING FUNDS NOT APPROPRIATED UNDER PARAGRAPH (1) OF THIS SUBSECTION, 20% OF THE FUNDS OR $21 MILLION, WHICHEVER IS GREATER, SHALL BE APPROPRIATED TO THE FOREST AND PARK SERVICE IN THE DEPARTMENT TO OPERATE STATE FORESTS AND PARKS.**";

in line 11, strike "Of" and substitute "**THE GENERAL ASSEMBLY SHALL APPROPRIATE** "; in the same line, strike "(a)(1)" and substitute "**(A)**"; and strike beginning with ", the" in line 12 down through "**REMAINDER**" in line 16.

AMENDMENT NO. 7

On page 8, after line 17, insert:

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

Article – State Government

2–1501.

(a) In this Part I of this subtitle the following words have the meanings indicated.

(b) "Bill" includes a joint resolution.

(c) "Mandate" means a directive in a bill requiring a local government unit to perform a task or assume a responsibility that has a discernible fiscal impact on the local government unit.

(D) "MANDATED APPROPRIATION" MEANS A REQUIREMENT IN A BILL THAT THE GOVERNOR PROVIDE A CERTAIN LEVEL OF FUNDING IN THE ANNUAL BUDGET BILL FOR A SPECIFIC PROGRAM IN THE STATE.

2–1504.

(a) For each regular or special session of the General Assembly, the Department of Legislative Services shall prepare and distribute, in serial order:

(1) a synopsis of each Senate bill that is introduced; and

(2) a synopsis of each House bill that is introduced.

(b) If the Department determines that a bill imposes a mandate on a local government unit, the synopsis shall include a statement that "This bill imposes a mandate on a local government unit."

(C) IF THE DEPARTMENT DETERMINES THAT A BILL REQUIRES A MANDATED APPROPRIATION, THE SYNOPSIS SHALL INCLUDE A STATEMENT THAT "THIS BILL REQUIRES A MANDATED APPROPRIATION IN THE ANNUAL BUDGET BILL."

2–1505.

(c) (1) The Executive Director of the Department of Legislative Services shall have that Department prepare a fiscal note for each bill.

(e) (1) A fiscal note for a bill shall contain an estimate of the fiscal impact of the bill on the revenues and expenditures of the State government and of local governments:

(i) during the year in which the bill is to become effective and the next 4 years after that year; and

(ii) if the full fiscal impact of a bill is not expected to occur during those years, during each year until and the first year during which that impact is expected to occur.

(2) If a bill, as introduced or amended, imposes a mandate on a local government unit, the fiscal note for the bill shall contain:

(i) a statement that clearly identifies the imposition of the mandate; and

(ii) an estimate of the fiscal impact of the mandate and, if applicable and if data is available, the effect on local property tax rates.

(3) IF A BILL, AS INTRODUCED OR AMENDED, REQUIRES A MANDATED APPROPRIATION, THE FISCAL NOTE FOR THE BILL SHALL CONTAIN:

(I) A STATEMENT THAT CLEARLY IDENTIFIES THE IMPOSITION OF THE MANDATED APPROPRIATION; AND

(II) AN ESTIMATE OF THE FISCAL IMPACT OF THE MANDATED APPROPRIATION.

[(3)**] (4)** A fiscal note shall identify the sources of the information that the Department used in preparing the estimates of fiscal impact.

(j) (1) In its summary report of legislation enacted by the General Assembly that has a fiscal impact, the Department of Legislative Services shall include a list of legislation that**:**

(I) affects local government units and indicate which legislation imposes mandates on local government units**; OR**

(II) REQUIRES A MANDATED APPROPRIATION IN THE ANNUAL BUDGET BILL.

(2) Where applicable and if data is available, the report shall indicate:

(i) the fiscal impact of the bill on local government units;

(ii) the impact of the bill on local property tax rates; **[**and**]**

(iii) the cumulative fiscal impact of all legislation imposing mandates on more than one local government unit**; AND**

(IV) THE CUMULATIVE FISCAL IMPACT OF ALL LEGISLATION REQUIRING MANDATED APPROPRIATIONS.

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

Article 41 – Governor – Executive and Administrative Departments

13–503.

(a) There is a Maryland Agricultural and Resource–Based Industry Development Corporation.

13–513.

(c) (1) The Corporation may receive annual funding through an appropriation in the State budget.

(2) The Corporation may also receive funds for projects included in the budgets of State units.

(3) All unexpended and unencumbered funds appropriated to the Corporation shall remain with the Corporation for future uses.

(4) The Corporation shall conduct its financial affairs in such a manner that, by the year **[**2020**] 2022**, it shall be self–sufficient and in no further need of general operating support by the State.

(5) (i) In order to assist the Corporation in meeting the requirement specified in paragraph (4) of this subsection, the Governor shall include each year in the budget bill an appropriation to the Corporation for rural business development and assistance as follows:

1. For fiscal **[**year**] YEARS** 2008 **THROUGH 2011**, $3,000,000;

2. For fiscal year **[**2009**] 2012**, $3,500,000; and

3. For each of fiscal years **[**2010**] 2013** through **[**2020**] 2022**, $4,000,000.

(ii) In addition to any funds provided under subparagraph (i) of this paragraph, the Governor may include each year in the budget bill an appropriation to the Corporation in an amount up to $5,000,000 for rural land acquisition and easement programs, including programs to assist young and beginning farmers.

Article – Agriculture

8–405.

(a) The General Assembly finds that, from fiscal year 1991 through fiscal year 1998, inadequate resources have been provided for the soil conservation districts to employ adequate field personnel to assist farmers in the preparation of soil conservation and water quality plans.

(b) It is the intent of the General Assembly to provide sufficient technical assistance and resources through the soil conservation districts to assist farmers in pursuit of soil conservation and water quality plans and other activities authorized under this title.

(c) (1) **[**The**] IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE** Governor **[**shall**]** include in the annual budget bill an amount sufficient to employ not less than 110 field personnel in the soil conservation districts under this title.

(2) The appropriation for the 24 soil conservation districts shall be as follows:

(i) For fiscal year 2008 **THROUGH FISCAL 2011**, $8,800,000;

(ii) For fiscal year **[**2009**] 2012**, $9,200,000;

(iii) For fiscal year **[**2010**] 2013**, $9,600,000; and

(iv) For fiscal year **[**2011**] 2014** and each fiscal year thereafter, $10,000,000.

Article – Courts and Judicial Proceedings

1–504.

(a) **[**There shall be included in each State budget an appropriation to the Department of General Services in the total amount necessary**] THE BUDGET FOR THE ADMINISTRATIVE OFFICE OF THE COURTS SHALL INCLUDE FUNDS** to pay rent directly to counties for space occupied in county facilities by clerks of the circuit courts, as provided in this section.

(b) **[**To the extent provided in the State budget the rent shall be calculated per net usable square foot, with no additional reimbursement of maintenance and utility cost:

(1) For fiscal year 2007, at a rate not to exceed $2.50;

(2) For fiscal year 2008, at a rate not to exceed $5.00; and

(3) For fiscal year 2009 and each fiscal year thereafter, at a rate of $10**] TO THE EXTENT PROVIDED IN THE STATE BUDGET, THE RENT DISTRIBUTED TO THE COUNTIES SHALL BE THE PRODUCT OF MULTIPLYING:**

(I) THE TOTAL AMOUNT OF LEASE SPACE FUNDING APPROPRIATED IN THE ANNUAL STATE BUDGET DIVIDED BY THE TOTAL AMOUNT OF NET USABLE SQUARE FOOTAGE OCCUPIED BY THE CLERKS OF THE CIRCUIT COURTS; AND

(II) THE NET USABLE SQUARE FOOTAGE OCCUPIED BY EACH CLERK OF THE CIRCUIT COURT.

(c) Unless the Administrative Office of the Courts and a county agree otherwise, the county may not decrease the net usable square footage allocated to the clerk of the circuit court for the county below the net usable square footage allotted for fiscal year 2002.

(D) NO MORE THAN $500,000 IN STATE GENERAL FUNDS MAY BE USED TO CARRY OUT THE PROVISIONS OF THIS SECTION.

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 FISCAL YEARS 2009 AND 2010, FOR MAJOR INFORMATION TECHNOLOGY DEVELOPMENT PROJECTS OF THE JUDICIARY DEPARTMENT, AS THE ADMINISTRATOR CONSIDERS APPROPRIATE.

[13–607.

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

Article – Education

5–206.

(f) **[**(1)**]** In fiscal year **[**2006**] 2009** and in each fiscal year thereafter, the State shall distribute grants to county boards under the Aging Schools Program administered by the Interagency Committee on School Construction in **[**amounts equal to the funding level calculated under paragraph (2) of this subsection.

(2) The funding level for a county is:

(i) In fiscal year 2007,**]** the following amounts for the following counties:

[1.**]** Allegany County..... **[**$166,000;**] $173,171;**

[2.**]** Anne Arundel County ..... **[**$859,000;**] $896,109;**

[3.**]** Baltimore City..... **[**$2,356,000;**] $2,457,779;**

[4.**]** Baltimore County..... **[**$1,484,000;**] $1,548,109;**

[5.] Calvert County ..... [$65,000;] **$67,808;**

[6.] Caroline County ..... [$85,000;] **$88,672;**

[7.] Carroll County..... [$233,000;] **$243,066;**

[8.] Cecil County ..... [$163,000;] **$170,042;**

[9.] Charles County..... [$85,000;] **$88,672;**

[10.] Dorchester County ..... [$65,000;] **$67,808;**

[11.] Frederick County ..... [$310,000;] **$323,392;**

[12.] Garrett County ..... [$65,000;] **$67,808;**

[13.] Harford County ..... [$369,000;] **$384,941;**

[14.] Howard County ..... [$149,000;] **$155,437;**

[15.] Kent County ..... [$65,000;] **$67,808;**

[16.] Montgomery County..... [$1,023,000;] **$1,067,194;**

[17.] Prince George's County.... [$2,053,000;] **$2,141,690;**

[18.] Queen Anne's County..... [$85,000;] **$88,672;**

[19.] St. Mary's County..... [$85,000;] **$88,672;**

[20.] Somerset County ..... [$65,000;] **$67,808;**

[21.] Talbot County..... [$65,000;] **$67,808;**

[22.] Washington County..... [$229,000;] **$238,893;**

[23.] Wicomico County..... [$181,000;] **$188,819;** and

[24.] Worcester County..... [$65,000; and] **$67,808.**

[(ii) Except as provided in paragraph (3) of this subsection, in fiscal year 2008 and in each fiscal year thereafter, the funding level for the county for the prior fiscal year increased by the product of the funding level for the county for the prior fiscal year and the percentage change in the Consumer Price Index – all urban consumers – all items, as published by the Bureau of Labor Statistics of the United States Department of Labor, for the second prior fiscal year.

(3) If the funding level calculated under paragraph (2)(ii) of this subsection is less than the funding level for the prior fiscal year, the funding level for the county shall be the funding level for the prior fiscal year.]

[7–117.

(a) In this section, "Program" means the "Share the State Fair!" Program.

(b) There is a "Share the State Fair!" Program in the Department.

(c) The purpose of the Program is to:

(1) Provide matching grants to county boards and encourage them to dedicate additional local financial support for a "Share the State Fair!" Program; and

(2) Provide an educational and cultural enrichment opportunity for students in each county in prekindergarten through Grade 8 to attend the State Fair.

(d) The Department shall administer the matching grants under the Program.

(e) Beginning in fiscal year 2009 and annually thereafter, the Governor shall include in the annual budget $25,000 for the Program.

(f) (1) In any fiscal year, a county board may not receive aggregate grants in excess of $1,000 under the Program.

(2) A grant may be used only to pay the costs for transportation and refreshments for students participating in the "Share the State Fair!" Program.

(g) The State Superintendent shall evaluate and make recommendations to the State Board regarding applications for a grant under this section.

(h) The State Board shall adopt regulations to implement this section.]

[7–118.

(a) In this section, "Program" means the Parent–Teacher Association Matching Fund Pilot Program.

(b) There is a Parent–Teacher Association Matching Fund Pilot Program in Baltimore City and Prince George's County.

(c) The purpose of the Program is to:

(1) Encourage parent–teacher associations to raise funds for public high schools; and

(2) Provide additional State funds for public high schools.

(d) (1) Each public high school in Baltimore City and Prince George's County is eligible for a dollar–for–dollar match for private funds raised by the school's parent–teacher association up to:

(i) In Baltimore City, the amount raised by the parent–teacher association, not to exceed the school's equal share as determined by dividing $125,000 by the number of public high schools in Baltimore City; and

(ii) In Prince George's County, the amount raised by the parent–teacher association, not to exceed the school's equal share as determined by dividing $125,000 by the number of public high schools in Prince George's County.

(2) The total amount expended under the Program may not exceed $200,000 annually.

(e) Funds for the Program shall be as provided in the State budget by the Governor.

(f) On or before December 1 of each year, the Chief Executive Officer of the Baltimore City Public School System and the Superintendent of Schools of Prince George's County shall report to the Senate Budget and Taxation Committee and the House Ways and Means Committee, in accordance with § 2–1246 of the State Government Article, on the status of, and the benefits accrued from, the Parent–Teacher Association Matching Fund Pilot Program.**]**

8–415.

(d) (1) In this subsection, "basic cost" as to each county, means the average amount spent by the county from county, State, and federal sources for the public education of a nonhandicapped child. "Basic cost" does not include amounts specifically allocated and spent for identifiable compensatory programs for disadvantaged children.

(2) As provided in paragraphs (3) and (4) of this subsection, the State and the counties shall share collectively in the cost of educating children with disabilities in nonpublic programs under § 8–406 of this subtitle.

(3) (i) Subject to the limitation under subparagraph (ii) of this paragraph, for each of these children domiciled in the county, the county shall contribute for each placement the sum of:

1. The local share of the basic cost;

2. An additional amount equal to 200 percent of the basic cost; and

3. A. For fiscal year **[**2005 and fiscal year 2006**] 2009** only, an additional amount equal to 25 percent of the approved cost or reimbursement in excess of the sum of items 1 and 2 of this subparagraph; and

B. For fiscal year **[**2007**] 2010** and each subsequent fiscal year, an additional amount equal to 20 percent of the approved cost or reimbursement in excess of the sum of items 1 and 2 of this subparagraph.

13–104.

(a) In this section, "Fund" means the Small Business Development Center Network Fund.

(b) There is a Small Business Development Center Network Fund.

(c) The purpose of the Fund is to provide matching funds for federal grant funds and to support the operations of the Small Business Development Center Network in the University of Maryland.

(d) The Fund is a special, continuous, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(e) The State Treasurer shall hold the Fund separately, and the Comptroller shall account for the Fund.

(f) The proceeds of the Fund shall be invested and reinvested.

(g) Any investment earnings of the Fund shall be credited to the General Fund of the State.

(h) The Fund consists of:

(1) Any money appropriated to the Fund;

(2) Any federal grant funds; and

(3) Any other money from any other source accepted for the benefit of the Fund.

(i) Money in the Fund may only be expended to support the operations of the Small Business Development Center Network.

[(j) For the fiscal year beginning July 1, 2006 and each fiscal year thereafter, the Governor shall include in the annual budget bill a General Fund appropriation of at least $750,000 to the Fund.**]**

16–305.

(a) The formula used for the distribution of funds to the community colleges in the State shall be known as the Senator John A. Cade Funding Formula.

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

(2) "Assessed valuation of real property" means assessed valuation of real property as determined for purposes of the State aid calculated under § 5–202 of this article.

(3) "Board" means:

(i) In a county that has 1 or more community colleges, the board of community college trustees for the county; or

(ii) Where 2 or more counties establish a region to support a regional community college, the board of regional community college trustees.

(4) "Community college" means a community college established under this title but does not include Baltimore City Community College.

(5) "County share" means the total amount of money for operating funds to be provided each fiscal year to a board by the county that supports the community college or colleges or, in the case of a regional community college, the total amount of money for operating funds to be provided each fiscal year to the board by all counties that support the regional community college.

(6) "Direct grants" means the sum of the following components of the State share:

(i) Fixed costs;

(ii) Marginal costs; and

(iii) Size factor.

(7) "Full–time equivalent student" is the quotient of the number of student credit hours produced in the fiscal year 2 years prior to the fiscal year for which the State share is calculated divided by 30, as certified by the Maryland Higher Education Commission.

(8) "Population" means population as determined for purposes of calculating the State share of the library program using the definition in § 23–501 of this article.

(9) "Region" means the counties supporting a regional community college established under Subtitle 2 of this title.

(10) "Small community college" means:

(i) Allegany College of Maryland;

(ii) Garrett College;

(iii) Hagerstown Community College;

(iv) Carroll Community College;

(v) Cecil Community College;

(vi) Chesapeake College; or

(vii) Wor–Wic Community College.

(11) "State share" means the amount of money for community college operating funds to be provided each fiscal year to a board by the State.

(12) "Student credit hours" means student credit hours or contact hours which are eligible, under the regulations issued by the Maryland Higher Education Commission, for inclusion in State funding calculations.

(13) "Total State operating fund" means the sum of community college State appropriations for direct grants.

(c) (1) (i) The total State operating fund per full–time equivalent student to the community colleges for each fiscal year as requested by the Governor shall be:

1. In fiscal year 2007, not less than an amount equal to 25% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the previous fiscal year;

2. In fiscal **[**year 2008**]** **YEARS 2008 THROUGH 2011**, not less than an amount equal to 25.5% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of

administering the Joseph A. Sellinger Program under Title 17 of this article in the previous fiscal year;

3. In fiscal year **[**2009**] 2012**, not less than an amount equal to 26.25% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the **[**previous**]** fiscal year **FOR WHICH THE REQUEST IS MADE**;

4. In fiscal year **[**2010**] 2013**, not less than an amount equal to 27% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the **[**previous**]** fiscal year **FOR WHICH THE REQUEST IS MADE**;

5. In fiscal year **[**2011**] 2014**, not less than an amount equal to 28% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the **[**previous**]** fiscal year **FOR WHICH THE REQUEST IS MADE**;

6. In fiscal year **[**2012**] 2015**, not less than an amount equal to 29% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the **[**previous**]** fiscal year **FOR WHICH THE REQUEST IS MADE**; and

7. In fiscal year **[**2013**] 2016** and in each fiscal year thereafter, not less than an amount equal to 30% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the **[**previous**]** fiscal year **FOR WHICH THE REQUEST IS MADE**.

(ii) For purposes of this subsection, **IN FISCAL YEARS 2009 THROUGH 2011,** 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 reflect any amendments or reductions to the appropriation for the previous fiscal year.

16–512.

(a) (1) The total State operating fund per full–time equivalent student appropriated to Baltimore City Community College for each fiscal year as requested by the Governor shall be:

(i) In fiscal year 2007, not less than an amount equal to 66% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the previous fiscal year;

(ii) In fiscal **[**year 2008**]** **YEARS 2008 THROUGH 2011**, not less than an amount equal to 66.5% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the previous fiscal year;

(iii) In fiscal year **[**2009**]** **2012**, not less than an amount equal to 67.25% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the **[**previous**]** fiscal year **FOR WHICH THE REQUEST IS MADE**;

(iv) In fiscal year **[**2010**]** **2013**, not less than an amount equal to 68% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the **[**previous**]** fiscal year **FOR WHICH THE REQUEST IS MADE**;

(v) In fiscal year **[**2011**]** **2014**, not less than an amount equal to 69% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the **[**previous**]** fiscal year **FOR WHICH THE REQUEST IS MADE**;

(vi) In fiscal year **[**2012**]** **2015**, not less than an amount equal to 70% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the **[**previous**]** fiscal year **FOR WHICH THE REQUEST IS MADE**; and

(vii) In fiscal year **[**2013**]** **2016** and in each fiscal year thereafter, not less than an amount equal to 71% of the State's General Fund

appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the [previous] fiscal year **FOR WHICH THE REQUEST IS MADE.**

(2) For purposes of this subsection, **IN FISCAL YEARS 2009 THROUGH 2011,** 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 reflect any amendments or reductions to the appropriation for the previous fiscal year.

(b) Notwithstanding subsection (a) of this section, the State appropriation to Baltimore City Community College requested by the Governor may not be less than the State appropriation to the College in the previous fiscal year.

17–104.

(a) **SUBJECT TO SUBSECTION (E) OF THIS SECTION, [**The**] 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 2006 and each fiscal year thereafter,**] IN FISCAL YEARS 2006 THROUGH 2011,** 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**; AND**

(II) IN FISCAL YEAR 2012 AND EACH FISCAL YEAR THEREAFTER, 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 FISCAL YEAR FOR WHICH THE APPORTIONMENT IS COMPUTED.

(b) Full–time equivalent students enrolled in seminarian or theological programs shall be excluded from the computation required by subsection (a) of this section.

(c) Payments of State general funds under Subtitle 3 of this title shall be excluded from the computation required by subsection (a) of this section.

(d) For purposes of this section, **IN FISCAL YEARS 2009 THROUGH 2011,** 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 reflect any amendments or reductions to the appropriation for the previous fiscal year.

(E) IN FISCAL YEARS 2009 THROUGH 2011, THE AMOUNT OF THE TOTAL ANNUAL APPORTIONMENT UNDER THIS SECTION MAY NOT INCREASE MORE THAN THE PERCENTAGE BY WHICH THE PROJECTED TOTAL GENERAL FUND REVENUES FOR THE FISCAL YEAR FOR WHICH THE APPORTIONMENT IS COMPUTED EXCEED THE REVISED ESTIMATE OF TOTAL GENERAL FUND REVENUES FOR THE PREVIOUS FISCAL YEAR, AS CONTAINED IN THE REPORT OF ESTIMATED STATE REVENUES SUBMITTED BY THE BOARD OF REVENUE ESTIMATES TO THE GOVERNOR UNDER § 6–106(B) OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

23–205.

(c) (1) Each year each participating regional resource center shall receive a minimum amount of funding for each resident of the area served, to be used for operating and capital expenses.

(2) The allocation shall be calculated as follows:

(i) For fiscal year 2006.....$4.50 per each resident of the area served;

(ii) For fiscal year 2007.....$5.50 per each resident of the area served;

(iii) For fiscal **[**year 2008**]** **YEARS 2008 THROUGH 2011**.....$6.50 per each resident of the area served;

(iv) For fiscal year **[**2009**] 2012**.....$7.50 per each resident of the area served; and

(v) For fiscal year **[**2010**] 2013** and each fiscal year thereafter..... $8.50 per each resident of the area served.

23–503.

(a) (1) The entire capital and operating cost of the minimum library program for this State as a whole shall be shared as provided in this subsection.

(2) The State shall provide:

(i) Approximately 40 percent of the total cost of the minimum program; and

(ii) Not less than 20 percent of the cost of the minimum program in any county.

(3) The counties participating in the program together shall provide through local taxes approximately 60 percent of the total statewide cost of the minimum program.

(b) (1) Each county public library system that participates in the minimum library program shall be provided for each resident of the county, to be used for operating and capital expenses:

(i) For fiscal year 2006 – $12.00;

(ii) For fiscal year 2007 – $13.00;

(iii) For fiscal **[**year 2008**]** **YEARS 2008 THROUGH 2011** – $14.00;

(iv) For fiscal year **[**2009**]** **2012** – $15.00; and

(v) For fiscal year **[**2010**]** **2013** and each fiscal year thereafter – $16.00.

(2) (i) The State shall share in this amount.

(ii) Any county may provide an amount greater than its share under the cooperative program, but the State may not share in the excess.

(c) Any employer Social Security contributions required by federal law for any employee in a county public library system shall remain the obligation of the employer.

23–510.

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

(2) "Capital project" means the:

(i) Acquisition of land or buildings for a county library; or

(ii) Construction or improvement of a county library.

(3) "Construction or improvement" means planning, design, engineering, alteration, construction, reconstruction, enlargement, expansion, extension, improvement, replacement, rehabilitation, renovation, upgrading, repair, or capital equipping.

(4) "County library" means a library in a county public library system in the State.

(5) "Division" means the Division of Library Development and Services in the Department.

(b) (1) There is a State grant program for county public library capital projects in the Division.

(2) The grant program is in addition to the county–State minimum library program established under § 23–502 of this article.

(e) (5) **(I)** For fiscal year **[**2008**]** **2009** and each fiscal year thereafter, the Governor shall include in the annual operating or capital budget submission **[**$5,000,000**]** **AN APPROPRIATION** for county library capital projects.

Article – Health – General

[16–201.2.

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

(2) "Community developmental disabilities services provider" means a community–based developmental disabilities program licensed by the Department.

(3) "Community mental health services provider" means a community–based mental health program approved by the Department or an individual practitioner who contracts with the Department or the appropriate core service agency.

(4) "Core service agency" has the meaning stated in § 10–1201 of this article.

(5) "Eligible individual" means a Medicaid recipient or an individual who receives developmental disabilities services or mental health services subsidized in whole or in part by the State.

(b) Notwithstanding the provisions of this subtitle, the Department shall reimburse a community developmental disabilities services provider or a community mental health services provider for approved services rendered to an eligible individual as provided in this section.

(c) (1) Subject to the limitations of the State budget, beginning in fiscal year 2008 and in each fiscal year thereafter, the Department shall adjust for inflation the fees paid to a community developmental disabilities services provider and a community mental health services provider for approved services rendered to an eligible individual using the update factor recommended by the Community Services Reimbursement Rate Commission.

(2) Annual adjustments shall be funded with due regard to the expenditures necessary to meet the needs of individuals receiving services.

(3) The annual rate of change for the fees may not exceed a maximum rate of 5%.**]**

Article – State Finance and Procurement

7–325.

(a) **[**For**] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, FOR** each fiscal year, the Governor shall include in the annual budget bill submitted to the General Assembly a General Fund appropriation for the Maryland State Arts Council in an amount not less than the amount of the General Fund appropriation for the Council as approved in the State budget as enacted by the General Assembly for the prior fiscal year, increased by not less than the percentage by which the projected total General Fund revenues for the upcoming fiscal year exceed the revised estimate of total General Fund revenues for the current fiscal year, as contained in the report of estimated State revenues submitted by the Board of Revenue Estimates to the Governor under § 6–106(b) of this article.

(b) **IN FISCAL YEARS 2009 THROUGH 2011, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL SUBMITTED TO THE GENERAL ASSEMBLY A GENERAL FUND APPROPRIATION FOR THE MARYLAND STATE ARTS COUNCIL EQUAL TO THE AMOUNT OF THE GENERAL FUND APPROPRIATION FOR THE COUNCIL AS APPROVED IN THE STATE BUDGET AS ENACTED BY THE GENERAL ASSEMBLY FOR FISCAL YEAR 2008.**

(C) The Legislative Auditor has the authority to conduct a review or audit of any recipient of a grant from the Maryland State Arts Council.

Chapter 269 of the Acts of 2006

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) **[**Subject to subsection (b) of this section, for**]** **FOR** fiscal **[**years 2008 and**]** **YEAR** 2009, the Governor shall include in the annual budget bill **[**a general fund**]** **AN** appropriation to the Rural Broadband Assistance Fund established under Article 83A, § 5–1902 of the Code, as enacted by Section 1 of this Act, of at least $4,000,000 **[**in each fiscal year, of which at least $2,000,000 in each fiscal year shall be**]** from the Maryland Economic Development Assistance Authority and Fund.

[(b) If the Rural Broadband Assistance Fund receives more than $2,000,000 from the Maryland Economic Development Assistance Authority and Fund in fiscal year 2007, then, for fiscal year 2009 only, the funding specified in subsection (a) of this section may be reduced by the amount by which the 2007 fiscal year funding from the Maryland Economic Development Assistance Authority and Fund exceeds $2,000,000.**]**

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

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.".

AMENDMENT NO. 8

On page 8, in line 18, strike "6." and substitute "9."; in the same line, after "That" insert "it is the intent of the General Assembly that"; in line 23, strike "$82,000,000" and substitute "$77,000,000. It is the further intent that State employees receive one additional pay period in which health insurance contributions are not required during fiscal 2009"; after line 23, insert:

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

(a) In this section, "Executive Branch agencies" does not include the Department of Public Safety and Correctional Services or helicopter pilots in the Department of State Police.

(b) (1) As of January 30, 2008, the number of full–time equivalent (FTE) regular positions in Executive Branch agencies shall be reduced by 750 FTEs.

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

(c) On or before January 30, 2008, 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 $7,600,000 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 notwithstanding any other provision of law, the unexpended appropriations for the following purposes that were included in the fiscal year 2008 operating budget (Chapter 487, Acts of 2007) are reduced by the amounts indicated below and are hereby transferred to the State General Fund:

Fiscal Year	Program	Entitled	Amount of Reduction General Funds
2008	N00F	DHR – Information Technology	1,000,000
2008	T50T0103	Maryland Technology Development Corporation	3,000,000

SECTION 12. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, it is the intent of the General Assembly that in developing the fiscal 2009 budget, the Governor consider the following recommendations for reductions in general funds to slow the growth of the fiscal 2009 current services baseline budget after the reductions made by the Board of Public Works in July 2007:

Program	Entitled	Amount of Reduction General Funds
D40W0112	Heritage Structure Rehabilitation Tax Credit	10,300,000
M00L0103	Mental Hygiene Administration	2,700,000
M00Q	Medical Care Programs Administration	36,200,000
MK000201	Alcohol and Drug Abuse Administration	700,000
N00F	DHR – Information Technology	4,000,000
R00A0102	Maryland State Department of Education	2,800,000
R00A0207	MSDE – Infants and Toddlers Program	8,000,000
R00A0115	MSDE – Juvenile Services Education Program	1,700,000
R00A03	MSDE – North Bay	1,700,000
R30B00	University System of Maryland	3,000,000
T50T0103	Maryland Technology Development Corporation	3,000,000

SECTION 13. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Governor provide funding for the following programs through General Obligation bonds:

Program	Entitled
D06E0201	Public Safety Communication System

H00C0101	State House repairs
S00A2402	Community Legacy Program
S00A2507	Rental Housing Program
S00A2508	Homeownership Program
S00A2509	Special Loan Program
U00A0103	Environment – Water Quality
U00A0104	Environment – Hazardous Waste
U00A0105	Environment – Drinking Water

SECTION 14. AND BE IT FURTHER ENACTED, That notwithstanding any other provision of law, it is the intent of the General Assembly that in developing the fiscal 2009 budget, the Governor include a 2% cost–of–living increase for certain community providers in the Department of Health and Mental Hygiene's human services programs and a 2% cost–of–living increase for certain providers in the Department of Health and Mental Hygiene's Medical Assistance programs. It is the further intent of the General Assembly that bonus payments to Managed Care Organizations be phased out as the Medicaid physician rate schedule increases to 90% of the Medicare rate schedule by 2010. However, funding for the Department of Health and Mental Hygiene's quality of care initiative should be preserved.

SECTION 15. 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.

SECTION 16. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, it is the intent of the General Assembly that the Police and Correctional Training Commissions recover 95% of its cost to provide training courses from non–State agencies.

SECTION 17. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly to review the amount of the commission paid to lottery agents, if video lottery terminals are approved and implemented in this State, to determine if there needs to be additional compensation paid for any lost revenue.

SECTION 18. 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 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 19. AND BE IT FURTHER ENACTED, That the Spending Affordability Committee in cooperation with the Department of Budget and Management shall study Maryland's budgetary structure and process. The study shall address how current laws and practices relate to national norms and best practices with respect to budget formulation, review, management and oversight by the Executive and Legislative branches. The study shall be completed by December 15, 2008 and include as appropriate draft legislation for consideration by the 2009 General Assembly.

SECTION 20. AND BE IT FURTHER ENACTED, That notwithstanding any other provision of law, it is the intent of the General Assembly that in fiscal year 2009, contingent on funds being available in the Tourism, Arts, and Cultural Development Fund established under § 7–328 of the State Finance and Procurement Article, funding for the Maryland Tourism Development Board Fund, the Maryland State Arts Council, the Film Wage Rebate program, the Office of Tourism Development, and the operating deficit for the Baltimore City Convention Center, and operating deficit for the Ocean City Convention Center shall be provided from the Tourism, Arts, and Cultural Development Fund.

SECTION 21. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall take effect January 1, 2008, contingent on the taking effect of Chapter ____ (H.B.5) of the Acts of the General Assembly of the Special Session of 2007, and if Chapter ____does not become effective, Section 3 of this Act shall be null and void without the necessity of further action by the General Assembly.".

AMENDMENT NO. 9

On page 8, in lines 24 and 26, strike "7." and "8.", respectively, and substitute "22." and "23.", respectively; and strike in their entirety lines 28 through 33, inclusive;

On page 9, in lines 1 and 9, strike "10." and "11.", respectively, and substitute "24." and "26.", respectively; after line 8, insert:

"SECTION 25. AND BE IT FURTHER ENACTED, That Section 6 of this Act shall take effect July 1, 2008.";

and in lines 9 and 10, strike "7" and "10", respectively, and substitute "21" and "25", respectively.

The preceding 9 amendments were read and adopted.

Favorable report, as amended, adopted.

Delegate Conway moved to make the Bill a Special Order for Tuesday.

The motion was adopted.

THE COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS REPORT #1

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re–referred to the Committee on Health and Government Operations:

House Bill 31 – Delegate Morhaim

EMERGENCY BILL

AN ACT concerning

Government Efficiency and Streamlining Operations

The Bill was re–referred to the Committee on Health and Government Operations.

SPECIAL ORDERS

VETOED SENATE BILLS – 2007 REGULAR SESSION

VETOED SENATE BILL AND MESSAGE

(See Exhibit C of Appendix II)

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

Senate Bill 497 (2007 Regular Session)

AN ACT concerning

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

Delegate Barve moved to make the Bill a Special Order for Tuesday.

The motion was adopted.

House Rule 116

Delegate Barve moved to make House Rule 116 a Special Order of Business until Thursday.

The motion was adopted.

MESSAGE FROM THE SENATE

November 9, 2007

By The Majority Leader:

Ladies and Gentlemen of the House of Delegates:

It is the intention of the Senate to adjourn until Thursday, November 15, 2007. If the House consents the Senate will adjourn until Thursday, November 15, 2007.

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

Journalized.

MESSAGE TO THE SENATE

November 12, 2007

By The Majority Leader:

Ladies and Gentlemen of the Senate:

The House consents to the Senate adjourning until Thursday, November 15, 2007.

By Order,
Mary Monahan
Chief Clerk

Journalized.

QUORUM CALL

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

(See Roll Call No. 37)

ADJOURNMENT

At 9:28 P.M. on motion of Delegate Barve the House adjourned until 11:00 A.M. on Legislative Day November 6, 2007, Calendar Day Tuesday, November 13, 2007.

Annapolis, Maryland
Legislative Day: November 6, 2007
Calendar Day: Tuesday, November 13, 2007

The House met at 11:16 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate Adrienne A. Jones of Baltimore County.

QUORUM CALL

The presiding officer announced a quorum call, showing 125 Members present.

(See Roll Call No. 40)

The Journal of November 5, 2007 was read and approved.

EXCUSES:
Del. Malone – grandmother's death
Del. Montgomery – in China

SPECIAL ORDERS

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

House Bill 1 – The Speaker (By Request – Administration)

AN ACT concerning

Budget Reconciliation Act

STATUS OF BILL: BILL ON 2ND READING. FAVORABLE REPORT AS AMENDED ADOPTED.

Delegate Conway moved to reconsider the vote by which the favorable report as amended was adopted.

The motion was adopted.

(Amendment ID: HB0001/454069/1)

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 1
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after "education" insert "in certain fiscal years"; strike beginning with "repealing" in line 8 down through "purposes;" in line 11 and substitute "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;"; in line 12, after "purposes;" insert "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;"; in line 12, strike "providing" and substitute "declaring a certain legislative intent"; in line 14, after "purpose" insert "and that certain employees receive a certain pay period in which certain health insurance contributions are not required"; and in the same line, after "law;" insert "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;".

AMENDMENT NO. 2

On page 2, in line 2, strike "16–305(c)(1)(ii), 16–512(a)(2), and 17–104(d)" and substitute "5–206(f), 8–415(d), 13–104, 16–305(c)(1), 16–512(a), 17–104, 23–205(c), 23–503, and 23–510(e)"; in line 7, after "5–202(e)" insert ", 7–117, and 7–118"; after line 14, insert:

"BY repealing and reenacting, with amendments,
Article – Tax – General
Section 2–1303
Annotated Code of Maryland
(As enacted by Chapter ____ (H.B. 5) of the Acts of the General Assembly of the 2007 Special Session)";

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)";

in line 20, strike "without" and substitute "with"; in line 22, after "(a)" insert "and (b)"; strike in their entirety lines 25 through 29; after line 29, insert:

"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 ".

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**"; 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, in line 9, after "**(VIII)**" insert "**50% OF THE**"; in line 24, strike the first "**YEAR**" and substitute "**YEARS**"; in the same line, strike beginning with "**AND**" through "**THEREAFTER**", and substitute "**THROUGH 2013**".

AMENDMENT NO. 4

On pages 5 and 6, strike in their entirety the lines beginning with line 30 on page 5 through line 23 on page 6, inclusive, and substitute:

"Article – Tax – General

2–1303.

After making the distributions required under §§ 2–1301 through 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) TO THE TOURISM, ARTS, AND CULTURAL DEVELOPMENT FUND ESTABLISHED UNDER § 7–238 OF THE STATE FINANCE AND PROCUREMENT ARTICLE, ONE–THIRD OF THE SALES AND USE TAX REVENUE ATTRIBUTABLE TO THE SALE OF A

RIGHT TO OCCUPY A ROOM OR LODGINGS AS A TRANSIENT GUEST SUBJECT TO THE TAX RATE SPECIFIED IN § 11–104(G) OF THIS ARTICLE; AND

[(2)**] (3)** the remaining sales and use tax revenue into the General Fund of the State.".

AMENDMENT NO. 5

On page 6, in line 27, strike the bracket.

On page 7, in line 2, strike "Personal" and substitute "**SUBJECT TO § 7–514 OF THIS TITLE, PERSONAL**"; in line 6, strike the bracket; and after line 6, insert:

"**7–514.**

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

(B) (1) NOTWITHSTANDING § 7–237 OF THIS TITLE, THE GOVERNING BODY OF A COUNTY MAY INCREASE TO NOT MORE THAN 65%, 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.

(C) (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.

(D) 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.

(E) FOR EACH TAXABLE YEAR, WASHINGTON COUNTY SHALL DISTRIBUTE TO THE TOWN OF WILLIAMSPORT AN AMOUNT EQUAL TO 35% OF:

(1) ANY COUNTY PROPERTY TAX REVENUE ATTRIBUTABLE TO INCREASING THE PERCENT OF ASSESSMENT OF ANY PERSONAL PROPERTY DESCRIBED IN § 7–237 OF THIS TITLE THAT IS SUBJECT TO COUNTY PROPERTY TAX, AS AUTHORIZED UNDER SUBSECTION (B) OF THIS SECTION; OR

(2) ANY AMOUNT RECEIVED BY THE COUNTY UNDER A NEGOTIATED PAYMENT IN LIEU OF TAXES UNDER THIS SECTION.".

AMENDMENT NO. 6

On page 8, after line 10, insert:

"**(3) OF THE REMAINING FUNDS NOT APPROPRIATED UNDER PARAGRAPH (1) OF THIS SUBSECTION, 20% OF THE FUNDS OR $21 MILLION, WHICHEVER IS GREATER, SHALL BE APPROPRIATED TO THE FOREST AND PARK SERVICE IN THE DEPARTMENT TO OPERATE STATE FORESTS AND PARKS.**";

in line 11, strike "Of" and substitute "**THE GENERAL ASSEMBLY SHALL APPROPRIATE** "; in the same line, strike "(a)(1)" and substitute "**(A)**"; and strike beginning with ", the" in line 12 down through "**REMAINDER**" in line 16.

AMENDMENT NO. 7

On page 8, after line 17, insert:

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

Article – State Government

2–1501.

(a) In this Part I of this subtitle the following words have the meanings indicated.

(b) "Bill" includes a joint resolution.

(c) "Mandate" means a directive in a bill requiring a local government unit to perform a task or assume a responsibility that has a discernible fiscal impact on the local government unit.

(D) "MANDATED APPROPRIATION" MEANS A REQUIREMENT IN A BILL THAT THE GOVERNOR PROVIDE A CERTAIN LEVEL OF FUNDING IN THE ANNUAL BUDGET BILL FOR A SPECIFIC PROGRAM IN THE STATE.

2–1504.

(a) For each regular or special session of the General Assembly, the Department of Legislative Services shall prepare and distribute, in serial order:

(1) a synopsis of each Senate bill that is introduced; and

(2) a synopsis of each House bill that is introduced.

(b) If the Department determines that a bill imposes a mandate on a local government unit, the synopsis shall include a statement that "This bill imposes a mandate on a local government unit."

(C) IF THE DEPARTMENT DETERMINES THAT A BILL REQUIRES A MANDATED APPROPRIATION, THE SYNOPSIS SHALL INCLUDE A STATEMENT THAT "THIS BILL REQUIRES A MANDATED APPROPRIATION IN THE ANNUAL BUDGET BILL."

2–1505.

(c) (1) The Executive Director of the Department of Legislative Services shall have that Department prepare a fiscal note for each bill.

(e) (1) A fiscal note for a bill shall contain an estimate of the fiscal impact of the bill on the revenues and expenditures of the State government and of local governments:

(i) during the year in which the bill is to become effective and the next 4 years after that year; and

(ii) if the full fiscal impact of a bill is not expected to occur during those years, during each year until and the first year during which that impact is expected to occur.

(2) If a bill, as introduced or amended, imposes a mandate on a local government unit, the fiscal note for the bill shall contain:

(i) a statement that clearly identifies the imposition of the mandate; and

(ii) an estimate of the fiscal impact of the mandate and, if applicable and if data is available, the effect on local property tax rates.

(3) IF A BILL, AS INTRODUCED OR AMENDED, REQUIRES A MANDATED APPROPRIATION, THE FISCAL NOTE FOR THE BILL SHALL CONTAIN:

(I) A STATEMENT THAT CLEARLY IDENTIFIES THE IMPOSITION OF THE MANDATED APPROPRIATION; AND

(II) AN ESTIMATE OF THE FISCAL IMPACT OF THE MANDATED APPROPRIATION.

[(3)**] (4)** A fiscal note shall identify the sources of the information that the Department used in preparing the estimates of fiscal impact.

(j) (1) In its summary report of legislation enacted by the General Assembly that has a fiscal impact, the Department of Legislative Services shall include a list of legislation that**:**

(I) affects local government units and indicate which legislation imposes mandates on local government units**; OR**

(II) REQUIRES A MANDATED APPROPRIATION IN THE ANNUAL BUDGET BILL.

(2) Where applicable and if data is available, the report shall indicate:

(i) the fiscal impact of the bill on local government units;

(ii) the impact of the bill on local property tax rates; **[**and**]**

(iii) the cumulative fiscal impact of all legislation imposing mandates on more than one local government unit**; AND**

(IV) THE CUMULATIVE FISCAL IMPACT OF ALL LEGISLATION REQUIRING MANDATED APPROPRIATIONS.

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

Article 41 – Governor – Executive and Administrative Departments

13–503.

(a) There is a Maryland Agricultural and Resource–Based Industry Development Corporation.

13–513.

(c) (1) The Corporation may receive annual funding through an appropriation in the State budget.

(2) The Corporation may also receive funds for projects included in the budgets of State units.

(3) All unexpended and unencumbered funds appropriated to the Corporation shall remain with the Corporation for future uses.

(4) The Corporation shall conduct its financial affairs in such a manner that, by the year **[**2020**] 2022**, it shall be self–sufficient and in no further need of general operating support by the State.

(5) (i) In order to assist the Corporation in meeting the requirement specified in paragraph (4) of this subsection, the Governor shall include each year in the budget bill an appropriation to the Corporation for rural business development and assistance as follows:

1. For fiscal **[**year**] YEARS** 2008 **THROUGH 2011**, $3,000,000;

2. For fiscal year **[**2009**] 2012**, $3,500,000; and

3. For each of fiscal years **[**2010**] 2013** through **[**2020**] 2022**, $4,000,000.

(ii) In addition to any funds provided under subparagraph (i) of this paragraph, the Governor may include each year in the budget bill an appropriation to the Corporation in an amount up to $5,000,000 for rural land acquisition and easement programs, including programs to assist young and beginning farmers.

Article – Agriculture

8–405.

(a) The General Assembly finds that, from fiscal year 1991 through fiscal year 1998, inadequate resources have been provided for the soil conservation districts to employ adequate field personnel to assist farmers in the preparation of soil conservation and water quality plans.

(b) It is the intent of the General Assembly to provide sufficient technical assistance and resources through the soil conservation districts to assist farmers in pursuit of soil conservation and water quality plans and other activities authorized under this title.

(c) (1) [The] **IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE** Governor [shall] include in the annual budget bill an amount sufficient to employ not less than 110 field personnel in the soil conservation districts under this title.

(2) The appropriation for the 24 soil conservation districts shall be as follows:

(i) For fiscal year 2008 **THROUGH FISCAL 2011**, $8,800,000;

(ii) For fiscal year [2009] **2012**, $9,200,000;

(iii) For fiscal year [2010] **2013**, $9,600,000; and

(iv) For fiscal year [2011] **2014** and each fiscal year thereafter, $10,000,000.

Article – Courts and Judicial Proceedings

1–504.

(a) [There shall be included in each State budget an appropriation to the Department of General Services in the total amount necessary] **THE BUDGET FOR THE ADMINISTRATIVE OFFICE OF THE COURTS SHALL INCLUDE FUNDS** to pay rent directly to counties for space occupied in county facilities by clerks of the circuit courts, as provided in this section.

(b) [To the extent provided in the State budget the rent shall be calculated per net usable square foot, with no additional reimbursement of maintenance and utility cost:

(1) For fiscal year 2007, at a rate not to exceed $2.50;

(2) For fiscal year 2008, at a rate not to exceed $5.00; and

(3) For fiscal year 2009 and each fiscal year thereafter, at a rate of $10] **TO THE EXTENT PROVIDED IN THE STATE BUDGET, THE RENT DISTRIBUTED TO THE COUNTIES SHALL BE THE PRODUCT OF MULTIPLYING:**

(1) THE TOTAL AMOUNT OF LEASE SPACE FUNDING APPROPRIATED IN THE ANNUAL STATE BUDGET DIVIDED BY THE TOTAL AMOUNT OF NET USABLE SQUARE FOOTAGE OCCUPIED BY THE CLERKS OF THE CIRCUIT COURTS; AND

(2) THE NET USABLE SQUARE FOOTAGE OCCUPIED BY EACH CLERK OF THE CIRCUIT COURT.

(c) Unless the Administrative Office of the Courts and a county agree otherwise, the county may not decrease the net usable square footage allocated to

the clerk of the circuit court for the county below the net usable square footage allotted for fiscal year 2002.

(D) NO MORE THAN $500,000 IN STATE GENERAL FUNDS MAY BE USED TO CARRY OUT THE PROVISIONS OF THIS SECTION.

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 FISCAL YEARS 2009 AND 2010, FOR MAJOR INFORMATION TECHNOLOGY DEVELOPMENT PROJECTS OF THE JUDICIARY DEPARTMENT, AS THE ADMINISTRATOR CONSIDERS APPROPRIATE.

[13–607.

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

Article – Education

5–206.

(f) **[**(1)**]** In fiscal year **[**2006**] 2009** and in each fiscal year thereafter, the State shall distribute grants to county boards under the Aging Schools Program administered by the Interagency Committee on School Construction in **[**amounts equal to the funding level calculated under paragraph (2) of this subsection.

(2) The funding level for a county is:

(i) In fiscal year 2007,**]** the following amounts for the following counties:

[1.**]** Allegany County..... **[**$166,000;**] $173,171;**

[2.**]** Anne Arundel County ..... **[**$859,000;**] $896,109;**

[3.] Baltimore City ..... [$2,356,000;] **$2,457,779;**

[4.] Baltimore County ..... [$1,484,000;] **$1,548,109;**

[5.] Calvert County ..... [$65,000;] **$67,808;**

[6.] Caroline County ..... [$85,000;] **$88,672;**

[7.] Carroll County..... [$233,000;] **$243,066;**

[8.] Cecil County ..... [$163,000;] **$170,042;**

[9.] Charles County..... [$85,000;] **$88,672;**

[10.] Dorchester County ..... [$65,000;] **$67,808;**

[11.] Frederick County ..... [$310,000;] **$323,392;**

[12.] Garrett County ..... [$65,000;] **$67,808;**

[13.] Harford County ..... [$369,000;] **$384,941;**

[14.] Howard County ..... [$149,000;] **$155,437;**

[15.] Kent County ..... [$65,000;] **$67,808;**

[16.] Montgomery County..... [$1,023,000;] **$1,067,194;**

[17.] Prince George's County.... [$2,053,000;] **$2,141,690;**

[18.] Queen Anne's County..... [$85,000;] **$88,672;**

[19.] St. Mary's County..... [$85,000;] **$88,672;**

[20.] Somerset County ..... [$65,000;] **$67,808;**

[21.] Talbot County..... [$65,000;] **$67,808;**

[22.] Washington County..... [$229,000;] **$238,893;**

[23.] Wicomico County..... [$181,000;] **$188,819;** and

[24.] Worcester County..... [$65,000; and] **$67,808.**

[(ii) Except as provided in paragraph (3) of this subsection, in fiscal year 2008 and in each fiscal year thereafter, the funding level for the county

for the prior fiscal year increased by the product of the funding level for the county for the prior fiscal year and the percentage change in the Consumer Price Index – all urban consumers – all items, as published by the Bureau of Labor Statistics of the United States Department of Labor, for the second prior fiscal year.

(3) If the funding level calculated under paragraph (2)(ii) of this subsection is less than the funding level for the prior fiscal year, the funding level for the county shall be the funding level for the prior fiscal year.**]**

[7–117.

(a) In this section, "Program" means the "Share the State Fair!" Program.

(b) There is a "Share the State Fair!" Program in the Department.

(c) The purpose of the Program is to:

(1) Provide matching grants to county boards and encourage them to dedicate additional local financial support for a "Share the State Fair!" Program; and

(2) Provide an educational and cultural enrichment opportunity for students in each county in prekindergarten through Grade 8 to attend the State Fair.

(d) The Department shall administer the matching grants under the Program.

(e) Beginning in fiscal year 2009 and annually thereafter, the Governor shall include in the annual budget $25,000 for the Program.

(f) (1) In any fiscal year, a county board may not receive aggregate grants in excess of $1,000 under the Program.

(2) A grant may be used only to pay the costs for transportation and refreshments for students participating in the "Share the State Fair!" Program.

(g) The State Superintendent shall evaluate and make recommendations to the State Board regarding applications for a grant under this section.

(h) The State Board shall adopt regulations to implement this section.**]**

[7–118.

(a) In this section, "Program" means the Parent–Teacher Association Matching Fund Pilot Program.

(b) There is a Parent–Teacher Association Matching Fund Pilot Program in Baltimore City and Prince George's County.

(c) The purpose of the Program is to:

(1) Encourage parent–teacher associations to raise funds for public high schools; and

(2) Provide additional State funds for public high schools.

(d) (1) Each public high school in Baltimore City and Prince George's County is eligible for a dollar–for–dollar match for private funds raised by the school's parent–teacher association up to:

(i) In Baltimore City, the amount raised by the parent–teacher association, not to exceed the school's equal share as determined by dividing $125,000 by the number of public high schools in Baltimore City; and

(ii) In Prince George's County, the amount raised by the parent–teacher association, not to exceed the school's equal share as determined by dividing $125,000 by the number of public high schools in Prince George's County.

(2) The total amount expended under the Program may not exceed $200,000 annually.

(e) Funds for the Program shall be as provided in the State budget by the Governor.

(f) On or before December 1 of each year, the Chief Executive Officer of the Baltimore City Public School System and the Superintendent of Schools of Prince George's County shall report to the Senate Budget and Taxation Committee and the House Ways and Means Committee, in accordance with § 2–1246 of the State Government Article, on the status of, and the benefits accrued from, the Parent–Teacher Association Matching Fund Pilot Program.**]**

8–415.

(d) (1) In this subsection, "basic cost" as to each county, means the average amount spent by the county from county, State, and federal sources for the public education of a nonhandicapped child. "Basic cost" does not include amounts specifically allocated and spent for identifiable compensatory programs for disadvantaged children.

(2) As provided in paragraphs (3) and (4) of this subsection, the State and the counties shall share collectively in the cost of educating children with disabilities in nonpublic programs under § 8–406 of this subtitle.

(3) (i) Subject to the limitation under subparagraph (ii) of this paragraph, for each of these children domiciled in the county, the county shall contribute for each placement the sum of:

1. The local share of the basic cost;

2. An additional amount equal to 200 percent of the basic cost; and

3. A. For fiscal year **[**2005 and fiscal year 2006**] 2009** only, an additional amount equal to 25 percent of the approved cost or reimbursement in excess of the sum of items 1 and 2 of this subparagraph; and

B. For fiscal year **[**2007**] 2010** and each subsequent fiscal year, an additional amount equal to 20 percent of the approved cost or reimbursement in excess of the sum of items 1 and 2 of this subparagraph.

13–104.

(a) In this section, "Fund" means the Small Business Development Center Network Fund.

(b) There is a Small Business Development Center Network Fund.

(c) The purpose of the Fund is to provide matching funds for federal grant funds and to support the operations of the Small Business Development Center Network in the University of Maryland.

(d) The Fund is a special, continuous, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(e) The State Treasurer shall hold the Fund separately, and the Comptroller shall account for the Fund.

(f) The proceeds of the Fund shall be invested and reinvested.

(g) Any investment earnings of the Fund shall be credited to the General Fund of the State.

(h) The Fund consists of:

(1) Any money appropriated to the Fund;

(2) Any federal grant funds; and

(3) Any other money from any other source accepted for the benefit of the Fund.

(i) Money in the Fund may only be expended to support the operations of the Small Business Development Center Network.

[(j) For the fiscal year beginning July 1, 2006 and each fiscal year thereafter, the Governor shall include in the annual budget bill a General Fund appropriation of at least $750,000 to the Fund.**]**

16–305.

(a) The formula used for the distribution of funds to the community colleges in the State shall be known as the Senator John A. Cade Funding Formula.

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

(2) "Assessed valuation of real property" means assessed valuation of real property as determined for purposes of the State aid calculated under § 5–202 of this article.

(3) "Board" means:

(i) In a county that has 1 or more community colleges, the board of community college trustees for the county; or

(ii) Where 2 or more counties establish a region to support a regional community college, the board of regional community college trustees.

(4) "Community college" means a community college established under this title but does not include Baltimore City Community College.

(5) "County share" means the total amount of money for operating funds to be provided each fiscal year to a board by the county that supports the community college or colleges or, in the case of a regional community college, the total amount of money for operating funds to be provided each fiscal year to the board by all counties that support the regional community college.

(6) "Direct grants" means the sum of the following components of the State share:

(i) Fixed costs;

(ii) Marginal costs; and

(iii) Size factor.

(7) "Full–time equivalent student" is the quotient of the number of student credit hours produced in the fiscal year 2 years prior to the fiscal year for

which the State share is calculated divided by 30, as certified by the Maryland Higher Education Commission.

(8) "Population" means population as determined for purposes of calculating the State share of the library program using the definition in § 23–501 of this article.

(9) "Region" means the counties supporting a regional community college established under Subtitle 2 of this title.

(10) "Small community college" means:

(i) Allegany College of Maryland;

(ii) Garrett College;

(iii) Hagerstown Community College;

(iv) Carroll Community College;

(v) Cecil Community College;

(vi) Chesapeake College; or

(vii) Wor–Wic Community College.

(11) "State share" means the amount of money for community college operating funds to be provided each fiscal year to a board by the State.

(12) "Student credit hours" means student credit hours or contact hours which are eligible, under the regulations issued by the Maryland Higher Education Commission, for inclusion in State funding calculations.

(13) "Total State operating fund" means the sum of community college State appropriations for direct grants.

(c) (1) (i) The total State operating fund per full–time equivalent student to the community colleges for each fiscal year as requested by the Governor shall be:

1. In fiscal year 2007, not less than an amount equal to 25% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the previous fiscal year;

2. In fiscal [year 2008] **YEARS 2008 THROUGH 2011**, not less than an amount equal to 25.5% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the previous fiscal year;

3. In fiscal year [2009] **2012**, not less than an amount equal to 26.25% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the [previous] fiscal year **FOR WHICH THE REQUEST IS MADE**;

4. In fiscal year [2010] **2013**, not less than an amount equal to 27% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the [previous] fiscal year **FOR WHICH THE REQUEST IS MADE**;

5. In fiscal year [2011] **2014**, not less than an amount equal to 28% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the [previous] fiscal year **FOR WHICH THE REQUEST IS MADE**;

6. In fiscal year [2012] **2015**, not less than an amount equal to 29% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the [previous] fiscal year **FOR WHICH THE REQUEST IS MADE**; and

7. In fiscal year [2013] **2016** and in each fiscal year thereafter, not less than an amount equal to 30% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the [previous] fiscal year **FOR WHICH THE REQUEST IS MADE**.

(ii) For purposes of this subsection, **IN FISCAL YEARS 2009 THROUGH 2011,** 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 reflect any amendments or reductions to the appropriation for the previous fiscal year.

16–512.

(a) (1) The total State operating fund per full–time equivalent student appropriated to Baltimore City Community College for each fiscal year as requested by the Governor shall be:

(i) In fiscal year 2007, not less than an amount equal to 66% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the previous fiscal year;

(ii) In fiscal **[**year 2008**]** **YEARS 2008 THROUGH 2011**, not less than an amount equal to 66.5% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the previous fiscal year;

(iii) In fiscal year **[**2009**]** **2012**, not less than an amount equal to 67.25% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the **[**previous**]** fiscal year **FOR WHICH THE REQUEST IS MADE**;

(iv) In fiscal year **[**2010**]** **2013**, not less than an amount equal to 68% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the **[**previous**]** fiscal year **FOR WHICH THE REQUEST IS MADE**;

(v) In fiscal year **[**2011**]** **2014**, not less than an amount equal to 69% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the **[**previous**]** fiscal year **FOR WHICH THE REQUEST IS MADE**;

(vi) In fiscal year **[**2012**]** **2015**, not less than an amount equal to 70% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the **[**previous**]** fiscal year **FOR WHICH THE REQUEST IS MADE**; and

(vii) In fiscal year **[**2013**]** **2016** and in each fiscal year thereafter, not less than an amount equal to 71% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the **[**previous**]** fiscal year **FOR WHICH THE REQUEST IS MADE.**

(2) For purposes of this subsection, **IN FISCAL YEARS 2009 THROUGH 2011,** 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 reflect any amendments or reductions to the appropriation for the previous fiscal year.

(b) Notwithstanding subsection (a) of this section, the State appropriation to Baltimore City Community College requested by the Governor may not be less than the State appropriation to the College in the previous fiscal year.

17–104.

(a) **SUBJECT TO SUBSECTION (E) OF THIS SECTION, [**The**]** **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 2006 and each fiscal year thereafter,**]** **IN FISCAL YEARS 2006 THROUGH 2011,** 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**; AND**

(II) IN FISCAL YEAR 2012 AND EACH FISCAL YEAR THEREAFTER, 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 FISCAL YEAR FOR WHICH THE APPORTIONMENT IS COMPUTED.

(b) Full–time equivalent students enrolled in seminarian or theological programs shall be excluded from the computation required by subsection (a) of this section.

(c) Payments of State general funds under Subtitle 3 of this title shall be excluded from the computation required by subsection (a) of this section.

(d) For purposes of this section, **IN FISCAL YEARS 2009 THROUGH 2011,** 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 reflect any amendments or reductions to the appropriation for the previous fiscal year.

(E) IN FISCAL YEARS 2009 THROUGH 2011, THE AMOUNT OF THE TOTAL ANNUAL APPORTIONMENT UNDER THIS SECTION MAY NOT INCREASE MORE THAN THE PERCENTAGE BY WHICH THE PROJECTED TOTAL GENERAL FUND REVENUES FOR THE FISCAL YEAR FOR WHICH THE APPORTIONMENT IS COMPUTED EXCEED THE REVISED ESTIMATE OF TOTAL GENERAL FUND REVENUES FOR THE PREVIOUS FISCAL YEAR, AS CONTAINED IN THE REPORT OF ESTIMATED STATE REVENUES SUBMITTED BY THE BOARD OF REVENUE ESTIMATES TO THE GOVERNOR UNDER § 6–106(B) OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

23–205.

(c) (1) Each year each participating regional resource center shall receive a minimum amount of funding for each resident of the area served, to be used for operating and capital expenses.

(2) The allocation shall be calculated as follows:

(i) For fiscal year 2006.....$4.50 per each resident of the area served;

(ii) For fiscal year 2007.....$5.50 per each resident of the area served;

(iii) For fiscal **[**year 2008**]** **YEARS 2008 THROUGH 2011**.....$6.50 per each resident of the area served;

(iv) For fiscal year **[**2009**] 2012**.....$7.50 per each resident of the area served; and

(v) For fiscal year **[**2010**] 2013** and each fiscal year thereafter..... $8.50 per each resident of the area served.

23–503.

(a) (1) The entire capital and operating cost of the minimum library program for this State as a whole shall be shared as provided in this subsection.

(2) The State shall provide:

(i) Approximately 40 percent of the total cost of the minimum program; and

(ii) Not less than 20 percent of the cost of the minimum program in any county.

(3) The counties participating in the program together shall provide through local taxes approximately 60 percent of the total statewide cost of the minimum program.

(b) (1) Each county public library system that participates in the minimum library program shall be provided for each resident of the county, to be used for operating and capital expenses:

(i) For fiscal year 2006 – $12.00;

(ii) For fiscal year 2007 – $13.00;

(iii) For fiscal **[**year 2008**]** **YEARS 2008 THROUGH 2011** – $14.00;

(iv) For fiscal year **[**2009**]** **2012** – $15.00; and

(v) For fiscal year **[**2010**]** **2013** and each fiscal year thereafter – $16.00.

(2) (i) The State shall share in this amount.

(ii) Any county may provide an amount greater than its share under the cooperative program, but the State may not share in the excess.

(c) Any employer Social Security contributions required by federal law for any employee in a county public library system shall remain the obligation of the employer.

23–510.

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

(2) "Capital project" means the:

(i) Acquisition of land or buildings for a county library; or

(ii) Construction or improvement of a county library.

(3) "Construction or improvement" means planning, design, engineering, alteration, construction, reconstruction, enlargement, expansion, extension, improvement, replacement, rehabilitation, renovation, upgrading, repair, or capital equipping.

(4) "County library" means a library in a county public library system in the State.

(5) "Division" means the Division of Library Development and Services in the Department.

(b) (1) There is a State grant program for county public library capital projects in the Division.

(2) The grant program is in addition to the county–State minimum library program established under § 23–502 of this article.

(e) (5) **(I)** For fiscal year **[**2008**]** **2009** and each fiscal year thereafter, the Governor shall include in the annual operating or capital budget submission **[**$5,000,000**]** **AN APPROPRIATION** for county library capital projects.

Article – Health – General

[16–201.2.

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

(2) "Community developmental disabilities services provider" means a community–based developmental disabilities program licensed by the Department.

(3) "Community mental health services provider" means a community–based mental health program approved by the Department or an individual practitioner who contracts with the Department or the appropriate core service agency.

(4) "Core service agency" has the meaning stated in § 10–1201 of this article.

(5) "Eligible individual" means a Medicaid recipient or an individual who receives developmental disabilities services or mental health services subsidized in whole or in part by the State.

(b) Notwithstanding the provisions of this subtitle, the Department shall reimburse a community developmental disabilities services provider or a community mental health services provider for approved services rendered to an eligible individual as provided in this section.

(c) (1) Subject to the limitations of the State budget, beginning in fiscal year 2008 and in each fiscal year thereafter, the Department shall adjust for inflation the fees paid to a community developmental disabilities services provider and a community mental health services provider for approved services rendered to an eligible individual using the update factor recommended by the Community Services Reimbursement Rate Commission.

(2) Annual adjustments shall be funded with due regard to the expenditures necessary to meet the needs of individuals receiving services.

(3) The annual rate of change for the fees may not exceed a maximum rate of 5%.**]**

Article – State Finance and Procurement

7–325.

(a) **[**For**] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, FOR** each fiscal year, the Governor shall include in the annual budget bill submitted to the General Assembly a General Fund appropriation for the Maryland State Arts Council in an amount not less than the amount of the General Fund appropriation for the Council as approved in the State budget as enacted by the General Assembly for the prior fiscal year, increased by not less than the percentage by which the projected total General Fund revenues for the upcoming fiscal year exceed the revised estimate of total General Fund revenues for the current fiscal year, as contained in the report of estimated State revenues submitted by the Board of Revenue Estimates to the Governor under § 6–106(b) of this article.

(b) **IN FISCAL YEARS 2009 THROUGH 2011, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL SUBMITTED TO THE GENERAL ASSEMBLY A GENERAL FUND APPROPRIATION FOR THE MARYLAND STATE ARTS COUNCIL EQUAL TO THE AMOUNT OF THE GENERAL FUND APPROPRIATION FOR THE COUNCIL AS APPROVED IN THE STATE BUDGET AS ENACTED BY THE GENERAL ASSEMBLY FOR FISCAL YEAR 2008.**

(C) The Legislative Auditor has the authority to conduct a review or audit of any recipient of a grant from the Maryland State Arts Council.

Chapter 269 of the Acts of 2006

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) **[**Subject to subsection (b) of this section, for**]** **FOR** fiscal **[**years 2008 and**]** **YEAR** 2009, the Governor shall include in the annual budget bill **[**a general fund**]** **AN** appropriation to the Rural Broadband Assistance Fund established under Article 83A, § 5–1902 of the Code, as enacted by Section 1 of this Act, of at least $4,000,000 **[**in each fiscal year, of which at least $2,000,000 in each fiscal year shall be**]** from the Maryland Economic Development Assistance Authority and Fund.

[(b) If the Rural Broadband Assistance Fund receives more than $2,000,000 from the Maryland Economic Development Assistance Authority and Fund in fiscal year 2007, then, for fiscal year 2009 only, the funding specified in subsection (a) of this section may be reduced by the amount by which the 2007 fiscal year funding from the Maryland Economic Development Assistance Authority and Fund exceeds $2,000,000.**]**

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

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.".

AMENDMENT NO. 8

On page 8, in line 18, strike "6." and substitute "9."; in the same line, after "That" insert "it is the intent of the General Assembly that"; in line 23, strike "$82,000,000" and substitute "$77,000,000. It is the further intent that State employees receive one additional pay period in which health insurance contributions are not required during fiscal 2009"; after line 23, insert:

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

(a) In this section, "Executive Branch agencies" does not include the Department of Public Safety and Correctional Services or helicopter pilots in the Department of State Police.

(b) (1) As of January 30, 2008, the number of full–time equivalent (FTE) regular positions in Executive Branch agencies shall be reduced by 750 FTEs.

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

(c) On or before January 30, 2008, 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 $7,600,000 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 notwithstanding any other provision of law, the unexpended appropriations for the following purposes that were included in the fiscal year 2008 operating budget (Chapter 487, Acts of 2007) are reduced by the amounts indicated below and are hereby transferred to the State General Fund:

Fiscal Year	Program	Entitled	Amount of Reduction General Funds
2008	N00F	DHR – Information Technology	1,000,000
2008	T50T0103	Maryland Technology Development Corporation	3,000,000

SECTION 12. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, it is the intent of the General Assembly that in developing the fiscal 2009 budget, the Governor consider the following recommendations for reductions in general funds to slow the growth of the fiscal 2009 current services baseline budget after the reductions made by the Board of Public Works in July 2007:

Program	Entitled	Amount of Reduction General Funds
D40W0112	Heritage Structure Rehabilitation Tax Credit	10,300,000
M00L0103	Mental Hygiene Administration	2,700,000
M00Q	Medical Care Programs Administration	36,200,000
MK000201	Alcohol and Drug Abuse Administration	700,000
N00F	DHR – Information Technology	4,000,000
R00A0102	Maryland State Department of Education	2,800,000
R00A0207	MSDE – Infants and Toddlers Program	8,000,000
R00A0115	MSDE – Juvenile Services Education Program	1,700,000
R00A03	MSDE – North Bay	1,700,000
R30B00	University System of Maryland	3,000,000
T50T0103	Maryland Technology Development Corporation	3,000,000

SECTION 13. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Governor provide funding for the following programs through General Obligation bonds:

Program	Entitled

D06E0201	Public Safety Communication System
H00C0101	State House repairs
S00A2402	Community Legacy Program
S00A2507	Rental Housing Program
S00A2508	Homeownership Program
S00A2509	Special Loan Program
U00A0103	Environment – Water Quality
U00A0104	Environment – Hazardous Waste
U00A0105	Environment – Drinking Water

SECTION 14. AND BE IT FURTHER ENACTED, That notwithstanding any other provision of law, it is the intent of the General Assembly that in developing the fiscal 2009 budget, the Governor include a 2% cost–of–living increase for certain community providers in the Department of Health and Mental Hygiene's human services programs and a 2% cost–of–living increase for certain providers in the Department of Health and Mental Hygiene's Medical Assistance programs. It is the further intent of the General Assembly that bonus payments to Managed Care Organizations be phased out as the Medicaid physician rate schedule increases to 90% of the Medicare rate schedule by 2010. However, funding for the Department of Health and Mental Hygiene's quality of care initiative should be preserved.

SECTION 15. 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.

SECTION 16. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, it is the intent of the General Assembly that the Police and Correctional Training Commissions recover 95% of its cost to provide training courses from non–State agencies.

SECTION 17. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly to review the amount of the commission paid to lottery agents, if video lottery terminals are approved and implemented in this State, to determine if there needs to be additional compensation paid for any lost revenue.

SECTION 18. 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 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 19. AND BE IT FURTHER ENACTED, That the Spending Affordability Committee in cooperation with the Department of Budget and Management shall study Maryland's budgetary structure and process. The study shall address how current laws and practices relate to national norms and best practices with respect to budget formulation, review, management and oversight by the Executive and Legislative branches. The study shall be completed by December 15, 2008 and include as appropriate draft legislation for consideration by the 2009 General Assembly.

SECTION 20. AND BE IT FURTHER ENACTED, That notwithstanding any other provision of law, it is the intent of the General Assembly that in fiscal year 2009, contingent on funds being available in the Tourism, Arts, and Cultural Development Fund established under § 7–328 of the State Finance and Procurement Article, funding for the Maryland Tourism Development Board Fund, the Maryland State Arts Council, the Film Wage Rebate program, the Office of Tourism Development, and the operating deficit for the Baltimore City Convention Center, and operating deficit for the Ocean City Convention Center shall be provided from the Tourism, Arts, and Cultural Development Fund.

SECTION 21. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall take effect January 1, 2008, contingent on the taking effect of Chapter ____ (H.B.5) of the Acts of the General Assembly of the Special Session of 2007, and if Chapter ____ does not become effective, Section 3 of this Act shall be null and void without the necessity of further action by the General Assembly.".

AMENDMENT NO. 9

On page 8, in lines 24 and 26, strike "7." and "8.", respectively, and substitute "22." and "23.", respectively; and strike in their entirety lines 28 through 33, inclusive;

On page 9, in lines 1 and 9, strike "10." and "11.", respectively, and substitute "24." and "26.", respectively; after line 8, insert:

"SECTION 25. AND BE IT FURTHER ENACTED, That Section 6 of this Act shall take effect July 1, 2008.";

and in lines 9 and 10, strike "7" and "10", respectively, and substitute "21" and "25", respectively.

The preceding 9 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

(Amendment ID: HB0001/603828/1)

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 1
(First Reading File Bill – Committee Reprint)

AMENDMENT NO. 1

On page 2, strike beginning with "repealing" in line 10 down through "Commission;" in line 13; in line 42, after "415(d)" insert "(3)(i)"; and in line 43, after "23–510(e)" insert "(5)".

On page 3, after line 14, insert "(2004 Replacement Volume and 2007 Supplement)".

AMENDMENT NO. 2

On page 5, strike in their entirety lines 2 through 6, inclusive.

On page 21, strike beginning with "(1)" in line 12 down through "subtitle." in line 19.

On page 30, in line 1, strike "**(I)**"; and strike in their entirety lines 4 through 31, inclusive.

On page 33, in line 15, strike "R00A03" and substitute "R00A02".

The preceding 2 amendments were read and adopted.

FLOOR AMENDMENT

(Amendment ID: HB0001/453120/1)

BY: Delegate O'Donnell

AMENDMENTS TO HOUSE BILL 1
(First Reading File Bill – Committee Reprint)

AMENDMENT NO. 1

On page 1, strike beginning with "altering" in line 6 down through "years;" in line 8.

On pages 1 and 2, strike beginning with "altering" in line 26 on page 1 down through "Commission;" in line 13 on page 2.

On page 2, strike beginning with "withdrawing" in line 22 down through "year;" in line 23.

AMENDMENT NO. 2

On page 2, in line 41, strike the first comma; and strike beginning with "5–206(f),," in line 41 down through "23–510(e)" in line 43.

On page 3, in line 3, strike ", 7–117, and 7–118".

On pages 4 and 5, strike in their entirety the lines beginning with line 2 on page 4 through line 14 on page 5, inclusive.

AMENDMENT NO. 3

On pages 15 through 31, strike in their entirety the lines beginning with line 8 on page 15 through line 31 on page 31, inclusive, and substitute:

"SECTION 7. RESERVED.".

On pages 32 and 33, strike in their entirety the lines beginning with line 30 on page 32 through line 30 on page 33, inclusive, and substitute:

"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 $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.

SECTION 12. RESERVED.

SECTION 13. RESERVED.".

The preceding 3 amendments were read and rejected by a roll call vote as follows:

Affirmative – 38 Negative – 98 (See Roll Call No. 41)

FLOOR AMENDMENT

(Amendment ID: HB0001/493729/1)

BY: Delegate Shank

AMENDMENT TO HOUSE BILL 1
(First Reading File Bill – Committee Reprint)

On page 32, in line 18, strike "750" and substitute "1,000"; and in line 26, strike "$7,600,000" and substitute "$13,800,000".

The preceding amendment was read only.

Delegate Minnick moved the previous question.

The motion was adopted.

The preceding amendment was read and rejected by a roll call vote as follows:

Affirmative – 38 Negative – 100 (See Roll Call No. 42)

FLOOR AMENDMENT

(Amendment ID: HB0001/103726/1)

BY: Delegate Glassman

AMENDMENTS TO HOUSE BILL 1
(First Reading File Bill – Committee Reprint)

AMENDMENT NO. 1

On page 2, in line 4, after "provision;" insert "exempting certain school construction projects funded without State funds from the requirement of approval by the State Superintendent of Schools;".

On page 2, in line 41, after "Section" insert "2–203 (f), 4–115 (b),".

AMENDMENT NO. 2

On page 18, after line 6, insert:

"2–303.

(f) **(1)** **THIS SUBSECTION DOES NOT APPLY IF STATE FUNDS HAVE NOT BEEN PROVIDED AND WILL NOT BE PROVIDED FOR THE PROJECTS IN THIS SUBSECTION.**

[(1)**] (2)** Subject to the bylaws, rules, and regulations of the State Board, the State Superintendent shall approve or disapprove each:

(i) Proposal for the purchase or sale of any ground, school site, or building;

(ii) Plan or specification for the remodeling of a school building if the remodeling costs more than $350,000;

(iii) Plan or specification for the construction of a new school building; and

(iv) Change order that costs more than $25,000 for the remodeling, restoration, or construction of a school building.

[(2)**] (3)** If the State Superintendent disapproves any plan, specification, proposal, or change order, he shall state in writing the reasons for his disapproval.

[(3)**] (4)** If the construction is to be done by a county board, the board may not begin until the plans and specifications are approved in writing by the State Superintendent.

[(4)**] (5)** If the construction is to be done by contract, the contract is invalid without the written approval of the State Superintendent.

4–115.

(b) **(1)** With the approval of the State Superintendent, **AND EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,** each county board may:

[(1)**] (I)** Buy or otherwise acquire land, school sites, or buildings; and

[(2)**] (II)** Rent, repair, improve, and build school buildings or approve contracts for doing so, if the plans conform to the bylaws, rules, and regulations of the State Board.

(2) **IF STATE FUNDS HAVE NOT BEEN PROVIDED AND WILL NOT BE PROVIDED FOR THE PROJECTS IN PARAGRAPH (1) OF THIS SUBSECTION, THE APPROVAL OF THE STATE SUPERINTENDENT IS NOT REQUIRED.**".

The preceding 2 amendments were read and rejected by a roll call vote as follows:

Affirmative – 38 Negative – 93 (See Roll Call No. 43)

FLOOR AMENDMENT

(Amendment ID: HB0001/773124/1)

BY: Delegate McComas

AMENDMENTS TO HOUSE BILL 1
(First Reading File Bill – Committee Reprint)

AMENDMENT NO. 1

On page 2, strike beginning with "altering" in line 2 down through "provision;" in line 4.

On page 4, in line 24, strike "and 13–603(c)"; and strike in their entirety lines 27 through 36, inclusive.

AMENDMENT NO. 2

On pages 17 and 18, strike in their entirety the lines beginning with line 23 on page 17 through line 5 on page 18, inclusive.

The preceding 2 amendments were read and rejected by a roll call vote as follows:

Affirmative – 33 Negative – 99 (See Roll Call No. 44)

FLOOR AMENDMENT

(Amendment ID: HB0001/203229/1)

BY: Delegate Krebs

AMENDMENTS TO HOUSE BILL 1
(First Reading File Bill – Committee Reprint)

AMENDMENT NO. 1

On page 2, in line 18, strike "and" and substitute a comma; and in line 20, after "required" insert ", and that the Governor shall include in a certain fiscal year budget an appropriation not exceeding a certain amount to a certain fund".

AMENDMENT NO. 2

On page 32, in line 12, after "2009." insert "It is the further intent that the Governor shall include in the fiscal year 2009 budget an appropriation to the Postretirement Health Benefits Trust Fund in an amount not exceeding $100,000,000.".

The preceding 2 amendments were read only.

Delegate Minnick moved the previous question.

The motion was adopted.

The preceding 2 amendments were read and rejected by a roll call vote as follows:

Affirmative – 36 Negative – 100 (See Roll Call No. 45)

FLOOR AMENDMENT

(Amendment ID: HB0001/983726/1)

BY: Delegate Haddaway

AMENDMENTS TO HOUSE BILL 1
(First Reading File Bill – Committee Reprint)

AMENDMENT NO. 1

On page 1, strike beginning with "providing" in line 21 down through "fund;" in line 24.

On page 3, strike in their entirety lines 27 through 31, inclusive.

AMENDMENT NO. 2

On pages 11 through 13, strike in their entirety the lines beginning with line 25 on page 11 through line 7 on page 13, inclusive, and substitute:

"SECTION 5. RESERVED.".

On page 35, in line 9, strike "Sections 1 and 5" and substitute "Section 1"; and strike in their entirety lines 19 through 26, inclusive, and substitute:

"SECTION 24. RESERVED.".

The preceding 2 amendments were read and rejected by a roll call vote as follows:

Affirmative – 38 Negative – 98 (See Roll Call No. 46)

FLOOR AMENDMENT

(Amendment ID: HB0001/423329/1)

BY: Delegate O'Donnell

AMENDMENTS TO HOUSE BILL 1
(First Reading File Bill)

AMENDMENT NO. 1

On page 2, strike beginning with "altering" in line 13 down through "year;" in line 15.

On page 3, in line 39, strike "9–117(a)(1),".

AMENDMENT NO. 2

On pages 31 and 32, strike in their entirety the lines beginning with line 32 on page 31 through line 3 on page 32, inclusive, and substitute;

"SECTION 8. RESERVED".

The preceding 2 amendments were read and rejected by a roll call vote as follows:

Affirmative – 46 Negative – 85 (See Roll Call No. 47)

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

The presiding officer announced a quorum call, showing 137 Members present.

(See Roll Call No. 48)

ADJOURNMENT

At 1:42 P.M. on motion of Delegate Barve the House adjourned until 1:50 P.M., on Legislative Day November 7, 2007, Calendar Day Tuesday, November 13, 2007.

Annapolis, Maryland
Legislative Day: November 7, 2007
Calendar Day: Tuesday, November 13, 2007

The House met at 2:06 P.M. and pledged Allegiance to the Flag.

Prayer by Speaker Michael E. Busch of Anne Arundel County.

QUORUM CALL

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

(See Roll Call No. 49)

The Journal of November 6, 2007 was read and approved.

EXCUSES:
Del. Malone – grandmother's death
Del. Montgomery – in China

QUORUM CALL

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

(See Roll Call No. 50)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #3

House Bill 1 – The Speaker (By Request – Administration)

AN ACT concerning

Budget Reconciliation Act

Read the third time and passed by yeas and nays as follows:

Affirmative – 103 Negative – 36 (See Roll Call No. 51)

The Bill was then sent to the Senate.

SPECIAL ORDERS

VETOED SENATE BILLS – 2007

VETOED SENATE BILL AND MESSAGE – 2007 REGULAR SESSION

(See Exhibit C of Appendix II)

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

Senate Bill 497

AN ACT concerning

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

The veto was overridden by roll call vote as follows:

Affirmative – 135 Negative – 4 (See Roll Call No. 52)

Said bill was then returned to the Senate.

MESSAGE TO THE SENATE

November 7, 2007

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 adopted.

QUORUM CALL

The presiding officer announced a quorum call, showing 137 Members present.

(See Roll Call No. 53)

ADJOURNMENT

At 2:41 P.M. on motion of Delegate Barve the House adjourned until 4:00 P.M., on Legislative Day November 8, 2007, Calendar Day Wednesday, November 14, 2007.

Annapolis, Maryland
Legislative Day: November 8, 2007
Calendar Day: Wednesday, November 14, 2007

The House met at 5:17 P.M. and pledged Allegiance to the Flag.

Prayer by Delegate Barry Glassman of Harford County.

QUORUM CALL

The presiding officer announced a quorum call, showing 127 Members present.

(See Roll Call No. 54)

The Journal of November 7, 2007 was read and approved.

EXCUSES:
Del. G. Clagett – business
Del. Howard – business
Del. James – late – meeting with Governor
Del. Krebs – left early – business
Del. Malone – grandmother's death
Del. McKee – business
Del. Montgomery – in China

THE COMMITTEE ON ENVIRONMENTAL MATTERS REPORT #1

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

House Bill 23 – Delegates McIntosh, V. Clagett, Frush, Lafferty, Lawton, Niemann, and Stein

SECOND PRINTING

AN ACT concerning

Chesapeake and Atlantic Coastal Bays – Maryland Green Fund

(Amendment ID: HB0023/210612/1)

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 23
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Stein" and substitute "Stein, Ali, Bobo, Cane, Glenn, Healey, Holmes, Hucker, and Manno"; and in line 2, strike "and Atlantic Coastal Bays – Maryland Green Fund" and substitute "Bay 2010 Trust Fund"; in lines 3 and 26, in each instance, strike "Maryland Green" and substitute "Chesapeake Bay 2010 Trust"; in line 5, strike "Fund;" and substitute "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"; strike beginning with "establishing" in line 5 down through "severable" in line 25; in line 27, after "Bays" insert ", the Patuxent River,"; and after line 28, insert:

"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)".

On page 2, in line 2, strike "through 8-2206" and substitute "and 8-2202"; in line 3, strike "Maryland Green Fund" and substitute "BayStat"; in line 7, strike the first "and" and substitute "the Patuxent River, and other"; in line 14, after "Bay" insert ", the Atlantic coastal bays, and the Patuxent River"; and after line 23, insert:

"WHEREAS, Municipal parks are important to pollution reduction for all State waterways; and".

AMENDMENT NO. 2

On pages 2 through 5, strike in their entirety the lines beginning with line 31 on page 2 through line 28 on page 5, inclusive, and substitute:

"Article – Environment

9-1605.3.

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

(2) "CHESAPEAKE 2000 AGREEMENT" MEANS THE AGREEMENT ENTERED INTO IN 2000 BETWEEN THE CHESAPEAKE BAY STATES, THE DISTRICT OF COLUMBIA, THE CHESAPEAKE BAY COMMISSION, AND THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY THAT SPECIFIED RESTORATION GOALS AND COMMITMENTS TO:

(I) IMPROVE THE ECOLOGICAL HEALTH OF THE CHESAPEAKE BAY; AND

(II) REMOVE THE CHESAPEAKE BAY FROM THE LIST OF IMPAIRED WATERS OF THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY.

(3) (I) "NONPOINT SOURCE POLLUTION CONTROL PROJECT" MEANS A PROJECT TO IMPROVE WATER QUALITY BY A MEASURABLE REDUCTION OF NITROGEN, PHOSPHOROUS, OR SEDIMENT POLLUTION.

(II) "NONPOINT SOURCE POLLUTION CONTROL PROJECT" INCLUDES:

1. AN AGRICULTURAL BEST MANAGEMENT PRACTICE;

2. AN URBAN OR SUBURBAN STORM WATER PRACTICE;

3. STREAM RESTORATION; AND

4. RIPARIAN BUFFER PLANTING.

(4) "TRIBUTARY STRATEGIES" MEANS MARYLAND'S WATERSHED–SPECIFIC PLANS TO REDUCE THE AMOUNT OF NITROGEN, PHOSPHOROUS, AND SEDIMENT POLLUTION THAT ENTERS THE CHESAPEAKE BAY AND ITS TRIBUTARIES.

(5) "TRUST FUND" MEANS THE CHESAPEAKE BAY 2010 TRUST FUND ESTABLISHED UNDER THIS SECTION.".

AMENDMENT NO. 3

On page 6, in lines 1, 3, 26, and 30, respectively, strike "**(A)**", "**(B)**", "**(C)**", and "**(D)**", respectively, and substitute "**(B)**", "**(C)**", "**(D)**", and "**(E)**", respectively; in line 1, strike "**JANUARY 1, 2009**" and substitute "**JULY 1, 2008**"; in the same line, strike "**MARYLAND GREEN**" and substitute "**CHESAPEAKE BAY 2010 TRUST**"; in lines 3, 26, 28, 29, and 30, in each instance, before "**FUND**" insert "**TRUST**"; in line 4, strike "**GENERATED AND USED ON A STATEWIDE BASIS**" and substitute "**ESTABLISHED AND USED**"; in line 7, after "**BAYS**" insert "**, THE PATUXENT RIVER,**"; strike beginning with "**PRACTICES**" in line 15 down through "**PRACTICES**" in line 18 and substitute "**NONPOINT SOURCE POLLUTION CONTROL PROJECTS FOR ALL TRIBUTARY BASINS, INCLUDING THE PATUXENT RIVER, AS PROVIDED IN THE TRIBUTARY STRATEGIES, THE ATLANTIC COASTAL BAYS, AND ALL OTHER WATERS OF THE STATE**"; in line 23, strike "**AND**"; in line 25, after "**BAYS**" insert "**, THE PATUXENT RIVER, AND THE OTHER WATERS OF THE STATE; AND**

(7) DEVELOP AND SUSTAIN MUNICIPAL PARKS";

in line 26, after "**SPECIAL,**" insert "**CONTINUING,**"; in line 27, after "**ARTICLE**" insert "**, AND SHALL BE AVAILABLE IN PERPETUITY FOR THE PURPOSES IDENTIFIED IN THIS SECTION**"; and in line 28, strike "**THE**" and substitute "**SUBJECT TO THE PROVISIONS OF ANY APPLICABLE BOND RESOLUTION REGARDING THE HOLDING OR APPLICATION OF AMOUNTS IN THE TRUST FUND, THE**".

AMENDMENT NO. 4

On page 7, in lines 1, 3, and 5, in each instance, before "**FUND**" insert "**TRUST**"; strike beginning with "**FROM**" in line 1 down through "**SUBTITLE**" in line 2 and substitute "**IN THE ANNUAL STATE BUDGET**"; in line 3, after "**(2)**" insert "**THE NET PROCEEDS OF BONDS ISSUED BY THE ADMINISTRATION;**

(3)";

in line 4, strike "**(3)**" and substitute "**(4)**"; strike in their entirety lines 6 and 7, inclusive, and substitute:

"**(F) (1) MONEY IN THE TRUST FUND SHALL BE ALLOCATED EACH FISCAL YEAR IN ACCORDANCE WITH THIS SECTION AND THE ANNUAL BAYSTAT EXPENDITURE AND WORK PLAN FOR THE TRUST FUND DEVELOPED UNDER § 8-2202 OF THE NATURAL RESOURCES ARTICLE.**

(2) EACH FISCAL YEAR, AT LEAST 30% OF THE TOTAL AVAILABLE REVENUE IN THE TRUST FUND SHALL BE ALLOCATED TO THE DEPARTMENT OF AGRICULTURE TO BE USED FOR NONPOINT SOURCE POLLUTION CONTROL PROJECTS, INCLUDING:

(I) REASONABLE COSTS OF ADMINISTERING GRANT PROGRAMS UNDER THIS PARAGRAPH NOT TO EXCEED 1.5% OF THE ANNUAL ALLOCATION TO THE DEPARTMENT OF AGRICULTURE;

(II) COST–SHARING FOR BEST MANAGEMENT PRACTICES FOR REDUCING NITROGEN POLLUTION;

(III) COST–SHARING FOR PLANTING COVER CROPS; AND

(IV) TECHNICAL ASSISTANCE THROUGH THE SOIL CONSERVATION DISTRICTS AND THE MARYLAND COOPERATIVE EXTENSION SERVICE.

(3) (I) EACH FISCAL YEAR, NOT MORE THAN 10% OF THE TOTAL AVAILABLE REVENUE IN THE TRUST FUND MAY BE ALLOCATED TO THE DEPARTMENT OF NATURAL RESOURCES FOR THE AWARD OF COMPETITIVE GRANTS, IN ACCORDANCE WITH CRITERIA DEVELOPED BY THE DEPARTMENT OF NATURAL RESOURCES, TO MUNICIPAL CORPORATIONS FOR THE DEVELOPMENT AND SUSTAINABILITY OF MUNICIPAL PARKS.

(II) GRANTS UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY BE USED FOR:

1. THE DEVELOPMENT, IMPROVEMENT, AND MAINTENANCE OF PARKS;

2. THE ACQUISITION OF PARK LAND, IF THE MUNICIPAL CORPORATION DID NOT RECEIVE APPROPRIATIONS FOR PARKS AND RECREATION OUT OF PROGRAM OPEN SPACE FUNDS FOR THAT FISCAL YEAR; AND

3. ENVIRONMENTALLY ORIENTED PARKS AND RECREATION PROGRAMS.

(III) ADDITIONAL FUNDS ALLOCATED TO THE DEPARTMENT OF NATURAL RESOURCES SHALL BE USED FOR NONPOINT SOURCE POLLUTION CONTROL PROJECTS, INCLUDING:

1. REASONABLE COSTS OF ADMINISTERING GRANT PROGRAMS UNDER THIS PARAGRAPH NOT TO EXCEED 1.5% OF THE ANNUAL ALLOCATION TO THE DEPARTMENT OF NATURAL RESOURCES;

2. IMPLEMENTATION OF THE TRIBUTARY STRATEGIES;

3. GRANTS TO COUNTIES, BICOUNTY AGENCIES, MUNICIPAL CORPORATIONS, FOREST CONSERVANCY DISTRICT BOARDS, SOIL CONSERVATION DISTRICTS, WATERSHED ORGANIZATIONS, ACADEMIC INSTITUTIONS, AND NONPROFIT ORGANIZATIONS WITH A DEMONSTRATED ABILITY TO IMPLEMENT NONPOINT SOURCE POLLUTION CONTROL PROJECTS, INCLUDING:

A. NONAGRICULTURAL WETLAND AND STREAM BUFFER RESTORATION;

B. NONORNAMENTAL URBAN AND SUBURBAN TREE PLANTING;

C. FOREST MANAGEMENT PRACTICES; AND

D. OYSTER AND SUBMERGED AQUATIC VEGETATION RESTORATION;

4. TECHNICAL ASSISTANCE TO LOCAL GOVERNMENTS FOR TARGETED WATERSHED PLANNING AND IMPLEMENTATION OF THE TRIBUTARY STRATEGIES;

5. TECHNICAL ASSISTANCE PROVIDED BY THE CRITICAL AREA COMMISSION FOR THE CHESAPEAKE AND ATLANTIC COASTAL BAYS FOR THE IMPLEMENTATION OF NONPOINT SOURCE POLLUTION CONTROL PROJECTS; AND

6. DEVELOPMENT OF FOREST STEWARDSHIP PLANNING EFFORTS.

(4) FUNDS ALLOCATED TO THE DEPARTMENT OF THE ENVIRONMENT SHALL BE USED:

(I) FOR THE REASONABLE COSTS OF ADMINISTERING THE GRANT PROGRAMS UNDER THIS PARAGRAPH NOT TO EXCEED 5% OF THE TOTAL TRUST FUND REVENUES;

(II) FOR NONPOINT SOURCE POLLUTION CONTROL PROJECTS, INCLUDING:

1. GRANTS TO COUNTIES, BICOUNTY AGENCIES, AND MUNICIPAL CORPORATIONS FOR SPECIFIC STORMWATER MANAGEMENT PROJECTS; AND

2. TECHNICAL ASSISTANCE FOR COUNTIES, BICOUNTY AGENCIES, AND MUNICIPAL CORPORATIONS TO IMPLEMENT STORMWATER MANAGEMENT PROJECTS.

(5) FUNDS ALLOCATED TO THE DEPARTMENT OF PLANNING SHALL BE USED FOR TECHNICAL ASSISTANCE FOR IMPLEMENTING NONPOINT SOURCE POLLUTION CONTROL PROJECTS.";

in lines 8 and 10, strike "**(F)**" and "**(G)**" respectively, and substitute "**(G)**" and "**(H)**", respectively; in lines 8 and 10, in each instance, before "**FUND**" insert "**TRUST**"; in line 11, strike "**§ 8-2205 OF THIS SUBTITLE**" and substitute "**THIS SECTION**"; in line 13, strike "**THAT**" and substitute "**THIS**"; and after line 13, insert:

"**(I) THE DEPARTMENT OF THE ENVIRONMENT MAY ADOPT REGULATIONS TO IMPLEMENT THIS SECTION.**

9–1611.

(a) Bonds may be secured by a trust agreement by and between the Administration and a corporate trustee, which may be any trust company or bank having trust powers, within or without the State. Such trust agreement may pledge or assign all or any part of the revenues or corpus of the Water Quality Fund, Drinking Water Loan Fund, **[**or**]** **THE** Bay Restoration Fund, **THE CHESAPEAKE BAY 2010 TRUST FUND,** or any account within these funds, and may pledge or assign or grant a lien on or security interest in any loan agreement or loan obligation. Any such trust agreement or resolution authorizing the issuance of bonds may contain such provisions for the protection and enforcement of the rights and remedies of the bondholders as may be deemed reasonable and proper, including covenants setting forth the duties of the Administration in relation to the making, administration and enforcement of loans and the custody, safeguarding and application of moneys. Such trust agreement may set forth the rights and remedies of the bondholders and of the trustee and may restrict the individual right of action by bondholders. In addition to the foregoing, such trust agreement may contain such other provisions as the Director may deem reasonable and proper for the security of the bondholders, including, without limitation, covenants pertaining to the issuance of additional parity bonds upon conditions stated therein consistent with the requirements of this subtitle.

(b) The proceeds of the sale of bonds shall be disbursed in such manner and under such restrictions, if any, as may be provided in such trust agreement.

(c) (1) The revenues and moneys designated as security for bonds shall be set aside at such regular intervals as may be provided in the bond resolution in a special account in the Water Quality Fund, if the net sale proceeds will be deposited in the Water Quality Fund, the Drinking Water Loan Fund, if the net sale proceeds will be deposited in the Drinking Water Loan Fund, **[**or**]** the Bay Restoration Fund, if the net sale proceeds will be deposited in the Bay Restoration Fund, **OR THE CHESAPEAKE BAY 2010 TRUST FUND, IF THE NET SALE PROCEEDS WILL BE DEPOSITED IN THE CHESAPEAKE BAY 2010 TRUST FUND,** which is pledged to, and charged with, the payment of:

(i) The interest upon such bonds as such interest falls due;

(ii) The principal of such bonds as it falls due;

(iii) The necessary charges of the trustee, bond registrar, and paying agents; and

(iv) The redemption price or purchase price of bonds retired by call or purchase as provided in the bond resolution or trust agreement.

(2) Any amounts set aside in such special account which are not needed to provide for the payment of the items included under paragraph (1) of this subsection may be used for any other lawful purpose, to the extent provided in the bond resolution. Such pledge shall be valid and binding from the time when the pledge is made. Such revenues or other moneys so pledged and thereafter received by the Administration shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding as against all parties having any claims of any kind in tort, contract, or otherwise against the Administration or the Water Quality Fund, the Drinking Water Loan Fund, **[**or**]** the Bay Restoration Fund, **OR THE CHESAPEAKE BAY 2010 TRUST FUND,** irrespective of whether such parties have notice thereof. Neither the bond resolution nor any trust agreement by which a pledge is created need be filed or recorded except in the records of the Administration, any public general or public local law to the contrary notwithstanding.

(d) Any net earnings of the Administration, beyond that necessary for the retirement of bonds or to implement the public purposes or programs of the Administration, shall not inure to the benefit of any person, other than the State of Maryland for use to accomplish the purposes of this subtitle.

9–1616.

The Administration shall not be required to give any bond as security for costs, supersedeas, or any other security in any suit or action brought by or against it, or in proceedings to which it may be a party, in any court of this State, and the Administration shall have the remedies of appeal of whatever kind to all courts without bonds, supersedeas, or security of any kind. No builder's, materialman's, contractor's, laborer's, or mechanic's liens of any kind or character shall ever attach to or become a lien upon the Water Quality Fund, the Drinking Water Loan Fund, **[**or**]** the Bay Restoration Fund**, THE CHESAPEAKE BAY 2010 TRUST FUND,** or any property, real or personal, belonging to the Administration and no assignment of wages shall be binding upon or recognized by the Administration.".

AMENDMENT NO. 5

On pages 7 through 15, strike in their entirety the lines beginning with line 14 on page 7 through line 16 on page 15, inclusive, and substitute:

"Article – Natural Resources

SUBTITLE 22. BAYSTAT.

8–2201.

(A) (1) THERE IS A BAYSTAT ACCOUNTABILITY AND MANAGEMENT PROCESS.

(2) BAYSTAT IS A JOINT PROCESS THAT INCLUDES THE PARTICIPATION OF:

(I) THE SECRETARY OF AGRICULTURE;

(II) THE SECRETARY OF THE ENVIRONMENT;

(III) THE SECRETARY OF NATURAL RESOURCES;

(IV) THE SECRETARY OF PLANNING; AND

(V) THE PRESIDENT OF THE UNIVERSITY OF MARYLAND CENTER FOR ENVIRONMENTAL SCIENCE.

(3) SUBJECT TO § 8-2202 OF THIS SUBTITLE, BAYSTAT PARTICIPANTS SHALL MEASURE AND EVALUATE GOVERNMENT PROGRAMS TO RESTORE THE CHESAPEAKE BAY.

(B) THE PURPOSE OF BAYSTAT IS TO:

(1) PROVIDE ACCURATE AND TIMELY DATA TO THE GOVERNOR, THE GENERAL ASSEMBLY, AND THE PUBLIC ABOUT THE EFFICACY AND COST EFFECTIVENESS OF GOVERNMENTAL PROGRAMS TO RESTORE THE CHESAPEAKE BAY;

(2) TRACK AND ASSESS THE PROGRESS OF GOVERNMENT PROGRAMS TO IMPROVE WATER QUALITY IN THE CHESAPEAKE BAY AND TO ENFORCE POLLUTION LAWS RELEVANT TO THE CHESAPEAKE BAY;

(3) IDENTIFY MEASURABLE GOALS FOR CHESAPEAKE BAY RESTORATION;

(4) IDENTIFY NEW THREATS TO THE HEALTH OF THE CHESAPEAKE BAY;

(5) INCREASE ACCOUNTABILITY TO THE CITIZENS OF MARYLAND ABOUT PROGRESS TOWARDS RESTORING THE CHESAPEAKE BAY; AND

(6) INCREASE AWARENESS OF AND PUBLIC PARTICIPATION IN THE RESTORATION OF THE CHESAPEAKE BAY.

(C) BAYSTAT PARTICIPANTS SHALL ANALYZE DATA, AND THE STATUS, COST, IMPLEMENTATION, AND ENFORCEMENT OF CHESAPEAKE BAY PROGRAMS, RELATED TO:

(1) WATER QUALITY;

(2) NUTRIENT AND SEDIMENT LOADS;

(3) BIOTIC INTEGRITY;

(4) FISHERIES AND OTHER LIVING RESOURCES;

(5) GROWTH AND DEVELOPMENT IMPACTS ON LAND AND WATER;

(6) ATMOSPHERIC EMISSIONS OF POLLUTANTS THAT REACH THE CHESAPEAKE BAY;

(7) WETLANDS AND FOREST BUFFERS;

(8) AGRICULTURAL PRACTICES TO REDUCE THE AMOUNT OF POLLUTANTS THAT ENTER WATERS OF THE STATE;

(9) WASTEWATER TREATMENT AND ON-SITE SEWAGE DISPOSAL;

(10) LAND PRESERVATION; AND

(11) ANY OTHER SUBJECT DETERMINED TO BE RELEVANT TO THE RESTORATION OF THE CHESAPEAKE BAY BY BAYSTAT PARTICIPANTS.

8-2202.

(A) (1) IN ADDITION TO ITS DUTIES UNDER § 8-2201 OF THIS SUBTITLE, BAYSTAT PARTICIPANTS SHALL:

(I) ASSESS THE EFFECTIVENESS OF PROJECTS FINANCED BY THE CHESAPEAKE BAY 2010 TRUST FUND UNDER § 9-1605.3 OF THE ENVIRONMENT ARTICLE AND ALL OTHER PROGRAMS TO RESTORE THE WATERS OF THE STATE; AND

(II) PREPARE AN ANNUAL BAYSTAT EXPENDITURE AND WORK PLAN FOR THE TRUST FUND FOR SUBMISSION TO THE GOVERNOR FOR AN ALLOCATION OF FUNDS IN THE STATE BUDGET THAT:

1. COMPLIES WITH § 9-1605.3(F) OF THE ENVIRONMENT ARTICLE AND THE INTENT OF THE CHESAPEAKE BAY 2010 TRUST FUND; AND

2. MOST EFFECTIVELY REDUCES NUTRIENT AND SEDIMENT LOADINGS IN EACH OF THE TEN TRIBUTARY BASINS OF THE CHESAPEAKE BAY, INCLUDING THE PATUXENT RIVER, THE ATLANTIC COASTAL BAYS, AND ALL OTHER WATERS OF THE STATE, BASED ON THE FOLLOWING CRITERIA:

A. COST EFFICIENCY PER POUND OF POLLUTANT REDUCED IN EACH OF THE TEN TRIBUTARY BASINS, INCLUDING THE PATUXENT RIVER, THE ATLANTIC COASTAL BAYS, AND ALL OTHER WATERS OF THE STATE;

B. SCIENTIFIC ANALYSIS SHOWING TARGETED WATER QUALITY IMPROVEMENT; AND

C. EFFICACY OF PROGRAM PERFORMANCE IN PREVIOUS YEARS.

(2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, BAYSTAT PARTICIPANTS SHALL ESTABLISH STANDARDS FOR ALLOWING THE REALLOCATION OF EXPENDITURES IN THE TRUST FUND EXPENDITURE AND WORK PLAN BASED ON CHANGED CONDITIONS AFFECTING THE CHESAPEAKE BAY, THE ATLANTIC COASTAL BAYS, THE PATUXENT RIVER, AND ALL OTHER WATERS OF THE STATE DURING THE FISCAL YEAR.

(II) BAYSTAT PARTICIPANTS MAY ALLOW REALLOCATION ONLY:

1. IF REALLOCATION WOULD ENHANCE NUTRIENT REDUCTION;

2. AFTER REVIEW BY THE TRUST FUND TECHNICAL REVIEW COMMITTEE ESTABLISHED UNDER THIS SECTION; AND

3. AFTER SUBMITTING THE PROPOSED REALLOCATION FOR REVIEW AND COMMENT TO THE HOUSE ENVIRONMENTAL MATTERS COMMITTEE, THE HOUSE APPROPRIATIONS COMMITTEE, THE HOUSE WAYS AND MEANS COMMITTEE, SENATE BUDGET AND TAXATION COMMITTEE, AND THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE.

(III) REALLOCATION MAY NOT:

1. APPLY TO AN ALLOCATION TO THE DEPARTMENT OF NATURAL RESOURCES FOR GRANTS TO MUNICIPAL PARKS UNDER § 9-1605.3(F)(3) OF THE ENVIRONMENT ARTICLE; OR

2. EXCEED 15% OF THE TOTAL TRUST FUND EXPENDITURES.

(B) (1) (I) IN PREPARING AN ANNUAL EXPENDITURE AND WORK PLAN FOR THE TRUST FUND, BAYSTAT PARTICIPANTS SHALL ENSURE THAT AT LEAST 30% OF THE MONEY IN THE TRUST FUND IS ALLOCATED FOR GRANTS TO COUNTIES, BICOUNTY AGENCIES, AND MUNICIPAL CORPORATIONS.

(II) A GRANT TO A MUNICIPAL CORPORATION FOR MUNICIPAL PARKS UNDER § 9-1605.3 OF THE ENVIRONMENT ARTICLE DOES NOT COUNT TOWARD THE REQUIRED ALLOCATION TO COUNTIES, BI-COUNTY AGENCIES, AND MUNICIPAL CORPORATIONS UNDER THIS SUBSECTION.

(III) BAYSTAT PARTICIPANTS MAY REQUIRE A LOCAL MATCH FOR A GRANT FROM THE TRUST FUND TO COUNTIES, BICOUNTY AGENCIES, AND MUNICIPAL CORPORATIONS.

(2) A COUNTY, BICOUNTY AGENCY, OR MUNICIPAL CORPORATION THAT RECEIVES A GRANT FROM THE TRUST FUND IN ANY FISCAL YEAR SHALL SUBMIT AN ANNUAL REPORT TO BAYSTAT PARTICIPANTS BY SEPTEMBER 1 OF THE NEXT FISCAL YEAR THAT INCLUDES THE FOLLOWING FOR EACH GRANT:

(I) THE LOCATION OF THE PROJECT;

(II) A DESCRIPTION OF AND ESTIMATED COST FOR THE PROJECT;

(III) THE PROJECT SCHEDULE AND THE IDENTITY AND QUALIFICATIONS OF PARTIES RESPONSIBLE FOR COMPLETING THE PROJECT;

(IV) THE ESTIMATED NUTRIENT REDUCTIONS AND TIME FRAME FOR THE REDUCTIONS;

(V) ANY MAINTENANCE PROGRAM AND SCHEDULE;

(VI) THE STATUS OF ANY INCOMPLETE PROJECTS;

(VII) A VERIFICATION OF COMPLETED PROJECTS OR MAINTENANCE; AND

(VIII) AN ASSESSMENT OF NUTRIENT LOADING REDUCTIONS AND WATER QUALITY BENEFITS ACHIEVED THROUGH COMPLETED PROJECTS.

(C) BEFORE THE GOVERNOR SUBMITS AN ANNUAL BUDGET REQUEST INCLUDING AN ANNUAL TRUST FUND EXPENDITURE AND WORK PLAN, BAYSTAT PARTICIPANTS SHALL:

(1) SUBMIT THE PROPOSED PLAN TO THE TRUST FUND TECHNICAL REVIEW COMMITTEE AS REQUIRED BY THIS SECTION AND MAKE THE PROPOSED PLAN AVAILABLE ON-LINE FOR PUBLIC COMMENT;

(2) REVIEW AND RESPOND TO REQUESTS FOR CHANGES TO THE TRUST FUND ANNUAL EXPENDITURE AND WORK PLAN FROM THE TRUST FUND TECHNICAL REVIEW COMMITTEE; AND

(3) REPORT ANNUALLY TO THE PUBLIC REGARDING:

(I) THE HEALTH OF THE CHESAPEAKE BAY BY TRIBUTARY BASIN, INCLUDING THE PATUXENT RIVER, THE ATLANTIC COASTAL BAYS, AND ALL OTHER WATERS OF THE STATE;

(II) THE STATUS OF GOVERNMENT PROGRAMS TO RESTORE THE CHESAPEAKE BAY, THE ATLANTIC COASTAL BAYS, THE PATUXENT RIVER, AND ALL OTHER WATERS OF THE STATE;

(III) NUTRIENT REDUCTIONS ACHIEVED THROUGH PROJECTS FINANCED BY THE TRUST FUND;

(IV) EFFORTS RELATING TO THE RETENTION AND EXPANSION OF FORESTLAND; AND

(V) THE IMPLEMENTATION OF BAYSTAT.

(D) (1) BAYSTAT PARTICIPANTS SHALL DESIGNATE A TRUST FUND TECHNICAL REVIEW COMMITTEE CONSISTING OF:

(I) ONE MEMBER OF THE MARYLAND HOUSE OF DELEGATES, APPOINTED BY THE SPEAKER OF THE HOUSE;

(II) ONE MEMBER OF THE SENATE OF MARYLAND, APPOINTED BY THE PRESIDENT OF THE SENATE;

(III) THE FOLLOWING SEVEN MEMBERS APPOINTED BY THE GOVERNOR:

1. ONE REPRESENTATIVE OF THE CHESAPEAKE BAY COMMISSION;

2. ONE REPRESENTATIVE OF THE UNIVERSITY OF MARYLAND COLLEGE OF AGRICULTURE AND NATURAL RESOURCES;

3. ONE REPRESENTATIVE OF THE AGRICULTURAL COMMUNITY;

4. ONE REPRESENTATIVE OF THE FORESTRY INDUSTRY;

5. ONE REPRESENTATIVE OF AN ORGANIZATION WITH EXPERTISE IN WATER QUALITY RESTORATION;

6. ONE REPRESENTATIVE OF A COUNTY GOVERNMENT WITH EXPERTISE IN STORM WATER MANAGEMENT; AND

7. ONE REPRESENTATIVE OF A MUNICIPAL GOVERNMENT WITH EXPERTISE IN STORM WATER MANAGEMENT.

(2) THE MEMBERS OF THE MARYLAND HOUSE OF DELEGATES AND THE SENATE OF MARYLAND SHALL COCHAIR THE REVIEW COMMITTEE.

(3) IF A REGULATED LOBBYIST IS APPOINTED TO SERVE AS A MEMBER OF THE REVIEW COMMITTEE, THE LOBBYIST:

(I) IS NOT SUBJECT TO § 15–504(D) OF THE STATE GOVERNMENT ARTICLE WITH RESPECT TO THAT SERVICE; AND

(II) IS NOT SUBJECT TO § 15–703(F)(3) OF THE STATE GOVERNMENT ARTICLE AS A RESULT OF THAT SERVICE.

(4) THE REVIEW COMMITTEE SHALL:

(I) MEET TWICE EACH FISCAL YEAR WITH BAYSTAT PARTICIPANTS TO REVIEW THE STATUS OF THE IMPLEMENTATION OF THE TRUST FUND ANNUAL EXPENDITURE AND WORK PLAN FOR THAT FISCAL YEAR;

(II) REVIEW THE TRUST FUND ANNUAL EXPENDITURE AND WORK PLAN PROPOSED FOR THE NEXT FISCAL YEAR BY SEPTEMBER 1 OF EACH YEAR TO DETERMINE WHETHER THE ALLOCATIONS IN THE PLAN ARE CONSISTENT WITH THIS SUBTITLE AND § 9-1605.3 OF THE ENVIRONMENT ARTICLE;

(III) PROVIDE A WRITTEN REQUEST TO BAYSTAT PARTICIPANTS FOR ANY CHANGES IN THE TRUST FUND ANNUAL EXPENDITURE AND WORK PLAN BASED ON AN INCONSISTENCY WITH THIS SUBTITLE AND § 9-1605.3 OF THE ENVIRONMENT ARTICLE;

(IV) REVIEW ANY PROPOSED REALLOCATION OF FUNDS IN A TRUST FUND ANNUAL EXPENDITURE AND WORK PLAN AND PROVIDE A WRITTEN OBJECTION TO BAYSTAT IF THE COMMITTEE DOES NOT AGREE THAT THE PROPOSED REALLOCATION WILL PROVIDE GREATER REDUCTION OF NUTRIENT LOADINGS; AND

(V) ADOPT RULES NECESSARY TO PERFORM ITS DUTIES.”.

AMENDMENT NO. 6

On page 15, strike beginning with "if" in line 17 down through "That" in line 23.

The preceding 6 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

The presiding officer announced a quorum call, showing 134 Members present.

(See Roll Call No. 55)

ADJOURNMENT

At 6:21 P.M. on motion of Delegate Barve the House adjourned until 2:00 P.M., on Legislative Day November 9, 2007, Calendar Day Thursday, November 15, 2007.

Annapolis, Maryland
Legislative Day: November 9, 2007
Calendar Day: Thursday, November 15, 2007

The House met at 2:47 P.M. and pledged Allegiance to the Flag.

Prayer by Delegate Keith E. Haynes of Baltimore City.

QUORUM CALL

The presiding officer announced a quorum call, showing 134 Members present.

(See Roll Call No. 56)

The Journal of November 8, 2007 was read and approved.

EXCUSES:
Speaker Busch – left early – business meeting
Del. Howard – business
Del. Jameson – medical – hospitalized
Del. McDonough – personal – wife in auto accident
Del. Montgomery – in China
Del. Niemann – personal

Notation:
The House Minority Leader noted an objection to the Constitutionality of the proceedings based on Article III, Section 25 of the Constitution of Maryland and requested that it be considered an ongoing objection.

SPECIAL ORDERS

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

House Rule 116

Delegate Barve moved to make House Rule 116 a Special Order of Business until next session.

The motion was adopted.

QUORUM CALL

The presiding officer announced a quorum call, showing 133 Members present.

(See Roll Call No. 57)

THE HON. ADRIENNE A. JONES, SPEAKER PRO TEM, PRESIDING

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #4

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

Read the third time and passed by yeas and nays as follows:

Affirmative – 103 Negative – 30 (See Roll Call No. 58)

The Bill was then sent to the Senate.

QUORUM CALL

The presiding officer announced a quorum call, showing 132 Members present.

(See Roll Call No. 59)

RECESS

At 3:06 P.M. on motion of Delegate Barve the House recessed until 3:30 P.M. on Legislative Day November 9, 2007, Calendar Day Thursday, November 15, 2007.

AFTER RECESS
Annapolis, Maryland
Legislative Day: November 9, 2007
Calendar Day: Thursday, November 15, 2007

At 3:53 P.M. the House resumed its session and pledged Allegiance to the Flag.

Prayer by Speaker Michael E. Busch of Anne Arundel County.

QUORUM CALL

The presiding officer announced a quorum call, showing 130 Members present.

(See Roll Call No. 60)

EXCUSES:
Del. Burns – funeral
Del. Howard – business
Del. Jameson – medical – hospitalized
Del. Montgomery – in China
Del. Niemann – personal

QUORUM CALL

The presiding officer announced a quorum call, showing 116 Members present.

(See Roll Call No. 61)

RECESS

At 3:58 P.M. on motion of Delegate Barve the House recessed until 5:00 P.M. on Legislative Day November 9, 2007, Calendar Day Thursday, November 15, 2007.

AFTER RECESS
Annapolis, Maryland
Legislative Day: November 9, 2007
Calendar Day: Thursday, November 15, 2007

At 7:06 P.M. the House resumed its session and pledged Allegiance to the Flag.

Prayer by Delegate Anne Healey of Prince George's County.

QUORUM CALL

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

(See Roll Call No. 62)

EXCUSES:
Del. Burns – funeral
Del. Gutierrez – personal
Del. Howard – business
Del. Jameson – medical - hospitalized
Del. Montgomery – in China

THE COMMITTEE ON WAYS AND MEANS REPORT #3

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably with amendments:

House Bill 4 – The Speaker (By Request – Administration)

CONSTITUTIONAL AMENDMENT

AN ACT concerning

Video Lottery Terminals – Authorization and Limitations

(Amendment ID: HB0004/523325/1)

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 4

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, after "Act;" insert "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;".

AMENDMENT NO. 2

On page 2, strike beginning with "**BY**" in line 4 down through "**INCLUDED**" in line 6; in line 12, strike "**THE**" and substitute "**EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, THE**"; in line 20, strike "**4-YEAR**"; in the same line, strike "**INSTITUTIONS OF HIGHER EDUCATION**" and substitute "**SENIOR HIGHER EDUCATION INSTITUTIONS**"; in line 24, strike "**A**" and substitute "**EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, A**"; and in line 25, after "**FOR**" insert "**A VIDEO LOTTERY FACILITY IN**".

On page 3, strike beginning with "**ASSOCIATED**" in line 1 down through "**RESORT**" in line 2 and substitute "**LOCATED WITHIN ROCKY GAP STATE PARK**"; strike in their entirety lines 3 through 5, 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.

(4) EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, THE STATE MAY NOT AWARD MORE THAN ONE VIDEO LOTTERY OPERATION LICENSE IN A SINGLE COUNTY OR BALTIMORE CITY.";

in line 9, after "**MAY**" insert "**ONLY**"; and after line 12, insert:

"**(F) THE GENERAL ASSEMBLY MAY, FROM TIME TO TIME, ENACT SUCH LAWS NOT INCONSISTENT WITH THIS SECTION, AS MAY BE NECESSARY AND PROPER TO CARRY OUT ITS PROVISIONS.**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Delegate O'Donnell moved to make the Bill a Special Order for the end of today's business.

The motion was rejected by a roll call vote as follows:

Affirmative – 40 Negative – 87 (See Roll Call No. 63)

Delegate Hixson moved to make the Bill a Special Order for Friday.

The motion was adopted.

THE COMMITTEE ON WAYS AND MEANS REPORT #2

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably:

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

CONSTITUTIONAL AMENDMENT

AN ACT concerning

Video Lottery Terminals – Authorization and Limitations

Delegate Hixson moved to make the Bill and Report a Special Order for Friday.

The motion was adopted.

QUORUM CALL

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

(See Roll Call No. 64)

ADJOURNMENT

At 7:21 P.M. on motion of Delegate Barve the House adjourned until 10:00 A.M. on Legislative Day November 10, 2007, Calendar Day Friday, November 16, 2007.

Annapolis, Maryland
Legislative Day: November 10, 2007
Calendar Day: Friday, November 16, 2007

The House met at 10:28 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate Mary Ann Love of Anne Arundel County.

QUORUM CALL

The presiding officer announced a quorum call, showing 130 Members present.

(See Roll Call No. 65)

The Journal of November 9, 2007 was read and approved.

EXCUSES:
Del. Bromwell – late – personal
Del. Donoghue – late – illness
Del. Howard – business
Del. Jameson – medical
Del. Montgomery – in China
Del. Nathan–Pulliam – business
Del. Rudolph – late – traffic
Del. Stull – business

SPECIAL ORDERS

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

House Bill 4 – The Speaker (By Request – Administration)

CONSTITUTIONAL AMENDMENT

AN ACT concerning

Video Lottery Terminals – Authorization and Limitations

STATUS OF BILL: BILL ON 2ND READING. FAVORABLE REPORT AS AMENDED ADOPTED.

FLOOR AMENDMENT

(Amendment ID: HB0004/343029/1)

BY: Delegate Simmons

AMENDMENTS TO HOUSE BILL 4, AS AMENDED

AMENDMENT NO. 1

On page 1 of the Committee on Ways and Means Amendments (HB0004/523325/1), in line 3 of Amendment No. 1, after "provisions;" insert "providing that the State may issue a video lottery operation license in a county or Baltimore City only if a majority of the votes cast in the county or Baltimore City were in favor of this amendment;".

AMENDMENT NO. 2

On page 2 of the Committee on Ways and Means Amendments, in line 17 of Amendment No. 2, after "**PROVISIONS.**" insert:

"**(G) THE STATE MAY ISSUE A VIDEO LOTTERY OPERATION LICENSE IN A COUNTY OR BALTIMORE CITY ONLY IF A MAJORITY OF THE VOTES CAST IN THE COUNTY OR BALTIMORE CITY WERE IN FAVOR OF THIS ARTICLE.**".

The preceding 2 amendments were read only.

Delegate Minnick moved the previous question.

The motion was adopted.

The preceding 2 amendments were read and rejected by a roll call vote as follows:

Affirmative – 61 Negative – 67 (See Roll Call No. 66)

FLOOR AMENDMENT

(Amendment ID: HB0004/963321/1)

BY: Delegate Kach

AMENDMENTS TO HOUSE BILL 4
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after "located;" insert "requiring a video lottery facility to comply with applicable planning and zoning laws of the local jurisdiction;".

AMENDMENT NO. 2

On page 3, before line 6, insert:

"**(5) A VIDEO LOTTERY FACILITY SHALL COMPLY WITH ALL APPLICABLE PLANNING AND ZONING LAWS OF THE LOCAL JURISDICTION.**".

The preceding 2 amendments were read and adopted.

FLOOR AMENDMENT

(Amendment ID: HB0004/413328/2)

BY: Delegate Mathias

AMENDMENT TO HOUSE BILL 4, AS AMENDED
(First Reading File Bill)

On page 2 of the bill, in line 12, strike "**FIVE**" and substitute "**FOUR**"; in line 22, strike "**15,000**" and substitute "**11,750**"; and strike in their entirety lines 29 and 30.

On page 3 of the bill, in line 1, strike "**(IV)**" and substitute "**(III)**".

On page 1 of the Committee on Ways and Means Amendments (HB0004/523325/1), in line 11 of Amendment No. 2, strike "**(V)**" and substitute "**(IV)**".

The preceding amendment was read and rejected by a roll call vote as follows:

Affirmative – 46 Negative – 81 (See Roll Call No. 67)

FLOOR AMENDMENT

(Amendment ID: HB0004/693521/1)

BY: Delegate Simmons

AMENDMENTS TO HOUSE BILL 4
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, before "defining" 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;"; in the same line, strike "a certain term" and substitute "certain terms"; and after line 15, insert:

"BY proposing an addition to the Maryland Constitution
Article III – Legislative Department
Section 49A" .

AMENDMENT NO. 2
On page 3, before line 13, insert:

"Article III – Legislative Department

49A.

(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 ARTICLE XIX OF THIS CONSTITUTION.

(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.

(4) "VIDEO LOTTERY TERMINAL" MEANS AN ELECTRONIC CONTRIVANCE, MACHINE, OR OTHER DEVICE THAT, ON INSERTION OF A COIN, TOKEN, OR SIMILAR OBJECT OR ON PAYMENT OF ANY CONSIDERATION, IS AVAILABLE TO PLAY OR OPERATE, THE PLAY OR OPERATION OF WHICH, ONLY BY APPLICATION OF THE ELEMENT OF CHANCE, MAY DELIVER OR ENTITLE THE PLAYER WHO OPERATES THE 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.

(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 OF THE ANNOTATED CODE OF MARYLAND.

(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 ARTICLE XIX OF THIS CONSTITUTION; 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 ARTICLE XIX OF THIS CONSTITUTION; 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 ARTICLE XIX OF THIS CONSTITUTION.

(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 – 61 Negative – 66 (See Roll Call No. 68)

FLOOR AMENDMENT

(Amendment ID: HB0004/483029/2)

BY: Delegate Schuh

AMENDMENTS TO HOUSE BILL 4, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

Strike the Committee on Ways and Means Amendments (HB0004/523325/1) in their entirety.

AMENDMENT NO. 2

On page 1 of the bill, 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. 3

On page 2 of the bill, in line 12, strike "**FIVE**" and substitute "**SIX**".

On pages 2 and 3 of the bill, strike beginning with "**FOR**" in line 25 on page 2 down through "**PROPERTY**" in line 5 on page 3 and substitute "**THROUGH A FAIR MARKET AUCTION PROCESS OVERSEEN BY THE STATE LOTTERY COMMISSION**".

The preceding 3 amendments were read and rejected by a roll call vote as follows:

Affirmative – 44 Negative – 82 (See Roll Call No. 69)

FLOOR AMENDMENT

(Amendment ID: HB0004/523925/1)

BY: Delegate Morhaim

AMENDMENT TO HOUSE BILL 4
(First Reading File Bill)

On page 2, in line 22, strike "**15,000**" and substitute "**9,500**".

The preceding amendment was read and rejected.

FLOOR AMENDMENT

(Amendment ID: HB0004/283326/1)

BY: Delegate O'Donnell

AMENDMENTS TO HOUSE BILL 4, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

Strike the Committee on Ways and Means Amendments (HB0004/523325/1) in their entirety.

On page 1, on the top of the page, strike "CONSTITUTIONAL AMENDMENT"; in line 2, strike "Lottery Terminals" and substitute "Slot Machines"; strike beginning with "adding" in line 3 down through "education" in line 5 and substitute "renaming the State Lottery Commission to be the State Gaming Commission and requiring the Commission to regulate the operation of certain video slot machines"; in line 5, after "State" insert "Gaming Commission"; in lines 6 and 8, in each instance, strike "lottery terminals" and substitute "slot machines"; in line 7, strike "lottery terminal" and substitute "slot machine"; strike beginning with "providing" in line 8 down through "rejection" in line 12 and substitute "altering the membership of the State Gaming Commission and specifying certain requirements for members of the Commission; authorizing the operation of video slot machines connected to a certain central computer that allows the State Gaming Commission to monitor a video slot machine 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 slot machine operation license may offer a video slot machine 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 slot machines authorized under this Act; requiring the State Gaming Commission to conduct certain investigations and hearings; requiring the State Gaming Commission to adopt certain regulations; requiring the State Gaming Commission to require a certain bond and collect certain fees, civil penalties, and taxes; authorizing the State Gaming Commission to inspect and seize certain equipment, financial information, and records without notice but with a judicially authorized warrant; requiring certain video slot machine manufacturers, video slot machine gaming facility operators, video slot machine gaming employees, and other individuals required by the State Gaming 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 Gaming Commission; establishing certain penalties; establishing certain eligibility criteria and disqualifying criteria for a video slot machine operation license; requiring a person that contracts with a video slot machine operation licensee to meet certain requirements under certain circumstances; requiring that a video slot machine operation license not issued under this Act reverts to the State; requiring a licensee to commence operation of video slot machines within a certain time period and authorizing the State Gaming Commission to grant extensions under certain circumstances; providing for certain eligibility criteria and disqualifying criteria for certain licenses; providing for certain license terms and renewals; stating the intent of the General Assembly relating to video slot machine operation licenses; prohibiting certain video slot machine 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 slot machine operation license be approved by the State Gaming Commission; requiring the State Gaming Commission to buy or lease the central computer authorized under this Act; prohibiting more than a certain number of video slot machines from being allocated in one county; providing the minimum payout percentage for video slot machines and authorizing the State Gaming Commission to adopt certain video slot machine payout percentages; providing for the hours of operation of video slot machines; prohibiting the State Gaming Commission from issuing certain licenses under certain circumstances; requiring the State Gaming Commission to adopt certain regulations pertaining to the expulsion of underaged or substance impaired individuals from video slot machine gaming facilities; authorizing the State Gaming 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 certain ways; establishing a Purse Dedication Account under the authority of the State Racing Commission; providing for a certain distribution from video slot machine gaming operation 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 slot machine gaming operation 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 certain local development grants; establishing an Administrative 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 Gaming 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 Gaming Commission; exempting certain procurements by the State Gaming Commission from certain requirements; requiring the State Gaming Commission to establish a certain application fee; requiring the State Gaming Commission to conduct a certain number of separate, simultaneously held auctions of all of the video slot machine operation licenses; requiring that the State Gaming Commission award the video slot machine operation licenses in accordance with a certain bidding process; providing for certain fees to be paid by bidders of video slot machine operation licenses; requiring certain bids for video slot machine operation licenses to include certain information and to meet certain requirements; prohibiting the State Gaming Commission from issuing more than a certain number of certain licenses in one county; requiring the State Gaming Commission to consider certain factors and to award a video slot machine operation license on the basis of the lowest percentage of the gross revenues from the operation of video slot machine gaming that the bidder is willing to keep or hold; requiring the State Gaming Commission to be responsible for certain matters relating to racetrack locations and nonracetrack destination locations after the award of video slot machine operation licenses; providing for review of a denial of an application for a certain license by the State Board of Contract Appeals; allowing the operation of video slot machines in a temporary facility under certain circumstances; requiring, before the issuance of a video slot machine operation license by the State Gaming Commission to an applicant to provide clear and convincing evidence that the applicant has complied with all applicable local zoning, planning, and land use laws, ordinances, and regulations; providing for the staggering of the terms of certain new members of the State Gaming Commission; making certain stylistic changes; defining certain terms; providing for the effective date of this Act; and generally relating to the regulation and operation of and revenues from lawfully authorized video slot machine gaming in the State"; and strike in their entirety lines 13 through 18, inclusive, and substitute:

"BY repealing and reenacting, with amendments,
Article – State Government
Section 9–101(c), 9–104, and 9–105
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY adding to

Article – State Government
Section 9–1A–01 through 9–1A–25 to be under the new subtitle "Subtitle 1A. Video Slot Machines"
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

AMENDMENT NO. 2

On pages 1 through 3, strike in their entirety the lines beginning with line 19 on page 1 through line 28 on page 3, inclusive, and substitute:

"Article – State Government

9–101.

(c) "Commission" means the State **[**Lottery**]** **GAMING** Commission.

9–104.

There is a State **[**Lottery**]** **GAMING** Commission in the Agency.

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 AN OFFICIAL RELATIONSHIP TO A PERSON WHO HOLDS A LICENSE UNDER THIS SUBTITLE;

(II) 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 OR LOTTERY;

(III) RECEIVE OR SHARE IN, DIRECTLY OR INDIRECTLY, THE RECEIPTS OR PROCEEDS OF ANY GAMING ACTIVITIES, INCLUDING HORSE RACING OR LOTTERY; AND

(IV) 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.

(3) NOT MORE THAN SIX MEMBERS MAY BE OF THE SAME POLITICAL PARTY.

(C) (1) THE MEMBERS OF THE COMMISSION SHALL BE KNOWLEDGEABLE AND EXPERIENCED IN FISCAL MATTERS.

(2) THE COMMISSION SHALL INCLUDE:

(I) ONE MEMBER WITH SUBSTANTIAL EXPERIENCE IN LAW ENFORCEMENT;

(II) ONE MEMBER WITH SUBSTANTIAL EXPERIENCE IN A FIELD RELATING TO FINANCE, ECONOMICS, OR INVESTMENTS;

(III) ONE MEMBER WHO IS A CERTIFIED PUBLIC ACCOUNTANT WITH SUBSTANTIAL EXPERIENCE IN ACCOUNTING; AND

(IV) ONE MEMBER WITH SUBSTANTIAL 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.

(E) FOR A PERIOD OF 3 YEARS AFTER A MEMBER HAS SERVED ON THE COMMISSION, THAT MEMBER MAY NOT BE EMPLOYED BY A VIDEO SLOT MACHINE

OPERATION LICENSEE OR ENTER INTO A FINANCIAL RELATIONSHIP WITH A VIDEO SLOT MACHINE OPERATION LICENSEE.

[(d)**] (F)** (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.

SUBTITLE 1A. VIDEO SLOT MACHINES.

9–1A–01.

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

(B) "APPLICANT" MEANS A PERSON WHO APPLIES FOR OR BIDS ON ANY LICENSE REQUIRED UNDER THIS SUBTITLE.

(C) "ASSOCIATED EQUIPMENT" MEANS HARDWARE LOCATED ON A LICENSEE'S PREMISES THAT IS CONNECTED TO THE CENTRAL COMPUTER FOR THE PURPOSE OF PERFORMING COMMUNICATION, VALIDATION, OR OTHER FUNCTIONS, BUT NOT INCLUDING THE COMMUNICATION FACILITIES OF A REGULATED UTILITY OR THE VIDEO SLOT MACHINES.

(D) "AVERAGE ANNUAL PAYOUT PERCENTAGE" MEANS THE AVERAGE ANNUAL PERCENTAGE OF MONEY USED BY PLAYERS TO PLAY A VIDEO SLOT MACHINE THAT IS RETURNED TO PLAYERS OF THAT VIDEO SLOT MACHINE.

(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 SLOT MACHINES COMMUNICATE FOR PURPOSES OF:

(1) INFORMATION RETRIEVAL;

(2) RETRIEVAL OF THE WIN AND LOSS DETERMINATION FROM VIDEO SLOT MACHINES; AND

(3) PROGRAMS TO ACTIVATE AND DISABLE VIDEO SLOT MACHINES.

(I) "COMMISSION" MEANS THE STATE GAMING 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 CENTRAL COMPUTER;

(2) THE COSTS TO REPAIR AND MAINTAIN THE CENTRAL COMPUTER, TO THE EXTENT THESE COSTS ARE NOT INCLUDED IN THE COSTS OF LEASING OR PURCHASING THE CENTRAL COMPUTER;

(3) THE COSTS OF TESTING AND EXAMINING OF VIDEO SLOT MACHINES; 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 SLOT MACHINES, ASSOCIATED EQUIPMENT, THE ELECTRONIC COMPUTER COMPONENTS OF VIDEO SLOT MACHINES, THE RANDOM NUMBER GENERATOR OF VIDEO SLOT MACHINES, OR THE CABINET IN WHICH A VIDEO SLOT MACHINE IS HOUSED;

(2) THAT PRODUCES A PRODUCT THAT IS INTENDED FOR SALE, LEASE, OR OTHER ASSIGNMENT TO THE COMMISSION OR A VIDEO SLOT MACHINE OPERATION LICENSEE; AND

(3) THAT CONTRACTS WITH THE COMMISSION OR A VIDEO SLOT MACHINE OPERATION LICENSEE FOR THE SALE, LEASE, OR OTHER ASSIGNMENT OF A PRODUCT DESCRIBED IN PARAGRAPH (1) 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 SLOT MACHINE 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 SLOT MACHINE AT A VIDEO SLOT MACHINE GAMING FACILITY LICENSED BY THE COMMISSION.

(S) "PROCEEDS" MEANS THE PART OF THE AMOUNT OF MONEY BET THROUGH VIDEO SLOT MACHINES 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 SLOT MACHINES ARE CONNECTED TO A PROGRESSIVE JACKPOT SYSTEM.

(U) "PROGRESSIVE JACKPOT SYSTEM" MEANS THE CAPABILITY OF THE CENTRAL COMPUTER TO LINK ONE OR MORE VIDEO SLOT MACHINES 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 SLOT MACHINE OPERATION LICENSE IN THE MANNER PROVIDED BY LAW.

(W) "VIDEO SLOT MACHINE" MEANS ANY MACHINE OR OTHER DEVICE THAT, ON INSERTION OF A BILL, COIN, TOKEN, VOUCHER, TICKET, COUPON, CREDIT OR DEBIT CARD, OR SIMILAR ITEM, OR ON PAYMENT OF ANY CONSIDERATION:

(1) 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

(2) 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.

(3) "VIDEO SLOT MACHINE" DOES NOT INCLUDE AN AUTHORIZED SLOT MACHINE OPERATED BY AN ELIGIBLE ORGANIZATION UNDER TITLE 12, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE.

(X) "VIDEO SLOT MACHINE GAMING" MEANS GAMING OR BETTING THAT IS CONDUCTED USING A VIDEO SLOT MACHINE.

(Y) "VIDEO SLOT MACHINE GAMING EMPLOYEE" MEANS AN EMPLOYEE OF A PERSON THAT HOLDS A LICENSE.

(Z) "VIDEO SLOT MACHINE GAMING FACILITY" MEANS A FACILITY WHERE PLAYERS PLAY VIDEO SLOT MACHINES UNDER THIS SUBTITLE.

(AA) "VIDEO SLOT MACHINE OPERATION LICENSE" MEANS A LICENSE ISSUED TO A PERSON THAT ALLOWS PLAYERS TO OPERATE VIDEO SLOT MACHINES.

9–1A–02.

(A) THIS SUBTITLE IS STATEWIDE AND EXCLUSIVE IN ITS EFFECT.

(B) THE COMMISSION SHALL REGULATE THE OPERATION OF VIDEO SLOT MACHINES IN ACCORDANCE WITH THIS SUBTITLE.

(C) (1) THIS SUBTITLE AUTHORIZES THE OPERATION OF VIDEO SLOT MACHINES CONNECTED TO THE CENTRAL COMPUTER THAT ALLOWS THE COMMISSION TO MONITOR A VIDEO SLOT MACHINE.

(2) THE COMMISSION SHALL PROVIDE AND OPERATE A SINGLE CENTRAL COMPUTER INTO WHICH ALL LICENSED VIDEO SLOT MACHINES 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 SLOT MACHINES;

(II) ALLOWING THE COMMISSION TO ACCOUNT FOR ALL MONEY INSERTED IN AND PAYOUTS MADE FROM ANY VIDEO SLOT MACHINE;

(III) DISABLING FROM OPERATION OR PLAY ANY VIDEO SLOT MACHINE 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 SLOT MACHINE OPERATION LICENSEE TO HAVE ACCESS TO THE CENTRAL COMPUTER OR INFORMATION FROM THE CENTRAL COMPUTER.

(II) ONLY IF THE ACCESS DOES NOT IN ANY WAY AFFECT THE INTEGRITY OR SECURITY OF THE CENTRAL COMPUTER, THE COMMISSION MAY ALLOW A VIDEO SLOT MACHINE 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 SLOT MACHINE GAMING FACILITY.

(D) ONLY A PERSON WITH A VIDEO SLOT MACHINE OPERATION LICENSE ISSUED BY THE COMMISSION MAY OFFER A VIDEO SLOT MACHINE 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 BIDS 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 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 SLOT MACHINE OPERATION THROUGH ITS EMPLOYEES AND AGENTS AT ANY TIME DURING THE OPERATION OF ANY VIDEO SLOT MACHINE FOR THE PURPOSE OF:

(I) CERTIFYING REVENUE FROM THE VIDEO SLOT MACHINES;

(II) RECEIVING COMPLAINTS FROM THE PUBLIC; AND

(III) CONDUCTING INVESTIGATIONS INTO THE OPERATION AND MAINTENANCE OF THE VIDEO SLOT MACHINES 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 SLOT MACHINE 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 APPLICATIONS AND BIDS THAT AN APPLICANT FOR ANY LICENSE REQUIRED UNDER THIS SUBTITLE SHALL FOLLOW AND COMPLETE BEFORE CONSIDERATION OF THE APPLICATION BY THE COMMISSION;

(2) ESTABLISHING, IN CONSULTATION AND COLLABORATION WITH THE DEPARTMENT OF STATE POLICE, 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, IN CONSULTATION AND COLLABORATION WITH THE DEPARTMENT OF STATE POLICE, THE PROCEDURES FOR:

(I) FINGERPRINTING AN APPLICANT FOR ANY LICENSE REQUIRED UNDER THIS SUBTITLE AND DETERMINING WHETHER APPLICANTS OR LICENSEES ARE ENGAGED IN CRIMINAL ACTIVITY; 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 SLOT MACHINES, RULES OF VIDEO SLOT MACHINES, ODDS FOR VIDEO SLOT MACHINES, AND THE METHOD OF OPERATION OF THE VIDEO SLOT MACHINES;

(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 SLOT MACHINES;

(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 SLOT MACHINES;

(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 SLOT MACHINE 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 SLOT MACHINES AND VIDEO SLOT MACHINE GAMING 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.

(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 BUT WITH A JUDICIALLY AUTHORIZED WARRANT, TO:

(I) INSPECT AND EXAMINE ALL PREMISES IN WHICH:

1. VIDEO SLOT MACHINE OPERATIONS UNDER THIS SUBTITLE ARE CONDUCTED;

2. AUTHORIZED VIDEO SLOT MACHINES OR ASSOCIATED EQUIPMENT ARE DESIGNED, BUILT, CONSTRUCTED, ASSEMBLED, MANUFACTURED, SOLD, DISTRIBUTED, OR SERVICED; OR

3. RECORDS OF THOSE ACTIVITIES ARE PREPARED OR MAINTAINED;

(II) INSPECT ANY VIDEO SLOT MACHINES OR ASSOCIATED EQUIPMENT IN, ABOUT, ON, OR AROUND THE PREMISES;

(III) SEIZE SUMMARILY AND REMOVE FROM THOSE PREMISES AND IMPOUND, OR ASSUME PHYSICAL CONTROL OF, ANY VIDEO SLOT MACHINES OR ASSOCIATED EQUIPMENT FOR THE PURPOSES OF EXAMINING AND INSPECTION;

(IV) INSPECT, EXAMINE, AND AUDIT BOOKS, RECORDS, AND DOCUMENTS CONCERNING A LICENSEE'S VIDEO SLOT MACHINE GAMING 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 SLOT MACHINE 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 FOLLOWING PERSONS SHALL BE LICENSED UNDER THIS SUBTITLE:

(1) A VIDEO SLOT MACHINE GAMING FACILITY 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 SLOT MACHINES; AND

(4) A VIDEO SLOT MACHINE GAMING EMPLOYEE.

(B) BY REGULATION, THE COMMISSION MAY 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.

9–1A–06.

(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, UNLESS AN INDIVIDUAL HOLDS A VALID LICENSE ISSUED UNDER THIS SUBTITLE, THE INDIVIDUAL MAY NOT BE EMPLOYED BY A LICENSEE AS A VIDEO SLOT MACHINE FACILITY EMPLOYEE.

(B) BY REGULATION, THE COMMISSION MAY EXEMPT CATEGORIES OF VIDEO SLOT MACHINE GAMING EMPLOYEES WHO ARE NOT DIRECTLY INVOLVED IN THE VIDEO SLOT MACHINE OPERATIONS FROM THE REQUIREMENT UNDER SUBSECTION (A) OF THIS SECTION 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.

(C) BEFORE ISSUANCE OF A VIDEO SLOT MACHINE GAMING EMPLOYEE LICENSE, AN APPLICANT SHALL PROVIDE SUFFICIENT INFORMATION, DOCUMENTATION, AND ASSURANCES THAT THE COMMISSION MAY REQUIRE.

(D) BY REGULATION, THE COMMISSION SHALL ESTABLISH STANDARDS AND QUALIFICATIONS FOR VIDEO SLOT MACHINE GAMING EMPLOYEES.

(E) THE COMMISSION SHALL DENY A VIDEO SLOT MACHINE GAMING EMPLOYEE LICENSE TO AN APPLICANT WHO DOES NOT MEET THE STANDARDS AND QUALIFICATIONS ESTABLISHED BY THE COMMISSION UNDER SUBSECTION (C) OF THIS SECTION.

9–1A–07.

(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 SLOT MACHINE, ASSOCIATED EQUIPMENT, CENTRAL COMPUTER, OR GOODS OR SERVICES THAT

DIRECTLY RELATE TO THE OPERATION OF VIDEO SLOT MACHINES UNDER THIS SUBTITLE.

(B) BY REGULATION, THE COMMISSION SHALL ESTABLISH:

(1) STANDARDS AND QUALIFICATIONS FOR MANUFACTURERS AS A CONDITION OF LICENSURE BY THE COMMISSION;

(2) A LIST OF APPROVED CENTRAL COMPUTERS THAT MAY BE PURCHASED OR LEASED BY THE COMMISSION; AND

(3) A LIST OF APPROVED VIDEO SLOT MACHINES AND ASSOCIATED EQUIPMENT THAT MAY BE PURCHASED OR LEASED BY A VIDEO SLOT MACHINE OPERATION LICENSEE.

9–1A–08.

(A) (1) THIS SUBSECTION DOES NOT APPLY TO LICENSE FEES FOR A VIDEO SLOT MACHINE OPERATION LICENSE.

(2) THE COMMISSION SHALL BY REGULATION ESTABLISH A FEE FOR A LICENSE UNDER THIS SUBTITLE.

(3) AN APPLICANT SHALL SUBMIT THE LICENSE FEE WITH THE APPLICATION.

(B) 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.

(C) (1) APPLICANTS AND LICENSEES SHALL HAVE THE AFFIRMATIVE RESPONSIBILITY TO ESTABLISH BY CLEAR AND CONVINCING EVIDENCE THE QUALIFICATIONS OF THE APPLICANTS AND LICENSEES.

(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.

(D) BY REGULATION, THE COMMISSION SHALL:

(1) IDENTIFY THE ACTS OR OMISSIONS THAT, IF COMMITTED BY APPLICANTS AND LICENSEES IN VIOLATION OF THIS SUBTITLE OR ANY REGULATIONS ADOPTED UNDER THIS SUBTITLE BY THE COMMISSION, MUST BE REPORTED BY THE APPLICANTS AND LICENSEES TO THE COMMISSION;

(2) PROHIBIT APPLICANTS AND LICENSEES FROM DISCRIMINATING 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 ADOPTED UNDER THIS SUBTITLE; AND

(3) IDENTIFY THE KINDS OF DOCUMENTATION AND ASSURANCES THAT APPLICANTS AND LICENSEES MUST PRODUCE TO ESTABLISH BY CLEAR AND CONVINCING EVIDENCE OF:

(I) THE APPLICANT'S OR LICENSEE'S FINANCIAL STABILITY, INTEGRITY, RESPONSIBILITY, BUSINESS ABILITY, AND EXPERIENCE; AND

(II) THE APPLICANT'S OR LICENSEE'S GOOD CHARACTER, HONESTY, AND INTEGRITY.

(E) (1) 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 TO A VIDEO SLOT MACHINE OPERATION LICENSE, IF THE COMMISSION IS 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) 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.

(H) 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.

(I) (1) FOR EACH VIOLATION SPECIFIED IN SUBSECTION (H) 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.

(J) 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 SLOT MACHINE OPERATIONS.

9–1A–09.

(A) (1) IN ADDITION TO OTHER INFORMATION REQUIRED BY THIS SUBTITLE, THE COMMISSION, BY REGULATION, SHALL ESTABLISH THE KINDS OF INFORMATION A BUSINESS ENTITY THAT BIDS FOR A VIDEO SLOT MACHINE OPERATION LICENSE MUST PROVIDE.

(2) THE REGULATIONS SHALL REQUIRE AT A MINIMUM THAT THE APPLICANT SHALL PROVIDE:

(I) DOCUMENTATION AS TO THE NATURE OF THE APPLICANT'S BUSINESS ENTITY, ITS FINANCIAL STRUCTURE, AND A DESCRIPTION OF ALL BUSINESSES OPERATED BY THE BUSINESS ENTITY; AND

(II) CERTIFIED COPIES OF STATEMENTS OF THE THREE MOST RECENT AUDITS OF THE APPLICANT'S BUSINESS ENTITY.

(B) IF A BUSINESS ENTITY THAT BIDS FOR A VIDEO SLOT MACHINE OPERATION LICENSE IS A SUBSIDIARY OF A COMPANY, OR IF A BUSINESS ENTITY HOLDING A VIDEO SLOT MACHINE 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 SLOT MACHINE 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.

9–1A–10.

IF A VIDEO SLOT MACHINE OPERATION LICENSEE CONTRACTS WITH ANOTHER PERSON, OTHER THAN AN EMPLOYEE OF THE VIDEO SLOT MACHINE 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 THIS SUBTITLE FOR VIDEO SLOT MACHINE OPERATION LICENSEES.

9–1A–11.

SUBJECT TO THE POWER OF THE COMMISSION TO DENY, REVOKE, OR SUSPEND A LICENSE AND, EXCEPT FOR A VIDEO SLOT MACHINE OPERATION 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–12.

(A) THE CENTRAL COMPUTER SHALL BE:

(1) OWNED OR LEASED BY THE COMMISSION; AND

(2) UNDER THE CONTROL OF THE COMMISSION.

(B) THE VIDEO SLOT MACHINES AND ASSOCIATED EQUIPMENT SHALL BE OWNED OR LEASED BY VIDEO SLOT MACHINE OPERATION LICENSEES.

9–1A–13.

(A) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A VIDEO SLOT MACHINE 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 SLOT MACHINES.

(B) A VIDEO SLOT MACHINE GAMING FACILITY MAY OPERATE DAILY FROM 8 A.M. TO 2 A.M.

9–1A–14.

(A) BY REGULATION, THE COMMISSION SHALL ESTABLISH RESTRICTIONS, PROHIBITIONS, AND OTHER APPROPRIATE PROVISIONS THAT VIDEO SLOT MACHINE OPERATION LICENSEES MUST COMPLY WITH AS A CONDITION OF LICENSURE AS TO:

(1) THE ADMISSION OF OR ALLOWING TO REMAIN ON OR NEAR THE PREMISES OF A VIDEO SLOT MACHINE GAMING FACILITY ANY INDIVIDUAL WHO IS:

(I) UNDER THE INFLUENCE OR IMPAIRED BECAUSE OF ALCOHOLIC BEVERAGES, DRUGS, OR OTHER SUBSTANCES; OR

(II) UNDER THE AGE OF 21;

(2) A LIST OF INDIVIDUALS WHO ARE TO BE MANDATORILY EXCLUDED OR EJECTED FROM A VIDEO SLOT MACHINE GAMING FACILITY THAT SHALL INCLUDE CAREER OFFENDERS AND INDIVIDUALS WHO HAVE BEEN CONVICTED OF A CRIMINAL OFFENSE INVOLVING MORAL TURPITUDE OR A GAMBLING OFFENSE; AND

(3) A LIST OF SANCTIONS THAT THE COMMISSION MAY IMPOSE ON A VIDEO SLOT MACHINE OPERATION LICENSEE FOR FAILURE TO COMPLY WITH THE REQUIREMENTS FOR THE EJECTION OR EXCLUSION OF INDIVIDUALS FROM THE VIDEO SLOT MACHINE GAMING FACILITY.

(B) BY REGULATION, THE COMMISSION SHALL ADOPT REASONABLE AND EFFECTIVE MEASURES THAT ARE INTENDED TO REDUCE OR MITIGATE THE EFFECTS OF COMPULSIVE OR PROBLEM GAMBLING.

9–1A–15.

(A) ALL PROCEEDS FROM THE OPERATION OF VIDEO SLOT MACHINES 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 SLOT MACHINES SHALL BE UNDER THE CONTROL OF THE COMPTROLLER AND SHALL BE DISTRIBUTED AS PROVIDED IN THIS SUBTITLE.

9–1A–16.

(A) THE COMPTROLLER SHALL PAY FROM THE PROCEEDS OF VIDEO SLOT MACHINE GAMING ACTIVITY:

(1) 4% TO THE ADMINISTRATIVE FUND ESTABLISHED UNDER § 9–1A–19 OF THIS SUBTITLE;

(2) 46% TO THE EDUCATION TRUST FUND ESTABLISHED UNDER § 9–1A–18 OF THIS SUBTITLE;

(3) ON A PROPERLY APPROVED TRANSMITTAL PREPARED BY THE COMMISSION, AN AMOUNT NOT TO EXCEED THE PERCENTAGE OF THE GROSS PROCEEDS THE VIDEO SLOT MACHINE OPERATION LICENSEE AGREED TO KEEP OR HOLD IN THE BID FOR THE VIDEO SLOT MACHINE OPERATION LICENSE THAT HAD BEEN SUBMITTED BY THE LICENSEE UNDER THIS SUBTITLE;

(4) ON A PROPERLY APPROVED TRANSMITTAL PREPARED BY THE COMMISSION, 4.5% IN LOCAL DEVELOPMENT GRANTS, AS REQUIRED UNDER § 9–1A–20 OF THIS SUBTITLE, TO THE COUNTY IN WHICH A VIDEO SLOT MACHINE GAMING FACILITY IS LOCATED;

(5) ON A PROPERLY APPROVED TRANSMITTAL PREPARED BY THE COMMISSION, 6% TO THE PURSE DEDICATION ACCOUNT ESTABLISHED UNDER § 9–1A–17 OF THIS SUBTITLE, NOT TO EXCEED $75,000,000 ANNUALLY; AND

(6) ON A PROPERLY APPROVED TRANSMITTAL PREPARED BY THE COMMISSION, 0.5% TO THE COMPULSIVE GAMBLING FUND ESTABLISHED UNDER § 9–1A–21 OF THIS SUBTITLE.

(B) ANY PROCEEDS OF VIDEO SLOT MACHINE GAMING ACTIVITY THAT REMAINS UNDISTRIBUTED SHALL REVERT TO THE GENERAL FUND OF THE STATE.

9–1A–17.

(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–16(5) 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 THE PROVISIONS OF SUBSECTION (D) OF THIS SECTION, FROM THE FUNDS IN THE ACCOUNT, THE STATE RACING COMMISSION SHALL ALLOCATE EACH YEAR:

(1) 75% TO THE THOROUGHBRED INDUSTRY; AND

(2) 25% TO THE STANDARDBRED INDUSTRY.

(D) THE PROVISIONS OF THIS SECTION MAY NOT BE CONSTRUED TO APPLY TO THE RACECOURSE IN ALLEGANY COUNTY OR OTHER FUTURE RACECOURSES UNTIL HORSE RACING BEGINS AT THOSE RACECOURSES.

9–1A–18.

(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–16(A)(2) 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 ONLY TO OFFSET THE TOTAL FUNDING REQUIRED TO PROVIDE AN ADEQUATE EDUCATION FOR CHILDREN ATTENDING PUBLIC SCHOOLS IN THE STATE IN PREKINDERGARTEN THROUGH GRADE 12.

(D) EXPENDITURES FROM THE EDUCATION TRUST FUND SHALL BE MADE EACH FISCAL YEAR IN ACCORDANCE WITH THE STATE BUDGET.

9–1A–19.

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

(B) THE FUND CONSISTS OF ALL PROCEEDS ALLOCATED TO IT UNDER § 9–1A–16(A)(1) OF THIS SUBTITLE.

(C) (1) MONEY IN THE FUND SHALL BE INVESTED AND REINVESTED BY THE TREASURER, AND INTEREST AND EARNINGS SHALL ACCRUE TO THE FUND.

(2) THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

(D) THE MONEY IN THE FUND SHALL BE USED BY THE COMMISSION FOR COSTS AS DEFINED IN § 9–1A–01 OF THIS SUBTITLE.

9–1A–20.

(A) LOCAL DEVELOPMENT GRANTS PROVIDED UNDER § 9–1A–16(A)(4) OF THIS SUBTITLE SHALL BE USED FOR IMPROVEMENTS IN THE COMMUNITIES IN IMMEDIATE PROXIMITY TO THE VIDEO SLOT MACHINE GAMING FACILITIES OR FOR ANY OTHER PURPOSES A LOCAL GOVERNMENT CONSIDERS APPROPRIATE.

(B) THE COMPTROLLER SHALL PAY LOCAL DEVELOPMENT GRANTS FROM THE PROCEEDS ALLOCATED FOR THOSE GRANTS UNDER § 9–1A–16(A)(4) OF THIS SUBTITLE IN THE FOLLOWING MANNER:

(1) 23.33% OF THE PROCEEDS TO A COUNTY WITH A VIDEO SLOT MACHINE GAMING FACILITY THAT HAS 3,500 VIDEO SLOT MACHINES; AND

(2) 10% OF THE PROCEEDS TO A COUNTY WITH A VIDEO SLOT MACHINE GAMING FACILITY THAT HAS 1,500 VIDEO SLOT MACHINES.

9–1A–21.

(A) THERE IS A COMPULSIVE GAMBLING FUND IN THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE.

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

(C) (1) THERE SHALL BE CREDITED TO THE COMPULSIVE GAMBLING FUND ALL PROCEEDS ALLOCATED TO THE FUND UNDER § 9–1A–16(A)(6) OF THIS SUBTITLE.

(2) MONEY IN THE COMPULSIVE GAMBLING FUND SHALL BE INVESTED AND REINVESTED BY THE TREASURER, AND INTEREST AND EARNINGS SHALL ACCRUE TO THE FUND.

(3) EXPENDITURES FROM THE COMPULSIVE GAMBLING FUND SHALL BE MADE ONLY:

(I) BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE TO IMPLEMENT THE PROGRAMS AND SERVICES IT DEVELOPS IN ACCORDANCE WITH THE PROVISIONS OF PARAGRAPH (4) OF THIS SUBSECTION; 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.

(4) THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE SHALL DEVELOP APPROPRIATE PROGRAMS AND SERVICES FOR INDIVIDUALS WITH COMPULSIVE OR PROBLEM GAMBLING.

9–1A–22.

THE COMMISSION SHALL PREPARE AND SUBMIT AN ANNUAL REPORT TO THE GOVERNOR AND, SUBJECT TO § 2–1246 OF THIS ARTICLE, TO THE GENERAL ASSEMBLY ON THE OPERATION AND FINANCES OF THE VIDEO SLOT MACHINE OPERATION UNDER THIS SUBTITLE.

9–1A–23.

(A) THE COMMISSION MAY NOT AWARD AND ISSUE MORE THAN SIX VIDEO SLOT MACHINE OPERATION LICENSES.

(B) A VIDEO SLOT MACHINE OPERATION 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) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE COMMISSION SHALL AUTHORIZE 15,000 VIDEO SLOT MACHINES FOR OPERATION AT VIDEO SLOT MACHINE GAMING FACILITIES IN THE STATE.

(2) THE COMMISSION MAY AUTHORIZE LESS THAN 15,000 VIDEO SLOT MACHINES FOR OPERATION AT VIDEO SLOT MACHINE GAMING FACILITIES IN THE STATE IF THE COMMISSION DETERMINES THAT THERE IS AN INSUFFICIENT NUMBER OF QUALIFIED BIDDERS OR BIDS FOR VIDEO SLOT MACHINE OPERATION LICENSES UNDER THIS SUBTITLE TO AWARD ALL 15,000 VIDEO SLOT MACHINES.

(D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, WHEN AWARDING A VIDEO SLOT MACHINE OPERATION LICENSE, THE COMMISSION SHALL SPECIFY THE NUMBER OF VIDEO SLOT MACHINES AUTHORIZED FOR EACH VIDEO SLOT MACHINE GAMING FACILITY.

(2) (I) THREE VIDEO SLOT MACHINE GAMING FACILITIES FOR WHICH VIDEO SLOT MACHINE OPERATION LICENSES HAVE BEEN AWARDED UNDER THIS SUBTITLE SHALL EACH BE AUTHORIZED TO HAVE 3,500 VIDEO SLOT MACHINES.

(II) THREE VIDEO SLOT MACHINE GAMING FACILITIES FOR WHICH VIDEO SLOT MACHINE OPERATION LICENSES HAVE BEEN AWARDED UNDER THIS SUBTITLE SHALL EACH BE AUTHORIZED TO HAVE 1,500 VIDEO SLOT MACHINES.

(E) THE FEES FOR VIDEO SLOT MACHINE OPERATION LICENSES ARE:

(1) $200,000,000 FOR LICENSES FOR VIDEO SLOT MACHINE GAMING FACILITIES THAT WILL BE AUTHORIZED TO OPERATE 3,500 VIDEO SLOT MACHINES; AND

(2) $83,300,000 FOR LICENSES FOR VIDEO SLOT MACHINE GAMING FACILITIES THAT WILL BE AUTHORIZED TO OPERATE 1,500 VIDEO SLOT MACHINES.

(F) THE INITIAL TERM OF A VIDEO SLOT MACHINE OPERATION LICENSE IS 20 YEARS.

(G) DURING THE INITIAL TERM OF A VIDEO SLOT MACHINE 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.

(H) (1) AT THE END OF THE INITIAL 20–YEAR LICENSE TERM, A NEW BIDDING PROCESS SHALL BE ESTABLISHED BY STATUTE BY THE GENERAL ASSEMBLY FOR VIDEO SLOT MACHINE OPERATION LICENSES.

(2) THE STATUTE ENACTED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE:

(I) PROCEDURES FOR HOLDERS OF THE VIDEO SLOT MACHINE OPERATION LICENSES ISSUED UNDER THIS SUBTITLE TO REBID FOR A NEW VIDEO SLOT MACHINE OPERATION LICENSE;

(II) REQUIREMENTS RELATING TO INFORMATION TO BE PROVIDED BY THE APPLICANT TO THE COMMISSION IN CONNECTION WITH THE APPLICANT'S BID FOR THE LICENSE; AND

(III) THE PAYMENT OF ALL REQUIRED LICENSE FEES AND TAXES.

(I) IF A VIDEO SLOT MACHINE OPERATION LICENSEE HAS ITS LICENSE REVOKED OR OTHERWISE SURRENDERS THE LICENSE, THE VIDEO SLOT MACHINE OPERATION LICENSE REVERTS TO THE STATE.

(J) AS THE PUBLIC HAS A VITAL INTEREST IN VIDEO SLOT MACHINE OPERATIONS AND HAS ESTABLISHED A LIMITED EXCEPTION TO THE POLICY OF THE STATE CONCERNING GAMBLING FOR PRIVATE GAIN, PARTICIPATION IN VIDEO SLOT MACHINE OPERATIONS BY A LICENSEE UNDER THIS SUBTITLE SHALL BE DEEMED A REVOCABLE PRIVILEGE CONDITIONED ON:

(1) THE PROPER AND CONTINUED QUALIFICATION OF THE LICENSEE; AND

(2) 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.

(K) CONSISTENT WITH THE POLICY DESCRIBED IN SUBSECTION (A) OF THIS SECTION, IT IS THE INTENT OF THIS SUBTITLE TO:

(1) PRECLUDE:

(I) THE CREATION OF ANY PROPERTY RIGHT IN ANY LICENSE REQUIRED UNDER THIS SUBTITLE; OR

(II) THE ACCRUAL OF ANY MONETARY VALUE TO THE PRIVILEGE OF PARTICIPATION IN VIDEO SLOT MACHINE OPERATIONS;

(2) NOT PRECLUDE THE TRANSFER OF ANY LICENSE ISSUED UNDER THIS SUBTITLE; AND

(3) REQUIRE THAT PARTICIPATION IN VIDEO SLOT MACHINE OPERATIONS BE CONDITIONED SOLELY ON THE CONTINUING QUALIFICATIONS OF THE PERSON THAT SEEKS THE PRIVILEGE.

(L) THE COMMISSION MAY DENY THE TRANSFER OF A VIDEO SLOT MACHINE OPERATION LICENSE IF THE TRANSFEREE DOES NOT MEET THE STANDARDS AND QUALIFICATIONS ESTABLISHED UNDER THIS SUBTITLE AND ANY REGULATIONS LAWFULLY ADOPTED BY THE COMMISSION.

(M) (1) A VIDEO SLOT MACHINE OPERATION LICENSEE MAY NOT SELL OR OTHERWISE TRANSFER MORE THAN 20% 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–24.

(A) THE VIDEO SLOT MACHINE OPERATION LICENSES AUTHORIZED BY THIS SUBTITLE SHALL BE PUT UP FOR AUCTION BY THE COMMISSION AT SIX SEPARATE BUT SIMULTANEOUSLY HELD AUCTIONS.

(B) THE COMMISSION SHALL SELECT AND ENTER INTO A CONTRACT WITH AN INVESTMENT BANKING FIRM OF NATIONAL STATURE AND WITH RELEVANT EXPERIENCE TO CONDUCT THE AUCTIONS FOR THE COMMISSION.

(C) THE COMMISSION SHALL UTILIZE THE AUCTIONS REQUIRED UNDER SUBSECTION (A) OF THIS SECTION TO AWARD AND ISSUE VIDEO SLOT MACHINE OPERATION LICENSES TO QUALIFIED BIDDERS:

(1) ON THE BASIS OF A COMPETITIVE BIDDING PROCESS CONSISTENT WITH THE PROCESS ESTABLISHED FOR COMPETITIVE SEALED BIDS UNDER TITLE 13 OF THE STATE FINANCE AND PROCUREMENT ARTICLE;

(2) SUBJECT TO THE LICENSE AND APPLICATION FEES PROVIDED IN THIS SECTION AND IN § 9–1A–23 OF THIS SUBTITLE; AND

(3) TO THE PERSON THAT SUBMITS A BID THAT CONTAINS THE LOWEST PERCENTAGE OF THE GROSS REVENUES OBTAINED FROM THE OPERATION OF VIDEO SLOT MACHINES THAT THE PERSON PROPOSES TO KEEP OR HOLD WHEN COMPARED TO THE PERCENTAGE OF THE GROSS REVENUES THAT THE OTHER PERSONS THAT SUBMITTED BIDS FOR THE SAME VIDEO SLOT MACHINE OPERATION LICENSE PROPOSE TO KEEP OR HOLD.

(D) NOTWITHSTANDING THE PROVISIONS OF TITLE 13 OF THE STATE FINANCE AND PROCUREMENT ARTICLE, AFTER THE CONCLUSIONS OF THE AUCTIONS, THE COMMISSION SHALL:

(1) MAKE THE APPLICATION FOR VIDEO SLOT MACHINE OPERATION LICENSES AVAILABLE TO THE PUBLIC;

(2) DISCLOSE TO THE PUBLIC THE PROSPECTIVE OPERATORS OF VIDEO SLOT MACHINE GAMING FACILITIES, THE OWNERSHIP INTERESTS OF THE PROSPECTIVE OPERATORS, AND THE LOCATIONS OF THE PROPOSED VIDEO SLOT MACHINE GAMING FACILITIES; AND

(3) SUMMARIZE THE TERMS OF EACH PROPOSAL AND MAKE THE SUMMARIES AVAILABLE TO THE PUBLIC.

(E) ALL BIDS SUBMITTED FOR A VIDEO SLOT MACHINE OPERATION LICENSE UNDER THIS SECTION:

(1) SHALL BE SUBMITTED TO THE COMMISSION BY DECEMBER 31, 2008;

(2) SHALL INCLUDE THE INFORMATION NECESSARY FOR APPLICATION FOR A VIDEO SLOT MACHINE OPERATION LICENSE AS REQUIRED BY THIS SUBTITLE AND BY REGULATIONS ADOPTED BY THE COMMISSION;

(3) SHALL INCLUDE AN APPLICATION FEE ESTABLISHED BY THE COMMISSION FOR THE PURPOSE OF COVERING EXPENSES THAT WILL BE INCURRED BY THE COMMISSION IN CONSIDERING A BID;

(4) SHALL INCLUDE A SWORN STATEMENT, ALONG WITH APPROPRIATE DOCUMENTATION, THAT THE BIDDER HAS SUFFICIENT FUNDS AVAILABLE TO PAY THE LICENSE FEE PROPOSED UNDER THE BID; AND

(5) SHALL BE REJECTED IF THEY ARE BASED ON A PERCENTAGE SHARE FOR THE APPLICANT THAT EXCEEDS 39% OF THE GROSS PROCEEDS FROM VIDEO SLOT MACHINES.

(F) THE COMMISSION SHALL MAKE ITS DECISIONS ON THE AWARD OF BIDS FOR VIDEO SLOT MACHINE OPERATION LICENSES BY NOT LATER THAN MARCH 31, 2009.

(G) THE COMMISSION SHALL DETERMINE WHETHER A BIDDER IS QUALIFIED TO HOLD A VIDEO SLOT MACHINE OPERATION LICENSE UNDER THIS SUBTITLE.

(H) THE COMMISSION SHALL REJECT A BID FOR A VIDEO SLOT MACHINE OPERATION LICENSE TO AN APPLICANT WHO IS DISQUALIFIED ON THE BASIS OF:

(1) THE FAILURE OF THE APPLICANT TO PROVE BY CLEAR AND CONVINCING EVIDENCE THAT THE APPLICANT AND EACH PERSON WHO OWNS OR CONTROLS THE APPLICANT IS QUALIFIED UNDER THE PROVISIONS OF THIS SUBTITLE;

(2) THE IDENTIFICATION OF THE APPLICANT AS CAREER OFFENDER OR A MEMBER OR ASSOCIATE OF A CAREER OFFENDER CARTEL, OR AS HAVING BEEN CONVICTED OF A CRIMINAL OFFENSE INVOLVING MORAL TURPITUDE OR A GAMBLING OFFENSE; OR

(3) ANY OTHER REASONABLE CRITERIA RELATING TO THE INFORMATION THE APPLICANT IS REQUIRED TO SUBMIT TO THE COMMISSION AS A CONDITION OF LICENSURE UNDER THIS SUBTITLE.

(I) AN UNSUCCESSFUL BIDDER FOR A VIDEO SLOT MACHINE 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 SLOT MACHINE OPERATION LICENSE BY THE COMMISSION.

(J) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (C)(3) OF THIS SECTION, THE COMMISSION SHALL AWARD AND ISSUE AT LEAST TWO OF THE SIX VIDEO SLOT MACHINE OPERATION LICENSES TO PERSONS LICENSED BY THE STATE RACING COMMISSION TO CONDUCT HORSE RACES IN THE STATE.

(K) THE COMMISSION MAY NOT AWARD A VIDEO SLOT MACHINE OPERATION LICENSE TO A PERSON THAT IS NOT QUALIFIED UNDER THIS SECTION OR THIS SUBTITLE.

(L) THE COMMISSION MAY NOT AWARD AND ISSUE MORE THAN TWO VIDEO SLOT MACHINE OPERATION LICENSES TO THE SAME PERSON.

(M) THE COMMISSION MAY NOT AWARD AND ISSUE MORE THAN ONE VIDEO SLOT MACHINE OPERATION LICENSE IN ANY SINGLE COUNTY.

(O) AFTER THE AWARD OF A VIDEO SLOT MACHINE OPERATION LICENSE UNDER THIS SECTION, THE COMMISSION SHALL BE RESPONSIBLE FOR ALL MATTERS RELATING TO REGULATION OF THE VIDEO SLOT MACHINE OPERATION LICENSEE.

(P) NOTWITHSTANDING ANY OF THE PROVISIONS OF THIS SUBTITLE, THE COMMISSION MAY NOT AWARD A VIDEO SLOT MACHINE OPERATION LICENSE UNDER THIS SUBTITLE UNLESS THE 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.

9–1A–25.

(A) NOTHING IN THIS SUBTITLE MAY BE CONSTRUED TO PROHIBIT A VIDEO SLOT MACHINE OPERATION LICENSEE FROM BEGINNING VIDEO SLOT MACHINE OPERATIONS IN A TEMPORARY FACILITY THAT MEETS THE MINIMUM REQUIREMENTS ESTABLISHED IN REGULATIONS ADOPTED BY THE COMMISSION.

(B) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (A) OF THIS SECTION, A VIDEO SLOT MACHINE OPERATION LICENSEE SHALL BE FULLY OPERATIONAL IN A PERMANENT FACILITY NO LATER THAN 2 YEARS AFTER THE ISSUANCE OF THE VIDEO SLOT MACHINE OPERATION LICENSE.

SECTION 2. 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 Gaming Commission appointed under this Act shall expire as follows:

(1) one member in 2009;

(2) one member in 2010; and

(3) two members in 2011.

SECTION 3. AND BE IT FURTHER ENACTED, That the publishers of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall correct, with no further action required by the General Assembly, references in the Annotated Code to the State Lottery Commission and State Lottery Agency rendered incorrect by this Act.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect January 1, 2008.”.

The preceding 2 amendments were Ruled out of Order.

Delegate Shank moved to make the Bill a Special Order for the end of today's business.

The motion was rejected by a roll call vote as follows:

Affirmative – 38 Negative – 93 (See Roll Call No. 70)

FLOOR AMENDMENT

(Amendment ID: HB0004/683626/1)

BY: Delegate Kach

AMENDMENTS TO HOUSE BILL 4
(First Reading File Bill)

AMENDMENT NO. 1
On page 1, in line 5, after "education" insert "and certain activities relating to the horse industry".

AMENDMENT NO. 2
On page 2, in line 18, strike "**AND**"; and in line 20, strike the period and substitute "**; AND**

(IV) THE SUPPORT OF THE FOLLOWING ACTIVITIES RELATING TO THE HORSE INDUSTRY:

1. BREEDING HORSES;

2. TRAINING HORSES;

3. MAINTAINING HORSES;

4. RIDING HORSES;

5. SELLING HORSES; AND

6. OPERATING HORSE SHOWS.".

The preceding 2 amendments were read and rejected.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

The presiding officer announced a quorum call, showing 135 Members present.

(See Roll Call No. 71)

ADJOURNMENT

At 12:47 P.M. on motion of Delegate Barve the House adjourned until 2:30 P.M. on Legislative Day November 11, 2007, Calendar Day Friday, November 16, 2007.

Annapolis, Maryland
Legislative Day: November 11, 2007
Calendar Day: Friday, November 16, 2007

The House met at 3:14 P.M. and pledged Allegiance to the Flag.

Prayer by Delegate Adelaide C. Eckardt of Caroline, Dorchester, Talbot and Wicomico counties.

QUORUM CALL

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

(See Roll Call No. 72)

The Journal of November 10, 2007 was read and approved.

EXCUSES:
Del. Howard – business
Del. Montgomery – in China
Del. Stull – business

QUORUM CALL

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

(See Roll Call No. 73)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #5

House Bill 4 – The Speaker (By Request – Administration)

CONSTITUTIONAL AMENDMENT

AN ACT concerning

Video Lottery Terminals – Authorization and Limitations

Delegate Minnick moved the previous question.

The motion was adopted.

Read the third time and passed by yeas and nays as follows:

Affirmative – 86 Negative – 52 (See Roll Call No. 74)

The Bill was then sent to the Senate.

QUORUM CALL

The presiding officer announced a quorum call, showing 137 Members present.

(See Roll Call No. 75)

RECESS

At 5:20 P.M. on motion of Delegate Barve the House recessed until 1:00 P.M. on Legislative Day November 11, 2007, Calendar Day Saturday, November 17, 2007.

AFTER RECESS
Annapolis, Maryland
Legislative Day: November 11, 2007
Calendar Day: Saturday, November 17, 2007

At 4:31 P.M. the House resumed its session and pledged Allegiance to the Flag.

Prayer by Delegate Sue Hecht of Frederick County.

QUORUM CALL

The presiding officer announced a quorum call, showing 130 Members present.

(See Roll Call No. 76)

EXCUSES:
Del. Anderson – personal
Del. Burns – funeral
Del. Howard – business
Del. Krysiak – personal – wedding reception for one of her children
Del. Myers – personal
Del. Montgomery – in China
Del. Sossi – illness
Del. Walker – business

THE COMMITTEE ON WAYS AND MEANS REPORT #4

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably with amendments:

House Bill 3 – The Speaker (By Request – Administration)

AN ACT concerning

Maryland Education Trust Fund – Video Lottery Terminals

(Amendment ID: HB0003/215865/1)

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 3
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after "year;" insert "expanding the membership of the Pimlico Community Development Authority in a certain manner;"; strike beginning with "certain" in line 8 down through "compulsive" in line 9 and substitute "a network of clinically appropriate services for problem"; in lines 16 and 18, in each instance, strike "computer" and substitute "monitor and control system"; in line 22, after "Act;" insert "requiring the State Lottery Agency to provide certain assistance to the State Lottery Commission"; and in line 24, after "regulations;" insert "authorizing the State Lottery Commission to adopt certain regulations;".

On page 2, in line 6, after "funding" insert "and are subject to certain requirements and sanctions"; in lines 7 and 8, in each instance, strike "a"; in line 8, strike "licensee" and substitute "licensees"; in the same line, strike "race" and substitute "races"; in line 28, after "Police" insert "or certain approved vendors"; in the same line, after "manner;" insert "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;"; in line 30, strike "associated equipment, and"; in the same line, strike "computer" and substitute "monitor and control system, and associated equipment and software"; in line 31, after "Act;" insert "requiring the State Lottery Commission to develop a certain process;"; and in line 48, after the first "or" insert "alcoholic".

On page 3, in line 1, after "and" insert "alcoholic"; in line 3, after "reprimand" insert "or fine"; in line 4, strike the first "or" and substitute a comma; in the same line, after "licenses" insert ", and impose certain penalties"; in line 24, after "reports" insert ", keep certain records,"; in line 29, after "purposes;" insert "requiring certain counties to report to the Legislative Policy Committee by a certain date each year on the distribution of certain funds;"; in line 33, strike "authorizing" and substitute "requiring the State Lottery Commission to establish"; in line 34, strike "from" and substitute "of"; in lines 34, 35, 36, and 37, in each instance, strike "Compulsive" and substitute "Problem"; strike beginning with "exempting" in line 39 down through "law;" in line 40; in line 44, after "Commission;" insert "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;"; and in line 47, after "analysis;" insert "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;".

On page 4, strike beginning with "that" in line 3 down through "another" in line 4 and substitute "for the construction of certain provisions of this"; in line 4, after "Act;" insert "making certain provisions of this Act subject to a certain contingency;"; in line 14, after "11-511" insert "and 11-1203(a)"; strike in their entirety lines 17 through 21, inclusive; in line 24, strike "19-803 and 19-804" and substitute "19-801 through 19-804 to be under the amended subtitle "Subtitle 8. Problem Gamblers"; and strike in their entirety lines 38 through 41, inclusive.

On page 5, strike in their entirety lines 1 through 17, inclusive, and substitute:

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

AMENDMENT NO. 2

On page 5, in line 33, after "**40**" insert "**LIVE**"; in line 34, after "**TO**" insert "**BE RUN AT**"; and in the same line, after "**YEAR**" insert "**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**".

AMENDMENT NO. 3

On page 6, after line 1, insert:

"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.".

On page 8, in line 12, strike "**OR**"; and in line 15, after "**TITLE**" insert "**; OR**

(IV) BE AN ELECTED OFFICIAL OF STATE OR LOCAL GOVERNMENT".

AMENDMENT NO. 4

On page 11, in lines 2 and 3, 5, and 7 and 8, in each instance, strike "**ASSOCIATED EQUIPMENT, AND CENTRAL COMPUTER**" and substitute "**CENTRAL MONITOR AND CONTROL SYSTEM, AND ASSOCIATED EQUIPMENT AND SOFTWARE**".

On page 13 in line 31, and on page 14 in lines 2, 4, 17, and 28, in each instance, strike "**COMPUTER**" and substitute "**MONITOR AND CONTROL SYSTEM**".

On page 16, in line 10, after "**EQUIPMENT**" insert "**AND SOFTWARE**".

On page 19, in line 5, strike "**ASSOCIATED EQUIPMENT, OR**"; in line 6, strike "**COMPUTER**" and substitute "**MONITOR AND CONTROL SYSTEM, OR ASSOCIATED EQUIPMENT AND SOFTWARE**"; and in lines 9 and 10 and 14, in each instance, strike "**ASSOCIATED EQUIPMENT, OR CENTRAL COMPUTER**" and substitute "**CENTRAL MONITOR AND CONTROL SYSTEM, OR ASSOCIATED EQUIPMENT AND SOFTWARE**".

On page 34, in line 4, strike "**ASSOCIATED EQUIPMENT,**"; in the same line, strike "**COMPUTER**" and substitute "**MONITOR AND CONTROL SYSTEM, ASSOCIATED EQUIPMENT OR SOFTWARE**"; and in lines 18 and 19 and 20, in each instance, strike "**ASSOCIATED EQUIPMENT, AND CENTRAL COMPUTER**" and substitute "**CENTRAL MONITOR AND CONTROL SYSTEM, AND ASSOCIATED EQUIPMENT AND SOFTWARE**".

On page 38, in lines 9 and 10, strike "**THE ASSOCIATED EQUIPMENT, AND**"; in line 10, strike "**COMPUTER**" and substitute "**MONITOR AND CONTROL SYSTEM, AND THE ASSOCIATED EQUIPMENT AND SOFTWARE**"; in line 17, strike "**ASSOCIATED EQUIPMENT, AND**"; and in line 18, strike "**COMPUTER**" and substitute "**MONITOR AND CONTROL SYSTEM, AND ASSOCIATED EQUIPMENT AND SOFTWARE**".

AMENDMENT NO. 5

On page 10, in line 20, strike "**COMPUTER**" and substitute "**MONITOR AND CONTROL SYSTEM**"; in the same line, strike "**SITE COMPUTER**" and substitute "**SYSTEM**"; after line 27, insert:

"**(I) "CENTRAL REPOSITORY" MEANS THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.**";

and in lines 28, 29, and 31, strike "**(I)**", "**(J)**", and "**(K)**", respectively, and substitute "**(J)**", "**(K)**", and "**(L)**", respectively.

On page 11, in line 10, after "**TERMINALS**" insert "**AND THE CENTRAL MONITOR AND CONTROL SYSTEM**"; in lines 13, 18, 20, and 22, strike "**(L)**", "**(M)**", "**(N)**", and

"**(O)**", respectively, and substitute "**(M)**", "**(N)**", "**(O)**", and "**(P)**", respectively; in line 25, strike "**COMPUTER SOFTWARE**" and substitute "**MONITOR AND CONTROL**"; and in line 26, after "**EQUIPMENT**" insert "**OR SOFTWARE**".

On page 12, in lines 1, 4, 6, 18, 21, 24, 26, 29, and 31, strike "**(P)**", "**(Q)**", "**(R)**", "**(S)**", "**(T)**", "**(U)**", "**(V)**", "**(W)**", and "**(X)**", respectively, and substitute "**(Q)**", "**(R)**", "**(S)**", "**(T)**", "**(U)**", "**(V)**", "**(W)**", "**(X)**", and "**(Y)**", respectively; and in line 15, strike "**5%**" and substitute "**A PERCENTAGE ESTABLISHED BY THE COMMISSION BY REGULATION**".

On page 13, in lines 1 and 3, strike "**(Y)**" and "**(Z)**", respectively, and substitute "**(Z)**", and "**(AA)**", respectively; in line 27, after "**(B)**" insert "**(1)**"; and after line 28, insert:

"**(2) THE MARYLAND STATE LOTTERY AGENCY SHALL PROVIDE ASSISTANCE TO THE COMMISSION IN THE PERFORMANCE OF THE COMMISSION'S DUTIES UNDER THIS SUBTITLE.**".

AMENDMENT NO. 6

On page 14, in line 13, strike "**AND**"; in line 16, after "**JACKPOTS**" insert "**; AND**

(V) PROVIDING ANY OTHER FUNCTION THAT THE COMMISSION CONSIDERS NECESSARY";

in line 23, after the second "**TO**" insert "**, OR OBTAIN INFORMATION FROM,**"; in lines 23 and 26, in each instance, strike "**COMPUTER**" and substitute "**MONITOR AND CONTROL**"; strike beginning with "**OR**" in line 23 down through "**SYSTEM**" in line 24; in line 28, strike "**INFORMATION FROM**"; in line 29, strike "**OPERATE A PLAYER TRACKING SYSTEM OR**"; and in the same line, strike "**OTHER**".

AMENDMENT NO. 7

On page 20, in line 2, strike "**4,250**" and substitute "**4,750**".

AMENDMENT NO. 8

On page 23, in line 7, strike the second "**AND**"; and in line 9, after "**LICENSEE**" insert "**; 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".

AMENDMENT NO. 9

On page 23, in line 14, after "**POLICE**" insert "**OR AN APPROVED VENDOR UNDER § 9-1A-20 OF THIS SUBTITLE**"; and strike beginning with "**UNDER**" in line 14 down through "**SUBTITLE**" in line 15.

On page 37, after line 1, insert:

"**(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.";

in lines 2, 7, and 12, strike "**(A)**", "**(B)**", and "**(C)**", respectively, and substitute "**(B)**", "**(C)**", and "**(D)**", respectively; and in lines 2, 8, 12, and 16, in each instance, after "**POLICE**" insert "**OR AN APPROVED VENDOR**".

On page 38, in line 5, strike "**(D)**" and substitute "**(E)**"; and in line 6, after "**POLICE**" insert "**OR AN APPROVED VENDOR**".

AMENDMENT NO. 10

On page 27, strike beginning with "**MAINTAIN**" in line 26 down through "**LICENSEE**" in line 30 and substitute:

"**(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".

AMENDMENT NO. 11

On page 27, in lines 24 and 25, strike "**§§ 9-1A-28 AND 9-1A-29**" and substitute "**§ 9-1A-29**"; and in line 32, strike "**AND LAUREL PARK**".

AMENDMENT NO. 12

On page 29, in line 2, strike "**9-1A-28(E)(2)**" and substitute "**9-1A-29(E)(2)**".

AMENDMENT NO. 13

On page 29, after line 19, insert:

"**(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.".

AMENDMENT NO. 14

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. 15

On page 30, in line 27, strike "**SHALL**" and substitute "**MAY**".

AMENDMENT NO. 16

On page 31, in line 6, after "**TERMINALS**" insert "**IN A PERMANENT FACILITY**"; in line 28, strike "**FULLY**"; and in line 29, strike "**2 YEARS**" and substitute "**30 MONTHS**".

AMENDMENT NO. 17

On page 37, strike beginning with "**OF**" in line 3 down through "**APPLICANT**" in line 4; in line 4, strike "**MANNER;**" and substitute "**MANNER OF:**

(I) A VIDEO LOTTERY TERMINAL OPERATION LICENSEE;

(II) A VIDEO LOTTERY OPERATOR; AND

(III) ANY OTHER APPLICANT THE COMMISSION CONSIDERS NECESSARY;";

in line 14, strike "**EACH**" and substitute "**THE**"; in the same line, after "**APPLICANT**" insert "**IF REQUIRED BY THE COMMISSION**"; in line 24, strike "**AND**"; in line 27, after "**CHECK**" insert "**; AND**

(IV) THE MANDATORY PROCESSING FEE REQUIRED BY INTERPOL FOR AN INTERNATIONAL CRIMINAL HISTORY RECORDS CHECK";

in line 30, strike "**DEPARTMENT OF STATE POLICE**" and substitute "**COMMISSION**"; and after line 31, insert:

"**(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.".

AMENDMENT NO. 18

On page 38, in line 1, strike "**(4)**" and substitute "**(5)**"; strike beginning with "**AN**" in line 5 down through "**APPLICANT**" in line 6 and substitute "**EACH PERSON SPECIFIED IN SUBSECTION (B)(1) OF THIS SECTION**"; after line 7, insert:

"**(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.**";

in line 19, after "**(C)**" insert "**(1)**"; in the same line, strike "**DEVELOP**" and substitute "**ADOPT**"; strike beginning with "**IN**" in line 21 down through "**TERMINALS**" in line 24; and after line 24, insert:

"**(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."

AMENDMENT NO. 19

On page 38, in line 28, strike "**90%**" and substitute "**87%**"; and in line 31, strike "**TERMINALS**" and substitute "**OPERATION LICENSEES**".

AMENDMENT NO. 20

On page 39, in line 19, after "**OR**" insert "**ALCOHOLIC**"; in the same line, strike "**, INCLUDING ALCOHOLIC BEVERAGES,**"; in line 21, after "**OR**" insert "**ALCOHOLIC**"; in lines 21 and 22, strike "**, INCLUDING ALCOHOLIC BEVERAGES,**"; and in line 25, after "**AND**" insert "**ALCOHOLIC**".

AMENDMENT NO. 21

On page 40, strike in their entirety lines 26 through 28, inclusive.

AMENDMENT NO. 22

On page 43, in line 11, strike "**5%**" and substitute "**2%**"; in line 15, strike "**30%**" and substitute "**33%**"; in line 18, strike "**6%**" and substitute "**7%**"; in line 25, strike "**1%**" and substitute "**1.5%**"; 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. 23

On page 43, in line 21, strike "**7**" and substitute "**8**".

AMENDMENT NO. 24

On page 45, in line 4, after "**COUNTY**" insert "**, ALLOCATED BASED ON THE NUMBER OF LIVE RACING DAYS AT EACH TRACK LOCATION**".

AMENDMENT NO. 25

On page 44, in line 20, after "**ALLOCATE**" insert "**FUNDS IN THE ACCOUNT**".

On page 45, strike in their entirety lines 14 through 18, inclusive.

AMENDMENT NO. 26

On page 48, in line 14, after "**(A)**" insert "**(1)**"; in line 16, strike "**(1)**" and substitute "**(I)**"; in line 18, strike the period and substitute "**; AND**"; strike in their entirety lines 19 through 28, inclusive, and substitute:

"**(II) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, FOR THE FIRST 15 YEARS OF OPERATIONS AT A VIDEO LOTTERY FACILITY, 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) OF THE AMOUNT SPECIFIED UNDER PARAGRAPH (I)(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.

(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.";

and in line 29, after "**(A)(1)**" insert "**(I)**".

AMENDMENT NO. 27

On page 49, in line 26, strike "**(I)**"; and in line 28, strike "**AND THE MAYOR OF THE CITY OF LAUREL**" and substitute "**, THE COUNTY EXECUTIVE OF PRINCE GEORGE'S COUNTY, AND THE COUNTY EXECUTIVE OF HOWARD COUNTY**".

AMENDMENT NO. 28

On page 51, in line 20, strike "**TERMINAL**" and substitute "**POSITION**"; in line 21, after "**YEAR**" insert "**, BASED ON THE MAXIMUM NUMBER OF TERMINAL POSITIONS IN USE DURING THE YEAR**"; and in line 22, strike "**PARAGRAPH**" and substitute "**ITEM**".

AMENDMENT NO. 29

On page 53, strike beginning with the colon in line 17 down through "**STATE**" in line 23 and substitute "**SIGNIFICANT FINANCIAL OR INVESTMENT EXPERIENCE, UNDER CRITERIA DEVELOPED BY THE BOARD OF PUBLIC WORKS**".

AMENDMENT NO. 30

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.";

strike in their entirety lines 14 and 15; in lines 16, 20, and 23, in each instance, after "**THE**" insert "**VIDEO LOTTERY FACILITY LOCATION**"; in line 16, strike "**COMMISSION**" and substitute "**COMMISSION**"; in line 19, strike "**THE APPOINTEE OF THE STATE TREASURER**" and substitute "**ONE OF THE MEMBERS APPOINTED BY THE GOVERNOR**"; in line 20, strike the semicolon and substitute a period; in line 22, strike the first comma and substitute "**AND**"; in the same line, strike "**AND THE STATE**"; and in line 23, strike "**TREASURER,**".

On page 55, in line 21, strike "**AND**"; and in line 26, after "**ACTIVITY**" insert "**; AND**

(10) MAY NOT BE AN ELECTED OFFICIAL OF STATE OR LOCAL GOVERNMENT".

AMENDMENT NO. 31

On page 56, in line 15, after "**THROUGH**" insert "**A COMPETITIVE BIDDING PROCESS CONSISTENT WITH THE PROCESS FOR**"; and in the same line, strike "**BIDS**" and substitute "**PROPOSALS**".

AMENDMENT NO. 32

On page 56, in line 20, after "**(H)**" insert "**(1)**"; and in lines 24, 26, 28, and 31, strike, "**(1)**", "**(2)**", "**(3)**", and "**(4)**", respectively, and substitute "**(I)**", "**(II)**", "**(III)**", and "**(IV)**", respectively; 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; in lines 29 and 30, strike "**LODGE AND GOLF RESORT**" and substitute "**STATE PARK**"; in line 30, after "**COUNTY**" insert "**THAT SHALL BE IN A BUILDING THAT IS PHYSICALLY SEPARATE FROM THE ROCKY GAP LODGE AND GOLF RESORT**"; and strike beginning with "**WITH**" in line 31 down through "**TERMINALS**" in line 32.

On page 57, in line 1, strike "**(5)**" and substitute "**(V)**"; strike beginning with "**WITH**" in line 1 down through "**TERMINALS**" in line 2; line 2, strike the comma and substitute "**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";

strike beginning with the second "**IN**" in line 2 down through "**PROPERTY**" in line 4; after line 4, insert:

"**(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.**";

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 – 4,750 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.";

in line 9, strike "**(2)**" and substitute "**(3) (I)**"; in line 17, strike "**(3)**" and substitute "**(II)**".

AMENDMENT NO. 34

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**"; and in line 30, strike "**$15,000,000**" and substitute "**$25,000,000**".

AMENDMENT NO. 35

On page 58, in line 16, strike "**AND**"; in line 19, after "**ARTICLE**" insert "**; 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. 36

On pages 60 and 61, strike in their entirety the lines beginning with line 23 on page 60 through line 7 on page 61, inclusive, and substitute:

"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.".

On page 61, strike in their entirety lines 8 through 21, inclusive; in lines 22 and 28, strike "4." and "5.", respectively, and substitute "2." and "3.", respectively; and in line 33, strike "4" and substitute "2".

On page 62, in lines 1, 17, and 24, strike "6.", "7.", and "8.", respectively, and substitute "4.", "5.", and "6.", respectively.

On page 63, strike in their entirety lines 9 through 13, inclusive; and in line 19, strike "Sections 9 and 10" and substitute "Sections 11 and 12".

AMENDMENT NO. 37

On page 63, after line 8, insert:

"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 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.";

and in lines 14 and 18, strike "10." and "11.", respectively, and substitute "12." and "13.", respectively.

AMENDMENT NO. 38

On page 63, in line 15, after "S.B." insert "4"; in the same line, after "H.B." insert "4"; and in the same line, strike "(8lr 0261)".

AMENDMENT NO. 39

On page 6, after line 2, insert:

"Subtitle 8. **[**Compulsive**]** **PROBLEM** Gamblers";

in lines 4, 13, and 15, in each instance, strike "compulsive" and substitute "**PROBLEM**"; in line 11, strike "Compulsive" and substitute "**PROBLEM**"; strike beginning with "**REGIONAL**" in line 17 down through "gamblers" in line 18; and in line 19 before the period insert "**A NETWORK OF CLINICALLY APPROPRIATE SERVICES TO PROBLEM GAMBLERS THROUGHOUT THE STATE**".

On pages 6 and 7, strike beginning with "**REGIONAL**" in line 24 on page 6 down through the semicolon in line 2 on page 7 and substitute "**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;";

and in lines 3, 4, and 5, strike "(vi)", "(vii)", and "**(VIII)**", respectively, and substitute "**(V)**", "**(VI)**", and "**(VII)**", respectively.

On page 51, in lines 23, 25, and 27, in each instance, strike "**COMPULSIVE**" and substitute "**PROBLEM**".

On page 52, in lines 1, 5, 14, and 17, in each instance, strike "**COMPULSIVE**" and substitute "**PROBLEM**"; and in line 10, after "**GAMBLING**" insert "**TREATMENT AND**".

The preceding 39 amendments were read and adopted.

Favorable report, as amended, adopted.

Delegate Barve moved to make the Bill a Special Order for next session.

The motion was adopted.

QUORUM CALL

The presiding officer announced a quorum call, showing 131 Members present.

(See Roll Call No. 77)

RECESS

At 5:16 P.M. on motion of Delegate Barve the House recessed until 8:00 P.M. on Legislative Day November 11, 2007, Calendar Day Saturday, November 17, 2007.

AFTER RECESS
Annapolis, Maryland
Legislative Day: November 11, 2007
Calendar Day: Saturday, November 17, 2007

At 8:35 P.M. the House resumed its session and pledged Allegiance to the Flag.

Prayer by Delegate Anne Healey of Prince George's County.

QUORUM CALL

The presiding officer announced a quorum call, showing 126 Members present.

(See Roll Call No. 78)

EXCUSES:
Del. Anderson – late – personal
Del. Aumann – illness
Del. Bates – illness
Del. Burns – funeral
Del. Howard – business
Del. McDonough – medical
Del. Myers – personal
Del. Montgomery – in China
Del. Sossi – illness
Del. Valderrama – personal
Del. Walker – business

THE COMMITTEE ON HEALTH AND GOVERNMENT OPERATIONS REPORT #2

Delegate Hammen, Chair, for the Committee on Health and Government Operations 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: SB0006/436688/1)

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 adopted.

Favorable report, as amended, adopted.

Delegate Hammen moved to make the Bill a Special Order for Sunday.

The motion was adopted.

SPECIAL ORDERS

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

House Bill 3 – The Speaker (By Request – Administration)

AN ACT concerning

Maryland Education Trust Fund – Video Lottery Terminals

STATUS OF BILL: BILL ON 2ND READING. FAVORABLE REPORT AS AMENDED ADOPTED.

FLOOR AMENDMENT

(Amendment ID: HB0003/983724/1)

BY: Delegate James

AMENDMENT TO HOUSE BILL 3
(First Reading File Bill – Committee Reprint)

On page 49, in lines 23 and 29, in each instance, strike "**89%**" and substitute "**85%**"; and in line 26, strike "**11%**" and substitute "**15%**".

On page 50, in line 3, strike "**11%**" and substitute "**15%**".

The preceding amendment was read and adopted.

FLOOR AMENDMENT

(Amendment ID: HB0003/713321/2)

BY: Delegate Simmons

AMENDMENTS TO HOUSE BILL 3
(First Reading File Bill – Committee Reprint)

AMENDMENT NO. 1

On page 4, in line 13, after "Commission;" 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;".

On page 5, in line 19, strike "9-1A-36" and substitute "9-1A-37".

AMENDMENT NO. 2

On page 67, after line 25, insert:

"9-1A-37.

(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 only.

Delegate Minnick moved the previous question.

The motion was adopted.

The preceding 2 amendments were read and rejected by a roll call vote as follows:

Affirmative – 61 Negative – 63 (See Roll Call No. 79)

FLOOR AMENDMENT

(Amendment ID: HB0003/773125/1)

BY: Delegate Ross

AMENDMENT TO HOUSE BILL 3
(First Reading File Bill – Committee Reprint)

On page 40, in line 12, strike "**A**" and substitute "**EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A**"; in line 18, strike "**AND**"; and in line 20, after "**SUBTITLE**" insert "**; AND**

(III) THE TRANSFER IS CONSISTENT WITH THE POLICIES AND INTENT OF § 9–1A–18 OF THIS SUBTITLE".

The preceding amendment was read and adopted.

FLOOR AMENDMENT

(Amendment ID: HB0003/323624/1)

BY: Delegates Rosenberg and Oaks

AMENDMENT TO HOUSE BILL 3
(First Reading File Bill – Committee Reprint)

On page 53, in line 25, strike "**THE FIRST 15 YEARS OF**"; and in line 26, after "**FACILITY**" insert "**STARTING IN FISCAL YEAR 2012 AND ENDING IN FISCAL YEAR 2027**".

On page 54, in line 8, after "**(2)**" insert "**(I)**"; in the same line, strike "**(I)**" and substitute "**(1)**"; and after line 11, insert:

"**(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.**".

The preceding amendment was read and adopted.

FLOOR AMENDMENT

(Amendment ID: HB0003/593620/1)

BY: Delegate McKee

AMENDMENTS TO HOUSE BILL 3
(First Reading File Bill – Committee Reprint)

AMENDMENT NO. 1

On page 1, in line 12, after "studies;" insert "providing that a certain prohibition on smoking in certain locations does not apply to a video lottery facility;".

On page 5, in line 9, after "Gamblers" insert "; and 24-505".

AMENDMENT NO. 2

On page 9, after line 17, insert:

"24–505.

This subtitle does not apply to:

(1) Private homes, residences, including residences used as a business or place of employment, unless being used by a person who is licensed or registered under Subtitle 5 of the Family Law Article to provide day care or child care, and private vehicles, unless being used for the public transportation of children, or as part of health care or day care transportation;

(2) A hotel or motel room rented to one or more guests as long as the total percent of hotel or motel rooms being so used does not exceed 25%;

(3) A retail tobacco business that is a sole proprietorship, limited liability company, corporation, partnership, or other enterprise, in which:

(i) The primary activity is the retail sale of tobacco products and accessories; and

(ii) The sale of other products is incidental;

(4) Any facility of a manufacturer, importer, wholesaler, or distributor of tobacco products or of any tobacco leaf dealer or processor in which employees of the manufacturer, importer, wholesaler, distributor, or processor work or congregate; **[**or**]**

(5) A research or educational laboratory for the purpose of conducting scientific research into the health effects of tobacco smoke**; OR**

(6) A VIDEO LOTTERY FACILITY AS DEFINED IN § 9–1A–01 OF THE STATE GOVERNMENT ARTICLE.".

The preceding 2 amendments were read and rejected.

FLOOR AMENDMENT

(Amendment ID: HB0003/223120/1)

BY: Delegate Stocksdale

AMENDMENT TO HOUSE BILL 3
(First Reading File Bill – Committee Reprint)

On page 61, in line 20, strike "**AND**"; in line 22, after "**GOVERNMENT**" insert "**; 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".

The preceding amendment was read and adopted.

FLOOR AMENDMENT

(Amendment ID: HB0003/503325/3)

BY: Delegates Elmore, Conway, and Mathias

AMENDMENTS TO HOUSE BILL 3
(First Reading File Bill – Committee Reprint)

AMENDMENT NO. 1

On page 3, in line 2, after "locations;" insert "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; requiring 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;".

AMENDMENT NO. 2

On page 63, after line 16, insert:

"**(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.".

AMENDMENT NO. 3

On page 56, after line 33, insert:

"(D) (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, THE DEPARTMENT OF TRANSPORTATION SHALL 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 SHALL 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.".

The preceding 3 amendments were read and adopted.

FLOOR AMENDMENT

(Amendment ID: HB0003/203223/1)

BY: Delegates Mathias, Conway, and Elmore

AMENDMENT TO HOUSE BILL 3
(First Reading File Bill – Committee Reprint)

On page 44, in line 11, strike "THE" and substitute "EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE"; in line 14, after "(B)" insert:

"(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.";

in lines 14, 18, and 24, strike "**(1)**", "**(2)**", and "**(3)**", respectively, and substitute "**(2)**", "**(3)**", and "**(4)**", respectively; and in line 21, strike "**COMMISSION**" and substitute "**COUNTY ALCOHOLIC BEVERAGES LICENSING AUTHORITY**".

The preceding amendment was read and adopted.

FLOOR AMENDMENT

(Amendment ID: HB0003/383529/1)

BY: Delegates Conway, Mathias, and Elmore

AMENDMENT TO HOUSE BILL 3
(First Reading File Bill – Committee Reprint)

On page 71, after line 9, insert:

"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.".

The preceding amendment was read and adopted.

FLOOR AMENDMENT

(Amendment ID: HB0003/263926/1)

BY: Delegate Shank

AMENDMENTS TO HOUSE BILL 3
(First Reading File Bill – Committee Reprint)

AMENDMENT NO. 1

On page 4, in line 13, after "Commission;" insert "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;".

AMENDMENT NO. 2

On page 22, after line 20, insert:

"**(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.**".

The preceding 2 amendments were read and adopted.

FLOOR AMENDMENT

(Amendment ID: HB0003/403823/1)

BY: Delegate O'Donnell

AMENDMENT TO HOUSE BILL 3
(First Reading File Bill – Committee Reprint)

On page 64, in line 26, strike "**$3,000,000**" and substitute "**$25,000,000**"; and in line 33, strike "**$25,000,000**" and substitute "**$5,000,000**".

The preceding amendment was read and rejected by a roll call vote as follows:

Affirmative – 39 Negative – 84 (See Roll Call No. 80)

FLOOR AMENDMENT

(Amendment ID: HB0003/623123/1)

BY: Delegate O'Donnell

AMENDMENTS TO HOUSE BILL 3
(First Reading File Bill – Committee Reprint)

AMENDMENT NO. 1

On page 2, in line 6, after "licenses" insert "through certain auctions held".

AMENDMENT NO. 2

On page 62, in line 5, after "**(F)**" insert "**(1)**"; strike beginning "**A**" in line 7 down through "**ARTICLE**" in line 9 and substitute "**FIVE SEPARATE BUT SIMULTANEOUS AUCTIONS HELD BY THE COMMISSION**"; and after line 9, insert:

"**(2) THE COMMISSION SHALL SELECT AND ENTER INTO A CONTRACT WITH AN INVESTMENT BANKING FIRM OF NATIONAL STATURE AND WITH RELEVANT EXPERIENCE TO CONDUCT THE AUCTIONS FOR THE COMMISSION.**

(3) THE COMMISSION SHALL UTILIZE THE AUCTIONS REQUIRED UNDER THIS SUBSECTION TO AWARD AND ISSUE VIDEO LOTTERY OPERATION LICENSES TO A QUALIFIED BIDDER:

(I) ON THE BASIS OF A COMPETITIVE BIDDING PROCESS CONSISTENT WITH THE PROCESS ESTABLISHED FOR COMPETITIVE SEALED BIDS UNDER TITLE 13 OF THE STATE FINANCE AND PROCUREMENT ARTICLE;

(II) SUBJECT TO THE LICENSE AND APPLICATION FEES PROVIDED UNDER THIS SUBTITLE; AND

(III) WHO SUBMITS A BID THAT CONTAINS THE LOWEST PERCENTAGE OF THE GROSS REVENUES OBTAINED FROM THE OPERATION OF VIDEO LOTTERY TERMINALS THAT THE PERSON PROPOSES TO KEEP OR HOLD WHEN COMPARED TO THE PERCENTAGE OF THE GROSS REVENUES THAT THE OTHER PERSONS THAT SUBMITTED BIDS FOR THE SAME VIDEO LOTTERY OPERATION LICENSE PROPOSE TO KEEP OR HOLD.

(4) A BID FOR A VIDEO LOTTERY OPERATION LICENSE SHALL BE REJECTED IF IT IS BASED ON A PERCENTAGE SHARE FOR THE APPLICANT THAT EXCEEDS 33% OF THE GROSS PROCEEDS FROM VIDEO LOTTERY TERMINALS.".

The preceding 2 amendments were read and rejected by a roll call vote as follows:

Affirmative – 34 Negative – 87 (See Roll Call No. 81)

FLOOR AMENDMENT

(Amendment ID: HB0003/793727/1)

BY: Delegate Morhaim

AMENDMENTS TO HOUSE BILL 3
(First Reading File Bill – Committee Reprint)

On page 46, in line 26, strike "**AND**"; after line 26, insert:

"**(7) PROHIBIT CONSUMERS FROM CASHING PAYCHECKS AT VIDEO LOTTERY FACILITIES; AND**";

and in line 27, strike "**(7)**" and substitute "**(8)**".

The preceding amendment was read and adopted.

FLOOR AMENDMENT

(Amendment ID: HB0003/233829/1)

BY: Delegates Morhaim and Taylor

AMENDMENTS TO HOUSE BILL 3
(First Reading File Bill — Committee Reprint)

AMENDMENT NO. 1

On page 2, in line 23, after "employees;" insert "requiring certain licensees to pay a certain minimum wage rate to certain employees;".

AMENDMENT NO. 2

On page 33, in line 32, strike "**AND**"; and in line 34, 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".

On page 34, in line 11, 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 only.

Delegate Minnick moved the previous question.

The motion was adopted.

The preceding 2 amendments were read and adopted by a roll call vote as follows:

Affirmative – 84 Negative – 39 (See Roll Call No. 82)

FLOOR AMENDMENT

(Amendment ID: HB0003/313423/1)

BY: Delegate Hubbard

AMENDMENTS TO HOUSE BILL 3
(First Reading File Bill – Committee Reprint)

AMENDMENT NO. 1

On page 2, in line 17, after "exceptions;" insert "requiring a certain licensee to maintain a certain center or convey certain property to a certain program under certain circumstances;".

AMENDMENT NO. 2

On page 33, after 8, insert:

"**(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.".

The preceding 2 amendments were read and adopted.

FLOOR AMENDMENT

(Amendment ID: HB0003/133228/1)

BY: Delegate Taylor

AMENDMENTS TO HOUSE BILL 3
(First Reading File Bill – Committee Reprint)

AMENDMENT NO. 1

On page 4, in line 27, after "reports;" insert "requiring the Legislative Auditor to conduct an audit and evaluation of certain information each fiscal year;".

AMENDMENT NO. 2

On page 58, in line 7, before "**THE**" insert "**(A)**"; in line 10, strike "**AND**"; and in line 13, 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 59, after line 26, 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 65, in line 22, strike "**AND**"; and in line 25, after "**CREATED**" insert "**; 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".

The preceding 4 amendments were read and adopted.

FLOOR AMENDMENT

(Amendment ID: HB0003/453828/3)

BY: Delegate Morhaim

AMENDMENTS TO HOUSE BILL 3
(First Reading File Bill – Committee Reprint)

AMENDMENT NO. 1

On page 3, in line 27, after "manner;" insert "requiring the State Racing Commission to conduct a certain study and make certain recommendations;".

AMENDMENT NO. 2

On page 50, after line 10, insert:

"**(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.".

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 130 Members present.

(See Roll Call No. 83)

RECESS

At 10:32 P.M. on motion of Delegate Barve the House recessed until 12:00 A.M. on Legislative Day November 11, 2007, Calendar Day Sunday, November 18, 2007.

AFTER RECESS
Annapolis, Maryland
Legislative Day: November 11, 2007
Calendar Day: Sunday, November 18, 2007

At 1:05 A.M. the House resumed its session and pledged Allegiance to the Flag.

Prayer by Michael E. Busch of Anne Arundel County.

QUORUM CALL

The presiding officer announced a quorum call, showing 129 Members present.

(See Roll Call No. 84)

EXCUSES:
Del. Aumann – illness
Del. Bates – illness
Del. Burns – personal
Del. Dwyer – personal
Del. Howard – business
Del. McDonough – medical
Del. Myers – personal
Del. Montgomery – in China
Del. Sossi – illness
Del. Valderrama – personal
Del. Walker – business

THE COMMITTEE ON WAYS AND MEANS REPORT #5

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably with amendments:

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

AN ACT concerning

Maryland Education Trust Fund – Video Lottery Terminals

(Amendment ID: SB0003/365769/1)

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 adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

The presiding officer announced a quorum call, showing 127 Members present.

(See Roll Call No. 85)

ADJOURNMENT

At 1:33 A.M. on motion of Delegate Barve the House adjourned until 1:35 A.M. on Legislative Day November 12, 2007, Calendar Day Sunday, November 18, 2007.

Annapolis, Maryland
Legislative Day: November 12, 2007
Calendar Day: Sunday, November 18, 2007

The House met at 1:33 A.M. and pledged Allegiance to the Flag.

Prayer by Speaker Michael E. Busch of Anne Arundel County.

QUORUM CALL

The presiding officer announced a quorum call, showing 128 Members present.

(See Roll Call No. 86)

The Journal of November 11, 2007 was read and approved.

EXCUSES:
Del. Aumann – illness
Del. Bates – illness
Del. Burns – personal
Del. Dwyer – personal
Del. Howard – business
Del. McDonough – medical
Del. Myers – personal
Del. Montgomery – in China
Del. Sossi – illness
Del. Valderrama – personal
Del. Walker – business

QUORUM CALL

The presiding officer announced a quorum call, showing 129 Members present.

(See Roll Call No. 87)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

BILLS ON THIRD READING

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 – 71 Negative – 44 (See Roll Call No. 88)

The Bill was then returned to the Senate.

QUORUM CALL

The presiding officer announced a quorum call, showing 128 Members present.

(See Roll Call No. 89)

ADJOURNMENT

At 1:54 A.M. on motion of Delegate Barve the House adjourned until 5:30 P.M., on Legislative Day November 13, 2007, Calendar Day Sunday, November 18, 2007.

Annapolis, Maryland
Legislative Day: November 13, 2007
Calendar Day: Sunday, November 18, 2007

The House met at 6:56 P.M. and pledged Allegiance to the Flag.

Prayer by Delegate Joseline A. Pena–Melnyk of Anne Arundel and Prince George's Counties.

QUORUM CALL

The presiding officer announced a quorum call, showing 129 Members present.

(See Roll Call No. 90)

The Journal of November 12, 2007 was read and approved.

EXCUSES:
Del. Bates – personal
Del. Boteler – late – personal
Del. Burns – personal
Del. Cane – personal
Del. Davis – personal
Del. Dwyer – personal
Del. Howard – business
Del. Montgomery – in China
Del. Nathan-Pulliam – business
Del. Stocksdale – personal

SPECIAL ORDERS

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

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

EMERGENCY BILL

AN ACT concerning

Working Families and Small Business Health Coverage Act

STATUS OF BILL: BILL ON 2ND READING. FAVORABLE REPORT AS AMENDED ADOPTED.

FLOOR AMENDMENT

(Amendment ID: SB0006/163023/1)

BY: Delegate Miller

AMENDMENT TO SENATE BILL 6
(Third Reading File Bill)

On page 6, in line 25, strike "**AND**"; after line 25, insert:

"**(5)** **DOES NOT EMPLOY ANY INDIVIDUAL WHO IS AN ILLEGAL ALIEN; AND**";

and in line 26, strike "**(5)**" and substitute "**(6)**".

The preceding amendment was read and rejected by a roll call vote as follows:

Affirmative – 42 Negative – 83 (See Roll Call No. 91)

FLOOR AMENDMENT

(Amendment ID: SB0006/563428/1)

BY: Delegate Eckardt

AMENDMENTS TO SENATE BILL 6, AS AMENDED
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 16, after "income;" insert "requiring the Department of Health and Mental Hygiene to adjust copayments, premiums, benefits, and other Maryland Medical Assistance Program parameters to the extent necessary to offset a certain cost;".

On page 2, strike beginning with "declaring" in line 12 down through "services" in line 14; and in line 16, strike the semicolon.

AMENDMENT NO. 2

On page 11, strike beginning with "may" in line 14 down through "**PACKAGE**" in line 19 and substitute "**SHALL ADJUST COPAYMENTS, PREMIUMS, BENEFITS, AND OTHER PROGRAM PARAMETERS TO THE EXTENT NECESSARY TO OFFSET THE COST OF EXPANDING THE PROGRAM TO INCLUDE INDIVIDUALS ELIGIBLE UNDER PARAGRAPH (2)(IX) AND (X) OF THIS SUBSECTION**".

AMENDMENT NO. 3

On page 21, strike in their entirety lines 7 through 29, inclusive; and in line 30, strike "7." and substitute "5.".

On page 22, in lines 6, 15, 23, 28, 34, and 39, strike "8.", "9.", "10.", "11.", "12.", and "13.", respectively, and substitute "6.", "7.", "8.", "9.", "10.", and "11.", respectively.

On page 23, in line 1, strike "11" and substitute "9"; in lines 5, 12, and 18, strike "14.", "15.", and "16.", respectively, and substitute "12.", "13.", and "14.", respectively; in line 22, strike "7" and substitute "5"; and in the same line, strike "15" and substitute "13".

The preceding 3 amendments were read and rejected by a roll call vote as follows:

Affirmative – 31 Negative – 94 (See Roll Call No. 92)

FLOOR AMENDMENT

(Amendment ID: SB0006/173721/1)

BY: Delegate Eckardt

AMENDMENTS TO SENATE BILL 6
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, strike "EMERGENCY BILL".

On page 2, in lines 33 and 34, strike "making this Act an emergency measure;".

AMENDMENT NO. 2

On page 23, strike beginning with "this" in line 18 down through "and" in line 21 and substitute a comma; in line 22, after "Act," insert "this Act"; and in line 23, strike "from the date it is enacted" and substitute "July 1, 2008".

The preceding 2 amendments were read and rejected by a roll call vote as follows:

Affirmative – 28 Negative – 96 (See Roll Call No. 93)

Read the second time and ordered prepared for Third Reading.

Delegate Hammen moved to put **Senate Bill 6** on Third Reading on the same day in compliance with the Constitution.

The roll call vote resulted as follows:

Affirmative – 132 Negative – 0 (See Roll Call No. 94)

Two–thirds of the Delegates elected having voted in the affirmative, **Senate Bill 6** was placed on Third Reading.

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

EMERGENCY BILL

AN ACT concerning

Working Families and Small Business Health Coverage Act

STATUS OF BILL: BILL ON 3RD READING

Read the third time and passed by yeas and nays as follows:

Affirmative – 103 Negative – 29 (See Roll Call No. 95)

The Bill was then returned to the Senate.

QUORUM CALL

The presiding officer announced a quorum call, showing 132 Members present.

(See Roll Call No. 96)

RECESS

At 8:10 P.M. on motion of Delegate Barve the House recessed until 9:00 P.M. on Legislative Day November 13, 2007, Calendar Day Sunday, November 18, 2007.

AFTER RECESS
Annapolis, Maryland
Legislative Day: November 13, 2007
Calendar Day: Sunday, November 18, 2007

At 9:29 P.M. the House resumed its session and pledged Allegiance to the Flag.

Prayer by Speaker Michael E. Busch of Anne Arundel County.

QUORUM CALL

The presiding officer announced a quorum call, showing 126 Members present.

(See Roll Call No. 97)

EXCUSES:
Del. Bates – personal
Del. Burns – personal
Del. Cane – personal
Del. Howard – business
Del. Montgomery – in China
Del. Nathan–Pulliam – business
Del. Stocksdale – personal

THE COMMITTEE ON WAYS AND MEANS REPORT #6

Delegate Hixson, Chair, for the Committee on Ways and Means and Delegate Conway, Chair, for the Committee on Appropriations reported favorably with amendments:

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

AN ACT concerning

Tax Reform and Transportation Investment Act of 2007

(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 adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

(Amendment ID: SB0002/263225/1)

BY: Delegate Haddaway

AMENDMENTS TO SENATE BILL 2
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1 of the Committee on Ways and Means Amendments (SB0002/605260/1), strike beginning with "requiring" in line 15 of Amendment No. 1 down through "Assembly;" in line 16; and in line 17, strike beginning with "providing" through "Act;".

On page 2 of the bill, strike beginning with "altering" in line 17 down through "services;" in line 18.

On page 2 of the Committee on Ways and Means Amendments, in line 3 of Amendment No. 2, strike "11–105, and 11–219" and substitute "and 11–105"; and in line 4, strike "10–804.1, and 11–101(c–1)" and substitute "and 10–804.1".

On page 4 of the bill, in line 27, strike "11–101"; and in the same line, strike "(m),".

AMENDMENT NO. 2

In the Committee on Ways and Means Amendments, strike Amendment No. 7 in its entirety.

AMENDMENT NO. 3

On pages 22 through 25 of the bill, strike in their entirety the lines beginning with line 26 on page 22 through line 19 on page 25, inclusive.

On page 61, strike in their entirety lines 22 through 31, inclusive, and substitute:

"SECTION 9. RESERVED.".

The preceding 3 amendments were read only.

Delegate Minnick moved the previous question.

The motion was adopted.

The preceding 3 amendments were read and rejected by a roll call vote as follows:

Affirmative – 46 Negative – 74 (See Roll Call No. 98)

FLOOR AMENDMENT

(Amendment ID: SB0002/693029/1)

BY: Delegate Stifler

AMENDMENTS TO SENATE BILL 2
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 32, after "program;" insert "providing that the sales and use tax does not apply to certain computer services for use by certain entities providing certain educational services;".

AMENDMENT NO. 2

On page 24, in line 28, strike "**BY**" and substitute "**BY:**

(1)".

On page 25, in line 2, strike "**EDUCATION.**" and substitute "**EDUCATION; OR**

(2) **AN ENTITY PROVIDING EDUCATIONAL SERVICES.**".

The preceding 2 amendments were read and rejected.

Read the second time and ordered prepared for Third Reading.

Delegate Barve moved to put **Senate Bill 2** on Third Reading on the same day in compliance with the Constitution.

The roll call vote resulted as follows:

Affirmative – 113 Negative – 20 (See Roll Call No. 99)

Two–thirds of the Delegates elected having voted in the affirmative, **Senate Bill 2** was placed on Third Reading.

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

AN ACT concerning

Tax Reform and Transportation Investment Act of 2007

STATUS OF BILL: BILL ON 3RD READING

FLOOR AMENDMENT

(Amendment ID: SB0002/133523/1)

BY: Delegate Dumais

AMENDMENTS TO SENATE BILL 2
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, strike beginning with "requiring" in line 5 down through "fees;" in line 7.

On page 4, strike in their entirety lines 40 through 44, inclusive.

AMENDMENT NO. 2

On page 22, strike in their entirety lines 5 through 24, inclusive.

The preceding 2 amendments were withdrawn.

Delegate Minnick moved the previous question.

The motion was adopted.

Read the third time and passed by yeas and nays as follows:

Affirmative – 78 Negative – 56 (See Roll Call No. 100)

The Bill was then returned to the Senate.

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 ordered journalized.

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 adopted.

YEAS AND NAYS

HOUSE BILLS PASSED IN THE SENATE

NUMBER	SPONSOR
HB 4	The Speaker

Read and ordered journalized.

House Rule 116

Read and adopted.

QUORUM CALL

The presiding officer announced a quorum call, showing 134 Members present.

(See Roll Call No. 101)

ADJOURNMENT

At 11:13 P.M. on motion of Delegate Barve the House adjourned until 1:00 A.M., on Legislative Day November 14, 2007, Calendar Day Monday, November 19, 2007.

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Annapolis, Maryland
Legislative Day: November 14, 2007
Calendar Day: Monday, November 19, 2007

The House met at 1:19 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate Joseph "Sonny" Minnick of Baltimore County.

QUORUM CALL

The presiding officer announced a quorum call, showing 118 Members present.

(See Roll Call No. 102)

The Journal of November 13, 2007 was read and approved.

EXCUSES:
Del. Bates – personal
Del. Burns – personal
Del. Cane – personal
Del. Howard – business
Del. Montgomery – in China
Del. Nathan–Pulliam – business
Del. Sossi – illness
Del. Stocksdale – personal

AMENDED IN THE SENATE

House Bill 5 – The Speaker (By Request – Administration)

AN ACT concerning

Transportation <u>and State</u> Investment Act

Delegate Hixson moved that the House concur in the Senate amendments.

(Amendment ID: HB0005/369333/1)

BY: Budget and Taxation Committee

<u>AMENDMENTS TO HOUSE BILL 5</u>

(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 concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 81 Negative – 52 (See Roll Call No. 103)

AMENDED IN THE SENATE

House Bill 1 – The Speaker (By Request – Administration)

AN ACT concerning

Budget Reconciliation Act

Delegate Conway moved that the House concur in the Senate amendments.

(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 concurred in.

Delegate Minnick moved the previous question.

The motion was adopted.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 100 Negative – 33 (See Roll Call No. 104)

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.**

Conference Committee Report read and adopted.

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 105 Negative – 27 (See Roll Call No. 105)

The Bill was then returned to the Senate.

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 THE APPOINTMENT OF A JOINT COMMITTEE, TWO ON THE PART OF THE SENATE AND TWO 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 adopted.

MESSAGE FROM THE SENATE

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 ordered journalized.

CHIEF CLERK'S OFFICE RECEIPT FOR BILLS SENT TO THE GOVERNOR
(See Exhibit D of Appendix II)

QUORUM CALL

The presiding officer announced a quorum call, showing 133 Members present.

(See Roll Call No. 106)

At 2:13 A.M. on motion of Delegate Barve the House adjourned Sine Die.

APPENDIX I

ROLL CALLS

List of Excuses - 2007

October 29, 2007
Del. Montgomery – in China
Del. Sossi – surgery
Del. Stocksdale – foot surgery
Del. Valderrama – personal – sister's wedding

November 1, 2007
Del. Cane – medical appointment
Del. Montgomery – in China
Del. Valderrama – personal – sister's wedding

November 6, 2007
Del. Cane – medical appointment
Del. Levi - appointment
Del. Montgomery – in China
Del. Rudolph - Illness

November 8, 2007
Del. Hecht – medical appointment
Del. Jameson – NCSL/ France - business
Del. McDonough – medical appointment
Del. Montgomery – in China
Del. Riley - personal
Del. Walker – business
Del. Walkup – personal
Del. Wood – funeral

November 9, 2007 (1st Session)
Del. Glassman – personal
Del. Hecht – medical
Del. Heller – business
Del. Jameson – NCSL/ France - business
Del. Montgomery – in China
Del. Riley – personal

November 9, 2007 (2nd Session)
Del. Donoghue - illness
Del. Dwyer – personal
Del. Glassman – personal
Del. Hecht – medical
Del. Jameson – NCSL/ France - business
Del. Montgomery – in China
Del. Riley – personal
Del. Rudolph – illness

November 10, 2007 – 1st Session
Del. Donoghue – personal – left briefly
Del. Hecht – medical
Del. Jameson – NCSL/ France - business
Del. McComas –late – family illness
Del. Montgomery – in China
Del. Riley – personal
Del. Schuh – late - business

November 10, 2007 – 2nd Session
Del. Hecht – medical
Del. Jameson – NCSL/ France - business
Del. Montgomery – in China
Del. Riley – personal

November 12, 2007
Del. Benson – business
Del. Davis – personal
Del. Montgomery – in China
Del. Walkup – husband's illness

November 13, 2007 (1st and 2nd session)
Del. Malone – grandmother's death
Del. Montgomery – in China

November 14, 2007
Del. G. Clagett – business
Del. Howard – business
Del. James – late - meeting with Governor
Del. Krebs – left early – business
Del. Malone – grandmother's death
Del. McKee – business
Del. Montgomery – in China

November 15, 2007 (1st Session)
Speaker Busch – left early - business meeting
Del. Howard – business
Del. Jameson – medical - hospitalized
Del. McDonough – personal – wife in auto accident
Del. Montgomery – in China
Del. Niemann – personal

List of Excuses - 2007

November 15, 2007 (2nd Session)
Del. Burns – funeral
Del. Howard – business
Del. Jameson – medical - hospitalized
Del. Montgomery – in China
Del. Niemann – personal

November 15, 2007 (3rd Session)
Del. Burns – funeral
Del. Gutierrez – personal
Del. Howard – business
Del. Jameson – medical - hospitalized
Del. Montgomery – in China

November 16, 2007 (1st Session)
Del. Bromwell – late - personal
Del. Donoghue – late – illness
Del. Howard – business
Del. Jameson – medical
Del. Montgomery – in China
Del. Nathan-Pulliam – business
Del. Rudolph – late – traffic
Del. Stull – business

November 16, 2007 (2nd Session)
Del. Howard – business
Del. Montgomery – in China
Del. Stull – business

November 17, 2007 (1st Session)
Del. Anderson – personal
Del. Burns - funeral
Del. Howard – business
Del. Krysiak – personal – wedding reception for one of her children
Del. Myers – personal
Del. Montgomery – in China
Del. Sossi – illness
Del. Walker – business

November 17, 2007 (2nd Session)
Del. Anderson – late - personal
Del. Aumann – illness
Del. Bates – illness
Del. Burns - funeral
Del. Howard – business
Del. McDonough – medical
Del. Myers – personal
Del. Montgomery – in China
Del. Sossi – illness
Del. Valderrama – personal
Del. Walker – business

November 18, 2007 (1st & 2nd Session)
Del. Aumann - illness
Del. Bates – illness
Del. Burns - personal
Del. Dwyer – personal
Del. Howard – business
Del. McDonough – medical
Del. Myers – personal
Del. Montgomery – in China
Del. Sossi – illness
Del. Valderrama – personal
Del. Walker – business

November 18, 2007 (3rd Session)
Del. Bates – personal
Del. Boteler – late - personal
Del. Burns - personal
Del. Cane – personal
Del. Davis – personal
Del. Dwyer – personal
Del. Howard – business
Del. Montgomery – in China
Del. Nathan-Pulliam – business
Del. Stocksdale – personal

November 18, 2007 (4th Session)
Del. Bates – personal
Del. Burns - personal
Del. Cane – personal
Del. Howard – business
Del. Montgomery – in China
Del. Nathan-Pulliam – business
Del. Stocksdale – personal

List of Excuses - 2007

November 19, 2007 (1st Session)
Del. Bates – personal
Del. Burns - personal
Del. Cane – personal
Del. Howard – business
Del. Montgomery – in China
Del. Nathan-Pulliam – business
Del. Sossi – illness
Del. Stocksdale – personal

Seq No. 0001 October 29, 2007 8:08 PM
Presiding: Speaker Busch Legislative Date: October 29, 2007

Maryland House of Delegates
2007 Special Session

Quorum: 136

QUORUM

136 Yeas	0 Nays	0 Excused	1 Not Voting	4 Excused (Absent)

Voting Yea - 136

Speaker Busch	DeBoy	Holmes	Mathias	Rudolph
Ali	Donoghue	Howard	McComas	Schuh
Anderson	Doory	Hubbard	McConkey	Schuler
Aumann	Dumais	Hucker	McDonough	Shank
Barkley	Dwyer	Impallaria	McHale	Shewell
Barnes	Eckardt	Ivey	McIntosh	Simmons
Bartlett	Elliott	James	McKee	Smigiel
Barve	Elmore	Jameson	Miller	Sophocleus
Bates	Feldman	Jennings	Minnick	Stein
Beidle	Frank	Jones	Mizeur	Stifler
Beitzel	Frick	Kach	Morhaim	Stukes
Benson	Frush	Kaiser	Murphy	Stull
Bobo	Gaines	Kelly	Myers	Tarrant
Bohanan	George	King	Nathan-Pulliam	Taylor
Boteler	Gilchrist	Kipke	Niemann	Turner_F
Branch	Glassman	Kirk	O'Donnell	Turner_V
Braveboy	Glenn	Kramer	Oaks	Vallario
Bromwell	Griffith	Krebs	Olszewski	Vaughn
Bronrott	Gutierrez	Krysiak	Pena-Melnyk	Waldstreicher
Burns	Guzzone	Kullen	Pendergrass	Walker
Cane	Haddaway	Lafferty	Proctor	Walkup
Cardin	Hammen	Lawton	Ramirez	Weir
Carter	Harrison	Lee	Reznik	Weldon
Clagett_G	Haynes	Levi	Rice	Wood
Clagett_V	Healey	Levy	Riley	
Conaway	Hecht	Love	Robinson	
Conway	Heller	Malone	Rosenberg	
Costa	Hixson	Manno	Ross	

Voting Nay - 0

Not Voting - 1

Davis

Excused From Voting - 0

Excused (Absent) - 4

Montgomery	Sossi	Stocksdale	Valderrama

Seq No. 0002 October 29, 2007 8:15 PM
Presiding: Speaker Busch Legislative Date: October 29, 2007

Maryland House of Delegates
2007 Special Session

sustained (0-135)

Consent Calendar of 2007 Vetoed House Bills

Shall all the bills pass, notwithstanding the objections of the Chief Executive?

0 Yeas	135 Nays	0 Excused	2 Not Voting	4 Excused (Absent)

Voting Yea - 0

Voting Nay - 135

Speaker Busch	Davis	Heller	Love	Robinson
Ali	DeBoy	Hixson	Malone	Rosenberg
Aumann	Donoghue	Holmes	Manno	Ross
Barkley	Doory	Howard	Mathias	Rudolph
Barnes	Dumais	Hubbard	McComas	Schuh
Bartlett	Dwyer	Hucker	McConkey	Schuler
Barve	Eckardt	Impallaria	McDonough	Shank
Bates	Elliott	Ivey	McHale	Shewell
Beidle	Elmore	James	McIntosh	Simmons
Beitzel	Feldman	Jameson	McKee	Smigiel
Benson	Frank	Jennings	Miller	Sophocleus
Bobo	Frick	Jones	Minnick	Stein
Bohanan	Frush	Kach	Mizeur	Stifler
Boteler	Gaines	Kaiser	Morhaim	Stukes
Branch	George	Kelly	Murphy	Stull
Braveboy	Gilchrist	King	Myers	Tarrant
Bromwell	Glassman	Kipke	Nathan-Pulliam	Taylor
Bronrott	Glenn	Kirk	Niemann	Turner_F
Burns	Griffith	Kramer	O'Donnell	Turner_V
Cane	Gutierrez	Krebs	Olszewski	Vallario
Cardin	Guzzone	Krysiak	Pena-Melnyk	Vaughn
Carter	Haddaway	Kullen	Pendergrass	Waldstreicher
Clagett_G	Hammen	Lafferty	Proctor	Walker
Clagett_V	Harrison	Lawton	Ramirez	Walkup
Conaway	Haynes	Lee	Reznik	Weir
Conway	Healey	Levi	Rice	Weldon
Costa	Hecht	Levy	Riley	Wood

Not Voting - 2

Anderson	Oaks

Excused From Voting - 0

Excused (Absent) - 4

Montgomery	Sossi	Stocksdale	Valderrama

Senate Vote Seq No. 11A - October 29, 2007 - Attendance Quorum: 47

Joint Session of the 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. 0004 October 29, 2007 9:15 PM
Presiding: Speaker Busch Legislative Date: October 29, 2007

Maryland House of Delegates
2007 Special Session

Quorum: 134

QUORUM

134 Yeas	0 Nays	0 Excused	3 Not Voting	4 Excused (Absent)

Voting Yea - 134

Speaker Busch	DeBoy	Hixson	Malone	Rosenberg
Ali	Donoghue	Holmes	Manno	Ross
Anderson	Doory	Howard	Mathias	Rudolph
Aumann	Dumais	Hubbard	McComas	Schuh
Barkley	Dwyer	Hucker	McConkey	Schuler
Barnes	Eckardt	Impallaria	McDonough	Shank
Bartlett	Elliott	Ivey	McHale	Shewell
Barve	Elmore	James	McIntosh	Simmons
Bates	Feldman	Jameson	McKee	Smigiel
Beidle	Frank	Jennings	Miller	Sophocleus
Beitzel	Frick	Jones	Minnick	Stein
Benson	Frush	Kach	Mizeur	Stifler
Bobo	Gaines	Kaiser	Morhaim	Stukes
Bohanan	George	Kelly	Murphy	Stull
Boteler	Gilchrist	King	Myers	Tarrant
Branch	Glassman	Kipke	Nathan-Pulliam	Taylor
Braveboy	Glenn	Kirk	Niemann	Turner_F
Bromwell	Griffith	Kramer	O'Donnell	Turner_V
Bronrott	Gutierrez	Krebs	Oaks	Vallario
Burns	Guzzone	Krysiak	Olszewski	Vaughn
Cardin	Haddaway	Kullen	Pena-Melnyk	Waldstreicher
Carter	Hammen	Lafferty	Pendergrass	Walker
Clagett_G	Harrison	Lawton	Proctor	Walkup
Clagett_V	Haynes	Lee	Reznik	Weir
Conaway	Healey	Levi	Rice	Weldon
Conway	Hecht	Levy	Riley	Wood
Costa	Heller	Love	Robinson	

Voting Nay - 0

Not Voting - 3

Cane	Davis	Ramirez

Excused From Voting - 0

Excused (Absent) - 4

Montgomery	Sossi	Stocksdale	Valderrama

Seq No. 0005 November 2, 2007 10:37 AM
Presiding: Speaker Busch Legislative Date: October 30, 2007

Maryland House of Delegates
2007 Special Session

Quorum: 135

QUORUM

135 Yeas	0 Nays	0 Excused	3 Not Voting	3 Excused (Absent)

Voting Yea - 135

Speaker Busch	Doory	Howard	Mathias	Ross
Ali	Dumais	Hubbard	McComas	Rudolph
Anderson	Dwyer	Hucker	McConkey	Schuh
Aumann	Eckardt	Impallaria	McDonough	Schuler
Barkley	Elliott	Ivey	McHale	Shank
Barnes	Elmore	James	McIntosh	Shewell
Bartlett	Feldman	Jameson	McKee	Simmons
Barve	Frank	Jennings	Miller	Smigiel
Bates	Frick	Jones	Minnick	Sophocleus
Beidle	Frush	Kach	Mizeur	Sossi
Beitzel	Gaines	Kaiser	Morhaim	Stein
Bohanan	George	Kelly	Murphy	Stifler
Boteler	Gilchrist	King	Myers	Stocksdale
Branch	Glassman	Kipke	Nathan-Pulliam	Stukes
Braveboy	Glenn	Kirk	Niemann	Stull
Bromwell	Griffith	Kramer	O'Donnell	Tarrant
Bronrott	Gutierrez	Krebs	Oaks	Taylor
Cardin	Guzzone	Krysiak	Olszewski	Turner_F
Carter	Haddaway	Kullen	Pena-Melnyk	Turner_V
Clagett_G	Hammen	Lafferty	Pendergrass	Vallario
Clagett_V	Harrison	Lawton	Proctor	Vaughn
Conaway	Haynes	Lee	Ramirez	Waldstreicher
Conway	Healey	Levi	Reznik	Walker
Costa	Hecht	Levy	Rice	Walkup
Davis	Heller	Love	Riley	Weir
DeBoy	Hixson	Malone	Robinson	Weldon
Donoghue	Holmes	Manno	Rosenberg	Wood

Voting Nay - 0

Not Voting - 3

Benson	Bobo	Burns

Excused From Voting - 0

Excused (Absent) - 3

Cane	Montgomery	Valderrama

Seq No. 0006 November 2, 2007 10:44 AM
Presiding: Speaker Busch Legislative Date: October 30, 2007

Maryland House of Delegates
2007 Special Session

Quorum: 138

QUORUM

138 Yeas	0 Nays	0 Excused	0 Not Voting	3 Excused (Absent)

Voting Yea - 138

Speaker Busch	DeBoy	Holmes	Mathias	Rudolph
Ali	Donoghue	Howard	McComas	Schuh
Anderson	Doory	Hubbard	McConkey	Schuler
Aumann	Dumais	Hucker	McDonough	Shank
Barkley	Dwyer	Impallaria	McHale	Shewell
Barnes	Eckardt	Ivey	McIntosh	Simmons
Bartlett	Elliott	James	McKee	Smigiel
Barve	Elmore	Jameson	Miller	Sophocleus
Bates	Feldman	Jennings	Minnick	Sossi
Beidle	Frank	Jones	Mizeur	Stein
Beitzel	Frick	Kach	Morhaim	Stifler
Benson	Frush	Kaiser	Murphy	Stocksdale
Bobo	Gaines	Kelly	Myers	Stukes
Bohanan	George	King	Nathan-Pulliam	Stull
Boteler	Gilchrist	Kipke	Niemann	Tarrant
Branch	Glassman	Kirk	O'Donnell	Taylor
Braveboy	Glenn	Kramer	Oaks	Turner_F
Bromwell	Griffith	Krebs	Olszewski	Turner_V
Bronrott	Gutierrez	Krysiak	Pena-Melnyk	Vallario
Burns	Guzzone	Kullen	Pendergrass	Vaughn
Cardin	Haddaway	Lafferty	Proctor	Waldstreicher
Carter	Hammen	Lawton	Ramirez	Walker
Clagett_G	Harrison	Lee	Reznik	Walkup
Clagett_V	Haynes	Levi	Rice	Weir
Conaway	Healey	Levy	Riley	Weldon
Conway	Hecht	Love	Robinson	Wood
Costa	Heller	Malone	Rosenberg	
Davis	Hixson	Manno	Ross	

Voting Nay - 0

Not Voting - 0

Excused From Voting - 0

Excused (Absent) - 3

Cane	Montgomery	Valderrama

Seq No. 0007 November 6, 2007 10:10 AM
Presiding: Speaker Busch Legislative Date: October 31, 2007

Maryland House of Delegates
2007 Special Session

Quorum: 133

QUORUM

133 Yeas	0 Nays	0 Excused	4 Not Voting	4 Excused (Absent)

Voting Yea - 133

Speaker Busch	DeBoy	Hixson	Mathias	Schuh
Ali	Donoghue	Holmes	McComas	Shank
Aumann	Doory	Howard	McConkey	Shewell
Barkley	Dumais	Hubbard	McDonough	Simmons
Barnes	Dwyer	Hucker	McHale	Smigiel
Bartlett	Eckardt	Impallaria	McIntosh	Sophocleus
Barve	Elliott	Ivey	McKee	Sossi
Bates	Elmore	James	Miller	Stein
Beidle	Feldman	Jennings	Minnick	Stifler
Beitzel	Frank	Jones	Mizeur	Stocksdale
Benson	Frick	Kach	Morhaim	Stukes
Bobo	Frush	Kaiser	Murphy	Stull
Bohanan	Gaines	Kelly	Myers	Tarrant
Boteler	George	King	Nathan-Pulliam	Taylor
Branch	Gilchrist	Kipke	Niemann	Turner_F
Braveboy	Glassman	Kirk	O'Donnell	Turner_V
Bromwell	Glenn	Kramer	Olszewski	Valderrama
Bronrott	Griffith	Krebs	Pena-Melnyk	Vallario
Burns	Gutierrez	Krysiak	Pendergrass	Vaughn
Cardin	Guzzone	Kullen	Proctor	Waldstreicher
Carter	Haddaway	Lafferty	Ramirez	Walker
Clagett_G	Hammen	Lawton	Reznik	Walkup
Clagett_V	Harrison	Lee	Rice	Weir
Conaway	Haynes	Levy	Riley	Weldon
Conway	Healey	Love	Robinson	Wood
Costa	Hecht	Malone	Rosenberg	
Davis	Heller	Manno	Ross	

Voting Nay - 0

Not Voting - 4

Anderson	Jameson	Oaks	Schuler

Excused From Voting - 0

Excused (Absent) - 4

Cane	Levi	Montgomery	Rudolph

Seq No. 0008 November 6, 2007 10:24 AM
Presiding: Speaker Busch Legislative Date: October 31, 2007

Maryland House of Delegates
2007 Special Session

Quorum: 134

QUORUM

134 Yeas	0 Nays	0 Excused	3 Not Voting	4 Excused (Absent)

Voting Yea - 134

Speaker Busch	DeBoy	Hixson	Mathias	Schuh
Ali	Donoghue	Holmes	McComas	Schuler
Aumann	Doory	Howard	McConkey	Shank
Barkley	Dumais	Hubbard	McDonough	Shewell
Barnes	Dwyer	Hucker	McHale	Simmons
Bartlett	Eckardt	Impallaria	McIntosh	Smigiel
Barve	Elliott	Ivey	McKee	Sophocleus
Bates	Elmore	James	Miller	Sossi
Beidle	Feldman	Jennings	Minnick	Stein
Beitzel	Frank	Jones	Mizeur	Stifler
Benson	Frick	Kach	Morhaim	Stocksdale
Bobo	Frush	Kaiser	Murphy	Stukes
Bohanan	Gaines	Kelly	Myers	Stull
Boteler	George	King	Nathan-Pulliam	Tarrant
Branch	Gilchrist	Kipke	Niemann	Taylor
Braveboy	Glassman	Kirk	O'Donnell	Turner_F
Bromwell	Glenn	Kramer	Olszewski	Turner_V
Bronrott	Griffith	Krebs	Pena-Melnyk	Valderrama
Burns	Gutierrez	Krysiak	Pendergrass	Vallario
Cardin	Guzzone	Kullen	Proctor	Vaughn
Carter	Haddaway	Lafferty	Ramirez	Waldstreicher
Clagett_G	Hammen	Lawton	Reznik	Walker
Clagett_V	Harrison	Lee	Rice	Walkup
Conaway	Haynes	Levy	Riley	Weir
Conway	Healey	Love	Robinson	Weldon
Costa	Hecht	Malone	Rosenberg	Wood
Davis	Heller	Manno	Ross	

Voting Nay - 0

Not Voting - 3

Anderson	Jameson	Oaks

Excused From Voting - 0

Excused (Absent) - 4

Cane	Levi	Montgomery	Rudolph

Seq No. 0009 November 8, 2007 3:15 PM
Presiding: Speaker Busch Legislative Date: November 1, 2007

Maryland House of Delegates
2007 Special Session

Quorum: 133

QUORUM

133 Yeas	0 Nays	0 Excused	0 Not Voting	8 Excused (Absent)

Voting Yea - 133

Speaker Busch	Costa	Heller	Malone	Ross
Ali	Davis	Hixson	Manno	Rudolph
Anderson	DeBoy	Holmes	Mathias	Schuh
Aumann	Donoghue	Howard	McComas	Schuler
Barkley	Doory	Hubbard	McConkey	Shank
Barnes	Dumais	Hucker	McHale	Shewell
Bartlett	Dwyer	Impallaria	McIntosh	Simmons
Barve	Eckardt	Ivey	McKee	Smigiel
Bates	Elliott	James	Miller	Sophocleus
Beidle	Elmore	Jennings	Minnick	Sossi
Beitzel	Feldman	Jones	Mizeur	Stein
Benson	Frank	Kach	Morhaim	Stifler
Bobo	Frick	Kaiser	Murphy	Stocksdale
Bohanan	Frush	Kelly	Myers	Stukes
Boteler	Gaines	King	Nathan-Pulliam	Stull
Branch	George	Kipke	Niemann	Tarrant
Braveboy	Gilchrist	Kirk	O'Donnell	Taylor
Bromwell	Glassman	Kramer	Oaks	Turner_F
Bronrott	Glenn	Krebs	Olszewski	Turner_V
Burns	Griffith	Krysiak	Pena-Melnyk	Valderrama
Cane	Gutierrez	Kullen	Pendergrass	Vallario
Cardin	Guzzone	Lafferty	Proctor	Vaughn
Carter	Haddaway	Lawton	Ramirez	Waldstreicher
Clagett_G	Hammen	Lee	Reznik	Weir
Clagett_V	Harrison	Levi	Rice	Weldon
Conaway	Haynes	Levy	Robinson	
Conway	Healey	Love	Rosenberg	

Voting Nay - 0

Not Voting - 0

Excused From Voting - 0

Excused (Absent) - 8

Hecht	McDonough	Riley	Walkup
Jameson	Montgomery	Walker	Wood

Seq No. 0010 November 8, 2007 3:26 PM
Presiding: Speaker Busch Legislative Date: November 1, 2007

Maryland House of Delegates
2007 Special Session

Quorum: 133

QUORUM

133 Yeas	0 Nays	0 Excused	0 Not Voting	8 Excused (Absent)

Voting Yea - 133

Speaker Busch	Costa	Heller	Malone	Ross
Ali	Davis	Hixson	Manno	Rudolph
Anderson	DeBoy	Holmes	Mathias	Schuh
Aumann	Donoghue	Howard	McComas	Schuler
Barkley	Doory	Hubbard	McConkey	Shank
Barnes	Dumais	Hucker	McHale	Shewell
Bartlett	Dwyer	Impallaria	McIntosh	Simmons
Barve	Eckardt	Ivey	McKee	Smigiel
Bates	Elliott	James	Miller	Sophocleus
Beidle	Elmore	Jennings	Minnick	Sossi
Beitzel	Feldman	Jones	Mizeur	Stein
Benson	Frank	Kach	Morhaim	Stifler
Bobo	Frick	Kaiser	Murphy	Stocksdale
Bohanan	Frush	Kelly	Myers	Stukes
Boteler	Gaines	King	Nathan-Pulliam	Stull
Branch	George	Kipke	Niemann	Tarrant
Braveboy	Gilchrist	Kirk	O'Donnell	Taylor
Bromwell	Glassman	Kramer	Oaks	Turner_F
Bronrott	Glenn	Krebs	Olszewski	Turner_V
Burns	Griffith	Krysiak	Pena-Melnyk	Valderrama
Cane	Gutierrez	Kullen	Pendergrass	Vallario
Cardin	Guzzone	Lafferty	Proctor	Vaughn
Carter	Haddaway	Lawton	Ramirez	Waldstreicher
Clagett_G	Hammen	Lee	Reznik	Weir
Clagett_V	Harrison	Levi	Rice	Weldon
Conaway	Haynes	Levy	Robinson	
Conway	Healey	Love	Rosenberg	

Voting Nay - 0

Not Voting - 0

Excused From Voting - 0

Excused (Absent) - 8

Hecht	McDonough	Riley	Walkup
Jameson	Montgomery	Walker	Wood

Seq No. 0011 November 9, 2007 4:40 PM
Presiding: Speaker Busch Legislative Date: November 2, 2007

Maryland House of Delegates
2007 Special Session

Quorum: 133

QUORUM

133 Yeas	0 Nays	0 Excused	2 Not Voting	6 Excused (Absent)

Voting Yea - 133

Speaker Busch	Davis	Hubbard	McConkey	Schuler
Ali	DeBoy	Hucker	McDonough	Shank
Anderson	Donoghue	Impallaria	McHale	Shewell
Aumann	Doory	Ivey	McIntosh	Simmons
Barkley	Dumais	James	McKee	Smigiel
Barnes	Dwyer	Jennings	Miller	Sophocleus
Bartlett	Eckardt	Jones	Minnick	Sossi
Barve	Elliott	Kach	Mizeur	Stein
Bates	Elmore	Kaiser	Morhaim	Stifler
Beidle	Feldman	Kelly	Murphy	Stocksdale
Beitzel	Frank	King	Myers	Stukes
Benson	Frick	Kipke	Nathan-Pulliam	Stull
Bobo	Frush	Kirk	Niemann	Tarrant
Bohanan	Gaines	Kramer	O'Donnell	Taylor
Boteler	George	Krebs	Oaks	Turner_F
Branch	Gilchrist	Krysiak	Olszewski	Turner_V
Braveboy	Glenn	Kullen	Pena-Melnyk	Valderrama
Bromwell	Griffith	Lafferty	Pendergrass	Vallario
Bronrott	Gutierrez	Lawton	Proctor	Vaughn
Burns	Guzzone	Lee	Ramirez	Waldstreicher
Cane	Haddaway	Levi	Reznik	Walker
Cardin	Hammen	Levy	Rice	Walkup
Carter	Harrison	Love	Robinson	Weir
Clagett_G	Haynes	Malone	Rosenberg	Weldon
Clagett_V	Healey	Manno	Ross	Wood
Conaway	Holmes	Mathias	Rudolph	
Costa	Howard	McComas	Schuh	

Voting Nay - 0

Not Voting - 2

Conway	Hixson

Excused From Voting - 0

Excused (Absent) - 6

Glassman	Heller	Montgomery
Hecht	Jameson	Riley

Seq No. 0012 November 9, 2007 4:49 PM
Presiding: Speaker Busch Legislative Date: November 2, 2007

Maryland House of Delegates
2007 Special Session

Quorum: 135

QUORUM

135 Yeas	0 Nays	0 Excused	0 Not Voting	6 Excused (Absent)

Voting Yea - 135

Speaker Busch	Costa	Holmes	Mathias	Rudolph
Ali	Davis	Howard	McComas	Schuh
Anderson	DeBoy	Hubbard	McConkey	Schuler
Aumann	Donoghue	Hucker	McDonough	Shank
Barkley	Doory	Impallaria	McHale	Shewell
Barnes	Dumais	Ivey	McIntosh	Simmons
Bartlett	Dwyer	James	McKee	Smigiel
Barve	Eckardt	Jennings	Miller	Sophocleus
Bates	Elliott	Jones	Minnick	Sossi
Beidle	Elmore	Kach	Mizeur	Stein
Beitzel	Feldman	Kaiser	Morhaim	Stifler
Benson	Frank	Kelly	Murphy	Stocksdale
Bobo	Frick	King	Myers	Stukes
Bohanan	Frush	Kipke	Nathan-Pulliam	Stull
Boteler	Gaines	Kirk	Niemann	Tarrant
Branch	George	Kramer	O'Donnell	Taylor
Braveboy	Gilchrist	Krebs	Oaks	Turner_F
Bromwell	Glenn	Krysiak	Olszewski	Turner_V
Bronrott	Griffith	Kullen	Pena-Melnyk	Valderrama
Burns	Gutierrez	Lafferty	Pendergrass	Vallario
Cane	Guzzone	Lawton	Proctor	Vaughn
Cardin	Haddaway	Lee	Ramirez	Waldstreicher
Carter	Hammen	Levi	Reznik	Walker
Clagett_G	Harrison	Levy	Rice	Walkup
Clagett_V	Haynes	Love	Robinson	Weir
Conaway	Healey	Malone	Rosenberg	Weldon
Conway	Hixson	Manno	Ross	Wood

Voting Nay - 0

Not Voting - 0

Excused From Voting - 0

Excused (Absent) - 6

Glassman	Heller	Montgomery
Hecht	Jameson	Riley

Seq No. 0013 November 9, 2007 10:15 PM
Presiding: Speaker Busch Legislative Date: November 2, 2007

Maryland House of Delegates
2007 Special Session

Quorum: 133

QUORUM

133 Yeas	0 Nays	0 Excused	0 Not Voting	8 Excused (Absent)

Voting Yea - 133

Speaker Busch	Costa	Howard	McComas	Schuler
Ali	Davis	Hubbard	McConkey	Shank
Anderson	DeBoy	Hucker	McDonough	Shewell
Aumann	Doory	Impallaria	McHale	Simmons
Barkley	Dumais	Ivey	McIntosh	Smigiel
Barnes	Eckardt	James	McKee	Sophocleus
Bartlett	Elliott	Jennings	Miller	Sossi
Barve	Elmore	Jones	Minnick	Stein
Bates	Feldman	Kach	Mizeur	Stifler
Beidle	Frank	Kaiser	Morhaim	Stocksdale
Beitzel	Frick	Kelly	Murphy	Stukes
Benson	Frush	King	Myers	Stull
Bobo	Gaines	Kipke	Nathan-Pulliam	Tarrant
Bohanan	George	Kirk	Niemann	Taylor
Boteler	Gilchrist	Kramer	O'Donnell	Turner_F
Branch	Glenn	Krebs	Oaks	Turner_V
Braveboy	Griffith	Krysiak	Olszewski	Valderrama
Bromwell	Gutierrez	Kullen	Pena-Melnyk	Vallario
Bronrott	Guzzone	Lafferty	Pendergrass	Vaughn
Burns	Haddaway	Lawton	Proctor	Waldstreicher
Cane	Hammen	Lee	Ramirez	Walker
Cardin	Harrison	Levi	Reznik	Walkup
Carter	Haynes	Levy	Rice	Weir
Clagett_G	Healey	Love	Robinson	Weldon
Clagett_V	Heller	Malone	Rosenberg	Wood
Conaway	Hixson	Manno	Ross	
Conway	Holmes	Mathias	Schuh	

Voting Nay - 0

Not Voting - 0

Excused From Voting - 0

Excused (Absent) - 8

Donoghue	Glassman	Jameson	Riley
Dwyer	Hecht	Montgomery	Rudolph

Seq No. 0014 November 9, 2007 10:23 PM
Presiding: Speaker Busch Legislative Date: November 2, 2007

Maryland House of Delegates
2007 Special Session

Quorum: 133

QUORUM

133 Yeas	0 Nays	0 Excused	0 Not Voting	8 Excused (Absent)

Voting Yea - 133

Speaker Busch	Costa	Howard	McComas	Schuler
Ali	Davis	Hubbard	McConkey	Shank
Anderson	DeBoy	Hucker	McDonough	Shewell
Aumann	Doory	Impallaria	McHale	Simmons
Barkley	Dumais	Ivey	McIntosh	Smigiel
Barnes	Eckardt	James	McKee	Sophocleus
Bartlett	Elliott	Jennings	Miller	Sossi
Barve	Elmore	Jones	Minnick	Stein
Bates	Feldman	Kach	Mizeur	Stifler
Beidle	Frank	Kaiser	Morhaim	Stocksdale
Beitzel	Frick	Kelly	Murphy	Stukes
Benson	Frush	King	Myers	Stull
Bobo	Gaines	Kipke	Nathan-Pulliam	Tarrant
Bohanan	George	Kirk	Niemann	Taylor
Boteler	Gilchrist	Kramer	O'Donnell	Turner_F
Branch	Glenn	Krebs	Oaks	Turner_V
Braveboy	Griffith	Krysiak	Olszewski	Valderrama
Bromwell	Gutierrez	Kullen	Pena-Melnyk	Vallario
Bronrott	Guzzone	Lafferty	Pendergrass	Vaughn
Burns	Haddaway	Lawton	Proctor	Waldstreicher
Cane	Hammen	Lee	Ramirez	Walker
Cardin	Harrison	Levi	Reznik	Walkup
Carter	Haynes	Levy	Rice	Weir
Clagett_G	Healey	Love	Robinson	Weldon
Clagett_V	Heller	Malone	Rosenberg	Wood
Conaway	Hixson	Manno	Ross	
Conway	Holmes	Mathias	Schuh	

Voting Nay - 0

Not Voting - 0

Excused From Voting - 0

Excused (Absent) - 8

Donoghue	Glassman	Jameson	Riley
Dwyer	Hecht	Montgomery	Rudolph

Seq No. 0015 November 10, 2007 7:04 PM
Presiding: Speaker Busch Legislative Date: November 3, 2007

Maryland House of Delegates
2007 Special Session

Quorum: 126

QUORUM

126 Yeas	0 Nays	0 Excused	9 Not Voting	6 Excused (Absent)

Voting Yea - 126

Speaker Busch	Davis	Holmes	Mathias	Schuler
Ali	DeBoy	Howard	McConkey	Shank
Anderson	Doory	Hubbard	McDonough	Shewell
Aumann	Dumais	Hucker	McHale	Simmons
Barkley	Dwyer	Impallaria	McIntosh	Smigiel
Barnes	Eckardt	Ivey	McKee	Sophocleus
Bartlett	Elliott	James	Miller	Sossi
Barve	Elmore	Jennings	Minnick	Stein
Bates	Feldman	Jones	Mizeur	Stifler
Beidle	Frank	Kach	Morhaim	Stocksdale
Beitzel	Frick	Kaiser	Murphy	Stukes
Benson	Frush	Kelly	Myers	Stull
Bobo	Gaines	King	Nathan-Pulliam	Tarrant
Bohanan	George	Kipke	Niemann	Taylor
Boteler	Gilchrist	Kirk	O'Donnell	Turner_F
Branch	Glassman	Kramer	Olszewski	Turner_V
Braveboy	Glenn	Krebs	Pena-Melnyk	Valderrama
Bromwell	Griffith	Krysiak	Pendergrass	Vaughn
Bronrott	Gutierrez	Kullen	Proctor	Waldstreicher
Cane	Guzzone	Lafferty	Ramirez	Walker
Cardin	Haddaway	Lawton	Reznik	Weir
Clagett_G	Hammen	Lee	Rice	Weldon
Clagett_V	Harrison	Levi	Robinson	
Conaway	Haynes	Levy	Rosenberg	
Conway	Healey	Malone	Ross	
Costa	Hixson	Manno	Rudolph	

Voting Nay - 0

Not Voting - 9

Burns	Donoghue	Love	Vallario	Wood
Carter	Heller	Oaks	Walkup	

Excused From Voting - 0

Excused (Absent) - 6

Hecht	McComas	Riley
Jameson	Montgomery	Schuh

Seq No. 0016 November 10, 2007 7:42 PM
Presiding: Speaker Busch Legislative Date: November 3, 2007

Maryland House of Delegates
2007 Special Session

Floor Amendment (McConkey) Rejected (40-93)

HB 2 Special Orders
The Speaker
Tax Reform Act of 2007

Favorable with amendments adp - ON 2ND RDG
FLOOR AMD Del. McConkey /303122/1

40 Yeas	93 Nays	0 Excused	3 Not Voting	5 Excused (Absent)

Voting Yea - 40

Aumann	Elliott	Kach	McKee	Sophocleus
Bartlett	Elmore	Kelly	Miller	Sossi
Bates	Frank	King	Myers	Stifler
Beitzel	George	Kipke	O'Donnell	Stocksdale
Boteler	Glassman	Krebs	Schuh	Stull
Costa	Haddaway	Lafferty	Shank	Walkup
Dwyer	Impallaria	McConkey	Shewell	Weldon
Eckardt	Jennings	McDonough	Smigiel	Wood

Voting Nay - 93

Speaker Busch	Clagett_V	Heller	Malone	Rosenberg
Ali	Conaway	Hixson	Manno	Ross
Anderson	Conway	Holmes	McHale	Rudolph
Barkley	Davis	Howard	McIntosh	Schuler
Barnes	Donoghue	Hubbard	Minnick	Simmons
Barve	Doory	Hucker	Mizeur	Stein
Beidle	Dumais	Ivey	Morhaim	Stukes
Benson	Feldman	James	Murphy	Tarrant
Bobo	Frick	Jones	Nathan-Pulliam	Taylor
Bohanan	Frush	Kaiser	Niemann	Turner_F
Branch	Gaines	Kirk	Oaks	Turner_V
Braveboy	Gilchrist	Kramer	Olszewski	Valderrama
Bromwell	Griffith	Krysiak	Pena-Melnyk	Vallario
Bronrott	Gutierrez	Kullen	Pendergrass	Vaughn
Burns	Guzzone	Lawton	Proctor	Waldstreicher
Cane	Hammen	Lee	Ramirez	Walker
Cardin	Harrison	Levi	Reznik	Weir
Carter	Haynes	Levy	Rice	
Clagett_G	Healey	Love	Robinson	

Not Voting - 3

DeBoy	Glenn	Mathias

Excused From Voting - 0

Excused (Absent) - 5

Hecht	Jameson	McComas	Montgomery	Riley

Seq No. 0017 November 10, 2007 7:55 PM
Presiding: Speaker Busch Legislative Date: November 3, 2007

Maryland House of Delegates
2007 Special Session

Motion Special Order until 11/12 (ODonnell) Rejected
(38-97)

HB 2 Special Orders
The Speaker
Tax Reform Act of 2007

Favorable with amendments adp - ON 2ND RDG
Motion to Special Order

38 Yeas	97 Nays	0 Excused	1 Not Voting	5 Excused (Absent)

Voting Yea - 38

Aumann	Elliott	Kach	Miller	Sossi
Bartlett	Elmore	Kelly	Myers	Stifler
Bates	Frank	King	O'Donnell	Stocksdale
Beitzel	George	Kipke	Schuh	Stull
Boteler	Glassman	Krebs	Schuler	Walkup
Costa	Haddaway	McConkey	Shank	Weldon
Dwyer	Impallaria	McDonough	Shewell	
Eckardt	Jennings	McKee	Smigiel	

Voting Nay - 97

Speaker Busch	Conway	Hixson	Manno	Ross
Ali	Davis	Holmes	Mathias	Rudolph
Anderson	DeBoy	Howard	McHale	Simmons
Barkley	Donoghue	Hubbard	McIntosh	Sophocleus
Barnes	Doory	Hucker	Minnick	Stein
Barve	Dumais	Ivey	Mizeur	Stukes
Beidle	Feldman	James	Morhaim	Tarrant
Benson	Frick	Jones	Murphy	Taylor
Bobo	Frush	Kaiser	Nathan-Pulliam	Turner_F
Bohanan	Gaines	Kirk	Niemann	Turner_V
Branch	Gilchrist	Kramer	Oaks	Valderrama
Braveboy	Glenn	Krysiak	Olszewski	Vallario
Bromwell	Griffith	Kullen	Pena-Melnyk	Vaughn
Bronrott	Gutierrez	Lafferty	Pendergrass	Waldstreicher
Burns	Guzzone	Lawton	Proctor	Walker
Cane	Hammen	Lee	Ramirez	Weir
Cardin	Harrison	Levi	Reznik	Wood
Clagett_G	Haynes	Levy	Rice	
Clagett_V	Healey	Love	Robinson	
Conaway	Heller	Malone	Rosenberg	

Not Voting - 1

Carter

Excused From Voting - 0

Excused (Absent) - 5

Hecht	Jameson	McComas	Montgomery	Riley

Seq No. 0018 November 10, 2007 8:02 PM
Presiding: Speaker Busch Legislative Date: November 3, 2007

Maryland House of Delegates
2007 Special Session

Floor Amendment (Schuh) {263628/1 Rejected (40-93)

HB 2 Special Orders
The Speaker
Tax Reform Act of 2007

Favorable with amendments adp - ON 2ND RDG
FLOOR AMD Del. Schuh /263628/1

40 Yeas	93 Nays	0 Excused	3 Not Voting	5 Excused (Absent)

Voting Yea - 40

Aumann	Elliott	Jennings	McKee	Smigiel
Bartlett	Elmore	Kach	Miller	Sossi
Bates	Frank	Kelly	Myers	Stifler
Beitzel	George	King	O'Donnell	Stocksdale
Boteler	Glassman	Kipke	Rudolph	Stull
Costa	Haddaway	Krebs	Schuh	Walkup
Dwyer	Impallaria	McConkey	Shank	Weldon
Eckardt	James	McDonough	Shewell	Wood

Voting Nay - 93

Speaker Busch	Clagett_V	Healey	Malone	Robinson
Ali	Conaway	Heller	Manno	Rosenberg
Anderson	Davis	Hixson	Mathias	Ross
Barkley	DeBoy	Holmes	McHale	Simmons
Barnes	Donoghue	Howard	McIntosh	Sophocleus
Barve	Doory	Hubbard	Minnick	Stein
Beidle	Dumais	Hucker	Mizeur	Stukes
Benson	Feldman	Ivey	Morhaim	Tarrant
Bobo	Frick	Jones	Murphy	Taylor
Bohanan	Frush	Kaiser	Nathan-Pulliam	Turner_F
Branch	Gaines	Kirk	Niemann	Turner_V
Braveboy	Gilchrist	Krysiak	Oaks	Valderrama
Bromwell	Glenn	Kullen	Olszewski	Vallario
Bronrott	Griffith	Lafferty	Pena-Melnyk	Vaughn
Burns	Gutierrez	Lawton	Pendergrass	Waldstreicher
Cane	Guzzone	Lee	Proctor	Walker
Cardin	Hammen	Levi	Ramirez	Weir
Carter	Harrison	Levy	Reznik	
Clagett_G	Haynes	Love	Rice	

Not Voting - 3

Conway	Kramer	Schuler

Excused From Voting - 0

Excused (Absent) - 5

Hecht	Jameson	McComas	Montgomery	Riley

Seq No. 0019 November 10, 2007 8:08 PM
Presiding: Speaker Busch Legislative Date: November 3, 2007

Maryland House of Delegates
2007 Special Session

Floor Amendment (Aumann) {573922/1 Rejected (46-85)

HB 2 Special Orders
The Speaker
Tax Reform Act of 2007

Favorable with amendments adp - ON 2ND RDG
FLOOR AMD Del. Aumann /573922/1

46 Yeas	85 Nays	0 Excused	4 Not Voting	6 Excused (Absent)

Voting Yea - 46

Aumann	Dwyer	Jennings	Miller	Sossi
Bartlett	Eckardt	Kach	Myers	Stifler
Bates	Elliott	Kelly	O'Donnell	Stocksdale
Beidle	Elmore	King	Rudolph	Stull
Beitzel	Frank	Kipke	Schuh	Walkup
Boteler	George	Krebs	Schuler	Wood
Bromwell	Glassman	Mathias	Shank	
Clagett_V	Haddaway	McConkey	Shewell	
Costa	Impallaria	McDonough	Smigiel	
DeBoy	James	McKee	Sophocleus	

Voting Nay - 85

Speaker Busch	Conway	Hixson	Malone	Rice
Ali	Davis	Holmes	Manno	Robinson
Barkley	Doory	Howard	McHale	Rosenberg
Barnes	Dumais	Hubbard	McIntosh	Ross
Barve	Feldman	Hucker	Minnick	Simmons
Benson	Frick	Ivey	Mizeur	Stein
Bobo	Frush	Jones	Morhaim	Stukes
Bohanan	Gaines	Kirk	Murphy	Tarrant
Branch	Gilchrist	Kramer	Nathan-Pulliam	Taylor
Braveboy	Glenn	Krysiak	Niemann	Turner_F
Bronrott	Griffith	Kullen	Oaks	Turner_V
Burns	Gutierrez	Lafferty	Olszewski	Valderrama
Cane	Guzzone	Lawton	Pena-Melnyk	Vallario
Cardin	Hammen	Lee	Pendergrass	Vaughn
Carter	Harrison	Levi	Proctor	Waldstreicher
Clagett_G	Haynes	Levy	Ramirez	Walker
Conaway	Healey	Love	Reznik	Weir

Not Voting - 4

Anderson	Heller	Kaiser	Weldon

Excused From Voting - 0

Excused (Absent) - 6

Donoghue	Jameson	Montgomery
Hecht	McComas	Riley

Seq No. 0020 November 10, 2007 8:15 PM
Presiding: Speaker Busch Legislative Date: November 3, 2007

Maryland House of Delegates
2007 Special Session

Floor Amendment (Stocksdale) {743121/1 Rejected (39-94)

HB 2 Special Orders
The Speaker
Tax Reform Act of 2007

Favorable with amendments adp - ON 2ND RDG
FLOOR AMD Del. Stocksdale /743121/1

39 Yeas	94 Nays	0 Excused	2 Not Voting	6 Excused (Absent)

Voting Yea - 39

Aumann	Elliott	Jennings	McKee	Smigiel
Bartlett	Elmore	Kach	Miller	Sossi
Bates	Frank	Kelly	Myers	Stifler
Beitzel	George	King	O'Donnell	Stocksdale
Boteler	Glassman	Kipke	Rudolph	Stull
Costa	Haddaway	Krebs	Schuh	Walkup
Dwyer	Impallaria	McConkey	Shank	Weldon
Eckardt	James	McDonough	Shewell	

Voting Nay - 94

Speaker Busch	Conaway	Heller	Malone	Rosenberg
Ali	Conway	Hixson	Manno	Ross
Barkley	Davis	Holmes	Mathias	Schuler
Barnes	DeBoy	Howard	McHale	Simmons
Barve	Doory	Hubbard	McIntosh	Sophocleus
Beidle	Dumais	Hucker	Minnick	Stein
Benson	Feldman	Ivey	Mizeur	Stukes
Bobo	Frick	Jones	Morhaim	Tarrant
Bohanan	Frush	Kaiser	Murphy	Taylor
Branch	Gaines	Kirk	Nathan-Pulliam	Turner_F
Braveboy	Gilchrist	Kramer	Niemann	Turner_V
Bromwell	Glenn	Krysiak	Olszewski	Valderrama
Bronrott	Griffith	Kullen	Pena-Melnyk	Vallario
Burns	Gutierrez	Lafferty	Pendergrass	Vaughn
Cane	Guzzone	Lawton	Proctor	Waldstreicher
Cardin	Hammen	Lee	Ramirez	Walker
Carter	Harrison	Levi	Reznik	Weir
Clagett_G	Haynes	Levy	Rice	Wood
Clagett_V	Healey	Love	Robinson	

Not Voting - 2

Anderson	Oaks

Excused From Voting - 0

Excused (Absent) - 6

Donoghue	Jameson	Montgomery
Hecht	McComas	Riley

Seq No. 0021 November 10, 2007 8:37 PM
Presiding: Speaker Busch Legislative Date: November 3, 2007

Maryland House of Delegates
2007 Special Session

Floor Amendment (Frank) {223523/1 Rejected (48-84)

HB 2 Special Orders
The Speaker
Tax Reform Act of 2007

Favorable with amendments adp - ON 2ND RDG
FLOOR AMD Del. Frank /223523/1

48 Yeas	84 Nays	0 Excused	3 Not Voting	6 Excused (Absent)

Voting Yea - 48

Aumann	Eckardt	Kach	McKee	Sossi
Bartlett	Elliott	Kelly	Miller	Stifler
Bates	Elmore	King	Minnick	Stocksdale
Beitzel	Frank	Kipke	Myers	Stull
Bohanan	George	Krebs	O'Donnell	Walkup
Boteler	Glassman	Lafferty	Schuh	Weir
Bromwell	Haddaway	Levy	Shank	Weldon
Costa	Impallaria	Mathias	Shewell	Wood
DeBoy	James	McConkey	Smigiel	
Dwyer	Jennings	McDonough	Sophocleus	

Voting Nay - 84

Speaker Busch	Conaway	Healey	Malone	Robinson
Ali	Conway	Hixson	Manno	Rosenberg
Barkley	Davis	Holmes	McHale	Ross
Barnes	Doory	Howard	McIntosh	Schuler
Barve	Dumais	Hubbard	Mizeur	Simmons
Beidle	Feldman	Hucker	Morhaim	Stein
Benson	Frick	Ivey	Murphy	Stukes
Bobo	Frush	Jones	Nathan-Pulliam	Tarrant
Branch	Gaines	Kaiser	Niemann	Taylor
Braveboy	Gilchrist	Kirk	Oaks	Turner_F
Bronrott	Glenn	Kramer	Olszewski	Turner_V
Burns	Griffith	Krysiak	Pena-Melnyk	Valderrama
Cane	Gutierrez	Kullen	Pendergrass	Vallario
Cardin	Guzzone	Lawton	Proctor	Vaughn
Carter	Hammen	Lee	Ramirez	Waldstreicher
Clagett_G	Harrison	Levi	Reznik	Walker
Clagett_V	Haynes	Love	Rice	

Not Voting - 3

Anderson	Heller	Rudolph

Excused From Voting - 0

Excused (Absent) - 6

Donoghue	Jameson	Montgomery
Hecht	McComas	Riley

Seq No. 0022 November 10, 2007 8:43 PM
Presiding: Speaker Busch Legislative Date: November 3, 2007

Maryland House of Delegates
2007 Special Session

Floor Amendment (Miller) {593023/1 Rejected (38-94)

HB 2 Special Orders
The Speaker
Tax Reform Act of 2007

Favorable with amendments adp - ON 2ND RDG
Floor AMD Del. Miller /593023/1

38 Yeas	94 Nays	0 Excused	4 Not Voting	5 Excused (Absent)

Voting Yea - 38

Bartlett	Elmore	Kelly	Minnick	Stifler
Bates	Frank	King	Myers	Stocksdale
Beitzel	George	Kipke	O'Donnell	Stull
Boteler	Glassman	Krebs	Schuh	Walkup
Costa	Haddaway	McConkey	Shank	Weldon
Dwyer	Impallaria	McDonough	Shewell	Wood
Eckardt	Jennings	McKee	Smigiel	
Elliott	Kach	Miller	Sossi	

Voting Nay - 94

Speaker Busch	Clagett_V	Haynes	Levi	Reznik
Ali	Conaway	Healey	Levy	Rice
Anderson	Conway	Heller	Love	Robinson
Barkley	Davis	Hixson	Malone	Rosenberg
Barnes	DeBoy	Holmes	Manno	Ross
Barve	Donoghue	Howard	Mathias	Rudolph
Beidle	Doory	Hubbard	McHale	Simmons
Benson	Dumais	Hucker	McIntosh	Stein
Bobo	Feldman	Ivey	Mizeur	Stukes
Bohanan	Frick	James	Morhaim	Tarrant
Branch	Frush	Jones	Murphy	Taylor
Braveboy	Gaines	Kaiser	Nathan-Pulliam	Turner_V
Bromwell	Gilchrist	Kirk	Niemann	Valderrama
Bronrott	Glenn	Kramer	Oaks	Vallario
Burns	Griffith	Krysiak	Olszewski	Vaughn
Cane	Gutierrez	Kullen	Pena-Melnyk	Waldstreicher
Cardin	Guzzone	Lafferty	Pendergrass	Walker
Carter	Hammen	Lawton	Proctor	Weir
Clagett_G	Harrison	Lee	Ramirez	

Not Voting - 4

Aumann	Schuler	Sophocleus	Turner_F

Excused From Voting - 0

Excused (Absent) - 5

Hecht	Jameson	McComas	Montgomery	Riley

Seq No. 0023 November 10, 2007 8:49 PM
Presiding: Speaker Busch Legislative Date: November 3, 2007

Maryland House of Delegates
2007 Special Session

Floor Amendment (Shewell) {293120/1 Rejected (40-91)

HB 2 Special Orders
The Speaker
Tax Reform Act of 2007

Favorable with amendments adp - ON 2ND RDG
FLOOR AMD Del. Shewell /293120/1

40 Yeas	91 Nays	0 Excused	5 Not Voting	5 Excused (Absent)

Voting Yea - 40

Anderson	Dwyer	Jennings	McKee	Smigiel
Aumann	Eckardt	Kach	Miller	Sophocleus
Bartlett	Elliott	Kelly	Minnick	Sossi
Bates	Frank	King	Myers	Stifler
Beitzel	George	Kipke	O'Donnell	Stocksdale
Boteler	Glassman	Krebs	Schuh	Stull
Bromwell	Haddaway	McConkey	Shank	Walkup
Costa	Impallaria	McDonough	Shewell	Weldon

Voting Nay - 91

Speaker Busch	Conway	Hixson	Manno	Ross
Ali	Davis	Holmes	Mathias	Rudolph
Barkley	Donoghue	Howard	McHale	Simmons
Barnes	Doory	Hubbard	McIntosh	Stein
Barve	Dumais	Hucker	Mizeur	Stukes
Beidle	Feldman	Ivey	Morhaim	Tarrant
Benson	Frick	James	Murphy	Taylor
Bobo	Frush	Jones	Nathan-Pulliam	Turner_F
Bohanan	Gaines	Kaiser	Niemann	Turner_V
Branch	Gilchrist	Kirk	Oaks	Valderrama
Braveboy	Glenn	Kramer	Olszewski	Vallario
Bronrott	Griffith	Krysiak	Pena-Melnyk	Vaughn
Burns	Gutierrez	Kullen	Pendergrass	Waldstreicher
Cane	Guzzone	Lafferty	Proctor	Walker
Cardin	Hammen	Lawton	Ramirez	Weir
Carter	Harrison	Lee	Reznik	
Clagett_G	Haynes	Levi	Rice	
Clagett_V	Healey	Levy	Robinson	
Conaway	Heller	Love	Rosenberg	

Not Voting - 5

DeBoy	Elmore	Malone	Schuler	Wood

Excused From Voting - 0

Excused (Absent) - 5

Hecht	Jameson	McComas	Montgomery	Riley

Seq No. 0024 November 10, 2007 9:17 PM
Presiding: Speaker Busch Legislative Date: November 3, 2007

Maryland House of Delegates
2007 Special Session

Floor Amendment (Shank) {103725/1 Rejected (48-86)

HB 5 Special Orders
The Speaker
Transportation and State Investment Act

Favorable with amendments adp - ON 2ND RDG
FLOOR AMD Del. Shank /103725/1

48 Yeas	86 Nays	0 Excused	3 Not Voting	4 Excused (Absent)

Voting Yea - 48

Aumann	Elliott	Kelly	Miller	Sossi
Bartlett	Elmore	King	Minnick	Stifler
Bates	Frank	Kipke	Myers	Stocksdale
Beitzel	George	Krebs	O'Donnell	Stull
Boteler	Glassman	Lafferty	Rudolph	Walkup
Bromwell	Haddaway	Mathias	Schuh	Weir
Costa	Impallaria	McComas	Shank	Weldon
DeBoy	James	McConkey	Shewell	Wood
Dwyer	Jennings	McDonough	Smigiel	
Eckardt	Kach	McKee	Sophocleus	

Voting Nay - 86

Speaker Busch	Conaway	Healey	Love	Ross
Ali	Conway	Heller	Manno	Schuler
Barkley	Davis	Hixson	McHale	Simmons
Barnes	Donoghue	Holmes	McIntosh	Stein
Barve	Doory	Howard	Mizeur	Stukes
Beidle	Dumais	Hubbard	Morhaim	Tarrant
Benson	Feldman	Hucker	Murphy	Taylor
Bobo	Frick	Ivey	Nathan-Pulliam	Turner_F
Bohanan	Frush	Jones	Niemann	Turner_V
Branch	Gaines	Kaiser	Oaks	Valderrama
Braveboy	Gilchrist	Kirk	Pena-Melnyk	Vallario
Bronrott	Glenn	Kramer	Pendergrass	Vaughn
Burns	Griffith	Krysiak	Proctor	Waldstreicher
Cane	Gutierrez	Kullen	Ramirez	Walker
Cardin	Guzzone	Lawton	Reznik	
Carter	Hammen	Lee	Rice	
Clagett_G	Harrison	Levi	Robinson	
Clagett_V	Haynes	Levy	Rosenberg	

Not Voting - 3

Anderson	Malone	Olszewski

Excused From Voting - 0

Excused (Absent) - 4

Hecht	Jameson	Montgomery	Riley

Seq No. 0025 November 10, 2007 9:56 PM
Presiding: Speaker Busch Legislative Date: November 3, 2007

Maryland House of Delegates
2007 Special Session

Floor Amendment (Haddaway) Rejected (49-87)

HB 5 Special Orders
The Speaker
Transportation and State Investment Act

Favorable with amendments adp - ON 2ND RDG
FLOOR AMD Del. Haddaway /853323/1

49 Yeas	87 Nays	0 Excused	1 Not Voting	4 Excused (Absent)

Voting Yea - 49

Aumann	Eckardt	Kach	Miller	Sophocleus
Bartlett	Elliott	Kelly	Minnick	Sossi
Bates	Elmore	King	Myers	Stifler
Beidle	Frank	Kipke	O'Donnell	Stocksdale
Beitzel	George	Krebs	Rudolph	Stull
Boteler	Glassman	Mathias	Schuh	Walkup
Bromwell	Haddaway	McComas	Schuler	Weir
Conway	Impallaria	McConkey	Shank	Weldon
Costa	James	McDonough	Shewell	Wood
Dwyer	Jennings	McKee	Smigiel	

Voting Nay - 87

Speaker Busch	Conaway	Heller	Love	Robinson
Ali	Davis	Hixson	Malone	Rosenberg
Anderson	Donoghue	Holmes	Manno	Ross
Barkley	Doory	Howard	McHale	Simmons
Barnes	Dumais	Hubbard	McIntosh	Stein
Barve	Feldman	Hucker	Mizeur	Stukes
Benson	Frick	Ivey	Morhaim	Tarrant
Bobo	Frush	Jones	Murphy	Taylor
Bohanan	Gaines	Kaiser	Nathan-Pulliam	Turner_F
Branch	Gilchrist	Kirk	Niemann	Turner_V
Braveboy	Glenn	Kramer	Oaks	Valderrama
Bronrott	Griffith	Krysiak	Olszewski	Vallario
Burns	Gutierrez	Kullen	Pena-Melnyk	Vaughn
Cane	Guzzone	Lafferty	Pendergrass	Waldstreicher
Cardin	Hammen	Lawton	Proctor	Walker
Carter	Harrison	Lee	Ramirez	
Clagett_G	Haynes	Levi	Reznik	
Clagett_V	Healey	Levy	Rice	

Not Voting - 1

DeBoy

Excused From Voting - 0

Excused (Absent) - 4

Hecht	Jameson	Montgomery	Riley

Seq No. 0026 November 10, 2007 10:04 PM
Presiding: Speaker Busch Legislative Date: November 3, 2007

Maryland House of Delegates
2007 Special Session

Floor Amendment (Miller) {163527/1 Rejected (40-93)

HB 5 Special Orders
The Speaker
Transportation and State Investment Act

Favorable with amendments adp - ON 2ND RDG
FLOOR AMD Del. Miller /163527/1

40 Yeas	93 Nays	0 Excused	4 Not Voting	4 Excused (Absent)

Voting Yea - 40

Aumann	Elliott	Kelly	Miller	Sossi
Bartlett	Elmore	King	Minnick	Stifler
Bates	Frank	Kipke	Myers	Stocksdale
Beitzel	George	Levy	O'Donnell	Stull
Boteler	Haddaway	McComas	Schuh	Walkup
Costa	Impallaria	McConkey	Shank	Weir
Dwyer	Jennings	McDonough	Shewell	Weldon
Eckardt	Kach	McKee	Smigiel	Wood

Voting Nay - 93

Speaker Busch	Conaway	Healey	Love	Robinson
Ali	Conway	Heller	Malone	Rosenberg
Barkley	Davis	Hixson	Manno	Ross
Barnes	DeBoy	Holmes	Mathias	Rudolph
Barve	Donoghue	Howard	McHale	Schuler
Beidle	Doory	Hubbard	McIntosh	Simmons
Benson	Dumais	Hucker	Mizeur	Stein
Bobo	Feldman	Ivey	Morhaim	Stukes
Bohanan	Frick	James	Murphy	Tarrant
Branch	Frush	Jones	Nathan-Pulliam	Taylor
Braveboy	Gaines	Kaiser	Niemann	Turner_F
Bromwell	Gilchrist	Kirk	Oaks	Turner_V
Bronrott	Glenn	Kramer	Olszewski	Valderrama
Burns	Griffith	Krysiak	Pena-Melnyk	Vallario
Cane	Gutierrez	Kullen	Pendergrass	Vaughn
Cardin	Guzzone	Lafferty	Proctor	Waldstreicher
Carter	Hammen	Lawton	Ramirez	Walker
Clagett_G	Harrison	Lee	Reznik	
Clagett_V	Haynes	Levi	Rice	

Not Voting - 4

Anderson	Glassman	Krebs	Sophocleus

Excused From Voting - 0

Excused (Absent) - 4

Hecht	Jameson	Montgomery	Riley

Seq No. 0027 November 10, 2007 10:14 PM
Presiding: Speaker Busch Legislative Date: November 3, 2007

Maryland House of Delegates
2007 Special Session

Floor Amendment (Smigiel) {623127/1 Rejected (51-84)

HB 5 Special Orders
The Speaker
Transportation and State Investment Act

Favorable with amendments adp - ON 2ND RDG
FLOOR AMD Del. Smigiel /623127/1

51 Yeas	84 Nays	0 Excused	2 Not Voting	4 Excused (Absent)

Voting Yea - 51

Aumann	Elliott	King	Myers	Stifler
Bartlett	Elmore	Kipke	O'Donnell	Stocksdale
Bates	Frank	Krebs	Oaks	Stull
Beidle	George	Levy	Rudolph	Walkup
Beitzel	Glassman	Mathias	Schuh	Weir
Boteler	Haddaway	McComas	Schuler	Weldon
Bromwell	Impallaria	McConkey	Shank	Wood
Costa	James	McDonough	Shewell	
DeBoy	Jennings	McKee	Smigiel	
Dwyer	Kach	Miller	Sophocleus	
Eckardt	Kelly	Minnick	Sossi	

Voting Nay - 84

Speaker Busch	Conaway	Haynes	Lee	Rice
Ali	Conway	Healey	Levi	Robinson
Barkley	Davis	Heller	Love	Rosenberg
Barnes	Donoghue	Hixson	Malone	Ross
Barve	Doory	Holmes	Manno	Simmons
Benson	Dumais	Howard	McHale	Stein
Bobo	Feldman	Hubbard	McIntosh	Stukes
Bohanan	Frick	Hucker	Mizeur	Tarrant
Branch	Frush	Ivey	Murphy	Taylor
Braveboy	Gaines	Jones	Nathan-Pulliam	Turner_F
Bronrott	Gilchrist	Kaiser	Niemann	Turner_V
Burns	Glenn	Kirk	Olszewski	Valderrama
Cane	Griffith	Kramer	Pena-Melnyk	Vallario
Cardin	Gutierrez	Krysiak	Pendergrass	Vaughn
Carter	Guzzone	Kullen	Proctor	Waldstreicher
Clagett_G	Hammen	Lafferty	Ramirez	Walker
Clagett_V	Harrison	Lawton	Reznik	

Not Voting - 2

Anderson	Morhaim

Excused From Voting - 0

Excused (Absent) - 4

Hecht	Jameson	Montgomery	Riley

Seq No. 0028 November 10, 2007 10:17 PM
Presiding: Speaker Busch Legislative Date: November 3, 2007

Maryland House of Delegates
2007 Special Session

Floor Amendment (Smigiel) {583926/1 Rejected (40-90)

HB 5 Special Orders
The Speaker
Transportation and State Investment Act

Favorable with amendments adp - ON 2ND RDG
FLOOR AMD Del. Smigiel /583926/1

40 Yeas	90 Nays	0 Excused	7 Not Voting	4 Excused (Absent)

Voting Yea - 40

Aumann	Eckardt	Jennings	McDonough	Shewell
Bartlett	Elliott	Kach	McKee	Smigiel
Bates	Elmore	Kelly	Miller	Sossi
Beitzel	Frank	King	Myers	Stifler
Boteler	George	Kipke	O'Donnell	Stocksdale
Bromwell	Glassman	Krebs	Schuh	Stull
Costa	Haddaway	McComas	Schuler	Walkup
Dwyer	Impallaria	McConkey	Shank	Wood

Voting Nay - 90

Speaker Busch	Conway	Healey	Levy	Rice
Ali	Davis	Heller	Love	Robinson
Barkley	DeBoy	Hixson	Manno	Rosenberg
Barnes	Donoghue	Holmes	Mathias	Ross
Barve	Doory	Howard	McHale	Rudolph
Beidle	Dumais	Hubbard	McIntosh	Simmons
Benson	Feldman	Hucker	Mizeur	Stein
Bobo	Frick	Ivey	Morhaim	Stukes
Branch	Frush	James	Murphy	Tarrant
Braveboy	Gaines	Jones	Nathan-Pulliam	Taylor
Bronrott	Gilchrist	Kaiser	Niemann	Turner_F
Burns	Glenn	Kirk	Oaks	Turner_V
Cane	Griffith	Kramer	Olszewski	Valderrama
Cardin	Gutierrez	Krysiak	Pena-Melnyk	Vallario
Carter	Guzzone	Lafferty	Pendergrass	Vaughn
Clagett_G	Hammen	Lawton	Proctor	Waldstreicher
Clagett_V	Harrison	Lee	Ramirez	Walker
Conaway	Haynes	Levi	Reznik	Weir

Not Voting - 7

Anderson	Kullen	Minnick	Weldon
Bohanan	Malone	Sophocleus	

Excused From Voting - 0

Excused (Absent) - 4

Hecht	Jameson	Montgomery	Riley

Seq No. 0029 November 10, 2007 10:27 PM
Presiding: Speaker Busch Legislative Date: November 3, 2007

Maryland House of Delegates
2007 Special Session

Floor Amendment (Eckardt) {593623/1 Rejected (35-95)

HB 5 Special Orders
The Speaker
Transportation and State Investment Act

Favorable with amendments adp - ON 2ND RDG
FLOOR AMD Del. Eckardt /593623/1

35 Yeas	95 Nays	0 Excused	7 Not Voting	4 Excused (Absent)

Voting Yea - 35

Bartlett	Elliott	King	Miller	Sossi
Bates	Elmore	Kipke	Myers	Stifler
Beitzel	George	Krebs	O'Donnell	Stocksdale
Boteler	Glassman	McComas	Schuh	Stull
Costa	Haddaway	McConkey	Shank	Walkup
Dwyer	Jennings	McDonough	Shewell	Weldon
Eckardt	Kelly	McKee	Smigiel	Wood

Voting Nay - 95

Speaker Busch	Conaway	Hixson	Levy	Reznik
Ali	Conway	Holmes	Love	Rice
Barkley	Davis	Howard	Malone	Robinson
Barnes	DeBoy	Hubbard	Manno	Rosenberg
Barve	Doory	Hucker	Mathias	Ross
Beidle	Dumais	Impallaria	McHale	Rudolph
Benson	Feldman	Ivey	McIntosh	Schuler
Bobo	Frick	James	Minnick	Sophocleus
Bohanan	Frush	Jones	Mizeur	Stein
Branch	Gaines	Kach	Morhaim	Stukes
Braveboy	Gilchrist	Kaiser	Murphy	Tarrant
Bromwell	Griffith	Kirk	Nathan-Pulliam	Taylor
Bronrott	Gutierrez	Kramer	Niemann	Turner_V
Burns	Guzzone	Krysiak	Oaks	Valderrama
Cane	Hammen	Kullen	Olszewski	Vallario
Cardin	Harrison	Lafferty	Pena-Melnyk	Vaughn
Carter	Haynes	Lawton	Pendergrass	Waldstreicher
Clagett_G	Healey	Lee	Proctor	Walker
Clagett_V	Heller	Levi	Ramirez	Weir

Not Voting - 7

Anderson	Donoghue	Glenn	Turner_F
Aumann	Frank	Simmons	

Excused From Voting - 0

Excused (Absent) - 4

Hecht	Jameson	Montgomery	Riley

Seq No. 0030 November 10, 2007 10:30 PM
Presiding: Speaker Busch Legislative Date: November 3, 2007

Maryland House of Delegates
2007 Special Session

Quorum: 137

QUORUM

137 Yeas	0 Nays	0 Excused	0 Not Voting	4 Excused (Absent)

Voting Yea - 137

Speaker Busch	Davis	Holmes	McComas	Schuler
Ali	DeBoy	Howard	McConkey	Shank
Anderson	Donoghue	Hubbard	McDonough	Shewell
Aumann	Doory	Hucker	McHale	Simmons
Barkley	Dumais	Impallaria	McIntosh	Smigiel
Barnes	Dwyer	Ivey	McKee	Sophocleus
Bartlett	Eckardt	James	Miller	Sossi
Barve	Elliott	Jennings	Minnick	Stein
Bates	Elmore	Jones	Mizeur	Stifler
Beidle	Feldman	Kach	Morhaim	Stocksdale
Beitzel	Frank	Kaiser	Murphy	Stukes
Benson	Frick	Kelly	Myers	Stull
Bobo	Frush	King	Nathan-Pulliam	Tarrant
Bohanan	Gaines	Kipke	Niemann	Taylor
Boteler	George	Kirk	O'Donnell	Turner_F
Branch	Gilchrist	Kramer	Oaks	Turner_V
Braveboy	Glassman	Krebs	Olszewski	Valderrama
Bromwell	Glenn	Krysiak	Pena-Melnyk	Vallario
Bronrott	Griffith	Kullen	Pendergrass	Vaughn
Burns	Gutierrez	Lafferty	Proctor	Waldstreicher
Cane	Guzzone	Lawton	Ramirez	Walker
Cardin	Haddaway	Lee	Reznik	Walkup
Carter	Hammen	Levi	Rice	Weir
Clagett_G	Harrison	Levy	Robinson	Weldon
Clagett_V	Haynes	Love	Rosenberg	Wood
Conaway	Healey	Malone	Ross	
Conway	Heller	Manno	Rudolph	
Costa	Hixson	Mathias	Schuh	

Voting Nay - 0

Not Voting - 0

Excused From Voting - 0

Excused (Absent) - 4

Hecht	Jameson	Montgomery	Riley

Seq No. 0031 November 10, 2007 11:06 PM
Presiding: Speaker Busch Legislative Date: November 4, 2007

Maryland House of Delegates
2007 Special Session

Quorum: 137

QUORUM

137 Yeas	0 Nays	0 Excused	0 Not Voting	4 Excused (Absent)

Voting Yea - 137

Speaker Busch	Davis	Holmes	McComas	Schuler
Ali	DeBoy	Howard	McConkey	Shank
Anderson	Donoghue	Hubbard	McDonough	Shewell
Aumann	Doory	Hucker	McHale	Simmons
Barkley	Dumais	Impallaria	McIntosh	Smigiel
Barnes	Dwyer	Ivey	McKee	Sophocleus
Bartlett	Eckardt	James	Miller	Sossi
Barve	Elliott	Jennings	Minnick	Stein
Bates	Elmore	Jones	Mizeur	Stifler
Beidle	Feldman	Kach	Morhaim	Stocksdale
Beitzel	Frank	Kaiser	Murphy	Stukes
Benson	Frick	Kelly	Myers	Stull
Bobo	Frush	King	Nathan-Pulliam	Tarrant
Bohanan	Gaines	Kipke	Niemann	Taylor
Boteler	George	Kirk	O'Donnell	Turner_F
Branch	Gilchrist	Kramer	Oaks	Turner_V
Braveboy	Glassman	Krebs	Olszewski	Valderrama
Bromwell	Glenn	Krysiak	Pena-Melnyk	Vallario
Bronrott	Griffith	Kullen	Pendergrass	Vaughn
Burns	Gutierrez	Lafferty	Proctor	Waldstreicher
Cane	Guzzone	Lawton	Ramirez	Walker
Cardin	Haddaway	Lee	Reznik	Walkup
Carter	Hammen	Levi	Rice	Weir
Clagett_G	Harrison	Levy	Robinson	Weldon
Clagett_V	Haynes	Love	Rosenberg	Wood
Conaway	Healey	Malone	Ross	
Conway	Heller	Manno	Rudolph	
Costa	Hixson	Mathias	Schuh	

Voting Nay - 0

Not Voting - 0

Excused From Voting - 0

Excused (Absent) - 4

Hecht	Jameson	Montgomery	Riley

Seq No. 0032 November 10, 2007 11:08 PM
Presiding: Speaker Busch Legislative Date: November 4, 2007

Maryland House of Delegates
2007 Special Session

Quorum: 137

QUORUM

137 Yeas	0 Nays	0 Excused	0 Not Voting	4 Excused (Absent)

Voting Yea - 137

Speaker Busch	Davis	Holmes	McComas	Schuler
Ali	DeBoy	Howard	McConkey	Shank
Anderson	Donoghue	Hubbard	McDonough	Shewell
Aumann	Doory	Hucker	McHale	Simmons
Barkley	Dumais	Impallaria	McIntosh	Smigiel
Barnes	Dwyer	Ivey	McKee	Sophocleus
Bartlett	Eckardt	James	Miller	Sossi
Barve	Elliott	Jennings	Minnick	Stein
Bates	Elmore	Jones	Mizeur	Stifler
Beidle	Feldman	Kach	Morhaim	Stocksdale
Beitzel	Frank	Kaiser	Murphy	Stukes
Benson	Frick	Kelly	Myers	Stull
Bobo	Frush	King	Nathan-Pulliam	Tarrant
Bohanan	Gaines	Kipke	Niemann	Taylor
Boteler	George	Kirk	O'Donnell	Turner_F
Branch	Gilchrist	Kramer	Oaks	Turner_V
Braveboy	Glassman	Krebs	Olszewski	Valderrama
Bromwell	Glenn	Krysiak	Pena-Melnyk	Vallario
Bronrott	Griffith	Kullen	Pendergrass	Vaughn
Burns	Gutierrez	Lafferty	Proctor	Waldstreicher
Cane	Guzzone	Lawton	Ramirez	Walker
Cardin	Haddaway	Lee	Reznik	Walkup
Carter	Hammen	Levi	Rice	Weir
Clagett_G	Harrison	Levy	Robinson	Weldon
Clagett_V	Haynes	Love	Rosenberg	Wood
Conaway	Healey	Malone	Ross	
Conway	Heller	Manno	Rudolph	
Costa	Hixson	Mathias	Schuh	

Voting Nay - 0

Not Voting - 0

Excused From Voting - 0

Excused (Absent) - 4

Hecht	Jameson	Montgomery	Riley

Seq No. 0033 November 11, 2007 12:30 AM
Presiding: Speaker Busch Legislative Date: November 4, 2007

Maryland House of Delegates
2007 Special Session

Third Reading Passed (82-55)

HB 2 Third Reading (HB) Calendar No. 1
The Speaker (W&M and APP)
Tax Reform Act of 2007

On Third Reading

82 Yeas	55 Nays	0 Excused	0 Not Voting	4 Excused (Absent)

Voting Yea - 82

Speaker Busch	Clagett_V	Heller	Malone	Robinson
Ali	Conway	Hixson	Manno	Rosenberg
Anderson	Davis	Holmes	Mathias	Ross
Barkley	Donoghue	Howard	McHale	Rudolph
Barnes	Doory	Hubbard	McIntosh	Stein
Barve	Frick	Hucker	Mizeur	Stukes
Benson	Frush	Ivey	Murphy	Tarrant
Bobo	Gaines	James	Nathan-Pulliam	Taylor
Bohanan	Gilchrist	Jones	Niemann	Turner_F
Branch	Glenn	Kaiser	Oaks	Turner_V
Braveboy	Griffith	Kirk	Olszewski	Valderrama
Bronrott	Gutierrez	Krysiak	Pena-Melnyk	Vallario
Burns	Guzzone	Kullen	Pendergrass	Vaughn
Cane	Hammen	Lawton	Proctor	Waldstreicher
Cardin	Harrison	Lee	Ramirez	
Carter	Haynes	Levi	Reznik	
Clagett_G	Healey	Love	Rice	

Voting Nay - 55

Aumann	Dwyer	Kach	McKee	Smigiel
Bartlett	Eckardt	Kelly	Miller	Sophocleus
Bates	Elliott	King	Minnick	Sossi
Beidle	Elmore	Kipke	Morhaim	Stifler
Beitzel	Feldman	Kramer	Myers	Stocksdale
Boteler	Frank	Krebs	O'Donnell	Stull
Bromwell	George	Lafferty	Schuh	Walker
Conaway	Glassman	Levy	Schuler	Walkup
Costa	Haddaway	McComas	Shank	Weir
DeBoy	Impallaria	McConkey	Shewell	Weldon
Dumais	Jennings	McDonough	Simmons	Wood

Not Voting - 0

Excused From Voting - 0

Excused (Absent) - 4

Hecht	Jameson	Montgomery	Riley

Seq No. 0034 November 11, 2007 1:08 AM
Presiding: Speaker Busch Legislative Date: November 4, 2007

Maryland House of Delegates
2007 Special Session

Third Reading Passed (80-56)

HB 5 Third Reading (HB) Calendar No. 2
The Speaker (W&M and APP)
Transportation and State Investment Act

On Third Reading

80 Yeas	56 Nays	0 Excused	1 Not Voting	4 Excused (Absent)

Voting Yea - 80

Speaker Busch	Clagett_V	Harrison	Lee	Ramirez
Ali	Conway	Haynes	Levi	Reznik
Anderson	Davis	Healey	Levy	Rice
Barkley	Donoghue	Heller	Love	Robinson
Barnes	Doory	Hixson	Manno	Rosenberg
Barve	Dumais	Holmes	McHale	Ross
Beidle	Feldman	Howard	McIntosh	Stukes
Benson	Frick	Hubbard	Mizeur	Tarrant
Bobo	Frush	Hucker	Morhaim	Taylor
Bohanan	Gaines	Ivey	Murphy	Turner_F
Branch	Gilchrist	Jones	Nathan-Pulliam	Turner_V
Braveboy	Glenn	Kaiser	Niemann	Valderrama
Bronrott	Griffith	Kirk	Oaks	Vallario
Cane	Gutierrez	Krysiak	Pena-Melnyk	Vaughn
Cardin	Guzzone	Kullen	Pendergrass	Waldstreicher
Clagett_G	Hammen	Lawton	Proctor	Walker

Voting Nay - 56

Aumann	Elliott	Kipke	Myers	Stein
Bartlett	Elmore	Kramer	O'Donnell	Stifler
Bates	Frank	Krebs	Olszewski	Stocksdale
Beitzel	George	Lafferty	Rudolph	Stull
Boteler	Glassman	Malone	Schuh	Walkup
Bromwell	Haddaway	Mathias	Schuler	Weir
Carter	Impallaria	McComas	Shank	Weldon
Conaway	James	McConkey	Shewell	Wood
Costa	Jennings	McDonough	Simmons	
DeBoy	Kach	McKee	Smigiel	
Dwyer	Kelly	Miller	Sophocleus	
Eckardt	King	Minnick	Sossi	

Not Voting - 1

Burns

Excused From Voting - 0

Excused (Absent) - 4

Hecht	Jameson	Montgomery	Riley

Seq No. 0035 November 11, 2007 1:17 AM
Presiding: Speaker Busch Legislative Date: November 4, 2007

Maryland House of Delegates
2007 Special Session

Quorum: 135

QUORUM

135 Yeas	0 Nays	0 Excused	2 Not Voting	4 Excused (Absent)

Voting Yea - 135

Speaker Busch	Davis	Hixson	Manno	Ross
Ali	DeBoy	Holmes	Mathias	Rudolph
Anderson	Donoghue	Howard	McComas	Schuh
Aumann	Doory	Hubbard	McConkey	Schuler
Barkley	Dumais	Hucker	McDonough	Shank
Barnes	Dwyer	Impallaria	McHale	Shewell
Bartlett	Eckardt	Ivey	McIntosh	Simmons
Barve	Elliott	James	McKee	Smigiel
Bates	Elmore	Jennings	Miller	Sophocleus
Beitzel	Feldman	Jones	Minnick	Sossi
Benson	Frank	Kach	Mizeur	Stein
Bobo	Frick	Kaiser	Morhaim	Stifler
Bohanan	Frush	Kelly	Murphy	Stocksdale
Boteler	Gaines	King	Myers	*Stukes
Branch	George	Kipke	Nathan-Pulliam	Stull
Braveboy	Gilchrist	Kirk	Niemann	Tarrant
Bromwell	Glassman	Kramer	O'Donnell	Taylor
Bronrott	Glenn	Krebs	*Oaks	Turner_F
Burns	Griffith	Krysiak	Olszewski	Turner_V
Cane	Gutierrez	Kullen	Pena-Melnyk	Valderrama
Cardin	Guzzone	Lafferty	Pendergrass	Vallario
Carter	Haddaway	Lawton	Proctor	Vaughn
Clagett_G	Hammen	Lee	Ramirez	Waldstreicher
Clagett_V	Harrison	Levi	Reznik	Walkup
Conaway	Haynes	Levy	Rice	Weir
Conway	Healey	Love	Robinson	Weldon
Costa	Heller	Malone	Rosenberg	Wood

Voting Nay - 0

Not Voting - 2

Beidle	Walker

Excused From Voting - 0

Excused (Absent) - 4

Hecht	Jameson	Montgomery	Riley

* indicates vote change

Seq No. 0036 November 12, 2007 9:10 PM
Presiding: Speaker Busch Legislative Date: November 5, 2007

Maryland House of Delegates
2007 Special Session

Quorum: 136

QUORUM

136 Yeas	0 Nays	0 Excused	1 Not Voting	4 Excused (Absent)

Voting Yea - 136

Speaker Busch	Donoghue	Howard	McComas	Schuler
Ali	Doory	Hubbard	McConkey	Shank
Anderson	Dumais	Hucker	McDonough	Shewell
Aumann	Dwyer	Impallaria	McHale	Simmons
Barkley	Eckardt	Ivey	McIntosh	Smigiel
Barnes	Elliott	James	McKee	Sophocleus
Bartlett	Elmore	Jameson	Miller	Sossi
Barve	Feldman	Jennings	Minnick	Stein
Bates	Frank	Jones	Mizeur	Stifler
Beidle	Frick	Kach	Morhaim	Stocksdale
Beitzel	Frush	Kaiser	Murphy	Stukes
Bobo	Gaines	Kelly	Myers	Stull
Bohanan	George	King	Nathan-Pulliam	Tarrant
Boteler	Gilchrist	Kipke	Niemann	Taylor
Branch	Glassman	Kirk	O'Donnell	Turner_F
Braveboy	Glenn	Kramer	Oaks	Turner_V
Bromwell	Griffith	Krebs	Olszewski	Valderrama
Bronrott	Gutierrez	Krysiak	Pena-Melnyk	Vallario
Burns	Guzzone	Kullen	Pendergrass	Vaughn
Cane	Haddaway	Lafferty	Proctor	Waldstreicher
Cardin	Hammen	Lawton	Ramirez	Walker
Carter	Harrison	Lee	Reznik	Weir
Clagett_G	Haynes	Levi	Rice	Weldon
Clagett_V	Healey	Levy	Riley	Wood
Conaway	Hecht	Love	Robinson	
Conway	Heller	Malone	Rosenberg	
Costa	Hixson	Manno	Rudolph	
DeBoy	Holmes	Mathias	Schuh	

Voting Nay - 0

Not Voting - 1

Ross

Excused From Voting - 0

Excused (Absent) - 4

Benson	Davis	Montgomery	Walkup

Seq No. 0037 November 12, 2007 9:24 PM
Presiding: Speaker Busch Legislative Date: November 5, 2007

Maryland House of Delegates
2007 Special Session

Quorum: 136

QUORUM

136 Yeas	0 Nays	0 Excused	1 Not Voting	4 Excused (Absent)

Voting Yea - 136

Speaker Busch	Donoghue	Howard	McComas	Schuler
Ali	Doory	Hubbard	McConkey	Shank
Anderson	Dumais	Hucker	McDonough	Shewell
Aumann	Dwyer	Impallaria	McHale	Simmons
Barkley	Eckardt	Ivey	McIntosh	Smigiel
Barnes	Elliott	James	McKee	Sophocleus
Bartlett	Elmore	Jameson	Miller	Sossi
Barve	Feldman	Jennings	Minnick	Stein
Bates	Frank	Jones	Mizeur	Stifler
Beidle	Frick	Kach	Morhaim	Stocksdale
Beitzel	Frush	Kaiser	Murphy	Stukes
Bobo	Gaines	Kelly	Myers	Stull
Bohanan	George	King	Nathan-Pulliam	Tarrant
Boteler	Gilchrist	Kipke	Niemann	Taylor
Branch	Glassman	Kirk	O'Donnell	Turner_F
Braveboy	Glenn	Kramer	Oaks	Turner_V
Bromwell	Griffith	Krebs	Olszewski	Valderrama
Bronrott	Gutierrez	Krysiak	Pena-Melnyk	Vallario
Burns	Guzzone	Kullen	Pendergrass	Vaughn
Cane	Haddaway	Lafferty	Proctor	Waldstreicher
Cardin	Hammen	Lawton	Ramirez	Walker
Carter	Harrison	Lee	Reznik	Weir
Clagett_G	Haynes	Levi	Rice	Weldon
Clagett_V	Healey	Levy	Riley	Wood
Conaway	Hecht	Love	Robinson	
Conway	Heller	Malone	Rosenberg	
Costa	Hixson	Manno	Rudolph	
DeBoy	Holmes	Mathias	Schuh	

Voting Nay - 0

Not Voting - 1

Ross

Excused From Voting - 0

Excused (Absent) - 4

Benson	Davis	Montgomery	Walkup

Seq No. 0040 November 13, 2007 11:13 AM
Presiding: Speaker Busch Legislative Date: November 6, 2007

Maryland House of Delegates
2007 Special Session

Quorum: 125

QUORUM

125 Yeas	0 Nays	0 Excused	14 Not Voting	2 Excused (Absent)

Voting Yea - 125

Speaker Busch	Doory	Hubbard	McComas	Schuh
Ali	Dumais	Hucker	McConkey	Schuler
Anderson	Dwyer	Impallaria	McDonough	Shank
Aumann	Eckardt	Ivey	McIntosh	Shewell
Barkley	Elliott	James	McKee	Simmons
Barnes	Elmore	Jameson	Miller	Smigiel
Bartlett	Feldman	Jennings	Minnick	Sophocleus
Barve	Frank	Jones	Mizeur	Sossi
Bates	Frick	Kach	Morhaim	Stein
Beidle	Frush	Kaiser	Murphy	Stifler
Beitzel	Gaines	Kelly	Myers	Stocksdale
Bobo	George	King	Nathan-Pulliam	Stull
Bohanan	Gilchrist	Kipke	O'Donnell	Tarrant
Boteler	Glassman	Kirk	Olszewski	Taylor
Branch	Glenn	Kramer	Pena-Melnyk	Turner_F
Braveboy	Griffith	Krebs	Pendergrass	Turner_V
Bromwell	Gutierrez	Krysiak	Proctor	Valderrama
Bronrott	Guzzone	Kullen	Ramirez	Vallario
Cardin	Haddaway	Lafferty	Reznik	Vaughn
Carter	Hammen	Lawton	Rice	Waldstreicher
Clagett_G	Haynes	Lee	Riley	Walker
Clagett_V	Healey	Levi	Robinson	Walkup
Conway	Hecht	Levy	Rosenberg	Weir
Costa	Hixson	Manno	Ross	Weldon
DeBoy	Holmes	Mathias	Rudolph	Wood

Voting Nay - 0

Not Voting - 14

Benson	Conaway	Harrison	Love	Oaks
Burns	Davis	Heller	McHale	Stukes
Cane	Donoghue	Howard	Niemann	

Excused From Voting - 0

Excused (Absent) - 2

Malone	Montgomery

Seq No. 0041 November 13, 2007 12:32 PM
Presiding: Speaker Busch Legislative Date: November 6, 2007

Maryland House of Delegates
2007 Special Session

Floor Amendment (ODonnell) {453120/1 Rejected (38-98)

HB 1 Special Orders
The Speaker
Budget Reconciliation Act

Favorable with amendments adp - ON 2ND RDG
FLOOR AMD Del. O'Donnell /453120/1

38 Yeas	98 Nays	0 Excused	3 Not Voting	2 Excused (Absent)

Voting Yea - 38

Aumann	Elliott	Kach	McKee	Sossi
Bartlett	Elmore	Kelly	Miller	Stifler
Bates	Frank	King	Myers	Stocksdale
Beitzel	George	Kipke	O'Donnell	Stull
Boteler	Glassman	Krebs	Schuh	Walkup
Costa	Haddaway	McComas	Shank	Weldon
Dwyer	Impallaria	McConkey	Shewell	
Eckardt	Jennings	McDonough	Smigiel	

Voting Nay - 98

Speaker Busch	Conway	Heller	Love	Rosenberg
Ali	Davis	Hixson	Manno	Rudolph
Anderson	DeBoy	Holmes	Mathias	Schuler
Barkley	Donoghue	Howard	McIntosh	Simmons
Barnes	Doory	Hubbard	Minnick	Sophocleus
Barve	Dumais	Hucker	Mizeur	Stein
Beidle	Feldman	Ivey	Morhaim	Stukes
Benson	Frick	James	Murphy	Tarrant
Bobo	Frush	Jameson	Nathan-Pulliam	Taylor
Bohanan	Gaines	Jones	Niemann	Turner_F
Branch	Gilchrist	Kaiser	Oaks	Turner_V
Braveboy	Glenn	Kirk	Olszewski	Valderrama
Bromwell	Griffith	Kramer	Pena-Melnyk	Vallario
Bronrott	Gutierrez	Krysiak	Pendergrass	Vaughn
Cane	Guzzone	Kullen	Proctor	Waldstreicher
Cardin	Hammen	Lafferty	Ramirez	Walker
Carter	Harrison	Lawton	Reznik	Weir
Clagett_G	Haynes	Lee	Rice	Wood
Clagett_V	Healey	Levi	Riley	
Conaway	Hecht	Levy	Robinson	

Not Voting - 3

Burns	McHale	Ross

Excused From Voting - 0

Excused (Absent) - 2

Malone	Montgomery

Seq No. 0042 November 13, 2007 12:54 PM
Presiding: Speaker Busch Legislative Date: November 6, 2007

Maryland House of Delegates
2007 Special Session

Floor Amendment (Shank) Rejected (38-100)

HB 1 Special Orders
The Speaker
Budget Reconciliation Act

Favorable with amendments adp - ON 2ND RDG
FLOOR AMD Del. Shank /493729/1

38 Yeas	100 Nays	0 Excused	1 Not Voting	2 Excused (Absent)

Voting Yea - 38

Aumann	Elliott	Kach	McKee	Sossi
Bartlett	Elmore	Kelly	Miller	Stifler
Bates	Frank	King	Myers	Stocksdale
Beitzel	George	Kipke	O'Donnell	Stull
Boteler	Glassman	Krebs	Schuh	Walkup
Costa	Haddaway	McComas	Shank	Weldon
Dwyer	Impallaria	McConkey	Shewell	
Eckardt	Jennings	McDonough	Smigiel	

Voting Nay - 100

Speaker Busch	Conaway	Hecht	Levy	Robinson
Ali	Conway	Heller	Love	Rosenberg
Anderson	Davis	Hixson	Manno	Ross
Barkley	DeBoy	Holmes	Mathias	Rudolph
Barnes	Donoghue	Howard	McIntosh	Schuler
Barve	Doory	Hubbard	Minnick	Simmons
Beidle	Dumais	Hucker	Mizeur	Sophocleus
Benson	Feldman	Ivey	Morhaim	Stein
Bobo	Frick	James	Murphy	Stukes
Bohanan	Frush	Jameson	Nathan-Pulliam	Tarrant
Branch	Gaines	Jones	Niemann	Taylor
Braveboy	Gilchrist	Kaiser	Oaks	Turner_F
Bromwell	Glenn	Kirk	Olszewski	Turner_V
Bronrott	Griffith	Kramer	Pena-Melnyk	Valderrama
Burns	Gutierrez	Krysiak	Pendergrass	Vallario
Cane	Guzzone	Kullen	Proctor	Vaughn
Cardin	Hammen	Lafferty	Ramirez	Waldstreicher
Carter	Harrison	Lawton	Reznik	Walker
Clagett_G	Haynes	Lee	Rice	Weir
Clagett_V	Healey	Levi	Riley	Wood

Not Voting - 1

McHale

Excused From Voting - 0

Excused (Absent) - 2

Malone Montgomery

Seq No. 0043 November 13, 2007 1:02 PM
Presiding: Speaker Busch Legislative Date: November 6, 2007

Maryland House of Delegates
2007 Special Session

Floor Amendment (Glassman) {103726/1 Rejected (38-93)

HB 1 Special Orders
The Speaker
Budget Reconciliation Act

Favorable with amendments adp - ON 2ND RDG
FLOOR AMD Del. Glassman /103726/1

38 Yeas	93 Nays	0 Excused	8 Not Voting	2 Excused (Absent)

Voting Yea - 38

Aumann	Elliott	Kelly	Miller	Sossi
Bartlett	Frank	King	Myers	Stifler
Bates	George	Kipke	O'Donnell	Stocksdale
Beitzel	Glassman	Krebs	Riley	Stull
Boteler	Haddaway	McComas	Schuh	Walkup
Costa	Impallaria	McConkey	Shank	Weldon
Dwyer	Jennings	McDonough	Shewell	
Eckardt	Kach	McKee	Smigiel	

Voting Nay - 93

Speaker Busch	Conway	Heller	Love	Ross
Ali	Davis	Hixson	Manno	Rudolph
Barkley	DeBoy	Holmes	Mathias	Schuler
Barnes	Donoghue	Howard	McIntosh	Sophocleus
Barve	Doory	Hubbard	Minnick	Stein
Beidle	Dumais	Hucker	Mizeur	Stukes
Benson	Feldman	Ivey	Morhaim	Tarrant
Bobo	Frick	Jameson	Murphy	Taylor
Bohanan	Frush	Jones	Nathan-Pulliam	Turner_F
Branch	Gaines	Kaiser	Niemann	Turner_V
Braveboy	Gilchrist	Kirk	Olszewski	Valderrama
Bromwell	Griffith	Kramer	Pena-Melnyk	Vallario
Burns	Gutierrez	Krysiak	Pendergrass	Vaughn
Cane	Guzzone	Kullen	Proctor	Waldstreicher
Cardin	Hammen	Lafferty	Ramirez	Walker
Carter	Harrison	Lawton	Reznik	Weir
Clagett_G	Haynes	Lee	Rice	Wood
Clagett_V	Healey	Levi	Robinson	
Conaway	Hecht	Levy	Rosenberg	

Not Voting - 8

Anderson	Elmore	James	Oaks
Bronrott	Glenn	McHale	Simmons

Excused From Voting - 0

Excused (Absent) - 2

Malone	Montgomery

Seq No. 0044 November 13, 2007 1:09 PM
Presiding: Speaker Busch Legislative Date: November 6, 2007

Maryland House of Delegates
2007 Special Session

Floor Amendment (McComas) {773124/1 Rejected (33-99)

HB 1 Special Orders
The Speaker
Budget Reconciliation Act

Favorable with amendments adp - ON 2ND RDG
FLOOR AMD Del. McComas /773124/1

33 Yeas	99 Nays	0 Excused	7 Not Voting	2 Excused (Absent)

Voting Yea - 33

Aumann	Elliott	King	Miller	Sossi
Bartlett	Frank	Kipke	Myers	Stifler
Bates	George	Krebs	O'Donnell	Stocksdale
Beitzel	Haddaway	McComas	Schuh	Stull
Boteler	Impallaria	McConkey	Shank	Walkup
Dwyer	Jennings	McDonough	Shewell	
Eckardt	Kach	McKee	Smigiel	

Voting Nay - 99

Speaker Busch	Conway	Heller	Levy	Robinson
Ali	Davis	Hixson	Love	Rosenberg
Barkley	DeBoy	Holmes	Manno	Ross
Barnes	Donoghue	Howard	Mathias	Rudolph
Barve	Doory	Hubbard	McIntosh	Schuler
Beidle	Dumais	Hucker	Minnick	Sophocleus
Benson	Feldman	Ivey	Mizeur	Stein
Bobo	Frick	James	Morhaim	Stukes
Bohanan	Frush	Jameson	Murphy	Tarrant
Branch	Gaines	Jones	Nathan-Pulliam	Taylor
Braveboy	Gilchrist	Kaiser	Niemann	Turner_F
Bromwell	Glenn	Kelly	Oaks	Turner_V
Bronrott	Griffith	Kirk	Olszewski	Valderrama
Burns	Gutierrez	Kramer	Pena-Melnyk	Vallario
Cane	Guzzone	Krysiak	Pendergrass	Vaughn
Cardin	Hammen	Kullen	Proctor	Waldstreicher
Carter	Harrison	Lafferty	Ramirez	Walker
Clagett_G	Haynes	Lawton	Reznik	Weir
Clagett_V	Healey	Lee	Rice	Weldon
Conaway	Hecht	Levi	Riley	

Not Voting - 7

Anderson	Elmore	McHale	Wood
Costa	Glassman	Simmons	

Excused From Voting - 0

Excused (Absent) - 2

Malone	Montgomery

Seq No. 0045 November 13, 2007 1:18 PM
Presiding: Speaker Busch Legislative Date: November 6, 2007

Maryland House of Delegates
2007 Special Session

Floor Amendment (Krebs) Rejected (36-100)

HB 1 Special Orders
The Speaker
Budget Reconciliation Act

Favorable with amendments adp - ON 2ND RDG
FLOOR AMD Del. Krebs /203229/1

36 Yeas	100 Nays	0 Excused	3 Not Voting	2 Excused (Absent)

Voting Yea - 36

Bartlett	Elmore	Kelly	Miller	Stifler
Bates	Frank	King	Myers	Stocksdale
Beitzel	George	Kipke	O'Donnell	Stull
Boteler	Glassman	Krebs	Schuh	Walkup
Costa	Haddaway	McComas	Shank	
Dwyer	Impallaria	McConkey	Shewell	
Eckardt	Jennings	McDonough	Smigiel	
Elliott	Kach	McKee	Sossi	

Voting Nay - 100

Speaker Busch	Conway	Heller	Love	Rosenberg
Ali	Davis	Hixson	Manno	Ross
Aumann	DeBoy	Holmes	Mathias	Rudolph
Barkley	Donoghue	Howard	McIntosh	Schuler
Barnes	Doory	Hubbard	Minnick	Simmons
Barve	Dumais	Hucker	Mizeur	Sophocleus
Beidle	Feldman	Ivey	Morhaim	Stein
Benson	Frick	James	Murphy	Stukes
Bobo	Frush	Jameson	Nathan-Pulliam	Tarrant
Bohanan	Gaines	Jones	Niemann	Taylor
Branch	Gilchrist	Kaiser	Oaks	Turner_F
Braveboy	Glenn	Kirk	Olszewski	Turner_V
Bromwell	Griffith	Kramer	Pena-Melnyk	Valderrama
Bronrott	Gutierrez	Krysiak	Pendergrass	Vallario
Burns	Guzzone	Kullen	Proctor	Vaughn
Cane	Hammen	Lafferty	Ramirez	Waldstreicher
Cardin	Harrison	Lawton	Reznik	Walker
Clagett_G	Haynes	Lee	Rice	Weir
Clagett_V	Healey	Levi	Riley	Weldon
Conaway	Hecht	Levy	Robinson	Wood

Not Voting - 3

Anderson	Carter	McHale

Excused From Voting - 0

Excused (Absent) - 2

Malone	Montgomery

Seq No. 0046 November 13, 2007 1:27 PM
Presiding: Speaker Busch Legislative Date: November 6, 2007

Maryland House of Delegates
2007 Special Session

Floor Amendment (Haddaway) {983726/1 Rejected (38-98)

HB 1 Special Orders
The Speaker
Budget Reconciliation Act

Favorable with amendments adp - ON 2ND RDG
FLOOR AMD Del. Haddaway /983726/1

38 Yeas	98 Nays	0 Excused	3 Not Voting	2 Excused (Absent)

Voting Yea - 38

Aumann	Eckardt	Kach	McKee	Sossi
Bartlett	Elliott	Kelly	Miller	Stifler
Bates	Frank	King	Myers	Stocksdale
Beitzel	George	Kipke	O'Donnell	Stull
Boteler	Glassman	Krebs	Schuh	Walkup
Bromwell	Haddaway	McComas	Shank	Weldon
Costa	Impallaria	McConkey	Shewell	
Dwyer	Jennings	McDonough	Smigiel	

Voting Nay - 98

Speaker Busch	Conway	Hecht	Levy	Robinson
Ali	Davis	Heller	Love	Rosenberg
Anderson	DeBoy	Hixson	Manno	Ross
Barkley	Donoghue	Holmes	Mathias	Rudolph
Barnes	Doory	Howard	McIntosh	Schuler
Barve	Dumais	Hubbard	Minnick	Simmons
Beidle	Elmore	Hucker	Mizeur	Stein
Benson	Feldman	Ivey	Morhaim	Stukes
Bobo	Frick	James	Murphy	Tarrant
Bohanan	Frush	Jameson	Nathan-Pulliam	Taylor
Branch	Gaines	Jones	Niemann	Turner_V
Braveboy	Gilchrist	Kaiser	Oaks	Valderrama
Bronrott	Glenn	Kirk	Olszewski	Vallario
Burns	Griffith	Kramer	Pena-Melnyk	Vaughn
Cane	Gutierrez	Krysiak	Pendergrass	Waldstreicher
Cardin	Guzzone	Kullen	Proctor	Walker
Carter	Hammen	Lafferty	Ramirez	Weir
Clagett_G	Harrison	Lawton	Reznik	Wood
Clagett_V	Haynes	Lee	Rice	
Conaway	Healey	Levi	Riley	

Not Voting - 3

McHale	Sophocleus	Turner_F

Excused From Voting - 0

Excused (Absent) - 2

Malone	Montgomery

Seq No. 0047 November 13, 2007 1:34 PM
Presiding: Speaker Busch Legislative Date: November 6, 2007

Maryland House of Delegates
2007 Special Session

Floor Amendment (ODonnell) {423329/1 Rejected (46-85)

HB 1 Special Orders
The Speaker
Budget Reconciliation Act

Favorable with amendments adp - ON 2ND RDG
FLOOR AMD Del. O'Donnell /423329/1

46 Yeas	85 Nays	3 Excused	5 Not Voting	2 Excused (Absent)

Voting Yea - 46

Aumann	Elliott	Kipke	Oaks	Stocksdale
Bartlett	Elmore	Krebs	Olszewski	Stull
Bates	Frank	Mathias	Riley	Walkup
Beitzel	George	McComas	Schuh	Weir
Boteler	Glassman	McConkey	Schuler	Weldon
Bromwell	Haddaway	McDonough	Shank	Wood
Conaway	Impallaria	McKee	Shewell	
Costa	Jennings	Miller	Smigiel	
Dwyer	Kach	Myers	Sossi	
Eckardt	Kelly	O'Donnell	Stifler	

Voting Nay - 85

Speaker Busch	Davis	Healey	Lawton	Rice
Ali	DeBoy	Hecht	Lee	Robinson
Anderson	Donoghue	Heller	Levi	Rosenberg
Barkley	Doory	Hixson	Levy	Ross
Barnes	Dumais	Holmes	Love	Rudolph
Barve	Feldman	Howard	Manno	Simmons
Benson	Frick	Hubbard	McIntosh	Stein
Bobo	Frush	Hucker	Mizeur	Stukes
Branch	Gaines	Ivey	Morhaim	Tarrant
Braveboy	Gilchrist	Jameson	Murphy	Taylor
Bronrott	Glenn	Jones	Nathan-Pulliam	Turner_F
Burns	Griffith	Kaiser	Niemann	Turner_V
Cane	Gutierrez	Kirk	Pena-Melnyk	Valderrama
Cardin	Guzzone	Kramer	Pendergrass	Vallario
Clagett_G	Hammen	Krysiak	Proctor	Vaughn
Clagett_V	Harrison	Kullen	Ramirez	Waldstreicher
Conway	Haynes	Lafferty	Reznik	Walker

Not Voting - 5

Beidle	Bohanan	James	McHale	Sophocleus

Excused From Voting - 3

Carter	King	Minnick

Excused (Absent) - 2

Malone	Montgomery

Seq No. 0048 November 13, 2007 1:36 PM
Presiding: Speaker Busch Legislative Date: November 6, 2007

Maryland House of Delegates
2007 Special Session

Quorum: 137

QUORUM

137 Yeas	0 Nays	0 Excused	2 Not Voting	2 Excused (Absent)

Voting Yea - 137

Speaker Busch	Davis	Hixson	Mathias	Schuler
Ali	DeBoy	Holmes	McComas	Shank
Anderson	Donoghue	Howard	McConkey	Shewell
Aumann	Doory	Hubbard	McDonough	Simmons
Barkley	Dumais	Hucker	McIntosh	Smigiel
Barnes	Dwyer	Impallaria	McKee	Sophocleus
Bartlett	Eckardt	Ivey	Miller	Sossi
Barve	Elliott	James	Minnick	Stein
Bates	Elmore	Jameson	Mizeur	Stifler
Beidle	Feldman	Jennings	Morhaim	Stocksdale
Beitzel	Frank	Jones	Murphy	Stukes
Benson	Frick	Kach	Myers	Stull
Bobo	Frush	Kaiser	Nathan-Pulliam	Tarrant
Bohanan	Gaines	Kelly	Niemann	Taylor
Boteler	George	King	O'Donnell	Turner_F
Branch	Gilchrist	Kipke	Oaks	Turner_V
Braveboy	Glassman	Kirk	Olszewski	Valderrama
Bromwell	Glenn	Kramer	Pena-Melnyk	Vallario
Bronrott	Griffith	Krebs	Pendergrass	Vaughn
Burns	Gutierrez	Krysiak	Proctor	Waldstreicher
Cane	Guzzone	Kullen	Ramirez	Walker
Cardin	Haddaway	Lafferty	Reznik	Walkup
Carter	Hammen	Lawton	Rice	Weir
Clagett_G	Harrison	Lee	Riley	Weldon
Clagett_V	Haynes	Levi	Robinson	Wood
Conaway	Healey	Levy	Rosenberg	
Conway	Hecht	Love	Ross	
Costa	Heller	Manno	Schuh	

Voting Nay - 0

Not Voting - 2

McHale	Rudolph

Excused From Voting - 0

Excused (Absent) - 2

Malone	Montgomery

Seq No. 0049 November 13, 2007 2:03 PM
Presiding: Speaker Busch Legislative Date: November 7, 2006

Maryland House of Delegates
2007 Special Session

Quorum: 136

QUORUM

136 Yeas	0 Nays	0 Excused	3 Not Voting	2 Excused (Absent)

Voting Yea - 136

Speaker Busch	DeBoy	Holmes	McComas	Shank
Ali	Donoghue	Howard	McConkey	Shewell
Anderson	Doory	Hubbard	McDonough	Simmons
Aumann	Dumais	Hucker	McIntosh	Smigiel
Barkley	Dwyer	Impallaria	McKee	Sophocleus
Barnes	Eckardt	Ivey	Miller	Sossi
Bartlett	Elliott	James	Minnick	Stein
Barve	Elmore	Jameson	Mizeur	Stifler
Bates	Feldman	Jennings	Morhaim	Stocksdale
Beidle	Frank	Jones	Murphy	Stukes
Beitzel	Frick	Kach	Myers	Stull
Benson	Frush	Kaiser	Nathan-Pulliam	Tarrant
Bobo	Gaines	Kelly	Niemann	Taylor
Bohanan	George	King	O'Donnell	Turner_F
Boteler	Gilchrist	Kipke	Oaks	Turner_V
Branch	Glassman	Kirk	Olszewski	Valderrama
Braveboy	Glenn	Kramer	Pena-Melnyk	Vallario
Bromwell	Griffith	Krebs	Pendergrass	Vaughn
Bronrott	Gutierrez	Krysiak	Proctor	Waldstreicher
Burns	Guzzone	Kullen	Ramirez	Walker
Cane	Haddaway	Lafferty	Reznik	Walkup
Cardin	Hammen	Lawton	Rice	Weir
Carter	Harrison	Lee	Riley	Weldon
Clagett_G	Haynes	Levi	Robinson	Wood
Clagett_V	Healey	Levy	Rosenberg	
Conaway	Hecht	Love	Rudolph	
Conway	Heller	Manno	Schuh	
Costa	Hixson	Mathias	Schuler	

Voting Nay - 0

Not Voting - 3

Davis	McHale	Ross

Excused From Voting - 0

Excused (Absent) - 2

Malone	Montgomery

Seq No. 0050 November 13, 2007 2:04 PM
Presiding: Speaker Busch Legislative Date: November 7, 2006

Maryland House of Delegates
2007 Special Session

Quorum: 136

QUORUM

136 Yeas	0 Nays	0 Excused	3 Not Voting	2 Excused (Absent)

Voting Yea - 136

Speaker Busch	Donoghue	Howard	McConkey	Shank
Ali	Doory	Hubbard	McDonough	Shewell
Aumann	Dumais	Hucker	McIntosh	Simmons
Barkley	Dwyer	Impallaria	McKee	Smigiel
Barnes	Eckardt	Ivey	Miller	Sophocleus
Bartlett	Elliott	James	Minnick	Sossi
Bates	Elmore	Jameson	Mizeur	Stein
Beidle	Feldman	Jennings	Morhaim	Stifler
Beitzel	Frank	Jones	Murphy	Stocksdale
Benson	Frick	Kach	Myers	Stukes
Bobo	Frush	Kaiser	Nathan-Pulliam	Stull
Bohanan	Gaines	Kelly	Niemann	Tarrant
Boteler	George	King	O'Donnell	Taylor
Branch	Gilchrist	Kipke	Oaks	Turner_F
Braveboy	Glassman	Kirk	Olszewski	Turner_V
Bromwell	Glenn	Kramer	Pena-Melnyk	Valderrama
Bronrott	Griffith	Krebs	Pendergrass	Vallario
Burns	Gutierrez	Krysiak	Proctor	Vaughn
Cane	Guzzone	Kullen	Ramirez	Waldstreicher
Cardin	Haddaway	Lafferty	Reznik	Walker
Carter	Hammen	Lawton	Rice	Walkup
Clagett_G	Harrison	Lee	Riley	Weir
Clagett_V	Haynes	Levi	Robinson	Weldon
Conaway	Healey	Levy	Rosenberg	Wood
Conway	Hecht	Love	Ross	
Costa	Heller	Manno	Rudolph	
Davis	Hixson	Mathias	Schuh	
DeBoy	Holmes	McComas	Schuler	

Voting Nay - 0

Not Voting - 3

Anderson	Barve	McHale

Excused From Voting - 0

Excused (Absent) - 2

Malone	Montgomery

Seq No. 0051 November 13, 2007 2:25 PM
Presiding: Speaker Busch Legislative Date: November 7, 2006

Maryland House of Delegates
2007 Special Session

Third Reading Passed (103-36)

HB 1 Third Reading (HB) Calendar No. 3
The Speaker (APP and W&M)
Budget Reconciliation Act

On Third Reading

103 Yeas	36 Nays	0 Excused	0 Not Voting	2 Excused (Absent)

Voting Yea - 103

Speaker Busch	Conway	Heller	Manno	Ross
Ali	Davis	Hixson	Mathias	Rudolph
Anderson	DeBoy	Holmes	McHale	Schuh
Aumann	Donoghue	Howard	McIntosh	Schuler
Barkley	Doory	Hubbard	Minnick	Simmons
Barnes	Dumais	Hucker	Mizeur	Sophocleus
Barve	Feldman	Ivey	Morhaim	Stein
Beidle	Frick	James	Murphy	Stukes
Benson	Frush	Jameson	Nathan-Pulliam	Tarrant
Bobo	Gaines	Jones	Niemann	Taylor
Bohanan	George	Kaiser	Oaks	Turner_F
Branch	Gilchrist	Kirk	Olszewski	Turner_V
Braveboy	Glenn	Kramer	Pena-Melnyk	Valderrama
Bromwell	Griffith	Krysiak	Pendergrass	Vallario
Bronrott	Gutierrez	Kullen	Proctor	Vaughn
Burns	Guzzone	Lafferty	Ramirez	Waldstreicher
Cane	Hammen	Lawton	Reznik	Walker
Cardin	Harrison	Lee	Rice	Weir
Carter	Haynes	Levi	Riley	Wood
Clagett_G	Healey	Levy	Robinson	
Clagett_V	Hecht	Love	Rosenberg	

Voting Nay - 36

Bartlett	Elliott	Kelly	Miller	Stocksdale
Bates	Elmore	King	Myers	Stull
Beitzel	Frank	Kipke	O'Donnell	Walkup
Boteler	Glassman	Krebs	Shank	Weldon
Conaway	Haddaway	McComas	Shewell	
Costa	Impallaria	McConkey	Smigiel	
Dwyer	Jennings	McDonough	Sossi	
Eckardt	Kach	McKee	Stifler	

Not Voting - 0

Excused From Voting - 0

Excused (Absent) - 2

Malone	Montgomery

Seq No. 0052 November 13, 2007 2:29 PM
Presiding: Speaker Busch Legislative Date: November 7, 2006

Maryland House of Delegates
2007 Special Session

overridden (135-4)

2007 Vetoed Senate Bill
SB 497 Sen. Haines
Public Safety - Disposal of Hanguns Owned by a
Law Enforcement Agency
Shall the Bill pass notwithstanding the
objections of the Chief Executive?

135 Yeas	4 Nays	0 Excused	0 Not Voting	2 Excused (Absent)

Voting Yea - 135

Speaker Busch	DeBoy	Holmes	McComas	Rudolph
Anderson	Donoghue	Howard	McConkey	Schuh
Aumann	Dumais	Hubbard	McDonough	Schuler
Barkley	Dwyer	Impallaria	McHale	Shank
Barnes	Eckardt	Ivey	McIntosh	Shewell
Bartlett	Elliott	James	McKee	Simmons
Barve	Elmore	Jameson	Miller	Smigiel
Bates	Feldman	Jennings	Minnick	Sophocleus
Beidle	Frank	Jones	Mizeur	Sossi
Beitzel	Frick	Kach	Morhaim	Stein
Benson	Frush	Kaiser	Murphy	Stifler
Bohanan	Gaines	Kelly	Myers	Stocksdale
Boteler	George	King	Nathan-Pulliam	Stukes
Branch	Gilchrist	Kipke	Niemann	Stull
Braveboy	Glassman	Kirk	O'Donnell	Tarrant
Bromwell	Glenn	Kramer	Oaks	Taylor
Bronrott	Griffith	Krebs	Olszewski	Turner_F
Burns	Gutierrez	Krysiak	Pena-Melnyk	Turner_V
Cane	Guzzone	Kullen	Pendergrass	Valderrama
Cardin	Haddaway	Lafferty	Proctor	Vallario
Carter	Hammen	Lawton	Ramirez	Vaughn
Clagett_G	Harrison	Lee	Reznik	Waldstreicher
Clagett_V	Haynes	Levi	Rice	Walker
Conaway	Healey	Levy	Riley	Walkup
Conway	Hecht	Love	Robinson	Weir
Costa	Heller	Manno	Rosenberg	Weldon
Davis	Hixson	Mathias	Ross	Wood

Voting Nay - 4

Ali	Bobo	Doory	Hucker

Not Voting - 0

Excused From Voting - 0

Excused (Absent) - 2

Malone	Montgomery

Seq No. 0053 November 13, 2007 2:36 PM
Presiding: Speaker Busch Legislative Date: November 7, 2006

Maryland House of Delegates
2007 Special Session

Quorum: 137

QUORUM

137 Yeas	0 Nays	0 Excused	2 Not Voting	2 Excused (Absent)

Voting Yea - 137

Speaker Busch	Davis	Hixson	McComas	Schuh
Ali	DeBoy	Howard	McConkey	Schuler
Anderson	Donoghue	Hubbard	McDonough	Shank
Aumann	Doory	Hucker	McHale	Shewell
Barkley	Dumais	Impallaria	McIntosh	Smigiel
Barnes	Dwyer	Ivey	McKee	Sophocleus
Bartlett	Eckardt	James	Miller	Sossi
Barve	Elliott	Jameson	Minnick	Stein
Bates	Elmore	Jennings	Mizeur	Stifler
Beidle	Feldman	Jones	Morhaim	Stocksdale
Beitzel	Frank	Kach	Murphy	Stukes
Benson	Frick	Kaiser	Myers	Stull
Bobo	Frush	Kelly	Nathan-Pulliam	Tarrant
Bohanan	Gaines	King	Niemann	Taylor
Boteler	George	Kipke	O'Donnell	Turner_F
Branch	Gilchrist	Kirk	Oaks	Turner_V
Braveboy	Glassman	Kramer	Olszewski	Valderrama
Bromwell	Glenn	Krebs	Pena-Melnyk	Vallario
Bronrott	Griffith	Krysiak	Pendergrass	Vaughn
Burns	Gutierrez	Kullen	Proctor	Waldstreicher
Cane	Guzzone	Lafferty	Ramirez	Walker
Cardin	Haddaway	Lawton	Reznik	Walkup
Carter	Hammen	Lee	Rice	Weir
Clagett_G	Harrison	Levi	Riley	Weldon
Clagett_V	Haynes	Levy	Robinson	Wood
Conaway	Healey	Love	Rosenberg	
Conway	Hecht	Manno	Ross	
Costa	Heller	Mathias	Rudolph	

Voting Nay - 0

Not Voting - 2

Holmes	Simmons

Excused From Voting - 0

Excused (Absent) - 2

Malone	Montgomery

Seq No. 0054 November 14, 2007 5:15 PM
Presiding: Speaker Busch Legislative Date: November 8, 2007

Maryland House of Delegates
2007 Special Session

Quorum: 127

QUORUM

127 Yeas	0 Nays	0 Excused	8 Not Voting	6 Excused (Absent)

Voting Yea - 127

Speaker Busch	DeBoy	Hixson	McComas	Schuh
Ali	Donoghue	Holmes	McConkey	Schuler
Anderson	Doory	Hubbard	McDonough	Shank
Aumann	Dumais	Hucker	McHale	Shewell
Barkley	Dwyer	Impallaria	McIntosh	Simmons
Barnes	Eckardt	Ivey	Miller	Smigiel
Bartlett	Elliott	Jameson	Minnick	Sophocleus
Barve	Elmore	Jones	Mizeur	Sossi
Bates	Feldman	Kach	Morhaim	Stein
Beidle	Frank	Kaiser	Murphy	Stifler
Beitzel	Frick	Kelly	Myers	Stocksdale
Benson	Frush	King	Nathan-Pulliam	Stull
Bobo	Gaines	Kipke	Niemann	Tarrant
Bohanan	George	Kirk	O'Donnell	Taylor
Boteler	Glassman	Kramer	Oaks	Turner_V
Branch	Glenn	Krebs	Olszewski	Valderrama
Braveboy	Griffith	Krysiak	Pena-Melnyk	Vallario
Bromwell	Gutierrez	Kullen	Pendergrass	Vaughn
Bronrott	Guzzone	Lafferty	Proctor	Waldstreicher
Burns	Haddaway	Lawton	Ramirez	Walkup
Cardin	Hammen	Lee	Reznik	Weir
Carter	Harrison	Levi	Riley	Weldon
Clagett_V	Haynes	Levy	Robinson	Wood
Conaway	Healey	Love	Rosenberg	
Conway	Hecht	Manno	Ross	
Costa	Heller	Mathias	Rudolph	

Voting Nay - 0

Not Voting - 8

Cane	Gilchrist	Rice	Turner_F
Davis	Jennings	Stukes	Walker

Excused From Voting - 0

Excused (Absent) - 6

Clagett_G	James	McKee
Howard	Malone	Montgomery

Seq No. 0055 November 14, 2007 6:17 PM
Presiding: Speaker Busch Legislative Date: November 8, 2007

Maryland House of Delegates
2007 Special Session

Quorum: 134

QUORUM

134 Yeas	0 Nays	0 Excused	1 Not Voting	6 Excused (Absent)

Voting Yea - 134

Speaker Busch	Davis	Heller	McComas	Schuh
Ali	DeBoy	Hixson	McConkey	Schuler
Anderson	Donoghue	Holmes	McDonough	Shank
Aumann	Doory	Hucker	McHale	Shewell
Barkley	Dumais	Impallaria	McIntosh	Simmons
Barnes	Dwyer	Ivey	Miller	Smigiel
Bartlett	Eckardt	James	Minnick	Sophocleus
Barve	Elliott	Jameson	Mizeur	Sossi
Bates	Elmore	Jennings	Morhaim	Stein
Beidle	Feldman	Jones	Murphy	Stifler
Beitzel	Frank	Kach	Myers	Stocksdale
Benson	Frick	Kaiser	Nathan-Pulliam	Stukes
Bobo	Frush	Kelly	Niemann	Stull
Bohanan	Gaines	King	O'Donnell	Tarrant
Boteler	George	Kipke	Oaks	Taylor
Branch	Gilchrist	Kirk	Olszewski	Turner_F
Braveboy	Glassman	Kramer	Pena-Melnyk	Turner_V
Bromwell	Glenn	Krysiak	Pendergrass	Valderrama
Bronrott	Griffith	Kullen	Proctor	Vallario
Burns	Gutierrez	Lafferty	Ramirez	Vaughn
Cane	Guzzone	Lawton	Reznik	Waldstreicher
Cardin	Haddaway	Lee	Rice	Walker
Carter	Hammen	Levi	Riley	Walkup
Clagett_V	Harrison	Levy	Robinson	Weir
Conaway	Haynes	Love	Rosenberg	Weldon
Conway	Healey	Manno	Ross	Wood
Costa	Hecht	Mathias	Rudolph	

Voting Nay - 0

Not Voting - 1

Hubbard

Excused From Voting - 0

Excused (Absent) - 6

Clagett_G	Krebs	McKee
Howard	Malone	Montgomery

Seq No. 0056 November 15, 2007 2:44 PM
Presiding: Speaker Busch Legislative Date: November 9, 2007

Maryland House of Delegates
2007 Special Session

Quorum: 134

QUORUM

134 Yeas	0 Nays	0 Excused	2 Not Voting	5 Excused (Absent)

Voting Yea - 134

Speaker Busch	Davis	Heller	Mathias	Schuh
Ali	DeBoy	Hixson	McComas	Schuler
Anderson	Donoghue	Holmes	McConkey	Shank
Aumann	Doory	Hubbard	McHale	Shewell
Barkley	Dumais	Hucker	McIntosh	Simmons
Barnes	Dwyer	Ivey	McKee	Smigiel
Bartlett	Eckardt	James	Miller	Sophocleus
Barve	Elliott	Jennings	Minnick	Sossi
Bates	Elmore	Jones	Mizeur	Stein
Beidle	Feldman	Kach	Morhaim	Stifler
Beitzel	Frank	Kaiser	Murphy	Stocksdale
Benson	Frick	Kelly	Myers	Stukes
Bobo	Frush	King	Nathan-Pulliam	Stull
Bohanan	Gaines	Kipke	O'Donnell	Tarrant
Boteler	George	Kirk	Oaks	Taylor
Branch	Gilchrist	Kramer	Olszewski	Turner_F
Braveboy	Glassman	Krebs	Pena-Melnyk	Turner_V
Bromwell	Glenn	Krysiak	Pendergrass	Valderrama
Bronrott	Griffith	Kullen	Proctor	Vallario
Burns	Gutierrez	Lafferty	Ramirez	Vaughn
Cardin	Guzzone	Lawton	Reznik	Waldstreicher
Carter	Haddaway	Lee	Rice	Walker
Clagett_G	Hammen	Levi	Riley	Walkup
Clagett_V	Harrison	Levy	Robinson	Weir
Conaway	Haynes	Love	Rosenberg	Weldon
Conway	Healey	Malone	Ross	Wood
Costa	Hecht	Manno	Rudolph	

Voting Nay - 0

Not Voting - 2

Cane	Impallaria

Excused From Voting - 0

Excused (Absent) - 5

Howard	Jameson	McDonough	Montgomery	Niemann

Seq No. 0057 November 15, 2007 2:47 PM
Presiding: Speaker Busch Legislative Date: November 9, 2007

Maryland House of Delegates
2007 Special Session

Quorum: 133

QUORUM

133 Yeas	0 Nays	0 Excused	3 Not Voting	5 Excused (Absent)

Voting Yea - 133

Speaker Busch	Davis	Hixson	Mathias	Schuler
Ali	DeBoy	Holmes	McComas	Shank
Anderson	Donoghue	Hubbard	McConkey	Shewell
Aumann	Doory	Hucker	McHale	Simmons
Barkley	Dumais	Impallaria	McIntosh	Smigiel
Barnes	Dwyer	Ivey	McKee	Sophocleus
Bartlett	Eckardt	James	Miller	Sossi
Barve	Elliott	Jennings	Minnick	Stein
Bates	Feldman	Jones	Mizeur	Stifler
Beidle	Frank	Kach	Morhaim	Stocksdale
Beitzel	Frick	Kaiser	Murphy	Stukes
Benson	Frush	Kelly	Myers	Stull
Bobo	Gaines	King	Nathan-Pulliam	Tarrant
Bohanan	George	Kipke	O'Donnell	Taylor
Boteler	Gilchrist	Kirk	Oaks	Turner_F
Branch	Glassman	Kramer	Olszewski	Turner_V
Braveboy	Glenn	Krebs	Pena-Melnyk	Valderrama
Bromwell	Griffith	Krysiak	Pendergrass	Vallario
Bronrott	Gutierrez	Kullen	Proctor	Vaughn
Burns	Guzzone	Lafferty	Ramirez	Waldstreicher
Cardin	Haddaway	Lawton	Reznik	Walker
Carter	Hammen	Lee	Rice	Walkup
Clagett_G	Harrison	Levi	Riley	Weir
Clagett_V	Haynes	Levy	Robinson	Weldon
Conaway	Healey	Love	Rosenberg	Wood
Conway	Hecht	Malone	Ross	
Costa	Heller	Manno	Schuh	

Voting Nay - 0

Not Voting - 3

Cane	Elmore	Rudolph

Excused From Voting - 0

Excused (Absent) - 5

Howard	Jameson	McDonough	Montgomery	Niemann

Seq No. 0058 November 15, 2007 2:59 PM
Presiding: Jones Legislative Date: November 9, 2007

Maryland House of Delegates
2007 Special Session

Third Reading Passed (103-30)

HB 23 Third Reading (HB) Calendar No. 4
Del. McIntosh et al (ENV)
Chesapeake Bay 2010 Trust Fund

On Third Reading

103 Yeas	30 Nays	0 Excused	2 Not Voting	6 Excused (Absent)

Voting Yea - 103

Ali	Donoghue	Hixson	Malone	Ross
Anderson	Doory	Holmes	Manno	Schuh
Barkley	Dumais	Hubbard	McConkey	Schuler
Barnes	Elliott	Hucker	McHale	Simmons
*Bartlett	Elmore	Ivey	McIntosh	Sophocleus
Barve	Feldman	James	Minnick	Stein
Beidle	Frick	Jones	Mizeur	Stukes
Benson	Frush	Kach	Morhaim	Stull
Bobo	Gaines	Kaiser	Murphy	Tarrant
*Bohanan	George	King	Nathan-Pulliam	Taylor
Braveboy	Gilchrist	Kipke	Oaks	Turner_F
Bronrott	Glenn	Kirk	Olszewski	Turner_V
Burns	Griffith	Kramer	Pena-Melnyk	Valderrama
Cardin	Gutierrez	Krysiak	Pendergrass	Vallario
Carter	Guzzone	Kullen	Proctor	Vaughn
Clagett_G	Hammen	Lafferty	Ramirez	Waldstreicher
Clagett_V	Harrison	Lawton	Reznik	Walker
Conaway	Haynes	Lee	Rice	Weir
Conway	Healey	Levi	Riley	Wood
Costa	Hecht	Levy	Robinson	
Davis	Heller	Love	Rosenberg	

Voting Nay - 30

Aumann	Dwyer	Jennings	Miller	Smigiel
Bates	Eckardt	Kelly	Myers	Sossi
Beitzel	Frank	Krebs	O'Donnell	Stifler
Boteler	Glassman	Mathias	Rudolph	Stocksdale
Bromwell	Haddaway	McComas	Shank	Walkup
DeBoy	Impallaria	McKee	Shewell	Weldon

Not Voting - 2

Branch	Cane

Excused From Voting - 0

Excused (Absent) - 6

Speaker Busch	Jameson	Montgomery
Howard	McDonough	Niemann

* indicates vote change

Seq No. 0059 November 15, 2007 3:01 PM
Presiding: Jones Legislative Date: November 9, 2007

Maryland House of Delegates
2007 Special Session

Quorum: 132

QUORUM

132 Yeas	0 Nays	0 Excused	3 Not Voting	6 Excused (Absent)

Voting Yea - 132

Ali	Donoghue	Holmes	McComas	Shank
Anderson	Doory	Hubbard	McConkey	Shewell
Aumann	Dumais	Hucker	McHale	Simmons
Barkley	Dwyer	Impallaria	McIntosh	Smigiel
Barnes	Eckardt	Ivey	McKee	Sophocleus
Bartlett	Elliott	James	Miller	Sossi
Barve	Elmore	Jennings	Minnick	Stein
Bates	Feldman	Jones	Mizeur	Stifler
Beidle	Frank	Kach	Morhaim	Stocksdale
Beitzel	Frick	Kaiser	Murphy	Stukes
Benson	Frush	Kelly	Myers	Stull
Bobo	Gaines	King	Nathan-Pulliam	Tarrant
Bohanan	George	Kipke	O'Donnell	Taylor
Boteler	Gilchrist	Kirk	Oaks	Turner_F
Braveboy	Glassman	Kramer	Olszewski	Turner_V
Bromwell	Glenn	Krebs	Pena-Melnyk	Valderrama
Bronrott	Griffith	Krysiak	Pendergrass	Vallario
Burns	Gutierrez	Kullen	Proctor	Vaughn
Cardin	Guzzone	Lafferty	Ramirez	Waldstreicher
Carter	Haddaway	Lawton	Reznik	Walker
Clagett_G	Hammen	Lee	Rice	Walkup
Clagett_V	Harrison	Levi	Riley	Weir
Conaway	Haynes	Levy	Robinson	Weldon
Conway	Healey	Love	Rosenberg	Wood
Costa	Hecht	Malone	Rudolph	
Davis	Heller	Manno	Schuh	
DeBoy	Hixson	Mathias	Schuler	

Voting Nay - 0

Not Voting - 3

Branch	Cane	Ross

Excused From Voting - 0

Excused (Absent) - 6

Speaker Busch	Jameson	Montgomery
Howard	McDonough	Niemann

Seq No. 0060 November 15, 2007 3:50 PM
Presiding: Speaker Busch Legislative Date: November 9, 2007

Maryland House of Delegates
2007 Special Session

Quorum: 130

QUORUM

130 Yeas	0 Nays	0 Excused	6 Not Voting	5 Excused (Absent)

Voting Yea - 130

Speaker Busch	DeBoy	Hixson	McComas	Schuh
Ali	Donoghue	Holmes	McConkey	Schuler
Anderson	Doory	Hubbard	McDonough	Shank
Aumann	Dumais	Hucker	McHale	Shewell
Barkley	Dwyer	Impallaria	McIntosh	Simmons
Barnes	Eckardt	Ivey	McKee	Smigiel
Bartlett	Elliott	James	Miller	Sophocleus
Barve	Elmore	Jennings	Minnick	Sossi
Bates	Feldman	Jones	Mizeur	Stein
Beidle	Frank	Kach	Morhaim	Stifler
Beitzel	Frick	Kaiser	Murphy	Stocksdale
Benson	Frush	King	Myers	Stukes
Bobo	Gaines	Kipke	Nathan-Pulliam	Stull
Boteler	George	Kirk	O'Donnell	Tarrant
Branch	Gilchrist	Kramer	Oaks	Taylor
Braveboy	Glassman	Krebs	Olszewski	Turner_F
Bromwell	Glenn	Krysiak	Pena-Melnyk	Turner_V
Bronrott	Griffith	Kullen	Pendergrass	Valderrama
Cardin	Gutierrez	Lafferty	Proctor	Vallario
Carter	Haddaway	Lawton	Ramirez	Vaughn
Clagett_G	Hammen	Lee	Reznik	Waldstreicher
Clagett_V	Harrison	Levi	Riley	Walker
Conaway	Haynes	Levy	Robinson	Walkup
Conway	Healey	Love	Rosenberg	Weir
Costa	Hecht	Manno	Ross	Weldon
Davis	Heller	Mathias	Rudolph	Wood

Voting Nay - 0

Not Voting - 6

Bohanan	Guzzone	Malone
Cane	Kelly	Rice

Excused From Voting - 0

Excused (Absent) - 5

Burns	Howard	Jameson	Montgomery	Niemann

Seq No. 0061 November 15, 2007 3:53 PM
Presiding: Speaker Busch Legislative Date: November 9, 2007

Maryland House of Delegates
2007 Special Session

Quorum: 116

QUORUM

116 Yeas	0 Nays	0 Excused	20 Not Voting	5 Excused (Absent)

Voting Yea - 116

Speaker Busch	DeBoy	Hucker	McDonough	Simmons
Ali	Donoghue	Impallaria	McHale	Smigiel
Anderson	Dumais	James	McIntosh	Sophocleus
Aumann	Dwyer	Jennings	Miller	Sossi
Barkley	Eckardt	Jones	Minnick	Stein
Barnes	Elliott	Kach	Mizeur	Stifler
Bates	Feldman	Kelly	Morhaim	Stocksdale
Beidle	Frank	King	Myers	Stukes
Beitzel	Frush	Kipke	Nathan-Pulliam	Stull
Benson	Gaines	Kirk	O'Donnell	Tarrant
Bobo	Glassman	Kramer	Oaks	Taylor
Bohanan	Glenn	Krysiak	Pena-Melnyk	Turner_V
Boteler	Griffith	Kullen	Pendergrass	Valderrama
Branch	Gutierrez	Lafferty	Proctor	Vallario
Braveboy	Guzzone	Lawton	Ramirez	Vaughn
Bromwell	Haddaway	Lee	Reznik	Waldstreicher
Bronrott	Hammen	Levi	Riley	Walkup
Carter	Harrison	Levy	Robinson	Weir
Clagett_G	Haynes	Love	Rosenberg	Weldon
Clagett_V	Healey	Malone	Rudolph	Wood
Conaway	Hecht	Manno	Schuh	
Conway	Heller	Mathias	Schuler	
Costa	Holmes	McComas	Shank	
Davis	Hubbard	McConkey	Shewell	

Voting Nay - 0

Not Voting - 20

Bartlett	Doory	Gilchrist	Krebs	Rice
Barve	Elmore	Hixson	McKee	Ross
Cane	Frick	Ivey	Murphy	Turner_F
Cardin	George	Kaiser	Olszewski	Walker

Excused From Voting - 0

Excused (Absent) - 5

Burns	Howard	Jameson	Montgomery	Niemann

Seq No. 0062 November 15, 2007 7:06 PM
Presiding: Speaker Busch Legislative Date: November 9, 2007

Maryland House of Delegates
2007 Special Session

Quorum: 136

QUORUM

136 Yeas	0 Nays	0 Excused	0 Not Voting	5 Excused (Absent)

Voting Yea - 136

Speaker Busch	DeBoy	Hubbard	McDonough	Shank
Ali	Donoghue	Hucker	McHale	Shewell
Anderson	Doory	Impallaria	McIntosh	Simmons
Aumann	Dumais	Ivey	McKee	Smigiel
Barkley	Dwyer	James	Miller	Sophocleus
Barnes	Eckardt	Jennings	Minnick	Sossi
Bartlett	Elliott	Jones	Mizeur	Stein
Barve	Elmore	Kach	Morhaim	Stifler
Bates	Feldman	Kaiser	Murphy	Stocksdale
Beidle	Frank	Kelly	Myers	Stukes
Beitzel	Frick	King	Nathan-Pulliam	Stull
Benson	Frush	Kipke	Niemann	Tarrant
Bobo	Gaines	Kirk	O'Donnell	Taylor
Bohanan	George	Kramer	Oaks	Turner_F
Boteler	Gilchrist	Krebs	Olszewski	Turner_V
Branch	Glassman	Krysiak	Pena-Melnyk	Valderrama
Braveboy	Glenn	Kullen	Pendergrass	Vallario
Bromwell	Griffith	Lafferty	Proctor	Vaughn
Bronrott	Guzzone	Lawton	Ramirez	Waldstreicher
Cane	Haddaway	Lee	Reznik	Walker
Cardin	Hammen	Levi	Rice	Walkup
Carter	Harrison	Levy	Riley	Weir
Clagett_G	Haynes	Love	Robinson	Weldon
Clagett_V	Healey	Malone	Rosenberg	Wood
Conaway	Hecht	Manno	Ross	
Conway	Heller	Mathias	Rudolph	
Costa	Hixson	McComas	Schuh	
Davis	Holmes	McConkey	Schuler	

Voting Nay - 0

Not Voting - 0

Excused From Voting - 0

Excused (Absent) - 5

Burns	Gutierrez	Howard	Jameson	Montgomery

Seq No. 0063 November 15, 2007 7:09 PM
Presiding: Speaker Busch Legislative Date: November 9, 2007

Maryland House of Delegates
2007 Special Session

Motion Special Order until later today (ODonnell)
Rejected (40-87)

HB 4 Ways and Means Report No. 3
The Speaker
Video Lottery Terminals - Authorization and Limitations
Favorable with amendments adp - ON 2ND RDG (Const)
Motion to Special Order

40 Yeas	87 Nays	0 Excused	9 Not Voting	5 Excused (Absent)

Voting Yea - 40

Aumann	Elliott	Kelly	Miller	Smigiel
Bartlett	Frank	King	Minnick	Sossi
Bates	George	Kipke	Myers	Stifler
Beitzel	Glassman	Krebs	O'Donnell	Stocksdale
Boteler	Haddaway	McComas	Oaks	Stull
Costa	Impallaria	McConkey	Schuh	Walkup
Dwyer	Jennings	McDonough	Shank	Weldon
Eckardt	Kach	McKee	Shewell	Wood

Voting Nay - 87

Speaker Busch	Davis	Hixson	Malone	Ross
Ali	DeBoy	Holmes	Manno	Rudolph
Barkley	Donoghue	Hubbard	Mathias	Schuler
Barnes	Doory	Hucker	McHale	Stein
Barve	Dumais	Ivey	Mizeur	Stukes
Beidle	Feldman	James	Murphy	Tarrant
Benson	Frick	Jones	Nathan-Pulliam	Taylor
Bobo	Frush	Kaiser	Niemann	Turner_F
Bohanan	Gaines	Kirk	Olszewski	Turner_V
Branch	Gilchrist	Kramer	Pena-Melnyk	Valderrama
Braveboy	Glenn	Krysiak	Pendergrass	Vallario
Bromwell	Guzzone	Kullen	Proctor	Vaughn
Bronrott	Hammen	Lafferty	Ramirez	Waldstreicher
Cane	Harrison	Lawton	Reznik	Walker
Cardin	Haynes	Lee	Rice	Weir
Clagett_G	Healey	Levi	Riley	
Clagett_V	Hecht	Levy	Robinson	
Conaway	Heller	Love	Rosenberg	

Not Voting - 9

Anderson	Conway	Griffith	Morhaim	Sophocleus
Carter	Elmore	McIntosh	Simmons	

Excused From Voting - 0

Excused (Absent) - 5

Burns	Gutierrez	Howard	Jameson	Montgomery

Seq No. 0064 November 15, 2007 7:16 PM
Presiding: Speaker Busch Legislative Date: November 9, 2007

Maryland House of Delegates
2007 Special Session

Quorum: 136

QUORUM

136 Yeas	0 Nays	0 Excused	0 Not Voting	5 Excused (Absent)

Voting Yea - 136

Speaker Busch	DeBoy	Hubbard	McDonough	Shank
Ali	Donoghue	Hucker	McHale	Shewell
Anderson	Doory	Impallaria	McIntosh	Simmons
Aumann	Dumais	Ivey	McKee	Smigiel
Barkley	Dwyer	James	Miller	Sophocleus
Barnes	Eckardt	Jennings	Minnick	Sossi
Bartlett	Elliott	Jones	Mizeur	Stein
Barve	Elmore	Kach	Morhaim	Stifler
Bates	Feldman	Kaiser	Murphy	Stocksdale
Beidle	Frank	Kelly	Myers	Stukes
Beitzel	Frick	King	Nathan-Pulliam	Stull
Benson	Frush	Kipke	Niemann	Tarrant
Bobo	Gaines	Kirk	O'Donnell	Taylor
Bohanan	George	Kramer	Oaks	Turner_F
Boteler	Gilchrist	Krebs	Olszewski	Turner_V
Branch	Glassman	Krysiak	Pena-Melnyk	Valderrama
Braveboy	Glenn	Kullen	Pendergrass	Vallario
Bromwell	Griffith	Lafferty	Proctor	Vaughn
Bronrott	Guzzone	Lawton	Ramirez	Waldstreicher
Cane	Haddaway	Lee	Reznik	Walker
Cardin	Hammen	Levi	Rice	Walkup
Carter	Harrison	Levy	Riley	Weir
Clagett_G	Haynes	Love	Robinson	Weldon
Clagett_V	Healey	Malone	Rosenberg	Wood
Conaway	Hecht	Manno	Ross	
Conway	Heller	Mathias	Rudolph	
Costa	Hixson	McComas	Schuh	
Davis	Holmes	McConkey	Schuler	

Voting Nay - 0

Not Voting - 0

Excused From Voting - 0

Excused (Absent) - 5

Burns	Gutierrez	Howard	Jameson	Montgomery

Seq No. 0065 November 16, 2007 10:25 AM
Presiding: Speaker Busch Legislative Date: November 10, 2007

Maryland House of Delegates
2007 Special Session

Quorum: 130

QUORUM

130 Yeas	0 Nays	0 Excused	3 Not Voting	8 Excused (Absent)

Voting Yea - 130

Speaker Busch	DeBoy	Hixson	Mathias	Ross
Ali	Doory	Holmes	McComas	Schuh
Anderson	Dumais	Hubbard	McConkey	Schuler
Aumann	Dwyer	Hucker	McDonough	Shank
Barkley	Eckardt	Impallaria	McHale	Shewell
Barnes	Elliott	Ivey	McIntosh	Simmons
Bartlett	Elmore	James	McKee	Smigiel
Barve	Feldman	Jennings	Miller	Sophocleus
Bates	Frank	Jones	Minnick	Sossi
Beidle	Frick	Kach	Mizeur	Stein
Beitzel	Frush	Kaiser	Morhaim	Stifler
Benson	Gaines	Kelly	Murphy	Stocksdale
Bobo	George	King	Myers	Stukes
Bohanan	Gilchrist	Kipke	Niemann	Tarrant
Boteler	Glassman	Kirk	O'Donnell	Taylor
Branch	Glenn	Kramer	Oaks	Turner_F
Braveboy	Griffith	Krebs	Olszewski	Turner_V
Bronrott	Gutierrez	Krysiak	Pena-Melnyk	Valderrama
Cane	Guzzone	Kullen	Pendergrass	Vallario
Cardin	Haddaway	Lafferty	Proctor	Vaughn
Carter	Hammen	Lawton	Ramirez	Waldstreicher
Clagett_G	Harrison	Lee	Reznik	Walker
Clagett_V	Haynes	Levy	Rice	Walkup
Conway	Healey	Love	Riley	Weir
Costa	Hecht	Malone	Robinson	Weldon
Davis	Heller	Manno	Rosenberg	Wood

Voting Nay - 0

Not Voting - 3

Burns	Conaway	Levi

Excused From Voting - 0

Excused (Absent) - 8

Bromwell	Howard	Montgomery	Rudolph
Donoghue	Jameson	Nathan-Pulliam	Stull

Seq No. 0066 November 16, 2007 11:24 AM
Presiding: Speaker Busch Legislative Date: November 10, 2007

Maryland House of Delegates
2007 Special Session

Floor Amendment (Simmons) {343029/1 Rejected (61-67)

HB 4 Special Orders
The Speaker (W&M)
Video Lottery Terminals - Authorization and Limitations
Favorable with amendments adp - ON 2ND RDG (Const)
FLOOR AMD Del. Simmons /343029/1

61 Yeas	67 Nays	0 Excused	8 Not Voting	5 Excused (Absent)

Voting Yea - 61

Anderson	Costa	Jennings	McKee	Simmons
Aumann	Dwyer	Kach	Miller	Smigiel
Barkley	Eckardt	Kelly	Mizeur	Sophocleus
Bates	Elliott	King	Morhaim	Sossi
Beitzel	Elmore	Kipke	Myers	Stifler
Benson	Frank	Kramer	O'Donnell	Stocksdale
Boteler	George	Krebs	Pena-Melnyk	Walkup
Braveboy	Glassman	Levi	Ramirez	Weldon
Bronrott	Haddaway	Mathias	Riley	Wood
Burns	Hammen	McComas	Rudolph	
Cane	Hecht	McConkey	Schuh	
Carter	Impallaria	McDonough	Shank	
Conway	James	McHale	Shewell	

Voting Nay - 67

Speaker Busch	Doory	Hixson	Love	Schuler
Ali	Dumais	Holmes	Malone	Stein
Barnes	Feldman	Hubbard	Manno	Stukes
Barve	Frick	Hucker	Minnick	Tarrant
Beidle	Frush	Ivey	Murphy	Turner_F
Bobo	Gaines	Jones	Nathan-Pulliam	Turner_V
Bohanan	Gilchrist	Kaiser	Niemann	Valderrama
Branch	Glenn	Kirk	Oaks	Vallario
Cardin	Griffith	Krysiak	Olszewski	Vaughn
Clagett_G	Gutierrez	Kullen	Reznik	Walker
Clagett_V	Harrison	Lafferty	Rice	Weir
Davis	Haynes	Lawton	Robinson	
DeBoy	Healey	Lee	Rosenberg	
Donoghue	Heller	Levy	Ross	

Not Voting - 8

Bartlett	Guzzone	Pendergrass	Taylor
Conaway	McIntosh	Proctor	Waldstreicher

Excused From Voting - 0

Excused (Absent) - 5

Bromwell	Howard	Jameson	Montgomery	Stull

Seq No. 0067 November 16, 2007 11:37 AM
Presiding: Speaker Busch Legislative Date: November 10, 2007

Maryland House of Delegates
2007 Special Session

Floor Amendment (Mathias) {413328/2 Rejected (46-81)

HB 4 Special Orders
The Speaker (W&M)
Video Lottery Terminals - Authorization and Limitations
Favorable with amendments adp - ON 2ND RDG (Const)
FLOOR AMD Del. Mathias /413328/2

46 Yeas	81 Nays	0 Excused	9 Not Voting	5 Excused (Absent)

Voting Yea - 46

Anderson	DeBoy	Kramer	Morhaim	Simmons
Bartlett	Elliott	Krebs	Myers	Sophocleus
Bates	Elmore	Levi	Oaks	Stifler
Beitzel	George	Manno	Pena-Melnyk	Stocksdale
Benson	Heller	Mathias	Proctor	Walkup
Braveboy	Impallaria	McComas	Riley	Weldon
Burns	James	McConkey	Rudolph	
Cane	Kelly	McDonough	Schuh	
Conway	King	McKee	Schuler	
Costa	Kipke	Miller	Shewell	

Voting Nay - 81

Speaker Busch	Doory	Hixson	Malone	Smigiel
Ali	Dumais	Holmes	McHale	Sossi
Aumann	Feldman	Hubbard	McIntosh	Stein
Barkley	Frank	Hucker	Minnick	Stukes
Barnes	Frick	Ivey	Mizeur	Tarrant
Barve	Frush	Jennings	Murphy	Turner_F
Beidle	Gaines	Jones	Nathan-Pulliam	Turner_V
Bobo	Gilchrist	Kach	Niemann	Valderrama
Bohanan	Glenn	Kaiser	Olszewski	Vallario
Boteler	Gutierrez	Kirk	Pendergrass	Vaughn
Branch	Guzzone	Krysiak	Ramirez	Walker
Bronrott	Haddaway	Kullen	Reznik	Weir
Cardin	Hammen	Lafferty	Rice	Wood
Clagett_G	Harrison	Lawton	Robinson	
Clagett_V	Haynes	Lee	Rosenberg	
Conaway	Healey	Levy	Ross	
Davis	Hecht	Love	Shank	

Not Voting - 9

Carter	Dwyer	Glassman	O'Donnell	Waldstreicher
Donoghue	Eckardt	Griffith	Taylor	

Excused From Voting - 0

Excused (Absent) - 5

Bromwell	Howard	Jameson	Montgomery	Stull

Seq No. 0068 November 16, 2007 11:51 AM
Presiding: Speaker Busch Legislative Date: November 10, 2007

Maryland House of Delegates
2007 Special Session

Floor Amendment (Simmons) {693521/1 Rejected (61-66)

HB 4 Special Orders
The Speaker (W&M)
Video Lottery Terminals - Authorization and Limitations
Favorable with amendments adp - ON 2ND RDG (Const)
FLOOR AMD Del. Simmons /693521/1

61 Yeas	66 Nays	0 Excused	9 Not Voting	5 Excused (Absent)

Voting Yea - 61

Ali	Costa	James	McConkey	Simmons
Anderson	Dumais	Kach	McDonough	Smigiel
Aumann	Dwyer	Kelly	McKee	Sophocleus
Bartlett	Eckardt	King	Miller	Sossi
Bates	Elliott	Kipke	Morhaim	Stifler
Beitzel	Elmore	Kramer	Myers	Stocksdale
Benson	Feldman	Krebs	O'Donnell	Walkup
Bobo	Frank	Kullen	Ramirez	Weldon
Boteler	George	Levi	Riley	Wood
Bronrott	Gutierrez	Levy	Rudolph	
Burns	Haddaway	Manno	Schuh	
Cane	Hucker	Mathias	Shank	
Carter	Impallaria	McComas	Shewell	

Voting Nay - 66

Speaker Busch	Frick	Hubbard	Mizeur	Schuler
Barkley	Frush	Ivey	Murphy	Stein
Barnes	Gaines	Jennings	Nathan-Pulliam	Stukes
Barve	Gilchrist	Jones	Niemann	Tarrant
Beidle	Glenn	Kaiser	Oaks	Turner_F
Bohanan	Griffith	Kirk	Olszewski	Turner_V
Branch	Guzzone	Krysiak	Pena-Melnyk	Valderrama
Braveboy	Hammen	Lafferty	Pendergrass	Vaughn
Cardin	Harrison	Lawton	Proctor	Walker
Clagett_G	Haynes	Lee	Reznik	Weir
Clagett_V	Healey	Love	Rice	
Conaway	Hecht	McHale	Robinson	
Davis	Hixson	McIntosh	Rosenberg	
Doory	Holmes	Minnick	Ross	

Not Voting - 9

Conway	Donoghue	Heller	Taylor	Waldstreicher
DeBoy	Glassman	Malone	Vallario	

Excused From Voting - 0

Excused (Absent) - 5

Bromwell	Howard	Jameson	Montgomery	Stull

Seq No. 0069 November 16, 2007 12:08 PM
Presiding: Speaker Busch Legislative Date: November 10, 2007

Maryland House of Delegates
2007 Special Session

Floor Amendment (Schuh) {483029/2 Rejected (44-82)

HB 4 Special Orders
The Speaker (W&M)
Video Lottery Terminals - Authorization and Limitations
Favorable with amendments adp - ON 2ND RDG (Const)
FLOOR AMD Del. Schuh /483029/2

44 Yeas	82 Nays	0 Excused	9 Not Voting	6 Excused (Absent)

Voting Yea - 44

Anderson	Eckardt	Kach	Miller	Simmons
Aumann	Elliott	Kelly	Morhaim	Smigiel
Bartlett	Frank	King	Myers	Sossi
Bates	George	Kipke	O'Donnell	Stifler
Beitzel	Glassman	Krebs	Riley	Stocksdale
Boteler	Haddaway	McComas	Rudolph	Walkup
Burns	Impallaria	McConkey	Schuh	Weldon
Costa	James	McDonough	Shank	Wood
Dwyer	Jennings	McKee	Shewell	

Voting Nay - 82

Speaker Busch	Donoghue	Heller	Love	Rosenberg
Ali	Doory	Hixson	Malone	Schuler
Barkley	Dumais	Holmes	Manno	Sophocleus
Barnes	Feldman	Hubbard	McHale	Stein
Barve	Frick	Hucker	Minnick	Stukes
Beidle	Frush	Ivey	Mizeur	Tarrant
Bobo	Gaines	Jones	Murphy	Turner_F
Bohanan	Gilchrist	Kaiser	Niemann	Turner_V
Branch	Glenn	Kirk	Oaks	Valderrama
Braveboy	Griffith	Kramer	Olszewski	Vallario
Bronrott	Gutierrez	Krysiak	Pena-Melnyk	Vaughn
Cardin	Guzzone	Kullen	Pendergrass	Waldstreicher
Clagett_G	Hammen	Lafferty	Proctor	Walker
Clagett_V	Harrison	Lawton	Ramirez	Weir
Conaway	Haynes	Lee	Reznik	
Davis	Healey	Levi	Rice	
DeBoy	Hecht	Levy	Robinson	

Not Voting - 9

Benson	Carter	Elmore	McIntosh	Taylor
Cane	Conway	Mathias	Ross	

Excused From Voting - 0

Excused (Absent) - 6

Bromwell	Jameson	Nathan-Pulliam
Howard	Montgomery	Stull

Seq No. 0070 November 16, 2007 12:29 PM
Presiding: Speaker Busch Legislative Date: November 10, 2007

Maryland House of Delegates
2007 Special Session

Motion Special Order until later today (Shank) Rejected
(38-93)

HB 4 Special Orders
The Speaker (W&M)
Video Lottery Terminals - Authorization and Limitations
Favorable with amendments adp - ON 2ND RDG (Const)
Motion to Special Order

38 Yeas	93 Nays	0 Excused	5 Not Voting	5 Excused (Absent)

Voting Yea - 38

Anderson	Eckardt	Jennings	McDonough	Smigiel
Aumann	Elliott	Kach	McKee	Sossi
Bartlett	Elmore	Kelly	Miller	Stifler
Bates	Frank	King	Myers	Stocksdale
Beitzel	George	Kipke	O'Donnell	Walkup
Boteler	Glassman	Krebs	Schuh	Weldon
Burns	Haddaway	McComas	Shank	
Costa	Impallaria	McConkey	Shewell	

Voting Nay - 93

Speaker Busch	Davis	Heller	Manno	Rosenberg
Ali	DeBoy	Hixson	Mathias	Ross
Barkley	Donoghue	Holmes	McHale	Rudolph
Barnes	Doory	Hubbard	McIntosh	Schuler
Barve	Dumais	Hucker	Minnick	Sophocleus
Beidle	Feldman	Ivey	Mizeur	Stein
Benson	Frick	James	Morhaim	Stukes
Bobo	Frush	Jones	Murphy	Tarrant
Bohanan	Gaines	Kaiser	Niemann	Taylor
Branch	Gilchrist	Kirk	Oaks	Turner_V
Braveboy	Glenn	Krysiak	Olszewski	Valderrama
Bromwell	Griffith	Kullen	Pena-Melnyk	Vallario
Bronrott	Gutierrez	Lafferty	Pendergrass	Vaughn
Cardin	Guzzone	Lawton	Proctor	Waldstreicher
Carter	Hammen	Lee	Ramirez	Walker
Clagett_G	Harrison	Levi	Reznik	Weir
Clagett_V	Haynes	Levy	Rice	Wood
Conaway	Healey	Love	Riley	
Conway	Hecht	Malone	Robinson	

Not Voting - 5

Cane	Dwyer	Kramer	Simmons	Turner_F

Excused From Voting - 0

Excused (Absent) - 5

Howard	Jameson	Montgomery	Nathan-Pulliam	Stull

Seq No. 0071 November 16, 2007 12:42 PM
Presiding: Speaker Busch Legislative Date: November 10, 2007

Maryland House of Delegates
2007 Special Session

Quorum: 135

QUORUM

135 Yeas	0 Nays	0 Excused	1 Not Voting	5 Excused (Absent)

Voting Yea - 135

Speaker Busch	Costa	Hecht	Manno	Ross
Ali	Davis	Heller	Mathias	Rudolph
Anderson	DeBoy	Hixson	McComas	Schuh
Aumann	Donoghue	Holmes	McConkey	Schuler
Barkley	Doory	Hubbard	McDonough	Shank
Barnes	Dumais	Hucker	McHale	Shewell
Bartlett	Dwyer	Impallaria	McIntosh	Simmons
Barve	Eckardt	Ivey	McKee	Smigiel
Bates	Elliott	James	Miller	Sophocleus
Beidle	Elmore	Jennings	Minnick	Sossi
Beitzel	Feldman	Jones	Mizeur	Stein
Benson	Frank	Kach	Morhaim	Stifler
Bobo	Frick	Kaiser	Murphy	Stocksdale
Bohanan	Frush	Kelly	Myers	Stukes
Boteler	Gaines	King	Niemann	Tarrant
Branch	George	Kipke	O'Donnell	Taylor
Braveboy	Gilchrist	Kirk	Oaks	Turner_F
Bromwell	Glassman	Kramer	Olszewski	Turner_V
Bronrott	Glenn	Krebs	Pena-Melnyk	Valderrama
Burns	Griffith	Krysiak	Pendergrass	Vallario
Cane	Gutierrez	Kullen	Proctor	Vaughn
Cardin	Guzzone	Lafferty	Ramirez	Waldstreicher
Carter	Haddaway	Lawton	Reznik	Walker
Clagett_G	Hammen	Lee	Rice	Walkup
Clagett_V	Harrison	Levi	Riley	Weir
Conaway	Haynes	Levy	Robinson	Weldon
Conway	Healey	Malone	Rosenberg	Wood

Voting Nay - 0

Not Voting - 1

Love

Excused From Voting - 0

Excused (Absent) - 5

Howard	Jameson	Montgomery	Nathan-Pulliam	Stull

Seq No. 0072 November 16, 2007 3:11 PM
Presiding: Speaker Busch Legislative Date: November 11, 2007

Maryland House of Delegates
2007 Special Session

Quorum: 136

QUORUM

136 Yeas	0 Nays	0 Excused	2 Not Voting	3 Excused (Absent)

Voting Yea - 136

Speaker Busch	Donoghue	Hubbard	McConkey	Schuler
Ali	Doory	Hucker	McDonough	Shank
Anderson	Dumais	Impallaria	McHale	Shewell
Aumann	Dwyer	Ivey	McIntosh	Simmons
Barkley	Eckardt	James	McKee	Smigiel
Barnes	Elliott	Jameson	Miller	Sophocleus
Bartlett	Elmore	Jennings	Minnick	Sossi
Barve	Feldman	Jones	Mizeur	Stein
Bates	Frank	Kach	Morhaim	Stifler
Beidle	Frick	Kaiser	Murphy	Stocksdale
Beitzel	Frush	Kelly	Myers	Stukes
Bobo	Gaines	King	Nathan-Pulliam	Tarrant
Bohanan	George	Kipke	Niemann	Taylor
Boteler	Gilchrist	Kirk	O'Donnell	Turner_F
Branch	Glassman	Kramer	Oaks	Turner_V
Braveboy	Glenn	Krebs	Olszewski	Valderrama
Bromwell	Griffith	Krysiak	Pena-Melnyk	Vallario
Bronrott	Gutierrez	Kullen	Pendergrass	Vaughn
Burns	Guzzone	Lafferty	Proctor	Waldstreicher
Cardin	Haddaway	Lawton	Ramirez	Walker
Carter	Hammen	Lee	Reznik	Walkup
Clagett_G	Harrison	Levi	Rice	Weir
Clagett_V	Haynes	Levy	Riley	Weldon
Conaway	Healey	Love	Robinson	Wood
Conway	Hecht	Malone	Rosenberg	
Costa	Heller	Manno	Ross	
Davis	Hixson	Mathias	Rudolph	
DeBoy	Holmes	McComas	Schuh	

Voting Nay - 0

Not Voting - 2

Benson	Cane

Excused From Voting - 0

Excused (Absent) - 3

Howard	Montgomery	Stull

Seq No. 0073 November 16, 2007 3:12 PM
Presiding: Speaker Busch Legislative Date: November 11, 2007

Maryland House of Delegates
2007 Special Session

Quorum: 136

QUORUM

136 Yeas	0 Nays	0 Excused	2 Not Voting	3 Excused (Absent)

Voting Yea - 136

Speaker Busch	Donoghue	Hubbard	McConkey	Schuler
Ali	Doory	Hucker	McDonough	Shank
Anderson	Dumais	Impallaria	McHale	Shewell
Aumann	Dwyer	Ivey	McIntosh	Simmons
Barkley	Eckardt	James	McKee	Smigiel
Barnes	Elliott	Jameson	Miller	Sophocleus
Bartlett	Elmore	Jennings	Minnick	Sossi
Barve	Feldman	Jones	Mizeur	Stein
Bates	Frank	Kach	Morhaim	Stifler
Beidle	Frick	Kaiser	Murphy	Stocksdale
Beitzel	Frush	Kelly	Myers	Stukes
Bobo	Gaines	King	Nathan-Pulliam	Tarrant
Bohanan	George	Kipke	Niemann	Taylor
Boteler	Gilchrist	Kirk	O'Donnell	Turner_F
Branch	Glassman	Kramer	Oaks	Turner_V
Braveboy	Glenn	Krebs	Olszewski	Valderrama
Bromwell	Griffith	Krysiak	Pena-Melnyk	Vallario
Bronrott	Gutierrez	Kullen	Pendergrass	Vaughn
Burns	Guzzone	Lafferty	Proctor	Waldstreicher
Cardin	Haddaway	Lawton	Ramirez	Walker
Carter	Hammen	Lee	Reznik	Walkup
Clagett_G	Harrison	Levi	Rice	Weir
Clagett_V	Haynes	Levy	Riley	Weldon
Conaway	Healey	Love	Robinson	Wood
Conway	Hecht	Malone	Rosenberg	
Costa	Heller	Manno	Ross	
Davis	Hixson	Mathias	Rudolph	
DeBoy	Holmes	McComas	Schuh	

Voting Nay - 0

Not Voting - 2

Benson	Cane

Excused From Voting - 0

Excused (Absent) - 3

Howard	Montgomery	Stull

Seq No. 0074 November 16, 2007 5:04 PM
Presiding: Speaker Busch Legislative Date: November 11, 2007

Maryland House of Delegates
2007 Special Session

Third Reading Passed (86-52)

HB 4 Third Reading (HB) Calendar No. 5
The Speaker (W&M)
Video Lottery Terminals - Authorization and Limitations
On Third Reading (Const)

86 Yeas	52 Nays	0 Excused	0 Not Voting	3 Excused (Absent)

Voting Yea - 86

Speaker Busch	Elmore	Hucker	Manno	Rudolph
Barnes	Feldman	Impallaria	McHale	Schuler
Barve	Frick	Ivey	McIntosh	Sophocleus
Beidle	Frush	James	Minnick	Stein
Bohanan	Gaines	Jameson	Morhaim	Stukes
Branch	Gilchrist	Jones	Nathan-Pulliam	Tarrant
Bromwell	Glenn	Kach	Niemann	Turner_F
Bronrott	Griffith	Kaiser	Oaks	Turner_V
Cardin	Gutierrez	King	Olszewski	Valderrama
Clagett_G	Guzzone	Kirk	Pendergrass	Vallario
Clagett_V	Hammen	Krysiak	Proctor	Vaughn
Conaway	Harrison	Kullen	Ramirez	Walker
Conway	Haynes	Lafferty	Reznik	Weir
Davis	Healey	Lawton	Rice	Weldon
DeBoy	Hecht	Lee	Riley	
Donoghue	Heller	Levy	Robinson	
Doory	Hixson	Love	Rosenberg	
Dumais	Hubbard	Malone	Ross	

Voting Nay - 52

Ali	Burns	Holmes	McKee	Smigiel
Anderson	Cane	Jennings	Miller	Sossi
Aumann	Carter	Kelly	Mizeur	Stifler
Barkley	Costa	Kipke	Murphy	Stocksdale
Bartlett	Dwyer	Kramer	Myers	Taylor
Bates	Eckardt	Krebs	O'Donnell	Waldstreicher
Beitzel	Elliott	Levi	Pena-Melnyk	Walkup
Benson	Frank	Mathias	Schuh	Wood
Bobo	George	McComas	Shank	
Boteler	Glassman	McConkey	Shewell	
Braveboy	Haddaway	McDonough	Simmons	

Not Voting - 0

Excused From Voting - 0

Excused (Absent) - 3

Howard	Montgomery	Stull

Seq No. 0075 November 16, 2007 5:15 PM
Presiding: Speaker Busch Legislative Date: November 11, 2007

Maryland House of Delegates
2007 Special Session

Quorum: 137

QUORUM

137 Yeas	0 Nays	0 Excused	1 Not Voting	3 Excused (Absent)

Voting Yea - 137

Speaker Busch	Davis	Hixson	Mathias	Rudolph
Ali	DeBoy	Holmes	McComas	Schuh
Anderson	Donoghue	Hubbard	McConkey	Schuler
Aumann	Doory	Hucker	McDonough	Shank
Barkley	Dumais	Impallaria	McHale	Shewell
Barnes	Dwyer	Ivey	McIntosh	Simmons
Bartlett	Eckardt	James	McKee	Smigiel
Barve	Elliott	Jameson	Miller	Sophocleus
Bates	Elmore	Jennings	Minnick	Sossi
Beidle	Feldman	Jones	Mizeur	Stein
Beitzel	Frank	Kach	Morhaim	Stifler
Benson	Frick	Kaiser	Murphy	Stocksdale
Bobo	Frush	Kelly	Myers	Stukes
Bohanan	Gaines	King	Nathan-Pulliam	Tarrant
Boteler	George	Kipke	Niemann	Taylor
Branch	Gilchrist	Kirk	O'Donnell	Turner_F
Braveboy	Glassman	Kramer	Oaks	Turner_V
Bromwell	Glenn	Krebs	Olszewski	Valderrama
Bronrott	Griffith	Krysiak	Pena-Melnyk	Vallario
Burns	Gutierrez	Kullen	Pendergrass	Vaughn
Cane	Guzzone	Lafferty	Proctor	Waldstreicher
Cardin	Haddaway	Lawton	Ramirez	Walkup
Carter	Hammen	Lee	Reznik	Weir
Clagett_G	Harrison	Levi	Rice	Weldon
Clagett_V	Haynes	Levy	Riley	Wood
Conaway	Healey	Love	Robinson	
Conway	Hecht	Malone	Rosenberg	
Costa	Heller	Manno	Ross	

Voting Nay - 0

Not Voting - 1

Walker

Excused From Voting - 0

Excused (Absent) - 3

Howard	Montgomery	Stull

Seq No. 0076 November 17, 2007 4:28 PM
Presiding: Speaker Busch Legislative Date: November 11, 2007

Maryland House of Delegates
2007 Special Session

Quorum: 130

QUORUM

130 Yeas	0 Nays	0 Excused	3 Not Voting	8 Excused (Absent)

Voting Yea - 130

Speaker Busch	Doory	Holmes	Mathias	Ross
Ali	Dumais	Hubbard	McComas	Rudolph
Aumann	Dwyer	Hucker	McConkey	Schuh
Barkley	Eckardt	Impallaria	McDonough	Schuler
Barnes	Elliott	Ivey	McHale	Shank
Bartlett	Elmore	James	McIntosh	Shewell
Barve	Feldman	Jameson	McKee	Simmons
Bates	Frank	Jennings	Miller	Smigiel
Beidle	Frick	Jones	Minnick	Sophocleus
Beitzel	Frush	Kach	Mizeur	Stein
Benson	Gaines	Kaiser	Morhaim	Stifler
Bobo	George	Kelly	Murphy	Stocksdale
Boteler	Gilchrist	King	Nathan-Pulliam	Stukes
Branch	Glassman	Kipke	Niemann	Stull
Braveboy	Glenn	Kirk	O'Donnell	Tarrant
Bromwell	Griffith	Kramer	Oaks	Taylor
Bronrott	Gutierrez	Krebs	Olszewski	Turner_F
Cardin	Guzzone	Kullen	Pena-Melnyk	Turner_V
Carter	Haddaway	Lafferty	Pendergrass	Valderrama
Clagett_G	Hammen	Lawton	Proctor	Vallario
Clagett_V	Harrison	Lee	Ramirez	Vaughn
Conaway	Haynes	Levi	Reznik	Waldstreicher
Costa	Healey	Levy	Rice	Walkup
Davis	Hecht	Love	Riley	Weir
DeBoy	Heller	Malone	Robinson	Weldon
Donoghue	Hixson	Manno	Rosenberg	Wood

Voting Nay - 0

Not Voting - 3

Bohanan	Cane	Conway

Excused From Voting - 0

Excused (Absent) - 8

Anderson	Howard	Montgomery	Sossi
Burns	Krysiak	Myers	Walker

Seq No. 0077 November 17, 2007 5:11 PM
Presiding: Speaker Busch Legislative Date: November 11, 2007

Maryland House of Delegates
2007 Special Session

Quorum: 131

QUORUM

131 Yeas	0 Nays	0 Excused	1 Not Voting	9 Excused (Absent)

Voting Yea - 131

Speaker Busch	Donoghue	Holmes	McComas	Schuler
Ali	Doory	Hubbard	McConkey	Shank
Aumann	Dumais	Hucker	McHale	Shewell
Barkley	Dwyer	Impallaria	McIntosh	Simmons
Barnes	Eckardt	Ivey	McKee	Smigiel
Bartlett	Elliott	James	Miller	Sophocleus
Barve	Elmore	Jameson	Minnick	Stein
Bates	Feldman	Jennings	Mizeur	Stifler
Beidle	Frank	Jones	Morhaim	Stocksdale
Beitzel	Frick	Kach	Murphy	Stukes
Benson	Frush	Kaiser	Nathan-Pulliam	Stull
Bobo	Gaines	Kelly	Niemann	Tarrant
Bohanan	George	King	O'Donnell	Taylor
Boteler	Gilchrist	Kipke	Oaks	Turner_F
Branch	Glassman	Kirk	Olszewski	Turner_V
Braveboy	Glenn	Kramer	Pena-Melnyk	Valderrama
Bromwell	Griffith	Krebs	Pendergrass	Vallario
Bronrott	Gutierrez	Kullen	Proctor	Vaughn
Cardin	Guzzone	Lafferty	Ramirez	Waldstreicher
Carter	Haddaway	Lawton	Reznik	Walkup
Clagett_G	Hammen	Lee	Rice	Weir
Clagett_V	Harrison	Levi	Riley	Weldon
Conaway	Haynes	Levy	Robinson	Wood
Conway	Healey	Love	Rosenberg	
Costa	Hecht	Malone	Ross	
Davis	Heller	Manno	Rudolph	
DeBoy	Hixson	Mathias	Schuh	

Voting Nay - 0

Not Voting - 1

Cane

Excused From Voting - 0

Excused (Absent) - 9

Anderson	Howard	McDonough	Myers	Walker
Burns	Krysiak	Montgomery	Sossi	

Seq No. 0078 November 17, 2007 8:32 PM
Presiding: Speaker Busch Legislative Date: November 11, 2007

Maryland House of Delegates
2007 Special Session

Quorum: 126

QUORUM

126 Yeas	0 Nays	0 Excused	4 Not Voting	11 Excused (Absent)

Voting Yea - 126

Speaker Busch	Dumais	Hucker	McComas	Schuh
Ali	Dwyer	Impallaria	McConkey	*Schuler
Barkley	Eckardt	Ivey	McHale	Shank
Barnes	Elliott	James	McIntosh	Shewell
Bartlett	Elmore	Jameson	McKee	Simmons
Barve	Feldman	Jennings	Miller	Smigiel
Beidle	Frick	Jones	Minnick	Sophocleus
Beitzel	Frush	Kach	Mizeur	Stein
Benson	Gaines	Kaiser	Morhaim	Stifler
Bobo	George	Kelly	Murphy	Stocksdale
Bohanan	Gilchrist	King	Nathan-Pulliam	Stukes
Boteler	Glassman	Kipke	Niemann	Stull
Braveboy	Glenn	Kirk	O'Donnell	Tarrant
Bromwell	Griffith	Kramer	Oaks	Turner_F
Bronrott	Gutierrez	Krebs	Olszewski	Turner_V
Cardin	Guzzone	Krysiak	Pena-Melnyk	Vallario
Carter	Haddaway	Kullen	Pendergrass	Vaughn
Clagett_G	Hammen	Lafferty	Proctor	Waldstreicher
Clagett_V	Harrison	Lawton	Ramirez	Walkup
Conaway	Haynes	Lee	Reznik	Weir
Conway	Healey	Levi	Rice	Weldon
Costa	Hecht	Levy	Riley	Wood
Davis	Heller	Love	Robinson	
DeBoy	Hixson	Malone	Rosenberg	
Donoghue	Holmes	Manno	Ross	
Doory	Hubbard	Mathias	Rudolph	

Voting Nay - 0

Not Voting - 4

Branch	Cane	Frank	Taylor

Excused From Voting - 0

Excused (Absent) - 11

Anderson	Burns	Montgomery	Valderrama
Aumann	Howard	Myers	Walker
Bates	McDonough	Sossi	

* indicates vote change

Seq No. 0079 November 17, 2007 9:10 PM
Presiding: Speaker Busch Legislative Date: November 11, 2007

Maryland House of Delegates
2007 Special Session

Floor Amendment (Simmons) {713321/2 Rejected (61-63)

HB 3 Special Orders
The Speaker (W&M)
Maryland Education Trust Fund - Video Lottery Terminals
Favorable with amendments adp - ON 2ND RDG
FLOOR AMD Del. Simmons /713321/2

61 Yeas	63 Nays	0 Excused	6 Not Voting	11 Excused (Absent)

Voting Yea - 61

Ali	Eckardt	Jennings	Mathias	Sophocleus
Barkley	Elliott	Kach	McComas	Stifler
Bartlett	Elmore	Kelly	McConkey	Stocksdale
Beidle	Feldman	King	Miller	Stull
Beitzel	Frank	Kipke	Morhaim	Taylor
Bobo	George	Kramer	O'Donnell	Waldstreicher
Boteler	Glassman	Krebs	Riley	Walkup
Bromwell	Gutierrez	Kullen	Rudolph	Weldon
Bronrott	Haddaway	Lawton	Schuh	Wood
Clagett_V	Hucker	Lee	Shank	
Costa	Impallaria	Levi	Shewell	
Dumais	James	Levy	Simmons	
Dwyer	Jameson	Manno	Smigiel	

Voting Nay - 63

Speaker Busch	Doory	Heller	McIntosh	Rice
Barnes	Frick	Hixson	Minnick	Robinson
Barve	Frush	Holmes	Mizeur	Rosenberg
Benson	Gaines	Hubbard	Murphy	Ross
Branch	Gilchrist	Ivey	Nathan-Pulliam	Schuler
Braveboy	Glenn	Jones	Niemann	Stein
Cardin	Griffith	Kaiser	Oaks	Stukes
Clagett_G	Guzzone	Kirk	Olszewski	Tarrant
Conaway	Hammen	Krysiak	Pena-Melnyk	Turner_F
Conway	Harrison	Lafferty	Pendergrass	Turner_V
Davis	Haynes	Love	Proctor	Weir
DeBoy	Healey	Malone	Ramirez	
Donoghue	Hecht	McHale	Reznik	

Not Voting - 6

Bohanan	Carter	Vallario
Cane	McKee	Vaughn

Excused From Voting - 0

Excused (Absent) - 11

Anderson	Burns	Montgomery	Valderrama
Aumann	Howard	Myers	Walker
Bates	McDonough	Sossi	

Seq No. 0080 November 17, 2007 9:52 PM
Presiding: Speaker Busch Legislative Date: November 11, 2007

Maryland House of Delegates
2007 Special Session

Floor Amendment (ODonnell) {403823/1 Rejected (39-84)

HB 3 Special Orders
The Speaker (W&M)
Maryland Education Trust Fund - Video Lottery Terminals
Favorable with amendments adp - ON 2ND RDG
FLOOR AMD Del. O'Donnell /403823/1

39 Yeas	84 Nays	0 Excused	7 Not Voting	11 Excused (Absent)

Voting Yea - 39

Bartlett	Elmore	King	Morhaim	Sophocleus
Beitzel	Frank	Kipke	O'Donnell	Stifler
Boteler	George	Krebs	Rudolph	Stocksdale
Bromwell	Haddaway	Kullen	Schuh	Stull
Costa	Impallaria	McComas	Schuler	Walkup
Dwyer	Jennings	McConkey	Shank	Weldon
Eckardt	Kach	McKee	Shewell	Wood
Elliott	Kelly	Miller	Smigiel	

Voting Nay - 84

Speaker Busch	Donoghue	Hecht	Levy	Reznik
Ali	Doory	Heller	Love	Rice
Barkley	Dumais	Hixson	Malone	Riley
Barnes	Feldman	Holmes	Manno	Robinson
Barve	Frick	Hubbard	McHale	Rosenberg
Beidle	Frush	Hucker	McIntosh	Ross
Benson	Gaines	Ivey	Minnick	Stein
Bobo	Gilchrist	Jameson	Mizeur	Stukes
Bohanan	Glassman	Jones	Murphy	Tarrant
Braveboy	Glenn	Kaiser	Nathan-Pulliam	Taylor
Bronrott	Griffith	Kirk	Niemann	Turner_F
Cardin	Gutierrez	Kramer	Oaks	Turner_V
Clagett_G	Guzzone	Krysiak	Olszewski	Vallario
Clagett_V	Hammen	Lafferty	Pena-Melnyk	Vaughn
Conaway	Harrison	Lawton	Pendergrass	Waldstreicher
Davis	Haynes	Lee	Proctor	Weir
DeBoy	Healey	Levi	Ramirez	

Not Voting - 7

Branch	Carter	James	Simmons
Cane	Conway	Mathias	

Excused From Voting - 0

Excused (Absent) - 11

Anderson	Burns	Montgomery	Valderrama
Aumann	Howard	Myers	Walker
Bates	McDonough	Sossi	

Seq No. 0081 November 17, 2007 9:59 PM
Presiding: Speaker Busch Legislative Date: November 11, 2007

Maryland House of Delegates
2007 Special Session

Floor Amendment (ODonnell) {623123/1 Rejected (34-87)

HB 3 Special Orders
The Speaker (W&M)
Maryland Education Trust Fund - Video Lottery Terminals
Favorable with amendments adp - ON 2ND RDG
FLOOR AMD Del. O'Donnell /623123/1

34 Yeas	87 Nays	0 Excused	9 Not Voting	11 Excused (Absent)

Voting Yea - 34

Bartlett	Eckardt	Kach	McConkey	Shank
Boteler	Elliott	Kelly	McKee	Smigiel
Bromwell	Frank	King	Miller	Stocksdale
Carter	George	Kipke	Minnick	Stull
Costa	Haddaway	Krebs	O'Donnell	Walkup
Davis	Impallaria	Lafferty	Schuh	Weldon
Dwyer	Jennings	McComas	Schuler	

Voting Nay - 87

Speaker Busch	Dumais	Holmes	Manno	Robinson
Ali	Elmore	Hubbard	Mathias	Rosenberg
Barkley	Feldman	Hucker	McHale	Ross
Barve	Frick	Ivey	McIntosh	Rudolph
Beidle	Frush	James	Mizeur	Stein
Benson	Gaines	Jameson	Morhaim	Stifler
Bobo	Gilchrist	Jones	Murphy	Stukes
Bohanan	Glassman	Kaiser	Nathan-Pulliam	Tarrant
Branch	Glenn	Kirk	Niemann	Taylor
Braveboy	Griffith	Kramer	Oaks	Turner_F
Bronrott	Gutierrez	Krysiak	Olszewski	Turner_V
Cardin	Guzzone	Kullen	Pena-Melnyk	Vallario
Clagett_G	Hammen	Lawton	Pendergrass	Vaughn
Clagett_V	Harrison	Lee	Proctor	Waldstreicher
Conaway	Haynes	Levi	Ramirez	Weir
Conway	Healey	Levy	Reznik	
DeBoy	Hecht	Love	Rice	
Doory	Hixson	Malone	Riley	

Not Voting - 9

Barnes	Cane	Heller	Simmons	Wood
Beitzel	Donoghue	Shewell	Sophocleus	

Excused From Voting - 0

Excused (Absent) - 11

Anderson	Burns	Montgomery	Valderrama
Aumann	Howard	Myers	Walker
Bates	McDonough	Sossi	

Seq No. 0082 November 17, 2007 10:09 PM
Presiding: Speaker Busch Legislative Date: November 11, 2007

Maryland House of Delegates
2007 Special Session

Floor Amendment (Morhaim) {233829/1 Adopted (84-39)

HB 3 Special Orders
The Speaker (W&M)
Maryland Education Trust Fund - Video Lottery Terminals
Favorable with amendments adp - ON 2ND RDG
FLOOR AMD Dels. Morhaim and Taylor /233829/1

84 Yeas	39 Nays	0 Excused	7 Not Voting	11 Excused (Absent)

Voting Yea - 84

Speaker Busch	Davis	Heller	Love	Rice
Ali	DeBoy	Hixson	Malone	Riley
Barkley	Doory	Holmes	Manno	Robinson
Barnes	Dumais	Hubbard	McHale	Rosenberg
Barve	Feldman	Hucker	McIntosh	Ross
Beidle	Frick	Ivey	Mizeur	Schuler
Benson	Frush	James	Morhaim	Simmons
Bobo	Gaines	Jones	Murphy	Stein
Branch	Gilchrist	Kaiser	Nathan-Pulliam	Stukes
Braveboy	Glenn	Kirk	Niemann	Tarrant
Bromwell	Griffith	Kramer	Oaks	Taylor
Bronrott	Gutierrez	Krysiak	Olszewski	Turner_F
Cardin	Guzzone	Kullen	Pena-Melnyk	Turner_V
Carter	Hammen	Lafferty	Pendergrass	Vallario
Clagett_G	Harrison	Lawton	Proctor	Vaughn
Clagett_V	Haynes	Lee	Ramirez	Waldstreicher
Conaway	Healey	Levi	Reznik	

Voting Nay - 39

Bartlett	Elmore	King	Miller	Stifler
Beitzel	Frank	Kipke	Minnick	Stocksdale
Bohanan	George	Krebs	O'Donnell	Stull
Boteler	Glassman	Levy	Rudolph	Walkup
Costa	Haddaway	Mathias	Schuh	Weir
Dwyer	Impallaria	McComas	Shank	Weldon
Eckardt	Jennings	McConkey	Shewell	Wood
Elliott	Kach	McKee	Smigiel	

Not Voting - 7

Cane	Donoghue	Jameson	Sophocleus
Conway	Hecht	Kelly	

Excused From Voting - 0

Excused (Absent) - 11

Anderson	Burns	Montgomery	Valderrama
Aumann	Howard	Myers	Walker
Bates	McDonough	Sossi	

Seq No. 0083 November 17, 2007 10:27 PM
Presiding: Speaker Busch Legislative Date: November 11, 2007

Maryland House of Delegates
2007 Special Session

Quorum: 130

QUORUM

130 Yeas	0 Nays	0 Excused	1 Not Voting	10 Excused (Absent)

Voting Yea - 130

Speaker Busch	Donoghue	Hixson	Malone	Rosenberg
Ali	Doory	Holmes	Manno	Ross
Anderson	Dumais	Hubbard	Mathias	Rudolph
Barkley	Dwyer	Hucker	McComas	Schuh
Barnes	Eckardt	Impallaria	McConkey	Schuler
Bartlett	Elliott	Ivey	McHale	Shank
Barve	Elmore	James	McIntosh	Shewell
Beidle	Feldman	Jameson	McKee	Simmons
Beitzel	Frank	Jennings	Miller	Smigiel
Benson	Frick	Jones	Minnick	Sophocleus
Bobo	Frush	Kach	Mizeur	Stein
Bohanan	Gaines	Kaiser	Morhaim	Stifler
Boteler	George	Kelly	Murphy	Stocksdale
Branch	Gilchrist	King	Nathan-Pulliam	Stukes
Braveboy	Glassman	Kipke	Niemann	Stull
Bromwell	Glenn	Kirk	O'Donnell	Tarrant
Bronrott	Griffith	Kramer	Oaks	Taylor
Cardin	Gutierrez	Krebs	Olszewski	Turner_F
Carter	Guzzone	Krysiak	Pena-Melnyk	Turner_V
Clagett_G	Haddaway	Kullen	Pendergrass	Vallario
Clagett_V	Hammen	Lafferty	Proctor	Vaughn
Conaway	Harrison	Lawton	Ramirez	Waldstreicher
Conway	Haynes	Lee	Reznik	Walkup
Costa	Healey	Levi	Rice	Weir
Davis	Hecht	Levy	Riley	Weldon
DeBoy	Heller	Love	Robinson	Wood

Voting Nay - 0

Not Voting - 1

Cane

Excused From Voting - 0

Excused (Absent) - 10

Aumann	Burns	McDonough	Myers	Valderrama
Bates	Howard	Montgomery	Sossi	Walker

Seq No. 0084 November 18, 2007 1:00 AM
Presiding: Speaker Busch Legislative Date: November 11, 2007

Maryland House of Delegates
2007 Special Session

Quorum: 129

QUORUM

129 Yeas	0 Nays	0 Excused	1 Not Voting	11 Excused (Absent)

Voting Yea - 129

Speaker Busch	Donoghue	Holmes	Manno	Ross
Ali	Doory	Hubbard	Mathias	Rudolph
Anderson	Dumais	Hucker	McComas	Schuh
Barkley	Eckardt	Impallaria	McConkey	Schuler
Barnes	Elliott	Ivey	McHale	Shank
Bartlett	Elmore	James	McIntosh	Shewell
Barve	Feldman	Jameson	McKee	Simmons
Beidle	Frank	Jennings	Miller	Smigiel
Beitzel	Frick	Jones	Minnick	Sophocleus
Benson	Frush	Kach	Mizeur	Stein
Bobo	Gaines	Kaiser	Morhaim	Stifler
Bohanan	George	Kelly	Murphy	Stocksdale
Boteler	Gilchrist	King	Nathan-Pulliam	Stukes
Branch	Glassman	Kipke	Niemann	Stull
Braveboy	Glenn	Kirk	O'Donnell	Tarrant
Bromwell	Griffith	Kramer	Oaks	Taylor
Bronrott	Gutierrez	Krebs	Olszewski	Turner_F
Cardin	Guzzone	Krysiak	Pena-Melnyk	Turner_V
Carter	Haddaway	Kullen	Pendergrass	Vallario
Clagett_G	Hammen	Lafferty	Proctor	Vaughn
Clagett_V	Harrison	Lawton	Ramirez	Waldstreicher
Conaway	Haynes	Lee	Reznik	Walkup
Conway	Healey	Levi	Rice	Weir
Costa	Hecht	Levy	Riley	Weldon
Davis	Heller	Love	Robinson	Wood
DeBoy	Hixson	Malone	Rosenberg	

Voting Nay - 0

Not Voting - 1

Cane

Excused From Voting - 0

Excused (Absent) - 11

Aumann	Dwyer	Montgomery	Valderrama
Bates	Howard	Myers	Walker
Burns	McDonough	Sossi	

Seq No. 0085 November 18, 2007 1:28 AM
Presiding: Speaker Busch Legislative Date: November 11, 2007

Maryland House of Delegates
2007 Special Session

Quorum: 127

QUORUM

127 Yeas	0 Nays	0 Excused	3 Not Voting	11 Excused (Absent)

Voting Yea - 127

Speaker Busch	Donoghue	Holmes	Mathias	Rudolph
Ali	Doory	Hubbard	McComas	Schuh
Anderson	Dumais	Hucker	McConkey	Shank
Barkley	Eckardt	Impallaria	McHale	Shewell
Barnes	Elliott	Ivey	McIntosh	Simmons
Bartlett	Elmore	James	McKee	Smigiel
Barve	Feldman	Jameson	Miller	Sophocleus
Beidle	Frank	Jennings	Minnick	Stein
Beitzel	Frick	Jones	Mizeur	Stifler
Benson	Frush	Kach	Morhaim	Stocksdale
Bobo	Gaines	Kaiser	Murphy	Stukes
Bohanan	George	Kelly	Nathan-Pulliam	Stull
Boteler	Gilchrist	King	Niemann	Tarrant
Branch	Glassman	Kipke	O'Donnell	Taylor
Braveboy	Glenn	Kirk	Oaks	Turner_F
Bromwell	Griffith	Kramer	Olszewski	Turner_V
Bronrott	Gutierrez	Krebs	Pena-Melnyk	Vallario
Cardin	Guzzone	Krysiak	Pendergrass	Vaughn
Carter	Haddaway	Kullen	Proctor	Waldstreicher
Clagett_G	Hammen	Lafferty	Ramirez	Walkup
Clagett_V	Harrison	Lawton	Reznik	Weir
Conaway	Haynes	Lee	Rice	Weldon
Conway	Healey	Levy	Riley	Wood
Costa	Hecht	Love	Robinson	
Davis	Heller	Malone	Rosenberg	
DeBoy	Hixson	Manno	Ross	

Voting Nay - 0

Not Voting - 3

Cane	Levi	Schuler

Excused From Voting - 0

Excused (Absent) - 11

Aumann	Dwyer	Montgomery	Valderrama
Bates	Howard	Myers	Walker
Burns	McDonough	Sossi	

Seq No. 0086 November 18, 2007 1:29 AM
Presiding: Speaker Busch Legislative Date: November 12, 2007

Maryland House of Delegates
2007 Special Session

Quorum: 128

QUORUM

128 Yeas	0 Nays	0 Excused	2 Not Voting	11 Excused (Absent)

Voting Yea - 128

Speaker Busch	Donoghue	Holmes	Manno	Ross
Ali	Doory	Hubbard	Mathias	Rudolph
Anderson	Dumais	Hucker	McComas	Schuh
Barkley	Eckardt	Impallaria	McConkey	Shank
Barnes	Elliott	Ivey	McHale	Shewell
Bartlett	Elmore	James	McIntosh	Simmons
Barve	Feldman	Jameson	McKee	Smigiel
Beidle	Frank	Jennings	Miller	Sophocleus
Beitzel	Frick	Jones	Minnick	Stein
Benson	Frush	Kach	Mizeur	Stifler
Bobo	Gaines	Kaiser	Morhaim	Stocksdale
Bohanan	George	Kelly	Murphy	Stukes
Boteler	Gilchrist	King	Nathan-Pulliam	Stull
Branch	Glassman	Kipke	Niemann	Tarrant
Braveboy	Glenn	Kirk	O'Donnell	Taylor
Bromwell	Griffith	Kramer	Oaks	Turner_F
Bronrott	Gutierrez	Krebs	Olszewski	Turner_V
Cardin	Guzzone	Krysiak	Pena-Melnyk	Vallario
Carter	Haddaway	Kullen	Pendergrass	Vaughn
Clagett_G	Hammen	Lafferty	Proctor	Waldstreicher
Clagett_V	Harrison	Lawton	Ramirez	Walkup
Conaway	Haynes	Lee	Reznik	Weir
Conway	Healey	Levi	Rice	Weldon
Costa	Hecht	Levy	Riley	Wood
Davis	Heller	Love	Robinson	
DeBoy	Hixson	Malone	Rosenberg	

Voting Nay - 0

Not Voting - 2

Cane	Schuler

Excused From Voting - 0

Excused (Absent) - 11

Aumann	Dwyer	Montgomery	Valderrama
Bates	Howard	Myers	Walker
Burns	McDonough	Sossi	

Seq No. 0087 November 18, 2007 1:30 AM
Presiding: Speaker Busch Legislative Date: November 12, 2007

Maryland House of Delegates
2007 Special Session

Quorum: 129

QUORUM

129 Yeas	0 Nays	0 Excused	1 Not Voting	11 Excused (Absent)

Voting Yea - 129

Speaker Busch	Donoghue	Holmes	Manno	Ross
Ali	Doory	Hubbard	Mathias	Rudolph
Anderson	Dumais	Hucker	McComas	Schuh
Barkley	Eckardt	Impallaria	McConkey	Schuler
Barnes	Elliott	Ivey	McHale	Shank
Bartlett	Elmore	James	McIntosh	Shewell
Barve	Feldman	Jameson	McKee	Simmons
Beidle	Frank	Jennings	Miller	Smigiel
Beitzel	Frick	Jones	Minnick	Sophocleus
Benson	Frush	Kach	Mizeur	Stein
Bobo	Gaines	Kaiser	Morhaim	Stifler
Bohanan	George	Kelly	Murphy	Stocksdale
Boteler	Gilchrist	King	Nathan-Pulliam	Stukes
Branch	Glassman	Kipke	Niemann	Stull
Braveboy	Glenn	Kirk	O'Donnell	Tarrant
Bromwell	Griffith	Kramer	Oaks	Taylor
Bronrott	Gutierrez	Krebs	Olszewski	Turner_F
Cardin	Guzzone	Krysiak	Pena-Melnyk	Turner_V
Carter	Haddaway	Kullen	Pendergrass	Vallario
Clagett_G	Hammen	Lafferty	Proctor	Vaughn
Clagett_V	Harrison	Lawton	Ramirez	Waldstreicher
Conaway	Haynes	Lee	Reznik	Walkup
Conway	Healey	Levi	Rice	Weir
Costa	Hecht	Levy	Riley	Weldon
Davis	Heller	Love	Robinson	Wood
DeBoy	Hixson	Malone	Rosenberg	

Voting Nay - 0

Not Voting - 1

Cane

Excused From Voting - 0

Excused (Absent) - 11

Aumann	Dwyer	Montgomery	Valderrama
Bates	Howard	Myers	Walker
Burns	McDonough	Sossi	

Seq No. 0088 November 18, 2007 1:40 AM
Presiding: Speaker Busch Legislative Date: November 12, 2007

Maryland House of Delegates
2007 Special Session

Third Reading Passed (71-44)

SB 3 Third Reading (SB)
The President (W&M)
Maryland Education Trust Fund - Video Lottery Terminals
ON THIRD READING

71 Yeas	44 Nays	0 Excused	15 Not Voting	11 Excused (Absent)

Voting Yea - 71

Speaker Busch	Elmore	Hucker	Mathias	Rosenberg
Ali	Feldman	James	McHale	Ross
Barve	Frush	Jameson	McKee	Schuler
Beidle	Gaines	Jones	Minnick	Stein
Branch	Gilchrist	Kaiser	Morhaim	Stukes
Bromwell	Glenn	Kelly	Murphy	Tarrant
Cardin	Gutierrez	King	Nathan-Pulliam	Turner_F
Clagett_G	Guzzone	Kirk	Niemann	Turner_V
Clagett_V	Hammen	Krysiak	Oaks	Vallario
Conaway	Harrison	Kullen	Olszewski	Weir
Conway	Haynes	Lafferty	Pendergrass	Weldon
Costa	Healey	Levy	Reznik	
Davis	Hecht	Love	Rice	
DeBoy	Heller	Malone	Riley	
Donoghue	Hixson	Manno	Robinson	

Voting Nay - 44

Anderson	Carter	Hubbard	McComas	Shewell
Barkley	Dumais	Impallaria	McConkey	Simmons
Bartlett	Eckardt	Ivey	Mizeur	Smigiel
Beitzel	Elliott	Jennings	O'Donnell	Stifler
Benson	Frank	Kach	Pena-Melnyk	Stocksdale
Bobo	George	Kramer	Proctor	Vaughn
Bohanan	Glassman	Krebs	Ramirez	Waldstreicher
Boteler	Griffith	Lawton	Schuh	Walkup
Braveboy	Haddaway	Levi	Shank	

Not Voting - 15

Barnes	Doory	Kipke	Miller	Stull
Bronrott	Frick	Lee	Rudolph	Taylor
Cane	Holmes	McIntosh	Sophocleus	Wood

Excused From Voting - 0

Excused (Absent) - 11

Aumann	Dwyer	Montgomery	Valderrama
Bates	Howard	Myers	Walker
Burns	McDonough	Sossi	

Seq No. 0089 November 18, 2007 1:49 AM
Presiding: Speaker Busch Legislative Date: November 12, 2007

Maryland House of Delegates
2007 Special Session

Quorum: 128

QUORUM

128 Yeas	0 Nays	0 Excused	2 Not Voting	11 Excused (Absent)

Voting Yea - 128

Speaker Busch	Donoghue	Hubbard	Mathias	Rudolph
Ali	Doory	Hucker	McComas	Schuh
Anderson	Dumais	Impallaria	McConkey	Schuler
Barkley	Eckardt	Ivey	McHale	Shank
Barnes	Elliott	James	McIntosh	Shewell
Bartlett	Elmore	Jameson	McKee	Simmons
Barve	Feldman	Jennings	Miller	Smigiel
Beidle	Frank	Jones	Minnick	Sophocleus
Beitzel	Frick	Kach	Mizeur	Stein
Benson	Frush	Kaiser	Morhaim	Stifler
Bobo	Gaines	Kelly	Murphy	Stocksdale
Bohanan	Gilchrist	King	Nathan-Pulliam	Stukes
Boteler	Glassman	Kipke	Niemann	Stull
Branch	Glenn	Kirk	O'Donnell	Tarrant
Braveboy	Griffith	Kramer	Oaks	Taylor
Bromwell	Gutierrez	Krebs	Olszewski	Turner_F
Bronrott	Guzzone	Krysiak	Pena-Melnyk	Turner_V
Cardin	Haddaway	Kullen	Pendergrass	Vallario
Carter	Hammen	Lafferty	Proctor	Vaughn
Clagett_G	Harrison	Lawton	Ramirez	Waldstreicher
Clagett_V	Haynes	Lee	Reznik	Walkup
Conaway	Healey	Levi	Rice	Weir
Conway	Hecht	Levy	Riley	Weldon
Costa	Heller	Love	Robinson	Wood
Davis	Hixson	Malone	Rosenberg	
DeBoy	Holmes	Manno	Ross	

Voting Nay - 0

Not Voting - 2

Cane	George

Excused From Voting - 0

Excused (Absent) - 11

Aumann	Dwyer	Montgomery	Valderrama
Bates	Howard	Myers	Walker
Burns	McDonough	Sossi	

Seq No. 0090 November 18, 2007 6:53 PM
Presiding: Speaker Busch Legislative Date: November 13, 2007

Maryland House of Delegates
2007 Special Session

Quorum: 129

QUORUM

129 Yeas	0 Nays	0 Excused	2 Not Voting	10 Excused (Absent)

Voting Yea - 129

Speaker Busch	Doory	Hubbard	McComas	Rudolph
Ali	Dumais	Hucker	McConkey	Schuh
Anderson	Eckardt	Impallaria	McDonough	Schuler
Aumann	Elliott	Ivey	McHale	Shank
Barkley	Elmore	James	McIntosh	Shewell
Barnes	Feldman	Jameson	McKee	Simmons
Bartlett	Frank	Jennings	Miller	Smigiel
Barve	Frick	Jones	Minnick	Sophocleus
Beidle	Frush	Kach	Mizeur	Sossi
Beitzel	Gaines	Kaiser	Morhaim	Stein
Benson	George	Kelly	Murphy	Stifler
Bobo	Gilchrist	King	Myers	Stukes
Bohanan	Glassman	Kipke	Niemann	Stull
Branch	Glenn	Kirk	O'Donnell	Tarrant
Braveboy	Griffith	Kramer	Oaks	Taylor
Bromwell	Gutierrez	Krebs	Olszewski	Turner_V
Bronrott	Guzzone	Krysiak	Pena-Melnyk	Valderrama
Cardin	Haddaway	Kullen	Pendergrass	Vallario
Carter	Hammen	Lafferty	Proctor	Vaughn
Clagett_G	Harrison	Lawton	Ramirez	Waldstreicher
Clagett_V	Haynes	Lee	Reznik	Walker
Conaway	Healey	Levi	Rice	Walkup
Conway	Hecht	Levy	Riley	Weir
Costa	Heller	Love	Robinson	Weldon
DeBoy	Hixson	Manno	Rosenberg	Wood
Donoghue	Holmes	Mathias	Ross	

Voting Nay - 0

Not Voting - 2

Malone	Turner_F

Excused From Voting - 0

Excused (Absent) - 10

Bates	Burns	Davis	Howard	Nathan-Pulliam
Boteler	Cane	Dwyer	Montgomery	Stocksdale

Seq No. 0091 November 18, 2007 7:08 PM
Presiding: Speaker Busch Legislative Date: November 13, 2007

Maryland House of Delegates
2007 Special Session

Floor Amendment (Miller) {163023/1 Rejected (42-83)

SB 6 Special Orders
The President (HGO)
Working Families and Small Business Health
Coverage Act
Favorable with amendments adp - ON 2ND RDG (Emerg)
FLOOR AMD Del. Miller /163023/1

42 Yeas	83 Nays	0 Excused	7 Not Voting	9 Excused (Absent)

Voting Yea - 42

Aumann	George	Kipke	Miller	Smigiel
Bartlett	Glassman	Krebs	Myers	Sossi
Beitzel	Haddaway	*Lafferty	O'Donnell	Stein
Bohanan	Impallaria	Levy	*Olszewski	Stull
Boteler	James	Mathias	Riley	Walkup
DeBoy	Jennings	McComas	Rudolph	Weir
Eckardt	Kach	McConkey	Schuh	
Elmore	Kelly	McDonough	Shank	
Frank	King	McKee	Shewell	

Voting Nay - 83

Speaker Busch	Conaway	Healey	Levi	Robinson
Ali	Costa	Hecht	Love	Rosenberg
Anderson	Donoghue	Heller	Manno	Ross
Barkley	Doory	Hixson	McHale	Schuler
Barnes	Dumais	Holmes	McIntosh	Simmons
Barve	Elliott	Hubbard	Minnick	Stukes
Beidle	Feldman	Hucker	Mizeur	Tarrant
Benson	Frick	Ivey	Morhaim	Taylor
Bobo	Frush	Jameson	Murphy	Turner_F
Branch	Gaines	Jones	Niemann	Turner_V
Braveboy	Gilchrist	Kaiser	Oaks	Valderrama
Bromwell	Glenn	Kirk	Pena-Melnyk	Vallario
Bronrott	Gutierrez	Kramer	Pendergrass	Vaughn
Cardin	Guzzone	Krysiak	Proctor	Waldstreicher
Carter	Hammen	Kullen	Ramirez	Walker
Clagett_G	Harrison	Lawton	Reznik	
Clagett_V	Haynes	Lee	Rice	

Not Voting - 7

Conway	Malone	Stifler	Wood
Griffith	Sophocleus	Weldon	

Excused From Voting - 0

Excused (Absent) - 9

Bates	Cane	Dwyer	Montgomery	Stocksdale
Burns	Davis	Howard	Nathan-Pulliam	

* indicates vote change

Seq No. 0092 November 18, 2007 7:26 PM
Presiding: Speaker Busch Legislative Date: November 13, 2007

Maryland House of Delegates
2007 Special Session

Floor Amendment (Eckardt) {563428/1 Rejected (31-94)

SB 6 Special Orders
The President (HGO)
Working Families and Small Business Health
Coverage Act
Favorable with amendments adp - ON 2ND RDG (Emerg)
FLOOR AMD Del. Eckardt /563428/1

31 Yeas	94 Nays	0 Excused	7 Not Voting	9 Excused (Absent)

Voting Yea - 31

Aumann	Haddaway	McComas	Riley	Walkup
Bartlett	Impallaria	McConkey	Schuh	Weir
Boteler	Jennings	McDonough	Shank	Wood
Eckardt	Kach	McKee	Shewell	
Elmore	Kelly	Miller	Smigiel	
Frank	King	O'Donnell	Sossi	
George	Krebs	Olszewski	Stull	

Voting Nay - 94

Speaker Busch	Conway	Healey	Levy	Rosenberg
Ali	Costa	Heller	Love	Ross
Anderson	DeBoy	Hixson	Malone	Schuler
Barkley	Donoghue	Holmes	Manno	Simmons
Barnes	Doory	Hubbard	McHale	Sophocleus
Barve	Dumais	Hucker	McIntosh	Stein
Beidle	Elliott	Ivey	Minnick	Stifler
Beitzel	Feldman	Jameson	Mizeur	Stukes
Benson	Frick	Jones	Morhaim	Tarrant
Bobo	Gaines	Kaiser	Murphy	Taylor
Branch	Gilchrist	Kipke	Niemann	Turner_F
Braveboy	Glassman	Kirk	Oaks	Turner_V
Bromwell	Glenn	Kramer	Pena-Melnyk	Valderrama
Bronrott	Griffith	Krysiak	Pendergrass	Vallario
Cardin	Gutierrez	Kullen	Proctor	Vaughn
Carter	Guzzone	Lafferty	Ramirez	Waldstreicher
Clagett_G	Hammen	Lawton	Reznik	Walker
Clagett_V	Harrison	Lee	Rice	Weldon
Conaway	Haynes	Levi	Robinson	

Not Voting - 7

Bohanan	Hecht	Mathias	Rudolph
Frush	James	Myers	

Excused From Voting - 0

Excused (Absent) - 9

Bates	Cane	Dwyer	Montgomery	Stocksdale
Burns	Davis	Howard	Nathan-Pulliam	

Seq No. 0093 November 18, 2007 7:32 PM
Presiding: Speaker Busch Legislative Date: November 13, 2007

Maryland House of Delegates
2007 Special Session

Floor Amendment (Eckardt) {173721/1 Rejected (28-96)

SB 6 Special Orders
The President (HGO)
Working Families and Small Business Health
Coverage Act
Favorable with amendments adp - ON 2ND RDG (Emerg)
FLOOR AMD Del. Eckardt /173721/1

28 Yeas	96 Nays	0 Excused	8 Not Voting	9 Excused (Absent)

Voting Yea - 28

Aumann	Glassman	Krebs	Myers	Sossi
Bartlett	Haddaway	McComas	O'Donnell	Stifler
Boteler	Impallaria	McConkey	Schuh	Stull
Eckardt	Jennings	McDonough	Shank	Walkup
Frank	Kelly	McKee	Shewell	
George	King	Miller	Smigiel	

Voting Nay - 96

Speaker Busch	Doory	Hubbard	Mathias	Schuler
Ali	Dumais	Hucker	McHale	Simmons
Barkley	Elliott	Ivey	McIntosh	Sophocleus
Barnes	Feldman	Jameson	Minnick	Stein
Barve	Frick	Jones	Mizeur	Stukes
Beidle	Frush	Kach	Morhaim	Tarrant
Beitzel	Gaines	Kaiser	Murphy	Taylor
Benson	Gilchrist	Kipke	Niemann	Turner_F
Bobo	Glenn	Kirk	Oaks	Turner_V
Bohanan	Griffith	Kramer	Olszewski	Valderrama
Branch	Gutierrez	Krysiak	Pena-Melnyk	Vallario
Braveboy	Guzzone	Kullen	Pendergrass	Vaughn
Bromwell	Hammen	Lafferty	Proctor	Waldstreicher
Bronrott	Harrison	Lawton	Ramirez	Walker
Cardin	Haynes	Lee	Reznik	Weir
Clagett_G	Healey	Levi	Rice	Weldon
Clagett_V	Hecht	Levy	Riley	
Conaway	Heller	Love	Robinson	
Costa	Hixson	Malone	Rosenberg	
Donoghue	Holmes	Manno	Ross	

Not Voting - 8

Anderson	Conway	Elmore	Rudolph
Carter	DeBoy	James	Wood

Excused From Voting - 0

Excused (Absent) - 9

Bates	Cane	Dwyer	Montgomery	Stocksdale
Burns	Davis	Howard	Nathan-Pulliam	

Seq No. 0094 November 18, 2007 7:46 PM
Presiding: Speaker Busch Legislative Date: November 13, 2007

Maryland House of Delegates
2007 Special Session

Motion Rules Suspended two readings same day
(Hammen) Adopted (132-0)

SB 6 Special Orders
The President (HGO)
Working Families and Small Business Health
Coverage Act
Favorable with amendments adp - ON 2ND RDG (Emerg)
Motion to Suspend Rules and allow 2 Rdgs on 1 Day

132 Yeas	0 Nays	0 Excused	0 Not Voting	9 Excused (Absent)

Voting Yea - 132

Speaker Busch	Doory	Hucker	McConkey	Schuler
Ali	Dumais	Impallaria	McDonough	Shank
Anderson	Eckardt	Ivey	McHale	Shewell
Aumann	Elliott	James	McIntosh	Simmons
Barkley	Elmore	Jameson	McKee	Smigiel
Barnes	Feldman	Jennings	Miller	Sophocleus
Bartlett	Frank	Jones	Minnick	Sossi
Barve	Frick	Kach	Mizeur	Stein
Beidle	Frush	Kaiser	Morhaim	Stifler
Beitzel	Gaines	Kelly	Murphy	Stukes
Benson	George	King	Myers	Stull
Bobo	Gilchrist	Kipke	Niemann	Tarrant
Bohanan	Glassman	Kirk	O'Donnell	Taylor
Boteler	Glenn	Kramer	Oaks	Turner_F
Branch	Griffith	Krebs	Olszewski	Turner_V
Braveboy	Gutierrez	Krysiak	Pena-Melnyk	Valderrama
Bromwell	Guzzone	Kullen	Pendergrass	Vallario
Bronrott	Haddaway	Lafferty	Proctor	Vaughn
Cardin	Hammen	Lawton	Ramirez	Waldstreicher
Carter	Harrison	Lee	Reznik	Walker
Clagett_G	Haynes	Levi	Rice	Walkup
Clagett_V	Healey	Levy	Riley	Weir
Conaway	Hecht	Love	Robinson	Weldon
Conway	Heller	Malone	Rosenberg	Wood
Costa	Hixson	Manno	Ross	
DeBoy	Holmes	Mathias	Rudolph	
Donoghue	Hubbard	McComas	Schuh	

Voting Nay - 0

Not Voting - 0

Excused From Voting - 0

Excused (Absent) - 9

Bates	Cane	Dwyer	Montgomery	Stocksdale
Burns	Davis	Howard	Nathan-Pulliam	

Seq No. 0095 November 18, 2007 7:58 PM
Presiding: Speaker Busch Legislative Date: November 13, 2007

Maryland House of Delegates
2007 Special Session

Third Reading Passed (103-29)

SB 6 Special Orders
The President (HGO)
Working Families and Small Business Health
Coverage Act (Amend)

ON THIRD READING (Rules Suspended) (Emerg)

103 Yeas	29 Nays	0 Excused	0 Not Voting	9 Excused (Absent)

Voting Yea - 103

Speaker Busch	Donoghue	Holmes	Manno	Ross
Ali	Doory	Hubbard	McDonough	Schuh
Anderson	Dumais	Hucker	McHale	Schuler
Barkley	Elliott	Impallaria	McIntosh	Simmons
Barnes	Elmore	Ivey	McKee	Sophocleus
Bartlett	Feldman	Jameson	Minnick	Stein
Barve	Frick	Jones	Mizeur	Stukes
Beitzel	Frush	Kach	Morhaim	Stull
Benson	Gaines	Kaiser	Murphy	Tarrant
Bobo	Gilchrist	King	Niemann	Taylor
Branch	Glenn	Kipke	Oaks	Turner_F
Braveboy	Griffith	Kirk	Olszewski	Turner_V
Bromwell	Gutierrez	Kramer	Pena-Melnyk	Valderrama
Bronrott	Guzzone	Krysiak	Pendergrass	Vallario
Cardin	Hammen	Kullen	Proctor	Vaughn
Carter	Harrison	Lafferty	Ramirez	Waldstreicher
Clagett_G	Haynes	Lawton	Reznik	Walker
Clagett_V	Healey	Lee	Rice	Weir
Conaway	Hecht	Levi	Riley	Weldon
Conway	Heller	Love	Robinson	
Costa	Hixson	Malone	Rosenberg	

Voting Nay - 29

Aumann	Frank	Kelly	Miller	Smigiel
Beidle	George	Krebs	Myers	Sossi
Bohanan	Glassman	Levy	O'Donnell	Stifler
Boteler	Haddaway	Mathias	Rudolph	Walkup
DeBoy	James	McComas	Shank	Wood
Eckardt	Jennings	McConkey	Shewell	

Not Voting - 0

Excused From Voting - 0

Excused (Absent) - 9

Bates	Cane	Dwyer	Montgomery	Stocksdale
Burns	Davis	Howard	Nathan-Pulliam	

Seq No. 0096 November 18, 2007 8:05 PM
Presiding: Speaker Busch Legislative Date: November 13, 2007

Maryland House of Delegates
2007 Special Session

Quorum: 132

QUORUM

132 Yeas	0 Nays	0 Excused	0 Not Voting	9 Excused (Absent)

Voting Yea - 132

Speaker Busch	Doory	Hucker	McConkey	Schuler
Ali	Dumais	Impallaria	McDonough	Shank
Anderson	Eckardt	Ivey	McHale	Shewell
Aumann	Elliott	James	McIntosh	Simmons
Barkley	Elmore	Jameson	McKee	Smigiel
Barnes	Feldman	Jennings	Miller	Sophocleus
Bartlett	Frank	Jones	Minnick	Sossi
Barve	Frick	Kach	Mizeur	Stein
Beidle	Frush	Kaiser	Morhaim	Stifler
Beitzel	Gaines	Kelly	Murphy	Stukes
Benson	George	King	Myers	Stull
Bobo	Gilchrist	Kipke	Niemann	Tarrant
Bohanan	Glassman	Kirk	O'Donnell	Taylor
Boteler	Glenn	Kramer	Oaks	Turner_F
Branch	Griffith	Krebs	Olszewski	Turner_V
Braveboy	Gutierrez	Krysiak	Pena-Melnyk	Valderrama
Bromwell	Guzzone	Kullen	Pendergrass	Vallario
Bronrott	Haddaway	Lafferty	Proctor	Vaughn
Cardin	Hammen	Lawton	Ramirez	Waldstreicher
Carter	Harrison	Lee	Reznik	Walker
Clagett_G	Haynes	Levi	Rice	Walkup
Clagett_V	Healey	Levy	Riley	Weir
Conaway	Hecht	Love	Robinson	Weldon
Conway	Heller	Malone	Rosenberg	Wood
Costa	Hixson	Manno	Ross	
DeBoy	Holmes	Mathias	Rudolph	
Donoghue	Hubbard	McComas	Schuh	

Voting Nay - 0

Not Voting - 0

Excused From Voting - 0

Excused (Absent) - 9

Bates	Cane	Dwyer	Montgomery	Stocksdale
Burns	Davis	Howard	Nathan-Pulliam	

Seq No. 0097 November 18, 2007 9:26 PM
Presiding: Speaker Busch Legislative Date: November 13, 2007

Maryland House of Delegates
2007 Special Session

Quorum: 126

QUORUM

126 Yeas	0 Nays	0 Excused	8 Not Voting	7 Excused (Absent)

Voting Yea - 126

Speaker Busch	Dumais	Hubbard	McConkey	Shewell
Aumann	Dwyer	Hucker	McDonough	Simmons
Barkley	Eckardt	Impallaria	McHale	Smigiel
Barnes	*Elliott	Ivey	McKee	Sophocleus
Bartlett	Elmore	James	Miller	Sossi
Barve	Feldman	Jameson	Minnick	Stein
Beidle	Frank	Jennings	Mizeur	Stifler
Beitzel	Frick	Kach	Morhaim	Stukes
Benson	Frush	Kaiser	Murphy	Stull
Bohanan	Gaines	Kelly	Myers	Tarrant
Boteler	George	King	Niemann	Taylor
Branch	Gilchrist	Kipke	O'Donnell	Turner_F
Braveboy	Glassman	Kirk	Oaks	Turner_V
Bromwell	Glenn	Kramer	Olszewski	Valderrama
Bronrott	Griffith	Krebs	Pena-Melnyk	Vallario
Cardin	Gutierrez	Krysiak	Pendergrass	Vaughn
Carter	Guzzone	Kullen	Proctor	Waldstreicher
Clagett_G	Haddaway	Lafferty	Rice	Walker
Clagett_V	Hammen	Lawton	Riley	Walkup
Conaway	Harrison	Lee	Robinson	Weir
Conway	Haynes	Levi	Rosenberg	Weldon
Costa	Healey	Levy	Ross	Wood
Davis	Hecht	Love	Rudolph	
DeBoy	Heller	Manno	Schuh	
Donoghue	Hixson	Mathias	Schuler	
Doory	Holmes	McComas	Shank	

Voting Nay - 0

Not Voting - 8

Ali	Bobo	Malone	Ramirez
Anderson	Jones	McIntosh	Reznik

Excused From Voting - 0

Excused (Absent) - 7

Bates	Cane	Montgomery	Stocksdale
Burns	Howard	Nathan-Pulliam	

Seq No. 0098 November 18, 2007 10:12 PM
Presiding: Speaker Busch Legislative Date: November 13, 2007

Maryland House of Delegates
2007 Special Session

Floor Amendment (Haddaway) Rejected (46-74)

SB 2 Ways and Means Report No. 6
The President
Tax Reform and Transportation Investment Act of 2007
Favorable with amendments adp - ON 2ND RDG
FLOOR AMD Del. Haddaway /263225/1

46 Yeas	74 Nays	1 Excused	13 Not Voting	7 Excused (Absent)

Voting Yea - 46

Aumann	Frank	Kipke	Mizeur	Sossi
Bartlett	George	Krebs	Myers	Stein
Beitzel	Glassman	Lafferty	O'Donnell	Stifler
Bobo	Gutierrez	*Malone	Pendergrass	Stull
Boteler	Haddaway	McComas	Rice	Walkup
Costa	Impallaria	McConkey	Riley	Weldon
Dwyer	Jennings	McDonough	Schuh	
Eckardt	Kach	McKee	Shank	
Elliott	Kelly	Miller	Shewell	
Elmore	King	Minnick	Smigiel	

Voting Nay - 74

Speaker Busch	DeBoy	Hecht	Levi	Ross
Ali	Donoghue	Heller	Levy	Rudolph
Barkley	Doory	Hixson	Love	Schuler
Barnes	Dumais	Holmes	Manno	Simmons
Barve	Feldman	Hubbard	McHale	Sophocleus
Benson	Frick	Hucker	McIntosh	Stukes
Bohanan	Frush	Ivey	Morhaim	Taylor
Branch	Gaines	Jones	Niemann	Turner_V
Braveboy	Gilchrist	Kaiser	Oaks	Valderrama
Bromwell	Glenn	Kirk	Pena-Melnyk	Vallario
Bronrott	Griffith	Kramer	Proctor	Vaughn
Clagett_G	Hammen	Krysiak	Ramirez	Waldstreicher
Conaway	Harrison	Kullen	Reznik	Walker
Conway	Haynes	Lawton	Robinson	Wood
Davis	Healey	Lee	Rosenberg	

Not Voting - 13

Beidle	Clagett_V	Jameson	Olszewski	Weir
Cardin	Guzzone	Mathias	Tarrant	
Carter	James	Murphy	Turner_F	

Excused From Voting - 1

Anderson

Excused (Absent) - 7

Bates	Cane	Montgomery	Stocksdale
Burns	Howard	Nathan-Pulliam	

* indicates vote change

Seq No. 0099 November 18, 2007 10:28 PM
Presiding: Speaker Busch Legislative Date: November 13, 2007

Maryland House of Delegates
2007 Special Session

Motion Rules Suspended two readings same day (Barve)
Adopted (113-20)

SB 2 Ways and Means Report No. 6
The President
Tax Reform and Transportation Investment Act of 2007
Favorable with amendments adp - ON 2ND RDG
Motion to Suspend Rules and allow 2 Rdgs on 1 Day

113 Yeas	20 Nays	0 Excused	1 Not Voting	7 Excused (Absent)

Voting Yea - 113

Speaker Busch	DeBoy	Hixson	Love	Ross
Ali	Donoghue	Holmes	Malone	Rudolph
Anderson	Doory	Hubbard	Manno	Schuh
Aumann	Dumais	Hucker	Mathias	Schuler
Barkley	Eckardt	Impallaria	McHale	Simmons
Barnes	Elmore	Ivey	McIntosh	Sophocleus
Barve	Feldman	James	Minnick	Stein
Beidle	Frick	Jameson	Mizeur	Stifler
Beitzel	Frush	Jennings	Morhaim	Stukes
Benson	Gaines	Jones	Murphy	Stull
Bobo	Gilchrist	Kach	Myers	Tarrant
Bohanan	Glassman	Kaiser	Niemann	Taylor
Branch	Glenn	Kelly	Oaks	Turner_F
Braveboy	Griffith	Kipke	Olszewski	Turner_V
Bromwell	Gutierrez	Kirk	Pena-Melnyk	Valderrama
Bronrott	Guzzone	Kramer	Pendergrass	Vallario
Cardin	Haddaway	Krysiak	Proctor	Vaughn
Clagett_G	Hammen	Kullen	Ramirez	Waldstreicher
Clagett_V	Harrison	Lafferty	Reznik	Walker
Conaway	Haynes	Lawton	Rice	Weir
Conway	Healey	Lee	Riley	Wood
Costa	Hecht	Levi	Robinson	
Davis	Heller	Levy	Rosenberg	

Voting Nay - 20

Bartlett	Frank	McComas	Miller	Smigiel
Boteler	George	McConkey	O'Donnell	Sossi
Dwyer	King	McDonough	Shank	Walkup
Elliott	Krebs	McKee	Shewell	Weldon

Not Voting - 1

Carter

Excused From Voting - 0

Excused (Absent) - 7

Bates	Cane	Montgomery	Stocksdale
Burns	Howard	Nathan-Pulliam	

Seq No. 0100 November 18, 2007 10:56 PM
Presiding: Speaker Busch Legislative Date: November 13, 2007

Maryland House of Delegates
2007 Special Session

Third Reading Passed (78-56)

SB 2 Ways and Means Report No. 6
The President
Tax Reform and Transportation Investment Act of 2007
ON THIRD READING (Rules Suspended) (Amend)

78 Yeas	56 Nays	0 Excused	0 Not Voting	7 Excused (Absent)

Voting Yea - 78

Speaker Busch	Davis	Healey	Love	Robinson
Ali	Donoghue	Hecht	Malone	Rosenberg
Anderson	Doory	Heller	Manno	Ross
Barkley	Dumais	Hixson	McHale	Simmons
Barnes	Feldman	Holmes	McIntosh	Stein
Barve	Frick	Hubbard	Mizeur	Stukes
Benson	Frush	Hucker	Murphy	Tarrant
Bobo	Gaines	Ivey	Niemann	Taylor
Bohanan	Gilchrist	Jones	Oaks	Turner_F
Branch	Glenn	Kaiser	Olszewski	Turner_V
Braveboy	Griffith	Kirk	Pena-Melnyk	Valderrama
Bronrott	Gutierrez	Krysiak	Pendergrass	Vallario
Cardin	Guzzone	Kullen	Proctor	Vaughn
Clagett_G	Hammen	Lawton	Ramirez	Waldstreicher
Clagett_V	Harrison	Lee	Reznik	
Conway	Haynes	Levi	Rice	

Voting Nay - 56

Aumann	Elliott	King	Minnick	Sossi
Bartlett	Elmore	Kipke	Morhaim	Stifler
Beidle	Frank	Kramer	Myers	Stull
Beitzel	George	Krebs	O'Donnell	Walker
Boteler	Glassman	Lafferty	Riley	Walkup
Bromwell	Haddaway	Levy	Rudolph	Weir
Carter	Impallaria	Mathias	Schuh	Weldon
Conaway	James	McComas	Schuler	Wood
Costa	Jameson	McConkey	Shank	
DeBoy	Jennings	McDonough	Shewell	
Dwyer	Kach	McKee	Smigiel	
Eckardt	Kelly	Miller	Sophocleus	

Not Voting - 0

Excused From Voting - 0

Excused (Absent) - 7

Bates	Cane	Montgomery	Stocksdale
Burns	Howard	Nathan-Pulliam	

Seq No. 0101 November 18, 2007 11:09 PM
Presiding: Speaker Busch Legislative Date: November 13, 2007

Maryland House of Delegates
2007 Special Session

Quorum: 134

QUORUM

134 Yeas	0 Nays	0 Excused	0 Not Voting	7 Excused (Absent)

Voting Yea - 134

Speaker Busch	Donoghue	Holmes	Mathias	Rudolph
Ali	Doory	Hubbard	McComas	Schuh
Anderson	Dumais	Hucker	McConkey	Schuler
Aumann	Dwyer	Impallaria	McDonough	Shank
Barkley	Eckardt	Ivey	McHale	Shewell
Barnes	Elliott	James	McIntosh	Simmons
Bartlett	Elmore	Jameson	McKee	Smigiel
Barve	Feldman	Jennings	Miller	Sophocleus
Beidle	Frank	Jones	Minnick	Sossi
Beitzel	Frick	Kach	Mizeur	Stein
Benson	Frush	Kaiser	Morhaim	Stifler
Bobo	Gaines	Kelly	Murphy	Stukes
Bohanan	George	King	Myers	Stull
Boteler	Gilchrist	Kipke	Niemann	Tarrant
Branch	Glassman	Kirk	O'Donnell	Taylor
Braveboy	Glenn	Kramer	Oaks	Turner_F
Bromwell	Griffith	Krebs	Olszewski	Turner_V
Bronrott	Gutierrez	Krysiak	Pena-Melnyk	Valderrama
Cardin	Guzzone	Kullen	Pendergrass	Vallario
Carter	Haddaway	Lafferty	Proctor	Vaughn
Clagett_G	Hammen	Lawton	Ramirez	Waldstreicher
Clagett_V	Harrison	Lee	Reznik	Walker
Conaway	Haynes	Levi	Rice	Walkup
Conway	Healey	Levy	Riley	Weir
Costa	Hecht	Love	Robinson	Weldon
Davis	Heller	Malone	Rosenberg	Wood
DeBoy	Hixson	Manno	Ross	

Voting Nay - 0

Not Voting - 0

Excused From Voting - 0

Excused (Absent) - 7

Bates	Cane	Montgomery	Stocksdale
Burns	Howard	Nathan-Pulliam	

Seq No. 0102 November 19, 2007 1:16 AM
Presiding: Speaker Busch Legislative Date: November 14, 2007

Maryland House of Delegates
2007 Special Session

Quorum: 118

QUORUM

118 Yeas	0 Nays	0 Excused	15 Not Voting	8 Excused (Absent)

Voting Yea - 118

Speaker Busch	DeBoy	Hixson	McComas	Schuh
Ali	Donoghue	Holmes	McDonough	Schuler
Anderson	Doory	Hucker	McIntosh	Shank
Aumann	Dumais	Impallaria	McKee	Shewell
Barkley	Dwyer	Jameson	Miller	Simmons
Barnes	Elliott	Jennings	Minnick	Smigiel
Bartlett	Elmore	Kach	Mizeur	Sophocleus
Barve	Feldman	Kaiser	Morhaim	Stein
Beidle	Frick	Kelly	Murphy	Stukes
Beitzel	Frush	King	Myers	Stull
Benson	Gaines	Kipke	Niemann	Tarrant
Bobo	George	Kirk	O'Donnell	Taylor
Bohanan	Gilchrist	Kramer	Oaks	Turner_F
Boteler	Glassman	Krysiak	Olszewski	Turner_V
Braveboy	Glenn	Kullen	Pena-Melnyk	Vallario
Bromwell	Griffith	Lafferty	Pendergrass	Vaughn
Bronrott	Gutierrez	Lawton	Proctor	Waldstreicher
Cardin	Guzzone	Lee	Reznik	Walker
Carter	Hammen	Levi	Rice	Walkup
Clagett_G	Harrison	Levy	Riley	Weir
Clagett_V	Haynes	Love	Robinson	Weldon
Conaway	Healey	Malone	Rosenberg	Wood
Conway	Hecht	Manno	Ross	
Costa	Heller	Mathias	Rudolph	

Voting Nay - 0

Not Voting - 15

Branch	Frank	Ivey	Krebs	Ramirez
Davis	Haddaway	James	McConkey	Stifler
Eckardt	Hubbard	Jones	McHale	Valderrama

Excused From Voting - 0

Excused (Absent) - 8

Bates	Cane	Montgomery	Sossi
Burns	Howard	Nathan-Pulliam	Stocksdale

Seq No. 0103 November 19, 2007 1:48 AM
Presiding: Speaker Busch Legislative Date: November 14, 2007

Maryland House of Delegates
2007 Special Session

Third Reading Passed (81-52)

HB 5 House Bill Amended in the Senate
The Speaker (W&M & APP)
Transportation and State Investment Act

On Third Reading and Final Passage (Hse concurred)

81 Yeas	52 Nays	0 Excused	0 Not Voting	8 Excused (Absent)

Voting Yea - 81

Speaker Busch	Davis	Hecht	Levy	Rosenberg
Ali	Donoghue	Heller	Love	Ross
Anderson	Doory	Hixson	Manno	Simmons
Barkley	Dumais	Holmes	McHale	Stukes
Barnes	Feldman	Hubbard	McIntosh	Tarrant
Barve	Frick	Hucker	Mizeur	Taylor
Beidle	Frush	Ivey	Morhaim	Turner_F
Benson	Gaines	Jameson	Murphy	Turner_V
Bobo	Gilchrist	Jones	Niemann	Valderrama
Bohanan	Glenn	Kaiser	Oaks	Vallario
Branch	Griffith	Kirk	Pena-Melnyk	Vaughn
Braveboy	Gutierrez	Kramer	Pendergrass	Waldstreicher
Bronrott	Guzzone	Krysiak	Proctor	Walker
Cardin	Hammen	Kullen	Ramirez	
Clagett_G	Harrison	Lawton	Reznik	
Clagett_V	Haynes	Lee	Rice	
Conway	Healey	Levi	Robinson	

Voting Nay - 52

Aumann	Elliott	King	Minnick	Sophocleus
Bartlett	Elmore	Kipke	Myers	Stein
Beitzel	Frank	Krebs	O'Donnell	Stifler
Boteler	George	Lafferty	Olszewski	Stull
Bromwell	Glassman	Malone	Riley	Walkup
Carter	Haddaway	Mathias	Rudolph	Weir
Conaway	Impallaria	McComas	Schuh	Weldon
Costa	James	McConkey	Schuler	Wood
DeBoy	Jennings	McDonough	Shank	
Dwyer	Kach	McKee	Shewell	
Eckardt	Kelly	Miller	Smigiel	

Not Voting - 0

Excused From Voting - 0

Excused (Absent) - 8

Bates	Cane	Montgomery	Sossi
Burns	Howard	Nathan-Pulliam	Stocksdale

Seq No. 0104 November 19, 2007 2:01 AM
Presiding: Speaker Busch Legislative Date: November 14, 2007

Maryland House of Delegates
2007 Special Session

Third Reading Passed (100-33)

HB 1 House Bill Amended in the Senate
The Speaker (APP & W&M)
Budget Reconciliation Act

On Third Reading and Final Passage (Hse concurred)

100 Yeas	33 Nays	0 Excused	0 Not Voting	8 Excused (Absent)

Voting Yea - 100

Speaker Busch	Conway	Heller	Malone	Rosenberg
Ali	Davis	Hixson	Manno	Ross
Anderson	DeBoy	Holmes	Mathias	Rudolph
Aumann	Donoghue	Hubbard	McHale	Schuh
Barkley	Doory	Hucker	McIntosh	Schuler
Barnes	Dumais	Ivey	Minnick	Simmons
Barve	Feldman	James	Mizeur	Sophocleus
Beidle	Frick	Jameson	Morhaim	Stein
Beitzel	Frush	Jones	Murphy	Stukes
Benson	Gaines	Kaiser	Niemann	Tarrant
Bobo	Gilchrist	Kirk	Oaks	Taylor
Bohanan	Glenn	Kramer	Olszewski	Turner_F
Branch	Griffith	Krysiak	Pena-Melnyk	Turner_V
Braveboy	Gutierrez	Kullen	Pendergrass	Valderrama
Bromwell	Guzzone	Lafferty	Proctor	Vallario
Bronrott	Hammen	Lawton	Ramirez	Vaughn
Cardin	Harrison	Lee	Reznik	Waldstreicher
Carter	Haynes	Levi	Rice	Walker
Clagett_G	Healey	Levy	Riley	Weir
Clagett_V	Hecht	Love	Robinson	Wood

Voting Nay - 33

Bartlett	Elmore	Kach	McDonough	Smigiel
Boteler	Frank	Kelly	McKee	Stifler
Conaway	George	King	Miller	Stull
Costa	Glassman	Kipke	Myers	Walkup
Dwyer	Haddaway	Krebs	O'Donnell	Weldon
Eckardt	Impallaria	McComas	Shank	
Elliott	Jennings	McConkey	Shewell	

Not Voting - 0

Excused From Voting - 0

Excused (Absent) - 8

Bates	Cane	Montgomery	Sossi
Burns	Howard	Nathan-Pulliam	Stocksdale

Seq No. 0105 November 19, 2007 2:07 AM
Presiding: Speaker Busch Legislative Date: November 14, 2007

Maryland House of Delegates
2007 Special Session

Third Reading Passed (105-27)

SB 6 Senate Bill Amended in the House
The President (HGO)
Working Families and Small Business Health
Coverage Act
On Third Reading and Final Passage (CCR adp)

105 Yeas	27 Nays	0 Excused	1 Not Voting	8 Excused (Absent)

Voting Yea - 105

Speaker Busch	Conway	Heller	Love	Robinson
Ali	Davis	Hixson	Malone	Rosenberg
Anderson	Donoghue	Holmes	Manno	Ross
Barkley	Doory	Hubbard	McDonough	Schuh
Barnes	Dumais	Hucker	McHale	Schuler
Bartlett	Elliott	Impallaria	McIntosh	Simmons
Barve	Elmore	Ivey	McKee	Sophocleus
Beidle	Feldman	Jameson	Minnick	Stein
*Beitzel	Frick	Jones	Mizeur	Stukes
Benson	Frush	Kach	Morhaim	Stull
Bobo	Gaines	Kaiser	Murphy	Tarrant
Bohanan	Gilchrist	King	Niemann	Taylor
Branch	Glenn	Kipke	Oaks	Turner_F
Braveboy	Griffith	Kirk	Olszewski	Turner_V
Bromwell	Gutierrez	Kramer	Pena-Melnyk	Valderrama
Bronrott	Guzzone	Krysiak	Pendergrass	Vallario
Cardin	Hammen	Kullen	Proctor	Vaughn
Carter	Harrison	Lafferty	Ramirez	Waldstreicher
Clagett_G	Haynes	Lawton	Reznik	Walker
Clagett_V	Healey	Lee	Rice	Weir
Conaway	Hecht	Levi	Riley	Weldon

Voting Nay - 27

Aumann	George	Krebs	Myers	Stifler
Boteler	Glassman	Levy	O'Donnell	Walkup
DeBoy	Haddaway	Mathias	Rudolph	Wood
Dwyer	James	McComas	Shank	
Eckardt	Jennings	McConkey	Shewell	
Frank	Kelly	Miller	Smigiel	

Not Voting - 1

Costa

Excused From Voting - 0

Excused (Absent) - 8

Bates	Cane	Montgomery	Sossi
Burns	Howard	Nathan-Pulliam	Stocksdale

* indicates vote change

Seq No. 0106 November 19, 2007 2:09 AM
Presiding: Speaker Busch Legislative Date: November 14, 2007

Maryland House of Delegates
2007 Special Session

Quorum: 133

QUORUM

133 Yeas	0 Nays	0 Excused	0 Not Voting	8 Excused (Absent)

Voting Yea - 133

Speaker Busch	Donoghue	Holmes	Mathias	Rudolph
Ali	Doory	Hubbard	McComas	Schuh
Anderson	Dumais	Hucker	McConkey	Schuler
Aumann	Dwyer	Impallaria	McDonough	Shank
Barkley	Eckardt	Ivey	McHale	Shewell
Barnes	Elliott	James	McIntosh	Simmons
Bartlett	Elmore	Jameson	McKee	Smigiel
Barve	Feldman	Jennings	Miller	Sophocleus
Beidle	Frank	Jones	Minnick	Stein
Beitzel	Frick	Kach	Mizeur	Stifler
Benson	Frush	Kaiser	Morhaim	Stukes
Bobo	Gaines	Kelly	Murphy	Stull
Bohanan	George	King	Myers	Tarrant
Boteler	Gilchrist	Kipke	Niemann	Taylor
Branch	Glassman	Kirk	O'Donnell	Turner_F
Braveboy	Glenn	Kramer	Oaks	Turner_V
Bromwell	Griffith	Krebs	Olszewski	Valderrama
Bronrott	Gutierrez	Krysiak	Pena-Melnyk	Vallario
Cardin	Guzzone	Kullen	Pendergrass	Vaughn
Carter	Haddaway	Lafferty	Proctor	Waldstreicher
Clagett_G	Hammen	Lawton	Ramirez	Walker
Clagett_V	Harrison	Lee	Reznik	Walkup
Conaway	Haynes	Levi	Rice	Weir
Conway	Healey	Levy	Riley	Weldon
Costa	Hecht	Love	Robinson	Wood
Davis	Heller	Malone	Rosenberg	
DeBoy	Hixson	Manno	Ross	

Voting Nay - 0

Not Voting - 0

Excused From Voting - 0

Excused (Absent) - 8

Bates	Cane	Montgomery	Sossi
Burns	Howard	Nathan-Pulliam	Stocksdale

APPENDIX II

EXHIBITS A THROUGH D

HOUSE JOURNAL EXHIBITS

2007 Special Session

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EXHIBIT A

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

2007 Vetoed House Bills

May 17, 2007

The Honorable Michael E. Busch
Speaker of the House
State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 28 - *Procurement - Small Business Reserve Program - Sunset Extension*.

This bill extends the termination date for the Small Business Reserve Program for three years, from September 30, 2007, to September 30, 2010. Chapter 75 of 2004 established the Small Business Reserve Program, which requires 22 designated State agencies to structure their procurement procedures so that at least 10% of the total value of each agency's procurements of goods, supplies, and services are made directly to small businesses.

Senate Bill 23, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 28.

Sincerely,

Martin O'Malley
Governor

House Bill 28

AN ACT concerning

Procurement – Small Business Reserve Program – ~~Sunset Extension~~ ~~Modifications~~ *Sunset Extension*

FOR the purpose of ~~altering certain reporting requirements relating to procurements involving small businesses under the Small Business Reserve Program:~~ continuing until a certain date the provisions of the State Procurement Law relating to ~~procurements from small businesses under~~ the Small Business Reserve Program; and generally relating to the Small Business Reserve Program.

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement

Section 14–501 through 14–505
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Chapter 75 of the Acts of the General Assembly of 2004
Section 2

May 17, 2007

The Honorable Michael E. Busch
Speaker of the House
State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 45 - *Calvert County Board of Education - Compensation*.

This bill alters the annual compensation received by the president of the Calvert County Board of Education from $5,000 to $6,500 and by other members of the Board from $4,000 to $5,500 beginning in the next following term of office.

Senate Bill 356, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 45.

Sincerely,

Martin O'Malley
Governor

House Bill 45

AN ACT concerning

Calvert County Board of Education – Compensation

FOR the purpose of altering the compensation received by certain members of the Calvert County Board of Education; providing that this Act does not apply to the salary or compensation of the incumbent members of the Board; and

generally relating to the compensation received by members of the Calvert County Board of Education.

BY repealing and reenacting, with amendments,
Article – Education
Section 3–303
Annotated Code of Maryland
(2006 Replacement Volume)

May 17, 2007

The Honorable Michael E. Busch
Speaker of the House
State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 53 - *Residential Child Care Programs - Out-of-Home Placement - Standards for Staff and System for Outcomes Evaluation*.

This bill requires the Departments of Juvenile Services (DJS), Human Resources (DHR), Health and Mental Hygiene (DHMH) and the Governor's Office for Children (OC) to develop and implement a system for outcomes evaluation of State-operated and supported residential child care programs for out-of-home child placements. The bill requires further that program providers collect and report information necessary for the evaluation system, and that data used shall remain confidential. The agencies must adopt regulations requiring residential program direct care staff to be at least 21 years old and complete a training program. Also, the agencies must develop standards for certification of direct care staff.

Senate Bill 177, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 53.

Sincerely,

Martin O'Malley
Governor

House Bill 53

AN ACT concerning

Residential Child Care Programs – Out–of–Home Placement – Standards for Staff and System for Outcomes Evaluation

FOR the purpose of requiring the Department of Juvenile Services, the Department of Human Resources, the Department of Health and Mental Hygiene, and the Governor's Office for Children to adopt certain regulations to require certain staff members of certain residential child care programs to meet certain qualifications; requiring the Department of Juvenile Services, the Department of Human Resources, and the Governor's Office for Children to develop, coordinate, and implement a certain system of outcomes evaluation; specifying the uses of the system for outcomes evaluation; ~~requiring the system for outcomes evaluation to use certain measures for a certain purpose; requiring the Governor's Office for Children, the Department of Juvenile Services, and the Department of Human Resources to consult with the University of Maryland, Baltimore, in planning and implementing the system for outcomes evaluation;~~ establishing certain requirements for the system for outcomes evaluation; providing that the Department of Juvenile Services and the Department of Human Resources may not disclose personal identifiers and must ensure confidentiality of certain information when reporting certain information and data; requiring the Governor's Office for Children, in coordination with the Department of Juvenile Services and the Department of Human Resources, to submit a certain report to the Governor and the General Assembly on or before a certain date; requiring the Governor's Office for Children, the Department of Juvenile Services, the Department of Human Resources, and the Department of Health and Mental Hygiene, in cooperation with representatives of certain programs and certain groups, to develop certain regulations and certain recommendations; requiring the Governor's Office for Children to report to the General Assembly on certain recommendations on or before a certain date; defining certain terms; and generally relating to residential child care programs.

BY repealing and reenacting, without amendments,
Article – Human Services
Section 8–101(a), (b), (c), (k), and (m)
Annotated Code of Maryland
(As enacted by Chapter ___ (S.B. 6) of the Acts of the General Assembly of 2007)

BY adding to
Article – Human Services
Section 8–1001 through 8–1003, to be under the new subtitle "Subtitle 10. Residential Child Care Programs – Standards for Staff and System for Outcomes Evaluation"

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 Michael E. Busch
Speaker of the House
State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 61 - *Mid-Shore Regional Council - Membership*.

This bill provides that the governing bodies of Caroline, Dorchester, and Talbot counties shall appoint two voting members each to the Mid-Shore Regional Council. The bill also authorizes the bylaws of the Mid-Shore Regional Council to provide for additional public membership on the Council.

Senate Bill 440, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 61.

Sincerely,

Martin O'Malley
Governor

House Bill 61

AN ACT concerning

Mid–Shore Regional Council – Membership ~~– Immunity~~

FOR the purpose of altering the number of voting members of the Mid–Shore Regional Council appointed by the governing bodies of Caroline, Dorchester, and Talbot counties; authorizing the bylaws of the Mid–Shore Regional Council to provide for additional public membership on the Council; and ~~providing that~~ *generally relating to the membership of* the Mid–Shore Regional Council ~~is immune from being sued~~.

BY repealing and reenacting, with amendments,
Article 20C – Mid–Shore Regional Council
Section 2–101
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 Michael E. Busch
Speaker of the House
State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 63 - *Dorchester County - Alcoholic Beverages - Special Class C Licensees - Distribution of Wristbands.*

This bill requires a holder of a specified special Class C license in Dorchester County to distribute, at the event for which the license is issued, a wristband to each individual who is at least 21 years old. The bill also prohibits the holder of such a license from serving an alcoholic beverage to any individual who does not wear the wristband.

Senate Bill 713, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 63.

Sincerely,

Martin O'Malley
Governor

House Bill 63

AN ACT concerning

Dorchester County – Alcoholic Beverages – Special Class C Licensees – Distribution of Wristbands

FOR the purpose of requiring in Dorchester County a holder of a certain special Class C license to distribute at the event for which the license is issued a wristband to each individual who is at least 21 years old; prohibiting a holder of a certain special Class C license from serving an alcoholic beverage to any individual who does not wear the wristband; making a certain stylistic change; and generally relating to alcoholic beverages in Dorchester County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 7–101(b)(6) and (d)(7)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

May 17, 2007

The Honorable Michael E. Busch
Speaker of the House
State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 72 - *Environment - Groundwater Contamination - Notification and Reimbursement of Costs.*

This bill alters the procedures for the notification of property owners of groundwater contamination findings by the Department of the Environment and the local health department. The bill also alters the requirements for reimbursement by responsible persons.

Senate Bill 254, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 72.

Sincerely,

Martin O'Malley
Governor

House Bill 72

AN ACT concerning

Environment – Groundwater Contamination – Notification and Reimbursement of Costs

FOR the purpose of altering certain procedures for notification of certain property owners of certain groundwater contamination findings by the Department of the Environment and the local health department; altering certain reimbursement requirements for certain responsible persons; and generally relating to groundwater contamination.

BY repealing and reenacting, with amendments,
Article – Environment
Section 4–411.2
Annotated Code of Maryland
(1996 Replacement Volume and 2006 Supplement)

May 17, 2007

The Honorable Michael E. Busch
Speaker of the House
State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 79 - *Wicomico County - Board of License Commissioners - Attorney's Salary.*

This bill increases the annual salary of the attorney for the Board of License Commissioners of Wicomico County to $10,000.

Senate Bill 457, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 79.

Sincerely,

Martin O'Malley

Governor

House Bill 79

AN ACT concerning

Wicomico County – Board of License Commissioners – Attorney's Salary

FOR the purpose of increasing the annual salary of the attorney for the Board of License Commissioners of Wicomico County; and generally relating to the Board of License Commissioners of Wicomico County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 15–112(x)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 15–112(x)(4)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

May 17, 2007

The Honorable Michael E. Busch
Speaker of the House
State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 102 - *Natural Resources - Open Air Burning Limitations - Application*.

This bill establishes that the prohibition against open air burning during a declared burning ban does not apply to a burning conducted under the direct control and supervision of certain fire personnel.

Senate Bill 237, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 102.

Sincerely,

Martin O'Malley
Governor

House Bill 102

AN ACT concerning

Natural Resources – Open Air Burning Limitations – Application

FOR the purpose of establishing that the prohibition against open air burning at certain times and places does not apply to a burning conducted under the direct control and supervision of certain fire personnel; making a technical correction; making certain stylistic changes; altering a certain definition; and generally relating to the application of a ban on open air burning.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 5–720
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

May 17, 2007

The Honorable Michael E. Busch
Speaker of the House
State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 112 - *Wicomico County - Liquor Control Board – Salaries.*

This bill increases the annual salaries of the chairman and members of the Wicomico County Liquor Control Board to $6,000 and $5,000, respectively. The bill also provides that the increase does not apply to the salary or compensation of the incumbent chairman or members of the Board.

Senate Bill 814, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 112.

Sincerely,

Martin O'Malley
Governor

House Bill 112

AN ACT concerning

Wicomico County – Liquor Control Board – Salaries

FOR the purpose of altering the annual salaries of the chairman and members of the Wicomico County Liquor Control Board; providing that this Act does not apply to the salary or compensation of the incumbent chairman or members of the Board; and generally relating to the Wicomico County Liquor Control Board.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 15–201(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 15–201(h)(6)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

May 17, 2007

The Honorable Michael E. Busch
Speaker of the House
State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 128 - *Maryland Consolidated Capital Bond Loan of 2005 - Montgomery County - Odd Fellows Hall.*

This bill amends the Maryland Consolidated Capital Bond Loan of 2005 to extend the deadline by which the Board of Trustees of the Grand United Order of Odd Fellows Sandy Spring Lodge # 6430, Inc. may present evidence to the Board of Public Works that a matching fund will be provided.

Senate Bill 305, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 128.

Sincerely,

Martin O'Malley
Governor

House Bill 128

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2005 – Montgomery County – Odd Fellows Hall

FOR the purpose of amending the Maryland Consolidated Capital Bond Loan of 2005 to extend the deadline by which the Board of Trustees of the Grand United Order of Odd Fellows Sandy Spring Lodge # 6430, Inc. may present evidence to the Board of Public Works that a matching fund will be provided.

BY repealing and reenacting, with amendments,
Chapter 445 of the Acts of the General Assembly of 2005
Section 1(3) Item ZA01 (AQ)

May 17, 2007

The Honorable Michael E. Busch
Speaker of the House
State House

Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 135 - *Maryland Life Sciences Advisory Board*.

This bill establishes the Maryland Life Sciences Advisory Board in the Department of Business and Economic Development and provides for the membership, terms, chair, and duties of the Advisory Board. The bill also requires specified reports.

Senate Bill 104, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 135.

Sincerely,

Martin O'Malley
Governor

House Bill 135

AN ACT concerning

Maryland Life Sciences Advisory Board

FOR the purpose of establishing the Maryland Life Sciences Advisory Board in the Department of Business and Economic Development; providing for the membership, terms, and chair of the Advisory Board; providing for the duties of the Advisory Board; requiring certain reports by the Advisory Board; and generally relating to the Maryland Life Sciences Advisory Board.

BY adding to
Article 83A – Department of Business and Economic Development
Section 5–2C–01 through 5–2C–03 to be under the new subtitle "Subtitle 2C. Maryland Life Sciences Advisory Board"
Annotated Code of Maryland
(2003 Replacement Volume and 2006 Supplement)

May 17, 2007

The Honorable Michael E. Busch
Speaker of the House

State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 136 - *Base Realignment and Closure Subcabinet*.

This bill establishes the Base Realignment and Closure Subcabinet in State government. It provides for the membership, staffing, duties, and responsibilities of the Subcabinet.

Senate Bill 110, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 136.

Sincerely,

Martin O'Malley
Governor

House Bill 136

AN ACT concerning

Base Realignment and Closure Subcabinet

FOR the purpose of establishing the Base Realignment and Closure Subcabinet in State government; providing for the membership, chair, and staffing of the Subcabinet; providing for the duties and responsibilities of the Subcabinet; requiring the Subcabinet to submit a certain annual report to the Governor and General Assembly; defining a certain term; providing for the termination of this Act; and generally relating to the Base Realignment and Closure Subcabinet.

BY adding to
Article – State Government
Section 9–802
Annotated Code of Maryland
(2004 Replacement Volume and 2006 Supplement)

May 17, 2007

The Honorable Michael E. Busch
Speaker of the House
State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 140 - *Statewide Advisory Commission on Immunizations - Duties and Sunset Extension*.

This bill expands the scope of the Statewide Advisory Commission on Immunizations' study and reporting function to include: 1) the potential development of a universal vaccine purchasing system to increase access to necessary vaccines in the State; 2) the availability of options to improve provider reimbursements for the cost of administering immunizations; and 3) an update on the use of thimerosal in vaccines. The bill also adds a representative from a health insurance carrier to the membership of the Commission, and extends its sunset date from May 31, 2008, to May 31, 2010.

Senate 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 House Bill 140.

Sincerely,

Martin O'Malley
Governor

House Bill 140

AN ACT concerning

Statewide Advisory Commission on ~~Immunization~~ *Immunizations* – ~~Universal Vaccine~~ ~~Purchasing System~~ Duties and Sunset Extension

FOR the purpose of expanding certain duties of the Statewide Advisory Commission on Immunizations; including a representative from a health insurance carrier on the Commission; extending the termination date of the Commission; requiring the Commission to make certain recommendations in a certain annual report by a certain date; providing for the termination of a certain provision of this Act; and generally relating to the Statewide Advisory Commission on Immunizations.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 18–214

Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Chapter 337 of the Acts of the General Assembly of 2002, as amended by Chapter 200 of the Acts of the General Assembly of 2005
Section 2

May 17, 2007

The Honorable Michael E. Busch
Speaker of the House
State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 145 - *Somerset County - Treasurer - Salary*.

This bill alters the salary of the Treasurer of Somerset County and provides that the Act does not apply to the salary or compensation of the incumbent Treasurer of Somerset County.

Senate Bill 202, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 145.

Sincerely,

Martin O'Malley
Governor

House Bill 145

AN ACT concerning

Somerset County – Treasurer – Salary

FOR the purpose of altering the salary of the Treasurer of Somerset County; providing that this Act does not apply to the salary or compensation of the incumbent Treasurer of Somerset County; and generally relating to the salary of the Treasurer of Somerset County.

BY repealing and reenacting, with amendments,
Article 25 – County Commissioners
Section 51(r)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

May 17, 2007

The Honorable Michael E. Busch
Speaker of the House
State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 161 - *Governors Appointments Office and Appointing Authorities - Duties.*

This bill prohibits the Governors Appointments Office from directing or overruling specified decisions of specified appointing authorities in the Executive Branch of State government, the Secretary of Budget and Management, or a unit of the Department of Budget and Management.

Senate Bill 50, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 161.

Sincerely,

Martin O'Malley
Governor

House Bill 161

AN ACT concerning

Governor's Appointments Office and Appointing Authorities – Duties

FOR the purpose of prohibiting the Governor's Appointments Office from ~~superseding or interfering with any function~~ directing or overruling certain decisions of certain appointing authorities in the Executive Branch of State

government ~~and~~, the Secretary of the Department of Budget and Management ~~with respect to the Secretary's functions regarding the State's personnel systems as assigned by law; prohibiting the Governor from delegating to the Appointments Office or any other unit, officer, official, or employee in the Office of the Governor or the Executive Branch any function or duty with respect to the hiring and termination of at-will and special appointments in the principal departments of the Executive Branch and other units in the Executive Branch; providing a certain exception~~, or a unit of the Department of Budget and Management; providing that appointing authorities in the Executive Branch of State government have certain exclusive powers and duties~~, including the power to appoint, transfer, reassign, discipline, and terminate employees under their jurisdiction~~; prohibiting an appointing authority from delegating final decisions on the termination of an employee; defining certain terms; and generally relating to gubernatorial appointments and appointing authorities in the Executive Branch of State government.

BY adding to
Article – State Government
Section 8–3A–01 to be under the new subtitle "Subtitle 3A. Appointments in State Government"
Annotated Code of Maryland
(2004 Replacement Volume and 2006 Supplement)

May 17, 2007

The Honorable Michael E. Busch
Speaker of the House
State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 165 - *Baltimore City - Local Government Tort Claims Act - Baltimore Public Markets Corporation and Lexington Market, Inc.*

This bill provides that the Baltimore Public Markets Corporation, in Baltimore City, meets the definition of "local government" for the purposes of the Local Government Tort Claims Act. With the passage of this law, the Baltimore Public Markets Corporation and its employees may not raise as a defense a limitation on liability; providing that the notice requirement does not apply to actions for unliquidated damages.

Senate Bill 16, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 165.

Sincerely,

Martin O'Malley
Governor

House Bill 165

AN ACT concerning

Baltimore City – Local Government Tort Claims Act – Baltimore Public Markets Corporation and Lexington Market, Inc.

FOR the purpose of including the Baltimore Public Markets Corporation, in Baltimore City, in the definition of "local government" for the purposes of the Local Government Tort Claims Act; providing that Baltimore Public Markets Corporation and its employees may not raise as a defense a certain limitation on liability; providing for the application of this Act; providing that a certain notice requirement does not apply to a certain action for unliquidated damages; and generally relating to the Local Government Tort Claims Act and the Baltimore Public Markets Corporation and Lexington Market, Inc., in Baltimore City.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 5–301(d) ~~and 5–303(f)~~, 5–303(f), and 5–304(a)
Annotated Code of Maryland
(2006 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – Courts and Judicial Proceedings
Section 5–304(b)
Annotated Code of Maryland
(2006 Replacement Volume)

May 17, 2007

The Honorable Michael E. Busch
Speaker of the House

State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 172 - *Real Property - Ground Rents - Prohibition on Creation of Reversionary Interests in Residential Property*.

This emergency bill prohibits the owner of a fee simple or leasehold estate in specified residential property from creating a reversionary interest in the property under a ground lease or a ground sublease under specified circumstances.

Senate Bill 106, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 172.

Sincerely,

Martin O'Malley
Governor

House Bill 172

AN ACT concerning

Real Property – Ground Rents – Prohibition on Creation of ~~Ground Rent Leases for~~ Reversionary Interests in Residential Property

FOR the purpose of prohibiting, on or after a certain date, the ~~creation of a lease or sublease of a certain term and subject to the payment of a certain ground rent for certain residential property~~ owner of a fee simple or leasehold estate in certain residential property from creating a reversionary interest in the property under a ground lease or a ground sublease under certain circumstances; providing for the application of this Act; making this Act an emergency measure; and generally relating to ground ~~rent~~ leases for residential property.

BY adding to
Article – Real Property
Section 8–111.2
Annotated Code of Maryland
(2003 Replacement Volume and 2006 Supplement)

May 17, 2007

The Honorable Michael E. Busch
Speaker of the House
State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 191 - *Cecil County - Board of Parks and Recreation - Appointment of Members.*

This bill changes the appointment procedure of the Cecil County Board of Parks and Recreation. Rather than each county commissioner appointing two members, the Board of County Commissioners would appoint all eight members.

Senate Bill 377, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 191.

Sincerely,

Martin O'Malley
Governor

House Bill 191

AN ACT concerning

Cecil County – Board of Parks and Recreation – Appointment of Members

FOR the purpose of altering the manner of appointment of the members of the Board of Parks and Recreation for Cecil County; and generally relating to the appointment of the members of the Board of Parks and Recreation for Cecil County.

BY repealing and reenacting, without amendments,
The Public Local Laws of Cecil County
Section 57–1
Article 8 – Public Local Laws of Maryland
(1989 Edition and January 2006 Supplement, as amended)

BY repealing and reenacting, with amendments,
The Public Local Laws of Cecil County
Section 57–2 A.
Article 8 – Public Local Laws of Maryland

(1989 Edition and January 2006 Supplement, as amended)

May 17, 2007

The Honorable Michael E. Busch
Speaker of the House
State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 197 - *Somerset County - Sale of Property - Whittington Elementary School.*

This bill allows the Somerset County Commissioners to sell the property known as Whittington Elementary School to Shore Up Inc., under terms deemed appropriate by the county commissioners. It exempts the sale of the property from specified general requirements for the sale of surplus property.

Senate Bill 180, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 197.

Sincerely,

Martin O'Malley
Governor

House Bill 197

AN ACT concerning

Somerset County – Sale of Property – Whittington Elementary School

FOR the purpose of authorizing the County Commissioners of Somerset County to sell certain property known as Whittington Elementary School to Shore Up Inc., under terms the County Commissioners consider appropriate; exempting the sale of certain property from certain general requirements for the sale of surplus property; and generally relating to the sale of county property in Somerset County.

BY repealing and reenacting, without amendments,
Article 25 – County Commissioners
Section 11A(a) and (b)(1) and (5)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article 25 – County Commissioners
Section 11A(d)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

May 17, 2007

The Honorable Michael E. Busch
Speaker of the House
State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 222 - *Garrett County - Local Government Tort Claims Act - Inclusion of Specified Nonprofit Entity.*

This bill alters the definition of a "local government" under the Local Government Tort Claims Act to include a specified nonprofit corporation in Garrett County and provides that a notice requirement does not apply to specified actions against an identified nonprofit corporation in Garrett County or its employees.

Senate Bill 229, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 222.

Sincerely,

Martin O'Malley
Governor

House Bill 222

AN ACT concerning

Garrett County – Local Government Tort Claims Act – Inclusion of Specified Nonprofit Entity

FOR the purpose of altering the definition of a "local government" under the Local Government Tort Claims Act to include a certain nonprofit corporation in Garrett County; providing that a certain notice requirement does not apply to certain actions against a certain nonprofit corporation in Garrett County or its employees; and generally relating to the inclusion of a certain nonprofit entity in Garrett County under the Local Government Tort Claims Act.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 5–301 and 5–304
Annotated Code of Maryland
(2006 Replacement Volume)

May 17, 2007

The Honorable Michael E. Busch
Speaker of the House
State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 252 - *Frederick County - Collective Bargaining - Representatives for Correctional Officers.*

This bill authorizes the representatives of full-time correctional officers in the Frederick County Sheriff's Office to collectively bargain with the Sheriff of Frederick County concerning wages and benefits. The bill requires that any additional funding required as a result of a negotiated agreement be subject to the approval of the County Commissioners of Frederick County.

Senate Bill 565, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 252.

Sincerely,

Martin O'Malley
Governor

House Bill 252

AN ACT concerning

Frederick County – Collective Bargaining – Representatives for Correctional Officers

FOR the purpose of authorizing the representatives of certain full–time correctional officers in the Frederick County Sheriff's Office to collectively bargain with the Sheriff of Frederick County concerning wages and benefits; authorizing certain correctional officers to take certain actions or refrain from taking certain actions in connection with certain labor organizations and collective bargaining activities; requiring that any additional funding required as a result of a negotiated agreement be subject to the approval of the County Commissioners of Frederick County; providing for the procedures for certifying a labor organization as an exclusive representative and for collective bargaining negotiations; requiring a collective bargaining agreement to contain certain matters; and generally relating to collective bargaining with the Sheriff of Frederick County.

BY adding to
Article – Courts and Judicial Proceedings
Section 2–309(l)(6)
Annotated Code of Maryland
(2006 Replacement Volume)

May 17, 2007

The Honorable Michael E. Busch
Speaker of the House
State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 275 - *Education - Teachers - State and Local Aid Program for Certification by the National Board for Professional Teaching Standards*.

This bill extends the termination date on the State and Local Aid Program for Certification by the National Board for Professional Teaching Standards (NBPTS) from May 31, 2008 to June 30, 2013. The bill expands membership in the program

to include teachers seeking recertification, raises the participation limit to 1,000 teachers, and authorizes the State board to fund up to one retake of an unsuccessful entry on the NBPTS assessment.

Senate Bill 57, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 275.

Sincerely,

Martin O'Malley
Governor

House Bill 275

AN ACT concerning

Education – Teachers – State and Local Aid Program for Certification by the National Board for Professional Teaching Standards

FOR the purpose of including the renewal of certain certification by the National Board for Professional Teaching Standards as part of a certain State and local aid program; altering the maximum number of teachers who may be selected to participate in a certain program; authorizing the State Board of Education to provide certain aid to certain participants for certain retakes of the National Board for Professional Teaching Standards assessment; extending a certain termination date; requiring the State Department of Education to request a certain amount of money needed to provide at least all eligible teachers with certain funds in a certain budget request; and generally relating to the State and Local Aid Program for Certification by the National Board for Professional Teaching Standards.

BY repealing and reenacting, with amendments,
Article – Education
Section 6–112
Annotated Code of Maryland
(2006 Replacement Volume)

BY repealing and reenacting, with amendments,
Chapter 179 of the Acts of the General Assembly of 1997, as amended by Chapter 536 of the Acts of the General Assembly of 1999, Chapter 61 of the Acts of the General Assembly of 2000, and Chapter 240 of the Acts of the General Assembly of 2004
Section 3

May 17, 2007

The Honorable Michael E. Busch
Speaker of the House
State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 282 - *State Board of Physicians - Sunset Extension and Program Evaluation*.

This bill extends the termination date of the State Board of Physicians (MBP) from July 1, 2007, to July 1, 2013, and specifies that the next program evaluation of the board shall be a full review without the necessity of a preliminary evaluation. Other major components of the bill include: 1) changes to the Board's use of peer reviewers; 2) requirements regarding use of nonprofits for rehabilitation services and eligibility; 3) changes to the fee set-aside for all fees collected by MBP which reduce the diversion of physician licensure fees for loan repayment and scholarship funding; 4) making medical malpractice settlement information available upon request rather than as part of a licensee's online profile; and 5) requiring designation of a pool of administrative law judges to hear board complaints.

Senate Bill 255, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 282.

Sincerely,

Martin O'Malley
Governor

House Bill 282

AN ACT concerning

State Board of Physicians – Sunset Extension and Program Evaluation

FOR the purpose of <u>authorizing certain regulatory boards to investigate certain claims;</u> continuing the State Board of Physicians in accordance with the provisions of the Maryland Program Evaluation Act (Sunset Law) by extending to a certain date the termination provisions relating to the statutory and regulatory authority of the Board; requiring that an evaluation of the Board and the statutes and regulations that relate to the Board be

performed on or before a certain date; repealing a provision of law requiring the Board to elect a secretary–treasurer; authorizing the Board's executive director or other duly authorized agent or investigator of the Board to enter certain premises under certain circumstances; *altering the percentages of certain fees required to be distributed in certain fiscal years from the Board to the Office of Student Financial Assistance within the Maryland Higher Education Commission for certain uses under certain circumstances;* ~~requiring applicants for licensure by the Board to submit to a certain criminal history records check; prohibiting a certain applicant who has a certain disciplinary order in another state from qualifying for a license under certain circumstances; requiring certain applicants to submit certain fingerprints and certain fees to the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services under certain circumstances; requiring the Central Repository to forward certain information to the Board and to certain applicants; providing that certain information is confidential and may be used only for certain purposes; authorizing certain subjects to contest certain contents of certain printed statements; requiring certain applicants for licensure to submit certain evidence to the Board; prohibiting the Board from issuing certain licenses if certain criminal history record information has not been received;~~ authorizing the Board to impose a certain civil penalty *in lieu of certain sanctions* for a licensee's failure to obtain the required continuing medical education credits under certain circumstances; ~~requiring the Board to develop a pilot program for continuing competency for licensed physicians that addresses a physician's ability to practice medicine; authorizing a certain pilot program to be implemented in a certain teaching hospital; authorizing the Board to provide technical assistance and financial support to a certain teaching hospital for a continuing competency pilot program; requiring the Board to issue a certain report on or before a certain date including certain information;~~ altering the persons with which the Board must contract for peer review services; requiring the Board to obtain a certain number of peer review reports for certain allegations; altering certain qualifications a peer reviewer must meet; authorizing the Board to consult with certain societies to establish a list of physicians qualified to provide peer review services; authorizing the Board to use sole source procurement under certain circumstances; *prohibiting certain stays of challenges because of the selection of certain peer reviewers prior to certain filings;* repealing a provision requiring the Physician Rehabilitation Committee to report certain noncompliance by a physician to the Board; ~~requiring the Board to provide services for physician rehabilitation or contract with an entity or entities for physician rehabilitation;~~ requiring the Board to issue a request for proposals and enter into a certain contract with a nonprofit entity to provide certain rehabilitation services on or before a certain date; requiring the Board to directly provide certain rehabilitation services under certain circumstances; altering certain requirements that the Board contract with an entity or entities for ~~further investigation and physician peer review~~ investigatory, mediation, and related services; repealing provisions of law requiring the

Board to assess certain applicants a fee for physician rehabilitation and peer review activities; establishing separate grounds for disciplinary action for immoral conduct and unprofessional conduct; authorizing the Board to disclose certain licensee information to the National Practitioner Data Bank under certain circumstances; ~~modifying the criteria for the reporting of medical malpractice claims and settlement information on the individual licensee profiles~~ *repealing the requirement that certain medical malpractice settlement information be available as part of a licensee's public individual profile; requiring the Board to provide certain notification regarding certain malpractice settlement information on the Board's Internet site; requiring the Board to provide certain information within a certain period of time*; ~~requiring proceedings of the Board or the hearing officer to be open to the public under certain circumstances; authorizing the Board or hearing officer to close proceedings under certain circumstances; requiring the Board to adopt certain regulations; requiring the Administrative Office of the Courts and the Chief Judge of the District Court, in collaboration with the Board, to develop a certain procedure for required reporting;~~ altering certain confidentiality requirements so as to require that certain records and other information relating to the records of a proceeding or transaction before an entity or ~~entities~~ individual that ~~contract~~ contracts with the Board are confidential; authorizing the Board to impose a certain civil penalty for failure to file certain reports with the Board; prohibiting certain entities from employing certain individuals without a certificate; authorizing the Board to impose a certain civil penalty for employing certain uncertified individuals; ~~requiring the Comptroller to distribute certain funds for certain programs administered by the Maryland Higher Education Commission under certain circumstances;~~ repealing provisions of law requiring the Comptroller to distribute certain fees received from the Board to the General Fund; ~~providing that the Insurance Commissioner, instead of certain regulatory boards, determines if certain payments were provided as a result of a prohibited referral;~~ extending to a certain date the termination provision relating to the statutory and regulatory authority of the Polysomnography Professional Standards Committee; altering certain definitions; defining a certain term; making technical changes; repealing certain provisions requiring the Board to establish or designate a training program for certain physicians on or before a certain date; repealing certain provisions requiring the Board to inform physicians about the availability of certain training and experience; authorizing the Board to adopt certain regulations to qualify certain physicians to practice certain opioid addiction therapy; repealing certain provisions of law relating to the use of peer reviewers by a certain entity or entities and the Board; requiring the Board to make certain regulatory changes on or before a certain date; requiring the Secretary of Health and Mental Hygiene to standardize investigator job classifications within the Board on or before a certain date; *requiring the Board to provide certain training to certain personnel of the Office of Administrative Hearings;* requiring the Department of Health and Mental Hygiene and the Office of the Attorney General to review a certain process for investigating self–referral

cases and make certain recommendations on or before a certain date; *requiring the Board to submit a certain report regarding certain disagreement among certain peer reviewers on or before a certain date*; ~~*requiring the Governor to include funding for certain new regular positions for the Board in the annual budget bill for a certain fiscal year;*~~ *requiring the Chief Administrative Law Judge to designate certain administrative law judges to hear certain cases referred by the Board*; exempting the Board from certain provisions of law requiring a certain preliminary evaluation; and generally relating to the State Board of Physicians.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 1–306, 14–101, 14–203(a), 14–206(d)(1), 14–207, ~~14–307(a) and (f), 14–309(a), 14–313,~~ 14–316(d), 14–401, 14–402, 14–404(a)(3), ~~14–405, 14–411(b) and (c)~~ *14–411(c)*, ~~14–411.1(b)(4),~~ *14–411.1(b), (c), and (d)*, ~~14–413(b), 14–414(b),~~ 14–506, 14–5B–08, 14–5C–25, 14–702, and 15–206
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, without amendments,
Article – Health Occupations
Section 14–316(e), 14–411(a) *and (b)*, ~~14–411.1(b)(3),~~ 14–5A–18(a), 14–5B–15(a), and 14–5C–18(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY adding to
Article – Health Occupations
Section ~~14–307.1, 14–322, 14–411.2,~~ 14–5A–18(g), 14–5B–15(g), and 14–5C–18(g)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

~~BY repealing and reenacting, with amendments,~~
~~Article – Insurance~~
~~Section 15–110~~
~~Annotated Code of Maryland~~
~~(2006 Replacement Volume and 2006 Supplement)~~

BY repealing and reenacting, with amendments,
Article – State Government
Section 8–403(b)(49) and (53)
Annotated Code of Maryland
(2004 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,

Chapter 220 of the Acts of the General Assembly of 2003
Section 1

BY repealing
Chapter 252 of the Acts of the General Assembly of 2003
Section 8

May 17, 2007

The Honorable Michael E. Busch
Speaker of the House
State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 284 - *Maryland Consolidated Capital Bond Loan of 2005 - Montgomery County - Pyramid Atlantic.*

This bill amends the Maryland Consolidated Capital Bond Loan of 2005 to extend the deadline by which the Board of Directors of Pyramid Atlantic, Inc. may present evidence to the Board of Public Works that a matching fund will be provided.

Senate 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 House Bill 284.

Sincerely,

Martin O'Malley
Governor

House Bill 284

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2005 – Montgomery County – Pyramid Atlantic

FOR the purpose of amending the Maryland Consolidated Capital Bond Loan of 2005 to extend the deadline by which the Board of Directors of Pyramid Atlantic, Inc. may present evidence to the Board of Public Works that a matching fund will be provided~~; and expanding the authorized uses of the loan proceeds and matching fund~~.

BY repealing and reenacting, with amendments,
Chapter 445 of the Acts of the General Assembly of 2005
Section 1(3) Item ZA02 (AY)

May 17, 2007

The Honorable Michael E. Busch
Speaker of the House
State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 297 - *Harford County - Alcoholic Beverages Licensees - Age of Employees*.

This bill prohibits an alcoholic beverages licensee in Harford County from employing a person under the age of 21 years to act as a bartender or to serve alcoholic beverages at a permanent full-service bar and provides an exception to the prohibition. The bill also authorizes a licensee to employ a person at least 18 years old to serve alcoholic beverages while acting as a waiter or waitress. Finally, the bill authorizes a licensee to employ a person at least 16 years old to act as a bartender's assistant.

Senate Bill 189, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 297.

Sincerely,

Martin O'Malley
Governor

House Bill 297

AN ACT concerning

Harford County – Alcoholic Beverages Licensees – Age of Employees

FOR the purpose of prohibiting an alcoholic beverages licensee in Harford County from employing a person under a certain age to act as a bartender or to serve alcoholic beverages at a permanent full–service bar; providing a certain exception to the prohibition; authorizing a licensee to employ a person of a certain age to serve alcoholic beverages while acting as a waiter or waitress; authorizing a licensee to employ a person of a certain age to act as a bartender's assistant who may perform certain tasks; making certain stylistic changes; and generally relating to alcoholic beverages licensees in Harford County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 12–213(e)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

May 17, 2007

The Honorable Michael E. Busch
Speaker of the House
State House
Annapolis, MD 21401

Dear Mr. Speaker:
In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 302 - *Jury Selection and Service.*

This bill alters provisions of law relating to jury selection and service, including provisions relating to limits on frequency of service, the contents of the juror qualification form, and postponement and other rescheduling of jury service.

Senate Bill 142, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 302.

Sincerely,

Martin O'Malley
Governor

House Bill 302

AN ACT concerning

Jury Selection and Service

FOR the purpose of altering certain provisions of law relating to jury selection and service, including provisions relating to limits on frequency of service, the contents of the juror qualification form, and postponement and other rescheduling of jury service; providing for the application of this Act; and generally relating to jury selection and service.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 8–215(4), 8–216, 8–302(a), 8–304(b)(2), 8–305(2), 8–310(c)(2), 8–314(a), and 8–402(a)
Annotated Code of Maryland
(2006 Replacement Volume)

May 17, 2007

The Honorable Michael E. Busch
Speaker of the House
State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 305 - *Task Force to Study the Boating Industry in Maryland*.

This bill establishes a Task Force to Study the Boating Industry in Maryland. The bill also requires the Task Force to submit a preliminary report and a final report to the Governor and General Assembly and its committees regarding its recommendations by specified dates.

Senate Bill 165, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 305.

Sincerely,

Martin O'Malley

Governor

House Bill 305

AN ACT concerning

Task Force to Study the Boating Industry in Maryland

FOR the purpose of establishing a Task Force to Study the Boating Industry in Maryland; establishing the membership and staffing of the Task Force; requiring the President of the Senate and the Speaker of the House to designate the chair of the Task Force; authorizing the Task Force to establish certain subcommittees; requiring the Task Force to evaluate and make recommendations regarding certain issues; requiring the Task Force to submit a preliminary report and a final report to the Governor and General Assembly and its committees regarding its recommendations by a certain date; prohibiting a member of the Task Force from receiving certain compensation, but authorizing a member of the Task Force to receive certain reimbursements; providing for the termination of this Act; and generally relating to the Task Force to Study the Boating Industry in Maryland.

May 17, 2007

The Honorable Michael E. Busch
Speaker of the House
State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 337 - *Criminal Procedure - Pretrial Release - Posting of Bond Without Appearance of Defendant.*

This bill allows a defendant to post bond by means of electronic transmission or hand delivery of documentation without appearing before the commissioner or judge under specified circumstances if authorized by the County Administrative Judge or the Chief Judge of the District Court.

Senate Bill 685, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 337.

Sincerely,

Martin O'Malley
Governor

House Bill 337

AN ACT concerning

~~Cecil County~~ Criminal Procedure – Pretrial Release – ~~Use of Technology to Facilitate Pretrial Release Process~~ Posting of Bond Without Appearance of Defendant

FOR the purpose of allowing ~~the use of video conferencing technology to facilitate the pretrial release process~~ a defendant to post bond by means of electronic transmission or hand delivery of certain documentation without appearing before the commissioner or judge under certain circumstances if authorized by the County Administrative Judge or the ~~District Administrative Judge; requiring certain documents to be delivered to the appropriate court immediately after a certain proceeding~~ Chief Judge of the District Court; and generally relating to the pretrial release process.

BY adding to
Article – Criminal Procedure
Section 5–214
Annotated Code of Maryland
(2001 Volume and 2006 Supplement)

May 17, 2007

The Honorable Michael E. Busch
Speaker of the House
State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 351 - *City of Annapolis - Housing Authority - Approval of Commissioners by City Council.*

This bill requires that the Commissioners of the Housing Authority of the City of Annapolis who are appointed by the Mayor of Annapolis be approved by the Annapolis City Council.

Senate Bill 256, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 351.

Sincerely,

Martin O'Malley
Governor

House Bill 351

AN ACT concerning

City of Annapolis – Housing Authority – Approval of Commissioners by City Council

FOR the purpose of requiring that the Commissioners of the Housing Authority of the City of Annapolis who are appointed by the Mayor of Annapolis be approved by the Annapolis City Council; and generally relating to the Housing Authority of the City of Annapolis.

BY repealing and reenacting, with amendments,
Article – Housing and Community Development
Section 13–104(a)
Annotated Code of Maryland
(2006 Volume)

May 17, 2007

The Honorable Michael E. Busch
Speaker of the House
State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 425 - *Civil Actions - Liability of Insurer - Failure to Act in Good Faith.*

This bill authorizes the recovery of actual damages, expenses, litigation costs, and interest in first-party claims against property and casualty insurers under specific circumstances. It also provides that accrued interest is to be computed at a specified rate and from a specified date. The clerk of a court will be required to file a copy of specified verdicts and other dispositions with the Maryland Insurance Administration.

Senate Bill 389, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 425.

Sincerely,

Martin O'Malley
Governor

House Bill 425

AN ACT concerning

Civil Actions – Liability of Insurer – Failure to Act in Good Faith

FOR the purpose of authorizing the recovery ~~by an insured, in certain civil actions between an insured and an insurer,~~ of actual damages, expenses, litigation costs, and interest in first–party claims against property and casualty insurers under certain circumstances; ~~requiring the court to make certain findings before the insured may recover certain damages, expenses, costs, and interest from the insurer;~~ providing that the interest is to be computed at a certain rate and from a certain date; requiring a clerk of a court to file a copy of certain verdicts and other dispositions with the Maryland Insurance Administration; providing that a failure to act in good faith under certain circumstances constitutes an unfair claim settlement practice for certain purposes; providing for certain penalties; providing for certain restitution in certain proceedings under certain circumstances; providing for certain procedures; providing for a certain appeal to a circuit court from a final decision under certain circumstances; providing for the tolling of certain limitations under certain circumstances; requiring the Administration to report annually on certain matters to the General Assembly on or before a certain date; defining certain terms; providing for the application of this Act; and generally relating to ~~a civil cause of action between an insured and an insurer.~~ certain proceedings concerning property and casualty insurers who fail to act in good faith in settling a first–party claim under certain circumstances.

BY repealing and reenacting, with amendments,
Article 1 – Rules of Interpretation

Section 32
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY adding to
Article – Courts and Judicial Proceedings
Section 3–1701 to be under the new subtitle "Subtitle 17. Liability of Insurer"; and 5–118
Annotated Code of Maryland
(2006 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 27–303(7) and (8), 27–304(16) and (17), and 27–305(a) and (c)
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)

BY adding to
Article – Insurance
Section 27–303(9), 27–304(18), and 27–1001 and the subtitle "Subtitle 10. Property and Casualty Insurance – First–Party Claims"
Annotated Code of Maryland
(2003 Replacement Volume and 2006 Supplement)

May 17, 2007

The Honorable Michael E. Busch
Speaker of the House
State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 442 - *Potomac River Fisheries Commission - Commissioner Compensation.*

This bill authorizes the members of the Potomac River Fisheries Commission to receive up to $250 in compensation for each day or portion of a day spent in the performance of their duties. The bill also provides that the members of the Potomac River Fisheries Commission may not receive more than $1,500 in compensation in any year and further provides that the Act does not apply to the compensation of the incumbent members of the Potomac River Fisheries Commission from

Maryland. Finally, the bill provides that its provisions take effect upon enactment of similar legislation in Virginia.

Senate Bill 282, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 442.

Sincerely,

Martin O'Malley
Governor

House Bill 442

AN ACT concerning

Potomac River Fisheries Commission – Commissioner Compensation

FOR the purpose of authorizing the members of the Potomac River Fisheries Commission to receive up to a certain amount of compensation for each day or portion of a day spent in the performance of their duties; providing that members of the Potomac River Fisheries Commission may not receive more than a certain amount of compensation in any year; providing that this Act does not apply to the compensation of the incumbent members of the Potomac River Fisheries Commission from Maryland; making this Act subject to a certain contingency; and generally relating to compensation of the members of the Potomac River Fisheries Commission.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 4–306 Article I Section 5
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

May 17, 2007

The Honorable Michael E. Busch
Speaker of the House
State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 463 - *Ground Rents - Remedies for Nonpayment of Ground Rent.*

This bill eliminates the possibility that a leasehold tenant could lose the tenant's home for failure to pay a ground rent by repealing the leaseholder's ability to bring an ejectment action and providing instead for the creation of a lien.

Senate Bill 396, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 463.

Sincerely,

Martin O'Malley
Governor

House Bill 463

AN ACT concerning

Ground Rents – ~~Remedy~~ *Remedies* for Nonpayment of Ground Rent

FOR the purpose of ~~repealing~~ *applying* provisions of law authorizing a landlord under a ground lease to bring an action for ejectment for nonpayment of ground rent *to certain property*; repealing provisions of law entitling the holder of a ground rent to reimbursement for certain expenses incurred in collecting past due ground rent and filing an action for ejectment; providing that the establishment of a lien is the ~~sole~~ remedy for nonpayment of a ground rent *on certain residential property*; requiring a certain person seeking to impose a lien to give a certain notice to certain persons in a certain manner; authorizing a person to whom notice is given to file a certain complaint and request a hearing in a certain circuit court; establishing procedures for imposing and releasing a lien; authorizing the court to award costs and reasonable attorney's fees to the prevailing party in a certain action; specifying the form for a statement of lien; providing for the enforcement and foreclosure of a lien; providing for the application, *effect*, and construction of certain provisions of this Act; *clarifying the application of certain provisions of law prohibiting the creation of certain reversionary interests under certain ground leases or subleases; providing that certain provisions of law authorizing a certain action for possession do not apply to certain actions for nonpayment of ground rent;* making certain conforming changes; defining certain terms; and generally relating to remedies for nonpayment of ground rent.

BY repealing
Article – Real Property
Section ~~8–402.2 and~~ 8–402.3

Annotated Code of Maryland
(2003 Replacement Volume and 2006 Supplement)

BY adding to
Article – Real Property
Section ~~*8–402.2*~~ *8–402.3*
Annotated Code of Maryland
(2003 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article – Real Property
Section *8–402.2*, 8–111.1, and 14–108.1
Annotated Code of Maryland
(2003 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article – Real Property
Section 8–111.2
Annotated Code of Maryland
(As enacted by Chapter 1 of the Acts of the General Assembly of 2007)

May 17, 2007

The Honorable Michael E. Busch
Speaker of the House
State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 564 - *Dorchester and Talbot Counties - Unattended Marine Vessel Motor Fuel Retail Service Stations at Marinas—Pilot Program*.

This bill requires the State Fire Prevention Commission to establish a pilot program allowing the continuous operation of an unattended marine vessel motor fuel retail service station at marinas in Dorchester and Talbot counties. The pilot must be developed in conjunction with the Clean Marina Initiative of the Department of Natural Resources (DNR). The Commission may adopt any regulations necessary to implement the pilot program. The regulations must be consistent with any provisions or regulations governing the continuous operation of an unattended motor vehicle retail service station.

We recognize that the law currently allows for unattended land-based retail service stations for motor vehicles. However, fuel spills directly into the water are more difficult to access, contain, mitigate and recover from than fuel spills on land. A fuel spill directly into the open water at any marina must be immediately reported to the Department of Environment and the United States Coast Guard. The Department of Environment's Emergency Response Division and Oil Control Division responds to numerous spills at unattended land-based service stations each year. Permitting unattended marina fuel dispensing systems to operate increases the opportunity for a spill to go unnoticed or unreported, or for a fuel spill report to be delayed until the Chesapeake Bay, one of its prime recreational and sport boating and fishing areas, or one of its many commercial fisheries is significantly damaged. Although I believe there certainly are safety measures that could be put into place to minimize the likelihood of a spill, it is this last factor—the grave consequences that could result to the Bay or its fisheries from a delayed response to a spill—that compels me to veto this bill.

The bill also technically is deficient in that it does not specify an end date for the pilot program.

For the above reasons, I have vetoed House Bill 564.

Sincerely,

Martin O'Malley
Governor

House Bill 564

AN ACT concerning

Dorchester and Talbot Counties – Unattended Marine Vessel Motor Fuel Retail Service Stations at Marinas – Pilot Program

FOR the purpose of requiring the State Fire Prevention Commission to establish a pilot program to allow the continuous operation of unattended marine vessel motor fuel retail service stations at marinas in Dorchester and Talbot Counties; requiring the operation of marine vessel motor fuel retail service stations under the pilot program to be consistent with certain provisions of law or regulations; requiring that the pilot program be developed in conjunction with a certain initiative of the Department of Natural Resources; stating the intent of the General Assembly; requiring the Commission to report to the General Assembly by a certain date on the results of the pilot program; and generally relating to a pilot program to allow unattended marine vessel motor fuel retail service stations at marinas in Dorchester and Talbot Counties.

BY repealing and reenacting, with amendments,

Article – Public Safety
Section 6–206(a)
Annotated Code of Maryland
(2003 Volume and 2006 Supplement)

May 17, 2007

The Honorable Michael E. Busch
Speaker of the House
State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 610 - *State Department of Education and Department of Health and Mental Hygiene - Student Surveys - Workgroup*.

This bill requires the Maryland State Department of Education and the Department of Health and Mental Hygiene to establish a workgroup to evaluate and reduce the impact on schools and students of administering and taking various health-related surveys while collecting valid data that meet the legal data collection responsibilities of the departments. The workgroup may consult with various stakeholders and must study the feasibility of administering a single survey or coordinating the administration of multiple health-related surveys.

Senate Bill 9, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 610.

Sincerely,

Martin O'Malley
Governor

House Bill 610

AN ACT concerning

~~Education~~ *State* Department of Education and Department of Health and Mental Hygiene – Student Surveys – ~~Youth Risk Behavior Surveillance System Survey~~ Workgroup

FOR the purpose of requiring the State Department of Education ~~to collaborate with the Department of Health and Mental Hygiene to incorporate the provisions of the Maryland Adolescent Survey and the Youth Tobacco Survey into the Centers for Disease Control and Prevention Youth Risk Behavior Surveillance System survey; providing for certain exceptions to the authority of the Department of Education to omit certain survey questions; altering certain parental notification requirements; clarifying that certain surveys are part of the Youth Risk Behavior Surveillance System survey; requiring the Department of Health and Mental Hygiene, certain county boards, and certain schools to cooperate with the Department of Education in administering the survey; defining certain terms;~~ and the Department of Health and Mental Hygiene ~~to~~ jointly *to* establish a certain Workgroup; providing for the composition, meeting requirements, purposes, and duties of the Workgroup; authorizing the Workgroup to consult with certain groups or individuals; requiring the Workgroup to submit a certain report to certain committees of the General Assembly on or before a certain date ~~in certain years; requiring the Department of Education to administer a certain survey on or before a certain school year~~; *providing for the termination of this Act*; and generally relating to ~~the administration of the Centers for Disease Control and Prevention Youth Risk Behavior Surveillance System survey~~ the establishment of a ~~Workgroup~~ *workgroup* relating to student surveys.

BY repealing and reenacting, without amendments,
Article – Education
Section 7–420
Annotated Code of Maryland
(2006 Replacement Volume)

BY ~~repealing and reenacting, with amendments,~~ adding to
Article – Education
Section ~~7–420~~ 7–420.1
Annotated Code of Maryland
(2006 Replacement Volume)

~~BY repealing and reenacting, with amendments,~~
~~Article – Health – General~~
~~Section 13–1001(l) and (w) and 13–1003(d)~~
~~Annotated Code of Maryland~~
~~(2005 Replacement Volume and 2006 Supplement)~~

~~BY adding to~~
~~Article – Health – General~~
~~Section 13–1001(w)~~
~~Annotated Code of Maryland~~
~~(2005 Replacement Volume and 2006 Supplement)~~

May 17, 2007

The Honorable Michael E. Busch
Speaker of the House
State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 629 - *Prince George's County - Task Force on the Establishment of Vocational and Technical Education High School Academies PG 423-07.*

This bill establishes a Task Force on the Establishment of Vocational and Technical Education High School Academies in Prince George's County. It requires the Task Force to examine the needs of specified students and explore possible changes in curriculum and instruction that might better meet the needs of those students, including vocational and technical education high school academies.

Senate Bill 112, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 629.

Sincerely,

Martin O'Malley
Governor

House Bill 629

AN ACT concerning

Prince George's County – Task Force on the Establishment of Vocational and Technical Education High School Academies

PG 423–07

FOR the purpose of establishing a Task Force on the Establishment of Vocational and Technical Education High School Academies in Prince George's County; establishing the membership and staffing of the Task Force; requiring the members of the Task Force to designate the chair of the Task Force; requiring the Task Force to evaluate and make recommendations regarding certain issues; requiring the Task Force to submit a report to certain officials regarding its recommendations by a certain date; prohibiting a member of the

Task Force from receiving certain compensation, but authorizing a member of the Task Force to receive certain reimbursements; providing for the termination of this Act; and generally relating to the Task Force on the Establishment of Vocational and Technical Education High School Academies in Prince George's County.

May 17, 2007

The Honorable Michael E. Busch
Speaker of the House
State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 634 - *Insurance - Binders or Policies - Personal Insurance.*

This bill applies provisions governing binders or contracts for temporary insurance to personal insurance. The bill also establishes a 10-day notice period for cancellations due to nonpayment of premium during the underwriting period.

Senate 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 House Bill 634.

Sincerely,

Martin O'Malley
Governor

House Bill 634

AN ACT concerning

Insurance – Binders or Policies – Personal Insurance

FOR the purpose of providing that certain provisions of law regarding binders or policies are applicable to personal insurance; <u>altering certain notice requirements for cancellation of a certain binder or policy for nonpayment of premium;</u> defining a certain term; providing for the application of this Act; and generally relating to binders and policies of personal insurance.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 12–106
Annotated Code of Maryland
(2003 Replacement Volume and 2006 Supplement)

May 17, 2007

The Honorable Michael E. Busch
Speaker of the House
State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 651 - *Cecil County - Alcoholic Beverages - Board of License Commissioners - Summonses and Subpoenas*.

This bill authorizes inspectors employed by the Board of License Commissioners of Cecil County to serve summonses for witnesses. The bill also authorizes the Board to subpoena records or papers pertaining to a licensed business or establishment.

Senate 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 House Bill 651.

Sincerely,

Martin O'Malley
Governor

House Bill 651

AN ACT concerning

Cecil County – Alcoholic Beverages – Board of License Commissioners – Summonses and Subpoenas

FOR the purpose of authorizing inspectors employed by the Board of License Commissioners of Cecil County to serve summonses for witnesses; authorizing the Board to subpoena records or papers pertaining to a licensed business or establishment; and generally relating to the powers of the Board

of License Commissioners of Cecil County and inspectors employed by the Board.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 16–410(b)(2)(i) and (c)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)
(As enacted by Chapter 78 of the Acts of the General Assembly of 2003)

May 17, 2007

The Honorable Michael E. Busch
Speaker of the House
State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 677 - *Harford County - Nuisance Abatement and Local Code Enforcement - Enforcement Authority.*

This bill authorizes the State's Attorney for Harford County to bring specified actions in the District Court for relief from specified nuisances within Harford County; and requires specified notices to the county code enforcement agency and to specified tenants and property owners before a nuisance abatement action may be brought.

Senate Bill 577, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 677.

Sincerely,

Martin O'Malley
Governor

House Bill 677

AN ACT concerning

Harford County – Nuisance Abatement and Local Code Enforcement –

Enforcement Authority

FOR the purpose of authorizing ~~certain community associations,~~ the State's Attorney for Harford County~~, the County Attorney for Harford County and the city attorneys for the incorporated municipalities of Aberdeen, Havre de Grace, and Bel Air~~ to bring certain actions in the District Court for relief from certain nuisances within Harford County; requiring certain notices to the county code enforcement agency and to certain tenants and property owners before a nuisance abatement action may be brought; providing that a political subdivision may not be subject to certain actions; providing for certain remedies; providing for the construction of this Act; defining certain terms; and generally relating to the right of ~~community associations,~~ the State's Attorney for Harford County~~, the County Attorney for Harford County and the city attorneys for the incorporated municipalities of Aberdeen, Havre de Grace, and Bel Air~~ to seek judicial abatement of certain nuisances in Harford County.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 4–401(7)
Annotated Code of Maryland
(2006 Replacement Volume)

BY adding to
Article – Real Property
Section 14–125.2
Annotated Code of Maryland
(2003 Replacement Volume and 2006 Supplement)

May 17, 2007

The Honorable Michael E. Busch
Speaker of the House
State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 697 - *Prince George's County School Facilities Surcharge - Exemption PG 410-07.*

This bill alters an exemption from the school facilities surcharge in Prince George's County for specified multi-family housing designated as student housing in specified areas.

Senate Bill 582, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 697.

Sincerely,

Martin O'Malley
Governor

House Bill 697

AN ACT concerning

Prince George's County School Facilities Surcharge – Exemption

PG 410–07

FOR the purpose of altering an exemption from the school facilities surcharge in Prince George's County for certain multi–family housing designated as student housing; and generally relating to an exemption from the school facilities surcharge in Prince George's County.

BY repealing and reenacting, without amendments,
The Public Local Laws of Prince George's County
Section 10–192.01(a)
Article 17 – Public Local Laws of Maryland
(2003 Edition, as amended)
(As enacted by Chapter 431 of the Acts of the General Assembly of 2003)

BY repealing and reenacting, with amendments,
The Public Local Laws of Prince George's County
Section 10–192.01(b)(4)
Article 17 – Public Local Laws of Maryland
(2003 Edition, as amended)
(As enacted by Chapter 431 of the Acts of the General Assembly of 2003)

May 17, 2007

The Honorable Michael E. Busch

Speaker of the House
State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 769 - *Disease Prevention - Sexually Transmitted Diseases - Expedited Partner Therapy Pilot Program*.

This bill creates an Expedited Partner Therapy Pilot Program in the Baltimore City Health Department to provide antibiotic therapy to the partner of a patient diagnosed with a specified sexually transmitted infection in order to contain the infection.

Senate Bill 349, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 769.

Sincerely,

Martin O'Malley
Governor

House Bill 769

AN ACT concerning

Disease Prevention – Sexually Transmitted Diseases – Expedited Partner Therapy Pilot Program

FOR the purpose of establishing the Expedited Partner Therapy Pilot Program in the Baltimore City Health Department; providing for the purpose of the Program; authorizing certain health care providers to ~~prescribe, dispense,~~ dispense or otherwise provide certain antibiotic therapy to certain partners of patients diagnosed with certain sexually transmitted diseases without making a certain physical assessment; requiring the Secretary of Health and Mental Hygiene ~~and the Commissioner of the Baltimore City Health Department~~ to adopt ~~jointly~~ certain regulations; ~~establishing civil immunity for certain health care providers in certain circumstances;~~ requiring the Baltimore City Health Department to report to the Governor and General Assembly regarding the operation and performance of the Program on or before a certain date each year; providing for the termination of this Act; and generally relating to the prevention of sexually transmitted diseases and the Expedited Partner Therapy Pilot Program.

BY adding to

Article – Health – General
Section 18–214.1
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

May 17, 2007

The Honorable Michael E. Busch
Speaker of the House
State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 770 - *Maryland Transit Administration - Continuation of Passenger Railroad Service on Amtrak and CSX Lines.*

This bill requires the Maryland Transit Administration (MTA) to continue to operate the Amtrak Line between Perryville and Penn Station in Baltimore at an equivalent or greater level of service than was provided on May 1, 1991, and the CSX line between Frederick and Point of Rocks at an equivalent or greater level of service than was provided on December 17, 2001. The bill also prohibits MTA from closing a station on any route before June 30, 2008, and prohibits MTA from closing a station on any route until a public hearing has been held. MTA may only close a station in a four and one-half month window, specifically between six weeks and six months after the public hearing.

Senate Bill 438, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 770.

Sincerely,

Martin O'Malley
Governor

House Bill 770

AN ACT concerning

Maryland Transit Administration – Continuation of Passenger Railroad Service on Amtrak and CSX Lines

FOR the purpose of requiring the Maryland Transit Administration to continue to operate passenger railroad service on certain lines at levels equivalent to the levels established as of certain dates; prohibiting the Administration from closing a station before a certain date, subject to an exception; requiring the Administration to hold a certain public hearing under certain circumstances; requiring the Administration to give a certain notice of the hearing; prohibiting the Administration from taking certain actions if inadequate notice is given; prohibiting the Administration from making certain policy changes during a certain time period; and generally relating to passenger railroad service on certain railroad lines.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 7–902
Annotated Code of Maryland
(2001 Replacement Volume and 2006 Supplement)

May 17, 2007

The Honorable Michael E. Busch
Speaker of the House
State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 789 - *Banking Institutions - Deceptive Use of Names, Trade Names, Trademarks, Service Marks, Logos, or Taglines - Penalties.*

This bill clarifies the entities that may use a name, title, or other words that represent that the person is authorized to do the business of banking in Maryland. No person may use the name of a bank or any term or design that is similar to the name without the consent of the actual bank. The bill proscribes a penalty for a violation of the Act.

Senate Bill 433, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 789.

Sincerely,

Martin O'Malley
Governor

House Bill 789

AN ACT concerning

Banking Institutions – Deceptive Use of Names, Trade Names, Trademarks, Service Marks, Logos, or Taglines – Penalties

FOR the purpose of clarifying the entities that may use a name, title, or other words that represent that the person is authorized to do the business of banking in the State; providing that under certain circumstances, a person may not use the name, trade name, trademark, service mark, logo, or tagline of a certain bank ~~that is similar to that which is used by the bank~~ or a term or design that is similar to the name, trade name, trademark, service mark, logo, or tagline of a certain bank in certain material; providing for an exception; providing for a penalty for a violation of ~~the~~ this Act; defining ~~a certain term~~ certain terms; and generally relating to the deceptive use of the name, trade name, trademark, service mark, logo, or tagline of a bank.

BY repealing and reenacting, with amendments,
Article – Financial Institutions
Section 5–806
Annotated Code of Maryland
(2003 Replacement Volume and 2006 Supplement)

May 17, 2007

The Honorable Michael E. Busch
Speaker of the House
State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 791 - *Queen Anne's County - State's Attorney - Salary*.

This bill alters the salary of the State's Attorney for Queen Anne's County and authorizes the State's Attorney to appoint one or more deputy State's Attorneys. The bill specifies duties of the States Attorney, a deputy State's Attorney, and an

assistant State's Attorney and establishes that the State's Attorney is entitled to expenses for business related purposes.

Senate Bill 775, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 791.

Sincerely,

Martin O'Malley
Governor

House Bill 791

AN ACT concerning

Queen Anne's County – State's Attorney – Salary

FOR the purpose of altering the salary of the State's Attorney for Queen Anne's County; authorizing the State's Attorney to appoint one or more deputy State's Attorneys; specifying certain duties of the State's Attorney, a deputy State's Attorney, and an assistant State's Attorney; establishing that the State's Attorney is entitled to certain expenses for certain purposes; providing that this Act does not apply to the salary or compensation of the incumbent State's Attorney for Queen Anne's County; ~~providing for a delayed effective date;~~ and generally relating to the State's Attorney for Queen Anne's County.

BY repealing and reenacting, with amendments,
Article 10 – Legal Officials
Section 40(r)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

May 17, 2007

The Honorable Michael E. Busch
Speaker of the House
State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 879 - *Forensic Laboratories - Standards and Oversight*.

This bill requires the Secretary of Health and Mental Hygiene to adopt regulations that set standards and requirements for forensic laboratories. It also requires a laboratory that examines or analyzes forensic specimens to demonstrate satisfactory performance in a specified proficiency testing program and mandates that the Department of Health and Mental Hygiene review proficiency tests and proficiency testing programs.

Senate Bill 351, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 879.

Sincerely,

Martin O'Malley
Governor

House Bill 879

AN ACT concerning

Forensic Laboratories – Standards and Oversight

FOR the purpose of requiring the Secretary of Health and Mental Hygiene to adopt regulations that set certain standards and requirements; specifying the required contents of certain regulations; requiring ~~an individual who~~ a laboratory that examines or analyzes forensic specimens ~~on behalf of a certain laboratory~~ to demonstrate satisfactory performance in a certain proficiency testing program; requiring the Secretary to adopt certain regulations for a certain proficiency testing program; requiring ~~a certain employee~~ the Department of Health and Mental Hygiene to review certain proficiency tests and proficiency ~~test results at certain times~~ testing programs; requiring the Secretary to conduct certain inspections for a certain purpose; authorizing the Secretary to conduct certain investigations and surveys; providing that certain documents are public documents; requiring ~~the Secretary~~ a forensic laboratory to make certain information available to the public within a certain time of a written request; requiring the Secretary to adopt regulations that set qualifications for certain personnel; requiring the Secretary to set certain fees; ~~authorizing the Secretary to set a certain fee;~~ requiring a ~~person~~ forensic laboratory to hold a certain license before the ~~person~~ forensic laboratory may offer or perform certain tests, examinations, or analyses in the State on or after a certain date; requiring the Secretary to issue a letter of exception to certain laboratories under certain circumstances; authorizing the Secretary to grant a certain waiver to certain laboratories; requiring an applicant to provide certain evidence to qualify for a certain

license; requiring a certain applicant to submit an application to the Secretary on a certain form; specifying the required contents of an application for a certain license; requiring a certain applicant to pay a certain fee to the Department of Health and Mental Hygiene; requiring the Secretary to issue a certain license to a certain applicant; specifying the required contents of a certain license; requiring a certain license to designate the tests, examinations, or analyses that may be offered or performed by the laboratory; prohibiting a certain laboratory from operating in a manner not designated by its license; providing that a certain license is not transferable; providing that a certain license expires on a certain date, unless the license is renewed in accordance with this Act; authorizing a certain licensee to renew its license for an additional term under certain circumstances; requiring the Secretary to renew the license of each licensee ~~who~~ *that* meets certain requirements; authorizing the Secretary to deny a certain license or suspend, revoke, or limit a certain license or the authority of a certain licensee to offer or perform tests that a certain license sets forth under certain circumstances; ~~requiring the Secretary to take certain actions if the Secretary finds that a certain laboratory no longer meets certain standards and requirements and the Secretary does not suspend or revoke the laboratory's license; requiring the Secretary to undertake a certain due diligence review under certain circumstances;~~ ~~requiring~~ authorizing the Secretary to order a certain laboratory to take certain actions if the Secretary finds that the laboratory provided erroneous or questionable reports, analyses, examinations, or test results; requiring a State's Attorney to provide certain notice to certain victims under certain circumstances; providing for certain penalties; requiring the Secretary to give a certain applicant or licensee notice and an opportunity for a hearing under certain circumstances; requiring a certain laboratory to post a certain notice in a certain place; specifying the required contents of a certain notice; authorizing an employee of a forensic laboratory to disclose certain information to the Secretary under certain circumstances; requiring the Secretary to specify the form of a certain notice; prohibiting a certain laboratory from ~~discriminating or retaliating~~ taking certain adverse employment actions against a certain employee for ~~a certain reason~~ certain reasons; authorizing a certain employee to initiate ~~judicial~~ an action under certain circumstances; providing that a certain employee who prevails in a certain ~~judicial~~ action is entitled to certain remedies; limiting the time in which a certain ~~judicial~~ action may be filed; establishing a Forensic Laboratory Advisory Committee; specifying the membership of the Advisory Committee; requiring the ~~Secretary~~ Governor to designate a chair of the Advisory Committee and appoint members of the Advisory Committee at certain times; *establishing the terms of the members of the Advisory Committee; prohibiting a member of the Advisory Committee from receiving certain compensation; requiring the Department to staff the Advisory Committee;* ~~establishing the Maryland Forensic Laboratory Improvement Fund as a special fund; providing for the funding of a certain fund; requiring the Governor's Office of Crime Control and Prevention to administer a certain fund; specifying the purposes for which grants shall be made from a certain~~

~~fund;~~ providing that certain proceedings, records, and files of ~~a certain organization or agency~~ certain organizations or agencies are not discoverable and are not admissible in a certain criminal case; ~~providing that certain reports, findings, recommendations, and corrective actions issued by a certain organization or agency are discoverable and admissible to a certain extent; requiring the Governor to include certain funds in the State budget for a certain purpose for certain years;~~ requiring the Secretary to make certain appointments on or before a certain date; requiring the Secretary to adopt certain regulations on or before a certain date; defining certain terms; modifying a certain definition; ~~providing that this Act does not apply to a certain type of testing;~~ and generally relating to standards and oversight for forensic laboratories.

BY repealing and reenacting, without amendments,
Article – Health – General
Section 1–101(c) and (j)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY adding to
Article – Health – General
Section 17–2A–01 through ~~17–2A–16~~ 17–2A–12 to be under the new subtitle "Subtitle 2A. Forensic Laboratories"
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article – ~~Health Occupations~~ Health – General
Section ~~1–401~~ 19–2301
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

May 15, 2007

The Honorable Michael E. Busch
Speaker of the House
State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 988 – *State Board of Dental Examiners – Restructuring and*

Licensee Protection. I have done so because, due to a technical error, the enrolled bill that actually passed was not the version the General Assembly believed it enacted, and thus it does not reflect legislative intent.

House Bill 988 as originally filed would have made substantial changes to the operation of the State Board of Dental Examiners. As it moved through the House and Senate, numerous amendments to the bill altered its scope significantly. An inadvertent procedural error on *sine die*, however, resulted in the enactment of the wrong set of amendments to the bill. The amendments that passed are not the amendments that were adopted by the Senate Education, Health, and Environmental Affairs Committee (EHEA) and described in the EHEA floor report. They are also not the amendments with which the House Health and Government Operations Committee believed it concurred, and that were described on the House floor before the House concurred with the Senate amendments.

While I have vetoed the bill because it does not reflect legislative intent, I believe that concerns about potential bias and inequities in the way the Board operates should be addressed nonetheless. To that end, I have directed the Department of Health and Mental Hygiene's Inspector General to conduct an audit of the last five years of the Board's complaint files, and to report back to me and to the General Assembly on his findings. This audit would have been mandated by the version of House Bill 988 the General Assembly intended to enact, and it will enable us to address next Session any problems that may be uncovered by the Inspector General.

For the above stated reason, I have vetoed House Bill 988.

Sincerely,

Martin O'Malley
Governor

House Bill 988

AN ACT concerning

State Board of Dental Examiners – ~~Restructuring~~ Program Evaluation and Licensee Protection

FOR the purpose of prohibiting certain boards from taking or refusing to take certain action as reprisal against certain licensees or certificate holders under certain circumstances; establishing that certain protection only applies if a licensee or certificate holder has a certain reasonable, good faith belief; authorizing certain individuals to institute certain civil actions in certain counties within certain periods of time; authorizing certain courts to provide certain relief under certain circumstances; providing for a certain defense; ~~requiring the Department of Health and Mental Hygiene to submit a certain list of names of individuals for nomination for membership on the State~~

~~Board of Dental Examiners to the Governor;~~ requiring that a certain list of names be compiled by ~~the Department in consultation with~~ certain academies, associations, organizations, or societies; requiring that individuals on a certain list reflect certain diversity of the State; requiring that certain members appointed to the Board reflect certain diversity of this State; requiring that the Maryland State Dental Association and the Maryland Dental Society invite certain representatives to a certain meeting; ~~requiring that certain terms of membership on the Board be staggered as provided for on a certain date~~ increasing the number of weeks before a certain meeting that certain notice must be mailed; altering the number of years for certain terms; requiring the Governor to appoint a president of the Board from among certain Board members; ~~requiring the Secretary to appoint a certain executive director of the Board~~ altering the number of times the board is required to meet; requiring the executive director to report to the Secretary; repealing provisions authorizing the Board to initiate or file certain complaints; ~~establishing the terms of office of members of the Board appointed on a certain date; requiring a certain board to adopt certain regulations by a certain date; requiring the Office of the Attorney General to provide a rotation process for certain assistant attorney generals~~ altering a certain termination date for provisions relating to the statutory and regulatory authority of the Board; altering a certain date for evaluation of certain Board activities; providing for the continued service of certain board members until certain appointments are made; ~~requiring the Inspector General to conduct certain audits of certain complaint files;~~ *establishing that certain members are not eligible to serve another term;* ~~requiring the Board to submit a certain report~~ exempting the Board from certain provisions of law requiring a certain preliminary evaluation; requiring that a certain evaluation conducted by the Department of Legislative Services incorporate a comprehensive review of certain complaints during a certain period of time ~~and assess and identify~~, *including the assessment and identification of* certain patterns, *and recommend certain tracking mechanisms for certain complaints*; requiring the Department of Legislative Services to collaborate with the Inspector General in the Department of Health and Mental Hygiene in the review of certain complaint outcomes; defining certain terms; making this Act an emergency measure; and generally relating to the restructuring of the State Board of Dental Examiners.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 1–501 through 1–506, 4–202 through 4–204, ~~and 4–316~~ 4–316, and 4–702
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 8–403(b)(17)

Annotated Code of Maryland
(2004 Replacement Volume and 2006 Supplement)

May 17, 2007

The Honorable Michael E. Busch
Speaker of the House
State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 990 - *Frederick County - Employees' Pension System - Alternate Contributory Pension Selection.*

This bill authorizes Frederick County to pay the additional liabilities that result from its employees' participation in the Alternate Contributory Pension Selection enacted in 2006. The bill also allows participating Frederick County employees to purchase service credit for their employment from July 1, 2006 to July 1, 2007. The bill is contingent on the Board of County Commissioners of Frederick County voting to approve its employees' participation in Alternate Contributory Pension Selection by July 1, 2007.

Senate Bill 961, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 990.

Sincerely,

Martin O'Malley
Governor

House Bill 990

AN ACT concerning

Frederick County – Employees' Pension System – Alternate Contributory Pension Selection

FOR the purpose of allowing the employees of Frederick County who are members of the Employees' Pension System to become subject to the Alternate Contributory Pension Selection that alters the benefits those members

receive and requires a certain member contribution; authorizing the purchase of service credit under certain circumstances; requiring Frederick County to pay for certain additional pension liabilities according to a certain amortization schedule approved by the Board of Trustees for the State Retirement and Pension System; making this Act subject to a certain contingency; requiring the State Retirement Agency to verify certain information; and generally relating to participation in the Alternate Contributory Pension Selection part of the Employees' Pension System by certain employees of Frederick County.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 21–307(k), 23–221, and 23–307.2
Annotated Code of Maryland
(2004 Replacement Volume and 2006 Supplement)

May 17, 2007

The Honorable Michael E. Busch
Speaker of the House
State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 991 - *Baltimore City - Hotel Room Tax - Convention Center Promotion*.

This bill extends through the fiscal year beginning July 1, 2011, provisions requiring that 40% of the proceeds from a hotel room tax imposed by Baltimore City be appropriated specifically for Convention Center marketing and tourism promotion. The required appropriation shall be made to the Baltimore Area Convention and Visitors Association.

Senate Bill 407, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 991.

Sincerely,

Martin O'Malley
Governor

House Bill 991

AN ACT concerning

Baltimore City – Hotel Room Tax – Convention Center Promotion

FOR the purpose of extending to a certain date provisions requiring that for certain fiscal years certain amounts measured by proceeds from a hotel room tax imposed by Baltimore City be appropriated for certain purposes; requiring that the required appropriation be made to a certain association; repealing certain obsolete language; and generally relating to hotel room taxes and convention center marketing and tourism promotion in Baltimore City.

BY repealing and reenacting, with amendments,
The Charter of Baltimore City
Article II – General Powers
Section (40)(e)
(2006 Edition)

May 16, 2007

The Honorable Michael E. Busch
Speaker of the House
State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 992 - *Criminal Procedure - Drug-Related Offenses - Parole Eligibility for Second Offenders*.

The current law, introduced in 1982 by Governor Harry Hughes and overwhelmingly passed by the General Assembly, mandates a minimum 10 year non-suspendable, non-parolable sentence for offenders convicted a second time of distributing, manufacturing, creating or dispensing Schedule I or Schedule II narcotics or hallucinogens. House Bill 992 would repeal the prohibition against parole if the person was not convicted of a crime of violence arising out of the incident that resulted in the mandatory minimum sentence.

After careful consideration, it is my conclusion that signing this bill into law is both unnecessary and contrary to the interests of public safety for the following reasons:

1. Despite the bill's applicability to "non-violent" criminals, drug dealers participate in an activity that fuels violent crime and murder.

2. Maryland law already affords two-time offenders an opportunity to receive drug treatment services in lieu of a mandatory sentence.

3. The bill seeks to aid addicted individuals, but does not require individuals to receive drug treatment services or make progress in addressing the public health and public safety issue of drug addiction.

Much has been said and written about this bill and, as discussed below, I share most of the policy goals of those who support this bill. However, it is difficult for me, and many Marylanders, to lose sight of the fact that this bill potentially reduces the sentence of individuals who have been twice convicted of distributing drugs in our communities.[1]

The drug trade is an inherently violent business. While an individual drug-dealing transaction, or an individual drug production operation, may not experience an incident of violence, the illegal drug market as a whole is shaped and protected through a culture of violence. We know all too well that somewhere along the chain of drug production and distribution lives are lost, families are devastated, and communities are destroyed.

Further, Maryland law has long allowed a second-time offender to ask to receive treatment services for a drug addiction through the Department of Health and Mental Hygiene. Sections 5-608(b)(4) and 5-609(b)(4) of the Criminal Law Article, which are amended by House Bill 992, clearly state that a person convicted of the crime in question "is not prohibited from participating in a drug treatment program under Section 8-507 of the Health–General Article because of the length of the sentence."[2]

In 1993, the Maryland Court of Appeals addressed the issue of "whether a defendant, who is committed to a drug treatment center pursuant to [Section 8-507] and successfully completes the program of treatment, is required to serve the balance of the mandatorily imposed sentence of incarceration prescribed by" the

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[1] While the bill aims to aid addicts convicted of these crimes, it is well accepted that not all drug manufacturers and dealers are addicted to, or even use, the product that they produce and peddle. Yet the bill affords non-addicted street entrepreneurs the same opportunity to make a case to avoid the mandatory minimum sentence as those individuals who may in fact be addicted to and dealing drugs.

[2] Section 8-507 provides that "a court that finds in a criminal case that a defendant has an alcohol or drug dependency may commit the defendant as a condition of release, after conviction, or at any other time the defendant voluntarily agrees to participate in treatment," to DHMH for appropriate treatment. This commitment can last for any period of time between 72 hours and 1 year.

precursor to the law amended by this bill [pre-Code Revision of Article 27]. *State v. Thompson*, 332 Md. 1, 3 (1993).[3] The Court considered the specific question of "whether the treatment ordered is in lieu of, or, as the State argues, in addition to, the mandatory sentence," and held that "when a defendant successfully completes the drug treatment program, whether he or she must serve the remainder of the mandatory ten year sentence, imposed pursuant to [this statute], is within the trial court's discretion to determine." *Thompson* at 10, 11.[4]

Finally, many proponents of the bill have also been long-time supporters of drug treatment funds and services for those in need. This is an issue I have championed throughout my time in public service. During my time as Mayor of Baltimore City, funding for drug treatment services doubled. This year, I provided, and the General Assembly approved, a $5 million increase in drug treatment funding in a very difficult budget. This bill, however, does nothing to advance the amount of drug treatment services available to addicted individuals.

Supporters of this bill have worked in good faith, hoping to primarily meet the needs of low-level dealers who sell small quantities of drugs in order to gain the means to support their own habits. In my opinion, State law has long been carefully crafted to meet that narrow, legitimate public policy goal. The desire of the bill's supporters to have a trial judge consider the individual circumstances of a defendant to determine whether the addiction precipitated the unlawful behavior, and order treatment for the underlying addiction, is met under current law. This bill, as passed by the General Assembly, unnecessarily broadens current law and makes parole a possibility, however remote, for drug dealers who are driven by greed and profit supported by violence, not addiction.

For the above stated reasons, I have vetoed House Bill 992.

Sincerely,

Martin O'Malley
Governor

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[3] *Thompson* involved an individual who was a second-time distributor of cocaine. He was sentenced to several concurrent sentences, ten years of which were to be served without parole pursuant to the law that is the subject of HB 992. As a condition of release, he was committed to Second Genesis, a drug treatment program. The State argued that once treatment was completed the defendant should be remanded to the Department of Corrections to serve the balance of the mandatory minimum sentence, contending that treatment does not allow a defendant to avoid the mandatory sentence.

[4] The Court rejected the State's argument that remand for service of the balance of the sentence was mandatory, stating that "[t]he trial judge, having observed the defendant before and after treatment, will be in the position to determine whether society's interest would be better served if that defendant, upon completion of treatment, is returned to prison or released." *Thompson* at 19, 20.

House Bill 992

AN ACT concerning

Criminal Procedure – Drug–Related Offenses – ~~Repeal of Mandatory Minimum Sentences~~ Parole Eligibility for Second Offenders

FOR the purpose of ~~repealing certain mandatory minimum sentences for certain drug–related offenses; specifying that a person convicted of certain drug–related offenses is not prohibited from participating in a certain drug treatment program; providing that a person who is serving a term of confinement that includes a mandatory minimum sentence imposed on or before a certain date is entitled to be granted a certain hearing and a certain sentence review; requiring that a person who seeks to be granted a hearing or sentence review submit an application on or before a certain date; altering certain penalties; repealing a prohibition against a person possessing a regulated firearm if the person was previously convicted of certain drug–related offenses~~ altering a certain provision concerning eligibility for parole by providing that a person convicted of a certain drug–related offense is not eligible for parole during a certain mandatory minimum sentence if the person has been convicted of a violation of a certain crime of violence arising out of the incident that resulted in the imposition of the mandatory minimum sentence; and generally relating to penalties for drug–related offenses.

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 5–602, 5–603, 5–604, 5–605, and 5–606
Annotated Code of Maryland
(2002 Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section ~~5–607, 5–608,~~ 5–608 and 5–609
Annotated Code of Maryland
(2002 Volume and 2006 Supplement)

~~BY repealing and reenacting, with amendments,~~
~~Article – Public Safety~~
~~Section 5–133(c)~~
~~Annotated Code of Maryland~~
~~(2003 Volume and 2006 Supplement)~~

May 17, 2007

The Honorable Michael E. Busch
Speaker of the House
State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 1091 - *Frederick County Board of Elections - Salary Increase.*

This bill increases to $5,500 the salary of the president and $5,000 of the other members of the Frederick County Board of Elections. It also increases to $4,500 the salary of the substitute member of the Frederick County Board of Elections and provides that the Act does not apply to the salary or compensation of the incumbent president, other members, or substitute member of the Frederick County Board of Elections.

Senate Bill 959, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 1091.

Sincerely,

Martin O'Malley
Governor

House Bill 1091

AN ACT concerning

Frederick County Board of Elections – Salary Increase

FOR the purpose of increasing the salaries of the president, other members, and substitute member of the Frederick County Board of Elections; providing that this Act does not apply to the salary or compensation of the incumbent president, other members, or substitute member of the Frederick County Board of Elections; and generally relating to the salary of the members of the Frederick County Board of Elections.

BY repealing and reenacting, with amendments,
Article – Election Law
Section 2–204(a)(11) and (b)
Annotated Code of Maryland
(2003 Volume and 2006 Supplement)

May 17, 2007

The Honorable Michael E. Busch
Speaker of the House
State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 1093 - *Charles County - Boys and Girls Clubs of Southern Maryland Loan of 2001*.

This bill provides that the proceeds of the Charles County - Boys and Girls Clubs of Southern Maryland Loan of 2001 must be encumbered by the Board of Public Works or expended for the purposes provided in the Act by June 1, 2009.

Senate Bill 816, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 1093.

Sincerely,

Martin O'Malley
Governor

House Bill 1093

AN ACT concerning

Charles County – Boys and Girls Clubs of Southern Maryland Loan of 2001

FOR the purpose of amending the Charles County – Boys and Girls Clubs of Southern Maryland Loan of 2001 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 Charles County – Boys and Girls Clubs of Southern Maryland Loan of 2001.

BY repealing and reenacting, with amendments,
Chapter 257 of the Acts of the General Assembly of 2001
Section 1

May 17, 2007

The Honorable Michael E. Busch
Speaker of the House
State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 1106 - *Homeowners Insurance - Insurance Producers - Notice of Coverage for Flood Loss - Statement of Additional Optional Coverage.*

This bill repeals provisions requiring an insurance producer to provide an applicant for homeowner's insurance with notice that the policy does not cover flood losses. The bill leaves intact the requirement that an insurer provide such notice. The bill also specifies that the statement an insurer must give to an applicant about optional coverage does not give rise to a private cause of action.

Senate Bill 790, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 1106.

Sincerely,

Martin O'Malley
Governor

House Bill 1106

AN ACT concerning

Homeowner's Insurance – Insurance Producers – Notice of Coverage for Flood Loss – Statement of Additional Optional Coverage

FOR the purpose of repealing a requirement for an insurance producer at a certain time and in a certain manner to provide an applicant for homeowner's insurance with a certain notice about homeowner's insurance coverage for losses from flood; repealing certain provisions that deem an insurance producer to be in compliance with the notice requirement under certain circumstances; repealing a requirement for an insurance producer at a certain time and in a certain manner to provide an applicant for homeowner's insurance with a certain statement about additional optional coverage; repealing certain provisions that deem an insurance producer to be in

compliance with the statement requirement under certain circumstances; providing that a certain statement does not create a private right of action; providing for the application of this Act; and generally relating to notices of coverage under homeowner's insurance.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 19–206 and 19–207
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)

May 17, 2007

The Honorable Michael E. Busch
Speaker of the House
State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 1133 - *Delmarva Advisory Council - Repeal*.

This bill repeals the provisions of law establishing Maryland's membership on the Delmarva Advisory Council. It eliminates the representative of the Delmarva Advisory Council from the membership of the Executive Board of the Rural Maryland Council. It also requires the Department of Legislative Services to notify the appropriate officials in Delaware and Virginia of the dissolution of the Delmarva Advisory Council.

Senate Bill 777, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 1133.

Sincerely,

Martin O'Malley
Governor

House Bill 1133

AN ACT concerning

Delmarva Advisory Council – Repeal

FOR the purpose of repealing provisions of law establishing Maryland's membership on the Delmarva Advisory Council; eliminating the representative of the Delmarva Advisory Council from the membership of the Executive Board of the Rural Maryland Council; requiring the Department of Legislative Services to provide certain notice of the enactment of this Act; and generally relating to the Delmarva Advisory Council.

BY repealing
Article 32B – Delmarva Advisory Council
Section 1–101 through 1–111 and the article "Article 32B. Delmarva Advisory Council"
Annotated Code of Maryland
(2003 Replacement Volume and 2006 Supplement)

BY repealing
Article 41 – Governor – Executive and Administrative Departments
Section 15–104(c)(2)(xii)
Annotated Code of Maryland
(2003 Replacement Volume and 2006 Supplement)

BY renumbering
Article 41 – Governor – Executive and Administrative Departments
Section 15–104(c)(2)(xiii) through (xxvii), respectively
to be Section 15–104(c)(2)(xii) through (xxvi), respectively
Annotated Code of Maryland
(2003 Replacement Volume and 2006 Supplement)

May 17, 2007

The Honorable Michael E. Busch
Speaker of the House
State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 1239 - *Prince George's County - Board of Education PG 433-07*.

House Bill 1239 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. House Bill 1239 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 House Bill 1239 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 House Bill 1239.

Sincerely,

Martin O'Malley
Governor

House Bill 1239

AN ACT concerning

Prince George's County – Board of Education ~~– Election of Members~~

PG 433–07

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; 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; ~~requiring the presence of a certain quorum of the County Board in order for the County Board to take any action;~~ 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 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 Michael E. Busch
Speaker of the House
State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 1247 - *Postretirement Health Benefits Trust Fund - Clarification*.

This bill requires the transfer to the Postretirement Health Benefits Trust Fund of all future budgetary allocations for the purpose of reducing the State's accrued liabilities associated with health benefits provided to State retirees. The bill also authorizes the transfer of funds allocated in the fiscal 2007 and 2008 budgets for retiree health liabilities to the trust fund and allows payments from the trust fund in future years to pay the ongoing costs of providing health benefits to State retirees.

Senate Bill 780, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 1247.

Sincerely,

Martin O'Malley
Governor

House Bill 1247

AN ACT concerning

Postretirement Health Benefits Trust Fund – Clarification

FOR the purpose of specifying that certain funds shall be deposited into the Postretirement Health Benefits Trust Fund; limiting the amount to be paid for administrative expenses for operating the Postretirement Health Benefits Trust Fund; altering the time period when payments may be made from the Postretirement Health Benefits Trust Fund; altering the amount and the manner in which certain payments may be made from the Postretirement Health Benefits Trust Fund; repealing certain provisions that require assets of the Postretirement Health Benefits Trust Fund to be transferred to the General Fund under certain circumstances; *authorizing the Board of Trustees of the State Retirement and Pension System to adopt a trust document and regulations;* altering the membership of the Blue Ribbon Commission to Study Retiree Health Care Funding Options; requiring the State Retirement Agency to request certain documentation from the Internal Revenue Service; and generally relating to the Postretirement Health Benefits Trust Fund.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 34–101 and 34–201
Annotated Code of Maryland
(2004 Replacement Volume and 2006 Supplement)

May 17, 2007

The Honorable Michael E. Busch
Speaker of the House
State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 1356 - *Vehicle Laws - Motor Vehicle and Bicycle Racing Events - Approval.*

This bill permits motor vehicle racing on a highway under the jurisdiction of the State Highway Administration or a local authority if the State Highway Administration or local authority approves under specified circumstances. It authorizes the approval of a motor vehicle or bicycle racing event only if the specified conditions are met and terminates the Act at the end of September 30, 2009.

Senate Bill 984, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 1356.

Sincerely,

Martin O'Malley
Governor

House Bill 1356

AN ACT concerning

Vehicle Laws – Motor Vehicle and Bicycle Racing Events – Approval

FOR the purpose of authorizing motor vehicle racing on a highway under the jurisdiction of the State Highway Administration or a local authority if the State Highway Administration or local authority approves the racing event, subject to certain conditions; authorizing the approval of a motor vehicle or bicycle racing event only if the sponsors of the event indemnify the State and local governments against certain loss and provide certain liability insurance,

the county or other local jurisdiction in which the event is held provides written authorization for the event, and the highway on which the event is held is closed in a certain manner; authorizing the State Highway Administration or a local authority to exempt participants in an approved motor vehicle racing event from certain provisions of law; making this Act an emergency measure; providing for the termination of this Act; and generally relating to approval of motor vehicle and bicycle racing events.

BY repealing and reenacting, without amendments,
Article – Transportation
Section 21–1116
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 21–1211
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)

May 17, 2007

The Honorable Michael E. Busch
Speaker of the House
State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 1365 - *Town of Brookview (Dorchester County) - Urban Renewal Authority for Slum Clearance.*

This bill authorizes the Town of Brookview, 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.

Senate Bill 1008, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 1365.

Sincerely,

Martin O'Malley
Governor

House Bill 1365

AN ACT concerning

Town of Brookview (Dorchester County) – Urban Renewal Authority for Slum Clearance

FOR the purpose of authorizing the Town of Brookview, 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 Brookview 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 Brookview in Dorchester County.

BY adding to
Chapter 16 – Charter of the Town of Brookview
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 Michael E. Busch
Speaker of the House
State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 1366 - *Town of Galestown (Dorchester County) - Urban Renewal Authority for Slum Clearance.*

This bill authorizes the Town of Galestown, 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.

Senate Bill 1010, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 1366.

Sincerely,

Martin O'Malley
Governor

House Bill 1366

AN ACT concerning

Town of Galestown (Dorchester County) – Urban Renewal Authority for Slum Clearance

FOR the purpose of authorizing the Town of Galestown, 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 Galestown 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 Galestown in Dorchester County.

BY adding to
Chapter 61 – Charter of the Town of Galestown
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 Michael E. Busch
Speaker of the House
State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 1412 - *State Government - Maryland Veterans Commission - Membership*.

This bill adds a member of the Colonial Chapter of the Paralyzed Veterans of America to the Maryland Veterans Commission.

Senate 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 House Bill 1412.

Sincerely,

Martin O'Malley
Governor

House Bill 1412

AN ACT concerning

State Government – Maryland Veterans Commission – Membership

FOR the purpose of adding a member of the Colonial Chapter of the Paralyzed Veterans of America to the Maryland Veterans Commission; and generally relating to the Maryland Veterans Commission.

BY repealing and reenacting, without amendments,
Article – State Government
Section 9–916
Annotated Code of Maryland
(2004 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–917
Annotated Code of Maryland
(2004 Replacement Volume and 2006 Supplement)

May 17, 2007

The Honorable Michael E. Busch
Speaker of the House
State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 1434 - *Election Law - Presidential Primary Election Date.*

This bill alters the date of the statewide primary election in the year in which the President of the United States is elected from the first Tuesday in March to the second Tuesday in February. The bill also makes miscellaneous technical and clarifying changes to conform to the change in the date for the statewide presidential primary election, including provisions relating to specified deadlines and the certification of specified candidates by the Secretary of State.

Senate Bill 1025, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 1434.

Sincerely,

Martin O'Malley
Governor

House Bill 1434

AN ACT concerning

Election Law – Presidential Primary Election Date

FOR the purpose of altering the date of the statewide primary election in the year in which the President of the United States is elected; <u>making miscellaneous technical and clarifying changes to conform to the change in the date for the</u>

statewide presidential primary election, including provisions relating to deadlines for the filing of a certificate of candidacy, the submission of a delegate selection plan, candidate withdrawal, and petition candidates and including provisions relating to the certification of certain candidates by the Secretary of State; altering the schedule for the filing of certain campaign finance reports in the year of a presidential primary; and generally relating to the statewide presidential primary election.

BY repealing and reenacting, with amendments,
Article – Election Law
Section ~~8–201~~ 5–303(a), 5–502, 8–201, 8–501, 8–502, and 13–309(a)
Annotated Code of Maryland
(2003 Volume and 2006 Supplement)

EXHIBIT C

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)

EXHIBIT D

C L E R K ' S O F F I C E

R E C E I P T

SENT TO GOVERNOR SIGNATURE:_____

LEG DATE: NOVEMBER 19, 2007 CALENDAR DATE: NOVEMBER 19, 2007

TIME: RECEIPT NUMBER: 56

THE FOLLOWING ORIGINAL BILLS HAVE BEEN CHECKED OUT.

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to the

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of the

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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. 9
98, 119 (16, 17, 18, 19, 20, 21, 22, 23), 157 (33)
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. 11
292, 312 (79, 80, 81, 82)
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. 16
248 (63), 252 (66, 67, 68, 69, 70), 290 (74), 412
5 – ***Transportation and State 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. 16
103, 132 (24, 25, 26, 27, 28, 29), 158 (34), 414 (103)

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. 19

7 – ***Maryland Funding Accountability and Transparency Act*** **–** Requiring the Department of Budget and Management to develop and operate a searchable website that includes specified information for State financial assistance and expenditures over $5,000; specifying parameters of the website; authorizing the Secretary of Budget and Management to designate agencies to participate in the development, operation, or support of the website; etc. 21

8 – ***Lead–Containing Products – Prohibition*** **–** Prohibiting the manufacture, sale, offer for sale, importation, or distribution of specified lead–containing children's products or lead–adulterated consumable products; providing that specified provisions of the Act do not apply to specified electronic devices; authorizing an agent of the Department of Health and Mental Hygiene to enter factories, warehouses, and establishments to inspect specified products at any reasonable time; etc. 22

9 – ***Sales and Use Tax – Payment of Tax by Seller*** **–** Repealing a prohibition against a vendor advertising, stating, or otherwise holding out that the vendor will assume or absorb, will not add to the taxable price, or will refund any part of the sales and use tax imposed on a retail sale or use; 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; etc. 23

10 – ***Public School Construction Assistance Act of 2008*** **–** Imposing recordation and transfer taxes on the transfer of controlling interest in an entity that owns interests in real property in Maryland that constitute at least 80% of the value of the entity's assets and have an aggregate value of at least

$1,000,000; requiring specified local recordation tax revenues and specified State transfer tax revenues for fiscal 2009 through 2012 to be dedicated to public school construction and renovation; etc. . 23

11 – ***Sales and Use Tax – Services –*** Altering the definition of "taxable service" under the sales and use tax to impose the tax on specified services; exempting from the tax the sale of a parking facility or service by a political subdivision of the State; etc. 24

12 – ***Construction Industry Employee Misclassification Act –*** Prohibiting construction industry employers from failing to classify an individual as an employee with the intent to evade payment of wages, benefits, taxes, or other contributions as required under specified provisions of State law; requiring a contractor to require a subcontractor's insurance carrier to provide specified evidence of workers' compensation insurance; requiring specified persons engaged in construction to file with the State Comptroller a specified return; etc. 24

13 – ***Alcoholic Beverage Tax – Rates –*** Increasing the State tax rates for alcoholic beverages in Maryland from $1.50 to $3.50 per gallon for distilled spirits, from 40 cents to $1.00 per gallon for wine, and from 9 cents to 25 cents per gallon for beer. 27

14 – ***State Lottery Agency – Tip Jar Games – Exclusive Authority –*** Repealing the authority of Allegany County, Frederick County, Garrett County, and Washington County to regulate games that use tip jars; and specifying that the State Lottery Agency has the exclusive authority to operate games that use tip jars. 27

15 – ***Correctional Services – Parole Fund –*** Establishing the Parole Fund; requiring the Governor to include a specified amount in the State budget each fiscal year for the Fund; requiring the Director of the Division of Parole and Probation to administer the Fund, establish procedures, and make grant awards; requiring a law enforcement agency or Police Athletic League center that applies for money from the Fund to provide specified information; requiring the Director to report to the Governor and the General Assembly annually on or before September 1; etc..... 28

16 – ***Corporate Income Tax Reform –*** Requiring specified corporations to compute Maryland taxable income using a specified method; providing that, except as provided by and subject to regulations of the Comptroller, specified groups of corporations shall file a combined income tax return reflecting the aggregate income tax liability of all of the members of the group for specified tax years; requiring the Comptroller to adopt regulations; applying the Act to taxable years after 2007; etc. 29

17 – ***Solar Energy Tax Credit –*** Establishing a period of eligibility for a credit against the State income tax for costs of equipment that uses solar energy to generate electricity, to heat or cool a structure or provide hot water for use in a structure, or to provide solar process heat; providing for the amount of the credit;

prohibiting the use of the credit if an individual or corporation receives a grant under the Solar Energy Grant Program; applying the Act to tax years beginning after December 31, 2007; etc. 29

18 – ***Sales and Use Tax – Services –*** Altering the definition of "taxable service" under the sales and use tax to impose the tax on a tanning facility or service, tattoo and body piercing, swimming pool or hot tub cleaning, interior decorating, and home moving services. 30

19 – ***Task Force to Study Charitable and Commercial Gaming Activities in Maryland –*** Establishing a Task Force to Study Charitable and Commercial Gaming Activities in Maryland; requiring a report to the Governor and the General Assembly by May 31, 2009; and terminating the Act at the end of June 30, 2009. 30

20 – ***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. 31

21 – ***State Property Tax Exemption – Surviving Spouse of a Law Enforcement Officer or Rescue Worker –*** Providing for an exemption from State property tax under specified circumstances for a dwelling owned by a surviving spouse of a law enforcement officer or rescue worker who died as a result of an injury or disease incurred during the course of employment under specified circumstances; and applying the Act to taxable years beginning after June 30, 2008. 31

22 – ***Video Lottery Terminals – Constitutional Amendment Subject to Voter Approval –*** Adding a new article to the Maryland Constitution to prohibit the General Assembly from statutorily expanding forms of commercial gaming, with exceptions; limiting the number of licenses that the State may issue to operate video lottery terminals; limiting to 3,000 the number of video lottery terminals that a video lottery facility licensee may operate at a specified facility; limiting the number of licenses to operate video lottery terminals to locations at a specified number of regions and counties of the State; etc. 32

23 – ***Chesapeake Bay 2010 Trust Fund –*** Establishing the Maryland Green Fund as a special, continuing, nonlapsing fund beginning on January 1, 2009; providing for the uses of the Fund; establishing a statewide impervious surface fee for specified types of property; providing for the assessment and collection of the fee for deposit into the Fund; providing for the calculation, administration, and distribution of the fee; etc. 32

230, 246 (58)

24 – ***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. 33

25 – ***Video Slot Machines Revenues and Operations –*** Authorizing the operation of video slot machines in the State; renaming the State Lottery Commission to be the State Gaming Commission; authorizing the State Gaming Commission to regulate video slot machine gaming operations under the Act; requiring the State Gaming Commission to award no more than a specified number of video slot machine operation licenses on the basis of a competitive bidding process; etc. 38

26 – ***Maryland Gaming Act of 2008 –*** Renaming the State Lottery Commission to be the Maryland Gaming and Lottery Administration; requiring the Administration to regulate the operation of casino games; authorizing the Administration to issue licenses for one casino and not more than three racinos; authorizing the Administration to authorize not more than 5,000 video lottery terminals for the resort casino and not more than 3,500 video lottery terminals for each racino; etc. 40

27 – ***Budget – Mandated Appropriations – Review –*** Requiring an itemized statement of mandated appropriations to be included in the budget books; requiring a summary statement of mandated appropriations to be included in the budget books; providing that the fiscal notes and synopses for bills that require mandated appropriations shall include specified statements; providing that bills that require mandated appropriations shall include specified reporting and termination provisions; etc. 41

28 – ***Election Law – Campaign Contributions by Persons Authorized by the State to Engage in Gaming Activity – Prohibition –*** Prohibiting specified persons engaged in, or who are affiliated with specified persons engaged in, gaming activity from making contributions to specified persons; making the Act inapplicable to specified persons; etc. 42

29 – ***Individual Income Tax – Rate and Personal Exemptions –*** Increasing from 4.75% to 5% the top marginal rate under the State individual income tax; reducing from $2,400 to $1,200 the amount allowed as a deduction for specified personal exemptions under the Maryland income tax for individuals with federal adjusted gross income exceeding $100,000 but not exceeding $200,000; disallowing deductions for specified personal exemptions for individuals with federal adjusted gross income in excess of $200,000; applying the Act to tax years after 2007; etc.... 43

30 – ***Education – Maryland Education Fund – Establishment and Funding –*** Establishing the Maryland Education Fund;

providing that after a specified date, the balance remaining on a gift certificate shall be presumed abandoned; requiring a person that sells or issues a gift certificate in the State to remit to the Comptroller the remaining balance on gift certificates on or before a specified date each year; etc. 43

31 – ***Government Efficiency and Streamlining Operations –*** Requiring specified persons to use eMaryland Marketplace to advertise for and conduct specified procurements and to publish notice of an award of specified contracts; requiring the Department of General Services and the Department of Budget and Management to study and report to the General Assembly on specified matters on or before specified dates; defining specified terms; and making the Act an emergency measure. 44

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32 – ***Alcoholic Beverage Tax – Rates –*** Increasing the State tax rate for alcoholic beverages from $1.50 to $5.25 per gallon for distilled spirits, from 40 cents to $1.40 per gallon for wine, and from 9 cents to 31.5 cents per gallon for beer. 45

33 – ***Casino Act of 2008 –*** Adding a new article to the Maryland Constitution to authorize the General Assembly on or after a specified date to allow expanded or additional locations for casino–style gaming; specifying forms of authorized casino–style gaming; and submitting the amendment to the qualified voters of the State of Maryland for their adoption or rejection. 45

34 – ***Maryland–Mined Coal Credit – Repeal –*** Repealing specified tax credits allowed against the public service company franchise tax and the income tax for the purchase of Maryland–mined coal; and applying the Act to tax years after 2007. 46

35 – ***Casino Gaming – Conditions and Restrictions –*** Requiring that if legislation is enacted authorizing for–profit casino gaming in the State, the State entity designated to license and regulate the casino gaming shall require that the casino gaming be conducted in not more than three casinos, that successful applicants for casino licenses engage in specified agreements and meet specified standards, and that casino employees be paid at least the State's living wage. 46

36 – ***Taxpayers' Bill of Rights –*** Proposing an amendment to the Maryland Constitution that establishes a Bill of Rights for individual income taxpayers; requiring voter approval for new State or local taxes, tax rate increases, and repeal of tax exemptions; imposing specified spending limits on the State; requiring that specified revenues received in excess of specified estimates be paid to individual income taxpayers; and submitting the amendment to the qualified voters of the State of Maryland for their adoption or rejection. 47

37 – ***Transportation – Intercounty Connector – Elimination of Funding –*** Requiring the Governor to include a specified

appropriation to the Transportation Trust Fund under specified circumstances; prohibiting the Maryland Department of Transportation and the Maryland Transportation Authority from financing the Intercounty Connector; requiring the Authority to retire specified bonds secured by a pledge of future federal aid in a specified manner; making the Act an emergency measure; etc..... 47

38 – ***Prince George's County Hospital Authority* –** Establishing the Prince George's County Hospital Authority; providing for the mission of the Authority; providing that the Authority is an instrumentality of the State and a public corporation; providing that the exercise by the Authority of specified powers is the performance of an essential public function; requiring the Authority to be subject to the State Open Meetings Law; exempting the Authority from specified provisions of State law; etc. 48

39 – ***Sales and Use Tax – Snack Tax* –** Providing that a specified exemption under the sales and use tax for specified sales of food does not apply to specified snack food; repealing an exemption under the sales and use tax for specified snack food sold through vending machines; etc..... 50

40 – ***Sales and Use Tax – Exemption – Clothing* –** Exempting from the sales and use tax the sale of clothing. 50

41 – ***Gaming – Video Lottery Terminals and Slot Machines* –** Requiring the State Lottery Commission to regulate the operation of up to 15,500 video lottery terminals; requiring specified video lottery operation licensees to maintain specified numbers of live racing days; providing that the license of specified video lottery operation licensees may be revoked if the Preakness Stakes Race is transferred out of the State; establishing a Purse Dedication Account, an Education Trust Fund, specified local development councils, and a Compulsive Gambling Fund; etc..... 50

42 – ***Recordation Tax – Distribution to Municipal Corporations* –** Requiring a county to distribute to a municipal corporation 50% of any recordation tax attributable to an instrument of writing for property located in the municipal corporation. 56

43 – ***Budget – Mandatory Funding and Calculations – Modifications* –** Altering specified provisions relating to State aid to specified local governments; altering the calculation of specified State funding for specified nonpublic institutions of higher education; altering a requirement that a specified amount of State funds be provided to a specified public library capital projects program; altering a requirement that the Maryland Stadium Authority contribute a specified percentage to a specified operating deficit; etc. 56

44 – ***Individual Income Tax – Rates* –** Altering rates and rate brackets under the Maryland income tax on individuals; repealing a Maryland income tax subtraction modification for specified

income of spouses filing joint returns; altering the calculation of the rate of specified taxes and withholding required under specified circumstances; applying the Act to tax years after 2007; etc. 57

45 – ***Public School Construction – Funding – Video Lottery Terminals –*** Requiring the State Lottery Commission to regulate the operation of specified video lottery terminals at specified horse racetracks in the State; requiring the Governor to appoint a member of the State Racing Commission as a liaison to the State Lottery Commission; altering the membership of the State Lottery Commission; specifying 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; etc. 58

46 – ***Vehicle Laws – Motorcycles – Definition –*** Altering the definition of "motorcycle" under the Maryland Vehicle Law; and making the Act an emergency measure. 62

47 – ***Video Lottery Terminals – Gaming Card –*** Specifying that, if legislation is enacted providing for the operation and licensing of video lottery facilities, the State entity designated to license and regulate video lottery facilities shall require that each video lottery terminal be operated only by the insertion of a video lottery gaming card; requiring an individual who seeks to obtain a video lottery gaming card to provide the operator of the video lottery facility with specified proof of identification; etc. 62

48 – ***State Lottery and Video Terminals – Credit Cards – Prohibited –*** Prohibiting a person or governmental unit from accepting payment by credit card for a State lottery ticket or share; and specifying that, if legislation is enacted providing for the operation and licensing of video lottery facilities, the State entity designated to license and regulate the operation of video lottery facilities shall prohibit an operator of a video lottery facility from accepting a payment by credit card for any purpose from a player of a video lottery terminal. 63

49 – ***Education – Geographic Cost of Education Index – Funding –*** Requiring the State to provide grants to specified county boards of education to reflect regional differences in the cost of education that are due to factors outside the control of local jurisdictions; providing for the manner of calculation and distribution of the grants beginning in fiscal year 2009; requiring the State Department of Education to update the geographic cost of education index at specified times; etc. 63

50 – ***State Retirement and Pension System – Employer Contributions – Educators and Educational Staff –*** Providing for the calculation of a specified percentage of employer contributions for members of the Teachers' Retirement System, Teachers' Pension System, or Optional Retirement Program;

requiring counties to pay a specified amount of employer contributions for members of the Teachers' Retirement System, Teachers' Pension System, or Optional Retirement Program; requiring the State to pay a specified portion of specified employer contributions for members of the Teachers' Retirement System or Teachers' Pension System; etc. 64

51 – ***Sales and Use Tax – Short–Term Vehicle Rentals – Tax Rate –*** Increasing the sales and use tax rate for short–term vehicle rentals, from 11.5% to 15% for passenger cars and multipurpose vehicles, and from 8% to 10% for other specified vehicles. 67

52 – ***Sales and Use Tax Rate – Room Rentals –*** Increasing the sales and use tax rate for the sale of a right to occupy a room or lodgings as a transient guest from 5% to 10% of the taxable price; etc. 68

53 – ***Sales and Use Tax – Rates –*** Increasing the rate of the sales and use tax from 5% to 7%; making the Act subject to a specified contingency; etc..... 68

54 – ***Commission to Study Maryland's Tax Structure –*** Establishing the Commission to Study Maryland's Tax Structure to review and evaluate the State's current tax structure and make specified recommendations; providing for the membership and staffing of the Commission; prohibiting members of the Commission from receiving compensation but authorizing the reimbursement of specified expenses; requiring a report by December 31, 2008; providing for the termination of the Act; etc... 68

55 – ***Business Organization Filing Fees – Income Tax Credit –*** Increasing from $300 to $1,000 the filing fee for annual reports filed by specified corporations; providing a credit against the State income tax for specified amounts of the filing fee paid for filing annual reports under specified circumstances; allowing unused credit to be carried forward under specified circumstances; applying the Act to fees paid for annual reports filed after December 31, 2007, and taxable years beginning after December 31, 2007; etc. 69

56 – ***Corporate Income Tax Rate – Mass Transit Funding –*** Creating a Mass Transit Account within the Transportation Trust Fund; providing for the distribution of specified corporate income tax revenue to the Account; increasing from 7% to 8% the corporate income tax rate; pledging specified taxes collected to pay the principal and interest on specified bonds; limiting the use of the Account to funding specified transit capital and operating expenses; etc. 70

57 – ***Vehicle Laws – Improper Use of HOV Lanes – Penalties –*** Establishing a minimum fine of $180 for improper use of a high occupancy vehicle lane in violation of a specified provision..... 72

58 – ***Vehicle Laws – Required Security – Termination or Lapse – Penalties –*** Altering the penalties the Motor Vehicle

Administration may assess if the required security for a vehicle terminates or otherwise lapses during the vehicle's registration year; altering the allocation of the penalties; etc. 73

59 – ***Transportation Trust Fund – Dedicated Highway Funds –*** Providing that specified money deposited into the Transportation Trust Fund may be used only for specified purposes; repealing provisions relating to the transfer of specified funds from the Transportation Trust Fund to a special fund; and repealing obsolete provisions of law. 73

60 – ***Operating Budget – Forecasted Deficit – Spending Limits –*** Proposing an amendment to the Maryland Constitution that imposes specified limits on General Fund appropriations in the State Budget when there is a forecasted deficit; and submitting this amendment to the qualified voters of the State of Maryland for their adoption or rejection..... 75

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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; requiring specified licensees to pay a minimum wage to specified employees; etc. 86

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Budget Reconciliation Act – See HB 1
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Gaming – Video Lottery Terminals and Slot Machines – See HB 41
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Toxic Substances –see– Hazardous and Toxic Substances
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See also Vetoed House Bills HB 1356
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See also Aircraft; Boats and Ships; Mass Transit; Motor Vehicles; Railroads; Trucks; Vetoed House Bills HB 136, HB 222
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Public School Construction – Funding – Video Lottery Terminals – See HB 45
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Transportation and State Investment Act – See HB 5
Transportation Trust Fund – Dedicated Highway Funds – See HB 59
Transportation, Department of —
Budget Reconciliation Act – See HB 1; SB 1
Gaming – Video Lottery Terminals and Slot Machines – See HB 41
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Maryland Education Trust Fund – Video Lottery Terminals – See HB 3; SB 3
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Gaming – Video Lottery Terminals and Slot Machines – See HB 41
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See also Vetoed House Bills HB 252
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See Vetoed House Bills HB 1365, HB 1366
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Budget Reconciliation Act – See HB 1; SB 1
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Sales and Use Tax – Snack Tax – See HB 39
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See Vetoed House Bills HB 1412

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28 – ***Procurement – Small Business Reserve Program – Sunset Extension –*** Continuing until September 30, 2010, the provisions of the State Procurement Law relating to the Small Business Reserve Program..... 6 (2)

45 – ***Calvert County Board of Education – Compensation –*** Altering the annual compensation received by the president of the Calvert County Board of Education from $5,000 to $6,500 and by other members of the Board from $4,000 to $5,500 beginning in the next following term of office; etc. 6 (2)

53 – ***Residential Child Care Programs – Out–of–Home Placement – Standards for Staff and System for Outcomes Evaluation –*** Requiring the Department of Juvenile Services, the Department of Human Resources, the Department of Health and Mental Hygiene, and the Governor's Office for Children to adopt regulations to require staff members of residential child care programs to meet specified qualifications; requiring the Department of Juvenile Services, the Department of Human Resources, and the Governor's Office for Children to develop, coordinate, and implement a system of outcomes evaluation; etc... 6 (2)

61 – ***Mid–Shore Regional Council – Membership –*** Providing that the governing bodies of Caroline, Dorchester, and Talbot counties shall appoint two voting members each to the Mid–Shore Regional Council; and authorizing the bylaws of the Mid–Shore Regional Council to provide for additional public membership on the Council. 6 (2)

63 – ***Dorchester County – Alcoholic Beverages – Special Class C Licensees – Distribution of Wristbands –*** Requiring in Dorchester County a holder of a specified special Class C license to distribute, at the event for which the license is issued, a wristband to each individual who is at least 21 years old; and prohibiting a holder of a specified special Class C license from serving an alcoholic beverage to any individual who does not wear the wristband. 6 (2)

72 – ***Environment – Groundwater Contamination – Notification and Reimbursement of Costs –*** Altering procedures for the notification of property owners of groundwater contamination findings by the Department of the Environment and the local health department; and altering the requirements for reimbursement by responsible persons. 6 (2)

79 – ***Wicomico County – Board of License Commissioners – Attorney's Salary –*** Increasing the annual salary of the attorney for the Board of License Commissioners of Wicomico County to $10,000. ..... 6 (2)

102 – ***Natural Resources – Open Air Burning Limitations – Application –*** Establishing that the prohibition against open air burning during a declared burning ban does not apply to a

burning conducted under the direct control and supervision of qualified fire instructors..... 6 (2)

112 – ***Wicomico County – Liquor Control Board – Salaries –*** Increasing the annual salaries of the chairman and members of the Wicomico County Liquor Control Board to $6,000 and $5,000, respectively; and providing that the Act does not apply to the salary or compensation of the incumbent chairman or members of the Board..... 6 (2)

128 – ***Maryland Consolidated Capital Bond Loan of 2005 – Montgomery County – Odd Fellows Hall –*** Amending the Maryland Consolidated Capital Bond Loan of 2005 to extend the deadline by which the Board of Trustees of the Grand United Order of Odd Fellows Sandy Spring Lodge # 6430, Inc. may present evidence to the Board of Public Works that a matching fund will be provided; etc..... 6 (2)

135 – ***Maryland Life Sciences Advisory Board –*** Establishing the Maryland Life Sciences Advisory Board in the Department of Business and Economic Development; providing for the membership, terms, chair, and duties of the Advisory Board; requiring specified reports; etc..... 6 (2)

136 – ***Base Realignment and Closure Subcabinet –*** Establishing the Base Realignment and Closure Subcabinet in State government; providing for the membership, chair, and staffing of the Subcabinet; providing for the duties and responsibilities of the Subcabinet; etc..... 6 (2)

140 – ***Statewide Advisory Commission on Immunizations – Duties and Sunset Extension –*** Expanding the duties of the Statewide Advisory Commission on Immunizations; including a representative from a health insurance carrier on the Commission; extending the termination date of the Commission; requiring the Commission to make specified recommendations in a specified annual report; etc. 6 (2)

145 – ***Somerset County – Treasurer – Salary –*** Altering the salary of the Treasurer of Somerset County; and providing that the Act does not apply to the salary or compensation of the incumbent Treasurer of Somerset County. 6 (2)

161 – ***Governor's Appointments Office and Appointing Authorities – Duties –*** Prohibiting the Governor's Appointments Office from directing or overruling specified decisions of specified appointing authorities in the Executive Branch of State government, the Secretary of the Department of Budget and Management, or a unit of the Department of Budget and Management; etc..... 6 (2)

165 – ***Baltimore City – Local Government Tort Claims Act – Baltimore Public Markets Corporation and Lexington Market, Inc. –*** Providing that the Baltimore Public Markets Corporation, in Baltimore City, meets the definition of "local

government" for the purposes of the Local Government Tort Claims Act; providing that the Baltimore Public Markets Corporation and its employees may not raise as a defense a specified limitation on liability; providing that a specified notice requirement does not apply to a specified action for unliquidated damages; etc. 6 (2)

172 – ***Real Property – Ground Rents – Prohibition on Creation of Reversionary Interests in Residential Property –*** Prohibiting, on or after January 22, 2007, the owner of a fee simple or leasehold estate in specified residential property from creating a reversionary interest in the property under a ground lease or a ground sublease under specified circumstances; providing for the application of the Act; and making the Act an emergency measure. 6 (2)

191 – ***Cecil County – Board of Parks and Recreation – Appointment of Members –*** Altering the manner of appointment of the members of the Board of Parks and Recreation for Cecil County. 6 (2)

197 – ***Somerset County – Sale of Property – Whittington Elementary School –*** Authorizing the County Commissioners of Somerset County to sell specified property known as Whittington Elementary School to Shore Up Inc., under terms the County Commissioners consider appropriate; and exempting the sale of the property from specified general requirements for the sale of surplus property..... 6 (2)

222 – ***Garrett County – Local Government Tort Claims Act – Inclusion of Specified Nonprofit Entity –*** Altering the definition of a "local government" under the Local Government Tort Claims Act to include a specified nonprofit corporation in Garrett County; and providing that a specified notice requirement does not apply to specified actions against a specified nonprofit corporation in Garrett County or its employees. 6 (2)

252 – ***Frederick County – Collective Bargaining – Representatives for Correctional Officers –*** Authorizing the representatives of specified full–time correctional officers in the Frederick County Sheriff's Office to collectively bargain with the Sheriff of Frederick County concerning wages and benefits; requiring that any additional funding required as a result of a negotiated agreement be subject to the approval of the County Commissioners of Frederick County; etc. 6 (2)

275 – ***Education – Teachers – State and Local Aid Program for Certification by the National Board for Professional Teaching Standards –*** Including the renewal of certification by the National Board for Professional Teaching Standards as part of the State and Local Aid Program for Certification by the National Board for Professional Teaching Standards; increasing the maximum number of teachers who may be selected to participate

in the Program from 750 to be 1,000; authorizing the State Board of Education to provide aid under the Program for up to one retake of an unsuccessful entry on the National Board for Professional Teaching Standards assessment; etc. 6 (2)

282 – ***State Board of Physicians – Sunset Extension and Program Evaluation –*** Authorizing specified regulatory boards to investigate claims; continuing the State Board of Physicians in accordance with the provisions of the Maryland Program Evaluation Act (Sunset Law) by extending to July 1, 2013 the termination provisions relating to the statutory and regulatory authority of the Board; requiring that an evaluation of the Board and the statutes and regulations that relate to it be performed on or before July 1, 2012; repealing a provision of law requiring the Board to elect a secretary–treasurer; etc. 6 (2)

284 – ***Maryland Consolidated Capital Bond Loan of 2005 – Montgomery County – Pyramid Atlantic –*** Amending the Maryland Consolidated Capital Bond Loan of 2005 to extend the deadline by which the Board of Directors of Pyramid Atlantic, Inc. may present evidence to the Board of Public Works that a matching fund will be provided. 6 (2)

297 – ***Harford County – Alcoholic Beverages Licensees – Age of Employees –*** Prohibiting an alcoholic beverages licensee in Harford County from employing a person under the age of 21 years to act as a bartender or to serve alcoholic beverages at a permanent full–service bar; providing an exception to the prohibition; authorizing a licensee to employ a person at least 18 years old to serve alcoholic beverages while acting as a waiter or waitress; and authorizing a licensee to employ a person at least 16 years old to act as a bartender's assistant. 6 (2)

302 – ***Jury Selection and Service –*** Altering provisions of law relating to jury selection and service, including provisions relating to limits on frequency of service, the contents of the juror qualification form, and postponement and other rescheduling of jury service. 6 (2)

305 – ***Task Force to Study the Boating Industry in Maryland –*** Establishing a Task Force to Study the Boating Industry in Maryland; establishing the membership and staffing of the Task Force; requiring the President of the Senate and the Speaker of the House to designate the chair of the Task Force; requiring the Task Force to evaluate and make recommendations regarding specified issues; requiring the Task Force to submit a preliminary report and a final report to the Governor and General Assembly and its committees regarding its recommendations by specified dates; etc. 6 (2)

337 – ***Criminal Procedure – Pretrial Release – Posting of Bond Without Appearance of Defendant –*** Allowing a defendant to post bond by means of electronic transmission or hand delivery of

documentation without appearing before the commissioner or judge under specified circumstances if authorized by the County Administrative Judge or the Chief Judge of the District Court. 6 (2)

351 – ***City of Annapolis – Housing Authority – Approval of Commissioners by City Council –*** Requiring that the Commissioners of the Housing Authority of the City of Annapolis who are appointed by the Mayor of Annapolis be approved by the Annapolis City Council. 6 (2)

425 – ***Civil Actions – Liability of Insurer – Failure to Act in Good Faith –*** Authorizing the recovery of actual damages, expenses, litigation costs, and interest in first–party claims against property and casualty insurers under specified circumstances; providing that the interest is to be computed at a specified rate and from a specified date; requiring a clerk of a court to file a copy of specified verdicts and other dispositions with the Maryland Insurance Administration; etc. 6 (2)

442 – ***Potomac River Fisheries Commission – Commissioner Compensation –*** Authorizing the members of the Potomac River Fisheries Commission to receive up to $250 in compensation for each day or portion of a day spent in the performance of their duties; providing that the members of the Potomac River Fisheries Commission may not receive more than $1,500 in compensation in any year; providing that the Act does not apply to the compensation of the incumbent members of the Potomac River Fisheries Commission from Maryland; and making the Act subject to a specified contingency. 6 (2)

463 – ***Ground Rents – Remedies for Nonpayment of Ground Rent –*** Applying provisions of law authorizing a landlord under a ground lease to bring an action for ejectment for nonpayment of ground rent to specified property; repealing provisions of law entitling the holder of a ground rent to reimbursement for expenses incurred in collecting past due ground rent and filing an action for ejectment; providing that the establishment of a lien is the remedy for nonpayment of a ground rent on specified residential property; establishing procedures for imposing and releasing a lien; etc. 6 (2)

564 – ***Dorchester and Talbot Counties – Unattended Marine Vessel Motor Fuel Retail Service Stations at Marinas – Pilot Program –*** Requiring the State Fire Prevention Commission to establish a pilot program to allow the continuous operation of unattended marine vessel motor fuel retail service stations at marinas in Dorchester and Talbot Counties; requiring the operation of marina service stations under the pilot program to be consistent with specified provisions of law or regulations; stating the intent of the General Assembly; requiring the Commission to report to the General Assembly; etc. 6 (2)

610 – ***State Department of Education and Department of Health and Mental Hygiene – Student Surveys – Workgroup –***

Requiring the State Department of Education and the Department of Health and Mental Hygiene jointly to establish a specified Workgroup; providing for the composition, meeting requirements, purposes, and duties of the Workgroup; authorizing the Workgroup to consult with specified groups or individuals; requiring the Workgroup to submit a report on or before a specified date; and providing for the termination of the Act. 6 (2)

629 – ***Prince George's County – Task Force on the Establishment of Vocational and Technical Education High School Academies PG 423–07 –*** Establishing a Task Force on the Establishment of Vocational and Technical Education High School Academies in Prince George's County; requiring the Task Force to examine the needs of specified students and explore possible changes in curriculum and instruction that might better meet the needs of those students, including vocational and technical education high school academies; requiring the Task Force to submit a report to specified officials regarding its recommendations by July 1, 2008; etc. 6 (2)

634 – ***Insurance – Binders or Policies – Personal Insurance –*** Providing that specified provisions of law regarding binders or policies are applicable to personal insurance; altering notice requirements for cancellation of a specified binder or policy for nonpayment of premium; defining "personal insurance"; etc. 6 (2)

651 – ***Cecil County – Alcoholic Beverages – Board of License Commissioners – Summonses and Subpoenas –*** Authorizing inspectors employed by the Board of License Commissioners of Cecil County to serve summonses for witnesses; and authorizing the Board to subpoena records or papers pertaining to a licensed business or establishment. 6 (2)

677 – ***Harford County – Nuisance Abatement and Local Code Enforcement – Enforcement Authority –*** Authorizing the State's Attorney for Harford County to bring specified actions in the District Court for relief from specified nuisances within Harford County; requiring specified notices to the county code enforcement agency and to specified tenants and property owners before a nuisance abatement action may be brought; etc. 6 (2)

697 – ***Prince George's County School Facilities Surcharge – Exemption PG 410–07 –*** Altering an exemption from the school facilities surcharge in Prince George's County for specified multi–family housing designated as student housing in specified areas.. 6 (2)

769 – ***Disease Prevention – Sexually Transmitted Diseases – Expedited Partner Therapy Pilot Program –*** Establishing the Expedited Partner Therapy Pilot Program in the Baltimore City Health Department; providing for the purpose of the Program; authorizing specified health care providers to dispense or otherwise provide antibiotic therapy to the sexual partners of patients diagnosed with specified sexually transmitted diseases

without making a physical assessment of the patient's partner; etc. 6 (2)

770 – ***Maryland Transit Administration – Continuation of Passenger Railroad Service on Amtrak and CSX Lines –*** Requiring the Maryland Transit Administration to continue to operate passenger railroad service on specified railroad lines at levels equivalent to the levels established as of specified dates; prohibiting the Administration from closing a station before a specified date, subject to an exception; requiring the Administration to hold a public hearing under specified circumstances and to give notice of the hearing; prohibiting the Administration from taking specified actions if inadequate notice is given; etc. 6 (2)

789 – ***Banking Institutions – Deceptive Use of Names, Trade Names, Trademarks, Service Marks, Logos, or Taglines – Penalties –*** Clarifying the entities that may use a name, title, or other words that represent that the person is authorized to do the business of banking in the State; providing that, except with the consent of the bank, a person may not use the name of a bank or any term or design that is similar to the name in specified material; defining "name"; providing for an exception; providing for a penalty for a violation of the Act; etc. 6 (2)

791 – ***Queen Anne's County – State's Attorney – Salary –*** Altering the salary of the State's Attorney for Queen Anne's County; authorizing the State's Attorney to appoint one or more deputy State's Attorneys; specifying duties of the State's Attorney, a deputy State's Attorney, and an assistant State's Attorney; and establishing that the State's Attorney is entitled to specified expenses for specified purposes. 7 (2)

879 – ***Forensic Laboratories – Standards and Oversight –*** Requiring the Secretary of Health and Mental Hygiene to adopt regulations that set standards and requirements for forensic laboratories; requiring a laboratory that examines or analyzes forensic specimens to demonstrate satisfactory performance in a specified proficiency testing program; requiring the Department of Health and Mental Hygiene to review proficiency tests and proficiency testing programs; etc. 7 (2)

988 – ***State Board of Dental Examiners – Program Evaluation and Licensee Protection –*** Prohibiting health occupation boards from taking or refusing to take specified action as reprisal against specified licensees or certificate holders under specified circumstances; establishing that specified protection only applies if a licensee or certificate holder has a specified reasonable, good faith belief; requiring that a list of names be compiled by specified academies, associations, organizations, or societies; etc. 7 (2)

990 – ***Frederick County – Employees' Pension System – Alternate Contributory Pension Selection –*** Allowing the employees of

Frederick County who are members of the Employees' Pension System to become subject to the Alternate Contributory Pension Selection that alters the benefits those members receive and requires a specified member contribution; authorizing the purchase of service credit under specified circumstances; requiring Frederick County to pay for additional pension liabilities according to an amortization schedule approved by the Board of Trustees for the State Retirement and Pension System; etc. 7 (2)

991 – ***Baltimore City – Hotel Room Tax – Convention Center Promotion –*** Extending through the fiscal year beginning July 1, 2011, provisions requiring that 40% of the proceeds from a hotel room tax imposed by Baltimore City be appropriated specifically for Convention Center marketing and tourism promotion; requiring that the required appropriation be made to the Baltimore Area Convention and Visitors Association; repealing obsolete language; etc. 7 (2)

992 – ***Criminal Procedure – Drug–Related Offenses – Parole Eligibility for Second Offenders –*** Altering a specified provision concerning eligibility for parole by providing that a person convicted of a specified drug–related offense is not eligible for parole during a specified mandatory minimum sentence if the person has been convicted of a violation of a specified crime of violence arising out of the incident that resulted in the imposition of the mandatory minimum sentence. 7 (2)

1091 – ***Frederick County Board of Elections – Salary Increase –*** Increasing to $5,500 the salary of the president of the Frederick County Board of Elections; increasing to $5,000 the salary of the other members of the Frederick County Board of Elections; increasing to $4,500 the salary of the substitute member of the Frederick County Board of Elections; and providing that the Act does not apply to the salary or compensation of the incumbent president, other members, or substitute member of the Frederick County Board of Elections. 7 (2)

1093 – ***Charles County – Boys and Girls Clubs of Southern Maryland Loan of 2001 –*** Providing that the proceeds of the Charles County – Boys and Girls Clubs of Southern Maryland Loan of 2001 must be encumbered by the Board of Public Works or expended for the purposes provided in the Act by June 1, 2009. 7 (2)

1106 – ***Homeowner's Insurance – Insurance Producers – Notice of Coverage for Flood Loss – Statement of Additional Optional Coverage –*** Repealing a requirement for an insurance producer at a specified time and in a specified manner to provide an applicant for homeowner's insurance with a specified notice about homeowner's insurance coverage for losses from flood; repealing provisions that deem an insurance producer to be in compliance with the notice requirement under specified circumstances; etc..... 7 (2)

1133 – ***Delmarva Advisory Council – Repeal –*** Repealing provisions of law establishing Maryland's membership on the Delmarva Advisory Council; eliminating the representative of the Delmarva Advisory Council from the membership of the Executive Board of the Rural Maryland Council; and requiring the Department of Legislative Services to provide specified notice of the enactment of the Act. 7 (2)

1239 – ***Prince George's County – Board of Education PG 433–07 –*** Repealing specified 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; providing for the initial terms of the elected members of the County Board; etc. 7 (2)

1247 – ***Postretirement Health Benefits Trust Fund – Clarification –*** Specifying that specified funds shall be deposited into the Postretirement Health Benefits Trust Fund; limiting the amount to be paid for administrative expenses for the Postretirement Health Benefits Trust Fund; altering the time period when payments may be made from the Postretirement Health Benefits Trust Fund; altering the amount and the manner in which specified payments may be made from the Postretirement Health Benefits Trust Fund; requiring the State Retirement Agency to request specified documentation; etc. 7 (2)

1356 – ***Vehicle Laws – Motor Vehicle and Bicycle Racing Events – Approval –*** Permitting motor vehicle racing on a highway under the jurisdiction of the State Highway Administration or a local authority if the State Highway Administration or local authority approves under specified circumstances; authorizing the approval of a motor vehicle or bicycle racing event only if the specified conditions are met; terminating the Act at the end of September 30, 2009; etc. 7 (2)

1365 – ***Town of Brookview (Dorchester County) – Urban Renewal Authority for Slum Clearance –*** Authorizing the Town of Brookview, 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. .. 7 (2)

1366 – ***Town of Galestown (Dorchester County) – Urban Renewal Authority for Slum Clearance –*** Authorizing the Town of Galestown, 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. .. 7 (2)

1412 – ***State Government – Maryland Veterans Commission – Membership –*** Adding a member of the Colonial Chapter of the Paralyzed Veterans of America to the Maryland Veterans Commission. 7 (2)

1434 – ***Election Law – Presidential Primary Election Date –*** Altering the date of the statewide primary election in the year in which the President of the United States is elected from the first Tuesday in March to the second Tuesday in February; making miscellaneous technical and clarifying changes to conform to the change in the date for the statewide presidential primary election, including provisions relating to specified deadlines and including provisions relating to the certification of specified candidates by the Secretary of State; etc. 7 (2)

Vetoed Senate Bills –

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"..... 95
188, 228 (52)

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See Vetoed House Bills HB 879

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See also Vetoed House Bills HB 337

Tax Reform and Transportation Investment Act of 2007 – See SB 2

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Budget Reconciliation Act – See HB 1; SB 1

State Lottery Agency – Tip Jar Games – Exclusive Authority – See HB 14

Washington Transit Districts –see– Mass Transit

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See also Vetoed House Bills HB 72, HB 1106

Budget Reconciliation Act – See HB 1

Chesapeake Bay 2010 Trust Fund – See HB 23

Water Pollution –see– Pollution
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Tax Reform and Transportation Investment Act of 2007 – See SB 2
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See Vetoed House Bills HB 992; Vetoed Senate Bills SB 497
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Sales and Use Tax – Services – See HB 11
Wells —
See Vetoed House Bills HB 72
Wetlands —
Chesapeake Bay 2010 Trust Fund – See HB 23
Wicomico County —
See Vetoed House Bills HB 79, HB 102, HB 112
Wills –see– Estates and Trusts
Wine –see– Alcoholic Beverages
Women —
Maryland Education Trust Fund – Video Lottery Terminals – See HB 3; SB 3
Worcester County —
See also Vetoed House Bills HB 102
Maryland Education Trust Fund – Video Lottery Terminals – See HB 3; SB 3
Video Lottery Terminals – Authorization and Limitations – See HB 4; SB 4
Work, Labor and Employment —
See also Collective Bargaining; Job Training; Salaries; Unemployment; Unions; Vetoed House Bills HB 53, HB 161, HB 252, HB 282, HB 297, HB 879
Budget Reconciliation Act – See HB 1; SB 1
Casino Gaming – Conditions and Restrictions – See HB 35
Construction Industry Employee Misclassification Act – See HB 12
Gaming – Video Lottery Terminals and Slot Machines – See HB 41
Maryland Education Trust Fund – Video Lottery Terminals – See HB 3; SB 3
Public School Construction – Funding – Video Lottery Terminals – See HB 45
Working Families and Small Business Health Coverage Act – See HB 6; SB 6
Workers' Compensation —
Construction Industry Employee Misclassification Act – See HB 12

Y

Youth —
See also Minors
See Vetoed House Bills HB 610, HB 1093

Z

Zoning and Planning —
Video Lottery Terminals – Authorization and Limitations – See HB 4
Video Slot Machines Revenues and Operations – See HB 25