

(2) MAY NOT IMPOSE A SANCTION UNDER THE STATE SUBSTANCE ABUSE POLICY AGAINST AN INDIVIDUAL WHO IS NOT IN A SENSITIVE CLASS OR POSITION FOR A CONVICTION FOR AN OFFENSE THAT OCCURRED OUTSIDE THE COURSE AND SCOPE OF THE INDIVIDUAL'S STATE EMPLOYMENT.

(C) AN APPOINTING AUTHORITY MAY IMPOSE ANY SANCTION UNDER THE STATE ABUSE POLICY AGAINST AN INDIVIDUAL WHO IS NOT IN A SENSITIVE CLASS OR POSITION FOR A CONVICTION FOR AN OFFENSE THAT OCCURRED DURING THE COURSE AND SCOPE OF EMPLOYMENT.

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1994.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health and safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

May 26, 1994

The Honorable Casper R. Taylor, Jr.
Speaker of the House of Delegates
State House
Annapolis, Maryland 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, I have today vetoed House Bill 462.

House Bill 462 would prohibit the Maryland State Lottery Agency from opposing a lottery prize winner's claim for a court order seeking an assignment of a lottery prize, unless the Agency has "good cause" to assert opposition. The effect of this prohibition would be to allow lottery prize winners to assign their "Lotto" annuity to a third party, typically a finance company, in exchange for a discounted lump sum payment, which would represent what is determined by the assignee to be the present value of the annuity. The bill further would direct the Lottery Agency to seek a ruling from the Internal Revenue Service (IRS) as to whether the provisions of House Bill 462 would invoke the doctrine of "constructive receipt." The Agency would be required to prepare a report to the Legislative Policy Committee concerning the feasibility of establishing a "player's choice" system for administering the "Lotto" game and other games with annuity prizes. The bill contains a contingency provision that would nullify the prohibition against the Lottery seeking to bar assignment of annuity prizes if the IRS determines that the provisions of House Bill 462 constitute constructive receipt.

Under current law, a lottery prize may not be assigned to a person other than the winner, except pursuant to a court order. In practice, this occurs most often as a partial assignment, usually the result of a divorce proceeding. The anti-assignment provision of the Maryland lottery law is similar to provisions found in lottery laws in other states. The