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By: **Chairman, Ways and Means Committee (By Request - Departmental - Labor, Licensing and Regulation)**

Introduced and read first time: February 1, 2006

Assigned to: Ways and Means

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 22, 2006

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Horse Racing - Interstate Compact on Licensure of Participants in Live**  
 3 **Racing with Pari-Mutuel Wagering**

4 FOR the purpose of entering into an interstate compact with other racing  
 5 jurisdictions for the licensure of participants in live horse racing with  
 6 pari-mutuel wagering; creating a compact committee; providing for membership  
 7 and alternate membership of the compact committee; providing for the powers  
 8 and duties of the compact committee; providing for an individual to be licensed  
 9 by the compact committee and, as a result, be able to practice the individual's  
 10 profession in all states that are members of the compact; prohibiting the  
 11 compact committee from denying a state license; providing for a procedure when  
 12 the compact committee determines that an applicant is ineligible for a compact  
 13 license; establishing the voting requirements of the compact committee;  
 14 providing for certain immunity from personal liability under certain  
 15 circumstances; requiring each state that is a party to the compact to take certain  
 16 actions; providing that each party state is not to be held liable for certain debts  
 17 incurred by the compact committee; providing for the construction of this Act;  
 18 making the provisions of this Act severable; defining certain terms; directing the  
 19 Governor to take certain actions; and generally relating to the licensing and  
 20 regulation under an interstate compact of certain individuals participating in  
 21 live horse racing in the State.

22 BY adding to  
 23 Article - Business Regulation  
 24 Section 11-1301 through 11-1312, inclusive, to be under the new subtitle  
 25 "Subtitle 13. National Racing Compact"  
 26 Annotated Code of Maryland

1 (2004 Replacement Volume and 2005 Supplement)

2 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
3 MARYLAND, That the Laws of Maryland read as follows:

4 **Article - Business Regulation**

5 SUBTITLE 13. NATIONAL RACING COMPACT.

6 11-1301.

7 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
8 INDICATED.

9 (B) "COMPACT COMMITTEE" MEANS THE ORGANIZATION OF OFFICIALS FROM  
10 THE PARTY STATES THAT IS AUTHORIZED AND EMPOWERED BY THIS COMPACT TO  
11 CARRY OUT THE PURPOSES OF THIS COMPACT.

12 (C) "COMPACT LICENSE" MEANS A LICENSE ISSUED BY THE COMPACT  
13 COMMITTEE.

14 ~~(C)~~ (D) "OFFICIAL" MEANS THE DULY SELECTED MEMBER OF A PARTY  
15 STATE RACING COMMISSION, OR ITS EQUIVALENT, WHO REPRESENTS THAT PARTY  
16 STATE AS A MEMBER OF THE COMPACT COMMITTEE.

17 ~~(D)~~ (E) "PARTICIPANTS IN LIVE RACING" MEANS PARTICIPANTS IN LIVE  
18 HORSE RACING WITH PARI-MUTUEL WAGERING IN THE PARTY STATES.

19 ~~(E)~~ (F) "PARTY STATE" MEANS EACH STATE THAT HAS ENACTED THIS  
20 COMPACT.

21 ~~(F)~~ (G) "STATE" MEANS EACH OF THE SEVERAL STATES OF THE UNITED  
22 STATES, THE DISTRICT OF COLUMBIA, THE COMMONWEALTH OF PUERTO RICO, AND  
23 EACH TERRITORY OR POSSESSION OF THE UNITED STATES.

24 11-1302.

25 THE PURPOSES OF THIS COMPACT ARE TO:

26 (1) DERIVE UNIFORM REQUIREMENTS AMONG THE PARTY STATES FOR  
27 THE LICENSURE OF PARTICIPANTS IN LIVE HORSE RACING WITH PARI-MUTUEL  
28 WAGERING;

29 (2) ENSURE THAT ALL LICENSEES PURSUANT TO THIS COMPACT MEET A  
30 UNIFORM MINIMUM STANDARD OF HONESTY AND INTEGRITY;

31 (3) FACILITATE THE GROWTH OF THE HORSE RACING INDUSTRY BY  
32 SIMPLIFYING THE PROCESS FOR QUALIFIED APPLICANTS FOR A LICENSE TO  
33 PARTICIPATE IN LIVE RACING;

1 (4) REDUCE THE COST INCURRED BY EACH STATE AND APPLICANT  
2 FROM THE SEPARATE LICENSING PROCESS CONDUCTED BY EACH STATE THAT  
3 CONDUCTS LIVE HORSE RACING;

4 (5) AUTHORIZE THE MARYLAND RACING COMMISSION TO PARTICIPATE  
5 IN THIS COMPACT;

6 (6) PERMIT OFFICIALS FROM THE PARTY STATES TO PARTICIPATE IN  
7 THIS COMPACT;

8 (7) THROUGH THE COMPACT COMMITTEE ESTABLISHED BY THIS  
9 COMPACT, ENTER INTO CONTRACTS WITH GOVERNMENTAL AGENCIES AND OTHER  
10 PERSONS TO CARRY OUT THE PURPOSES OF THIS COMPACT; AND

11 (8) ESTABLISH THE COMPACT COMMITTEE CREATED BY THIS COMPACT  
12 AS AN INTERSTATE GOVERNMENTAL ENTITY DULY AUTHORIZED TO REQUEST AND  
13 RECEIVE CRIMINAL HISTORY RECORD INFORMATION FROM:

14 (I) THE FEDERAL BUREAU OF INVESTIGATION;

15 (II) STATE AND LOCAL AUTHORITIES; AND

16 (III) FOREIGN LAW ENFORCEMENT AGENCIES.

17 11-1303.

18 THIS COMPACT SHALL BECOME EFFECTIVE AS TO ANY PARTY STATE THAT  
19 ENACTS THIS COMPACT ON THE AFFIRMATIVE VOTE OF A MAJORITY OF THE  
20 OFFICIALS ON THE COMPACT COMMITTEE.

21 11-1304.

22 ANY STATE THAT HAS ADOPTED OR AUTHORIZED HORSE RACING WITH  
23 PARI-MUTUEL WAGERING SHALL BE ELIGIBLE TO BECOME A PARTY TO THIS  
24 COMPACT.

25 11-1305.

26 (A) ANY PARTY STATE MAY WITHDRAW FROM THIS COMPACT BY ENACTING A  
27 STATUTE REPEALING THIS COMPACT, BUT NO SUCH WITHDRAWAL SHALL BECOME  
28 EFFECTIVE UNTIL THE HEAD OF THE EXECUTIVE BRANCH OF THE WITHDRAWING  
29 STATE HAS GIVEN NOTICE IN WRITING OF SUCH WITHDRAWAL TO THE HEAD OF THE  
30 EXECUTIVE BRANCH OF ALL OTHER PARTY STATES.

31 (B) IF WITHDRAWALS REDUCE PARTICIPATION IN THIS COMPACT TO LESS  
32 THAN THREE PARTY STATES, THIS COMPACT NO LONGER SHALL BE IN EFFECT UNTIL  
33 THERE ARE THREE OR MORE PARTY STATES AGAIN PARTICIPATING IN THIS  
34 COMPACT.

1 11-1306.

2 (A) THERE IS HEREBY CREATED AN INTERSTATE GOVERNMENTAL ENTITY  
3 KNOWN AS THE COMPACT COMMITTEE, TO BE COMPRISED OF ONE OFFICIAL FROM  
4 THE RACING COMMISSION, OR ITS EQUIVALENT, OF EACH PARTY STATE, WHO SHALL  
5 BE SELECTED, SERVE, AND BE REMOVED IN ACCORDANCE WITH THE LAWS OF THE  
6 OFFICIAL'S PARTY STATE.

7 (B) EACH OFFICIAL SHALL HAVE, IN ACCORDANCE WITH THE LAWS OF THAT  
8 PARTY STATE, THE ASSISTANCE OF THAT STATE'S RACING COMMISSION, OR ITS  
9 EQUIVALENT, IN CONSIDERING ISSUES RELATED TO LICENSING OF PARTICIPANTS IN  
10 LIVE RACING AND IN ACTING AS REPRESENTATIVE OF THAT STATE ON THE COMPACT  
11 COMMITTEE.

12 (C) WHERE AN OFFICIAL IS UNABLE TO PERFORM ANY DUTY OF THE  
13 COMPACT COMMITTEE:

14 (1) AN ALTERNATE SHALL SERVE, UNTIL THE ORIGINAL CAN RETURN  
15 TO DUTY, AS THAT PARTY STATE'S OFFICIAL ON THE COMPACT COMMITTEE; AND

16 (2) THE DESIGNATION OF AN ALTERNATE SHALL BE COMMUNICATED BY  
17 THAT PARTY STATE'S RACING COMMISSION, OR ITS EQUIVALENT, TO THE COMPACT  
18 COMMITTEE, AS REQUIRED BY THE APPLICABLE BYLAWS.

19 (D) THE CHAIRMAN OF THE RACING COMMISSION SHALL DESIGNATE THE  
20 OFFICIAL, AND OFFICIAL'S ALTERNATE, TO REPRESENT THE STATE OF MARYLAND  
21 ON THE COMPACT COMMITTEE.

22 11-1307.

23 (A) IN ORDER TO CARRY OUT THE PURPOSES OF THIS COMPACT, THE  
24 COMPACT COMMITTEE IS HEREBY GRANTED THE POWER AND DUTY TO:

25 (1) DETERMINE WHICH CATEGORIES OF PARTICIPANTS IN LIVE RACING  
26 ~~SHALL BE LICENSED BY THE COMPACT COMMITTEE~~ ISSUED A COMPACT LICENSE;

27 (2) ESTABLISH THE TERM, INITIAL REQUIREMENTS, AND RENEWAL  
28 REQUIREMENTS FOR EACH ~~LICENSED~~ CATEGORY OF COMPACT LICENSE;

29 (3) ADOPT LICENSURE REQUIREMENTS COMPARABLE, IN ITS  
30 JUDGMENT, TO THE MOST RESTRICTIVE PARTY STATE'S REQUIREMENTS FOR SUCH A  
31 LICENSE;

32 (4) INVESTIGATE ~~LICENSE~~ APPLICANTS FOR A COMPACT LICENSE AND,  
33 AS PERMITTED BY FEDERAL AND STATE LAW, GATHER INFORMATION, INCLUDING  
34 CRIMINAL HISTORY RECORD INFORMATION, FROM:

35 (I) THE FEDERAL BUREAU OF INVESTIGATION;

36 (II) STATE AND LOCAL AUTHORITIES; AND

1 (III) FOREIGN COUNTRY LAW ENFORCEMENT AGENCIES; AND

2 (5) ISSUE OR RENEW COMPACT LICENSES FOR PARTICIPANTS IN LIVE  
3 RACING WHO ARE FOUND BY THE COMPACT COMMITTEE TO HAVE MET ITS  
4 LICENSURE OR RENEWAL REQUIREMENTS.

5 (B) THE COMPACT COMMITTEE MAY NOT DENY A STATE LICENSE TO AN  
6 APPLICANT.

7 (C) IF THE COMPACT COMMITTEE DETERMINES THAT AN APPLICANT IS NOT  
8 ELIGIBLE FOR A COMPACT LICENSE, THE COMPACT COMMITTEE, ON GIVING NOTICE  
9 TO THE APPLICANT, SHALL STOP PROCESSING THE APPLICANT'S APPLICATION FOR A  
10 STATE LICENSE OR RENEWAL OF A STATE LICENSE.

11 (D) AFTER RECEIVING THE NOTICE, AN APPLICANT WHO WISHES TO APPEAL  
12 THE DETERMINATION MAY PRESENT EVIDENCE AT A HEARING THAT THE COMPACT  
13 COMMITTEE CONDUCTS.

14 (E) THE DECISION OF THE COMPACT COMMITTEE AFTER A HEARING IS FINAL.

15 (F) THE COMPACT COMMITTEE MAY:

16 ~~(5)~~ (1) ENTER INTO CONTRACTS AND AGREEMENTS WITH  
17 GOVERNMENTAL AGENCIES AND OTHER PERSONS TO PROVIDE PERSONAL SERVICES  
18 FOR ITS ACTIVITIES AND SUCH OTHER SERVICES AS MAY BE NECESSARY;

19 ~~(6)~~ (2) (I) CREATE, APPOINT, AND ABOLISH ALL THOSE OFFICES,  
20 EMPLOYMENTS, AND POSITIONS, INCLUDING AN EXECUTIVE DIRECTOR, USEFUL TO  
21 FULFILL ITS PURPOSES;

22 (II) PRESCRIBE THEIR POWERS, DUTIES, AND QUALIFICATIONS;

23 (III) HIRE PERSONS; AND

24 (IV) PROVIDE FOR THEIR TERM, TENURE, REMOVAL,  
25 COMPENSATION, FRINGE AND RETIREMENT BENEFITS, AND OTHER CONDITIONS OF  
26 EMPLOYMENT;

27 ~~(7)~~ (3) BORROW, ACCEPT, AND CONTRACT FOR THE SERVICES OF  
28 PERSONNEL FROM ANY STATE, FEDERAL, OR OTHER GOVERNMENTAL AGENCY OR  
29 FROM ANY OTHER PERSON OR ENTITY;

30 ~~(8)~~ (4) ACQUIRE, HOLD, AND DISPOSE OF ANY REAL OR PERSONAL  
31 PROPERTY BY GIFT, PURCHASE, LEASE, LICENSE, AND SIMILAR MEANS IN  
32 FURTHERANCE OF THE PURPOSES OF THIS COMPACT;

33 ~~(9)~~ (5) CHARGE AND COLLECT A FEE, WHETHER FOR LICENSURE OR  
34 RENEWAL, FROM EACH LICENSE APPLICANT; AND

35 ~~(10)~~ (6) RECEIVE ADDITIONAL FUNDS THROUGH GIFTS, GRANTS, AND  
36 APPROPRIATIONS.

1 ~~(B)~~ (G) CRIMINAL HISTORY RECORD INFORMATION MAY BE RECEIVED AND  
2 REVIEWED ONLY BY THE OFFICIALS ON, AND EMPLOYEES OF, THE COMPACT  
3 COMMITTEE WHICH MAY BE USED ONLY FOR THE PURPOSES OF THIS COMPACT.

4 ~~(C)~~ (H) NO OFFICIAL OR EMPLOYEE OF THE COMPACT COMMITTEE MAY  
5 DISCLOSE OR DISSEMINATE CRIMINAL HISTORY RECORD INFORMATION TO ANY  
6 PERSON OR ENTITY OTHER THAN ANOTHER OFFICIAL ON, OR EMPLOYEE OF, THE  
7 COMPACT COMMITTEE.

8 ~~(D)~~ (I) THE COMPACT COMMITTEE, ITS EMPLOYEES, OR ITS DESIGNEE  
9 SHALL:

10 (1) TAKE THE FINGERPRINTS OF EACH LICENSE APPLICANT ~~ON A~~  
11 ~~FINGERPRINT CARD OR BY ELECTRONIC OR OTHER MEANS AUTHORIZED BY THE~~  
12 ~~FEDERAL BUREAU OF INVESTIGATION OR OTHER RECEIVING LAW ENFORCEMENT~~  
13 ~~AGENCY IN ACCORDANCE WITH THE PROCEDURES IN § 11-312 OF THIS TITLE; AND~~

14 (2) IN ACCORDANCE WITH P.L. 92-544 OR P.L. 100-413, FORWARD THE  
15 FINGERPRINTS TO AN IDENTIFICATION BUREAU OR TO AN ASSOCIATION OF STATE  
16 OFFICIALS REGULATING PARI-MUTUEL WAGERING.

17 ~~(E) THE COMPACT COMMITTEE SHALL ISSUE AND RENEW LICENSES FOR~~  
18 ~~PARTICIPANTS IN LIVE RACING WHO ARE FOUND BY THE COMPACT COMMITTEE TO~~  
19 ~~HAVE MET ITS LICENSURE OR RENEWAL REQUIREMENTS.~~

20 ~~(F) THE COMPACT COMMITTEE DOES NOT HAVE THE POWER OR AUTHORITY~~  
21 ~~TO DENY A LICENSE.~~

22 ~~(G) IF THE COMPACT COMMITTEE DETERMINES THAT AN APPLICANT IS NOT~~  
23 ~~ELIGIBLE;~~

24 ~~(1) THE COMPACT COMMITTEE SHALL NOTIFY THE APPLICANT THAT IT~~  
25 ~~WILL NOT BE ABLE TO PROCESS THE LICENSE OR RENEWAL APPLICATION ANY~~  
26 ~~FURTHER;~~

27 ~~(2) THE APPLICANT SHALL HAVE THE RIGHT TO PRESENT FURTHER~~  
28 ~~EVIDENCE AND TO BE HEARD BY THE COMPACT COMMITTEE AFTER RECEIVING~~  
29 ~~SUCH NOTIFICATION; AND~~

30 ~~(3) THE FINAL DECISION ON ISSUANCE OR RENEWAL OF AN~~  
31 ~~APPLICANT'S LICENSE SHALL BE MADE BY THE COMPACT COMMITTEE.~~

32 11-1308.

33 THE COMPACT COMMITTEE SHALL HAVE THE FOLLOWING VOTING  
34 REQUIREMENTS:

35 (1) EACH OFFICIAL SHALL BE ENTITLED TO ONE VOTE ON THE  
36 COMPACT COMMITTEE;

1 (2) A MAJORITY VOTE OF THE TOTAL NUMBER OF OFFICIALS ON THE  
2 COMPACT COMMITTEE SHALL BE REQUIRED TO:

3 (I) ADMIT ANOTHER PARTY STATE;

4 (II) ISSUE OR RENEW A RACING LICENSE; AND

5 (III) RECEIVE OR DISTRIBUTE ANY FUNDS;

6 (3) A TWO-THIRDS MAJORITY VOTE OF THE TOTAL NUMBER OF  
7 OFFICIALS ON THE COMPACT COMMITTEE SHALL BE REQUIRED TO ADOPT, AMEND,  
8 OR RESCIND THE BYLAWS;

9 (4) ALL OTHER ACTIONS BY THE COMPACT COMMITTEE SHALL REQUIRE  
10 A MAJORITY VOTE OF THOSE OFFICIALS WHO ARE PRESENT FOR THE VOTE; AND

11 (5) NO ACTION MAY BE TAKEN BY THE COMPACT COMMITTEE UNLESS A  
12 QUORUM OF THE OFFICIALS ON THE COMPACT COMMITTEE IS PRESENT FOR THE  
13 VOTE.

14 11-1309.

15 THE COMPACT COMMITTEE SHALL:

16 (1) ANNUALLY ELECT, FROM ITS MEMBERS:

17 (I) A CHAIR;

18 (II) A VICE CHAIR; AND

19 (III) A SECRETARY/ TREASURER;

20 (2) (I) ADOPT BYLAWS FOR THE CONDUCT OF ITS BUSINESS;

21 (II) PUBLISH THE BYLAWS IN A CONVENIENT FORM; AND

22 (III) FILE A COPY OF THE BYLAWS, INCLUDING ANY AMENDMENTS,  
23 WITH THE SECRETARY OF STATE, OR ITS EQUIVALENT AGENCY, OF EACH PARTY  
24 STATE; AND

25 (3) DELEGATE DAY-TO-DAY MANAGEMENT AND ADMINISTRATION OF  
26 ITS DUTIES, AS NEEDED, TO AN EXECUTIVE DIRECTOR AND SUPPORT STAFF, WHO  
27 SHALL BE CONSIDERED GOVERNMENTAL EMPLOYEES.

28 11-1310.

29 NO OFFICIAL OF A PARTY STATE OR EMPLOYEE OF THE COMPACT COMMITTEE  
30 SHALL BE HELD PERSONALLY LIABLE FOR ANY REASONABLE ACTION TAKEN IN  
31 GOOD FAITH THAT OCCURS DURING THE PERFORMANCE, AND WITHIN THE SCOPE,  
32 OF THEIR RESPONSIBILITIES AND DUTIES UNDER THIS COMPACT.

1 11-1311.

2 EACH PARTY STATE IN THE COMPACT SHALL:

3 (1) ACCEPT THE DECISIONS OF THE COMPACT COMMITTEE REGARDING  
4 THE ISSUANCE OR RENEWAL OF LICENSES;

5 (2) REIMBURSE, OR OTHERWISE PAY, THE EXPENSES OF ITS OFFICIAL  
6 ON THE COMPACT COMMITTEE;

7 (3) NOT TREAT AS A DENIAL A NOTIFICATION TO AN APPLICANT BY THE  
8 COMPACT COMMITTEE REGARDING ITS INABILITY TO PROCESS THEIR APPLICATION;

9 (4) RESERVE THE RIGHT TO:

10 (I) CHARGE A FEE FOR THE USE OF A COMPACT LICENSE WITHIN  
11 THAT PARTY STATE;

12 (II) APPLY ITS OWN STANDARDS TO DETERMINE WHETHER A  
13 COMPACT COMMITTEE LICENSE SHOULD BE SUSPENDED OR REVOKED;

14 (III) APPLY ITS OWN STANDARDS FOR LICENSURE OR RENEWAL OF  
15 STATE APPLICANTS WHO DO NOT MEET THE LICENSURE REQUIREMENTS OF THE  
16 COMPACT COMMITTEE, OR WHO ARE WITHIN A CATEGORY OF PARTICIPANTS IN LIVE  
17 RACING WHICH THE COMPACT COMMITTEE DOES NOT LICENSE; AND

18 (IV) APPLY ITS OWN STANDARDS FOR LICENSURE OF NONRACING  
19 EMPLOYEES AT HORSE RACETRACKS AND AT SEPARATE OR SATELLITE WAGERING  
20 FACILITIES;

21 (5) THROUGH ITS RACING COMMISSION OR ITS EQUIVALENT, PROMPTLY  
22 NOTIFY THE COMPACT COMMITTEE OF ANY SUSPENSION OR REVOCATION THAT THE  
23 PARTY STATE HAS IMPOSED ON A COMPACT COMMITTEE LICENSEE; AND

24 (6) NOT BE HELD LIABLE FOR THE DEBTS OR OTHER FINANCIAL  
25 OBLIGATIONS INCURRED BY THE COMPACT COMMITTEE.

26 11-1312.

27 (A) THIS COMPACT SHALL BE LIBERALLY CONSTRUED SO AS TO EFFECTUATE  
28 ITS PURPOSES.

29 (B) THE PROVISIONS OF THIS COMPACT SHALL BE SEVERABLE.

30 (C) IF ANY PHRASE, CLAUSE, SENTENCE, OR PROVISION OF THIS COMPACT IS  
31 DECLARED TO BE CONTRARY TO THE CONSTITUTION OF THE UNITED STATES, THE  
32 REMAINDER OF THIS COMPACT SHALL REMAIN IN FULL FORCE AND EFFECT.

33 (D) IF ANY PHRASE, CLAUSE, SENTENCE, OR PROVISION OF THIS COMPACT IS  
34 DECLARED TO BE CONTRARY TO THE CONSTITUTION OR LAWS OF A PARTY STATE,



1 SUBJECT TO THE PROVISION OF § 1305(B), THE COMPACT SHALL REMAIN IN FULL  
2 FORCE AND EFFECT AS TO THE REMAINING STATES.

3 (E) IF THE APPLICABILITY OF THIS COMPACT TO ANY GOVERNMENT, AGENCY,  
4 PERSON OR CIRCUMSTANCE IS HELD INVALID, THE APPLICABILITY OF THE COMPACT  
5 TO OTHER GOVERNMENTS, AGENCIES, PERSONS OR CIRCUMSTANCES SHALL NOT BE  
6 AFFECTED THEREBY.

7 SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly  
8 authorizes and directs the Governor of the State of Maryland to:

9 (1) execute and deliver on behalf of the State of Maryland all agreements  
10 and modifications of agreements that relate to the interstate compact on the licensing  
11 of participants in live racing with pari-mutuel wagering; and

12 (2) take those actions which may be necessary to effectuate the  
13 interstate compact on the licensing of participants in live racing with pari-mutuel  
14 wagering.

15 SECTION 3. AND BE IT FURTHER ENACTED, That nothing in this Act shall  
16 affect the authority of the Maryland Racing Commission to license and regulate  
17 individuals participating in horse racing in Maryland as authorized under the  
18 Business Regulation Article and as prescribed in Title 9, Subtitle 10, Code of  
19 Maryland Regulations and any additions or amendments thereto.

20 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect  
21 October 1, 2006.