

MARYLAND REGISTER

Emergency Action on Regulations

TO BE COMPLETED BY AELR COMMITTEE	EMERGENCY Transmittal Sheet	TO BE COMPLETED BY DSD
Date Received by AELR Committee		Date Filed with Division of State Documents
02/24/2014		Document Number
Emergency Status Approved		Date of Publication in MD Register
_ -Yes _ -No		
Emergency Status Begins On		
Emergency Status Ends On		
Name of AELR Committee Counsel		

1. COMAR Codification

Title Subtitle Chapter Regulation

09 10 01 49

2. Name of Promulgating Authority

Department of Labor, Licensing, and Regulation

3. Name of Regulations Coordinator Telephone Number

Donnice M Turner 410-230-6008

Mailing Address

500 N. Calvert Street, 4th Floor

City State Zip Code
Baltimore MD 21202

Email

donniturner@dllr.state.md.us

4. Name of Person to Call About this Document Telephone No.

J. Michael Hopkins 410-296-2982

J. Michael Hopkins

Title

Executive Director

Date

2/19/2014

Telephone No.

410-296-9682

Title 09
DEPARTMENT OF LABOR, LICENSING, AND
REGULATION

Subtitle 10 RACING COMMISSION

09.10.01 Thoroughbred Rules

Authority: Business Regulation Article, §11-210, Annotated Code of Maryland

Notice of Emergency Action

□

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to amendments to Regulation .49 under COMAR 09.10.01 Thoroughbred Rules.

Emergency status began:

Emergency status expires:

Comparison to Federal Standards

There is no corresponding federal standard to this emergency action.

Estimate of Economic Impact

The emergency action has no economic impact.

Economic Impact on Small Businesses

The emergency action has minimal or no economic impact on small businesses.

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 14

B. Does the budget for the fiscal year in which regulations become effective contain

funds to implement the regulations?

Yes

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

general

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

E. If these regulations have no economic impact under Part A, indicate reason briefly:

The estimate of an economic impact cannot be determined since it is unknown how many Maryland bred horses will participate in a stake race.

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

The estimate of an economic impact cannot be determined since it is unknown how many Maryland bred horses will participate in a stake race.

G. Response to small business worksheet:

Impact Statement Part C — Legislative Information

Part C requests agencies to provide information required by the Department of Legislative Services in its report to the AELR Committee. Answer the questions in the space provided. Part C is not printed in the Maryland Register.

Small Business Analysis Worksheet

This worksheet is designed to assist the agency in determining if and how the proposal impacts small businesses. Quantify the number of affected small businesses and estimates of costs and benefits to small businesses if possible. State Government Article, §2-1505.2, includes the following definitions which are relevant to the analysis:

“Economic impact analysis” means an estimate of the cost or the economic benefit to small businesses that may be affected by a regulation proposed by an agency pursuant to Title 10, Subtitle 1 of this article.

“Small business” means a corporation, partnership, sole proprietorship, or other business entity including its affiliates that: (i) is independently owned and operated

(ii) is not dominant in its field; and (iii) employs 50 or fewer full-time employees.

1a. Intended Beneficiaries. Who are the intended beneficiaries of the proposed regulation?

The intended beneficiaries of the proposed regulations are individuals who own a Maryland bred horse.

Are these intended beneficiaries primarily households or businesses?

The intended beneficiaries are primarily businesses.

1b. Intended Beneficiaries: Households. If households are the primary intended beneficiaries, will the proposal affect their income or purchasing power such that the volume or patterns of their consumer spending will change? If so, what directions of change would you anticipate? Will these expected spending changes have a disproportionate impact on small businesses? Can you descriptively identify the industries or types of business activities that are impacted?

N/A.

1c. Intended Beneficiaries: Businesses. If businesses are the intended beneficiaries, identify the businesses by industry or by types of business activities.

Individuals who own a Maryland bred horse.

How will businesses be impacted?

unknown

Are these Maryland establishments' disproportionately small businesses?

Yes.

If so, how will these Maryland small businesses be affected?

N/A

Can you identify or estimate the present number of small businesses affected?

No.

Can you estimate the present total payroll or total employment of small businesses affected?

No.

2a. Other Direct or Indirect Impacts: Adverse. Businesses may not be the intended beneficiaries of the proposal. Instead, the proposal may direct or otherwise cause businesses to incur additional expenses of doing business in Maryland. Does this proposal require Maryland businesses to respond in such a fashion that they will incur additional work-time costs or monetary costs in order to comply?

Describe how Maryland establishments may be adversely affected.

Individuals who own a Maryland bred horse will not be adversely affected by this proposal. Will Maryland small businesses bear a disproportionate financial burden or suffer consequences that affect their ability to compete?

No.

Can you estimate the possible number of Maryland small businesses adversely

affected? (Note that small business compliance costs in the area of regulation are the sum of out-of-pocket (cash) costs plus time costs — usually expressed as payroll, akin to calculations for legislative fiscal notes. Precise compliance costs may be difficult to estimate, but the general nature of procedures that businesses must accomplish to comply can be described.)

No.

2b. Other Direct or Indirect Impacts: Positive. Maryland businesses may positively benefit by means other than or in addition to changed consumer spending patterns. How may Maryland businesses be positively impacted by this initiative?

Individuals who own a Maryland bred horse will benefit by receiving an owner bonus if they participate in a Maryland race.

Will Maryland small businesses share proportionately or disproportionately in these gains?

Unknown.

Can you estimate the possible number of Maryland small businesses positively affected?

No.

3. Long-Term Impacts. There are instances where the longer run economic impact effects from regulations differ significantly from immediate impact. For example, regulations may impose immediate burdens on Maryland small businesses to comply, but the overall restructuring of the industry as a consequence of monitoring and compliance may provide offsetting benefits to the affected small businesses in subsequent years. Can you identify any long run economic impact effects on Maryland small businesses that over time (a) may compound or further aggravate the initial economic impact described above, or (b) may mitigate or offset the initial economic impact described above?

No.

4. Estimates of Economic Impact. State Government Article, §2-1505.2 requires that an agency include estimates, as appropriate, directly relating to: (1) cost of providing goods and services; (2) effect on the work force; (3) effect on the cost of housing; (4) efficiency in production and marketing; (5) capital investment, taxation, competition, and economic development; and (6) consumer choice.

N/A

Attached Document:

.49 Rewards to Breeders — Maryland-Bred Rules.

A. through G. (text unchanged)

H. After the application of §G of this regulation, the remaining portion of the monies allocated to this Fund, and all earnings on these monies, shall be distributed in the form of breeder and stallion owner awards as follows:

(1) To a breeder of a registered Maryland-bred horse which won a race, or finished second, *or* third[, or fourth in a stakes race]; and

(2) To the owner of a stallion, as defined by §A(4) of this regulation, if a registered Maryland-bred sired by the stallion won a race, or finished second, *or* third[, or fourth in a stakes race].

I. On a semiannual basis, the Commission, with the advice of the Maryland-Bred Race Fund Advisory Committee, shall determine the amount to be distributed in the form of purses and owner, breeder, and stallion owner awards using the following formulas:

[(1) Under §G(2) of this regulation, an owner award percentage is to be based on a relationship between the total amount of the purses on which these awards are to be paid and the total amount of money available to be distributed for owner awards;]

[(2)] (1) (text unchanged)

[(3)] (2) The [owner,] breeder[,] and stallion owner award percentages established under §I(1) [and (2)] of this regulation shall apply to all Maryland-Bred Fund races except the races conducted on Maryland Million Day; and

[(4)] (3) (text unchanged)

J. (text unchanged)

K. On Maryland Million Day, all monies allocated this day to the Maryland-Bred Race Fund under Business Regulation Article, §11-515, Annotated Code of Maryland, shall be distributed as breeder and stallion owner awards for the horses racing on Maryland Million Day in the manner specified by §I[(4)] (3) of this regulation.

L. through N. (text unchanged)

J. Michael Hopkins

Executive Director