

MARYLAND REGISTER

## Proposed Action on Regulations

<b>Transmittal Sheet</b>  <b>PROPOSED OR REPROPOSED</b>  <b>Actions on Regulations</b>	<b>Date Filed with AELR Committee</b>	<b>TO BE COMPLETED BY DSD</b>
	02/24/2014	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 3/21/2014

2. COMAR Codification

**Title Subtitle Chapter Regulation**

09 10 01 49

3. Name of Promulgating Authority

Department of Labor, Licensing, and Regulation

**4. 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

**5. Name of Person to Call About this Document Telephone No.**  
J. Michael Hopkins 410-296-9682

**Email Address**  
mike.hopkins@maryland.gov

6. Check applicable items:  
 New Regulations

**X-** Amendments to Existing Regulations

Date when existing text was downloaded from COMAR online: 2/12/2014.

- Repeal of Existing Regulations
- Recodification
- Incorporation by Reference of Documents Requiring DSD Approval
- Reproposal of Substantively Different Text:

: Md. R  
(vol.) (issue) (page nos) (date)

Under Maryland Register docket no.: --P.

**7. Is there emergency text which is identical to this proposal:**

**X-** Yes  No

If yes, corresponding proposed text published in:

**X-** same issue

- future issue
- previous issue; it appeared in

: Md. R  
(vol.) (issue) (page no's) (date)

Under Maryland Register docket no.: --E.

**8. Incorporation by Reference**

Check if applicable: Incorporation by Reference (IBR) approval form(s) attached and 18 copies of documents proposed for incorporation submitted to DSD. (Submit 18 paper copies of IBR document to DSD and one copy to AELR.)

**9. Public Body - Open Meeting**

**X-** OPTIONAL - If promulgating authority is a public body, check to include a sentence in the Notice of Proposed Action that proposed action was considered at an open meeting held pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

**X-** OPTIONAL - If promulgating authority is a public body, check to include a paragraph that final action will be considered at an open meeting.

**10. Children's Environmental Health and Protection**

Check if the system should send a copy of the proposal to the Children's Environmental Health and Protection Advisory Council.

**11. Certificate of Authorized Officer**

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by Eric B. London, Assistant Attorney General, (telephone #410-230-6117) on 2/20/2014. A written copy of the approval is on file at this agency.

**Name of Authorized Officer**

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 Proposed Action**

□

The Maryland Racing Commission proposes to amend Regulation .49 under COMAR 09.10.01 Thoroughbred Rules.

This action was considered by the Maryland Racing Commission at a public meeting held on February 18, 2014, notice of which was given by publication in 41:2 Md. R. 177 (January 24, 2014), pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

**Statement of Purpose**

The purpose of this action is to bring the regulation into compliance with a recent written agreement between the thoroughbred breeders and horseman regarding the distribution of owner awards.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

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

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

### **Opportunity for Public Comment**

Comments may be sent to J. Michael Hopkins, Executive Director, Maryland Racing Commission, 300 East Towsontown Boulevard, or call 410-296-9682, or email to mike.hopkins@maryland.gov, or fax to 410-296-9687. Comments will be accepted through May 16, 2014. A public hearing has not been scheduled.

### **Open Meeting**

Final action on the proposal will be considered by the Maryland Racing Commission during a public meeting to be held on May 20, 2014 at 12:30 PM, at Pimlico Race Course, Baltimore, Maryland.

### **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 economic impact cannot be determined since the number of Maryland bred horses that will participate in a particular stakes race cannot be predicted.

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 economic impact cannot be determined since the number of Maryland bred horses that will participate in a particular stakes race cannot be predicted.

G. 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:

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**.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