
By: **Delegates W. Baker, Bozman, McClenahan, D. Hughes, Eckardt, Walkup,
and Conway**

Introduced and read first time: February 13, 1998

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Harness Racing Board**

3 FOR the purpose of establishing a Harness Racing Board in the Department of Labor,
4 Licensing, and Regulation; providing for the membership, chairman, and
5 compensation of the Board; specifying the terms and conditions for removal of
6 members of the Board; authorizing the Board to carry out certain provisions of
7 law concerning harness races, harness racing licensees, harness tracks, and
8 betting of any kind on a harness race; authorizing the Board to adopt certain
9 regulations and to require the Racing Commission or the executive director of
10 the Racing Commission to take certain action; prohibiting the Racing
11 Commission from taking certain action without the approval of the Harness
12 Racing Board; providing for the terms of the initial members of the Board; and
13 generally relating to the Harness Racing Board.

14 BY repealing and reenacting, with amendments,
15 Article - Business Regulation
16 Section 11-209 and 11-210
17 Annotated Code of Maryland
18 (1992 Volume and 1997 Supplement)

19 BY adding to
20 Article - Business Regulation
21 Section 11-607
22 Annotated Code of Maryland
23 (1992 Volume and 1997 Supplement)

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

1

Article - Business Regulation

2 11-209.

3 (a) Besides its other powers under this title, the Commission has the powers
4 necessary or proper to carry out fully all the purposes of this title.

5 (b) [The] EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, THE
6 jurisdiction, supervision, powers, and duties of the Commission extend to each person
7 who holds racing for a purse, reward, or stake.

8 (C) UNLESS THE COMMISSION OBTAINS THE APPROVAL OF THE HARNESS
9 RACING BOARD THAT IS ESTABLISHED UNDER § 11-607 OF THIS TITLE, THE
10 COMMISSION MAY NOT:

11 (1) TAKE AN ACTION THAT AFFECTS HARNESS RACES, HARNESS
12 TRACKS, HARNESS RACING LICENSEES, OR BETTING OF ANY KIND ON A HARNESS
13 RACE; OR

14 (2) DIRECT THE EXECUTIVE DIRECTOR TO TAKE SUCH AN ACTION.

15 11-210.

16 (a) Except as provided in [subsection] SUBSECTIONS (b) AND (C) of this
17 section, the Commission may:

18 (1) adopt regulations and conditions to govern racing and betting on
19 racing in the State; and

20 (2) approve or disapprove:

21 (i) prices that a licensee may set for admission to a race, a service
22 performed, or an article sold at a track; and

23 (ii) the size of the purse, reward, or stake to be offered at a race.

24 (b) The Commission may not adopt regulations that allow:

25 (1) racing a breed of horse not now authorized by law; or

26 (2) holding currently unauthorized:

27 (i) intertrack betting;

28 (ii) off-track betting; or

29 (iii) telephone betting other than telephone account betting.

30 (C) UNLESS THE COMMISSION OBTAINS THE APPROVAL OF THE HARNESS
31 RACING BOARD THAT IS ESTABLISHED UNDER § 11-607 OF THIS TITLE, THE
32 COMMISSION MAY NOT ADOPT A REGULATION THAT AFFECTS HARNESS RACES,

1 HARNESS TRACKS, HARNESS RACING LICENSEES, OR BETTING OF ANY KIND ON A
2 HARNESS RACE.

3 11-607.

4 (A) THERE IS A HARNESS RACING BOARD IN THE DEPARTMENT.

5 (B) THE HARNESS RACING BOARD CONSISTS OF FIVE MEMBERS, APPOINTED
6 BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE OF MARYLAND.

7 (C) AT THE TIME OF APPOINTMENT AND QUALIFICATION A MEMBER OF THE
8 HARNESS RACING BOARD SHALL BE:

9 (1) AT LEAST 25 YEARS OLD;

10 (2) A RESIDENT OF THE STATE WHO HAS RESIDED IN THE STATE FOR AT
11 LEAST THE LAST 5 YEARS;

12 (3) A QUALIFIED VOTER OF THE STATE; AND

13 (4) AN INDIVIDUAL WHO HAS NOT BEEN CONVICTED OF A CRIME THAT
14 INVOLVES MORAL TURPITUDE.

15 (D) OF THE FIVE MEMBERS OF THE HARNESS RACING BOARD:

16 (1) THE FOLLOWING THREE MEMBERS SHALL BE APPOINTED BY THE
17 GOVERNOR FROM A LIST SUPPLIED BY A RECOGNIZED STANDARDBRED
18 ASSOCIATION IN THE STATE:

19 (I) ONE LICENSED STANDARDBRED OWNER;

20 (II) ONE LICENSED STANDARDBRED TRAINER; AND

21 (III) ONE LICENSED STANDARDBRED BREEDER; AND

22 (2) TWO SHALL BE MEMBERS OF THE PUBLIC, APPOINTED BY THE
23 GOVERNOR.

24 (E) (1) THE TERM OF A MEMBER OF THE HARNESS RACING BOARD IS 4 YEARS
25 AND BEGINS ON OCTOBER 1.

26 (2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE
27 TERMS PROVIDED FOR MEMBERS OF THE HARNESS RACING BOARD ON JULY 1, 1998.

28 (3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A
29 SUCCESSOR IS APPOINTED AND QUALIFIES.

30 (4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES
31 ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND
32 QUALIFIES.

1 (F) FROM AMONG THE MEMBERS OF THE HARNESS RACING BOARD, THE
2 GOVERNOR SHALL APPOINT A CHAIRMAN.

3 (G) EACH MEMBER OF THE HARNESS RACING BOARD IS ENTITLED TO:

4 (1) COMPENSATION IN ACCORDANCE WITH THE STATE BUDGET; AND

5 (2) REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE
6 TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

7 (H) (1) SUBJECT TO THE HEARING REQUIREMENTS OF THIS SUBSECTION,
8 THE GOVERNOR, WITH THE ADVICE OF THE SECRETARY, MAY REMOVE A MEMBER OF
9 THE HARNESS RACING BOARD FOR INEFFICIENCY, MISCONDUCT IN OFFICE, OR
10 NEGLECT OF DUTY.

11 (2) BEFORE THE GOVERNOR REMOVES A MEMBER, THE GOVERNOR
12 SHALL GIVE THE MEMBER AN OPPORTUNITY FOR A PUBLIC HEARING.

13 (3) AT LEAST 10 DAYS BEFORE THE HEARING, THE GOVERNOR SHALL
14 GIVE THE MEMBER:

15 (I) A COPY OF THE CHARGES; AND

16 (II) NOTICE OF THE TIME AND PLACE OF THE HEARING.

17 (4) THE MEMBER MAY BE REPRESENTED AT THE HEARING BY COUNSEL.

18 (5) IF THE GOVERNOR REMOVES A MEMBER, THE GOVERNOR SHALL
19 SUBMIT TO THE SECRETARY OF STATE:

20 (I) A STATEMENT OF ALL CHARGES MADE AGAINST THE MEMBER;

21 (II) THE FINDINGS OF THE GOVERNOR; AND

22 (III) A RECORD OF THE PROCEEDINGS.

23 (I) (1) THE HARNESS RACING BOARD HAS THE POWERS NECESSARY OR
24 PROPER TO CARRY OUT FULLY ALL THE PURPOSES OF THIS SUBTITLE AND OF ALL
25 OTHER PROVISIONS OF THIS TITLE CONCERNING HARNESS RACES, HARNESS
26 TRACKS, HARNESS RACING LICENSEES, OR BETTING OF ANY KIND ON A HARNESS
27 RACE.

28 (2) TO CARRY OUT THIS SUBSECTION, THE HARNESS RACING BOARD
29 MAY:

30 (I) ADOPT REGULATIONS; AND

31 (II) REQUIRE THE COMMISSION OR THE EXECUTIVE DIRECTOR OF
32 THE COMMISSION TO TAKE ANY ACTION THAT THE HARNESS RACING BOARD
33 DETERMINES IS NECESSARY.

1 SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial
2 members of the Harness Racing Board shall expire as follows:

- 3 (1) two members in 1999;
- 4 (2) one member in 2000;
- 5 (3) one member in 2001; and
- 6 (4) one member in 2002.

7 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 July 1, 1998.