
By: **Chair, Environmental Matters Committee and Chair, Ways and Means Committee**

Introduced and read first time: February 3, 2005
Assigned to: Environmental Matters and Ways and Means

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 21, 2005

CHAPTER _____

1 AN ACT concerning

2 **Horse Industry Board - Sunset Extension and Program Evaluation**

3 FOR the purpose of increasing certain fees paid to the Maryland Horse Industry
4 Board; ~~altering the payment schedule for certain fees paid to the Board from an~~
5 ~~annual to a biennial schedule; establishing a certain fee to be paid to the~~
6 Maryland Horse Industry Board; altering the inspection schedule for stables
7 licensed by the Board from an annual to a biennial schedule; ~~extending the~~
8 ~~expiration dates for licenses issued by the Board; repealing a limitation on the~~
9 ~~use of certain funds generated by the Board~~; continuing the Board in accordance
10 with the provisions of the Maryland Program Evaluation Act (Sunset Law) by
11 extending to a certain date the termination provisions relating to statutory and
12 regulatory authority of the Board; requiring that an evaluation of the Board and
13 the statutes and regulations that relate to the Board be performed on or before
14 a certain date; repealing the abrogation of certain statutes relating to the Board;
15 requiring the Board to submit certain reports to certain committees of the
16 General Assembly by certain dates; and generally relating to the Maryland
17 Horse Industry Board.

18 BY repealing and reenacting, without amendments,
19 Article - Agriculture
20 Section 2-710
21 Annotated Code of Maryland
22 (1999 Replacement Volume and 2004 Supplement)

23 BY repealing and reenacting, with amendments,
24 Article - Agriculture

1 Section 2-711, 2-712, 2-713, and 2-719, ~~and 6-107.2~~
 2 Annotated Code of Maryland
 3 (1999 Replacement Volume and 2004 Supplement)

4 BY repealing and reenacting, without amendments,
 5 Article - State Government
 6 Section 8-403(a)
 7 Annotated Code of Maryland
 8 (2004 Replacement Volume)

9 BY repealing and reenacting, with amendments,
 10 Article - State Government
 11 Section 8-403(b)(33)
 12 Annotated Code of Maryland
 13 (2004 Replacement Volume)

14 BY repealing and reenacting, with amendments,
 15 Chapter 223 of the Acts of the General Assembly of 2002
 16 Section 2

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

19 **Article - Agriculture**

20 2-710.

21 (a) Except as otherwise provided in this subtitle, a person may not engage in
 22 the business of operating or maintaining any horse riding stable unless the person
 23 has received a license and a certificate issued by the Board.

24 (b) This section does not apply to a holder of a livestock dealer's or livestock
 25 market license issued under Title 3, Subtitle 3 of this article. However, a holder of a
 26 livestock dealer's or livestock market license shall comply with the other provisions of
 27 this subtitle.

28 2-711.

29 To apply for a license, an applicant shall:

30 (1) Submit an application to the Board on the form that it requires; and

31 (2) Pay to the Board ~~THE FOLLOWING NONREFUNDABLE FEES:~~

32 ~~(I) [a nonrefundable] AN inspection fee of [\$25] \$75; AND~~

33 ~~(H) ± (I) An A NONREFUNDABLE APPLICATION FEE OF \$125;~~

34 OR

1 ~~2-~~ (II) A PRORATED AMOUNT NONREFUNDABLE
 2 APPLICATION FEE, DETERMINED BY THE BOARD, BASED ON THE NUMBER OF
 3 MONTHS REMAINING IN THE LICENSING TERM.

4 2-712.

5 (a) ~~(1)~~ A license ~~ISSUED OR RENEWED ON OR BEFORE SEPTEMBER 30, 2005,~~
 6 expires on the June 30 after its effective date, unless the license is renewed for a
 7 ~~{1-year} 2-YEAR~~ term as provided in this section.

8 ~~(2) A LICENSE ISSUED OR RENEWED ON OR AFTER OCTOBER 1, 2005,~~
 9 ~~EXPIRES ON THE SECOND JUNE 30 AFTER ITS EFFECTIVE DATE, UNLESS THE~~
 10 ~~LICENSE IS RENEWED FOR A 2 YEAR TERM AS PROVIDED IN THIS SECTION.~~

11 (b) Before [his] A license expires, a licensee periodically may renew [his] THE
 12 license for additional ~~{1-year} 2-YEAR~~ terms, if the licensee:

- 13 (1) Otherwise is entitled to be licensed;
- 14 (2) Pays to the Board a renewal fee of [~~\$50~~] \$125; and
- 15 (3) Submits to the Board a renewal application on the form that it
 16 requires.

17 2-713.

18 (a) Each horse riding stable licensed under this subtitle shall be inspected at
 19 least ~~[annually] EVERY 2 YEARS~~.

20 ~~(b) Each licensee shall pay to the Board [annually] EVERY 2 YEARS an~~
 21 ~~inspection fee of [~~\$25~~] \$75.~~

22 ~~(c)~~ (B) If more than one inspection is necessary in any licensing period, the
 23 licensee shall pay an additional inspection fee of ~~\$25~~ \$50 for each inspection. If, after
 24 three inspections, existing deficiencies have not been corrected by the licensee, the
 25 Board shall bring formal charges against the licensee, and an administrative hearing
 26 shall be held in order to determine if the license should be suspended or revoked for
 27 any of the reasons listed in § 2-715 of this subtitle.

28 ~~(d)~~ (C) An inspection shall be deemed necessary if, during a previous
 29 inspection, deficiencies are found and the licensee has not submitted evidence to the
 30 Board within a reasonable period of time that satisfactory corrective measures have
 31 been completed.

32 ~~(e)~~ (D) Based on criteria it develops, the Board may create additional classes
 33 of licenses, all of which shall have the usual annual fee under this subtitle.

34 2-719.

35 Subject to the evaluation and reestablishment provisions of the Program
 36 Evaluation Act, the provisions of this subtitle and of any rule or regulation adopted

1 under this subtitle shall terminate and be of no effect after [July 1, 2006] JULY 1,
2 2016.

3 ~~6-107.2.~~

4 (a) ~~The Secretary may establish an assessment of up to [\$2] \$4 per ton on~~
5 ~~commercial equine feed that is sold in Maryland.~~

6 (b) ~~The assessment shall be paid by the person registering the feed according~~
7 ~~to the collection and reporting guidelines established by the Secretary by regulation.~~

8 (c) ~~Any assessments collected shall be paid into the Maryland Horse Industry~~
9 ~~Fund as provided in § 2-708.2 of this article.~~

10 (d) ~~The Secretary shall adopt regulations to:~~

11 (1) ~~Allow a person who purchases commercial equine feed in the State to~~
12 ~~request reimbursement of any assessment that was paid on the feed; and~~

13 (2) ~~Require that a purchaser of feed be notified, at the point of sale, of~~
14 ~~the possibility of reimbursement.~~

15 [(e) ~~Notwithstanding any other provision of this subtitle, any funds collected~~
16 ~~under this section may be used only for education, research, and promotional~~
17 ~~materials and activities intended to benefit the Maryland equine industry.]]~~

18

Article - State Government

19 8-403.

20 (a) On or before December 15 of the 2nd year before the evaluation date of a
21 governmental activity or unit, the Legislative Policy Committee, based on a
22 preliminary evaluation, may waive as unnecessary the evaluation required under this
23 section.

24 (b) Except as otherwise provided in subsection (a) of this section, on or before
25 the evaluation date for the following governmental activities or units, an evaluation
26 shall be made of the following governmental activities or units and the statutes and
27 regulations that relate to the governmental activities or units:

28 (33) Horse Industry Board, Maryland (§ 2-701 of the Agriculture Article:
29 [July 1, 2005] JULY 1, 2015);

30

Chapter 223 of the Acts of 2002

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 July 1, 2002. [It shall remain effective for a period of 5 years and, at the end of June
33 30, 2007, with no further action required by the General Assembly, this Act shall be
34 abrogated and of no further force and effect.]

1 SECTION 2. AND BE IT FURTHER ENACTED, That the Maryland Horse
2 Industry Board shall report to the Senate Finance Committee, the Senate Education,
3 Health, and Environmental Affairs Committee, the House Ways and Means
4 Committee, and the House Environmental Matters Committee on or before December
5 31, 2005, in accordance with § 2-1246 of the State Government Article, regarding the
6 administrative penalties the Board is authorized to impose under § 2-718(b) of the
7 Agriculture Article, including in the report any regulations that have been adopted
8 under § 2-718(b) of the Agriculture Article and a discussion of the number and
9 amount of administrative penalties levied under § 2-718(b) of the Agriculture Article.

10 SECTION 3. AND BE IT FURTHER ENACTED, That the Maryland Horse
11 Industry Board shall report to the Senate Finance Committee, the Senate Education,
12 Health, and Environmental Affairs Committee, the House Ways and Means
13 Committee, and the House Environmental Matters Committee on or before October 1,
14 2006, in accordance with § 2-1246 of the State Government Article, on the
15 implementation of the recommendations of the Department of Legislative Services
16 contained in the sunset evaluation report dated October 2004.

17 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2005.