
By: **Senator Hollinger (Chair, Education, Health, and Environmental Affairs Committee) and Senator Middleton (Chair, Finance Committee)**

Introduced and read first time: February 4, 2005

Assigned to: Education, Health, and Environmental Affairs and Finance

A BILL ENTITLED

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

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

22 BY repealing and reenacting, with amendments,
 23 Article - Agriculture
 24 Section 2-711, 2-712, 2-713, 2-719, and 6-107.2
 25 Annotated Code of Maryland
 26 (1999 Replacement Volume and 2004 Supplement)

27 BY repealing and reenacting, without amendments,
 28 Article - State Government
 29 Section 8-403(a)
 30 Annotated Code of Maryland

1 (2004 Replacement Volume)

2 BY repealing and reenacting, with amendments,

3 Article - State Government

4 Section 8-403(b)(33)

5 Annotated Code of Maryland

6 (2004 Replacement Volume)

7 BY repealing and reenacting, with amendments,

8 Chapter 223 of the Acts of the General Assembly of 2002

9 Section 2

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

12 **Article - Agriculture**

13 2-710.

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

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

21 2-711.

22 To apply for a license, an applicant shall:

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

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

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

26 (II) 1. AN APPLICATION FEE OF \$125; OR

27 2. A PRORATED AMOUNT, DETERMINED BY THE BOARD,
28 BASED ON THE NUMBER OF MONTHS REMAINING IN THE LICENSING TERM.

29 2-712.

30 (a) (1) A license ISSUED OR RENEWED ON OR BEFORE SEPTEMBER 30, 2005,
31 expires on the June 30 after its effective date, unless the license is renewed for a
32 [1-year] 2-YEAR term as provided in this section.

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

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

6 (1) Otherwise is entitled to be licensed;

7 (2) Pays to the Board a renewal fee of [\$50] \$125; and

8 (3) Submits to the Board a renewal application on the form that it
9 requires.

10 2-713.

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

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

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

21 (d) (1) An inspection shall be deemed necessary if, during a previous
22 inspection, deficiencies are found and the licensee has not submitted evidence to the
23 Board within a reasonable period of time that satisfactory corrective measures have
24 been completed.

25 (2) AN INSPECTION SHALL BE DEEMED NECESSARY ON AN ANNUAL
26 BASIS IF THE BOARD DETERMINES THAT THE LICENSEE HAS A HISTORY OF
27 VIOLATIONS.

28 (3) AN UNANNOUNCED INSPECTION SHALL TAKE PLACE WITHIN 48
29 HOURS AFTER RECEIPT OF A COMPLAINT AGAINST A LICENSEE.

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

32 2-719.

33 Subject to the evaluation and reestablishment provisions of the Program
34 Evaluation Act, the provisions of this subtitle and of any rule or regulation adopted
35 under this subtitle shall terminate and be of no effect after [July 1, 2006] JULY 1,
36 2016.

1 6-107.2.

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

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

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

8 (d) The Secretary shall adopt regulations to:

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

11 (2) Require that a purchaser of feed be notified, at the point of sale, of
12 the possibility of reimbursement.

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

16 **Article - State Government**

17 8-403.

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

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

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

28 **Chapter 223 of the Acts of 2002**

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

33 SECTION 2. AND BE IT FURTHER ENACTED, That the Maryland Horse
34 Industry Board shall report to the Senate Finance Committee, the Senate Education,
35 Health, and Environmental Affairs Committee, the House Ways and Means

1 Committee, and the House Environmental Matters Committee on or before December
2 31, 2005, in accordance with § 2-1246 of the State Government Article, regarding the
3 administrative penalties the Board is authorized to impose under § 2-718(b) of the
4 Agriculture Article, including in the report any regulations that have been adopted
5 under § 2-718(b) of the Agriculture Article and a discussion of the number and
6 amount of administrative penalties levied under § 2-718(b) of the Agriculture Article.

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

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