

---

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

---

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 10, 2005

---

CHAPTER \_\_\_\_\_

1 AN ACT concerning

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

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

20 BY repealing and reenacting, without amendments,  
 21 Article - Agriculture  
 22 Section 2-710  
 23 Annotated Code of Maryland  
 24 (1999 Replacement Volume and 2004 Supplement)

25 BY repealing and reenacting, with amendments,

1 Article - Agriculture  
 2 Section 2-711, 2-712, 2-713, 2-714, and 2-719, ~~and 6-107.2~~  
 3 Annotated Code of Maryland  
 4 (1999 Replacement Volume and 2004 Supplement)

5 BY repealing and reenacting, without amendments,  
 6 Article - State Government  
 7 Section 8-403(a)  
 8 Annotated Code of Maryland  
 9 (2004 Replacement Volume)

10 BY repealing and reenacting, with amendments,  
 11 Article - State Government  
 12 Section 8-403(b)(33)  
 13 Annotated Code of Maryland  
 14 (2004 Replacement Volume)

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

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

20 **Article - Agriculture**

21 2-710.

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

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

29 2-711.

30 To apply for a license, an applicant shall:

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

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

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

1                   ~~(H)~~   ~~+~~    (I)    AN A NONREFUNDABLE APPLICATION FEE OF \$125;  
2 OR

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

6 2-712.

7       (a)   ~~(+)~~    A license ~~ISSUED OR RENEWED ON OR BEFORE SEPTEMBER 30, 2005,~~  
8 expires on the June 30 after its effective date, unless the license is renewed for a  
9 ~~{1-year} 2-YEAR~~ term as provided in this section.

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

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

15               (1)    Otherwise is entitled to be licensed;

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

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

19 2-713.

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

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

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

30       ~~(4)~~    (C)    (1)    An inspection shall be deemed necessary if, during a previous  
31 inspection, deficiencies are found and the licensee has not submitted evidence to the  
32 Board within a reasonable period of time that satisfactory corrective measures have  
33 been completed.

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

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

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

5 ~~2-714.~~

6 (a) A license issued under this subtitle is the property of the State and only is  
7 loaned to a licensee.

8 (b) Each licensee shall display [his] THE LICENSEE'S license conspicuously on  
9 the premises where a riding stable is operated by the licensee.

10 (c) (1) EACH LICENSEE SHALL DISPLAY THE LICENSEE'S LICENSE NUMBER  
11 ON A SIGN POSTED ON THE PREMISES WHERE A RIDING STABLE IS OPERATED BY THE  
12 LICENSEE.

13 (2) THE SIGN SHALL BE POSTED AT A HEIGHT AND IN A POSITION THAT  
14 CAN BE SEEN CLEARLY FROM A HIGHWAY ADJACENT TO THE ENTRANCE TO THE  
15 PREMISES.

16 (3) THE LICENSE NUMBER ON THE SIGN SHALL BE IN BLACK LETTERS  
17 AT LEAST 4 INCHES HIGH ON A WHITE BACKGROUND.

18 (D) A license issued under this subtitle may not be assigned or transferred.

19 ~~2-719.~~

20 Subject to the evaluation and reestablishment provisions of the Program  
21 Evaluation Act, the provisions of this subtitle and of any rule or regulation adopted  
22 under this subtitle shall terminate and be of no effect after [July 1, 2006] JULY 1,  
23 2016.

24 ~~6-107.2.~~

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

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

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

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

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



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