#### 5lr0836

# 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 <u>number in a certain manner;</u> 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, <u>2-714, and</u> 2-719<del>, and 6-107.2</del>
- 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.

(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 of28 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		(I) [a nonrefundable] AN inspection fee of [\$25] \$75; AND

#### 3 **UNOFFICIAL COPY OF SENATE BILL 446** (II)AN A NONREFUNDABLE APPLICATION FEE OF \$125; 1 1. (I) 2 OR 3 $\frac{2}{2}$ (II) A PRORATED AMOUNT NONREFUNDABLE APPLICATION FEE, DETERMINED BY THE BOARD, BASED ON THE NUMBER OF 4 5 MONTHS REMAINING IN THE LICENSING TERM. 6 2-712. 7 A license ISSUED OR RENEWED ON OR BEFORE SEPTEMBER 30, 2005. (a) (1)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 Before [his] A license expires, a licensee periodically may renew [his] THE (b) 14 license for additional [1-year] 2 YEAR terms, if the licensee: 15 Otherwise is entitled to be licensed; (1)Pays to the Board a renewal fee of [\$50] \$125; and 16 (2)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 Each licensee shall pay to the Board [annually] EVERY 2 YEARS an (b)23 inspection fee of [\$25] \$75. 24 If more than one inspection is necessary in any licensing period, the (c)**(B)** 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 <del>(d)</del> (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 AN INSPECTION SHALL BE DEEMED NECESSARY ON AN ANNUAL (2)35 BASIS IF THE BOARD DETERMINES THAT THE LICENSEE HAS A HISTORY OF 36 VIOLATIONS.

1(3)AN UNANNOUNCED INSPECTION SHALL TAKE PLACE WITHIN 482HOURS 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 <u>2-714.</u>

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

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 NUMBER11ON A SIGN POSTED ON THE PREMISES WHERE A RIDING STABLE IS OPERATED BY THE12LICENSEE.

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

16(3)THE LICENSE NUMBER ON THE SIGN SHALL BE IN BLACK LETTERS17AT 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 <del>6 107.2.</del>

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

4

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

3 [(e) Notwithstanding any other provision of this subtitle, any funds collected

4 under this section may be used only for education, research, and promotional

5 materials and activities intended to benefit the Maryland equine industry.]

**Article - State Government** 

7 8-403.

6

8 (a) On or before December 15 of the 2nd year before the evaluation date of a 9 governmental activity or unit, the Legislative Policy Committee, based on a 10 preliminary evaluation, may waive as unnecessary the evaluation required under this 11 section.

12 (b) Except as otherwise provided in subsection (a) of this section, on or before

13 the evaluation date for the following governmental activities or units, an evaluation14 shall be made of the following governmental activities or units and the statutes and15 regulations that relate to the governmental activities or units:

16 (33) Horse Industry Board, Maryland (§ 2-701 of the Agriculture 17 Article: [July 1, 2005] JULY 1, 2015);

18

# Chapter 223 of the Acts of 2002

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 20 July 1, 2002. [It shall remain effective for a period of 5 years and, at the end of June 21 30, 2007, with no further action required by the General Assembly, this Act shall be 22 abrogated and of no further force and effect.]

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

33 Industry Board shall report to the Senate Finance Committee, the Senate Education,

34 Health, and Environmental Affairs Committee, the House Ways and Means

35 Committee, and the House Environmental Matters Committee on or before October 1,

36 2006, in accordance with § 2-1246 of the State Government Article, on the

37 implementation of the recommendations of the Department of Legislative Services

38 contained in the sunset evaluation report dated October 2004.

5

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