

THE FRONT PAGE

News & Views You Can Use

The 2005 Maryland Legislative Session: Game Over

The 90 day blood sport known as the Maryland Legislative Session officially ended April 11, with some surprises, some relief, and a lot of head shaking.

Of course, unless you live in a cave that lacks radio, t.v. and/or newspapers, you know the big news. Of course, some horse people do live in caves, otherwise known as barns. If you are one of those types of barn dwellers, well, then here is the Big News: YEAR 3—NO SLOTS. For the first time, the House agreed to a slots bill, but the House and the Senate (which has been supporting a slots bill each year) could not agree on a bill. Some horsemen are upset, because they believe any bill is better than no bill and they wished the Senate had just acquiesced. Other horsemen believe that the House version was just plain bad for the horse industry. For more in-depth discussion on slots legislation, please visit the websites for the Baltimore Sun, Washington Post, Annapolis Capitol, as well as for racing related organizations.

At The Equiery, we try to scout for bills that affect the equestrian community but may get overlooked in the mainstream media by the issue du jour.

Below are the bills that caught our attention. For more information on them, or to contact your delegate or senator, visit equiery.com, click on Maryland Legislature, and the site will help you figure out who your delegate or senator is and how to contact him or her. They want to hear from you!

During its 90 day session, the 188 members of the Maryland General Assembly heard 2,632 bills and 211 joint resolutions. Most bills don't make it. Com-

mittees can choose to sit on bills, never letting them "out of committee," and thereby stalling them. This may be because the committee does not want to make a strong statement by giving the bill an unfavorable report (i.e. "killing" it) or vote, so they essentially ignore it. Sometimes, they can "still be in committee" for legitimate reasons. Once the session is over, regardless of whether a bill was stalled or killed, its life is over—there are no second acts. Issues and topics will return from year to year, but they start from square one each year. However, despite the fact that a stalled bill is—for all intents and purposes—dead as of the end of the session, sometimes legislators want to make a dramatic point, theatrically killing a bill on the very last day of session, as if to say "take that!"

Before a bill can be passed, it is heard on one side of the aisle (either House or Senate, depending upon who sponsors it), and once it passes there, it crosses over to the other side for similar debate and cogitation. If that side passes the first version, great—the bill goes on to be signed by the Governor. If the second side amends the bill, it goes back to the first side for reconsideration. If the two sides concur, great. If not, the first side asks the second side to "recede" or "back off." If the second side refuses to recede, then a conference committee is appointed to sort it all out. Sometimes they do, sometimes they don't.

In order to strengthen the odds of a bill passing, they may be cross filed, with a Senate and a House version. Usually, in the process of the hearings, only one bill will get passed. Occasionally both bills will get passed. However, although they may have started out as identical bills, the two final approved bills may be very different. In other words, yes, each side of the aisle cast passing votes on the different versions of the same bill, a conundrum that is left to the Governor to sort out,

as he gets to decide which bill—if any—he will sign.

As of press time, we do not have the Governor's approvals or vetoes, just what was left standing at the end of the 2005 running of the bulls.

Update on Bills Reported On In March Equiery

See www.equiery.com for March 05 legislative report under News & Views.

HB 76: Animal Health—Administrative Penalties

Allows MDA to impose financial penalties of up to \$10,000 on anyone found guilty of violating health regulations for livestock. Fines go to the General Funds (which helps to ensure that agencies don't start looking for violations just to enrich their own coffers). **Passed unanimously.**

HB 77: Commercial Feed and Fertilizer, Agricultural Liming Materials, and Pesticide Registration and Labeling Laws—Penalties

Allows MDA to fine any feed, fertilizer, liming or pesticide business not complying with the laws to register and/or properly label said product. In the past, the best MDA could do was to refuse to register the product, which really doesn't seem like much of a threat to a business already not complying. Again, fines would go to the General Fund. **Passed unanimously.**

HB 104: Animal Health—Reports

Requires that MDA protect the privacy of the identity of the owners of animals in regards to their health reports, but which would also authorize the Department, vis-à-vis the Secretary, to disclose that identity when deemed in the interest of public health or for the necessity of preventing

the spread of disease. **Passed unanimously.**

HB 555/SB 446: Horse Industry Board Program Evaluation

The first purpose of this bill was to extend the life of the Horse Industry Board, which we all believe is doing an outstanding job and most certainly should be allowed to continue. This should have been a slam dunk bill. However, well-meaning but misguided officials in legislative services attached a section to the bill that would have doubled the feed fund and would have lifted the current restrictions on how that money is spent. You, our readers, were quite clear when approving the original feed fund legislation that you wanted the use of the funds restricted to education, research and promotion, and you also expressed concern that someone might increase the feed fund assessment without asking the horse people what they thought. Well, that almost happened, except that The Equiery, the Maryland Horse Council, and even the Maryland Horse Industry Board fought it. We had lots of good support too, such as Senators Kittleman and Brinkley and Delegates Jennings and Clagett. So, the feed fund changes were struck in both the House and Senate versions of the bill. However, after that, things got weird, with one senator insisting on an amendment requiring stable owners to display their state stable licensing number on a sign by the road, claiming that the inspectors need help finding the stables (they haven't so far!) and claiming that the public needs to know that the facility is licensed. Knowing that people leave signs that can linger for decades, the listing for currently licensed stables

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on the Maryland Department of Agriculture's website is certainly a more reliable method for communicating with the public. Well, the House refused to pass the Senate version, the Senate refused to pass the House version, session was almost over, a conference committee was appointed, but session ended with no bill.

This could have been devastating news, as it is the bill that renews the existence of the Horse Industry Board. However, the Board does not actually sunset for another year, which gives us one more shot at getting it renewed.

And we understand that, in 2006, MDA is going to make sure that the bill is clean and does not contain any increases to the feed fund and does not lift the restrictions on the use of those funds. But, stay tuned folks, because as they say, "it ain't over until its over." This should have been a slam dunk this year, and look what happened.

HB 1173: Changes to the DNR Wildlife Advisory Commission

Would double the number of representatives from each interest group; this is the committee that advises on issues related to foxchasing (on public or private land, as DNR is responsible for all wildlife, regardless of location). **Killed March 21.**

HB 1330: Ratcheting Up Penalties for Aggravated Cruelty to Animals

Increase the punishment for cruelty that results in death, upping the potential jail time from three years to five and the fines from \$3,000 to \$10,000. **Passed House, stalled in Senate.**

HB 332/ SB 54: Anne Arundel County—YMCA Camp Lets

Funding for improvements to YMCA Camp Lets, which also offers lessons and rentals of horses. **House version killed, Senate version stalled.**

HB 842: Land Valuation State Property Tax

Establishing separate classes for property tax purposes for land and improvements to land. **Stalled, and then dramatically killed on April 11. Someone sending a message?**

HB 904: Land Preservation Protection Act

Essentially, this bill requires the Governor to pay back the money he borrowed from the transfer tax fund (which supports land preservation programs) to balance the budget. **Killed in House April 6.**

HB 1334 Critical Farms Program

Requiring MALPF and the Department of Planning to establish a Critical Farms Program to provide interim or emergency financing for the acquisition of specified agricultural preservation easements on specified farms. **Passed House, passed Senate with amendments, back to House, but House refused to consider the amendments. Conference committee appointed, passed out of Senate on April 8.**

SB 306 Board of Public Works—Disposition of Protected Lands

Prohibits Public Works from approving the sale, lease, transfer, exchange, grant, or other disposition of any State-owned or State-designated outdoor recreation, open space, conservation, preservation, forest, or other park land. **This too bounced back and forth a bit, initially leaving the Senate with a unanimous vote, passing through the House with amendments (and a unanimous vote), and then back to the Senate, concurring with the House amendments (but not unanimous this time).**

Update on Bills Reported On In April Equiry

See www.equiry.com for April 05 legislative report under News & Views.

HB 1251 Registration of Off-the-Road Vehicles

Required all-terrain vehicles, mini-motorcycles, mini-scooters, and dirt bikes, to be registered with the MVA as Class O (Off-the-road vehicles). These vehicles would not have been allowed to operate before 7 a.m. or after 8 p.m. and riders under age 16 must be supervised by a parent/guardian. Time restrictions on the use of ATVs on the farm would severely hinder operations. **Died.**

HB 846: Using Land Value Taxation To Fund Thorton

This bill was a way to avoid funding the Thorton Education program via slots, but it would hit owners of any size acreage very hard as it requires an increase in state property taxes to pay the full cost of the education program. **This bill, which never made it out of committee, was dramatically killed in committee on April 11. The committee could have just let it languish, but obviously they were sending a "take home message": the House may be wishy-washy on slots paying for Thirteen, but they are definitely not going to use property taxes to fund it.**

HB 1055: Requiring Public Hearings for Ag Buildings Over 20' High

Luckily, our elected officials had enough common sense not to even let this silly little bill get out of committee. **Hopefully, the Montgomery County delegation that backed this bill got the message.**

ATTENTION STABLE OWNERS: MINIMUM WAGE INCREASE

One of the two minimum wage bills passed:

HB 391: Increases the minimum wage to \$6.15 per hour in Maryland; passed House with amendments, crossed to Senate. Did you know that State and local governments are not beholden to the minimum wage laws? Only us private sector employers.

SUNDAY HUNTING BILLS

HB 128 Sunday Hunting Anne Arundel

Would have removed Anne Arundel County from the list of counties in which deer hunting on private lands on Sundays is prohibited. **Received favorable reports, but referred back to committee—perhaps a graceful way of saving face for legislators, as now that the session is over, the bill is dead.**

HB 1388/ SB 943: Hunting Restrictions

Currently, Dorchester allows hunting on one Sunday during the bow season and one Sunday during the firearms season.

The original version of each bill would make it legal to bow hunt deer during open season. **Both bills passed through both sides of the chamber, however, the final bills are different, as the Senate version was amended to restrict bow hunting deer to three Sundays in October and one in November. The two chambers did not bother to resolve the two bills, passing both and sending them both up to the Governor to make the final decision.**

ATTENTION TRAIL RIDERS HB 1290 Titling and Registration of Off-Highway Vehicles

Horse people should take particular note of this bill, which would have established the Off-Highway Vehicle Fund within the DNR, an Off-Highway Vehicle Trails Advisory Committee, and registration requirements for Class O (off-highway) vehicles: ATVs, dirt-bikes, and snowmobiles. The money for the Fund will be generated from fees paid for the registration and will be used to build and maintain trails for the use of off-highway vehicles. **Passed the House, died in Senate. We suspect we will see a version of this legislation again next year.**

HB 1149: Transfer of Preakness Stakes Name and Trademarks

The State's attempt to hijack private intellectual property rights. **Dead.**

HB 465: Forest or Park Reserve Fund—Payments to Counties. Passed.

HB 1355/SB 382: Classification of State Forest and Park Ranger Supervisors

Authorizing specified employees of the State Forest and Park Service to choose to be transferred to the Natural Resources Police or to remain under the State Forest and Park Service. **Withdrawn.**

HB 1086: Hunting—Closure of State Lands

Requiring DNR to keep land managed by the Department open and available for hunting. **Passed.**

HB 4 Land Preservation and State Asset Protection Act

More bills to deal with the tempest surrounding the potential sale of excess state lands, this bill establishes new procedures for the consideration and determination that land owned by the state is "excess" and can be sold. **Passed House, passed Senate with amendments, House refused to consider amendments, asked Senate to "recede;" Senate refused. Game over.**

HB 67 Disposition of Park Lands – General Assembly Approval Required

Again addresses the autumnal tempest, a constitutional amendment prohibiting the Board of Public Works from approving the sale, lease, transfer, exchange, grant or other disposition of any state designated outdoor recreation, open space, conservation, preservation or other parkland without the express approval of the General Assembly. **Passed House with amendments, stalled on Senate side.**

HB 903 – Land Preservation Retention Act

Dealing with the same issue, this bill set up a new process for determining and selling "surplus" state land that was originally acquired in fee simple for conservation purposes. **Killed in committee.**

HB 1533/SB 738 Land Preservation Programs – Funding

This bill must be in response to the raid of the program last year in order to balance the budget. **Stalled in committee.**

SB 293: Income Tax Credit for Preservation and Conservation Easements

Would have authorized county governments to grant an income tax credit against county taxes for easement donations to MET and MALPF. **Passed Senate, stalled in House.**

SB 294: Income Tax/Credit for Preservation and Conservation Easements/Refund

Makes the existing tax credit for the donation of easements to the Maryland Environmen-

tal Trust and the MALPF a "refundable" tax credit. **Passed Senate, stalled in House; House had previously killed a cross filed version of the same bill.**

SB 459/HB 1039: Income Tax Checkoff Cecil Co. Ag Preservation Fund

Killed in both chambers.

HB 1472: Exemption for Transfer to Brother/Sister in State Transfer Tax

Adds "brother or sister" to list of relatives to whom property can be transferred subject to a mortgage or deed of trust without paying recordation tax. **Passed, will be effective July 1.**

HB 121: St. Mary's Property Tax Credit for Age 70 +

Permits St. Mary's County to grant a property tax credit against the county property tax imposed on real property owned by an individual at least 70 years old. **Passed with amendments limiting tax credit to principle residents and to people with limited income.**

HB 1294 – Resource Conservation Planning Act of 2005

Would have required government entities with planning and zoning authority (such as county governments) to develop, submit to the MD Department of Planning for review, and adopt land conservation plans for their respective jurisdictions. **Killed.**

HB 542/SB 438 Frederick County Ag and Education Complex

For the purpose of establishing an Agriculture and Education Complex in Frederick. **Stalled in Senate; killed in House.**

HB 1515 Mandatory Funding for Cooperative Extension Alas, died in House.

HB 1594/SB 1006: Funding for MD Agricultural and Resource Based Industry Development Corp.

The bill requires the Governor to fund MARBIDCO, as

much as \$4.5 million each year through 2008. This soon to be law should interest horse business owners, as this program will be able to provide loans and start up capital for ag-related enterprises. **Both chambers approved the House version with amendments.**

SB 973: Ag Limited Liability Entities – Homestead Tax Credit

Last year, the legislature passed a bill to extend the Homestead Tax Credit to Agricultural Limited Liability Companies. This bill makes Agricultural Limited Liability Partnerships eligible as well; sponsored by horseman Sen. David Brinkley. **Approved.**

HB 74: Ag Preservation Easement Termination – County Notification

Extends from 30 days to 90 days the timeline allowed for a county government to notify the MD Agland Preservation Foundation of its recommendation in the case of a landowner who applies to have a MALPF easement terminated. **Passed and effective Oct. 1.**

HB 576: Water Pollution Control – Cost Sharing

Alters the cost-share program designed to help farmers install Best Management Practices on their farms (conservation practices that manage soil loss or nutrients, animal wastes or agricultural chemicals so as to minimize movement into surface waters). **Passed.**

HB 78: MALPF – Local Land Use

Clarifies a county's authority to deny permits for projects on land under MALPF easement if the project is in violation of the easement. The bill allows the local government to deny approvals for subdivision plats or plans, building permits, conditional use or special exceptions or any other activity on MALPF easement land without the Foundation's approval. **Passed in the House, amended and passed in Senate so that landowners can still build additions to homes or erect farm buildings without permission from MALPF.**

HB 79: MALPF – Arbitration of Easement Values

Sets a deadline for requesting an appeal of an appraisal of land offered for easement sale to the MD Agland Preservation Foundation. If either the landowner or the Foundation do not agree on the value of the easement as determined by the State, either party must request the appeal by September 30th of the year following the determination of value. **Passed.**

RACING BILLS

HB 516: Horse Racing Reform Act of 2005.

Stalled.

HB 632: State Lottery Proceeds for TB & SB State-Bred Funds

Stalled.

HB 1029/SB 720: Purses—Pimlico Special and Rosecroft Raceway

Creating a special fund and requiring that money from that fund be used for purses for the running of the Pimlico Special and for purses at Rosecroft Raceway. **Passed.**

HB 230/SB 460: Racing at Fair Hill Takeout for Cecil Co. Breeders' Fair

Increasing the takeout to 25% that the Cecil County Breeders' Fair, Inc., or its successor must deduct from the handle for races held at the Fair Hill Natural Resources Management Area. **Both versions passed, the Governor gets to decide which to sign.**

SB 498: State Racing Commission Reorganization Act

Died.

11th HOUR

HB 1498: Establish a Task Force for the Regulation of the Horse Training Industry

This last minute bill, heard on March 29, would have established a task force to investigate the regulating of horse trainers (racetrack trainers would have been exempted). This ill-defined, badly worded and very confusing bill went nowhere. ■