

SENATE BILL 53

M4

3lr0004

(PRE-FILED)

By: **Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Agriculture)**

Requested: October 4, 2012

Introduced and read first time: January 9, 2013

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable

Senate action: Adopted

Read second time: January 22, 2013

CHAPTER _____

1 AN ACT concerning

2 **Department of Agriculture – Administrative Review of Contested Cases**

3 FOR the purpose of repealing certain provisions of law relating to the Board of Review
4 of the Department of Agriculture, including provisions requiring persons in
5 certain contested cases to exhaust an avenue of appeal to the Board of Review
6 before pursuing review in court; making certain conforming changes; and
7 generally relating to the administrative review of contested cases at the
8 Department of Agriculture.

9 BY repealing

10 Article – Agriculture

11 Section 2–401 through 2–405 and the subtitle “Subtitle 4. Board of Review of
12 Department of Agriculture”

13 Annotated Code of Maryland

14 (2007 Replacement Volume and 2012 Supplement)

15 BY repealing and reenacting, with amendments,

16 Article – Agriculture

17 Section 2–103(h) and 2–106

18 Annotated Code of Maryland

19 (2007 Replacement Volume and 2012 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That Section(s) 2–401 through 2–405 and the subtitle “Subtitle 4. Board
3 of Review of Department of Agriculture” of Article – Agriculture of the Annotated Code
4 of Maryland be repealed.

5 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
6 read as follows:

7 **Article – Agriculture**

8 2–103.

9 (h) The Secretary may exercise or perform any power, duty, responsibility, or
10 function which any position or unit within the Department may exercise or perform,
11 except those vested by law in the [board of review of the Department, and the]
12 Maryland Agricultural Commission. The Secretary has general supervision, direction,
13 and control of the provisions of this article and generally of all matters in any way
14 affecting or relating to the fostering, protection, and development of the agricultural
15 interests of the State.

16 2–106.

17 (a) The following positions and units are included within the Department:

18 (1) The Maryland Agricultural Fair Board;

19 (2) The Chief of Weights and Measures;

20 (3) The State Chemist;

21 (4) The State Veterinarian;

22 (5) The State Board of Veterinary Medical Examiners;

23 (6) The State Soil Conservation Committee;

24 [(7) The Board of Review of the Department of Agriculture;]

25 [(8) (7) The Maryland Agricultural Commission;

26 [(9) (8) The Maryland Horse Industry Board; and

27 [(10) (9) The Maryland Winery and Grape Growers’ Advisory Board.

28 (b) The Secretary shall appoint the State Chemist, State Veterinarian, and
29 Chief of Weights and Measures.

1 (c) The Department also includes any other position or unit which is
2 declared within the Department pursuant to law.

3 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2013.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.