

# SENATE BILL 53

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(PRE-FILED)

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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

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## A BILL ENTITLED

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)

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23 of Maryland be repealed.

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – Agriculture**

2 2–103.

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

10 2–106.

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

12 (1) The Maryland Agricultural Fair Board;

13 (2) The Chief of Weights and Measures;

14 (3) The State Chemist;

15 (4) The State Veterinarian;

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

17 (6) The State Soil Conservation Committee;

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

19 [(8)] (7) The Maryland Agricultural Commission;

20 [(9)] (8) The Maryland Horse Industry Board; and

21 [(10)] (9) The Maryland Winery and Grape Growers' Advisory Board.

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

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

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