

SOUTH CAROLINA EQUINE PROMOTION ACT

A BILL

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 10 TO TITLE 47 SO AS TO CREATE THE "SOUTH CAROLINA EQUINE PROMOTION ACT" INCLUDING PROVISIONS TO PROVIDE CERTAIN DEFINITIONS; TO ESTABLISH A PROMOTION BOARD AND SPECIFY ITS RESPONSIBILITIES, COMPOSITION, AND METHOD OF SELECTING BOARD MEMBERS; TO CREATE THE EQUINE PROMOTION FUND TO PROMOTE THE EQUINE INDUSTRY; TO PROVIDE MONEY FOR THE EQUINE PROMOTION FUND BY IMPOSING AN ASSESSMENT ON THE SALE OF CERTAIN COMMERCIAL HORSE FEED AND CUSTOM BLENDS; TO PROVIDE FOR THE RATE AND METHOD OF COLLECTION OF THE ASSESSMENT; TO PROVIDE A REFUND OF THIS ASSESSMENT IN CERTAIN CIRCUMSTANCES; AND TO PROVIDE FOR THE MANNER IN WHICH THE REVENUE DERIVED FROM THESE ASSESSMENTS MUST BE USED.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. A. The General Assembly finds that the horse industry contributes millions of dollar to the economic development of this State through the value of the animals themselves, the land on which they are housed, the jobs created by the industry, and adjunct services such as feed, veterinary care, supplies, vehicles, insurance, buildings, taxes, and many more.

The South Carolina Equine Promotion Act established below shall promote and improve the economic development of the industry as a result of a program funded by an assessment on the sale of commercial horse feed in this State.

B. Title 46 of the 1976 Code is amended by adding:

CHAPTER 10 South Carolina Equine Promotion Act

Section 47-10-10. This chapter may be cited as the "South Carolina Equine Promotion Act."

Section 47-10-20. As used in this chapter:

- (1) "Board" means the Equine Promotion Board established pursuant to Section 47-10-30.
- (2) "Commercial horse feed" means a commercial feed, as defined in Section 46-27-20, labeled and marketed for equine purposes.
- (3) "Commissioner" means the Commissioner of the SC Department of Agriculture.
- (4) "Department" means the South Carolina Department of Agriculture.
- (5) "Equine" means a horse, pony, mule, donkey, or hinny.
- (6) "Equine industry" applies to both commercial and recreational aspects of equine activities.

Section 47-10-30. (A) An Equine Promotion Board shall be established under the administration of the SC Department of Agriculture. The membership of the promotion board must be composed of ten members who have a direct association with the equine industry and who reside and operate in this State. The members of the board shall be appointed as follows:

- (1) The Chairman of the Senate Agriculture and Natural Resources Committee shall appoint one member;
- (2) The Chairman of the House Agriculture, Natural Resources and Environmental Affairs Committee shall appoint one member;
- (3) The South Carolina Commissioner of Agriculture shall appoint one member;
- (4) The Director of SC Parks, Recreation and Tourism shall appoint one member;
- (5) The South Carolina Feed Dealers shall appoint one member;
- (6) The President of the South Carolina Farm Bureau shall appoint one member;
- (7) The South Carolina Horsemen's Council shall appoint one member;
- (8) The South Carolina Thoroughbred Owners and Breeders Association shall appoint one member;
- (9) Two at-large members shall be nominated by the equine industry, with final determination to be made by the rest of the board.

(B) Of the initial members of the Equine Promotion Board created pursuant to this section, four members shall serve terms of four years, three members shall serve terms of three years, and three members shall serve terms of two years. These initial terms must be determined randomly by a method chosen by the board chairman. After the initial terms all new members shall serve three-year terms. No special interest group may have more than representative on the board. The equine marketing specialist within the S.C. Department of Agriculture and an equine specialist from Clemson University shall serve in advisory capacities.

(C) In making these appointments, race, gender, and other demographic factors must be considered by the appointing authorities to ensure nondiscrimination and to ensure, to the greatest extent possible, inclusion and representation of equine professionals from all segments of the population of the State; however, consideration of these factors in making a selection in no way creates a cause of action or the basis for a grievance by a person appointed or by a person who fails to be appointed. Vacancies must be filled in the manner of the original appointment. All members shall serve until their successors are appointed and qualify

(D) The board shall elect a chairman, vice chairman, secretary, and treasurer from among its members. The board shall meet at least quarterly or upon the call of the chairman. Members of the board are not entitled to compensation but shall receive mileage, per diem, and subsistence as provided by law for members of state boards, committees, and commissions to be paid from approved accounts of the Equine Promotion Board.

Section 47-10-30 (B). An assessment equal to two dollars a ton shall be imposed at the mill on all commercial feed and custom blends labeled and marketed for equine use and sold in this State. The fee must be paid by those selling custom equine blends or required to register a commercial feed pursuant to Section 46-27-210 under the Department of Agriculture.

Those individuals and entities must be issued a manufacturer's receipt for payment of the fee by the Department before supplying the feed to the retailers. The assessment is due and payable to the Department in quarterly installments on the fifteenth day of the month following the end of the calendar quarter, for the preceding quarter. Those funds will be disbursed to the Equine Promotion Board upon receipt. The Board shall prescribe the forms necessary for reporting and paying this assessment. For purposes of collection and enforcement, the provisions of Chapter 54, Title 12 apply to this assessment.

A consumer who desires a refund of these assessments may file a written request for a refund with the board within thirty days after the close of the calendar year in which the assessments were paid, together with a copy of the receipts for payments. Upon receipt of these materials, the board shall issue a refund of the assessments paid to that person.

Section 47-10-50. (A) The revenues of the assessment imposed pursuant to this chapter must be credited to a fund in the State Treasury separate and distinct from the general fund and all other funds, entitled "The Equine Promotion Fund," which must be used by the board for the sole purpose of promoting the equine industry in this State, including administrative expense associated with this purpose. The Department on an annual basis is authorized to be reimbursed from the fund for its administrative costs associated with its duties under this chapter, not to exceed fifteen percent of the total net assessments collected for that year.

(B) The funds collected from this assessment shall be used for research, education and promotion for the purpose of supporting the equine industry.

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47-10-60 Annual audits of the Equine Promotion Fund will be conducted by the Department, so that the manner in which the assessments are imposed and expended ensure that the funds are collected and utilized as required by this chapter.

SECTION 3. This act takes effect upon approval by the Governor.