**South Carolina General Assembly**

118th Session, 2009-2010

**H. 4047**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Funderburk, Lucas and Limehouse

Document Path: l:\council\bills\ggs\22355ab09.docx

Introduced in the House on May 14, 2009

Currently residing in the House Committee on **Agriculture, Natural Resources and Environmental Affairs**

Summary: Equine Promotion Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

5/14/2009 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2009\05-14-09.docx)‑13

5/14/2009 House Referred to Committee on **Agriculture, Natural Resources and Environmental Affairs** [HJ](file:///h:\HJ%20Archive\2009\05-14-09.docx)‑13

**VERSIONS OF THIS BILL**

[5/14/2009](file:///p:\pprever\2009-10\4047_20090514.docx)

**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”; 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 CERTAIN COMMERCIAL FEED AND CUSTOM BLENDS AND TO PROVIDE A REFUND OF THIS ASSESSMENT IN CERTAIN CIRCUMSTANCES; AND TO REQUIRE PERIODIC AUDITS OF THE EQUINE PROMOTION FUND.

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

SECTION 1. The General Assembly finds that the horse industry in this State contributes significantly to the economic development of this State. “The South Carolina Equine Promotion Act” established below shall promote and improve economic development, education, health, and disaster preparedness as a result of conducting a program funded by an assessment on the sale of commercial horse feed.

SECTION 2. Title 47 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, and labeled for equine purposes.

(3) ‘Commissioner’ means the Commissioner of the 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) There is established under the auspices of the Department the Equine Promotion Board. The membership of the Promotion Board must be composed of fifteen members who have a direct association with the equine industry and operate and reside in this State. The members of the board must be appointed as follows:

(1) South Carolina Commissioner of Agriculture shall appoint one member;

(2) Chairman of the Senate Agriculture and Natural Resources Committee shall appoint one member;

(3) Chairman of the House Agriculture, Natural Resources, and Environmental Affairs Committee shall appoint one member;

(4) South Carolina Horsemen’s Council may appoint one member;

(5) South Carolina Farm Bureau Equine Advisory Committee may appoint one member; and

(6) equine industry may appoint ten members chosen at a statewide meeting of members of the industry.

No one equine breed, discipline, or special interest group shall have more than two representatives on the board.

The Equine Marketing Specialist within the South Carolina Department of Agriculture and an appointed Equine Specialist from Clemson University shall serve as advisory members.

(B) Of the initial members of the Equine Promotion Board created pursuant to this section, five members shall serve terms of four years, five members shall serve terms of three years, and five members shall serve terms of two years. These initial terms randomly must be determined by a method chosen by the board chairman. After the initial terms all new members shall serve four‑year terms.

(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 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. 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.

Section 47‑10‑40. There is imposed an assessment equal to two dollars a ton on all commercial feed and custom blends labeled for equine use 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, and those individuals and entities must be issued a manufacturer’s receipt for payment of the fee before supplying the feed to retailers. However, a person paying these assessments during a particular year 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 payment. Upon receipt of these materials, the board shall issue a refund of the assessments paid to that person. The assessment is due and payable to the Equine Promotion Board in quarterly installments due and payable on the fifteenth day of the month following the end of the calendar quarter, for the preceding quarter. 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.

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 expenses 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) Promotion of the equine industry in this State includes, but is not limited to:

(1) development and production of an original and reoccurring equine census as determined by the Equine Promotion Board essential to the promotion and marketing of South Carolina equine interests;

(2) informational and educational materials and programs;

(3) encouraging development and growth of the equine industry, and encouraging expansion of new and existing equine‑related agribusiness;

(4) encouraging research that would help the development of the equine industry;

(5) improving interaction with state and local government agencies and any national agencies considered necessary for the improvement of South Carolina equine;

(6) enhancing the general public’s image and knowledge of South Carolina equine; and

(7) development of programs to improve disaster preparedness for health and bio‑hazard evacuations in the State of South Carolina for equine.

Section 47‑10‑60. The State Auditor shall annually conduct an audit of the Equine Promotion Fund, and the manner in which the assessments are imposed and expended to ensure that the funds are collected and used as required by this chapter.

Section 47‑10‑70. The South Carolina Equine Promotion Board periodically shall survey equine owners regarding the imposition, pursuant to this chapter, of the assessment on all commercial feed. The results of this survey must be reported to equine owners, the Governor, the General Assembly, the Commissioner of Agriculture, and other public officials having interests in South Carolina equine.”

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

‑‑‑‑XX‑‑‑‑