

by Kimberly K. Egan, MHC Government Relations Committee



The Government Relations Committee continues to work hard in Annapolis on issues of concern to the Maryland horse community. Since our last report, there have been some developments on the therapy horse bills, the Sunday hunting bills, and the animal shelter cost of care bills.

In addition, in light of MHC's recent solar survey, we are including a short discussion of land use rules regarding "solar farming" this month.

Therapy Horses (SB 284/HB 660)

As previously reported, Senator Bryan Simonaire (R – Anne Arundel County) introduced legislation that would add a definition of "therapy horse" to the list of service animals eligible for reimbursement by the State's Veterans Service Animal Program.

The bill had originally restricted eligible stables to those certified by the Professional Association of Therapeutic Horsemanship (PATH) Premier Accredited Centers (PAC) or to have Equine Assisted Growth and Learning Association (EAGALA) certified professionals on staff.

We opened discussions with the Senator's office and with the therapy horse community to try to expand the definition. It became apparent, however, that finding a definition that satisfies both the equine therapy community at large and the goal of the Maryland Veterans Administration would require more discussion than time would allow during this session.

The Senate has now passed the original version of the bill and it has been referred to the House for further consideration. If the bill becomes law, we intend to reopen discussions ahead of the 2022 session to try to find language that covers as many therapy horse programs as possible while still requiring some objective qualifications for quality control purposes.

Cost of Care for Seized Animals (HB 1080/SB 760)

As reported last month, there is a pair of bills pending that would, generally speaking, require owners under investigation for animal cruelty to pay the costs of caring for the animal after the animal has been seized, or forfeit all rights to the animal. We opposed these bills because of due process and other concerns.

The Government Relations Committee has persuaded the sponsors to exempt livestock – including horses -- from the bill. Even though we have won the battle for now, we expect the sponsors to try to include horses in future versions of the bill. We will wait to see what transpires in the 2022 session.

Sunday Hunting

A bolus of Sunday hunting bills has been working its way through the General Assembly this session – bills that cover Calvert, Caroline, Prince George's, Somerset, Talbot, and Queen Anne's counties. (A proposed bill in Worcester County has been withdrawn by its sponsors.) The majority of our members oppose Sunday hunting, so we took our customary approach of testifying in opposition to each bill.

As of this writing, only two bills that have passed their respective chambers. They are the House version of the Queen Anne's County bill (HB 225) – which would expand the number of Sundays available (currently for just deer hunting from each Sunday during deer firearms season, and three Sundays in October and one in November during deer bow season), to almost all Sundays year-round for all species – and the House version of the Talbot County bill (HB 325) – which would permit deer hunting on every Sunday from first Sunday in October to the second Sunday in January.

Solar Power

Several members responded to MHC's recent solar power survey with concerns about the prospect of large-scale solar generation facilities on agricultural land, aka, "solar farming." The concern is complex.

What's the Issue?

The "solar farming" issue arose from legislation that the Maryland General Assembly passed in 2019 that requires half of the state's energy to come from renewable sources by 2030, and that 15% of it be from solar power. In 2020, only 5% of Maryland's electricity came from renewable sources, which means Maryland must substantially increase the amount of power it generates from solar energy.

Considerations of space, expense and technology make that difficult to accomplish on rooftops, landfills, and brownfields, so arrays on open land and agricultural land are considered necessary. This necessity that Marylanders reduce fossil fuel consumption is in conflict, however, with the desire of some Marylanders to preserve agricultural land.

How Much Ag Land Is at Risk?

According to an analysis by the Sierra Club, Maryland could produce 100% of its energy needs from solar power alone with 8,400-MW's-worth of solar panels. According to the Sierra Club, Maryland could generate that much solar power using less than 3% of Maryland's total agricultural acreage.

What Projects Are in Review?

There are seven state agencies that review petitions for solar power facilities. One of them is DNR, which is charged with ensuring that Maryland meets its renewable energy goals while preserving our natural resources, whether on private or public land. As of February, 2021, DNR is reviewing six commercial solar installation petitions on rural property:

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a 286-acre site on a reclaimed surface coal mine in Allegany County; a 286-acre site on agricultural land in Dorchester County; a 255-acre site on agricultural land in Harford County; a 250-acre site on Farmland of Statewide Importance in Kent County; a 70-acre site on agricultural land in Washington County; and a 25-acre site on agricultural land in Wicomico County.

What Are the Counties Doing?

Most zoning cases are decided at the county level, and several counties have involved themselves in land use issues over solar siting. There are two very recent examples of county activity of particular interest to horse people.

- Howard County: On March 15, 2021, the Howard County Council held a hearing on a zoning amendment that would reduce the size of commercial solar installations on agricultural preservation properties from 75 acres to 16 acres, or 34% of the site, whichever is less.
- Montgomery County: On February 23, 2021, the Montgomery County Council adopted a zoning amendment to increase the amount of solar energy that can be generated on farms but to prohibit panels from being sited on prime agricultural soil. The amendment also specifies that no more than 1800 acres of land in the Agricultural Reserve can be used for solar arrays.

It bears noting that regardless of where individual counties come out on solar farms on agricultural land, the State Public Services Commis-

sion (PSC) has the final say on where solar installations that generate more than 2,000 kilowatts can be sited. In 2019, the Maryland Court of Appeals ruled in Washington County v. Perennial Solar, LLC, that the PSC's authority over energy generation implicitly pre-empts any individual county's effort to control the placement of arrays within its borders. The case grew out of a dispute in Washington County over a 42,000-panel installation that neighbors complained would obstruct their views. The opinion begins, memorably, with a quote from the Beatles – "Here comes the sun, and I say, It's alright."

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