

by Jane Seigler, Co-Chair of MHC's Government Relations Committee

This year's legislative session ended at midnight on April 11, and the General Assembly will not meet again until January 2023.

The legislature passed 835 out of the 2,498 bills introduced this year, an overall passage rate of 33.4%.

### Bills That Passed

Of the 835 bills that passed, the Maryland Horse Council supported the following:

**SB 86 - DNR Lease Agreements - Trail Access** - requires tenants who lease DNR land that abuts public land with trail heads to maintain unobstructed access to trail heads for trail users and first responders. MHC developed this idea during a work group last summer, drafted the bill, and secured Sen. Katie Fry Hester (D-Howard & Carroll) and Del. David Fraser-Hidalgo (D-Montgomery) to sponsor the bill in the Senate and the House. The Senate bill sailed through both chambers with unanimous floor votes, and is on the Governor's desk as of this writing.

**HB 1062 - Costs of Care for Seized Animals** - establishes a process for a seizing agency to recover reasonable costs of care of seized animals, from their owner or custodian. MHC has been working closely with the Humane Society of the US since late last year to craft a bill that would serve the goal of holding owners of seized animals responsible for the cost of their care while in custody of animal welfare agencies, while addressing the due process and other implementation problems we saw in prior versions of the bill. The bill, as finally amended in accordance with our requests, largely addresses those concerns.

**SB 541- Great Maryland Outdoors Act** - addresses infrastructure, capacity, staffing, maintenance, and accessibility needs within the Maryland Park Service and State parks, and dedicates over \$160 million to create several non-lapsing funds to finance critical repairs, ongoing maintenance, and new trail acquisition. This massive bill will, we hope, cure many of the deficiencies our trail riders and other users have encountered in the parks.

**SB 567 - Property Tax on Agricultural Improvements** - requires the Department of Agriculture and the State Department of Assessments and Taxation to jointly conduct a study of the assessment of agricultural accessory use improvements to review whether these improvements should be assessed using a different methodology from improvements located on nonagricultural land; and requiring the departments to submit a report of their findings and recommendations to the General Assembly by December 1, 2022. This bill started out as a straight mandate that these kinds of improvements (e.g., winery tasting rooms, indoor riding arenas, etc.) be assessed as ag (i.e., non-commercial) improvements. There was some pushback from county and local governments, and the bill was converted to a study bill. During the legislative process, MHC succeeded in getting the bill amended to specify that the Department of Agriculture must consult with "non-profit associations that represent . . . equine interests" during the course of its study.

**SB 594 - Winery & Vineyard Grant Program** - provides for grants equal to 25% of the qualified capital expenses incurred in connection with establishing new wineries and vineyards or completing capital improvements at existing wineries and vineyards. MHC supported this bill

to benefit those of our members who already have wineries or vineyards on their horse properties, or who may wish to do so.

**HB 485 - Montgomery, County Sunday Hunting** - this bill was a technical correction, removing specific dates for the two designated full day Sundays in Montgomery County, (plus the Jr. hunt). MHC supported this bill because it did not expand the total number of Sunday hunting days permitted in Montgomery County.

**SB 378 - Funding for Southern Maryland Agricultural Development Commission** - requires an annual appropriation of \$900,000 from the tobacco restitution fund for SMADC, which, among other things, publishes an online "equine guide" and supports other equestrian activities in southern Maryland. It will be sun-setted on June 30, 2025.

**SB 679 - Fair Hill Improvement Fund** - authorizes the Governor to appropriate up to \$1.8 million annually to be used exclusively for the grounds and facilities within the special event zone at Fair Hill (the venue for the Maryland 5 Star and other equestrian activities and events).

### Bills That Did Not Pass

MHC also supported several bills that did not make it over the finish line this session:

**HB 713 - Helmet Bill** - would have required minors to wear helmets when riding on public land. It is likely that Del. Mary Lehman (D-PG & Anne Arundel counties) will introduce the bill again next year.

**HB 116/SB 345 - Right to Engage in Equine Activities** - mirroring a similar bill that passed last year regarding hunting and fishing, this bill, championed by Del. Sara Love (D-Montgomery), herself an equestrian, would have recognized the importance of the horse industry to Maryland's historical, cultural and economic interests, and stated that residents of MD have a "right to ride."

**HB 263 - Nuisance Actions; Rodent Harborage** - would have authorized lawsuits for damages caused when an owner of real property "harbors" mice or rats. This year's version, unlike prior versions, contained an exception for property zoned for agriculture, but not for barns and fields that are not zoned "ag." MHC pointed out that deficiency, and recommended an amendment to cure it, but the bill failed to come out of committee.

**HB 1002/SB 800 - Electricity for Ag Purposes** - would have exempted from sales tax electricity used for ag purposes, even if on a separate meter from the residential meter. Currently, all electricity used on a farm is exempt from the sales and use tax IF it is all run from a single meter on the residence. If there is more than one meter on the farm, however, only the electricity run through the meter on the residence is exempt. Electricity run through the other meters is taxed.

**HB 1031/SB 791 - Maryland the Beautiful Act** - would have established a Local Land Trust fund to acquire land for conservation, set a goal of 40% of all lands in the state to be conserved by 2040; and would have created a Greenspace Equity Program to make grants for community greenspace, including trails, in underserved areas.

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**HB 156 - Urban Agricultural Incentive Zones** - would have permitted local jurisdictions to direct USDA grant funds to urban agricultural activities (including livestock). This bill could have been helpful to groups like Baltimore's Arabbers, and urban programs such as City Ranch and Wheaton Park Stables.

## **Sunday Hunting Bills**

For over 20 years, the Maryland Horse Council has worked to ensure fair use of shared natural resources during hunting season by trying to preserve Sundays as the one day of the week when children and adults who are hikers, birdwatchers, dog walkers, trail riders and other outdoor enthusiasts can enjoy the outdoors without concern for adverse interactions with hunters. Each year, we have testified against bills that would open up more days of all-day Sunday hunting, either statewide or in specific counties. In 2017, we offered a compromise bill that would allow hunting on Sundays, as long as it were to end at 10:30 am. That proposal gained no traction in the legislature.

This year, bills were introduced that would have allowed all-day Sunday hunting for all species in all seasons (essentially year-round because there is open season on some game bird or mammal throughout the year) in Calvert, Charles, Caroline, Queen Anne's and Somerset Counties. These bills apply to private land only, except for Somerset, which also would apply to public land that is "leased to a hunt club" (presumably a reference to the Chesapeake Forest lands in Somerset).

In addition, bills were introduced to allow Sunday hunting in Prince Georges County (which currently has no Sunday hunting at all) from the first Sunday in October through the second Sunday in January, plus reduce the archery safety zone to 50 yards; Talbot County from the first Sunday in October through the second Sunday in January, plus all five Sundays of the Spring (April-May) turkey season; and Worcester County for the Spring turkey season on public and private land.

Finally, there was a bill that would have allowed all-day, year round Sunday hunting statewide on public and private land, plus reduce the archery safety zone to 50 yards statewide; another bill that would allow statewide migratory game bird hunting all day on Sundays; and a bill that made a technical correction to the Montgomery County Sunday hunting law, but did not increase the number of Sunday hunting days in the county.

The statewide all year round (all species) and statewide migratory game bird bills, plus the Worcester County bill died quickly in committee. The other county bills passed the House and moved to the Senate, where they sat.

In the past, Sunday hunting bills have often died in the Senate committee, and there was an expectation that they might this time, too. Then, just two legislative days before the end of the session, the bills were amended, passed and sent to the Governor. The amendments essentially preserved any full day Sundays that each county already had, and required that any additional Sunday hunting must end at 10:30 am, except that Calvert, Caroline, Charles and Queen Anne's also were permitted to add full Sundays during the Spring turkey season.

There were a few additional tweaks: in a last minute floor amendment, Dorchester County was added to the Queen Anne's and Caroline bill on the same terms. The Talbot County bill was amended to allow hunting until 10:30 on all Sundays in each of the deer seasons, except for two full Sundays in the firearms season and five full Sundays in the bow season (which they already have). Talbot had requested full day Sundays in the Spring turkey season, but got them only until 10:30.

The Prince George's County bill died in the Senate committee, which is chaired by Sen. Paul Pinsky (D-PG). The Montgomery County technical correction bill passed.

Although MHC would have preferred that the General Assembly hold the line on Sunday hunting altogether, the 10:30 a.m. compromise is essentially a win for the equestrian community. Chairman Pinsky sent a strong signal that any future Sunday hunting bills will have to contain the 10:30 time limitation to make a successful exit from his committee. Moreover, we choose to take credit for the concept overall because we were the first to suggest it in 2017.

## **Other Bills of Note**

There are several other bills that passed and that we followed, but on which we took no position:

**SB 32** - Adds Worcester County to the list of counties where an existing agricultural building used for agritourism is not considered a change of occupancy and thus does not require a building permit.

**SB 489** - Does the same for Queen Anne's county.

**HB 16/SB 44** - Prohibits a person from leaving a dog outside and unattended for longer than 30 minutes without access to continuous suitable shelter or suitable shade during extreme weather conditions or temperatures. There are certain exceptions, including dogs used in hunting, livestock herding or guarding, sledding, sporting, or training.

**HB 558/SB 296** - Adds "camping" and "incidental stays" to the state model definition of "agritourism."

**HB 592** - Authorizes a farmer with a Deer Management Permit who leases crop land from the State to hunt deer with a shotgun or breech loading center fired rifle throughout the year, including during all deer hunting seasons.

**SB 632** - Requires the Maryland Health Benefit Exchange to convene a workgroup to study and make recommendations relating to the establishment of a Small Business and Nonprofit Health Insurance Subsidies Program to provide subsidies to small businesses and nonprofit employers and their employees for the purchase of health benefit plans. The bill originally would have enacted the subsidies outright, but the Senate Finance Committee raised some questions about the impact on small group insurance markets that could not be resolved in time, so the bill was converted to a study, with a report back to the General Assembly by October 1 of this year.

**HB 897** - With the re-development of Laurel Park delayed due to changes in the concept plan, supply chain issues, and rising costs that have put the project over budget, this bill expedites the redevelopment of Pimlico Race Course while the Maryland Stadium Authority prepares a study to determine how much it will cost to get Laurel Park completed.

**HB 942/SB 792** - Authorizes the State Racing Commission to exempt facilities that are already zoned for operation of a video lottery facility, a sports wagering facility, or electronic bingo or tip jar machines from the requirement to get a separate satellite simulcast license.

**SB 67** - Prohibits the declawing, or de-knuckling - of cats unless necessary for a therapeutic purpose.

**SB 582** - Requires individuals who hunt on another's property with permission of the landowner to assume all responsibility and liability for the individual's safety and property while hunting on the landowner's real property. Fox chasing is not considered "hunting" under Maryland state law.

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if you would like additional information on any of these bills.**