

Department of Legislative Services
Maryland General Assembly

FISCAL NOTE
Revised

Senate Bill 404 (Senator Baker. *et al.*)

Judicial Proceedings

Agricultural Operations - Nuisance Suits - Protection Against

This bill expands the types of agricultural activities that are protected from public or private nuisance actions by including the processing of agricultural crops or on-farm production, harvesting, or marketing of any agricultural, horticultural, silvicultural, aquacultural, or apicultural product that has been grown, raised, or cultivated by a farmer. The bill repeals the requirement that an agricultural operation had to have been in effect for at least one year in order to be protected from a public or private nuisance action.

The bill alters the provisions of current law so that it does not prohibit a federal, State, or local government from enforcing applicable health, environmental, or zoning laws, nor does it relieve any agricultural operation from complying with applicable federal, State, and local laws or from liability due to negligence.

The bill does not apply to any agricultural operation that is operating without a fully and demonstrably implemented nutrient management plan for nitrogen and phosphorus if otherwise required by law. The provisions of the bill do not apply to any case filed before the effective date of the bill.

Fiscal Summary

State Effect: None. Expanding the protection of farmers from public or private nuisance actions would not directly affect State operations or finances.

Local Effect: None.

Small Business Effect: Potential meaningful.

Fiscal Analysis

Small Business Effect: According to statistics from the Maryland Department of Agriculture, agricultural activity in the State contributes approximately \$11 billion in revenue annually and employs 350,000 people. To the extent that the bill would further strengthen agricultural activity in Maryland by granting farmers additional protection against public or private nuisance litigation, small businesses involved in agricultural activities would be positively impacted.

Information Source(s): Maryland Department of Agriculture, Judiciary (Administrative Office of the Courts), Department of Legislative Services

Fiscal Note History: First Reader - March 5, 1998
Inc Revised - Senate Third Reader - March 30, 1998
Revised - Enrolled Bill - April 28, 1998

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