

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE

House Bill 717 (Delegate Stup, *et al.*)
Environmental Matters

Agricultural Operations - “Right to Farm”

This bill expands the types of agricultural activities that are protected from public or private nuisance actions by including the production of additional agricultural products, the use of agricultural equipment and machinery, the direct commercial sale of agricultural commodities, and the performance of any commercial agricultural procedure. In addition, the bill provides that the direct commercial sale of agricultural commodities upon property owned and operated by a landowner who produces the commodities may not be deemed to violate any county ordinance, public nuisance prohibition, or zoning provision.

Fiscal Summary

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

Local Effect: None.

Small Business Effect: Potential meaningful impact on small businesses as discussed below.

Fiscal Analysis

Small Business Effect: There are 14,300 farms in operation across the State, with the average size farm totaling 154 acres and generating a net income of \$16,797. In addition, cash receipts from agricultural commodities in Maryland totaled \$1.4 billion in 1995. This legislation expands the definition of agricultural operations that are protected against public or private nuisance litigation. Farmers engaged in those activities will benefit from this protection.

In addition, farmers may benefit from the provision of the bill which states that the direct

commercial sale of agricultural commodities upon property owned by the farmer does not violate any county ordinance, public nuisance prohibition, or zoning provision. Farmers located in an area where direct commercial sale would otherwise be prohibited could realize additional revenue as a result of this bill.

Information Source(s): Department of Fiscal Services, Department of Agriculture

Fiscal Note History: First Reader - February 5, 1997

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