

## Department of Planning and Budget 2013 Fiscal Impact Statement

**1. Bill Number:** HB1430

<b>House of Origin</b>	<input checked="" type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
<b>Second House</b>	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

**2. Patron:** Lingamfelter, L. S.

**3. Committee:** Agriculture, Chesapeake and Natural Resources

**4. Title:** Right to Farm Act; expands definition of agricultural operations.

**5. Summary:** This proposal amends the Right to Farm Act. First, it expands the definition of agricultural operations to include the commerce of farm-to-business and farm-to-consumer sales. The commerce and sale of certain items, such as art, literature, artifacts, furniture, food, beverages, and other items that are incidental to the agricultural operation, and constitute less than a majority amount of production or sales, or less than a majority of annual revenues from such sales, are defined as part of the agricultural operation. Second, the bill gives persons engaged in agricultural operations a cause of action against the county or any official or employee of the county for violations of the Right to Farm Act.

Lastly, two provisions of the bill are retroactively effective to the original enactment of the Right to Farm Act on July 1, 1981. The first is expansion of the definition of agricultural operation; the second asserts that any ordinance directed at persons, property, or activity on land that is zoned agricultural or silvicultural that seeks to restrict free speech or the right to assembly, among other rights, is null and void.

**6. Budget Amendment Necessary:** No.

**7. Fiscal Impact Estimates:** None.

**8. Fiscal Implications:** This bill does not result in a fiscal impact on the Department of Agriculture and Consumer Services. With the addition of the remedial language allowing for a cause of action against the county or any official or employee of the county for violations of the Right to Farm Act, this bill may impact localities.

**9. Specific Agency or Political Subdivisions Affected:** Department of Agriculture and Consumer Services; localities; Division of Risk Management, Department of the Treasury.

**10. Technical Amendment Necessary:** No.

**11. Other Comments:** None.

**Date:** 1/14/2013

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