

FINAL BILL REPORT

SHB 1954

PARTIAL VETO

C 317 L 91

Brief Description: Changing conditions and limitations on agricultural nuisances.

By House Committee on Agriculture & Rural Development
(originally sponsored by Representatives Rayburn, Nealey, McLean, R. Johnson, Chandler, Kremen, D. Sommers, Ballard, Roland, Bowman, Grant, Inslee, Rasmussen and Sheldon).

House Committee on Agriculture & Rural Development
Senate Committee on Agriculture & Water Resources

Background: State law declares that an agricultural activity conducted on farmland is reasonable and does not constitute a nuisance under the following circumstances: (1) the activity does not have a substantial adverse effect on public health and safety; (2) the activity is consistent with good agricultural practices; and (3) the activity was established before surrounding nonagricultural activities. The public health and safety is not adversely affected and the agricultural activity is presumed to be a good agricultural practice if the activity is undertaken in conformity with federal, state, and local laws and rules.

Summary: The exemption granted by law to agricultural activities from regulation as nuisances is modified. The exemption applies to a condition or activity which occurs on a farm in connection with the commercial production of certain farm products. The farmland on which the activities are exempt is land or freshwater ponds devoted primarily to the commercial production of livestock, freshwater aquacultural commodities, or other agricultural commodities. The farm products, the production of which is exempt, are the plants and animals useful to humans. This exemption for agricultural activities also expressly applies to the time or times during which the activities can be conducted.

Nonexclusive lists of the associated agricultural activities and farm products which qualify for the exemption are provided. This exemption does not impair any right to sue for damages.

Votes on Final Passage:

House 97 0
Senate 38 9 (Senate amended)
House (House refused to concur)

Conference Committee

Senate 36 7
House 97 0

Effective: July 28, 1991

Partial Veto Summary: The governor vetoed Section 1 of the bill which states that the provisions of law prevent agricultural activities from being considered nuisances apply no matter when the activities are conducted. The vetoed section also declares that the agricultural nuisance law does not impair a person's right to sue for damages.