

HOUSE BILL REPORT

HB 2457

*As Reported By House Committee on:
Agriculture & Rural Development*

Title: An act relating to agricultural nuisances.

Brief Description: Changing restrictions on agricultural nuisances.

Sponsor(s): Representatives Chandler, Rayburn, McLean, Rasmussen, Neher, Nealey, Hochstatter, Lisk, Morton, D. Sommers, Kremen, Ballard, Van Luven, Prentice, R. Johnson, Edmondson and Bray.

Brief History:

Reported by House Committee on:
Agriculture & Rural Development, February 4, 1992, DPS.

**HOUSE COMMITTEE ON
AGRICULTURE & RURAL DEVELOPMENT**

Majority Report: *The substitute bill be substituted therefor and the substitute bill do pass.* Signed by 11 members: Representatives Rayburn, Chair; Kremen, Vice Chair; Nealey, Ranking Minority Member; P. Johnson, Assistant Ranking Minority Member; Chandler; Grant; R. Johnson; Lisk; McLean; Rasmussen; and Roland.

Staff: Kenneth Hirst (786-7105).

Background: In 1991, the Legislature enacted legislation clarifying the types of agricultural activities which are exempt from control as nuisances.

One section of the bill specified that these exempted activities, which are in conformity with federal, state, and local laws and rules, cannot be restricted as to the time during which they may be conducted. It also stated that the exemption for nuisance control provided by law does not affect or impair a right to sue for damages. The governor vetoed this section of the bill.

Summary of Substitute Bill: An agricultural activity that is in conformity with federal, state and local laws and rules cannot be restricted by other means regarding the hours of operation during which it may be conducted. The exemption from nuisance control provided by state law to

agricultural activities does not affect or impair a right to sue for damages.

Substitute Bill Compared to Original Bill: The original bill exempts a qualifying agricultural activity from nuisance control with regard to the time that it is conducted; the substitute exempts it with regard to its hours of operation.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: When the governor vetoed Section 1 of SHB 1954 last year, he vetoed the most important provision of the bill.

Testimony Against: None.

Witnesses: Representative Gary Chandler.