

HOUSE BILL REPORT

SHB 2457

As Passed Legislature

Title: An act relating to agricultural nuisances.

Brief Description: Changing restrictions on agricultural nuisances.

Sponsor(s): By House Committee on Agriculture & Rural Development (originally sponsored by 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;

Passed House, February 13, 1992, 95-1;

Amended by Senate;

Passed Legislature.

**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 Bill: An agricultural activity that is in conformity with federal, state and local laws and rules

cannot be restricted regarding the hours of the day or day or days of the week 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.

An exemption is provided from state laws which require that the loads of vehicles traveling public highways be secured. It is provided to waste products falling from vehicles hauling live farm animals when crossing a ferry capable only of transporting fewer than 25 vehicles.

Fiscal Note: Not requested.

Effective Date: 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.