

SENATE BILL REPORT

SHB 2457

AS REPORTED BY COMMITTEE ON AGRICULTURE & WATER RESOURCES,
FEBRUARY 20, 1992

Brief Description: Changing restrictions on agricultural nuisances.

SPONSORS: 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)

HOUSE COMMITTEE ON AGRICULTURE & RURAL DEVELOPMENT

SENATE COMMITTEE ON AGRICULTURE & WATER RESOURCES

Majority Report: Do pass as amended.

Signed by Senators Barr, Chairman; Bailey, Conner, Gaspard, Newhouse, and Hansen.

Staff: John Stuhlmiller (786-7446)

Hearing Dates: February 20, 1992

BACKGROUND:

The state officially adopted its nuisance (right-to-farm) statute in 1979 because agricultural activities on farmland in urbanizing areas were often subject to nuisance lawsuits. The Legislature recognized that these types of suits encourage or force the premature removal of land from agricultural uses.

The statute declares that agricultural activities, which are good agricultural practices and established prior to surrounding nonagricultural activities, do not constitute a nuisance unless the activity has substantial adverse effects on the public health and safety. If agricultural activity is undertaken in conformity with federal, state, and local laws and regulations, it is presumed to be good agricultural practice and not adversely affecting the public health and safety.

In 1991, the Legislature changed the definition of agricultural activity from the activities associated with growing crops to the condition or activity involved in the commercial production of farm products, with a list of some of the acceptable practices enumerated. The bill defined a farm as the land, buildings, freshwater ponds, freshwater culturing and growing activities, and machinery used in the commercial production of agricultural products. Also, a definition of farm products was created which includes many agricultural products as well as livestock breeding, grazing, and the recreational use of horses.

The section of the bill that would have protected good agricultural practices from restrictions as to the time during which they may be conducted was vetoed.

SUMMARY:

An agricultural activity that is in conformity with federal, state and local laws and rules may not be restricted as to the hours during which it may be conducted.

The exemption from nuisance actions provided to agricultural activities does not affect any right to sue for damages.

Appropriation: none

Revenue: none

Fiscal Note: none requested

SUMMARY OF PROPOSED SENATE AMENDMENT:

The scope of the bill is expanded by replacing "hours of operation" with hours of the day or day or days of the week.

TESTIMONY FOR:

The bill is needed to protect agricultural activities which need to be conducted during the early hours of the day.

TESTIMONY AGAINST: None

TESTIFIED: Representative Gary Chandler (pro); Duane Vander Griend, Washington State Dairy Federation (pro)