
**Agriculture & Natural Resources
Committee**

HB 1590

Brief Description: Concerning the protection of composting from nuisance lawsuits.

Sponsors: Representatives Blake, Buys, Springer, Pettigrew, Dent, Lytton, Stanford, Chandler, Fitzgibbon, Schmick, Smith, Tarleton and Muri.

Brief Summary of Bill

- Adds the term "compost" to the definition of farm products whose production constitutes an agricultural activity so as to be presumed reasonable and not a nuisance.

Hearing Date: 2/1/17

Staff: Robert Hatfield (786-7117).

Background:

Nuisance.

A nuisance is an activity that injures health, is indecent, offends the senses, or obstructs the free use of property so that it interferes with the comfortable enjoyment of life and property. In a nuisance lawsuit, a plaintiff may sue a property owner based on the claim that the property owner has made unreasonable use of his or her property to the detriment of the plaintiff's property.

Nuisance - Agricultural Activities Exemption.

Agricultural activities conducted on farmland are generally presumed to be reasonable and not a nuisance unless the activity or practice has a substantial adverse effect on public health and safety. In order to be considered reasonable and thus not a nuisance, the agricultural activities must be consistent with good agricultural practices and established prior to surrounding non-agricultural activities. Agricultural activities that comply with all applicable laws and rules are presumed to be good agricultural practices.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

For the purposes of nuisance law, "agricultural activities" are defined as activities that occur on a farm in connection with the commercial production of farm products.

For the purposes of nuisance law, "farm products" are defined to include certain specified products, including, among other things, livestock, vegetables, grasses, trees, and freshwater fish and fish products.

Summary of Bill:

The definition of farm products is expanded to include the term "compost."

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.