

HOUSE BILL REPORT

HB 1590

As Reported by House Committee On:
Agriculture & Natural Resources

Title: An act relating to protection of composting from nuisance lawsuits.

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 History:

Committee Activity:

Agriculture & Natural Resources: 2/1/17, 2/15/17 [DP], 2/1/18 [DPS].

Brief Summary of Substitute Bill

- Provides that composting, if consistent with good agricultural or forest practices, established prior to surrounding nonagricultural or non-forestry activities, and in compliance with county and city regulations, is presumed to be reasonable and does not constitute a nuisance unless the activity or practice violates county or city regulations or has a substantial adverse effect on public health and safety.

HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 15 members: Representatives Blake, Chair; Chapman, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chandler, Fitzgibbon, Kretz, Lytton, Orcutt, Pettigrew, Robinson, Schmick, Springer, Stanford and Walsh.

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.

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.

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 nonagricultural activities. Agricultural activities that comply with all applicable laws and rules are presumed to be good agricultural practices.

Summary of Substitute Bill:

Notwithstanding any other portion of the nuisance statute, composting, if consistent with good agricultural or forest practices, established prior to surrounding nonagricultural or nonforestry activities, and in compliance with county and city regulations, is presumed to be reasonable and does not constitute a nuisance unless the activity or practice violates county or city regulations or has a substantial adverse effect on public health and safety.

Substitute Bill Compared to Original Bill:

The modification to the definition of "farm product" in the nuisance statute is removed. A section is added to provide that, notwithstanding any other portion of the nuisance statute, composting, if consistent with good agricultural or forest practices, established prior to surrounding nonagricultural or nonforestry activities, and in compliance with county and city regulations, is presumed to be reasonable and does not constitute a nuisance unless the activity or practice violates county or city regulations or has a substantial adverse effect on public health and safety.

Appropriation: None.

Fiscal Note: Not requested.

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

Staff Summary of Public Testimony:

See House Bill Report in the 2017 Legislative Session.

Persons Testifying:

See House Bill Report in the 2017 Legislative Session.

Persons Signed In To Testify But Not Testifying:

See House Bill Report in the 2017 Legislative Session.