
**Rural Development, Agriculture, &
Natural Resources Committee**

HB 1167

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

Sponsors: Representatives Walen, Blake, Chandler, Dent, Springer, Fitzgibbon, Jinkins, Goodman and Kloba.

Brief Summary of Bill

- Provides that composting is presumed to be reasonable and does not constitute a nuisance if it meets certain specified criteria.

Hearing Date: 1/23/19

Staff: Robert Hatfield (786-7117).

Background:

Nuisance.

A nuisance is an activity that injures health, is indecent, offends decency, or in any way renders other persons insecure in life, or in the use of 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 nonagricultural activities. Agricultural activities that comply with all applicable laws and rules are presumed to be good agricultural practices that do not adversely affect the public health and safety.

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.

Summary of 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.

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.