

CERTIFICATION OF ENROLLMENT

ENGROSSED HOUSE BILL 1648

60th Legislature
2007 Regular Session

Passed by the House April 14, 2007
Yeas 93 Nays 0

Speaker of the House of Representatives

Passed by the Senate April 11, 2007
Yeas 46 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED HOUSE BILL 1648** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

ENGROSSED HOUSE BILL 1648

AS AMENDED BY THE SENATE

Passed Legislature - 2007 Regular Session

State of Washington 60th Legislature 2007 Regular Session

By Representatives B. Sullivan, Kretz, Grant, Linville and Strow

Read first time 01/24/2007. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to agricultural operations, activities, and
2 practices; amending RCW 7.48.310; reenacting and amending RCW 7.48.305;
3 and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that agricultural
6 activities are often subjected to nuisance lawsuits. The legislature
7 also finds that such lawsuits hasten premature conversion of
8 agricultural lands to other uses. The legislature further finds that
9 agricultural activities must be able to adopt new technologies and
10 diversify into new crops and products if the agricultural industry is
11 to survive and agricultural lands are to be conserved. Therefore, the
12 legislature intends to enhance the protection of agricultural
13 activities from nuisance lawsuits, and to further the clear legislative
14 directive of the state growth management act to maintain and enhance
15 the agricultural industry and conserve productive agricultural lands.

16 **Sec. 2.** RCW 7.48.305 and 1992 c 151 s 1 and 1992 c 52 s 3 are each
17 reenacted and amended to read as follows:

18 Notwithstanding any other provision of this chapter, agricultural

1 activities conducted on farmland and forest practices, if consistent
2 with good agricultural and forest practices and established prior to
3 surrounding nonagricultural and nonforestry activities, are presumed to
4 be reasonable and shall not be found to constitute a nuisance unless
5 the activity or practice has a substantial adverse effect on ((the))
6 public health and safety.

7 If those agricultural activities and forest practices are
8 undertaken in conformity with all applicable laws and rules, ((the
9 activities)) they are presumed to be good agricultural and forest
10 practices not adversely affecting the public health and safety for
11 purposes of this section and RCW 7.48.300. An agricultural activity
12 that is in conformity with such laws and rules shall not be restricted
13 as to the hours of the day or day or days of the week during which it
14 may be conducted.

15 Nothing in this section shall affect or impair any right to sue for
16 damages.

17 **Sec. 3.** RCW 7.48.310 and 1992 c 52 s 4 are each amended to read as
18 follows:

19 As used in RCW 7.48.305:

20 (1) "Agricultural activity" means a condition or activity which
21 occurs on a farm in connection with the commercial production of farm
22 products and includes, but is not limited to, marketed produce at
23 roadside stands or farm markets; noise; odors; dust; fumes; operation
24 of machinery and irrigation pumps; movement, including, but not limited
25 to, use of current county road ditches, streams, rivers, canals, and
26 drains, and use of water for agricultural activities; ground and aerial
27 application of seed, fertilizers, conditioners, and plant protection
28 products; keeping of bees for production of agricultural or apicultural
29 products; employment and use of labor; roadway movement of equipment
30 and livestock; protection from damage by wildlife; prevention of
31 trespass; construction and maintenance of buildings, fences, roads,
32 bridges, ponds, drains, waterways, and similar features and maintenance
33 of streambanks and watercourses; and conversion from one agricultural
34 activity to another, including a change in the type of plant-related
35 farm product being produced. The term includes use of new practices
36 and equipment consistent with technological development within the
37 agricultural industry.

1 (2) "Farm" means the land, buildings, freshwater ponds, freshwater
2 culturing and growing facilities, and machinery used in the commercial
3 production of farm products.

4 (3) "Farmland" means land or freshwater ponds devoted primarily to
5 the production, for commercial purposes, of livestock, freshwater
6 aquacultural, or other (~~agricultural commodities~~) farm products.

7 (4) "Farm product" means those plants and animals useful to humans
8 and includes, but is not limited to, forages and sod crops, dairy and
9 dairy products, poultry and poultry products, livestock, including
10 breeding, grazing, and recreational equine use, fruits, vegetables,
11 flowers, seeds, grasses, trees, freshwater fish and fish products,
12 apiaries and apiary products, equine and other similar products, or any
13 other product which incorporates the use of food, feed, fiber, or fur.

14 (5) "Forest practice" means "forest practice" as defined in RCW
15 76.09.020.

--- END ---