

HOUSE BILL REPORT

SHB 2457

As Amended by the Senate

Title: An act relating to agricultural nuisances.

Brief Description: Changing restrictions on agricultural nuisances.

Sponsor(s): By 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).

Brief History:

Reported by House Committee on:

Agriculture & Rural Development, February 4, 1992, DPS;
Passed House, February 13, 1992, 95-1;
Amended by Senate.

**HOUSE COMMITTEE ON
AGRICULTURE & RURAL DEVELOPMENT**

Majority Report: *The substitute bill be substituted therefor and the substitute bill do pass.* Signed by 11 members: Representatives Rayburn, Chair; Kremen, Vice Chair; Nealey, Ranking Minority Member; P. Johnson, Assistant Ranking Minority Member; Chandler; Grant; R. Johnson; Lisk; McLean; Rasmussen; and Roland.

Staff: Kenneth Hirst (786-7105).

Background: In 1991, the Legislature enacted legislation clarifying the types of agricultural activities which are exempt from control as nuisances.

One section of the bill specified that these exempted activities, which are in conformity with federal, state, and local laws and rules, cannot be restricted as to the time during which they may be conducted. It also stated that the exemption for nuisance control provided by law does not affect or impair a right to sue for damages. The governor vetoed this section of the bill.

Summary of Bill: An agricultural activity that is in conformity with federal, state and local laws and rules cannot be restricted by other means regarding the hours of

operation during which it may be conducted. The exemption from nuisance control provided by state law to agricultural activities does not affect or impair a right to sue for damages.

EFFECT OF SENATE AMENDMENT(S): The Senate amendments expand the exemption from nuisance control provided to certain agricultural activities regarding when those activities may be conducted. The exemption now applies without regard to the day or day of the week during which the activity is conducted.

The Senate amendments also provide an exemption from state laws which require that the loads of vehicles traveling public highways be secured. The exemption is provided to waste products falling from vehicles hauling live farm animals when crossing a ferry capable only of transporting fewer than 25 vehicles.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: When the governor vetoed Section 1 of SHB 1954 last year, he vetoed the most important provision of the bill.

Testimony Against: None.

Witnesses: Representative Gary Chandler.

VOTE ON FINAL PASSAGE:

Yeas 95; Nays 1; Excused 2

Nays: Representative Wang

Excused: Representatives Basich, Wineberry