

SENATE BILL REPORT

SB 5097

AS REPORTED BY COMMITTEE ON AGRICULTURE & WATER RESOURCES,
FEBRUARY 8, 1991

Brief Description: Redefining agricultural nuisances.

SPONSORS: Senators Barr, Hansen, Anderson, Gaspard, Newhouse, Conner, Bailey, Matson, Patterson, Amondson, Sellar, Bauer and L. Smith.

SENATE COMMITTEE ON AGRICULTURE & WATER RESOURCES

Majority Report: That Substitute Senate Bill No. 5097 be substituted therefor, and the substitute bill do pass.

Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Conner, Gaspard, Hansen, and Newhouse.

Staff: John Stuhlmiller (786-7446)

Hearing Dates: January 31, 1991; February 8, 1991

BACKGROUND:

The state officially adopted its nuisance (right-to-farm) statute in 1979 because agricultural activities on farmland in urbanizing areas were often subject to nuisance lawsuits. The Legislature recognized that these types of suits encourage or force the premature removal of land from agricultural uses.

The statute (RCW 7.48.300 through 7.48.310) declares that agricultural activities, which are good agricultural practices and established prior to surrounding nonagricultural activities, do not constitute a nuisance unless the activity has substantial adverse effects on the public health and safety. If agricultural activity is undertaken in conformity with federal, state, and local laws and regulations, it is presumed to be good agricultural practice and not adversely affecting the public health and safety.

SUMMARY:

Good agricultural practices may not be restricted as to the time of day or day or days of the week.

The definition of agricultural activity is broadened from the growing of specific crops to the condition or activity involved in the commercial production of farm products, with a list of some of the acceptable practices enumerated. A farm is defined as the land, buildings, and machinery used in the commercial production of agricultural products. In addition, an extensive definition of farm products is created.

EFFECT OF PROPOSED SUBSTITUTE:

The definition of agricultural activity is modified to eliminate reference to pesticide drift.

The definitions of farm, farmland and farm product are each expanded to include aquaculture.

Appropriation: none

Revenue: none

Fiscal Note: none requested

TESTIMONY FOR:

This is a grass roots bill which farmers need; growers need to be protected from nuisance lawsuits. This bill ties the state nuisance law to the concepts passed in the county right to farm ordinances.

TESTIMONY AGAINST:

The state should not support pesticide drift.

TESTIFIED: James Geiger, self (con); Vinter Erickson, Farm Bureau (pro); K.O. Rosenberg, Ferry, Pend Oreille and Stevens Counties (pro); Karl Kottman, WA Council of Farmer Cooperatives (pro); Jerome Kaufman, Kittitas County Cattlemen (pro); Marlyta Deck, Washington Cattlemen's Association (pro); Mary Owens, Ellensburg Chamber of Commerce (pro); Ray Owens, Kittitas County Commissioner (pro); Andrew Erickson, self (pro); Karen Poulsen, Kittitas County Farm Bureau (pro); Margaret Hue (con); Bill Roberts, Washington State Farm Bureau (pro); Bruce Ellingson, Washington Association of Apple Growers (pro); David Lascheid, Ciol du Cheval Vineyard (con)