

SENATE BILL REPORT

SB 6222

AS OF JANUARY 27, 1992

Brief Description: Redefining agricultural nuisances.

SPONSORS: Senators Madsen and Barr

SENATE COMMITTEE ON AGRICULTURE & WATER RESOURCES

Staff: John Stuhlmiller (786-7446)

Hearing Dates: January 28, 1992

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 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.

During 1991, the Legislature passed SHB 1954 which changed the definition of agricultural activity from the activities associated with growing crops to the condition or activity involved in the commercial production of farm products, with a list of some of the acceptable practices enumerated. The bill defined a farm as the land, buildings, freshwater ponds, freshwater culturing and growing activities, and machinery used in the commercial production of agricultural products. Also, a definition of farm products was created which includes many agricultural products as well as livestock breeding, grazing, and the recreational use of horses.

The section of the bill that would have protected good agricultural practices from restrictions as to the time during which they may be conducted was vetoed.

SUMMARY:

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

Appropriation: none

Revenue: none

Fiscal Note: none requested