

SENATE BILL REPORT

SB 6223

AS PASSED SENATE, JANUARY 31, 1992

Brief Description: Protecting agricultural practices.

SPONSORS: Senators Sellar, Madsen, Barr, Jesernig, Bauer, Anderson and Amondson

SENATE COMMITTEE ON AGRICULTURE & WATER RESOURCES

Majority Report: Do pass.

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

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.

In 1991, the Legislature 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

TESTIMONY FOR:

This bill is needed to protect agriculture.

TESTIMONY AGAINST: None

TESTIFIED: Senator Ken Madsen; Dan Coyne, Washington State Dairy Federation (pro); Lothor Pinkers, Washington State Horse Council (pro); Marlyta Deck, Washington State Cattlemen's Association/Washington Cattle Feeders Association (pro)