

VETO MESSAGE ON HB 1954-S

May 21, 1991

To the Honorable, the House  
of Representatives of the  
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 1, Substitute House Bill No. 1954 entitled:

"AN ACT Relating to agricultural nuisances."

This bill expands the list of agricultural activities which are included within the exemption to statutory nuisance provisions. Because of its importance as a message, I am going to sign section 2 of this legislation. I would hope that the agricultural community becomes more involved in advocating for strong growth management regulation. The problems addressed by this legislation could better be addressed by controlling growth and preserving agricultural lands for agricultural purposes. Limiting nuisance litigation does not prevent the intrusion of urban uses into prime agricultural areas. The conflicts will only continue to escalate.

However, I have vetoed section 1 primarily because of the ambiguity that it creates regarding other important regulatory programs. As originally drafted, the bill indicated that reasonable agricultural activities could not be restricted as to "time of day." As the bill passed, it does not allow restrictions as to "time." This could mean time of day or it could mean a season. Although this section was intended to address local noise ordinances, there are other regulatory programs that occasionally restrict agricultural activities based on seasonal criteria. For example, some activities may be limited during specific months to protect juvenile salmon. To address concerns raised by this ambiguity, I have vetoed section 1.

With the exception of section 1, Substitute House Bill No. 1954 is approved.

Respectfully submitted,  
Booth Gardner  
Governor