

CERTIFICATION OF ENROLLMENT
SUBSTITUTE HOUSE BILL 1954

52nd Legislature
1991 Regular Session

Passed by the House March 20, 1991
Yeas 97 Nays 0

**Speaker of the
House of Representatives**

Passed by the Senate April 9, 1991
Yeas 38 Nays 9

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Alan Thompson, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1954** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

Secretary of State
State of Washington

SUBSTITUTE HOUSE BILL 1954

AS RECOMMENDED BY THE CONFERENCE COMMITTEE

Passed Legislature - 1991 Regular Session

State of Washington 52nd Legislature 1991 Regular Session

By House Committee on Agriculture & Rural Development (originally sponsored by Representatives Rayburn, Nealey, McLean, R. Johnson, Chandler, Kremen, D. Sommers, Ballard, Roland, Bowman, Grant, Inslee, Rasmussen and Sheldon).

Read first time March 1, 1991.

1 AN ACT Relating to agricultural nuisances; and amending RCW
2 7.48.305 and 7.48.310.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 7.48.305 and 1979 c 122 s 2 are each amended to read
5 as follows:

6 Notwithstanding any other provision of this chapter, agricultural
7 activities conducted on farmland, if consistent with good agricultural
8 practices and established prior to surrounding nonagricultural
9 activities, are presumed to be reasonable and ~~((d))~~ shall not be found
10 to constitute a nuisance unless the activity has a substantial adverse
11 effect on the public health and safety.

12 If that agricultural activity is undertaken in conformity with
13 federal, state, and local laws and regulations, it is presumed to be
14 good agricultural practice and not adversely affecting the public

1 health and safety, and as such shall not be restricted as to the time
2 during which it may be conducted.

3 Nothing in this section shall affect or impair any right to sue for
4 damages.

5 **Sec. 2.** RCW 7.48.310 and 1979 c 122 s 3 are each amended to read
6 as follows:

7 As used in RCW 7.48.305:

8 (1) "Agricultural activity" means a condition or activity which
9 occurs on a farm in connection with the commercial production of farm
10 products and includes, but is not limited to, ((the growing or raising
11 of horticultural and viticultural crops, berries, poultry, livestock,
12 grain, mint, hay, and dairy products)) marketed produce at roadside
13 stands or farm markets; noise; odors; dust; fumes; operation of
14 machinery and irrigation pumps; movement, including, but not limited
15 to, use of current county road ditches, streams, rivers, canals, and
16 drains, and use of water for agricultural activities; ground and aerial
17 application of seed, fertilizers, conditioners, and plant protection
18 products; employment and use of labor; roadway movement of equipment
19 and livestock; protection from damage by wildlife; prevention of
20 trespass; construction and maintenance of buildings, fences, roads,
21 bridges, ponds, drains, waterways, and similar features and maintenance
22 of streambanks and watercourses; and conversion from one agricultural
23 activity to another.

24 (2) "Farm" means the land, buildings, freshwater ponds, freshwater
25 culturing and growing facilities, and machinery used in the commercial
26 production of farm products.

27 (3) "Farmland" means land or freshwater ponds devoted primarily to
28 the production, for commercial purposes, of livestock, freshwater
29 aquacultural, or other agricultural commodities.

1 (4) "Farm product" means those plants and animals useful to humans
2 and includes, but is not limited to, forages and sod crops, dairy and
3 dairy products, poultry and poultry products, livestock, including
4 breeding, grazing, and recreational equine use, fruits, vegetables,
5 flowers, seeds, grasses, trees, freshwater fish and fish products,
6 apiaries, equine and other similar products, or any other product which
7 incorporates the use of food, feed, fiber, or fur.