

ENGROSSED HOUSE
BILL NO. 1151

By: Leist and Widener of the
House

and

Shurden of the Senate

An Act relating to agriculture; creating the Oklahoma Right-to-Farm Act; providing for state policy and purpose; defining terms; providing for applicability of governmental requirements; setting certain limitations, constructions and restrictions; providing effect of recodification of certain standards and requirements; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2051 of Title 2, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Oklahoma Right-to-Farm Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2052 of Title 2, unless there is created a duplication in numbering, reads as follows:

It is the declared policy of the state to conserve and protect and encourage the development and improvement of its agricultural land for the production of food, fiber and other agricultural

products. It is the purpose of the Oklahoma Right-to-Farm Act to reduce the loss to the state of its agricultural resources by limiting the circumstances under which agricultural activities may be regulated or deemed to be a nuisance.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2053 of Title 2, unless there is created a duplication in numbering, reads as follows:

As used in the Oklahoma Right-to-Farm Act:

1. "Agricultural activities" includes but is not limited to the growing or raising of horticultural and viticultural crops, berries, poultry, livestock, grain, mint, hay and dairy products;

2. "Established date of operation" means the date on which the agricultural activity commenced operation. If the physical facilities of the agricultural activity are subsequently expanded, the established date of operation for each expansion is deemed to be a separate and independent "established date of operation" established as of the date of commencement of the expanded activity, and the commencement of expanded activity shall not divest the agricultural activity of a previously established date of operation;

3. "Governmental requirement" includes any rules, ordinances, zoning, or other requirements and restrictions enacted or promulgated by cities, counties, or other municipal corporations who presently have or may in the future be granted the power to enact or promulgate such; and

4. "Effective date of the requirement" means the date on which the government requirement requires or attempts to require compliance as to the geographic area encompassed by the agricultural activity.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2054 of Title 2, unless there is created a duplication in numbering, reads as follows:

A governmental requirement of a city shall not apply to any agricultural activity situated outside the corporate boundaries of such city on the effective date of this act. If an agricultural activity so situated is subsequently annexed or otherwise brought within the corporate boundaries of the city, the governmental requirements of such city shall not apply unless the requirement is reasonably necessary to protect persons who reside in the immediate vicinity or persons on public property in the immediate vicinity of the agricultural activity from the danger of explosion, flooding, vermin, physical injury, contagious disease, removal of lateral or subadjacent support, contamination of water supplies, radiation, storage of toxic materials, discharge of firearms, or traffic hazards. This section shall be construed to maintain to the limited degree set forth herein the previous authority over nonconforming uses, but not to expand such previous authority.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2055 of Title 2, unless there is created a duplication in numbering, reads as follows:

Recodification of a municipal ordinance shall not change the original effective date to the extent of the original standards and requirements.

SECTION 6. This act shall become effective November 1, 1995.

Passed the House of Representatives the 14th day of March, 1995.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 1995.

President of the Senate

