

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

HOUSE BILL NO. 2350

By: Webb

AS INTRODUCED

An Act relating to agriculture; amending 2 O.S. 1991, Section 9-210, as last amended by Section 16, Chapter 331, O.S.L. 1997 (2 O.S. Supp. 1997, Section 9-210), which relates to duties of owners and operators and nuisances; removing protection from nuisance actions for certain animal feeding operations utilizing liquid animal waste management systems; amending 50 O.S. 1991, Section 1.1, which relates to agricultural activities and nuisances; removing protection for agricultural activities from nuisance actions for certain agricultural activities; and declaring an emergency.

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

SECTION 1. AMENDATORY 2 O.S. 1991, Section 9-210, as last amended by Section 16, Chapter 331, O.S.L. 1997 (2 O.S. Supp. 1997, Section 9-210), is amended to read as follows:

Section 9-210. A. In addition to any other requirement of the Oklahoma Concentrated Animal Feeding Operations Act, animal feeding operations owners and operators who are granted an animal feeding operations license shall:

1. Provide adequate veterinarian services for detection, control, and elimination of livestock diseases;

2. Have available for use at all necessary times mechanical means of scraping, cleaning, and grading feed yards premises; and

3. Provide weather resistant aprons adjacent to all permanently affixed feed bunks, water tanks, and feeding devices.

B. 1. Any Except for odors from an animal feeding operation utilizing a liquid animal waste management system, any animal feeding operation licensed pursuant to the Oklahoma Concentrated Animal Feeding Operations Act, operated in compliance with such standards, and in compliance with the rules promulgated by the Board, shall be deemed to be prima facie evidence that a nuisance does not exist; provided, no animal feeding operation shall be located or operated in violation of any zoning regulations.

2. Any Except for odors from an animal feeding operation utilizing a liquid animal waste management system, any animal feeding operation licensed pursuant to the Oklahoma Concentrated Animal Feeding Operations Act, operated in compliance with such standards, and in compliance with rules promulgated by the Board, that is located on land more than three (3) miles outside the incorporated limits of any municipality and which is not located within one (1) mile of ten or more occupied residences shall not be deemed a nuisance unless it is shown by a preponderance of the evidence that the operation endangers the health or safety of others.

SECTION 2. AMENDATORY 50 O.S. 1991, Section 1.1, is amended to read as follows:

Section 1.1 A. As defined in this act:

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

2. "Farmland" shall include, but not be limited to, land devoted primarily to production of livestock or agricultural commodities.

B. ~~Agricultural~~ Except for odors from an animal feeding operation utilizing a liquid animal waste management system, agricultural activities conducted on farm or ranch land, if consistent with good agricultural practices and established prior to nearby nonagricultural activities, are presumed to be reasonable and do not constitute a nuisance unless the activity has a substantial adverse affect on the public health and safety.

~~If that~~ Except for odors from an animal feeding operation utilizing a liquid animal waste management system, 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.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

46-2-8117

KSM