STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

HOUSE BILL NO. 3140 By: Glover

AS INTRODUCED

An Act relating to corporations; establishing a moratorium on licenses, permits, certificates or other authorizations for expansions to existing swine feeding operations; providing exceptions; amending 18 O.S. 1991, Section 954, as amended by Section 2, Chapter 61, O.S.L. 1994 (18 O.S. Supp. 1997, Section 954), which relates to farming or ranching business corporations; modifying exceptions; prohibiting certain operations; requiring certain reports; providing for contents; providing for procedures and availability; prohibiting expansion; providing penalty; authorizing production contracts; providing for noncodification; and declaring an emergency.

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

SECTION 1. A. 1. There is hereby established a moratorium on the issuance of any licenses, permits, certificates or other authorizations for new swine feeding operations, or for licenses, permits, certificates or other authorizations for expansions to existing swine feeding operations by the State Board of Agriculture

and the Department of Agriculture, except as otherwise provided by this act.

2. There is hereby established a moratorium on the issuance of any certificates of incorporation or other authorizations for domestic or foreign corporations intending to engage in swine feeding operations.

B. The moratorium is established for a one-year period beginning on the effective date of this act, unless earlier repealed or revoked by the Oklahoma Legislature.

C. The moratorium shall not prevent the issuance of any new license, permit, certificate or other authorization for any swine feeding operation for which a completed application has been accepted by the Department of Agriculture.

D. In addition, the moratorium shall not apply to any license, permit, certificate or other authorization necessary for:

1. The construction to repair a component of an existing feeding operation for swine licensed, permitted, certificated or authorized by the Department of Agriculture; or

2. The construction to replace a component of an existing swine feeding operation licensed, permitted, certificated or authorized by the Department of Agriculture, if the replacement does not result in an increase in swine population at the facility.

SECTION 2. AMENDATORY 18 O.S. 1991, Section 954, as amended by Section 2, Chapter 61, O.S.L. 1994 (18 O.S. Supp. 1997, Section 954), is amended to read as follows:

Section 954. A. The ~~provisions of this act, Section 951 et seq. of this title,~~ prohibitions from engaging in ranching or farming business corporations shall not apply ~~where~~ if a corporation, either domestic or foreign:

1. Engages in research and/or feeding arrangements or operations concerned with the feeding of livestock or poultry, but

only to the extent of such research and/or feeding arrangements or such livestock or poultry operations; or

2. Engages in operations concerned with the production and raising of livestock or poultry for sale or use as breeding stock and including only directly related operations, such as breeding or feeding livestock or poultry which are not selected or sold as breeding stock; or

3. Engages in poultry ~~and/or swine operations~~, including only directly related operations, such as operating hatcheries, facilities for the production of breeding stock, feed mills, processing facilities, and providing supervisory, technical and other assistance to any other persons performing such services on behalf of the corporation; or

4. Engages, prior to April 15, 1998, in swine feeding operations, including only directly related operations, such as operating facilities for the production of breeding stock, feed mills, processing facilities, and providing supervisory, technical and other assistance to any other persons performing such services on behalf of the corporation, except as provided by this section; or

~~4.~~ 5. Engages in forestry as defined by Section 1-4 of Title 2 of the Oklahoma Statutes; or

~~5.~~ 6. Whose corporate purpose is charitable or eleemosynary; or

~~6.~~ 7. Presently engages in fluid milk processing within the State of Oklahoma or leases to a fluid milk processor so engaged; provided, this exception is limited to such dairy operations as are necessary to meet such processor's needs.

B. 1. Any corporation either domestic or foreign meeting the conditions and qualifications of paragraph 4 of subsection A of this section shall submit, by April 15, 1998, and April 15 of each year thereafter, a report containing a monthly accounting of the number of animal units, by species and weight, located on any land or at

any facility owned or operated by the corporation on such date and such other information required by the State Board of Agriculture;

2. The report shall be signed by the board of directors of the corporation under penalty of perjury;

3. The report shall be filed with the Office of the Secretary of State and the Department of Agriculture, and shall be available to the public at such offices;

4. On and after April 15, 1998, no corporation, domestic or foreign, engaging in swine feeding operations shall increase the number of swine regardless of weight beyond that number specified in the report filed by April 15, 1998. Any increase in the number of swine beyond the specified or failure to file the required reports shall be grounds for termination or suspension of any certificate authorizing such corporation to do business in this state.

C. The provisions of this section shall not prevent the execution of production contracts by the corporation and a person engaged in farming for the production of agricultural products, including but not limited to swine production.

SECTION 3. NONCODIFICATION Section 1 of this act shall not be codified in the Oklahoma Statutes.

SECTION 4. 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.

46-2-9261 KSM