

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

HOUSE BILL NO. 3215

By: Pope (c)

AS INTRODUCED

An Act relating to corporations; 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; 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. 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~~ the operation of hatcheries, ~~facilities for the production of breeding stock, feed mills, processing facilities, and~~ or providing supervisory, technical and other assistance to other persons performing ~~such~~ services on behalf of ~~the~~ a corporation engaging in swine or poultry operations; or

4. Engages, prior to the effective date of this act, in swine or poultry animal feeding operations, including only directly related operations, such as operating facilities for the production of breeding stock, feed mills, hatcheries, 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. On and after the effective date of this act, no corporation, domestic or foreign, engaging in swine or poultry feeding operations shall increase the number of swine or poultry. Any increase in the number of swine or poultry 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.

46-2-9294

KSM