

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

HOUSE BILL NO. 3277

By: Covey

AS INTRODUCED

An Act relating to agriculture; establishing a moratorium for the construction and expansion of licensed managed swine operations, liquid animal waste management systems, and licensed managed poultry operations; creating time period for moratorium; restricting issuance of certain licenses, permits, certificates or authorizations; providing exceptions; amending 2 O.S. 1991, Section 9-202, as amended by Section 2, Chapter 331, O.S.L. 1997 (2 O.S. Supp. 1997, Section 9-202), which relates to the Oklahoma Concentrated Animal Feeding Operations Act; adding and modifying definitions; authorizing certain licenses; requiring certain facilities to obtain licensure by certain date; setting tier system for public notices, hearings and licensure; setting conditions and bases for establishing a moratorium; creating the County Siting and Zoning Act; authorizing siting of and zoning for certain operations; providing exceptions; authorizing the creation of a county planing commission to develop a proposed plan; specifying certain conditions; amending 19 O.S. 1991, Section 865.51, 865.52, 865.53, 865.54, 865.55, 865.56, 865.57, 865.58, 865.59, 865.60 and

865.61, which relate to county planning commissions; modifying definitions; clarifying and updating language; providing for election; providing for petition signed by certain percentage of voters; authorizing county planning commission to contract for receipt and utilize grants and other financial assistance; providing for codification; and declaring an emergency.

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 9-216 of Title 2, unless there is created a duplication in numbering, reads as follows:

A. 1. For the purpose of preserving the health, safety and welfare of the citizens of Oklahoma and the protection and conservation of the natural resources of this state, there is hereby established, except as otherwise provided by this section, a moratorium on the construction and expansion of:

- a. licensed managed swine operations, and
- b. licensed managed poultry operations.

2. Except as otherwise provided by this section, the Department of Agriculture shall not issue any license, permit, certificate or other authorization for a new or expanded licensed managed swine operation or a licensed managed poultry operation beginning on the effective date of this act, for any application made for such license after December 12, 1997, or until a county has adopted a siting ordinance pursuant to the County Siting and Zoning Act for licensed managed swine operations or licensed managed poultry operations or both such operations.

B. The moratorium on the approval of licenses, permits, certificates or other authorizations for construction or expansion of licensed managed swine operations and licensed managed poultry operations shall not apply to:

1. Substantially completed applications for licensed managed swine operations and licensed managed poultry operations submitted to the Department of Agriculture on or before December 12, 1997;

2. Any swine operation or poultry operation subject to the licensing requirements of this act which was not previously required to be licensed by the Oklahoma Concentrated Animal Feeding Operations Act and which has been in operation for more than six (6) months prior to the effective date of this act, provided that such swine operation and poultry operation does not expand operations above the number of swine or poultry housed at the facility on the effective date of this act;

3. Construction to repair a component of an existing animal feeding operation licensed by the Department;

4. Construction to replace a component of an existing animal feeding operation licensed by the Department, if the replacement does not result in an increase in swine or poultry population;

5. Construction or expansion, if the person undertaking the construction or expansion has, prior to the effective date of this act, been approved for a loan or line of credit from a lending institution to finance the construction or expansion and has obligated or expended funds derived from the loan or line of credit;
or

6. Construction or expansion on or after the date this act becomes law for the purpose of complying with applicable animal waste management rules or orders and not for the purpose of increasing the swine or poultry population.

C. The Department of Agriculture may issue a license, permit, certificate or other authorization to any swine operation or poultry

operation subject to the licensing requirements of this act which was not previously required to be licensed by the Oklahoma Concentrated Animal Feeding Operations Act, and which has been in operation for more than six (6) months prior to the effective date of this act; provided, such swine operation or poultry operation does not expand operations above the number of swine or poultry housed at the facility on the effective date of this act.

D. It shall be the responsibility of an applicant for a license, permit, certification or authorization pursuant to subsection B of this section to provide information and documentation to the Department that establishes, to the satisfaction of the Department, that the applicant is eligible for such license, permit, certification or authorization pursuant to subsection B of this section. In demonstrating eligibility for a license, permit, certification or authorization pursuant to subsection B of this section, the burden of proof shall be on the applicant.

SECTION 2. AMENDATORY 2 O.S. 1991, Section 9-202, as amended by Section 2, Chapter 331, O.S.L. 1997 (2 O.S. Supp. 1997, Section 9-202), is amended to read as follows:

Section 9-202. A. Concentrated animal feeding operations are point sources subject to the license program established pursuant to the provisions of the Oklahoma Concentrated Animal Feeding Operations Act.

B. As used in the Oklahoma Concentrated Animal Feeding Operations Act:

1. "Affected property owner" means a surface landowner within one (1) mile of the designated perimeter of an animal feeding operation or an expansion operation for which a license is being sought;

2. "Animal feeding operation" means a lot or facility where the following conditions are met:

- a. animals have been, are, or will be stabled or confined and fed or maintained for a total of ninety (90) consecutive days or more in any twelve-month period, and
- b. crops, vegetation, forage growth or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.

The term "animal feeding operation" shall not include a racetrack licensed by the Oklahoma Horse Racing Commission to hold pari-mutuel race meetings pursuant to the Oklahoma Horse Racing Act if such facility discharges to a publicly owned treatment works (POTW), or an aquatic animal production facility;

3. "Animal unit" means a unit of measurement for any animal feeding operation calculated by adding the following numbers: The number of slaughter and feeder cattle multiplied by one (1) plus the number of mature dairy cattle multiplied by one and four-tenths (1.4), plus the number of swine ~~weighing over twenty-five (25) kilograms, approximately fifty-five (55) pounds, multiplied by four-tenths (0.4), plus the number of weaned swine weighing under twenty-five (25) kilograms multiplied by one-tenth (0.1) units, plus the~~ number of poultry units, plus the number of sheep multiplied by one-tenth (0.1), plus the number of horses multiplied by two (2);

4. "Animal waste" means animal excrement, animal carcasses, feed wastes, process wastewaters or any other waste associated with the confinement of animals from an animal feeding operation;

5. "Animal Waste Management Plan" or "AWMP" means a written plan that includes a combination of conservation and management practices designed to protect the natural resources of the state prepared by an owner or operator of an animal feeding operation as required by the Department pursuant to the provisions of Section ~~9~~ 9-205.3 of this ~~act~~ title;

6. "Animal waste management system" means a combination of structures and nonstructural practices serving an animal feeding operation that provides for the collection, treatment, disposal, distribution, storage and land application of animal waste;

7. "Artificially constructed" means constructed by humans;

8. "Best Management Practices" or "BMPs" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the state as established by the Department of Agriculture pursuant to Section ~~9~~ 9-205.3 of this ~~act~~ title;

9. "Board" means the State Board of Agriculture;

10. "Common ownership" includes but is not limited to any corporation, partnership or individual where the same owner has power or authority to manage, direct, restrict, regulate or oversee the operation or has financial control of the facility;

11. "Concentrated animal feeding operation" or "CAFO" means:

a. a licensed managed feeding operation, ~~or~~

b. a licensed managed poultry operation,

c. a licensed managed swine operation,

d. an animal feeding operation which meets the following criteria:

(1)—less than the number of animals specified by subparagraph a of this paragraph but more than the number of animals specified in any of the following categories are confined:

(a)—1,000 slaughter and feeder cattle,

(b)—700 mature dairy cattle, whether milk or dry cows,

(c)—~~2,500 swine each weighing over 25 kilograms or approximately 55 pounds,~~

~~(d)—10,000 weaned swine each weighing under 25 kilograms,~~

- ~~(e)~~—500 horses,
- ~~(f)~~ (d)—10,000 sheep or lambs,
- ~~(g)~~—55,000 turkeys,
- ~~(h)~~—100,000 laying hens or broilers, if the facility has continuous overflow watering,
- ~~(i)~~—30,000 laying hens or broilers, if the facility has a liquid manure system,
- ~~(j)~~—5,000 ducks, or
- ~~(k)~~ (e)—1,000 animal units, and

(2)—pollutants are discharged into waters of the state. Provided, no animal feeding operation pursuant to this subparagraph shall be construed to be a concentrated animal feeding operation if such animal feeding operation discharges only in the event of a twenty-five-year, twenty-four-hour storm event, ~~or~~

~~e.~~ e. an animal feeding operation which meets the following criteria:

- (1) less than the number of animals specified by subparagraphs a and d of this paragraph but more than the number of animals specified in any of the following categories are confined:
 - (a) 300 slaughter or feeder cattle,
 - (b) 200 mature dairy cattle, whether milk or dry cows,
 - (c) ~~750 swine each weighing over 25 kilograms or approximately 55 pounds,~~
 - ~~(d)~~—3,000 weaned swine each weighing under 25 kilograms,
 - ~~(e)~~ 150 horses,
 - ~~(f)~~ (d) 3,000 sheep or lambs,
 - ~~(g)~~ 16,500 turkeys,

- ~~(h) 30,000 laying hens or broilers, if the facility has continuous overflow watering,~~
 - ~~(i) 9,000 laying hens or broilers, if the facility has a liquid manure system,~~
 - ~~(j) 1,500 ducks, or~~
 - ~~(k)~~ (e) 300 animal units, and
- (2) either one of the following conditions are met:
- (a) pollutants are discharged into waters of the state through an artificially constructed ditch, flushing system or other similar artificially constructed device, or
 - (b) pollutants are discharged directly into navigable waters which originate outside of and pass over, across or through the facility or otherwise come into direct contact with the animals confined in the operation.

Provided, however, that no animal feeding operation pursuant to this subparagraph is a concentrated animal feeding operation if such animal feeding operation discharges only in the event of a twenty-five-year, twenty-four-hour storm event, or

- ~~d.~~ f. the Board determines that the operation is a significant contributor of pollution to waters of the state pursuant to Section 5 9-204.1 of this ~~act~~ title;

12. "Department" means the Oklahoma Department of Agriculture;

13. "Expanding operation" means:

- a. a facility that either increases its animal unit capacity to a number that causes the facility to initially meet the definition of a licensed managed

feeding operation, licensed managed poultry operation,
or licensed managed swine operation, or

- b. a licensed managed animal feeding operation, licensed managed poultry operation, or licensed managed swine operation that seeks to increase its licensed capacity in excess of five percent (5%) of the original facility's licensed capacity;

14. "Facility" means any place, site or location or part thereof where animals are kept, handled, housed, or otherwise maintained and processed and includes but is not limited to buildings, lots, pens, and animal waste management systems;

15. "Interested party" means an affected property owner who validly requests an individual hearing, in accordance with the provisions of the Oklahoma Concentrated Animal Feeding Operations Act and rules promulgated pursuant thereto regarding the issuance of an animal feeding operation license and asserts rights to relief in respect to or arising out of the same license;

16. "Land application" means the removal of animal waste from a waste retention facility and distribution to, or incorporation into, the soil mantle primarily for beneficial reuse purposes;

17. "Licensed managed feeding operations (LMFO)" means an animal feeding operation primarily using a liquid animal waste management system, where animals are primarily housed in a roof-covered structure and which has more than the number of animals specified in any of the following categories confined:

- a. 2,000 slaughter and feeder cattle,
- b. 1,400 mature dairy cattle, whether milk or dry cows,
- c. ~~5,000 swine each weighing over 25 kilograms,~~
~~approximately 55 pounds,~~
- d. ~~20,000 weaned swine each weighing under 25 kilograms,~~
- e. 1,000 horses,
- f. d. 20,000 sheep or lambs,

- ~~g. 110,000 turkeys,~~
- ~~h. 200,000 laying hens or broilers, if the facility has continuous overflow watering,~~
- ~~i. 60,000 laying hens or broilers, if the facility has a liquid manure system,~~
- ~~j. 10,000 ducks, or~~
- ~~k. e. 2,000 animal units;~~

17. 18. "Licensed managed poultry operation" means an animal feeding operation where poultry are primarily housed in a roof-covered structure with open or enclosed sides and on solid concrete or dirt floors, or slatted, partially open floors over pits or poultry litter collection areas, in pens, stalls, or cages, with or without bedding materials and mechanical ventilation, and which has more than the number of fowl specified in any of the following categories confined:

- a. 55,000 turkeys,
- b. 100,000 laying hens or broilers, if the facility does not have a liquid manure system,
- c. 30,000 laying hens or broilers, if the facility has a liquid manure system,
- d. 5,000 ducks, or
- e. 1000 poultry units;

19. "Licensed managed swine operation" means an animal feeding operation using a liquid waste management system, where swine are primarily housed in a roof-covered structure, and which has more than the number of swine specified in any of the following categories confined:

- a. 750 swine each weighing over twenty-five (25) kilograms or approximately fifty-five (55) pounds,
- b. 3,000 weaned swine weighing under twenty-five (25) kilograms, or
- c. 300 swine units;

20. "Liquid animal waste management system" means any animal waste management system which uses water as the primary carrier of such waste into a primary retention structure;

~~18.~~ 21. "Occupied residence" means a habitable structure designed and constructed for full-time occupancy in all weather conditions which:

- a. is not readily mobile,
- b. is connected to a public or permanent source of electricity and a permanent waste disposal system or public waste disposal system, and
- c. is occupied as a residence;

~~19.~~ 22. "Pollution Prevention Plan" or "PPP" means a written plan to control the discharge of pollutants which has been prepared in accordance with industry-acceptable engineering and management practices by the owner or operator of an animal feeding operation as required pursuant to Section ~~§~~ 9-205.2 of this ~~act~~ title;

~~20.~~ 23. "Poultry unit" means a unit of measurement for a licensed managed poultry operation calculated by adding the following numbers: the number of laying hens or broilers multiplied by thirty-three one-thousandths (0.033) plus the number of turkeys multiplied by five one-hundredths (0.05) plus the number of ducks;

24. "Process wastewater" means any water utilized in the facility that comes into contact with any manure, litter, bedding, raw, intermediate, or final material or product used in or resulting from the production of animals and any products directly or indirectly used in the operation of a facility, such as spillage or overflow from animal watering systems; washing, cleaning, or flushing pens, barns, manure pits, direct contact, swimming, washing or spray cooling of animals; and dust control and any precipitation which comes into contact with animals or animal waste;

~~21.~~ 25. "Retention structures" includes but is not limited to all collection ditches, conduits and swales for the collection of

runoff water and process wastewater, and basins, ponds and lagoons or other structures used to store animal wastes;

~~22.~~ 26. "Swine unit" means a unit of measurement for a licensed managed swine operation calculated by adding the following numbers: the number of swine weighing over twenty-five (25) kilograms, approximately fifty-five (55) pounds, multiplied by four-tenths (0.4) plus the number of weaned swine weighing under twenty-five (25) kilograms multiplied by one-tenth (0.1);

27. "Waste facility" means any structure or combination of structures utilized to control animal waste until it can be disposed of in an authorized manner. Such structures shall include but not be limited to pits, burial sites, barns or roof-covered structures housing animals, compostors, waste storage sites, or retention structures or appurtenances or additions thereto; and

~~23.~~ 28. "Waters of the state" means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, storm sewers and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, which are contained within, flow through or border upon this state or any portion thereof, and shall include under all circumstances the waters of the United States which are contained within the boundaries of, flow through or border upon this state or any portion thereof. Process wastewaters shall not be considered as waters of the state.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 9-204.2 of Title 2, unless there is created a duplication in numbering, reads as follows:

A. By January 1, 1999, any swine operation or poultry operation subject to the provisions of this act which was not previously required to be licensed by the Oklahoma Concentrated Animal Feeding Operations Act and which has been in operation for more than six (6) months prior to the effective date of this act shall be licensed

pursuant to the provisions of this section and shall comply with the provisions of the Oklahoma Concentrated Animal Feeding Operations Act.

B. The State Board of Agriculture shall promulgate rules for public notice, hearing and licensing of swine operations and poultry operations required to be licensed pursuant to the provisions of this section through a tier system. Each such facility shall be assigned a tier based upon the number of animals housed at the facility, species of animal housed distance from occupied residence, type of animal waste management system, or waste facilities in place, soil conditions, depth to groundwater or distance reservoirs or other body of water used as public or private water supply, distance to other private structures or publicly used facilities, disposal practices, age of business and length of time at location, the divert, substantial and immediate effect of the operation upon the protestants or legal interest and the relief sought by the protesting party, and such other conditions deemed necessary and important by the the Board. The type of public notice and opportunity for a hearing shall be established according to the tiers application process prescribed by part 3 of Article XIV of the Oklahoma Environmental Quality Code.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 865.50 of Title 19, unless there is created a duplication in numbering, reads as follows:

Sections 865.51 through 865.69 of Title 19 of the Oklahoma Statutes shall be known and may be cited as the "County Siting and Zoning Act".

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 865.50a of Title 19, unless there is created a duplication in numbering, reads as follows:

A. A county may adopt zoning regulating governing licensed managed swine operations, and licensed managed poultry operations,

provided that such zoning regulations may not have the effect of excluding such licensed managed swine operations and licensed managed poultry operations from the entire zoning jurisdiction.

B. The county may require the county planning commission to develop a proposed plan for the siting of or zoning for such operations pursuant to the provisions of the County Siting and Zoning Act.

C. Any siting of or zoning established pursuant to the County Siting and Zoning Act for licensed managed swine operations or licensed managed poultry operations shall comply with any setbacks or other restrictions and conditions required by the Oklahoma Concentrated Animal Feeding Operations Act.

SECTION 6. AMENDATORY 19 O.S. 1991, Section 865.51, is amended to read as follows:

Section 865.51 A. For the purpose of cooperating with the State of Oklahoma in conserving the natural resources of the state, and in promoting the health, safety, peace and general welfare of the people of the state, there may be provided in any county of the State of Oklahoma county planning in the manner herein provided, and for that purpose there is hereby authorized to be created in each of such counties a county planning commission and a county board of adjustment with the respective powers and duties as set out in this act.

B. In no county shall there be at the same time a county planning commission established pursuant to this section and a metropolitan area planning commission established pursuant to ~~Section Sections~~ 866.1 of Title 19 and ~~Section~~ 863.2 of Title 19 of the Oklahoma Statutes this title. Provided, that county commissioners may by proper resolution confer authority to any metropolitan area planning commission located in such county for the purposes of planning for unincorporated areas existing in county. ~~Provided further that~~

C. In addition, any county planning commission created under the provisions of ~~this act~~ the county Siting and Zoning Act shall have no jurisdiction over the area covered by any lake area planning and zoning commission ~~in any county created pursuant to Section 866.36 of Title 19 of the Oklahoma Statutes.~~

SECTION 7. AMENDATORY 19 O.S. 1991, Section 865.54, is amended to read as follows:

Section 865.54 For the purpose of ~~this act,~~ ~~certain terms are defined as provided in this section. Whenever appropriate, the singular includes the plural and the plural includes the singular.~~
the County Siting and Zoning Act:

1. "Municipality" or "municipal" ~~shall mean or relate~~ means or relates only to incorporated cities and towns-;
2. "Board" ~~shall mean~~ means the board of county commissioners-;
3. "Commission" ~~shall mean~~ means the county planning commission-; and
4. "Area" ~~shall mean~~ means all territory included within the jurisdiction of the commission.

SECTION 8. AMENDATORY 19 O.S. 1991, Section 865.53, is amended to read as follows:

Section 865.53 The territorial jurisdiction of the county, as respects administering and enforcing of rules ~~and regulations as in this act provided,~~ shall be the unincorporated portions of ~~such~~ the county.

SECTION 9. AMENDATORY 19 O.S. 1991, Section 865.52, is amended to read as follows:

Section 865.52 ~~Each~~ Except as otherwise provided by the County Siting and Zoning Act, each county of the state ~~which is hereby authorized to avail itself of the provisions of this act~~ is hereby authorized to set up a planning commission by resolution of the board ~~and~~ or by a vote of the majority of the people voting at an election called for such purpose in said county and to appropriate

~~funds in the amounts necessary to carry out the purpose of this act the County Siting and Zoning Act. The commission, upon approval of the board, is hereby authorized to contract for, receive and utilize any grants or other financial assistance from the federal or state government or from any other source, public or private, in furtherance of its functions and may incur necessary expenses in obtaining said grants and/or financial assistance within the limits of its appropriations~~ An election shall be called by the board upon petition signed by not less than ten percent (10%) of the registered voters of the county. All registered voters in such county shall be entitled to vote as to whether a county planning commission and board of adjustment shall be established pursuant to the County Siting and Zoning Act.

SECTION 10. AMENDATORY 19 O.S. 1991, Section 865.55, is amended to read as follows:

Section 865.55 A. The commission shall consist of three (3) members appointed by the board of county commissioners and the chairman of the board of county commissioners or a member of the board of county commissioners appointed by the chairman and one member to be appointed by the mayor of each incorporated city or town having a population of one thousand or more according to the last federal census.

B. Members appointed by the board shall serve a term of four (4) years, except that the respective terms of the first three appointed shall be for terms of four (4) years. All members of the commission shall serve as such without compensation.

C. Each appointed member shall be a resident of the area included within the jurisdiction of the commission for a period of three (3) years or more immediately preceding appointment and shall hold no other municipal or county office.

D. A member of such commission, once qualified, can thereafter be removed during such member's term of office only for cause and

after a hearing held before the governing body by which the member was appointed.

E. Vacancies occurring otherwise than through the expiration of term shall be filled for the unexpired term.

~~A member of such commission, once qualified, can thereafter be removed during his term of office only for cause and after a hearing held before the governing body by which he was appointed.~~

SECTION 11. AMENDATORY 19 O.S. 1991, Section 865.58, is amended to read as follows:

Section 865.58 A. The commission may adopt ~~the~~ a plan or plans, in whole or part, and subsequently amend or extend the ~~adoption~~ adopted plan or portions thereof. Before the adoption, amendment, or extension of the plan or portions thereof, the commission shall hold at least one public hearing thereon. Such hearing may be adjourned from time to time. Prior to ~~said~~ any hearing ~~or hearings~~, the commission shall give reasonable notice in all papers of general circulation in the county, stating time, place and purpose of the hearing, and stating where copies of the proposed plan or plans may be acquired.

B. The adoption of the plan or portions thereof shall be by resolution carried by not less than four ~~(4)~~ members of the commission, including the ex officio member thereof. Before such plan or plans or parts thereof shall have the status of an official plan, it shall be submitted to and shall have the approval of the board of county commissioners.

C. The board may approve the plan in whole or in part, or return the plan or any portion thereof to the commission for further consideration.

D. Any part so approved shall immediately become in full force and effect ~~and~~ as to the area covered by the approved portion of such plan.

E. Should the board fail to act upon such plan within forty-five (45) days from the date of its submission by the commission, such plan shall be deemed to be approved by said board and shall have the status of an official plan or plans for the area.

F. After the adoption of the plan or plans, or part thereof, an attested copy shall be certified by the commission and by the board and shall be certified to the county clerk of such county for safekeeping and as a public record.

SECTION 12. AMENDATORY 19 O.S. 1991, Section 865.59, is amended to read as follows:

Section 865.59 From and after the adoption of the plan or plans or portion thereof and their proper certification, then and henceforth no improvement of a type embraced within the recommendations of the plan ~~or plans~~ shall be constructed or authorized without first submitting the proposed plans thereof to the commission and receiving the written recommendations of said commission; provided, however, that this requirement shall be deemed to be waived if the commission fails to make its report and recommendations within forty-five (45) days after the receipt of the proposed plans.

SECTION 13. AMENDATORY 19 O.S. 1991, Section 865.57, is amended to read as follows:

Section 865.57 The commission may prepare, adopt, and from time to time revise, amend, extend or add to a plan ~~or plans~~ for the development of the area for the purpose of bringing about an orderly, coordinated physical development in accordance with the present and future needs.

SECTION 14. AMENDATORY 19 O.S. 1991, Section 865.60, is amended to read as follows:

Section 865.60 The commission is hereby empowered to promulgate ~~and adopt~~ rules ~~and regulations~~ for the implementation and

enforcement of plan or plans adopted in accordance with ~~this act~~
Section 865.51 et seq. of this title.

SECTION 15. AMENDATORY 19 O.S. 1991, Section 865.61, is amended to read as follows:

Section 865.61 The rules ~~and regulations~~ of ~~this~~ the commission shall not apply to the erection of farm homes or the erection or use of the usual farm buildings for agricultural purposes or the planting of agricultural crops. The provisions of this section shall not apply to licensed managed swine operations or licensed managed poultry operations as such terms are defined by the Oklahoma Concentrated Animal Feeding Operations Act.

SECTION 16. AMENDATORY 19 O.S. 1991, Section 865.56, is amended to read as follows:

Section 865.56 A. In the pursuance of its duties, the planning commission may seek the advice, cooperation and collaboration of appropriate federal, state, municipal and other local governmental offices, departments, agencies, and instrumentalities, educational institutions and research organizations, whether public or private, and of civic groups and private persons and organizations.

B. The planning commission also shall cooperate and confer with, and upon request supply information to federal, state, municipal and other local governmental agencies and, so far as possible, cooperate with planning agencies of adjoining areas on matters of mutual interest relevant to its activities. Whenever such cooperation or assistance includes the rendering of technical services, such services may be rendered free or in accordance with an agreement for reimbursement.

C. The commission, upon approval of the board, is hereby authorized to contract for, receive and utilize any grants or other financial assistance from the federal or state government or from any other source, public or private, in furtherance of its functions

and may incur necessary expenses in obtaining said grants and/or financial assistance within the limits of its appropriations.

SECTION 17. 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.

46-2-9280

KSM