

SHORT TITLE: Agriculture; modifying location restrictions for certain operations; effective date.

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

SENATE BILL NO. 567

By: Price

AS INTRODUCED

An Act relating to agriculture; amending 2 O.S. 1991, Section 9-210, as amended by Section 1, Chapter 315, O.S.L. 1993 (2 O.S. Supp. 1996, Section 9-210), which relates to the duties of owners and operators granted feed yards licenses; modifying location restrictions; exempting existing operations; and providing an effective date.

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

SECTION 1. AMENDATORY 2 O.S. 1991, Section 9-210, as amended by Section 1, Chapter 315, O.S.L. 1993 (2 O.S. Supp. 1996, Section 9-210), is amended to read as follows:

Section 9-210. A. Owners and operators who are granted a feed yards license shall: ~~(1) provide~~

1. Provide reasonable methods for the disposal of animal excrement; ~~(2) provide~~

2. Provide chemical and scientific control procedure for prevention and eradication of pests; ~~(3) provide~~

3. Provide adequate drainage from feed yards premises of surface waters falling upon the area occupied by such feed yards; take such action as may be necessary to avoid pollution of any stream, lake, river or creek; ~~(4) provide~~

4. Provide adequate veterinarian services for detection, control, and elimination of livestock diseases; ~~(5) have~~

5. Have available for use at all necessary times mechanical means of scraping, cleaning, and grading feed yards premises; ~~(6)~~ provide

6. Provide weather resistant aprons adjacent to all permanently affixed feed bunks, water tanks, and feeding devices; ~~(7)~~ conduct and

7. Conduct feed yards operations in conformity with established practices in the feed yards industry as approved by ~~regulations~~ rules made and promulgated by the State Board of Agriculture and in accordance with the standards set forth in ~~this act~~ the Oklahoma Feed Yards Act.

B. Any animal feeding operation licensed pursuant to the Oklahoma Feed Yards Act, Section 9-201 of this title, operated in compliance with such standards, and in compliance with the ~~regulations~~ rules made and 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.

C. No animal feeding operation licensed pursuant to the Oklahoma Feed Yards Act, Section 9-201 of this title, operated in compliance with such standards, and in compliance with ~~regulations~~ rules made and promulgated by the Board, that is located on land more than three (3) miles outside the incorporated limits of any municipality, is located on land more than three (3) miles outside the boundaries of any state park or resort, and which is not located within one (1) mile of ten ~~(10)~~ or more occupied residences, shall be deemed a nuisance unless it is shown by a preponderance of the evidence that the operation endangers the health or safety of others.

D. Providing that any animal feeding operation in compliance with the law on the effective date of this act shall not be required to comply with the location restrictions established by this act.

SECTION 3. This act shall become effective November 1, 1997.

46-1-0680

JT