

STATE OF OKLAHOMA

2nd Session of the 48th Legislature (2002)

SENATE BILL 1306

By: Easley

AS INTRODUCED

An Act relating to water permits; amending 82 O.S. 2001, Section 1020.11a, which relates to permits for swine feeding operations; providing for transfer of permits under certain conditions; stating conditions; and declaring an emergency.

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

SECTION 1. AMENDATORY 82 O.S. 2001, Section 1020.11a, is amended to read as follows:

Section 1020.11a A. 1. Except for renewals, the Oklahoma Water Resources Board shall not issue any permit or amendment thereto or other authorization for the use of water for any swine animal feeding operation wholly or partially located within three (3) miles of the outside boundary of any area or facility owned or operated as a camp or recreational site by a nonprofit organization.

2. The provisions of this subsection shall apply only if the real property was owned or leased by such organization prior to the construction or establishment of the swine animal feeding operation.

B. The setback requirement contained in subsection A of this section shall not apply to any property owner who executes a written waiver with the owner or operator of the swine feeding operation, under such terms and conditions as are agreed to by the parties. The written waiver shall be effective upon recording of the waiver in the office of the county clerk in the county in which such property is located. The filed waiver shall preclude enforcement of the setback requirements of subsection A of this section with regard to property described in the waiver and owned by the person

executing such waiver. A change in ownership of the applicable property or change in ownership of the property on which the swine feeding operation is located shall not affect the validity of the waiver.

C. Requests for transfer of water permits authorizing the use of groundwater for swine feeding operations shall be approved, if the Executive Director of the Oklahoma Water Resources Board determines all of the following conditions are met:

1. The transfer is needed due to a change in ownership of the swine feeding operation;

2. The person or entity to whom the permit is to be transferred is not, at the time of the transfer, seeking to increase the number of animals or animal unit capacity; and

3. The person or entity to whom the permit is to be transferred is not, at the time of the transfer, seeking to increase the amount of water authorized for use.

SECTION 2. 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.