

ENROLLED HOUSE
BILL NO. 2217

By: Maddux of the House

and

Shurden of the Senate

An Act relating to agriculture; authorizing a concentrated animal feeding operation to exceed the statutory or permitted animal unit capacity and a licensed animal feeding operation for certain reasons and for a specified period; requiring notice; providing for contents; prohibiting certain actions; providing exceptions; requiring certain tests; specifying certain procedures; 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 20-24 of Title 2, unless there is created a duplication in numbering, reads as follows:

A. A licensed managed feeding operation may exceed its animal unit capacity if:

1. A diseased or potentially diseased animal exists at the operation; or

2. A diseased or potentially diseased animal is in the next destination for the production line for the operation; and

3. The owner of the licensed managed feeding operation has reasonable cause to believe an animal has or may have any disease causing:

a. a public health emergency,

b. a substantial and imminent economic hardship to the owner, or

c. a substantial and imminent threat to the state's animal population; or

4. The State Board of Agriculture issues an order establishing temporary restrictions, a quarantine, or a quarantine zone restricting the movement of persons, livestock, machinery, and personal property out of a licensed managed feeding operation.

B. In no case shall an animal unit capacity be exceeded for more than five (5) days following a confirmatory test indicating that either animal is diseased or is not diseased. A confirmatory

test shall be performed within twenty (20) days of discovery that a diseased or potentially diseased animal exists at the operation.

C. The owner of a licensed managed feeding operation shall provide written notification to the Oklahoma Department of Agriculture, Food, and Forestry upon discovery of a diseased or potentially diseased animal pursuant to subsection A of this section that may result in the animal unit capacity being exceeded.

D. The notice shall:

1. Identify the licensed managed feeding operation that may exceed its animal unit capacity; and

2. Include an estimate of the number of animals exceeding the animal unit capacity at the licensed managed feeding operation.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 20-49 of Title 2, unless there is created a duplication in numbering, reads as follows:

A. A concentrated animal feeding operation may exceed its animal unit capacity if:

1. A diseased or potentially diseased animal exists at the operation; or

2. A diseased or potentially diseased animal is in the next destination for the production line for the operation; and

3. The owner of the concentrated animal feeding operation has reasonable cause to believe an animal has or may have any disease causing:

a. a public health emergency,

b. a substantial and imminent economic hardship to the owner, or

c. a substantial and imminent threat to the state's animal population, or

4. The State Board of Agriculture issues an order establishing temporary restrictions, a quarantine, or a quarantine zone restricting the movement of persons, livestock, machinery, and personal property out of a concentrated animal feeding operation.

B. In no case shall an animal unit capacity be exceeded for more than five (5) days following a confirmatory test indicating that either the animal is diseased or is not diseased. A confirmatory test shall be performed within twenty (20) days of discovery that a diseased or potentially diseased animal exists at the operation.

C. The owner of a concentrated animal feeding operation shall provide written notification to the Oklahoma Department of Agriculture, Food, and Forestry upon discovery of a diseased or potentially diseased animal pursuant to subsection A of this section that may result in the animal unit capacity being exceeded.

D. The notice shall:

1. Identify the concentrated animal feeding operation that may exceed its animal unit capacity; and

2. Include an estimate of the number of animals exceeding the animal unit capacity at the concentrated animal unit feeding operation.

SECTION 3. 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.

Passed the House of Representatives the 24th day of February,
2004.

Presiding Officer of the House of
Representatives

Passed the Senate the 24th day of March, 2004.

Presiding Officer of the Senate