

**EHB 2217**

**THE STATE SENATE**  
**Thursday, March 18, 2004**

**ENGROSSED**

**House Bill No. 2217**

ENGROSSED 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:

- 1           a.    a public health emergency,
- 2           b.    a substantial and imminent economic hardship to the
- 3                   owner, or
- 4           c.    a substantial and imminent threat to the state's
- 5                   animal population; or

6           4.    The State Board of Agriculture issues an order establishing

7   temporary restrictions, a quarantine, or a quarantine zone

8   restricting the movement of persons, livestock, machinery, and

9   personal property out of a licensed managed feeding operation.

10          B.    In no case shall an animal unit capacity be exceeded for

11   more than five (5) days following a confirmatory test indicating

12   that either animal is diseased or is not diseased. A confirmatory

13   test shall be performed within twenty (20) days of discovery that a

14   diseased or potentially diseased animal exists at the operation.

15          C.    The owner of a licensed managed feeding operation shall

16   provide written notification to the Oklahoma Department of

17   Agriculture, Food, and Forestry upon discovery of a diseased or

18   potentially diseased animal pursuant to subsection A of this section

19   that may result in the animal unit capacity being exceeded.

20          D.    The notice shall:

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

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

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

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

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

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

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

15           a. a public health emergency,

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

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

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

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

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

12           D. The notice shall:

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

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

18           SECTION 3. It being immediately necessary for the preservation  
19 of the public peace, health and safety, an emergency is hereby  
20 declared to exist, by reason whereof this act shall take effect and  
21 be in full force from and after its passage and approval.

22 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE & RURAL DEVELOPMENT,  
23 dated 3-16-04 - DO PASS.