

SB 912

Senate Bill No. 912  
As Amended

SENATE BILL NO. 912 - By: Sparks of the Senate and DeWitt of the House.

[ nuisances - agricultural activities - effective date ]

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

SECTION 1. AMENDATORY 50 O.S. 2001, Section 1.1, is amended to read as follows:

Section 1.1 A. As ~~defined~~ used in this ~~act~~ section:

1. "Agricultural activities" ~~shall include~~ includes, but is not ~~be~~ limited to, the growing or raising of horticultural and viticultural crops, berries, poultry, livestock, aquaculture, grain, mint, hay, dairy products and forestry activities. "Agricultural activities" also includes improvements or expansion to the activities provided for in this paragraph including, but not limited to, new technology, pens, barns, fences, and other improvements designed for the sheltering, restriction, or feeding of animal or aquatic life, for storage of produce or feed, or for storage or maintenance of implements. If the expansion is part of the same operating facility, the expansion need not be contiguous;

1           2. "Farmland" ~~shall include~~ includes, but is not ~~be~~ limited to,  
2 land devoted primarily to production of livestock or agricultural  
3 commodities; and

4           3. "Forestry activity" means any activity associated with the  
5 reforesting, growing, managing, protecting and harvesting of timber,  
6 wood and forest products including, but not limited to, forestry  
7 buildings and structures.

8           B. Agricultural activities conducted on farm or ranch land, if  
9 consistent with good agricultural practices and established prior to  
10 nearby nonagricultural activities, are presumed to be reasonable and  
11 do not constitute a nuisance unless the activity has a substantial  
12 adverse affect on the public health and safety.

13           If that agricultural activity is undertaken in conformity with  
14 federal, state and local laws and regulations, it is presumed to be  
15 good agricultural practice and not adversely affecting the public  
16 health and safety.

17           C. No action for nuisance shall be brought against agricultural  
18 activities on farm or ranch land which has lawfully been in  
19 operation for **two (2) years** or more prior to the date of bringing  
20 the action. The established date of operation is the date on which  
21 an agricultural activity on farm or ranch land commenced operation.  
22 If the physical facilities of the agricultural operation or the farm  
23 or ranch are subsequently expanded or new technology adopted, the

1 established date of operation for each change is not a separately  
2 and independently established date of operation and commencement of  
3 the expanded operation does not divest the farm or ranch of a  
4 previously established date of operation.

5 D. In any action for nuisance in which agricultural activities  
6 are alleged to be nuisance, and which action is found to be  
7 frivolous by the court, the defendant shall recover the aggregate  
8 amount of costs and expenses determined by the court to have been  
9 reasonably incurred in connection with defending the action,  
10 together with a reasonable amount for attorney fees.

11 SECTION 2. This act shall become effective November 1, 2009.

12 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 2-17-09 - DO  
13 PASS, As Amended and Coauthored.