

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 56th Legislature (2017)

4 ENGROSSED SENATE
5 BILL NO. 147

 By: Schulz of the Senate

 and

 Murdock of the House

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9 An Act relating to agriculture; amending 2 O.S. 2011,
10 Section 20-57, which relates to the Oklahoma
11 Concentrated Animal Feeding Operations Act; updating
12 statutory references; providing an exemption from
13 setback requirement; and providing an effective date.

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

15 SECTION 1. AMENDATORY 2 O.S. 2011, Section 20-57, is
16 amended to read as follows:

17 Section 20-57. A. Except as authorized by this subsection, no
18 liquid animal waste shall be land applied within five hundred (500)
19 feet of the nearest corner of an occupied residence not owned or
20 leased by the owner of the animal feeding operation.

21 B. Except as provided by Section ~~45~~ 20-58 of this ~~act~~ title, no
22 concentrated animal feeding operation shall be established after
23 September 1, 1997, which is within one (1) mile of ten or more
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1 residences that are occupied residences at the time of the
2 establishment of the concentrated animal feeding operation.

3 C. The proscription contained in subsections A and B of this
4 section shall not apply if the applicable property owner executes a
5 written waiver with the owner or operator of the animal feeding
6 operation, under the terms and conditions that the parties
7 negotiate. The written waiver becomes effective upon recording of
8 the waiver in the offices of the recorder of deeds in the county
9 where the property is located. The filed waiver shall preclude
10 enforcement of the setback requirements contained in subsections A
11 and B of this section. A change in ownership of the applicable
12 property or change in the ownership of the property on which the
13 animal feeding operation is located shall not affect the validity of
14 the waiver.

15 D. No liquid animal waste shall be land applied within three
16 hundred (300) feet of an existing public or private drinking water
17 well.

18 E. Except as provided by Section ~~45~~ 20-58 of this ~~act~~ title, no
19 concentrated animal feeding operation shall be established after
20 September 1, 1997, which is located:

- 21 1. Within three (3) miles of a state park or resort;
- 22 2. On land within three (3) miles of the incorporated limits of
23 any municipality, unless the municipality's governing body executes
24 a written waiver of the setback for the particular animal feeding

1 operation. A change in ownership of the property on which the
2 animal feeding operation is located shall not affect the validity of
3 the waiver;

4 3. Within three (3) miles of the high water mark of a surface
5 public water supply if the concentrated animal feeding operation is
6 located within the drainage basin for the public water supply.

7 F. All distances between occupied residences and animal feeding
8 operations shall be measured from the closest corner of the walls of
9 the occupied residence to the closest point of the nearest waste
10 facility, as determined by the Oklahoma Department of Agriculture,
11 Food, and Forestry. The property boundary line of the real property
12 is not used unless it coincides with the closest point of the waste
13 facility or occupied residence.

14 SECTION 2. This act shall become effective November 1, 2017.

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16 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE AND RURAL DEVELOPMENT,
17 dated 03/28/2017 - DO PASS.
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