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February 14, 2017

By: Schulz

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

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

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

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

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

C. The proscription contained in subsections A and B of this section shall not apply if the applicable property owner executes a written waiver with the owner or operator of the animal feeding operation, under the terms and conditions that the parties

1 negotiate. The written waiver becomes effective upon recording of
2 the waiver in the offices of the recorder of deeds in the county
3 where the property is located. The filed waiver shall preclude
4 enforcement of the setback requirements contained in subsections A
5 and B of this section. A change in ownership of the applicable
6 property or change in the ownership of the property on which the
7 animal feeding operation is located shall not affect the validity of
8 the waiver.

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

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

15 1. Within three (3) miles of a state park or resort;

16 2. On land within three (3) miles of the incorporated limits of
17 any municipality, unless the municipality's governing body executes
18 a written waiver of the setback for the particular animal feeding
19 operation. A change in ownership of the property on which the
20 animal feeding operation is located shall not affect the validity of
21 the waiver;

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

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

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

9 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE AND WILDLIFE
10 February 14, 2017 - DO PASS
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