

An Act

ENROLLED HOUSE
BILL NO. 3756

By: Hardin of the House

and

Woods and Bullard of the
Senate

An Act relating to agriculture; amending 2 O.S. 2021, Sections 20-25 and 20-61, which relate to animal feeding operations; eliminating certain point system; and providing an effective date.

SUBJECT: Agriculture

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

SECTION 1. AMENDATORY 2 O.S. 2021, Section 20-25, is amended to read as follows:

~~Section 20-25. A. 1. The State Board of Agriculture is authorized and directed to promulgate a violation points system for violating the Oklahoma Swine Feeding Operations Act which provides greater punishment for violations which are intentional and for violations which pose a greater threat to the environment.~~

~~2.~~ The State Board of Agriculture shall have the power to suspend, revoke or not renew the license of any swine feeding operation ~~based on the point system~~ after a hearing, and after an administrative determination that the swine feeding operation has violated or has failed to comply with any of the provisions of the Oklahoma Swine Feeding Operations Act, or any rule promulgated pursuant thereto.

~~3.~~ 2. The Board shall have the power and duty to reinstate any such suspended or revoked licenses, or renew the licenses, upon a satisfactory and acceptable showing and assurance that the swine feeding operation conducted swine feeding operations in conformity with, and in compliance with, the provisions of the Oklahoma Swine

Feeding Operations Act and rules promulgated pursuant thereto, and that conformity and compliance will be continuous.

B. In order to protect the public health and safety and the environment of this state, the Board, pursuant to the Oklahoma Swine Feeding Operations Act, may deny issuance of a license or transfer of a license to establish and operate a swine feeding operation ~~on and after September 1, 1997,~~ to any person or other legal entity which:

1. Is not in substantial compliance with a final agency order or any final order or judgment of a court of record secured by any state or federal agency relating to swine feeding operations; or

2. Has evidenced a reckless disregard for the protection of the public and the environment as demonstrated by a history of noncompliance with environmental laws and rules resulting in endangerment of human health or the environment.

C. Any action taken in regard to the denial, suspension or revocation of a license shall be in conformity with the rules of the Board governing Administrative Procedures and the Administrative Procedures Act.

SECTION 2. AMENDATORY 2 O.S. 2021, Section 20-61, is amended to read as follows:

~~Section 20-61. A. 1. The Board is authorized and directed to promulgate a violation points system for violating the Oklahoma Concentrated Animal Feeding Operations Act which provides greater punishment for violations which are intentional and for violations which pose a greater threat to the environment.~~

~~2. The State Board of Agriculture shall have the power to suspend, revoke or not renew the license of any animal feeding operation based on the point system after a hearing, and after an administrative determination that the animal feeding operation has violated or has failed to comply with any of the provisions of the Oklahoma Concentrated Animal Feeding Operations Act, or any rule promulgated pursuant thereto.~~

~~3. 2.~~ The Board shall have the power and duty to reinstate any such suspended or revoked licenses, or renew the licenses, upon a satisfactory and acceptable showing and assurance that the animal feeding operation conducted animal feeding operations in conformity

with, and in compliance with, the provisions of the Oklahoma Concentrated Animal Feeding Operations Act and rules promulgated pursuant thereto, and that such conformity and compliance will be continuous.

B. In order to protect the public health and safety and the environment of this state, the Board, pursuant to the Oklahoma Concentrated Animal Feeding Operations Act, may deny issuance of a license or transfer of a license to establish and operate an animal feeding operation ~~on and after September 1, 1997,~~ to any person or other legal entity which:

1. Is not in substantial compliance with a final agency order or any final order or judgment of a court of record secured by any state or federal agency relating to animal feeding operations; or

2. Has evidenced a reckless disregard for the protection of the public and the environment as demonstrated by a history of noncompliance with environmental laws and rules resulting in endangerment of human health or the environment.

C. Any action taken in regard to the denial, suspension or revocation of a license shall be in conformity with the rules of the Board governing Administrative Procedures and the Administrative Procedures Act.

SECTION 3. This act shall become effective November 1, 2024.

Passed the House of Representatives the 14th day of February, 2024.

Presiding Officer of the House
of Representatives

Passed the Senate the 16th day of April, 2024.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____