

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 HOUSE BILL 1628

By: Hardin (David) of the House

5 and

6 **Murdock** of the Senate

7
8
9 AS INTRODUCED

10 An Act relating to agriculture; amending 2 O.S. 2011,
11 Sections 20-25 and 20-61, which relates to animal
 feeding operations; eliminating certain point system;
12 and providing an effective date.

13
14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 1. AMENDATORY 2 O.S. 2011, Section 20-25, is
16 amended to read as follows:

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

22 2. The State Board of Agriculture shall have the power to
23 suspend, revoke or not renew the license of any swine feeding
24 operation based on the point system after a hearing, and after an

1 administrative determination that the swine feeding operation has
2 violated or has failed to comply with any of the provisions of the
3 Oklahoma Swine Feeding Operations Act, or any rule promulgated
4 pursuant thereto.

5 ~~3.~~ 2. The Board shall have the power and duty to reinstate any
6 such suspended or revoked licenses, or renew the licenses, upon a
7 satisfactory and acceptable showing and assurance that the swine
8 feeding operation conducted swine feeding operations in conformity
9 with, and in compliance with, the provisions of the Oklahoma Swine
10 Feeding Operations Act and rules promulgated pursuant thereto, and
11 that conformity and compliance will be continuous.

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

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

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

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

5 SECTION 2. AMENDATORY 2 O.S. 2011, Section 20-61, is
6 amended to read as follows:

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

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

19 ~~3.~~ 2. The Board shall have the power and duty to reinstate any
20 such suspended or revoked licenses, or renew the licenses, upon a
21 satisfactory and acceptable showing and assurance that the animal
22 feeding operation conducted animal feeding operations in conformity
23 with, and in compliance with, the provisions of the Oklahoma
24 Concentrated Animal Feeding Operations Act and rules promulgated

1 pursuant thereto, and that such conformity and compliance will be
2 continuous.

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

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

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

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

20 SECTION 3. This act shall become effective November 1, 2021.

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22 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE AND RURAL DEVELOPMENT,
23 dated 02/10/2021 - DO PASS, As Coauthored.

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