

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 HOUSE BILL 1628

By: Hardin (David)

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6 AS INTRODUCED

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

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

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

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

20 2. The State Board of Agriculture shall have the power to  
21 suspend, revoke or not renew the license of any swine feeding  
22 operation based on the point system after a hearing, and after an  
23 administrative determination that the swine feeding operation has  
24 violated or has failed to comply with any of the provisions of the

1 Oklahoma Swine Feeding Operations Act, or any rule promulgated  
2 pursuant thereto.

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

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

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

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

23 C. Any action taken in regard to the denial, suspension or  
24 revocation of a license shall be in conformity with the rules of the

1 Board governing Administrative Procedures and the Administrative  
2 Procedures Act.

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

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

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

17 ~~3.~~ 2. The Board shall have the power and duty to reinstate any  
18 such suspended or revoked licenses, or renew the licenses, upon a  
19 satisfactory and acceptable showing and assurance that the animal  
20 feeding operation conducted animal feeding operations in conformity  
21 with, and in compliance with, the provisions of the Oklahoma  
22 Concentrated Animal Feeding Operations Act and rules promulgated  
23 pursuant thereto, and that such conformity and compliance will be  
24 continuous.

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

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

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

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

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

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