

1 ENGROSSED SENATE AMENDMENTS
TO

2 ENGROSSED HOUSE
3 BILL NO. 2502

By: Pfeiffer of the House

4 and

Jech of the Senate

5
6
7 An Act relating to agriculture; amending 2 O.S. 2011,
8 Section 6-504, which relates to the Oklahoma Farmed
9 Cervidae Act; removing requirement that certain
10 licenses be submitted under oath; amending 2 O.S.
11 2011, Section 8-77.7, which relates to the Oklahoma
12 Fertilizer Act; removing requirement that certain
13 report information be submitted under oath; amending
14 2 O.S. 2011, Section 10-9.5, as last amended by
15 Section 4, Chapter 313, O.S.L. 2015 (2 O.S. Supp.
16 2015, Section 10-9.5), which relates to the Oklahoma
17 Registered Poultry Feeding Operations Act; removing
18 requirement that certain applications be under oath;
19 amending 2 O.S. 2011, Section 20-7, as amended by
20 Section 1, Chapter 35, O.S.L. 2012 (2 O.S. Supp.
21 2015, Section 20-7), which relates to the Oklahoma
22 Swine Feeding Operations Act; removing requirement
23 that certain applications be under oath; amending 2
24 O.S. 2011, Section 20-45, which relates to the
Oklahoma Concentrated Animal Feeding Operations Act;
removing requirement that certain applications be
under oath; and providing an effective date.

AMENDMENT NO. 1. Page 24, line 4, add a new Section 6 as follows:

"SECTION 6. AMENDATORY 59 O.S. 2011, Section 1213, as
amended by Section 12, Chapter 118, O.S.L. 2013 (59 O.S. Supp. 2015,
Section 1213), is amended to read as follows:

1 Section 1213. Applications for registration shall be made on
2 forms prescribed and furnished by the Oklahoma Department of
3 Agriculture, Food, and Forestry, shall contain statements ~~made under~~
4 ~~oath~~ as to citizenship, residence, ~~and~~ the applicant's education and
5 a detailed summary of the applicant's technical work, and shall
6 contain the names of not less than five (5) persons, of whom three
7 (3) or more shall be forestry school graduates, having personal or
8 professional knowledge of the applicant's forestry experience. The
9 forms shall also contain a code of ethics prepared and approved by
10 the Department essentially conforming to the code of ethics of the
11 Society of American Foresters. The registration fee for a
12 certificate as a "licensed forester" shall be fixed by the
13 Department but not to exceed Twenty-five Dollars (\$25.00), one-half
14 (1/2) of which fee shall accompany the application, the balance to
15 be paid before issuance of the certificate. Should the applicant
16 fail or refuse to remit the remaining balance within thirty (30)
17 days after being notified by mail that the applicant has
18 successfully qualified, the applicant shall forfeit the right to
19 have a certificate issued and the applicant may be required to again
20 submit an original application and pay an original fee therefor.
21 Should the Department deny the issuance of a certificate of
22 registration to any applicant, the fee deposited shall be retained
23 by the Department as an application fee."

24 And renumber subsequent section

1 AMENDMENT NO. 2. Page 1, Line 18, after the language "oath;" and
before the word "and" add the language

2
3 "amending 59 O.S. 2011, Section 1213, as amended by
4 Section 12, Chapter 118, O.S.L. 2013 (59 O.S. Supp.
5 2015, Section 1213), which relates to forester
6 applications; removing certain application
7 requirements;"

8 Passed the Senate the 12th day of April, 2016.

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13 Presiding Officer of the Senate

14 Passed the House of Representatives the ____ day of _____,
15 2016.

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24 Presiding Officer of the House
of Representatives

1 ENGROSSED HOUSE
2 BILL NO. 2502

By: Pfeiffer of the House

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Jech of the Senate

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8 An Act relating to agriculture; amending 2 O.S. 2011,
9 Section 6-504, which relates to the Oklahoma Farmed
10 Cervidae Act; removing requirement that certain
11 licenses be submitted under oath; amending 2 O.S.
12 2011, Section 8-77.7, which relates to the Oklahoma
13 Fertilizer Act; removing requirement that certain
14 report information be submitted under oath; amending
15 2 O.S. 2011, Section 10-9.5, as last amended by
16 Section 4, Chapter 313, O.S.L. 2015 (2 O.S. Supp.
17 2015, Section 10-9.5), which relates to the Oklahoma
18 Registered Poultry Feeding Operations Act; removing
19 requirement that certain applications be under oath;
20 amending 2 O.S. 2011, Section 20-7, as amended by
21 Section 1, Chapter 35, O.S.L. 2012 (2 O.S. Supp.
22 2015, Section 20-7), which relates to the Oklahoma
23 Swine Feeding Operations Act; removing requirement
24 that certain applications be under oath; amending 2
O.S. 2011, Section 20-45, which relates to the
Oklahoma Concentrated Animal Feeding Operations Act;
removing requirement that certain applications be
under oath; and providing an effective date.

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

SECTION 1. AMENDATORY 2 O.S. 2011, Section 6-504, is
amended to read as follows:

1 Section 6-504. A. No person shall breed, possess, or raise
2 cervidae for commercial or noncommercial purposes without first
3 obtaining a farmed cervidae facility license from the Oklahoma
4 Department of Agriculture, Food, and Forestry.

5 B. The Department may issue a farmed cervidae facility license
6 to any person that lawfully obtains cervidae, acts in good faith,
7 and adheres to the laws and rules of the state, including the
8 provisions of the Oklahoma Farmed Cervidae Act. Nothing in this
9 section shall prevent the Department from issuing a license to
10 persons the Department deems have obtained cervidae from a legal
11 source, acted in good faith, and failed to recognize a license was
12 required.

13 C. All persons issued a farmed cervidae license shall abide by
14 all provisions of the Oklahoma Farmed Cervidae Act. An initial
15 application for a farmed cervidae facility license shall contain the
16 following:

- 17 1. Name, address, and telephone number of the owner;
- 18 2. Name, address, and telephone number of the operator, if
19 different from the owner;
- 20 3. Name, address, and telephone number of the primary contact;
- 21 4. Farm name, facility address, and facility telephone number;
- 22 5. Name, address and telephone number of the location where
23 records are kept;

24

1 6. Specific legal description of the facility to the nearest
2 quarter section;

3 7. A map showing topography of the area with a diagram of the
4 facility structures, fencing plan, and perimeter clearly marked;

5 8. Whether the applicant has been convicted of a felony,
6 misdemeanor, administrative, or civil violation of any natural
7 resources requirements, including but not limited to wildlife,
8 forestry, fisheries, environment, or animal health within the past
9 three (3) years in the state or any other jurisdiction;

10 9. Whether the property where the farmed cervidae facility is
11 located is owned or leased;

12 10. An initial inventory of the farmed cervidae, including
13 their ages, breed and species, and a minimum of one form of official
14 individual identification approved by the Department;

15 11. Method of carcass disposal for the facility;

16 12. Driving directions from the nearest town;

17 13. A list of each name the farmed cervidae facility operates
18 under; and

19 14. Signature ~~under oath~~ stating: "I certify under penalty of
20 law this document, all attachments, and information submitted are to
21 the best of my knowledge and belief, true, accurate, and complete.
22 I am aware there are significant penalties for knowingly submitting
23 false, inaccurate, or incomplete information, including the
24 possibility of fines for each violation."

1 D. Using information from the application and from the state's
2 files, the Department shall determine:

- 3 1. The accuracy of all materials in the application; and
- 4 2. Whether the applicant can reasonably be expected to comply
5 with all legal requirements of the license.

6 E. The Department shall not issue a farmed cervidae facility
7 license if the facility is not inspected by the Department.

8 SECTION 2. AMENDATORY 2 O.S. 2011, Section 8-77.7, is
9 amended to read as follows:

10 Section 8-77.7 A. Each registrant distributing fertilizer in
11 this state shall file with the State Board of Agriculture, not later
12 than the last day of January and July of each year, a semiannual
13 inspection fee report setting forth, ~~under oath,~~ the number of tons
14 sold or distributed during the period and pay an inspection fee of
15 One Dollar (\$1.00) per ton of which fifty cents (\$0.50) per ton
16 shall be forwarded directly to a special Soil Fertility Research
17 Account in the Department of Plant and Soil Sciences of the Division
18 of Agricultural Sciences and Natural Resources at Oklahoma State
19 University for the purpose of conducting soil fertility research and
20 extension involving efficient fertilizer use for agronomic crops and
21 forages and groundwater and surface water protection from plant food
22 nutrients. Oklahoma State University shall present an annual report
23 to the Agriculture Committees of the Legislature on the use of the
24 special Soil Fertility Research Account Fund.

1 B. Each registrant distributing commercial fertilizer in this
2 state shall file with the State Board of Agriculture not later than
3 the last day of January and July of each year, a semiannual tonnage
4 report stating ~~under oath~~:

5 1. The number of net tons of fertilizer distributed during the
6 preceding six (6) calendar months;

7 2. The amount in tons of each grade of fertilizer distributed
8 during the preceding six (6) calendar months; and

9 3. Whether the fertilizer was distributed in bag, bulk, or
10 liquid.

11 C. If no fertilizer was sold or distributed in this state for
12 the semiannual period, the registrant shall submit a statement
13 reflecting that information and shall remit a minimum fee of Ten
14 Dollars (\$10.00). If the inspection fee and tonnage report are not
15 filed and the payment of the inspection fee is not made within
16 thirty (30) days after the end of the specified filing period, a
17 collection fee of ten percent (10%) of the inspection fee due or a
18 minimum of Ten Dollars (\$10.00) shall be assessed and added to the
19 amount due.

20 D. Sales or exchanges between importers, manufacturers,
21 distributors, registrants, or licensees are exempt.

22 E. When more than one person is involved in the distribution of
23 a fertilizer, the last person who has the fertilizer registered and
24 who distributed the fertilizer to a nonregistrant dealer or consumer

1 is responsible for reporting the tonnage and paying the inspection
2 fee, unless the report and payment is made by a prior distributor or
3 manufacturer of the fertilizer.

4 F. If the Board finds any deficient inspection fees due as a
5 result of an audit of the records of any person subject to the
6 provisions of the Oklahoma Fertilizer Act, the Board shall assess a
7 penalty fee of ten percent (10%) of the amount due, with a maximum
8 not to exceed Two Thousand Dollars (\$2,000.00) or a minimum of One
9 Hundred Dollars (\$100.00) whichever is greater. The audit penalty
10 shall be added to the deficient inspection fees due and payment
11 shall be made within thirty (30) days of notice of the deficiency.

12 G. No information furnished to the Board under this section
13 shall be disclosed in a way which divulges proprietary information
14 about the operation of any person.

15 H. Each registrant, distributor, or manufacturer shall keep
16 accurate records of the tonnage of fertilizer distributed in this
17 state.

18 SECTION 3. AMENDATORY 2 O.S. 2011, Section 10-9.5, as
19 last amended by Section 4, Chapter 313, O.S.L. 2015 (2 O.S. Supp.
20 2015, Section 10-9.5), is amended to read as follows:

21 Section 10-9.5 A. The State Board of Agriculture shall provide
22 the necessary forms and applications for any person desiring or
23 required to register a poultry feeding operation or expanding
24 operation.

1 B. The application to register to operate a new or previously
2 unregistered poultry feeding operation or expanding operation shall
3 ~~be under oath and~~ shall contain, at a minimum, the following
4 information:

5 1. Name and address of the owner and operator of the facility;

6 2. Name and address of the poultry feeding operation;

7 3. Number and type of poultry housed or confined;

8 4. Name and address of the integrator whose poultry will be
9 raised by the poultry feeding operation;

10 5. A diagram or map and legal description showing geographical
11 location of the facility on which the perimeters of the facility are
12 designated, location of waters of the state, including, but not
13 limited to, drainage from the facility, poultry waste storage
14 facilities, and land-application sites owned or leased by the
15 applicant or which the applicant has contracted with for the
16 application of poultry waste;

17 6. A copy of the Nutrient Management Plan, or proof of
18 application for such plan, Best Management Practices or any other
19 plans authorized by the Oklahoma Department of Agriculture, Food,
20 and Forestry;

21 7. A statement of ownership.

22 a. If the applicant is a corporation, the name and
23 address of the corporation and the name and address of
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1 each officer and registered agent of the corporation
2 shall be included in the application.

3 b. If the applicant is a partnership or other legal
4 entity, the name and address of each partner and
5 stockholder with an ownership interest of ten percent
6 (10%) or more shall be included in the statement.

7 c. The information contained in the statement of
8 ownership shall be public information and shall be
9 available upon request from the Board;

10 8. The name and address of the person having day-to-day control
11 of the operation, if such person is not the applicant and is acting
12 as agent for the applicant;

13 9. An environmental history from the past three (3) years of
14 any poultry feeding operation established and operated by the
15 applicant or any other operation with common ownership in this state
16 or any other state;

17 10. Environmental awards or citations received or pollution
18 prevention or voluntary remediation efforts undertaken by the
19 applicant; and

20 11. Any other information or records required by the Department
21 for purposes of implementing the Oklahoma Registered Poultry Feeding
22 Operations Act or rules promulgated pursuant thereto.

23 C. In addition to other penalties as may be imposed by law, any
24 person who knowingly makes any false statement, representation, or

1 certification in, omits material data from, or tampers with any
2 application for registration shall, upon conviction, be guilty of a
3 misdemeanor and may be subject to a fine of not more than Ten
4 Thousand Dollars (\$10,000.00) for each such violation.

5 D. The owner of a poultry feeding operation shall be
6 responsible for sending written notification to the Department upon
7 changing integrators.

8 E. For a transfer of registration to a new owner, the new owner
9 shall register the operation pursuant to the rules of the
10 Department.

11 F. 1. All operators of poultry feeding operations and poultry
12 waste applicators shall attend educational courses on poultry waste
13 handling. All such operators and applicators shall attend
14 educational training on poultry waste management as provided by
15 Oklahoma State University through the Oklahoma Cooperative Extension
16 Service. All current and new operators and applicators shall
17 receive the initial nine (9) hours of training in the first year and
18 two (2) hours of continuing education every year until the operator
19 or applicator has received a total of nineteen (19) hours of
20 training. Any operator or applicator may attend more hours than is
21 required, however, those hours shall not be carried forward. Upon
22 receiving the nineteen (19) required hours, the operator or
23 applicator shall be required to receive two (2) hours of continuing
24 education every three (3) years. The Oklahoma Cooperative Extension

1 Service shall develop the educational training course to aid in
2 certification. Curricula for the training course will include the
3 Oklahoma Cooperative Extension Service Waste Management Facts series
4 and record books or their current equivalent. Courses for poultry
5 waste management shall include the following topics:

- 6 a. environmental process relevant to protecting water
7 quality in poultry production,
- 8 b. basic handling systems to manage poultry waste from
9 all types of poultry operations,
- 10 c. nutrient management, including sampling procedures,
11 application rate determination, equipment calibration,
12 and record-keeping systems,
- 13 d. relevant laws and rules applicable to poultry waste
14 management in the State of Oklahoma, and
- 15 e. any other related subject as determined by Oklahoma
16 State University in consultation with the Department.

17 2. At the completion of each course, the operator or applicator
18 shall receive a certification verifying completion. The
19 certificates shall be kept on site for five (5) years.

20 3. Failure to obtain the initial nine-hour training and any
21 continuing education as provided in this subsection shall be deemed
22 a violation of the Oklahoma Registered Poultry Feeding Operations
23 Act for operators and the Oklahoma Poultry Waste Applicators
24 Certification Act for applicators.

1 4. All operators or applicators shall meet the educational
2 requirements of this section no later than December 31 of each year.

3 G. No integrator shall enter into any contract with an operator
4 of a poultry feeding operation who is not in compliance with the
5 education requirements of subsection F of this section.

6 SECTION 4. AMENDATORY 2 O.S. 2011, Section 20-7, as
7 amended by Section 1, Chapter 35, O.S.L. 2012 (2 O.S. Supp. 2015,
8 Section 20-7), is amended to read as follows:

9 Section 20-7. A. The State Board of Agriculture shall cause to
10 be prepared and available, for any person desiring or required to
11 apply for a license to operate a new or previously unlicensed swine
12 feeding operation or expanding operation, the necessary forms and
13 applications.

14 B. The application for a license to operate a new or previously
15 unlicensed swine feeding operation or expanding operation shall
16 contain, as a minimum, the following information:

17 1. Name and address of the owner and operator of the facility;
18 2. Name and address of the swine feeding operation;
19 3. Capacity in swine animal units, and number and type of swine
20 housed or confined;

21 4. A diagram or map and legal description showing geographical
22 location of the facility on which the perimeters of the facility are
23 designated, location of waters of the state, including, but not
24 limited to, drainage from the facility, swine waste storage

1 facilities and land application sites owned or leased by the
2 applicant;

3 5. A copy of the Pollution Prevention Plan containing a Swine
4 Waste Management Plan, Best Management Practices, Odor Abatement
5 Plan or such other plan authorized by the Oklahoma Swine Feeding
6 Operations Act and approved by the Department;

7 6. A copy of the written waiver by an adjacent property owner
8 to the facility releasing specified setback requirements as provided
9 by Sections 20-19 and 20-21 of this title; and

10 7. Any other information deemed necessary by the Oklahoma
11 Department of Agriculture, Food, and Forestry to administer the
12 provisions of the Oklahoma Swine Feeding Operations Act and rules
13 promulgated pursuant thereto.

14 C. 1. An application for renewal of a license to operate a
15 swine feeding operation shall be considered to be properly filed
16 when the Department has received a completed renewal application and
17 payment of fees from the applicant.

18 2. If the application for renewal is denied, written
19 notification of the denial and an opportunity for an administrative
20 hearing on the denial shall be given to the applicant by the
21 Department. The notification shall set forth the reasons for the
22 denial, steps necessary to meet the requirements for issuance of the
23 renewal license and the opportunity for the applicant to request an
24 administrative hearing.

1 D. No new licensed managed feeding operation or expanding
2 operation shall be constructed until a building permit for such
3 facility or expansion has been issued by the Department. No new
4 licensed managed feeding operation shall be placed in operation
5 until a license for the facility or expansion has been issued by the
6 Department.

7 E. For transfer of a license to a new owner or operator, the
8 following conditions shall be met:

9 1. The new owner or operator shall submit to the Department a
10 transfer application, attaching any change of conditions resulting
11 from the transfer of ownership or operation;

12 2. After receipt of the information required, the Department
13 shall review the information, and within sixty (60) days, issue
14 approval or denial of the transfer. Transfer of a license shall be
15 denied only if:

- 16 a. the new owner or operator cannot comply with the
17 requirements of transfer,
- 18 b. the Department finds a material or substantial change
19 in conditions since the issuance of the original
20 license to operate the swine feeding operation,
- 21 c. failure of the new owner or operator to meet any other
22 conditions or requirements for compliance established
23 by the Department pursuant to the Oklahoma Swine
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1 Feeding Operations Act and rules promulgated pursuant
2 thereto, or

3 d. the new owner or operator has failed to meet the
4 requirements of Section 20-25 of this title; and

5 3. If a transfer is denied, written notification of the denial
6 and an opportunity for an administrative hearing on the denial shall
7 be given to the applicant for a transfer license by the Department.
8 The notification shall set forth the reasons for the denial, steps
9 necessary to meet the requirements for a transfer license, and the
10 opportunity for the applicant to request an administrative hearing.

11 F. Any suspension or revocation or nonrenewal of a license
12 issued pursuant to the Oklahoma Swine Feeding Operations Act by the
13 Board shall be made in accordance with Section 20-25 of this title.

14 G. In addition to other information required for issuance of a
15 new or transfer license, an application for a new or transfer
16 license for a concentrated swine feeding operation shall ~~be under~~
17 ~~oath and shall~~ contain the following information:

18 1. a. A statement of ownership.

19 (1) If the applicant is a firm or partnership, the
20 name and address of each member thereof shall be
21 included in the application.

22 (2) If the applicant is a corporation, the name and
23 address of the corporation and the name and
24 address of each officer and registered agent of

1 the corporation shall be included in the
2 application.

3 (3) If the applicant is a partnership or other legal
4 entity, the name and address of each partner and
5 stockholder with an ownership interest of ten
6 percent (10%) or more shall be included in the
7 statement.

8 b. The information contained in the statement of
9 ownership shall be public information and shall be
10 available upon request from the Board;

11 2. The name and address of the management, if the management is
12 not the applicant and is acting as agent for the applicant;

13 3. a. An environmental history from the past three (3) years
14 of any concentrated animal feeding operation or
15 concentrated swine feeding operation established and
16 operated by the applicant or any other operation with
17 common ownership in this state or any other state.
18 The environmental history shall include but not be
19 limited to all citations, administrative orders or
20 penalties, civil injunctions or other civil actions,
21 criminal actions, past, current and ongoing, taken by
22 any person, agency or court relating to noncompliance
23 with any environmental law, rule, agency order, or
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1 court action relating to the operation of an animal
2 feeding operation or swine feeding operation.

3 b. A copy of all records relating to the environmental
4 history required by this paragraph shall accompany the
5 application.

6 c. Noncompliance with a final agency order or final order
7 or judgment of a court of record which has been set
8 aside by a court on appeal of the final order or
9 judgment shall not be considered a final order or
10 judgment for the purposes of this subsection;

11 4. Environmental awards or citations received or pollution
12 prevention or voluntary remediation efforts undertaken by the
13 applicant; and

14 5. Any other information or records required by the Department
15 for purposes of implementing the Oklahoma Swine Feeding Operations
16 Act or rules promulgated pursuant thereto.

17 H. 1. All employees of a proposed licensed managed feeding
18 operation whose duties include treatment, storage, or application of
19 swine waste shall provide proof of certification of satisfactory
20 completion of formal education or training in the areas of waste
21 management and odor control. Proof of certification of a minimum of
22 nine (9) hours of training and education shall be submitted either
23 with the license application or within six (6) months of the date of
24 the application for the license.

1 2. All employees of a licensed managed feeding operation whose
2 duties include treatment, storage or application of animal waste
3 shall provide proof of certification of satisfactory completion of
4 formal education or training in the areas of waste management and
5 odor control.

6 3. The Department shall require a minimum of three (3) hours of
7 annual refresher training for any employee of a licensed managed
8 feeding operation whose duties include treatment, storage, or
9 application of swine waste.

10 4. After completing eighteen (18) hours of training, an
11 employee shall be exempt from the annual training requirement, and
12 shall be required to complete three (3) hours of training every
13 three (3) years.

14 5. Appropriate curricula and course content shall be developed
15 by the licensed managed feeding operation and submitted to the
16 Department for approval.

17 6. Failure to obtain the prerequisite nine (9) hours of
18 training and any continuing education training as required in this
19 subsection shall be deemed a violation of the Oklahoma Swine Feeding
20 Operations Act.

21 I. 1. In addition to other penalties as may be imposed by law,
22 any person who knowingly makes any false statement, representation,
23 or certification in, omits material data from, or tampers with any
24 application for a license, or notice relating to the determination

1 of affected property owners, shall, upon conviction thereof, be
2 guilty of a misdemeanor and may be subject to a fine of not more
3 than Ten Thousand Dollars (\$10,000.00) for each violation. In
4 addition, the Department shall deny licensure to the applicant or
5 may require submission of a new application.

6 2. The responsibility for ensuring that all affected property
7 owners are notified pursuant to the provisions of this section shall
8 be upon the applicant.

9 SECTION 5. AMENDATORY 2 O.S. 2011, Section 20-45, is
10 amended to read as follows:

11 Section 20-45. A. The State Board of Agriculture shall cause
12 to be prepared and available, for any person desiring or required to
13 apply for a license to operate a new or previously unlicensed animal
14 feeding operation, the necessary forms and applications.

15 B. The application for a license to operate a new or previously
16 unlicensed animal feeding operation shall contain, as a minimum, the
17 following information:

18 1. Name and address of the owner and operator of the facility;

19 2. Name and address of the animal feeding operation;

20 3. Capacity in animal units, and number and type of animals
21 housed or confined;

22 4. A diagram or map and legal description showing geographical
23 location of the facility on which the perimeters of the facility are
24 designated, location of waters of the state, including, but not

1 limited to, drainage from the facility, animal waste storage
2 facilities and land application sites owned or leased by the
3 applicant;

4 5. A copy of the Pollution Prevention Plan containing an Animal
5 Waste Management Plan, Best Management Practices, or such other plan
6 authorized by the Oklahoma Concentrated Animal Feeding Operations
7 Act and approved by the Department;

8 6. A copy of the written waiver by an adjacent property owner
9 to the facility releasing specified setback requirements as provided
10 by Section 44 20-57 of ~~the Oklahoma Concentrated Animal Feeding~~
11 ~~Operations Act~~ this title; and

12 7. Any other information deemed necessary by the Oklahoma
13 Department of Agriculture, Food, and Forestry to administer the
14 provisions of the Oklahoma Concentrated Animal Feeding Operations
15 Act and rules promulgated pursuant thereto.

16 C. 1. An application for renewal of a license to operate an
17 animal feeding operation shall be considered to be properly filed
18 when the Department has received a completed renewal application and
19 payment of fees from the applicant.

20 2. If the application for renewal is denied, written
21 notification of the denial and an opportunity for an administrative
22 hearing on the denial shall be given to the applicant by the
23 Department. The notification shall set forth the reasons for the
24 denial, steps necessary to meet the requirements for issuance of the

1 renewal license and the opportunity for the applicant to request an
2 administrative hearing.

3 D. For transfer of a license to a new owner or operator, the
4 following conditions shall be met:

5 1. The new owner or operator shall submit to the Department a
6 transfer application, attaching any change of conditions resulting
7 from the transfer of ownership or operation;

8 2. After receipt of the information required, the Department
9 shall review the information, and within sixty (60) days, issue
10 approval or denial of the transfer. Transfer of a license shall be
11 denied only if:

12 a. the new owner or operator cannot comply with the
13 requirements of transfer,

14 b. the Department finds a material or substantial change
15 in conditions since the issuance of the original
16 license to operate the animal feeding operation,

17 c. failure of the new owner or operator to meet any other
18 conditions or requirements for compliance established
19 by the Department pursuant to the Oklahoma
20 Concentrated Animal Feeding Operations Act and rules
21 promulgated pursuant thereto, or

22 d. the new owner or operator has failed to meet the
23 requirements of Section ~~48~~ 20-61 of ~~the Oklahoma~~

24

1 ~~Concentrated Animal Feeding Operations Act~~ this title;

2 and

3 3. If a transfer is denied, written notification of the denial
4 and an opportunity for an administrative hearing on the denial shall
5 be given to the applicant for a transfer license by the Department.
6 The notification shall set forth the reasons for the denial, steps
7 necessary to meet the requirements for a transfer license, and the
8 opportunity for the applicant to request an administrative hearing.

9 E. Any suspension or revocation or nonrenewal of a license
10 issued pursuant to the Oklahoma Concentrated Animal Feeding
11 Operations Act by the Board shall be made in accordance with Section
12 ~~48~~ 20-61 of this ~~act~~ title.

13 F. In addition to other information required for issuance of a
14 new or transfer license, an application for a new or transfer
15 license for a concentrated animal feeding operation shall ~~be under~~
16 ~~oath and shall~~ contain the following information:

17 1. a. A statement of ownership.

18 (1) If the applicant is a firm or partnership, the
19 name and address of each member thereof shall be
20 included in the application.

21 (2) If the applicant is a corporation, the name and
22 address of the corporation and the name and
23 address of each officer and registered agent of
24

1 the corporation shall be included in the
2 application.

3 (3) If the applicant is a partnership or other legal
4 entity, the name and address of each partner and
5 stockholder with an ownership interest of ten
6 percent (10%) or more shall be included in the
7 statement.

8 b. The information contained in the statement of
9 ownership shall be public information and shall be
10 available upon request from the Board;

11 2. The name and address of the management, if the management is
12 not the applicant and is acting as agent for the applicant;

13 3. a. An environmental history from the past three (3) years
14 of any concentrated animal or swine feeding operation
15 established and operated by the applicant or any other
16 operation with common ownership in this state or any
17 other state. The environmental history shall include
18 but not be limited to all citations, administrative
19 orders or penalties, civil injunctions or other civil
20 actions, criminal actions, past, current and ongoing,
21 taken by any person, agency or court relating to
22 noncompliance with any environmental law, rule, agency
23 order, or court action relating to the operation of an
24 animal or swine feeding operation.

1 b. A copy of all records relating to the environmental
2 history required by this paragraph shall accompany the
3 application.

4 c. Noncompliance with a final agency order or final order
5 or judgment of a court of record which has been set
6 aside by a court on appeal of the final order or
7 judgment shall not be considered a final order or
8 judgment for the purposes of this subsection;

9 4. Environmental awards or citations received or pollution
10 prevention or voluntary remediation efforts undertaken by the
11 applicant; and

12 5. Any other information or records required by the Department
13 for purposes of implementing the Oklahoma Concentrated Animal
14 Feeding Operations Act or rules promulgated pursuant thereto.

15 G. 1. In addition to other penalties as may be imposed by law,
16 any person who knowingly makes any false statement, representation,
17 or certification in, omits material data from, or tampers with any
18 application for a license, or notice relating to the determination
19 of affected property owners, shall, upon conviction thereof, be
20 guilty of a misdemeanor and may be subject to a fine of not more
21 than Ten Thousand Dollars (\$10,000.00) for each such violation. In
22 addition, the Department shall deny licensure to the applicant or
23 may require submission of a new application.

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2. The responsibility for ensuring that all affected property owners are notified pursuant to the provisions of this section shall be upon the applicant.

SECTION 6. This act shall become effective November 1, 2016.

Passed the House of Representatives the 3rd day of March, 2016.

Presiding Officer of the House
of Representatives

Passed the Senate the ____ day of _____, 2016.

Presiding Officer of the Senate