

1 **SENATE FLOOR VERSION**

2 February 15, 2016

3 SENATE BILL NO. 1446

By: Jech

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5
6 An Act relating to agriculture and forestry forms and
7 applications; amending 2 O.S. 2011, Sections 6-504,
8 8-77.7, 10-9.5, as amended by Section 4, Chapter 313,
9 O.S.L. 2015, 20-7, as amended by Section 1, Chapter
10 35, O.S.L. 2012, and 20-45 (2 O.S. Supp. 2015,
11 Sections 10-9.5 and 20-7), which relate to license
12 applications, inspection fee report and necessary
13 forms and applications; removing certain application
14 and reporting requirements; amending 59 O.S. 2011,
15 Section 1213, as amended by Section 12, Chapter 118,
16 O.S.L. 2013 (59 O.S. Supp. 2015, Section 1213), which
17 relates to forester applications; removing certain
18 application requirements; and providing an effective
19 date.

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

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

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

B. The Department may issue a farmed cervidae facility license
to any person that lawfully obtains cervidae, acts in good faith,
and adheres to the laws and rules of the state, including the

1 provisions of the Oklahoma Farmed Cervidae Act. Nothing in this
2 section shall prevent the Department from issuing a license to
3 persons the Department deems have obtained cervidae from a legal
4 source, acted in good faith, and failed to recognize a license was
5 required.

6 C. All persons issued a farmed cervidae license shall abide by
7 all provisions of the Oklahoma Farmed Cervidae Act. An initial
8 application for a farmed cervidae facility license shall contain the
9 following:

- 10 1. Name, address, and telephone number of the owner;
- 11 2. Name, address, and telephone number of the operator, if
12 different from the owner;
- 13 3. Name, address, and telephone number of the primary contact;
- 14 4. Farm name, facility address, and facility telephone number;
- 15 5. Name, address and telephone number of the location where
16 records are kept;
- 17 6. Specific legal description of the facility to the nearest
18 quarter section;
- 19 7. A map showing topography of the area with a diagram of the
20 facility structures, fencing plan, and perimeter clearly marked;
- 21 8. Whether the applicant has been convicted of a felony,
22 misdemeanor, administrative, or civil violation of any natural
23 resources requirements, including but not limited to wildlife,
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1 forestry, fisheries, environment, or animal health within the past
2 three (3) years in the state or any other jurisdiction;

3 9. Whether the property where the farmed cervidae facility is
4 located is owned or leased;

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

8 11. Method of carcass disposal for the facility;

9 12. Driving directions from the nearest town;

10 13. A list of each name the farmed cervidae facility operates
11 under; and

12 14. ~~Signature under oath~~ Signed statement declaring: "I
13 certify under penalty of law this document, all attachments, and
14 information submitted are to the best of my knowledge and belief,
15 true, accurate, and complete. I am aware there are significant
16 penalties for knowingly submitting false, inaccurate, or incomplete
17 information, including the possibility of fines for each violation."

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

20 1. The accuracy of all materials in the application; and

21 2. Whether the applicant can reasonably be expected to comply
22 with all legal requirements of the license.

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

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

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

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

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

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

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

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

14 D. Sales or exchanges between importers, manufacturers,
15 distributors, registrants, or licensees are exempt.

16 E. When more than one person is involved in the distribution of
17 a fertilizer, the last person who has the fertilizer registered and
18 who distributed the fertilizer to a nonregistrant dealer or consumer
19 is responsible for reporting the tonnage and paying the inspection
20 fee, unless the report and payment is made by a prior distributor or
21 manufacturer of the fertilizer.

22 F. If the Board finds any deficient inspection fees due as a
23 result of an audit of the records of any person subject to the
24 provisions of the Oklahoma Fertilizer Act, the Board shall assess a

1 penalty fee of ten percent (10%) of the amount due, with a maximum
2 not to exceed Two Thousand Dollars (\$2,000.00) or a minimum of One
3 Hundred Dollars (\$100.00) whichever is greater. The audit penalty
4 shall be added to the deficient inspection fees due and payment
5 shall be made within thirty (30) days of notice of the deficiency.

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

9 H. Each registrant, distributor, or manufacturer shall keep
10 accurate records of the tonnage of fertilizer distributed in this
11 state.

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

15 Section 10-9.5. A. The State Board of Agriculture shall
16 provide the necessary forms and applications for any person desiring
17 or required to register a poultry feeding operation or expanding
18 operation.

19 B. The application to register to operate a new or previously
20 unregistered poultry feeding operation or expanding operation shall
21 ~~be under oath and shall~~ contain, at a minimum, the following
22 information:

- 23 1. Name and address of the owner and operator of the facility;
- 24 2. Name and address of the poultry feeding operation;

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

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

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

11 6. A copy of the Nutrient Management Plan, or proof of
12 application for such plan, Best Management Practices or any other
13 plans authorized by the Oklahoma Department of Agriculture, Food,
14 and Forestry;

15 7. A statement of ownership.

16 a. If the applicant is a corporation, the name and
17 address of the corporation and the name and address of
18 each officer and registered agent of the corporation
19 shall be included in the application.

20 b. If the applicant is a partnership or other legal
21 entity, the name and address of each partner and
22 stockholder with an ownership interest of ten percent
23 (10%) or more shall be included in the statement.

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1 c. The information contained in the statement of
2 ownership shall be public information and shall be
3 available upon request from the Board;

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

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

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

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

17 C. In addition to other penalties as may be imposed by law, any
18 person who knowingly makes any false statement, representation, or
19 certification in, omits material data from, or tampers with any
20 application for registration shall, upon conviction, be guilty of a
21 misdemeanor and may be subject to a fine of not more than Ten
22 Thousand Dollars (\$10,000.00) for each such violation.

1 D. The owner of a poultry feeding operation shall be
2 responsible for sending written notification to the Department upon
3 changing integrators.

4 E. For a transfer of registration to a new owner, the new owner
5 shall register the operation pursuant to the rules of the
6 Department.

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

1 and record books or their current equivalent. Courses for poultry
2 waste management shall include the following topics:

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

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

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

22 4. All operators or applicators shall meet the educational
23 requirements of this section no later than December 31 of each year.
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1 G. No integrator shall enter into any contract with an operator
2 of a poultry feeding operation who is not in compliance with the
3 education requirements of subsection F of this section.

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

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

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

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

19 4. A diagram or map and legal description showing geographical
20 location of the facility on which the perimeters of the facility are
21 designated, location of waters of the state, including, but not
22 limited to, drainage from the facility, swine waste storage
23 facilities and land application sites owned or leased by the
24 applicant;

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

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

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

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

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

23 D. No new licensed managed feeding operation or expanding
24 operation shall be constructed until a building permit for such

1 facility or expansion has been issued by the Department. No new
2 licensed managed feeding operation shall be placed in operation
3 until a license for the facility or expansion has been issued by the
4 Department.

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

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

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

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

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1 d. the new owner or operator has failed to meet the
2 requirements of Section 20-25 of this title; 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 F. Any suspension or revocation or nonrenewal of a license
10 issued pursuant to the Oklahoma Swine Feeding Operations Act by the
11 Board shall be made in accordance with Section 20-25 of this title.

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

16 1. a. A statement of ownership.

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

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

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

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

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

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

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

23 2. All employees of a licensed managed feeding operation whose
24 duties include treatment, storage or application of animal waste

1 shall provide proof of certification of satisfactory completion of
2 formal education or training in the areas of waste management and
3 odor control.

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

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

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

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

19 I. 1. In addition to other penalties as may be imposed by law,
20 any person who knowingly makes any false statement, representation,
21 or certification in, omits material data from, or tampers with any
22 application for a license, or notice relating to the determination
23 of affected property owners, shall, upon conviction thereof, be
24 guilty of a misdemeanor and may be subject to a fine of not more

1 than Ten Thousand Dollars (\$10,000.00) for each violation. In
2 addition, the Department shall deny licensure to the applicant or
3 may require submission of a new application.

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

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

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

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

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

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

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

20 4. A diagram or map and legal description showing geographical
21 location of the facility on which the perimeters of the facility are
22 designated, location of waters of the state, including, but not
23 limited to, drainage from the facility, animal waste storage
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1 facilities and land application sites owned or leased by the
2 applicant;

3 5. A copy of the Pollution Prevention Plan containing an Animal
4 Waste Management Plan, Best Management Practices, or such other plan
5 authorized by the Oklahoma Concentrated Animal Feeding Operations
6 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 Section 44 of the Oklahoma Concentrated Animal Feeding Operations
10 Act; and

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

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

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

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

7 E. Any suspension or revocation or nonrenewal of a license
8 issued pursuant to the Oklahoma Concentrated Animal Feeding
9 Operations Act by the Board shall be made in accordance with Section
10 48 of this act.

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

15 1. a. A statement of ownership.

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

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

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

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

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

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

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

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

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

1 have a certificate issued and the applicant may be required to again
2 submit an original application and pay an original fee therefor.
3 Should the Department deny the issuance of a certificate of
4 registration to any applicant, the fee deposited shall be retained
5 by the Department as an application fee.

6 SECTION 7. This act shall become effective November 1, 2016.

7 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE AND RURAL DEVELOPMENT
8 February 15, 2016 - DO PASS
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