

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 55th Legislature (2016)

4 ENGROSSED SENATE  
5 BILL NO. 1446

By: Jech of the Senate

and

6 Wright of the House  
7  
8

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

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

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

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

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

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

- 13 1. Name, address, and telephone number of the owner;
- 14 2. Name, address, and telephone number of the operator, if  
15 different from the owner;
- 16 3. Name, address, and telephone number of the primary contact;
- 17 4. Farm name, facility address, and facility telephone number;
- 18 5. Name, address and telephone number of the location where  
19 records are kept;
- 20 6. Specific legal description of the facility to the nearest  
21 quarter section;
- 22 7. A map showing topography of the area with a diagram of the  
23 facility structures, fencing plan, and perimeter clearly marked;
- 24

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

6 9. Whether the property where the farmed cervidae facility is  
7 located is owned or leased;

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

11 11. Method of carcass disposal for the facility;

12 12. Driving directions from the nearest town;

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

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

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

23 1. The accuracy of all materials in the application; and  
24

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

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

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

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

22           B. Each registrant distributing commercial fertilizer in this  
23 state shall file with the State Board of Agriculture not later than  
24

1 the last day of January and July of each year, a semiannual tonnage  
2 report stating ~~under oath~~:

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

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

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

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

18 D. Sales or exchanges between importers, manufacturers,  
19 distributors, registrants, or licensees are exempt.

20 E. When more than one person is involved in the distribution of  
21 a fertilizer, the last person who has the fertilizer registered and  
22 who distributed the fertilizer to a nonregistrant dealer or consumer  
23 is responsible for reporting the tonnage and paying the inspection  
24

1 fee, unless the report and payment is made by a prior distributor or  
2 manufacturer of the fertilizer.

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

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

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

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

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

24

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  
24

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  
24

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  
24

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 of the Oklahoma Concentrated Animal Feeding Operations  
11 Act; 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 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.  
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8 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE AND RURAL DEVELOPMENT,  
9 dated 03/23/2016 - DO PASS.  
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