

1 ENGROSSED SENATE
2 BILL NO. 1424

By: Howard and Bullard of the
Senate

3 and

4 Hardin of the House

5
6
7 An Act relating to the Oklahoma Registered Poultry
8 Feeding Operations Act; amending 2 O.S. 2021, Section
9 10-9.5, which relates to application to register or
10 expand poultry feeding operations; stating
11 responsibility for certain educational requirements;
12 amending 2 O.S. 2021, Section 10-9.11, which relates
13 to violations; modifying range for certain
14 administrative penalty; directing certain funds to be
15 used for certain enforcement; modifying certain
16 notification requirements; requiring certain penalty
17 for noncompliance; updating statutory language;
18 updating statutory reference; and providing an
19 effective date.

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

21 SECTION 1. AMENDATORY 2 O.S. 2021, Section 10-9.5, is
22 amended to read as follows:

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

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

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

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

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

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

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

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

20 7. A statement of ownership.

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

1 b. 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 percent
4 (10%) or more shall be included in the statement.

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

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

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

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

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

21 C. In addition to other penalties as may be imposed by law, any
22 person who knowingly makes any false statement, representation, or
23 certification in, omits material data from, or tampers with any
24 application for registration shall, upon conviction, be guilty of a

1 misdemeanor and may be subject to a fine ~~of~~ not more than Ten
2 Thousand Dollars (\$10,000.00) for each such violation.

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

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

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

1 Oklahoma Cooperative Extension Service Waste Management Facts series
2 and record books or their current equivalent. Courses for poultry
3 waste management shall include the following topics:

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

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

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

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

1 5. All operators and applicators are solely responsible for
2 obtaining and maintaining all educational requirements established
3 pursuant to the provisions of this subsection.

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

7 SECTION 2. AMENDATORY 2 O.S. 2021, Section 10-9.11, is
8 amended to read as follows:

9 Section 10-9.11. A. 1. Any person violating the provisions of
10 the Oklahoma Registered Poultry Feeding Operations Act shall, upon
11 conviction, be guilty of a misdemeanor and may be punished by a fine
12 not to exceed Two Hundred Dollars (\$200.00).

13 2. The Attorney General or the district attorney of the
14 appropriate district court of ~~Oklahoma~~ this state may bring an
15 action in a court of competent jurisdiction for the prosecution of a
16 violation by any person of a provision of the Oklahoma Registered
17 Poultry Feeding Operations Act or any rule promulgated thereunder.

18 B. 1. In addition to the criminal penalties specified by this
19 section, the Oklahoma Department of Agriculture, Food, and Forestry
20 may:

- 21 a. assess an administrative penalty ~~of not more than Two~~
22 ~~Hundred Dollars (\$200.00) per day of noncompliance~~
23 pursuant to Section 2-18 of this title, or

1 b. bring an action for injunctive relief granted by a
2 district court.

3 2. A district court may grant injunctive relief to prevent a
4 violation of, or to compel compliance with, any of the provisions of
5 the Oklahoma Registered Poultry Feeding Operations Act or any rule
6 promulgated thereunder or order, registrations, and certificates
7 issued pursuant to the Oklahoma Registered Poultry Feeding
8 Operations Act.

9 3. Nothing in this section shall preclude the Department from
10 seeking penalties in district court in the maximum amount allowed by
11 law. The assessment of penalties in an administrative enforcement
12 proceeding shall not prevent the subsequent assessment by a court of
13 the maximum criminal penalties for violations of the Oklahoma
14 Registered Poultry Feeding Operations Act.

15 4. Any person assessed an administrative penalty may be
16 required to pay, in addition to such penalty amount and interest
17 thereon, attorney fees and costs associated with the collection of
18 such penalties.

19 5. Any administrative penalty required to be paid pursuant to
20 the provisions of this subsection shall be used to fund enforcement
21 of the Oklahoma Registered Poultry Feeding Operations Act.

22 C. 1. Any action for injunctive relief to redress or restrain
23 a violation by any person of the Oklahoma Registered Poultry Feeding
24 Operations Act, or for any rule promulgated thereunder, or order

1 issued pursuant thereto, or recovery of any administrative penalty
2 assessed pursuant to the Oklahoma Registered Poultry Feeding
3 Operations Act may be brought by:

- 4 a. the district attorney of the appropriate district
5 court of the State of Oklahoma,
- 6 b. the Attorney General on behalf of the State of
7 Oklahoma, or
- 8 c. the Department on behalf of the State of Oklahoma.

9 2. The court shall have jurisdiction to determine the action,
10 and to grant the necessary or appropriate relief, including but not
11 limited to mandatory or prohibitive injunctive relief, interim
12 equitable relief, and punitive damages.

13 3. It shall be the duty of the Attorney General and district
14 attorney if requested by the Commissioner of Agriculture to bring
15 such actions.

16 D. Except as otherwise provided by law, administrative and
17 civil penalties shall be paid into the ~~State Department of~~
18 Agriculture Regulation Revolving Fund.

19 E. For the purposes of the Oklahoma Registered Poultry Feeding
20 Operations Act, each day upon which a violation is committed or is
21 permitted to continue shall be deemed a separate offense.

22 F. 1. Any contract poultry grower determined after notice and
23 opportunity for a hearing by the Department as flagrantly
24 disregarding Best Management Practices shall result in the

1 Department notifying the integrator in writing. Notice provided to
2 the integrator shall detail any remediation, education, or other
3 measures the grower is required to take to prevent the furtherance
4 or continuing nature of the violation and to prevent future
5 violations. Upon receipt of such notice, the integrator shall
6 respond, as prescribed by the Department, that a producer has
7 received the notice and will:

8 a. work with the grower to ensure compliance is achieved
9 within thirty (30) days,

10 b. issue a notice of suspension-of-delivery of birds to
11 the grower within thirty (30) days, or

12 c. give notice of ninety (90) days' Notice of Termination
13 of the integrator-producer relationship to the
14 producer within thirty (30) days.

15 2. The agency may extend the time periods for compliance
16 pursuant to this subsection upon the request of an integrator. An
17 integrator who fails to comply with the provisions of this
18 subsection shall be assessed an administrative penalty pursuant to
19 Section 2-18 of this title.

20 3. Nothing provided in response to or in association with a
21 notice given pursuant to this subsection may be used as evidence to
22 establish an employer-employee relationship between a grower and the
23 integrator with which the grower contracts.

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1 G. The Department shall notify all integrators of any
2 violations assessed against an operator who is under a contract
3 growing arrangement with that integrator and, upon the written
4 request of the integrator, notify that integrator of all violations
5 assessed against an operator with whom the integrator contemplates
6 entering into a contract.

7 H. In addition to other penalties as may be imposed by law, any
8 person who knowingly makes any false statement, representation or
9 certification form, notice or report, or who knowingly renders
10 inaccurate any monitoring device or method required to be maintained
11 by any rule promulgated by the State Board of Agriculture, shall,
12 upon conviction, be guilty of a misdemeanor and may be subject to a
13 fine ~~of~~ not more than Five Thousand Dollars (\$5,000.00) for each
14 such violation.

15 SECTION 3. This act shall become effective November 1, 2024.
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