

SENATE CHAMBER

STATE OF OKLAHOMA

DISPOSITION

FLOOR AMENDMENT

No. 1

COMMITTEE AMENDMENT

(Date)

I move to amend Senate Bill No. 1424, by substituting the attached floor substitute (Request #3638) for the title, enacting clause and entire body of the measure.

Submitted by:

Brent Howard
Senator Howard

I hereby grant permission for the floor substitute to be adopted.

Chris Kidd
Senator Kidd, Chair (required)

[Signature]
Senator Hall

[Signature]
Senator Alvord

[Signature]
Senator Boren
[Signature]
Senator Green

Senator Hamilton

Senator Treat, President Pro Tempore

[Signature]
Senator Jech

[Signature]
Senator Paxton

[Signature]
Senator Rogers

Senator Woods

Senator Young

Senator McCortney, Majority Floor Leader

Note: Agriculture and Rural Affairs committee majority requires six (6) members' signatures.

Howard-CN-FS-SB1424
3/11/2024 3:42 PM

(Floor Amendments Only) Date and Time Filed: 3-11-24 4:40 pm gh

Untimely

Amendment Cycle Extended

Secondary Amendment

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 FLOOR SUBSTITUTE
4 FOR

5 SENATE BILL NO. 1424

By: Howard and Bullard of the
Senate

6 and

7 Hardin of the House

8
9
10
11 FLOOR SUBSTITUTE

12 An Act relating to the Oklahoma Registered Poultry
13 Feeding Operations Act; amending 2 O.S. 2021, Section
14 10-9.11, which relates to violations; increasing
15 maximum fine for certain misdemeanor offense;
16 updating statutory language; increasing maximum
17 amount for certain administrative penalty; updating
18 statutory reference; and providing an effective date.

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

19 SECTION 1. AMENDATORY 2 O.S. 2021, Section 10-9.11, is
20 amended to read as follows:

21 Section 10-9.11. A. 1. Any person violating the provisions of
22 the Oklahoma Registered Poultry Feeding Operations Act shall, upon
23 conviction, be guilty of a misdemeanor and may be punished by a fine
24

1 not to exceed ~~Two Hundred Dollars (\$200.00)~~ Five Thousand Dollars
2 (\$5,000.00).

3 2. The Attorney General or the district attorney of the
4 appropriate district court of Oklahoma may bring an action in a
5 court of competent jurisdiction for the prosecution of a violation
6 by any person of a provision of the Oklahoma Registered Poultry
7 Feeding Operations Act or any rule promulgated thereunder.

8 B. 1. In addition to the criminal penalties specified by this
9 section, the Oklahoma Department of Agriculture, Food, and Forestry
10 may:

11 a. assess an administrative penalty ~~of not more than Two~~
12 ~~Hundred Dollars (\$200.00)~~ Ten Thousand Dollars
13 (\$10,000.00) per day of noncompliance, or

14 b. bring an action for injunctive relief granted by a
15 district court.

16 2. A district court may grant injunctive relief to prevent a
17 violation of, or to compel compliance with, any of the provisions of
18 the Oklahoma Registered Poultry Feeding Operations Act or any rule
19 promulgated thereunder or order, registrations, and certificates
20 issued pursuant to the Oklahoma Registered Poultry Feeding
21 Operations Act.

22 3. Nothing in this section shall preclude the Department from
23 seeking penalties in district court in the maximum amount allowed by
24 law. The assessment of penalties in an administrative enforcement

1 proceeding shall not prevent the subsequent assessment by a court of
2 the maximum criminal penalties for violations of the Oklahoma
3 Registered Poultry Feeding Operations Act.

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

8 C. 1. Any action for injunctive relief to redress or restrain
9 a violation by any person of the Oklahoma Registered Poultry Feeding
10 Operations Act, or for any rule promulgated thereunder, or order
11 issued pursuant thereto, or recovery of any administrative penalty
12 assessed pursuant to the Oklahoma Registered Poultry Feeding
13 Operations Act may be brought by:

14 a. the district attorney of the appropriate district
15 court of the State of Oklahoma,

16 b. the Attorney General on behalf of the State of
17 Oklahoma, or

18 c. the Department on behalf of the State of Oklahoma.

19 2. The court shall have jurisdiction to determine the action,
20 and to grant the necessary or appropriate relief, including but not
21 limited to mandatory or prohibitive injunctive relief, interim
22 equitable relief, and punitive damages.

23

24

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

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

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

10 F. Any contract poultry grower determined after notice and
11 opportunity for a hearing by the Department as flagrantly
12 disregarding Best Management Practices shall result in the
13 Department notifying the integrator in writing.

14 G. The Department shall notify all integrators of any
15 violations assessed against an operator who is under a contract
16 growing arrangement with that integrator and, upon the written
17 request of the integrator, notify that integrator of all violations
18 assessed against an operator with whom the integrator contemplates
19 entering into a contract.

20 H. In addition to other penalties as may be imposed by law, any
21 person who knowingly makes any false statement, representation or
22 certification form, notice or report, or who knowingly renders
23 inaccurate any monitoring device or method required to be maintained
24 by any rule promulgated by the State Board of Agriculture, shall,

1 upon conviction, be guilty of a misdemeanor and may be subject to a
2 fine of not more than Five Thousand Dollars (\$5,000.00) for each
3 such violation.

4 SECTION 2. This act shall become effective November 1, 2024.

5
6 59-2-3638 CN 3/12/2024 5:37:56 PM
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24