

SENATE CHAMBER
STATE OF OKLAHOMA

DISPOSITION

FLOOR AMENDMENT

No. 2

COMMITTEE AMENDMENT

(Date)

I move to amend Senate Bill No. 1424, by substituting the attached floor substitute (Request #3651) 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)
2024.12.12
Senator Hall

Darryl Jeph
Senator Jeph
[Signature]
Senator Paxton
[Signature]
Senator Rogers

Senator Alvord

Senator Woods

Senator Boren

[Signature]
Senator Green

Senator Young

Senator Hamilton

Senator Treat, President Pro Tempore

Senator McCortney, Majority Floor Leader

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

Howard-CN-FS-SB1424
3/12/2024 1:48 PM

(Floor Amendments Only)

Date and Time Filed: 3-12-24 3:50 PM JD

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

6 By: Howard and Bullard of the
7 Senate

8 and

9 Hardin of the House

10 FLOOR SUBSTITUTE

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

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

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

Section 10-9.5. A. The State Board of Agriculture shall
provide the necessary forms and applications for any person desiring

1 or required to register a poultry feeding operation or expanding
2 operation.

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

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

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

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

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

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

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

22 7. A statement of ownership.

23 a. If the applicant is a corporation, the name and
24 address of the corporation and the name and address of

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, 7; 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~~ this state, 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 5. All operators and applicators are solely responsible for
4 obtaining and maintaining all educational requirements established
5 pursuant to the provisions of this subsection.

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

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

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

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

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

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

4 b. bring an action for injunctive relief granted by a
5 district court.

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

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

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

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

1 C. 1. Any action for injunctive relief to redress or restrain
2 a violation by any person of the Oklahoma Registered Poultry Feeding
3 Operations Act, or for any rule promulgated thereunder, or order
4 issued pursuant thereto, or recovery of any administrative penalty
5 assessed pursuant to the Oklahoma Registered Poultry Feeding
6 Operations Act may be brought by:

7 a. the district attorney of the appropriate district
8 court of the State of Oklahoma,

9 b. the Attorney General on behalf of the State of
10 Oklahoma, or

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

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

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

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

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

1 F. 1. Any contract poultry grower determined after notice and
2 opportunity for a hearing by the Department as flagrantly
3 disregarding Best Management Practices shall result in the
4 Department notifying the integrator in writing. Notice provided to
5 the integrator shall detail any remediation, education, or other
6 measures the grower is required to take to prevent the furtherance
7 or continuing nature of the violation and to prevent future
8 violations. Upon receipt of such notice, the integrator shall
9 respond, as prescribed by the Department, that a producer has
10 received the notice and will:

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

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

15 c. give notice of ninety (90) days' Notice of Termination
16 of the integrator-producer relationship to the
17 producer within thirty (30) days.

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

23 3. Nothing provided in response to or in association with a
24 notice given pursuant to this subsection may be used as evidence to

1 establish an employer-employee relationship between a grower and the
2 integrator with which the grower contracts.

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

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

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

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19 59-2-3651 CN 3/12/2024 5:41:00 PM

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