

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 SENATE BILL 120

By: Burns

4  
5  
6 AS INTRODUCED

7 An Act relating to animal feeding operations;  
8 amending 2 O.S. 2021, Sections 10-9.5, as amended by  
9 Section 1, Chapter 372, O.S.L. 2024, and 20-45 (2  
10 O.S. Supp. 2024, Section 10-9.5), which relate to  
11 application for registration and licensure for  
12 certain feeding operations; requiring owners and  
13 operators to provide proof of residency to receive  
14 registration or licensure; requiring certain  
15 documentation for verification of residency; updating  
16 statutory reference; updating statutory language; and  
17 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 10-9.5, as  
20 amended by Section 1, Chapter 372, O.S.L. 2024 (2 O.S. Supp. 2024,  
21 Section 10-9.5), is amended to read as follows:

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

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

- 1 1. Name and address of the owner and operator of the facility;
- 2 2. Name and address of the poultry feeding operation;
- 3 3. Number and type of poultry housed or confined;
- 4 4. Name and address of the integrator whose poultry will be
- 5 raised by the poultry feeding operation;
- 6 5. A diagram or map and legal description showing geographical
- 7 location of the facility on which the perimeters of the facility are
- 8 designated, location of waters of the state, including, but not
- 9 limited to, drainage from the facility, poultry waste storage
- 10 facilities, and land-application sites owned or leased by the
- 11 applicant or which the applicant has contracted with for the
- 12 application of poultry waste;
- 13 6. A copy of the Nutrient Management Plan, or proof of
- 14 application for such plan, Best Management Practices or any other
- 15 plans authorized by the Oklahoma Department of Agriculture, Food,
- 16 and Forestry;
- 17 7. A statement of ownership.
- 18 a. If the applicant is a corporation, the name and
- 19 address of the corporation and the name and address of
- 20 each officer and registered agent of the corporation
- 21 shall be included in the application.
- 22 b. If the applicant is a partnership or other legal
- 23 entity, the name and address of each partner and
- 24

1 stockholder with an ownership interest of ten percent  
2 (10%) or more shall be included in the statement.

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

6 8. In order to be considered a resident of this state for  
7 purposes of registration, all registered owners and operators of the  
8 facility shall provide proof of state residency for at least two (2)  
9 years immediately preceding the date of application. Sufficient  
10 documentation of proof of residency shall include a combination of  
11 the following:

- 12 a. an unexpired state-issued driver license,  
13 b. an unexpired state-issued identification card,  
14 c. a utility bill preceding the date of application,  
15 excluding cellular telephone and Internet bills,  
16 d. a residential property deed to property in this state,  
17 and  
18 e. a rental agreement preceding the date of application  
19 for residential property located in this state.

20 The name on the application shall be reflected on all  
21 documentation requested in this paragraph;

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

1       ~~9.~~ 10. An environmental history from the past three (3) years  
2 of any poultry feeding operation established and operated by the  
3 applicant or any other operation with common ownership in this state  
4 or any other state;

5       ~~10.~~ 11. Environmental awards or citations received or pollution  
6 prevention or voluntary remediation efforts undertaken by the  
7 applicant; and

8       ~~11.~~ 12. Any other information or records required by the  
9 Department for purposes of implementing the Oklahoma Registered  
10 Poultry Feeding Operations Act or rules promulgated pursuant  
11 thereto.

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

18       D. The owner of a poultry feeding operation shall be  
19 responsible for sending written notification to the Department upon  
20 changing integrators.

21       E. For a transfer of registration to a new owner, the new owner  
22 shall register the operation pursuant to the rules of the  
23 Department.

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

- 20 a. environmental process relevant to protecting water  
21 quality in poultry production,
- 22 b. basic handling systems to manage poultry waste from  
23 all types of poultry operations,

- 1 c. nutrient management, including sampling procedures,  
2 application rate determination, equipment calibration,  
3 and record-keeping systems,  
4 d. relevant laws and rules applicable to poultry waste  
5 management in this state, and  
6 e. any other related subject as determined by Oklahoma  
7 State University in consultation with the Department.

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

11 3. Failure to obtain the initial nine-hour training and any  
12 continuing education as provided in this subsection shall be deemed  
13 a violation of the Oklahoma Registered Poultry Feeding Operations  
14 Act for operators and the Oklahoma Poultry Waste Applicators  
15 Certification Act for applicators.

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

18 5. All operators and applicators are solely responsible for  
19 obtaining and maintaining all educational requirements established  
20 pursuant to the provisions of this subsection.

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

1 SECTION 2. AMENDATORY 2 O.S. 2021, Section 20-45, is  
2 amended to read as follows:

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

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

- 10 1. Name and address of the owner and operator of the facility;
- 11 2. Name and address of the animal feeding operation;
- 12 3. Capacity in animal units, and number and type of animals  
13 housed or confined;
- 14 4. A diagram or map and legal description showing geographical  
15 location of the facility on which the perimeters of the facility are  
16 designated, location of waters of the state, including, but not  
17 limited to, drainage from the facility, animal waste storage  
18 facilities and land application sites owned or leased by the  
19 applicant;
- 20 5. A copy of the Pollution Prevention Plan containing an Animal  
21 Waste Management Plan, Best Management Practices, or such other plan  
22 authorized by the Oklahoma Concentrated Animal Feeding Operations  
23 Act and approved by the Department;

1 6. A copy of the written waiver by an adjacent property owner  
2 to the facility releasing specified setback requirements as provided  
3 by Section 44 of the Oklahoma Concentrated Animal Feeding Operations  
4 Act; and

5 7. In order to be considered a resident of this state for  
6 purposes of licensure, all licensed owners and operators of the  
7 facility shall provide proof of state residency for at least two (2)  
8 years immediately preceding the date of application. Sufficient  
9 documentation of proof of residency shall include a combination of  
10 the following:

- 11 a. an unexpired state-issued driver license,
- 12 b. an unexpired state-issued identification card,
- 13 c. a utility bill preceding the date of application,  
14 excluding cellular telephone and Internet bills,
- 15 d. a residential property deed to property in this state,  
16 and
- 17 e. a rental agreement preceding the date of application  
18 for residential property located in this state.

19 The name on the application shall be reflected on all  
20 documentation requested in this paragraph; and

21 8. Any other information deemed necessary by the Oklahoma  
22 Department of Agriculture, Food, and Forestry to administer the  
23 provisions of the Oklahoma Concentrated Animal Feeding Operations  
24 Act and rules promulgated pursuant thereto.



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

5 2. If the application for renewal is denied, written  
6 notification of the denial and an opportunity for an administrative  
7 hearing on the denial shall be given to the applicant by the  
8 Department. The notification shall set forth the reasons for the  
9 denial, steps necessary to meet the requirements for issuance of the  
10 renewal license and the opportunity for the applicant to request an  
11 administrative hearing.

12 D. For transfer of a license to a new owner or operator, the  
13 following conditions shall be met:

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

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

21 a. the new owner or operator cannot comply with the  
22 requirements of transfer,  
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- 1           b. the Department finds a material or substantial change  
2           in conditions since the issuance of the original  
3           license to operate the animal feeding operation,  
4           c. failure of the new owner or operator to meet any other  
5           conditions or requirements for compliance established  
6           by the Department pursuant to the Oklahoma  
7           Concentrated Animal Feeding Operations Act and rules  
8           promulgated pursuant thereto, or  
9           d. the new owner or operator has failed to meet the  
10          requirements of Section ~~48 of the Oklahoma~~  
11          ~~Concentrated Animal Feeding Operations Act~~ 20-61 of  
12          this title; and

13           3. If a transfer is denied, written notification of the denial  
14          and an opportunity for an administrative hearing on the denial shall  
15          be given to the applicant for a transfer license by the Department.  
16          The notification shall set forth the reasons for the denial, steps  
17          necessary to meet the requirements for a transfer license, and the  
18          opportunity for the applicant to request an administrative hearing;  
19          and

20           4. Proof of residency provisions pursuant to paragraph 7 of  
21          subsection B of this section.

22           E. Any suspension or revocation or nonrenewal of a license  
23          issued pursuant to the Oklahoma Concentrated Animal Feeding  
24

1 Operations Act by the Board shall be made in accordance with Section  
2 ~~48 of this act~~ 20-61 of this title.

3 F. In addition to other information required for issuance of a  
4 new or transfer license, an application for a new or transfer  
5 license for a concentrated animal feeding operation shall contain  
6 the following information:

7 1. a. A statement of ownership.

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

11 (2) If the applicant is a corporation, the name and  
12 address of the corporation and the name and  
13 address of each officer and registered agent of  
14 the corporation shall be included in the  
15 application.

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

21 b. The information contained in the statement of  
22 ownership shall be public information and shall be  
23 available upon request from the Board;

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

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

15           b. A copy of all records relating to the environmental  
16                  history required by this paragraph shall accompany the  
17                  application.

18           c. Noncompliance with a final agency order or final order  
19                  or judgment of a court of record which has been set  
20                  aside by a court on appeal of the final order or  
21                  judgment shall not be considered a final order or  
22                  judgment for the purposes of this subsection;

1 4. Environmental awards or citations received or pollution  
2 prevention or voluntary remediation efforts undertaken by the  
3 applicant; and

4 5. Any other information or records required by the Department  
5 for purposes of implementing the Oklahoma Concentrated Animal  
6 Feeding Operations Act or rules promulgated pursuant thereto.

7 G. 1. In addition to other penalties as may be imposed by law,  
8 any person who knowingly makes any false statement, representation,  
9 or certification in, omits material data from, or tampers with any  
10 application for a license, or notice relating to the determination  
11 of affected property owners, shall, upon conviction thereof, be  
12 guilty of a misdemeanor and may be subject to a fine ~~of~~ not more  
13 than Ten Thousand Dollars (\$10,000.00) for each such violation. In  
14 addition, the Department shall deny licensure to the applicant or  
15 may require submission of a new application.

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

19 SECTION 3. This act shall become effective November 1, 2025.  
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21 60-1-184 MR 12/27/2024 10:55:22 AM  
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