

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL NO. 120

By: Burns of the Senate

and

West (Rick) of the House

6  
7  
8  
9 COMMITTEE SUBSTITUTE

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

24 Section 10-9.5. A. The State Board of Agriculture shall  
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 copy of:

21 a. a water use permit from the Oklahoma Water Resources  
22 Board pursuant to Section 105.9 of Title 82 of the  
23 Oklahoma Statutes, or

1           b. an official statement for water use from the county,  
2           municipality, or other political subdivision where the  
3           facility resides;

4       8. A statement of ownership.

5           a. If the applicant is a corporation, the name and  
6           address of the corporation and the name and address of  
7           each officer and registered agent of the corporation  
8           shall be included in the application.

9           b. If the applicant is a partnership or other legal  
10          entity, the name and address of each partner and  
11          stockholder with an ownership interest of ten percent  
12          (10%) or more shall be included in the statement.

13          c. The information contained in the statement of  
14          ownership shall be public information and shall be  
15          available upon request from the State Board of  
16          Agriculture;

17  
18       ~~8.~~ 9. In order to be considered a resident of this state for  
19 purposes of registration, the following shall be made available to  
20 the Board:

21           a. for individuals or sole proprietorships applying for  
22           registration, proof of state residency for at least  
23           three (3) years immediately preceding the date of  
24           application. Sufficient documentation of proof of

1           residency shall include an unexpired Oklahoma state-  
2           issued driver license and a residential property deed  
3           to property in this state, or

4           b. for those applicants disclosed in paragraph 8 of this  
5           subsection, an affidavit providing proof of residency  
6           in this state and legal status for at least three (3)  
7           years immediately preceding the date of application;

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

11           ~~9.~~ 11. An environmental history from the past three (3) years  
12 of 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.~~ 12. Environmental awards or citations received or pollution  
16 prevention or voluntary remediation efforts undertaken by the  
17 applicant; and

18           ~~11.~~ 13. Any other information or records required by the  
19 Department for purposes of implementing the Oklahoma Registered  
20 Poultry Feeding Operations Act or rules promulgated pursuant  
21 thereto.

22           C. In addition to other penalties as may be imposed by law, any  
23 person who knowingly makes any false statement, representation, or  
24 certification in, omits material data from, or tampers with any

1 application for registration shall, upon conviction, be guilty of a  
2 misdemeanor and may be subject to a fine not more than Ten Thousand  
3 Dollars (\$10,000.00) for each such violation.

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

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

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

1 for the training course will include the Cooperative Extension  
2 Service waste management facts series and record books or their  
3 current equivalent. Courses for poultry waste management shall  
4 include the following topics:

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

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

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

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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 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~~ at a minimum,  
17 the 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 Oklahoma Department of Agriculture, Food,  
8 and Forestry;

9 6. A copy of the written waiver by an adjacent property owner  
10 to the facility releasing specified setback requirements as provided  
11 by ~~Section 44 of the Oklahoma Concentrated Animal Feeding Operations~~  
12 ~~Act~~ 20-57 of this title; and

13 7. A copy of:

14 a. a water use permit from the Oklahoma Water Resources  
15 Board pursuant to Section 105.9 of Title 82 of the  
16 Oklahoma Statutes, or

17 b. an official statement for water use from the county,  
18 municipality, or other political subdivision where the  
19 facility resides;

20 8. In order to be considered a resident of this state for  
21 purposes of registration, the following shall be made available to  
22 the State Board of Agriculture:

23 a. for individuals or sole proprietorships applying for  
24 registration, proof of state residency for at least



1           three (3) years immediately preceding the date of  
2           application. Sufficient documentation of proof of  
3           residency shall include an unexpired Oklahoma state-  
4           issued driver license and a residential property deed  
5           to property in this state, or

6           b. for those applicants disclosed in paragraph 1 of  
7           subsection F of this section, an affidavit providing  
8           proof of residency in this state and legal status for  
9           at least three (3) years immediately preceding the  
10           date of application; and

11           9. Any other information deemed necessary by the Oklahoma  
12 Department of Agriculture, Food, and Forestry to administer the  
13 provisions of the Oklahoma Concentrated Animal Feeding Operations  
14 Act and rules promulgated pursuant thereto.

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

19           2. If the application for renewal is denied, written  
20 notification of the denial and an opportunity for an administrative  
21 hearing on the denial shall be given to the applicant by the  
22 Department. The notification shall set forth the reasons for the  
23 denial, steps necessary to meet the requirements for issuance of the  
24

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. The new owner or operation shall submit a copy of:

9 a. a water use permit from the Oklahoma Water Resources  
10 Board pursuant to Section 105.9 of Title 82 of the  
11 Oklahoma Statutes, or

12 b. an official statement for water use from the county,  
13 municipality, or other political subdivision where the  
14 facility resides;

15 3. In order to be considered a resident of this state for  
16 purposes of registration, the following shall be made available to  
17 the State Board of Agriculture:

18 a. for individuals or sole proprietorships applying for  
19 registration, proof of state residency for at least  
20 three (3) years immediately preceding the date of  
21 application. Sufficient documentation of proof of  
22 residency shall include an unexpired Oklahoma state-  
23 issued driver license and a residential property deed  
24 to property in this state, or

1           b. for those applicants disclosed in paragraph 1 of  
2           subsection F of this section, an affidavit providing  
3           proof of residency of this state and legal status for  
4           at least three (3) years immediately preceding the  
5           date of application;

6           4. After receipt of the information required, the Department  
7 shall review the information, and within sixty (60) days, issue  
8 approval or denial of the transfer. Transfer of a license shall be  
9 denied only if:

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

1       ~~3.~~ 5. If a transfer is denied, written notification of the  
2 denial and an opportunity for an administrative hearing on the  
3 denial shall be given to the applicant for a transfer license by the  
4 Department. The notification shall set forth the reasons for the  
5 denial, steps necessary to meet the requirements for a transfer  
6 license, and the opportunity for the applicant to request an  
7 administrative hearing.

8       E. Any suspension or revocation or nonrenewal of a license  
9 issued pursuant to the Oklahoma Concentrated Animal Feeding  
10 Operations Act by the State Board of Agriculture shall be made in  
11 accordance with Section ~~48 of this act~~ 20-61 of this title.

12       F. In addition to other information required for issuance of a  
13 new or transfer license, an application for a new or transfer  
14 license for a concentrated animal feeding operation shall contain  
15 the following information:

16       1.    a.    A statement of ownership.

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

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

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

SECTION 3. This act shall become effective November 1, 2025.

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