

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 COMMITTEE SUBSTITUTE

4 FOR

HOUSE BILL NO. 1640

By: Jordan

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6  
7 COMMITTEE SUBSTITUTE

8 An Act relating to agriculture; amending 2 O.S. 2011,  
9 Sections 20-3 and 20-8, which relate to the Oklahoma  
10 Swine Feeding Operations Act; modifying definition;  
11 requiring Oklahoma Department of Agriculture, Food,  
12 and Forestry to review certain information and make a  
13 determination within certain time period; modifying  
14 procedure; prohibiting the State Board of Agriculture  
15 from taking certain action; modifying hearing  
16 procedure and requirements; requiring certain content  
17 when requesting certain hearings; providing time  
18 limit to correct deficiencies in certain requests;  
19 providing requirements for certain preliminary  
20 hearings; requiring a written order be issued within  
21 a certain time; requiring an administrative law judge  
22 to submit findings or schedule hearing; providing  
23 requirements for certain administrative hearing; and  
24 providing an effective date.

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

SECTION 1. AMENDATORY 2 O.S. 2011, Section 20-3, is  
amended to read as follows:

Section 20-3. A. Concentrated swine feeding operations are  
point sources subject to the license program established pursuant to  
the provisions of the Oklahoma Swine Feeding Operations Act.

1 B. As used in the Oklahoma Swine Feeding Operations Act:

2 1. "Affected property owner" means a surface landowner within:

3 a. one (1) mile of the designated perimeter of a swine  
4 feeding operation which:

5 (1) does not meet the definition of a licensed  
6 managed feeding operation, or

7 (2) is previously unlicensed or an expanding licensed  
8 managed feeding operation with a capacity of two  
9 thousand (2,000) or less swine animal units, or

10 b. two (2) miles of the designated perimeter of a  
11 licensed managed feeding operation or an expanding  
12 operation with a capacity of more than two thousand  
13 (2,000) swine animal units for which a license is  
14 being sought;

15 2. "Swine feeding operation" means a lot or facility where the  
16 following conditions are met:

17 a. swine have been, are, or will be stabled or confined  
18 and fed or maintained for a total of ninety (90)  
19 consecutive days or more in any twelve-month period,  
20 and

21 b. crops, vegetation, forage growth or post-harvest  
22 residues are not sustained in the normal growing  
23 season over any portion of the lot or facility;

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1           3. "Swine animal unit" means a unit of measurement for any  
2 swine feeding operation calculated by adding the following numbers:  
3 The number of swine weighing over twenty-five (25) kilograms,  
4 approximately fifty-five (55) pounds, multiplied by four-tenths  
5 (0.4), plus the number of weaned swine weighing under twenty-five  
6 (25) kilograms multiplied by one-tenth (0.1);

7           4. "Swine waste" means swine excrement, swine carcasses, feed  
8 wastes, process wastewaters or any other waste associated with the  
9 confinement of swine from a swine feeding operation;

10          5. "Swine Waste Management Plan" or "Nutrient Management Plan"  
11 means a written plan that includes a combination of conservation and  
12 management practices designed to protect the natural resources of  
13 the state prepared by an owner or operator of a swine feeding  
14 operation as required by the Department pursuant to the provisions  
15 of Section 20-10 of this title;

16          6. "Swine waste management system" means a combination of  
17 structures and nonstructural practices serving a swine feeding  
18 operation that provides for the collection, treatment, disposal,  
19 distribution, storage and land application of swine waste;

20          7. "Artificially constructed" means constructed by humans;

21          8. "Best Management Practices" means schedules of activities,  
22 prohibitions of practices, maintenance procedures, and other  
23 management practices to prevent or reduce the pollution of waters of  
24

1 the state as established by the Oklahoma Department of Agriculture,  
2 Food, and Forestry pursuant to Section 20-10 of this title;

3 9. "Board" means the State Board of Agriculture;

4 10. "Common ownership" includes but is not limited to any  
5 corporation, partnership or individual where the same owner has  
6 power or authority to manage, direct, restrict, regulate or oversee  
7 the operation or has financial control of the facility;

8 11. "Concentrated swine feeding operation" means:

9 a. a licensed managed feeding operation, or

10 b. a swine feeding operation which meets the following  
11 criteria:

12 (1) more than the number of swine specified in any of  
13 the following categories are confined:

14 (a) 750 swine each weighing over 25 kilograms or  
15 approximately 55 pounds,

16 (b) 3,000 weaned swine each weighing under 25  
17 kilograms, or

18 (c) 300 swine animal units, and

19 (2) either one of the following conditions are met:

20 (a) pollutants are discharged into waters of the  
21 state through an artificially constructed  
22 ditch, flushing system or other similar  
23 artificially constructed device, or

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1 (b) pollutants are discharged directly into  
2 navigable waters which originate outside of  
3 and pass over, across or through the facility  
4 or otherwise come into direct contact with  
5 the swine confined in the operation.

6 Provided, however, that no swine feeding operation  
7 pursuant to this subparagraph is a concentrated swine  
8 feeding operation if the swine feeding operation  
9 discharges only in the event of a twenty-five-year,  
10 twenty-four-hour storm event, or

11 c. the Board determines that the operation is a  
12 significant contributor of pollution to waters of the  
13 state pursuant to Section 20-6 of this title;

14 12. "Department" means the Oklahoma Department of Agriculture,  
15 Food, and Forestry;

16 13. "Designated perimeter" means the perimeter of any structure  
17 or combination of structures utilized to control swine waste until  
18 it can be disposed of in an authorized manner. Structures shall  
19 include but not be limited to pits, burial sites, barns or roof-  
20 covered structures housing swine, composters, waste storage sites,  
21 or retention structures or appurtenances or additions thereto;

22 14. "Expanding operation" means:

23 a. a facility that either increases its swine animal unit  
24 capacity to a number that causes the facility to

1 initially meet the definition of a licensed managed  
2 feeding operation, or

- 3 b. a licensed managed feeding operation that seeks to  
4 increase its licensed capacity in excess of five  
5 percent (5%) of the original facility's licensed  
6 capacity;

7 15. "Facility" means any place, site, or location or part  
8 thereof where swine are kept, handled, housed, or otherwise  
9 maintained and processed and includes but is not limited to  
10 buildings, lots, pens, and swine waste management systems;

11 16. "Interested party" means an affected property owner ~~who~~  
12 ~~validly requests an individual hearing, in accordance with the~~  
13 ~~provisions of the Oklahoma Swine Feeding Operations Act and rules~~  
14 ~~promulgated pursuant thereto regarding the issuance of a swine~~  
15 ~~feeding operation license and asserts rights to relief in respect to~~  
16 ~~or arising out of the same license~~ found to meet the burden of proof  
17 pursuant to the provisions of Section 20-8 of this title;

18 17. "Land application" means the spreading on, or incorporation  
19 of swine waste into the soil mantle primarily for beneficial  
20 purposes;

21 18. "Licensed managed feeding operations" means a swine feeding  
22 operation primarily using a liquid swine waste management system,  
23 where swine are primarily housed in a roof-covered structure and  
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1 which has more than the number of swine specified in any of the  
2 following categories confined:

- 3 a. 2,500 swine each weighing over 55 pounds,
- 4 b. 10,000 weaned swine each weighing under 55 pounds, or
- 5 c. any combination of swine weighing over 55 pounds or  
6 under 55 pounds which would equal one thousand (1,000)  
7 swine animal units;

8 19. "Liquid swine waste management system" means any swine  
9 waste management system which uses water as the primary carrier of  
10 swine waste into a primary retention structure;

11 20. "Nutrient-limited watershed" means a watershed of a water  
12 body which is designated as "nutrient-limited" in the most recent  
13 Oklahoma Water Quality Standards;

14 21. "Nutrient-vulnerable groundwater" means groundwater which  
15 is designated "nutrient-vulnerable" in the most recent Oklahoma  
16 Water Quality Standards;

17 22. "Odor Abatement Plan" means schedules of activities,  
18 prohibitions of practices, maintenance procedures and other  
19 management practices to prevent or reduce odor as established by the  
20 Department pursuant to Section 20-11 of the Oklahoma Swine Feeding  
21 Operations Act;

22 23. "Occupied residence" means a habitable structure designed  
23 and constructed for full-time occupancy in all weather conditions  
24 and:

- 1           a.    is not readily mobile,
- 2           b.    is connected to a public or permanent source of
- 3                electricity and a permanent waste disposal system or
- 4                public waste disposal system, and
- 5           c.    is occupied as a residence;

6           24.   "Pollution Prevention Plan" means a written plan to control  
7 the discharge of pollutants which has been prepared in accordance  
8 with industry-acceptable engineering and management practices by the  
9 owner or operator of a swine feeding operation as required pursuant  
10 to Section 20-9 of this title;

11           25.   "Process wastewater" means any water utilized in the  
12 facility that comes into contact with any manure, litter, bedding,  
13 raw, intermediate, or final material or product used in or resulting  
14 from the production of swine and any products directly or indirectly  
15 used in the operation of a facility, such as spillage or overflow  
16 from swine watering systems; washing, cleaning, or flushing pens,  
17 barns, manure pits, direct contact, swimming, washing or spray  
18 cooling of swine; and dust control and any precipitation which comes  
19 into contact with swine or swine waste;

20           26.   "Retention structures" means, but is not limited to, all  
21 collection ditches, conduits and swales for the collection of runoff  
22 water and process wastewater, and basins, ponds and lagoons or other  
23 structures used to store swine wastes;

1 27. "Spill" means the release from a swine feeding operation of  
2 any process wastewater or manure that does not reach waters of the  
3 state;

4 28. "Waste facility" means any structure or combination of  
5 structures utilized to control swine waste until it can be disposed  
6 of in an authorized manner. The structures shall include but not be  
7 limited to pits, burial sites, barns or roof-covered structures  
8 housing swine, composters, waste storage sites, or retention  
9 structures or appurtenances or additions thereto; and

10 29. "Waters of the state" means all streams, lakes, ponds,  
11 marshes, watercourses, waterways, wells, springs, irrigation  
12 systems, drainage systems, storm sewers and all other bodies or  
13 accumulations of water, surface and underground, natural or  
14 artificial, public or private, which are contained within, flow  
15 through or border upon this state or any portion thereof, and shall  
16 include under all circumstances the waters of the United States  
17 which are contained within the boundaries of, flow through or border  
18 upon this state or any portion thereof. Provided, waste treatment  
19 systems, including treatment ponds and lagoons designed to meet  
20 federal and state requirements other than cooling ponds as defined  
21 in the Clean Water Act or rules promulgated pursuant thereto, are  
22 not waters of the state.

23 SECTION 2. AMENDATORY 2 O.S. 2011, Section 20-8, is  
24 amended to read as follows:

1 Section 20-8. A. 1. Any person applying for a license for a  
2 new or expanding swine feeding operation shall comply with the  
3 notice and hearing requirements as specified by this section and  
4 rules promulgated by the State Board of Agriculture.

5 2. Notice requirements shall include notice to affected  
6 property owners by certified mail, return receipt requested pursuant  
7 to subsection C of this section and public notice pursuant to  
8 subsection D of this section.

9 B. 1. After submission of a completed application as provided  
10 by the Oklahoma Swine Feeding Operations Act and rules promulgated  
11 pursuant thereto, the Oklahoma Department of Agriculture, Food, and  
12 Forestry shall have sixty (60) working days to review the  
13 application for a new or expanding operation for physical and  
14 technical suitability.

15 2. a. After review of the application the Department may  
16 request additional information from the applicant.  
17 Upon receipt of the additional information the  
18 Department shall then have an additional thirty (30)  
19 working days to review the additional information.

20 b. On or before the expiration of an additional thirty-  
21 working-day period, the Department shall make a  
22 determination as to whether the application is  
23 complete and in compliance with all statutory  
24 requirements and relevant rules of the Department or

1           ~~request additional information pursuant to~~  
2           ~~subparagraph a of this paragraph.~~

3           C. 1. After ~~review and after the applicant has submitted any~~  
4 ~~additional required information to the Department~~ has determined  
5 that the application is complete, the Department shall require the  
6 applicant to notify all affected property owners ~~of the proposed~~  
7 ~~facility or expanding operation~~ that a completed application is on  
8 file with the Department. Notice shall be sent by certified mail,  
9 return receipt requested. The notice shall ~~identify~~ state that an  
10 application for a new or expanding swine feeding operation has been  
11 submitted to the Department and has been deemed to be complete, the  
12 location ~~where~~ of the facility ~~is to be located~~, that a hearing may  
13 be requested ~~pursuant to this subsection, and the date the~~  
14 ~~application will be available for public review beginning no earlier~~  
15 ~~than the day following the certified mailing of all the required~~  
16 ~~notices, and any other information required by the Department.~~

17           ~~2. Each affected property owner requesting a hearing shall~~  
18 ~~submit, in writing, the following information:~~

- 19           a. ~~the name and address of the interested party and proof~~  
20           ~~of standing by showing that the interested party is an~~  
21           ~~affected property owner,~~
- 22           b. ~~a statement of specific allegations showing that the~~  
23           ~~proposed facility or expanding operation may have a~~  
24           ~~direct, substantial and immediate effect upon a~~

1 ~~legally protected interest of the interested party,~~

2 ~~and~~

3 ~~e. the relief sought by the interested party.~~

4 ~~3. If any of the affected property owners request an~~  
5 ~~administrative hearing and all information listed in paragraph 2 of~~  
6 ~~this subsection is found to be complete and adequate in the request~~  
7 ~~for hearing, the scheduling conference for the hearing shall be held~~  
8 ~~by the Department at a reasonable time within sixty (60) calendar~~  
9 ~~days after the close of the public review period. Should the~~  
10 ~~interested party have failed to provide any of the information~~  
11 ~~listed in paragraph 2 of this subsection, the interested party shall~~  
12 ~~have thirty (30) calendar days with which to cure any deficiencies~~  
13 ~~after notice by the Department of such failure and receipt thereof~~  
14 ~~in writing by the interested party. All interested parties may be~~  
15 ~~joined as parties to the hearing.~~

16 ~~4. a. In addition to any other information deemed necessary~~  
17 ~~by the Department, at the hearing the Department shall~~  
18 ~~hear testimony and accept evidence pertaining to the~~  
19 ~~physical and technical suitability of the proposed~~  
20 ~~facility or expanding operations.~~

21 ~~(1) Prior to the hearing, and after a reasonable~~  
22 ~~opportunity for discovery, the interested party~~  
23 ~~shall identify with specificity the reasons why~~

24

1 ~~the applicant has failed to show that the~~  
2 ~~application should be granted.~~

3 ~~(2) In a prehearing order, the Department shall~~  
4 ~~identify the allegations that are relevant and~~  
5 ~~applicable to the hearing.~~

6 ~~(3) At the hearing, the interested party shall be~~  
7 ~~afforded a reasonable opportunity to present~~  
8 ~~evidence and argument in support of the~~  
9 ~~allegations identified in the prehearing order~~  
10 ~~and the applicant shall be afforded a reasonable~~  
11 ~~opportunity to present evidence and argument to~~  
12 ~~controvert those allegations.~~

13 ~~b. For new applications submitted on and after August 1,~~  
14 ~~1998, the Department shall deny the issuance of a~~  
15 ~~license to an applicant for a licensed managed feeding~~  
16 ~~operation if an interested party within:~~

17 ~~(1) one (1) mile of the designated perimeter of the~~  
18 ~~proposed licensed managed feeding operation or~~  
19 ~~expansion thereof, or~~

20 ~~(2) the setback distance of an occupied residence if~~  
21 ~~setback distances are greater than one (1) mile,~~  
22 ~~proves that the granting of the license will cause~~  
23 ~~significant harm to the property value of the~~  
24 ~~interested party.~~

1       ~~5. Any administrative hearing held pursuant to the provisions~~  
2 ~~of this subsection shall comply with the Administrative Procedures~~  
3 ~~Act and rules promulgated by the Board.~~

4       ~~6. within fifteen (15) working days from the receipt of notice~~  
5 ~~by the affected property owner and that a copy of the completed~~  
6 ~~application is available for public review pursuant to paragraph 3~~  
7 ~~of subsection D of this section.~~

8       2. The State Board of Agriculture shall not act on the  
9 application until the expiration of the time period set forth in  
10 paragraph 1 of subsection G of this section. If a hearing is  
11 requested pursuant to paragraph 1 of subsection G of this section,  
12 the Board shall not take action on the application until the hearing  
13 process is complete.

14       3. Establishment of property usage is the date the swine  
15 feeding operation application was made available for public review  
16 versus date of initial construction or placement of occupied  
17 residence and shall be given consideration when determining a  
18 contested matter between an applicant and an ~~interested party~~  
19 ~~affected property owner~~ on issues other than pollution of the waters  
20 of the state.

21       D. 1. In addition to the individual notice, the Department  
22 shall require the applicant to give public notice of the opportunity  
23 to comment on the granting of the license.

1           2. The public notice for a new or expanding operation shall be  
2 published as a legal notice prior to the date the application is  
3 available for public viewing, in at least one newspaper of general  
4 circulation in the county where the proposed facility or expanding  
5 operation is to be located.

6           3. The notice shall identify locations where the application  
7 shall be available for viewing. The locations shall include the  
8 office of the Department and a specific public location in the  
9 county where the proposed facility or expanding operation is to be  
10 located.

11           4. The application shall be available for public review during  
12 normal business hours. The copies of the application posted for  
13 public viewing shall be complete except for proprietary provisions  
14 otherwise protected by law and shall remain posted during normal  
15 business hours for at least twenty (20) working days after notice is  
16 published.

17           5. The Department, as necessary, may hold public meetings at a  
18 location convenient to the population center nearest the proposed  
19 facility or expanding operation to address public comments on the  
20 proposed facility or expanding operation.

21           E. Prior to the issuance of any license for a swine feeding  
22 operation, or expanding operation, the Department shall require the  
23 applicant to submit:

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1 1. Documentation certifying notice has been issued to all  
2 affected property owners. A map of all affected property owners and  
3 the corresponding mailing list shall be submitted with each  
4 application; and

5 2. Proof of publication notice of a new or expanding  
6 application for a swine feeding operation license.

7 F. If no hearing is requested within the time periods set forth  
8 in paragraph 1 of subsection G of this section, the application  
9 shall be submitted to the State Board of Agriculture for  
10 consideration and action.

11 G. 1. An affected property owner may request a hearing prior  
12 to final approval of the application. All requests for a hearing  
13 shall be filed with the Department within fifteen (15) working days  
14 after the receipt of the notice by the affected property owner. In  
15 requesting a hearing an affected property owner shall state in the  
16 request:

17 a. the name and address of the affected property owner  
18 and proof of standing by showing a surface ownership  
19 interest in the affected property, and

20 b. specific allegations showing that the proposed  
21 facility or expanding operation may have a direct,  
22 substantial and immediate effect upon a legally  
23 protected interest of the affected property owner.

24 The allegations shall address with specificity the

1 information contained within the application for  
2 licensure. Furthermore, the allegations shall be  
3 limited to demonstrating how the application is  
4 deficient, how the deficiencies have a direct effect  
5 on a legal interest of the affected property owner,  
6 and how the applicant has failed to show that the  
7 application should be granted. The allegations shall  
8 also address the physical and technical suitability of  
9 the proposed facility.

10 2. If any of the affected property owners request an  
11 administrative hearing pursuant to paragraph 1 of this subsection  
12 and all information listed in subparagraphs a and b of paragraph 1  
13 of this subsection is found to be complete and adequate in the  
14 request for hearing, a preliminary hearing shall be scheduled by the  
15 Department at a reasonable time within sixty (60) calendar days.  
16 Should the affected property owner fail to provide any of the  
17 information required in the request for hearing, the affected  
18 property owner shall have ten (10) working days during which any  
19 deficiencies may be cured after receipt of notice from the  
20 Department of the failure. All affected property owners shall be  
21 considered parties to the preliminary hearing scheduled by the  
22 Department.

1       H. 1. The preliminary hearing shall be held at the Oklahoma  
2 Department of Agriculture, Food, and Forestry before an  
3 administrative law judge.

4       2. There shall be a rebuttable presumption on the part of the  
5 applicant that the application in question is complete and in  
6 compliance with all applicable statutes and rules.

7       3. It shall be the burden of the affected property owner(s) to  
8 present an offer of proof showing by a preponderance of the  
9 evidence:

10       a. that the facility has a direct, substantial, and  
11 immediate effect upon a legally protected interest,  
12 and

13       b. that the direct, substantial, and immediate effect  
14 upon a legally protected interest arises directly from  
15 a deficiency in the application or from the physical  
16 and technical suitability of the proposed facility.

17       4. The administrative law judge after all evidence is presented  
18 by the affected property owner(s) shall afford the applicant an  
19 opportunity to respond to and rebut the allegations presented and to  
20 show how the affected property owner(s) failed to meet the standards  
21 set forth in subparagraphs a and b of paragraph 3 of this  
22 subsection.

23       5. Upon completion of the preliminary hearing, the  
24 administrative law judge shall have twenty (20) working days in

1 which to issue an order granting or denying the affected property  
2 owner(s) a full administrative hearing. If an affected property  
3 owner is denied a full administrative hearing, the administrative  
4 law judge shall issue a written recommended order containing  
5 specific findings of fact and conclusions of law on which the  
6 decision is based.

7 6. If the administrative law judge finds the affected property  
8 owner(s) failed to meet the burden of proof set forth in paragraphs  
9 2, 3, and 4 of this subsection the application shall be sent to the  
10 State Board of Agriculture along with a copy of the recommended  
11 order of the administrative law judge for consideration and action.

12 7. If the administrative law judge finds the affected property  
13 owner(s) met the burden of proof set forth in paragraph 3 of this  
14 subsection, then a full administrative hearing shall be scheduled in  
15 accordance with the Administrative Procedures Act.

16 8. The administrative law judge may separately grant or deny a  
17 full administrative hearing for each affected property owner when  
18 more than one is party to the preliminary hearing.

19 I. 1. An affected property owner meeting the burden of proof  
20 pursuant to subsection H of this section shall be entitled to a full  
21 administrative hearing pursuant to the Administrative Procedures  
22 Act. Only those affected property owners found meeting the burden  
23 of proof pursuant to subsection H of this section are entitled to a  
24 full administrative hearing.

1        2. The scheduling conference for the hearing shall be held by  
2 the Department at a reasonable time within thirty (30) working days  
3 after the administrative law judge has issued a written order. All  
4 interested parties may be joined as parties to the hearing.

5        3. An affected property owner may at any time waive its right  
6 to a hearing. If an affected property owner waives its right to a  
7 hearing, a signed and notarized document shall be filed with the  
8 administrative law judge stating the affected property owner waived  
9 its right to a hearing, did so without force or coercion,  
10 understands it is also waiving its right to any further hearings  
11 provided for under this section or the Administrative Procedures  
12 Act, and that the waiver shall be with prejudice. The waiver of  
13 right to a hearing shall be admissible as evidence in any court of  
14 the State of Oklahoma as evidence that the affected property owner  
15 waived its rights to any additional hearings to which it may  
16 otherwise have been entitled.

17        4. At the hearing the administrative law judge shall hear  
18 testimony and accept evidence pertaining to the physical and  
19 technical suitability of the proposed facility or expanding  
20 operations and deficiencies contained in the original application  
21 for the license. Based on these grounds it shall be the burden of  
22 the interested party to show by clear and convincing evidence that  
23 the proposed facility will have a direct, substantial, and immediate  
24 effect upon a legally protected interest of the interested party.

1 Furthermore, there shall be a rebuttable presumption that the  
2 application is complete and in compliance with the relevant statutes  
3 and rules.

4 5. Any evidence presented at the administrative hearing shall  
5 be directly related to allegations and evidence previously presented  
6 by the affected property owner(s) during the preliminary hearing.  
7 Evidence not meeting this criteria shall only be admitted by the  
8 administrative law judge upon a finding that:

- 9 a. the evidence was unavailable to the interested party  
10 prior to the preliminary hearing, and
- 11 b. the interested party exercised due diligence to  
12 discover and present all relevant evidence at the  
13 preliminary hearing, and
- 14 c. reasonable efforts to discover the information would  
15 not have led to its discovery prior to the preliminary  
16 hearing, or
- 17 d. the applicant willfully concealed evidence or  
18 information that would likely have assisted the  
19 interested party in presenting its case at the  
20 preliminary hearing.

21 6. At the hearing, the interested party shall be afforded a  
22 reasonable opportunity to present evidence and argument in support  
23 of the allegations identified in the preliminary hearing and the  
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1 applicant shall be afforded a reasonable opportunity to present  
2 evidence and argument to controvert those allegations.

3 7. The administrative hearing held pursuant to the provisions  
4 of this subsection shall comply with the Administrative Procedures  
5 Act and rules promulgated by the Board.

6 SECTION 3. This act shall become effective November 1, 2013.

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8 54-1-6971 AMM 02/13/13

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