

1 ENGROSSED SENATE AMENDMENT  
TO  
2 ENGROSSED HOUSE  
BILL NO. 2208

By: Fourkiller of the House

and

Allen of the Senate

7 An Act relating to poultry; amending 2 O.S. 2011,  
8 Sections 10-9.1, as amended by Section 1, Chapter 79,  
O.S.L. 2012, 10-9.3, 10-9.4, 10-9.5, 10-9.7, as  
9 amended by Section 2, Chapter 79, O.S.L. 2012, 10-  
10 9.8, 10-9.9, 10-9.10, 10-9.11 and 10-9.12, as amended  
by Section 2, Chapter 227, O.S.L. 2013 (2 O.S. Supp.  
11 2014, Sections 10-9.1, 10-9.7 and 10-9.12), which  
relate to the Oklahoma Registered Poultry Feeding  
12 Operations Act; updating reference; modifying  
definition; deleting definition; deleting  
13 registration requirement for certain poultry feeding  
operations; updating citation; updating language;  
14 modifying name of plan; deleting certain  
environmental history information required on certain  
15 application; modifying certain operator education  
requirements; specifying certain requirements; adding  
16 covers to list of methods available to store poultry  
waste; clarifying language; providing time certain  
17 date shall be retained; requiring certain data be  
dated; requiring poultry feeding operations file  
18 certain annual report; providing report contents;  
updating citations; updating references; removing  
19 requirement that the State Board of Agriculture  
promulgate rules establishing certain violation point  
20 system; deleting certain violation point system  
requirements; amending 2 O.S. 2011, Sections 10-9.13  
21 and 10-9.14, which relate to the Oklahoma Poultry  
Waste Transfer Act; updating citations; updating  
22 references; amending 2 O.S. 2011, Sections 10-9.16,  
10-9.17, 10-9.18, 10-9.19, 10-9.19a, 10-9.20 and 10-  
23 9.21, which relate to the Oklahoma Poultry Waste  
Applicators Certification Act; updating citations;  
24 specifying provisions requiring compliance; changing  
date certain annual report due; updating language;

1 deleting certain reporting requirements; updating  
2 references; modifying certain plan name; amending 2  
3 O.S. 2011, Section 10-9.23, which relates to reports  
4 of educational activities involving poultry operators  
5 and waste applicators; updating language; repealing 2  
6 O.S. 2011, Section 10-9.15, which relates to the  
7 reports detailing administration of the Oklahoma  
8 Poultry Waste Transfer Act; repealing 2 O.S. 2011,  
9 Section 10-9.22, which relates to funding for  
10 educational training programs on poultry waste; and  
11 providing an effective date.

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AUTHOR: Add the following Senate Coauthor: Newberry

AMENDMENT NO. 1. Page 1, strike the title, enacting clause and  
entire bill and insert

"An Act relating to poultry; amending 2 O.S. 2011,  
Sections 10-9.1, as amended by Section 1, Chapter 79,  
O.S.L. 2012, 10-9.3, 10-9.4, 10-9.5, 10-9.7, as  
amended by Section 2, Chapter 79, O.S.L. 2012, 10-  
9.8, 10-9.9, 10-9.10, 10-9.11 and 10-9.12, as amended  
by Section 2, Chapter 227, O.S.L. 2013 (2 O.S. Supp.  
2014, Sections 10-9.1, 10-9.7 and 10-9.12), which  
relate to the Oklahoma Registered Poultry Feeding  
Operations Act; updating reference; modifying  
definition; deleting definition; deleting  
registration requirement for certain poultry feeding  
operations; updating citation; updating language;  
modifying name of plan; deleting certain  
environmental history information required on certain  
application; modifying certain operator education  
requirements; specifying certain requirements; adding  
covers to list of methods available to store poultry  
waste; clarifying language; providing time certain  
date shall be retained; requiring certain data be  
dated; requiring poultry feeding operations file  
certain annual report; providing report contents;  
updating citations; updating references; removing  
requirement that the State Board of Agriculture  
promulgate rules establishing certain violation point  
system; deleting certain violation point system  
requirements; amending 2 O.S. 2011, Sections 10-9.13

1 and 10-9.14, which relate to the Oklahoma Poultry  
2 Waste Transfer Act; updating citations; updating  
3 references; amending 2 O.S. 2011, Sections 10-9.16,  
4 10-9.17, 10-9.18, 10-9.19, 10-9.19a, 10-9.20 and 10-  
5 9.21, which relate to the Oklahoma Poultry Waste  
6 Applicators Certification Act; updating citations;  
7 specifying provisions requiring compliance; changing  
8 date certain annual report due; updating language;  
9 deleting certain reporting requirements; updating  
10 references; modifying certain plan name; amending 2  
11 O.S. 2011, Section 10-9.23, which relates to reports  
12 of educational activities involving poultry operators  
13 and waste applicators; updating language; amending 59  
14 O.S. 1681, which relates to rules of the Construction  
15 Industries Board; authorizing the Board to exercise  
16 certain powers; providing for a poultry house  
17 contractor license; granting powers to implement and  
18 enforce poultry house contractor licenses;  
19 prohibiting certain code inspections and installation  
20 standards on certain poultry house premises;  
21 establishing authority of certain license;  
22 prohibiting poultry house contractor license  
23 experience to apply to other electrical license  
24 requirements; authorizing certain expedited  
processing; making licenses nontransferable; setting  
penalty for certain violations; requiring  
nonrefundable fee; setting fee amount; setting term  
of license; providing for renewal; setting renewal  
fee; setting qualifications for license; establishing  
information to be provided for licensure; stating  
disqualifications for licensure; authorizing  
suspensions; stating reasons for suspension; amending  
59 O.S. 1689, which relates to Electrical Hearing  
Board; including authority over poultry house  
contractor license; adding certain reason for  
revocation of license; repealing 2 O.S. 2011, Section  
10-9.15, which relates to the reports detailing  
administration of the Oklahoma Poultry Waste Transfer  
Act; repealing 2 O.S. 2011, Section 10-9.22, which  
relates to funding for educational training programs  
on poultry waste; providing for codification;  
providing an effective date; and declaring an  
emergency.

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

2 SECTION 1. AMENDATORY 2 O.S. 2011, Section 10-9.1, as  
3 amended by Section 1, Chapter 79, O.S.L. 2012 (2 O.S. Supp. 2014,  
4 Section 10-9.1), is amended to read as follows:

5 Section 10-9.1 A. Sections 10-9.1 through 10-9.12 of this  
6 title shall be known and may be cited as the "Oklahoma Registered  
7 Poultry Feeding Operations Act".

8 B. As used in Sections 10-9.1 through 10-9.23 of this title:

9 1. "Best Management Practices" or "BMPs" means schedules of  
10 activities, prohibitions of practices, maintenance procedures, and  
11 other management practices which prevent or reduce the pollution of  
12 waters of the state as established by the ~~State~~ Oklahoma Department  
13 of Agriculture, Food, and Forestry pursuant to Section 10-9.7 of  
14 this title;

15 2. "Board" means the State Board of Agriculture;

16 3. "Certificate" means a written document issued to an  
17 individual by the Board pursuant to Section 10-9.17 of this title  
18 which indicates that the individual is authorized to land-apply  
19 poultry waste by the Oklahoma Poultry Waste Applicators  
20 Certification Act;

21 4. "Certified poultry waste applicator" means a person who has  
22 been certified by the Board to land-apply poultry waste and includes  
23 a commercial poultry waste applicator and a private poultry waste  
24 applicator;

1           5. "Commercial poultry waste applicator" means any person who  
2 engages in commercial land-application of poultry waste. Any farmer  
3 while working for a neighbor in agricultural production, and not  
4 advertising, nor holding himself or herself out to be in the  
5 business of land-applying poultry waste, shall not be classified as  
6 a commercial poultry waste applicator, but as a private poultry  
7 waste applicator;

8           6. "Contract growing arrangement" means any growout contract,  
9 marketing agreement, or other arrangement under which a contract  
10 poultry grower cares for or raises poultry;

11           7. "Contract poultry grower" means any person engaged in the  
12 business of caring for or raising poultry, under a contract growing  
13 arrangement;

14           8. "Common ownership" includes but is not limited to any person  
15 who has power or authority to manage, direct, restrict, regulate or  
16 oversee the operation or has financial control of two or more  
17 poultry feeding operations;

18           9. "Department" means the Oklahoma Department of Agriculture,  
19 Food, and Forestry;

20           10. "Expanding operation" means a registered poultry feeding  
21 operation that seeks to increase its registered capacity in excess  
22 of ten percent (10%) of the facility's original registered capacity;

23           11. "Facility" means any place, site or location or part  
24 thereof where poultry are kept, handled, housed or otherwise

1 maintained including but not limited to buildings, lots, pens, and  
2 poultry waste management systems;

3 12. "Integrator" means an entity which unites the elements  
4 associated with the poultry industry, including but not limited to  
5 hatching, feeding, processing, and marketing. It includes, but is  
6 not limited to, situations when growing is contracted out to others  
7 and when the integrator operates its own growing facilities;

8 13. "Land-application" means the spreading on, or incorporation  
9 into, the soil mantle primarily for beneficial purposes;

10 14. "Nutrient Management Plan" means a written plan that  
11 includes a combination of conservation and management practices  
12 designed to protect the natural resources of the state as required  
13 by the Oklahoma Department of Agriculture, Food, and Forestry  
14 pursuant to the provisions of Section 10-9.7 of this title and shall  
15 also include a certified nutrient management plan and animal waste  
16 management plan;

17 15. "Operator" means the person who performs the daily  
18 management functions associated with the poultry feeding operation;

19 16. "Person" means an individual, association, partnership,  
20 firm, company, public trust, corporation, joint stock company, trust  
21 estate, any other legal entity, or any agent, employee,  
22 representative assignor or successor thereof;

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1 17. "Nutrient-limited watershed" means a watershed of a water  
2 body which is designated as "nutrient-limited" in the most recent  
3 ~~Oklahoma's~~ Oklahoma Water Quality Standards;

4 18. "Nutrient-vulnerable groundwater" means groundwater which  
5 is designated "nutrient-vulnerable" in the most recent ~~Oklahoma's~~  
6 Oklahoma Water Quality Standards;

7 19. "Poultry" includes chickens, turkeys, ducks, geese, and any  
8 other domesticated bird used for human food and/or animal feed;

9 20. "Poultry feeding operation" means a property or facility  
10 where the following conditions are met:

11 a. poultry have been, are or will be confined and fed or  
12 maintained for a total of forty-five (45) days or more  
13 in any twelve-month period,

14 b. crops, vegetation, forage growth or post-harvest  
15 residues are not sustained in the normal growing  
16 season over any portion of the property or facility,  
17 and

18 c. producing over ten (10) tons of poultry waste per  
19 year;

20 21. "Poultry waste" means poultry excrement, poultry carcasses,  
21 feed wastes, bedding materials, or any other waste associated with  
22 the confinement of poultry from a poultry feeding operation;

23 22. ~~"Poultry waste utilization business" means a business at~~  
24 ~~which poultry waste is collected, recycled, processed or recovered~~

1 ~~into reusable products including, but not limited to, fertilizer and~~  
2 ~~animal feed;~~

3 ~~23.~~ "Poultry waste management system" means a combination of  
4 structures and practices serving a poultry feeding operation that  
5 provides for the collection, treatment, disposal, distribution,  
6 storage, and land-application of poultry waste;

7 ~~24.~~ 23. "Private poultry waste applicator" means any person who  
8 is not a commercial poultry waste applicator but engages in the land  
9 application of poultry waste for purposes including, but not limited  
10 to, producing any agricultural commodity on property owned or rented  
11 by the person or such person's employer, or if applied without  
12 compensation other than trading of personal services between  
13 producers of agricultural commodities, on the property of another  
14 person;

15 ~~25.~~ 24. "Waste facility" means any structure or combination of  
16 structures utilized to control poultry waste until it can be  
17 utilized in an authorized manner; and

18 ~~26.~~ 25. "Waters of the state" means all streams, lakes, ponds,  
19 marshes, watercourses, waterways, wells, springs, irrigation  
20 systems, drainage systems, storm sewers, and all other bodies or  
21 accumulations of water, surface and underground, natural or  
22 artificial, public or private, which are contained within, flow  
23 through or border upon this state or any portion thereof, and shall  
24 include under all circumstances the waters of the United States



1 which are contained within the boundaries of, flow through or border  
2 upon this state or any portion thereof. Process wastewaters shall  
3 not be considered as waters of the state if contaminated at the  
4 site.

5 SECTION 2. AMENDATORY 2 O.S. 2011, Section 10-9.3, is  
6 amended to read as follows:

7 Section 10-9.3 A. 1. It shall be unlawful for any person to  
8 construct or operate a new poultry feeding operation without having  
9 first registered with the State Board of Agriculture.

10 2. The owner or operator of a poultry operation not classified  
11 as a poultry feeding operation may register if such owner or  
12 operator elects to come under the provisions of the Oklahoma  
13 Registered Poultry Feeding Operations Act and the rules of the  
14 Board.

15 B. ~~Every poultry feeding operation in operation on the~~  
16 ~~effective date of this act shall register within six (6) months of~~  
17 ~~the effective date of this act.~~

18 ~~C.~~ Any poultry feeding operation that has a valid license  
19 pursuant to the Oklahoma Concentrated Animal Feeding Operations Act  
20 shall not be required to register pursuant to the Oklahoma  
21 Registered Poultry Feeding Operations Act.

22 SECTION 3. AMENDATORY 2 O.S. 2011, Section 10-9.4, is  
23 amended to read as follows:

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1 Section 10-9.4 A. Every poultry feeding operation shall be  
2 required to register annually to operate pursuant to the Oklahoma  
3 Registered Poultry Feeding Operations Act and rules promulgated  
4 pursuant thereto.

5 B. 1. Two or more poultry operations under common ownership  
6 are considered, for the purposes of registration, to be a single  
7 poultry feeding operation if they adjoin each other or if they use a  
8 common waste facility.

9 2. Once the cumulative amount of poultry waste produced by all  
10 facilities owned or managed by a person meets or exceeds the amount  
11 specified by paragraph 20 of Section ~~±~~ 10-9.1 of this ~~act~~ title, all  
12 poultry feeding operations owned by the person shall be required to  
13 become registered.

14 3. After the effective date of this act, any poultry feeding  
15 operation shall be required to reregister for any increase in excess  
16 of ten percent (10%) of the facility's original registered capacity.

17 SECTION 4. AMENDATORY 2 O.S. 2011, Section 10-9.5, is  
18 amended to read as follows:

19 Section 10-9.5 A. The State Board of Agriculture shall ~~cause~~  
20 ~~to be prepared and available~~ provide the necessary forms and  
21 applications for any person desiring or required to register a  
22 poultry feeding operation or expanding operation.

23 B. The application to register to operate a new or previously  
24 unregistered poultry feeding operation or expanding operation shall

1 be under oath and shall contain, ~~as~~ at a minimum, the following  
2 information:

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

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

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

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

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

15 6. A copy of the ~~Animal Waste~~ Nutrient Management Plan, or  
16 proof of application for such plan, Best Management Practices or any  
17 other plans authorized by the Oklahoma Department of Agriculture,  
18 Food, and Forestry;

19 7. A statement of ownership.

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

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1           b. 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 percent  
4           (10%) or more shall be included in the statement.

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

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

11          9. ~~a.~~ An environmental history from the past three (3) years  
12          of any poultry feeding operation established and  
13          operated by the applicant or any other operation with  
14          common ownership in this state or any other state.  
15          ~~Such environmental history shall include but not be~~  
16          ~~limited to all citations, administrative orders or~~  
17          ~~penalties, civil injunctions or other civil actions,~~  
18          ~~criminal actions, past, current and ongoing, taken by~~  
19          ~~any person, agency or court relating to noncompliance~~  
20          ~~with any environmental law, rule, agency order, or~~  
21          ~~court action relating to the operation of a poultry~~  
22          ~~feeding operation.~~

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 such final order or~~  
7           ~~judgment shall not be considered a final order or~~  
8           ~~judgment for the purposes of this subsection;~~

9           10. Environmental awards or citations received or pollution  
10          prevention or voluntary remediation efforts undertaken by the  
11          applicant; and

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

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

21          D. The owner of a poultry feeding operation shall be  
22          responsible for sending written notification to the Department upon  
23          changing integrators.

1 E. For a transfer of registration to a new owner, the new owner  
2 shall register the operation pursuant to the rules of the  
3 Department.

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

24

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

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

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

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

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

1 SECTION 5. AMENDATORY 2 O.S. 2011, Section 10-9.7, as  
2 amended by Section 2, Chapter 79, O.S.L. 2012 (2 O.S. Supp. 2014,  
3 Section 10-9.7), is amended to read as follows:

4 Section 10-9.7 A. All poultry feeding operations shall utilize  
5 Best Management Practices and shall meet the conditions and  
6 requirements established by subsection B of this section and by  
7 rules promulgated by the State Board of Agriculture pursuant to the  
8 Oklahoma Registered Poultry Feeding Operations Act.

9 B. The criteria for Best Management Practices shall be  
10 promulgated by rules by the Board and shall include, but not be  
11 limited to, the following:

12 1. There shall be no discharge of poultry waste to waters of  
13 the state;

14 2. Stored poultry waste shall be isolated from outside surface  
15 drainage by covers, ditches, dikes, berms, terraces or other such  
16 structures;

17 3. No waters of the state shall come into direct contact with  
18 the poultry confined on the poultry feeding operation;

19 4. Poultry waste handling, treatment, management, and removal  
20 shall:

21 a. not create an environmental or a public health hazard,

22 b. not result in the contamination of waters of the  
23 state, and

24



1 c. conform to such other handling, treatment and  
2 management and removal requirements deemed necessary  
3 by the Oklahoma Department of Agriculture, Food, and  
4 Forestry to implement the Oklahoma Registered Poultry  
5 Feeding Operations Act and rules promulgated pursuant  
6 thereto.

7 The rules promulgated by the Board pursuant to this section  
8 shall provide for exceptions to the storage requirements for poultry  
9 waste in emergency situations. Such exceptions shall include but  
10 not be limited to allowing a contract poultry grower to take such  
11 actions as are necessary to meet requirements imposed on a grower by  
12 an integrator. In such situations growers shall be required to take  
13 all actions feasible to prevent pollution from stored poultry waste.

14 C. Every poultry feeding operation shall have a Nutrient  
15 Management Plan which shall include at a minimum:

16 1. A description of poultry waste handling procedures and  
17 availability of equipment and type of equipment to be used;

18 2. The calculations and assumptions used for determining land\_  
19 application rates;

20 3. All nutrient analysis data, for soil and poultry waste  
21 testing;

22 4. Legal description of lands to be used by an operation for  
23 land\_  
24 application;

1           5. Land-application rates of poultry waste shall be based on  
2 the available nitrogen and phosphorous content of the poultry waste  
3 and shall provide controls for runoff and erosion as appropriate for  
4 site conditions;

5           6. The procedures documented in the Nutrient Management Plan  
6 ~~must~~ shall ensure that the handling and utilization of poultry waste  
7 complies with the following requirements:

8           a. adequate poultry waste storage shall be provided  
9                 consistent with rules promulgated by the Oklahoma  
10                 Department of Agriculture, Food, and Forestry pursuant  
11                 to subsection B of this section,

12           b. poultry waste shall not be applied to land when the  
13                 ground is saturated or during rainfall events.  
14                 Poultry waste shall not be applied to land when the  
15                 ground is frozen except in conformance with the  
16                 Nutrient Management Plan,

17           c. poultry waste shall only be applied to suitable land  
18                 at appropriate times and rates. Discharge or runoff  
19                 of waste from the application site is prohibited.  
20                 Timing and rate of applications shall be based on  
21                 assimilation capacity of the soil profile, assuming  
22                 usual nutrient losses, expected precipitation, and  
23                 soil conditions, and  
24

1           d.    poultry waste application shall be prohibited on land  
2                   subject to excessive erosion;

3           7.   Records shall be maintained of all poultry wastes applied on  
4 land owned or controlled by the operator, and sold or given to other  
5 persons:

6           a.   if the poultry waste is sold or given to other persons  
7                   for land application or other use, the poultry feeding  
8                   operation shall maintain a log of: date of removal  
9                   from the poultry feeding operation; name of recipient  
10                  the poultry waste is sold or given to; and amount in  
11                  wet tons, dry tons or cubic yards of poultry waste  
12                  removed from the poultry feeding operation, and

13          b.   the poultry feeding operation shall make available to  
14                  the recipient any nutrient sample analysis from that  
15                  year;

16          8.   Any analysis required by the provisions of the Oklahoma  
17 Registered Poultry Feeding Operations Act or rules promulgated  
18 thereto shall be performed by a qualified environmental testing  
19 laboratory certified by the Department of Environmental Quality and  
20 approved by the Oklahoma Department of Agriculture, Food, and  
21 Forestry; and

22          9.   Such other information deemed necessary by the Oklahoma  
23 Department of Agriculture, Food, and Forestry to administer the  
24

1 provisions of the Oklahoma Registered Poultry Feeding Operations Act  
2 and rules promulgated pursuant thereto.

3 D. The Oklahoma Department of Agriculture, Food, and Forestry  
4 may promulgate rules providing voluntary fees charged to registered  
5 poultry feeding operations for the development and writing of  
6 Nutrient Management Plans;

7 E. Every poultry feeding operation located in a non-nutrient-  
8 limited watershed and non-nutrient-vulnerable groundwaters shall  
9 perform soil testing on each land-application area and poultry waste  
10 testing at least once every three (3) years to determine:

11 1. Soil pH and plant-available nutrients including, at a  
12 minimum, nitrogen, phosphorous and potassium;

13 2. Poultry waste nutrient concentrations and moisture; and

14 3. Application rate based upon current United States Department  
15 of Agriculture Natural Resources Conservation Service Waste  
16 Utilization Standards, unless the Oklahoma Department of  
17 Agriculture, Food, and Forestry approves other standards.

18 F. ~~1.~~ Every poultry feeding operation located in a nutrient-  
19 limited watershed and nutrient-vulnerable groundwater shall perform  
20 an annual soil test on each land-application area prior to the first  
21 application of the calendar year. Poultry waste testing shall be  
22 performed annually prior to the first application of the calendar  
23 year. Soil and poultry waste testing shall be performed to  
24 determine:

1 a. ~~soil~~

2 1. Soil pH and plant-available nutrients including at least  
3 nitrogen, phosphorous and potassium~~ti~~

4 b. ~~poultry~~

5 2. Poultry waste nutrient concentrations and moisture~~ti~~ and

6 c. ~~application~~

7 3. Application rate based upon current United States Department  
8 of Agriculture Natural Resources Conservation Service Waste  
9 Utilization Standards, unless the Oklahoma Department of  
10 Agriculture, Food, and Forestry approves other standards.

11 ~~2. G.~~ 1. Soil and poultry waste analysis data shall be  
12 retained by the poultry feeding operation for ~~as long as the site is~~  
13 ~~in operation~~ a minimum of six (6) years.

14 2. All soil and poultry waste analysis data shall be dated  
15 prior to land application.

16 ~~G.~~ H. 1. Poultry feeding operations shall develop a plan for  
17 the disposal of carcasses associated with normal mortality.

18 2. In the event there is an outbreak of a major disease or  
19 other emergency resulting in deaths significantly higher than normal  
20 mortality rates, the Oklahoma Department of Agriculture, Food, and  
21 Forestry may approve, in writing, an alternate method of disposal of  
22 carcasses or the storage of poultry waste during the emergency  
23 period.

1 I. Every poultry feeding operation shall file by September 1 of  
2 each year an annual report with the Department regarding all poultry  
3 waste removed from or land-applied by the facility for the period  
4 from July 1 of the previous year through June 30 of that year. The  
5 report shall contain the following information:

6 1. The date and amount of poultry waste removed from or land-  
7 applied at the facility;

8 2. The type of poultry waste removed or land-applied, whether a  
9 cake out, full clean out, in house windrow or compost, poultry waste  
10 stack shed, or other type;

11 3. The county and, if applicable, the name of the Nutrient  
12 Limited Watershed where the poultry waste was produced; and

13 4. The location where the poultry waste is removed to:

14 a. if land-applied on site, provide the following:

15 (1) the date of the land-application,

16 (2) the total amount of poultry waste land-applied in  
17 wet tons, dry tons, or cubic yards,

18 (3) the name, mailing address, and telephone number  
19 of the poultry waste applicator, and

20 (4) the number of acres under the control of the  
21 poultry feeding operation for land-application of  
22 poultry waste, or

23 b. if removed off site, provide the following:

24 (1) the date of the removal off site,

- 1           (2) the amount of poultry waste removed in wet tons,  
2           dry tons, or cubic yards,  
3           (3) the name, mailing address, and telephone number  
4           of the person the poultry waste is sold or  
5           transferred to,  
6           (4) the name, mailing address, telephone number, and  
7           poultry waste applicator license number of the  
8           poultry waste applicator, if known, and  
9           (5) the name, mailing address, and telephone number  
10           of the hauler of the poultry waste.

11           SECTION 6.        AMENDATORY        2 O.S. 2011, Section 10-9.8, is  
12 amended to read as follows:

13           Section 10-9.8 Every application shall be accompanied by an  
14 annual registration fee of Ten Dollars (\$10.00), which is  
15 nonrefundable. All such fees shall be deposited in the Agriculture  
16 Regulation Revolving Fund created in Section ~~24~~ 10-9.24 of this ~~act~~  
17 title to be used for the purpose of implementing the provisions of  
18 the Oklahoma Registered Poultry Feeding Operations Act and the  
19 Oklahoma Poultry Waste Applicators Certification Act.

20           SECTION 7.        AMENDATORY        2 O.S. 2011, Section 10-9.9, is  
21 amended to read as follows:

22           Section 10-9.9 A. In addition to the authority of the State  
23 Board of Agriculture to make designations of a concentrated animal  
24 feeding operation pursuant to Section ~~9-204.1~~ 20-44 of ~~Title 2 of~~

1 ~~the Oklahoma Statutes~~ this title, the Board shall have the power to  
2 designate a poultry feeding operation as a concentrated animal  
3 feeding operation as defined by Section ~~9-202~~ 20-41 of ~~Title 2~~ of  
4 ~~the Oklahoma Statutes~~ this title subject to the provisions of the  
5 Oklahoma Concentrated Animal Feeding Operations Act after an  
6 administrative determination that an operation has violated or is  
7 unwilling to comply with any of the provisions of the Oklahoma  
8 Registered Poultry Feeding Operations Act, or any rule promulgated  
9 pursuant thereto whether or not the ~~State~~ Oklahoma Department of  
10 Agriculture, Food, and Forestry determines the registered poultry  
11 feeding operation to be a significant contributor of pollution to  
12 waters of this state.

13 B. In order to protect the public health and safety and the  
14 environment of this state, the Board, pursuant to the Oklahoma  
15 Registered Poultry Feeding Operations Act, may require application  
16 for a concentrated animal feeding operation license to establish and  
17 operate a poultry feeding operation on and after the effective date  
18 of this act to any person or other legal entity which:

19 1. Is not in substantial compliance with a final agency order  
20 or any final order or judgment of a court of record secured by any  
21 state or federal agency relating to poultry feeding operations; or

22 2. Has evidenced a reckless disregard for the protection of the  
23 public and the environment as demonstrated by a history of  
24



1 noncompliance with environmental laws and rules resulting in  
2 endangerment of human health or the environment.

3 C. Any action taken in regard to the denial, suspension or  
4 revocation of a license shall be in conformity with the rules of the  
5 Board governing administrative procedures and with the  
6 Administrative Procedures Act.

7 D. The Board shall promulgate rules which will provide a  
8 procedure whereby any poultry feeding operation which has been  
9 designated a concentrated animal feeding operation pursuant to this  
10 section may have such designation removed. The rules shall require  
11 satisfactory evidence that such designation is no longer necessary  
12 in order to ensure that the operation will comply with all  
13 provisions of the Oklahoma Registered Poultry Feeding Operations Act  
14 and will not contribute to pollution of the waters of this state.

15 SECTION 8. AMENDATORY 2 O.S. 2011, Section 10-9.10, is  
16 amended to read as follows:

17 Section 10-9.10.

18 A. 1. a. The State Board of Agriculture or its authorized  
19 agents are empowered to enter upon the premises of any  
20 poultry feeding operation for the purpose of  
21 investigating complaints as to the operation or to  
22 determine whether there are any violations of the  
23 Oklahoma Registered Poultry Feeding Operations Act.

24

1           b. This section shall not be construed to authorize the  
2           Board or its agents to violate any provision of the  
3           United States Constitution or the Oklahoma  
4           Constitution relating to unlawful search or seizure.

5           2. a. Registration of a poultry feeding operation pursuant  
6           to the Oklahoma Registered Poultry Feeding Operations  
7           Act shall be deemed to constitute consent for entry  
8           upon the premises of such operation by the Board or  
9           its agents for the purpose of implementing the  
10          provisions of this subsection.

11          b. The ~~State~~ Oklahoma Department of Agriculture, Food,  
12          and Forestry shall make at least one inspection per  
13          calendar year of every poultry feeding operation  
14          registered pursuant to the Oklahoma Registered Poultry  
15          Feeding Operations Act.

16          B. 1. The Board shall promulgate standard precautions for the  
17          prevention of the transmission of communicable diseases to humans  
18          and animals to be used by employees of the Department when  
19          inspecting poultry feeding operations pursuant to their official  
20          duties specified by the Oklahoma Registered Poultry Feeding  
21          Operations Act and rules promulgated pursuant thereto.

22          2. Except for emergency situations or when enforcement of the  
23          provisions of the Oklahoma Registered Poultry Feeding Operations Act  
24          requires the use of the standard precautions as promulgated by the

1 Board pursuant to paragraph 1 of this subsection, Department  
2 employees shall observe the health standards and sanitary  
3 requirements of the facility.

4 C. The Board shall maintain necessary records and undertake  
5 such studies, investigations and surveys for the proper  
6 administration of the Oklahoma Registered Poultry Feeding Operations  
7 Act.

8 SECTION 9. AMENDATORY 2 O.S. 2011, Section 10-9.11, is  
9 amended to read as follows:

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

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

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

22 a. assess an administrative penalty of not more than Two  
23 Hundred Dollars (\$200.00) per day of noncompliance, or  
24

1           b.   bring an action for injunctive relief granted by a  
2                   district court.

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

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

15           4.   Any person assessed an administrative penalty may be  
16 required to pay, in addition to such penalty amount and interest  
17 thereon, ~~attorneys~~ attorney fees and costs associated with the  
18 collection of such penalties.

19           C. 1. Any action for injunctive relief to redress or restrain  
20 a violation by any person of the Oklahoma Registered Poultry Feeding  
21 Operations Act, or for any rule promulgated thereunder, or order  
22 issued pursuant thereto, or recovery of any administrative penalty  
23 assessed pursuant to the Oklahoma Registered Poultry Feeding  
24 Operations Act may be brought by:

- 1           a.    the district attorney of the appropriate district
- 2                    court of the State of Oklahoma,
- 3           b.    the Attorney General on behalf of the State of
- 4                    Oklahoma, or
- 5           c.    the Department on behalf of the State of Oklahoma.

6           2.    The court shall have jurisdiction to determine the action,  
7 and to grant the necessary or appropriate relief, including but not  
8 limited to mandatory or prohibitive injunctive relief, interim  
9 equitable relief, and punitive damages.

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

13          D.    Except as otherwise provided by law, administrative and  
14 civil penalties shall be paid into the State Department of  
15 Agriculture Regulation Revolving Fund.

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

19          F.    Any contract poultry grower determined after notice and  
20 opportunity for a hearing by the Department as flagrantly  
21 disregarding Best Management Practices shall result in the  
22 Department notifying the integrator in writing.

23          G.    The Department shall notify all integrators of any  
24 violations assessed against an operator who is under a contract

1 growing arrangement with that integrator and, upon the written  
2 request of the integrator, notify that integrator of all violations  
3 assessed an operator with whom the integrator contemplates entering  
4 into a contract.

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

12 SECTION 10. AMENDATORY 2 O.S. 2011, Section 10-9.12, as  
13 amended by Section 2, Chapter 227, O.S.L. 2013 (2 O.S. Supp. 2014,  
14 Section 10-9.12), is amended to read as follows:

15 Section 10-9.12 A. The State Board of Agriculture shall  
16 promulgate rules for the administration, implementation, and  
17 enforcement of the Oklahoma Registered Poultry Feeding Operations  
18 Act.

19 B. ~~1. The State Board of Agriculture shall promulgate a~~  
20 ~~violation points system for persons violating the Oklahoma~~  
21 ~~Registered Poultry Feeding Operations Act which provides that:~~

22 a. ~~violations involving the greatest harm to the natural~~  
23 ~~resources of the state, ground or surface water~~  
24 ~~quantity or quality, public health or the environment~~

1 ~~shall receive the most points and shall be considered~~  
2 ~~significant violations,~~

3 ~~b. violations that are committed willfully or~~  
4 ~~intentionally shall be considered significant~~  
5 ~~violations,~~

6 ~~c. the number of points received shall be directly~~  
7 ~~related to the degree of negligence or willfulness,~~

8 ~~d. the commission of three significant violations, or the~~  
9 ~~commission of lesser violations that result in a~~  
10 ~~predetermined cumulative number of points, within a~~  
11 ~~limited period of time of not less than two (2) years~~  
12 ~~shall result in the mandatory designation of the~~  
13 ~~registered poultry feeding operation as a concentrated~~  
14 ~~animal feeding operation subject to the Oklahoma~~  
15 ~~Concentrated Animal Feeding Operations Act, and~~

16 ~~e. the commission of one significant violation that~~  
17 ~~results in serious harm may result in the designation~~  
18 ~~of the poultry operation as a concentrated animal~~  
19 ~~feeding operation subject to the Oklahoma Concentrated~~  
20 ~~Animal Feeding Operations Act.~~

21 ~~2. In developing the violation points system pursuant to this~~  
22 ~~subsection, the Board shall determine the:~~

23 ~~a. number of points that lesser violations must~~  
24 ~~cumulatively total to result in the designation of the~~

1 ~~poultry operation as a concentrated animal feeding~~  
2 ~~operation subject to the Oklahoma Concentrated Animal~~  
3 ~~Feeding Operations Act,~~

4 ~~b. limited period of time during which the commission of~~  
5 ~~three significant violations, or the commission of a~~  
6 ~~greater number of lesser violations, will result in~~  
7 ~~the administrative action. The limited period of time~~  
8 ~~shall not be less than two (2) years,~~

9 ~~e. duration of the registration revocation, and~~

10 ~~d. conditions under which the person whose registration~~  
11 ~~is revoked may reapply for another registration~~  
12 ~~pursuant to the Oklahoma Registered Poultry Feeding~~  
13 ~~Operations Act.~~

14 ~~C.~~ For the performance of its duties and responsibilities, the  
15 Board is authorized to employ such personnel and agents as may be  
16 required within the funds available.

17 SECTION 11. AMENDATORY 2 O.S. 2011, Section 10-9.13, is  
18 amended to read as follows:

19 Section 10-9.13 A. Sections ~~13~~ 10-9.13 through ~~15~~ 10-9.15 of  
20 this ~~act~~ title shall be known and may be cited as the "Oklahoma  
21 Poultry Waste Transfer Act". The purpose of this act shall be to  
22 encourage the transfer of poultry waste out of designated nutrient-  
23 limited watersheds and nutrient-vulnerable groundwater as designated  
24 in the most recent ~~Oklahoma's~~ Oklahoma Water Quality Standards.



1 B. The ~~State~~ Oklahoma Department of Agriculture, Food, and  
2 Forestry shall develop a plan to encourage the transfer of poultry  
3 waste out of designated nutrient-limited watersheds and nutrient-  
4 vulnerable groundwater as designated by the most recent ~~Oklahoma's~~  
5 Oklahoma Water Quality Standards.

6 SECTION 12. AMENDATORY 2 O.S. 2011, Section 10-9.14, is  
7 amended to read as follows:

8 Section 10-9.14 A. There is hereby created in the State  
9 Treasury a fund for the ~~State~~ Oklahoma Department of Agriculture,  
10 Food, and Forestry to be designated as the Poultry Waste Transfer  
11 Fund. The fund shall be a continuing fund not subject to fiscal  
12 year limitations and shall consist of:

13 1. All monies received by the Department for implementing the  
14 purpose of the provisions of the Oklahoma Poultry Waste Transfer  
15 Act;

16 2. Interest attributable to investment of money in the Poultry  
17 Waste Transfer Fund; and

18 3. Money received by the Department in the form of gifts,  
19 grants, reimbursements, or from any other source intended to be used  
20 for the purposes specified by or collected pursuant to the  
21 provisions of the Poultry Waste Transfer Fund.

22 B. The monies deposited in the Poultry Waste Transfer Fund  
23 shall at no time become monies of the state and shall not become  
24 part of the general budget of the Department or any other state

1 agency. Except as provided for in this section, no monies from the  
2 Poultry Waste Transfer Fund shall be transferred for any purpose to  
3 any other state agency or any account of the Department or be used  
4 for the purpose of contracting with any other state agency or  
5 reimbursing any other state agency for any expense.

6 SECTION 13. AMENDATORY 2 O.S. 2011, Section 10-9.16, is  
7 amended to read as follows:

8 Section 10-9.16 Sections ~~16~~ 10-9.16 through ~~21~~ 10-9.21 of this  
9 ~~act~~ title shall be known and may cited as the "Oklahoma Poultry  
10 Waste Applicators Certification Act".

11 SECTION 14. AMENDATORY 2 O.S. 2011, Section 10-9.17, is  
12 amended to read as follows:

13 Section 10-9.17 A. It shall be unlawful and a misdemeanor  
14 punishable by a fine of not more than Five Thousand Dollars  
15 (\$5,000.00) for any person to act, operate, or do business or  
16 advertise as a commercial poultry waste applicator or to landapply  
17 poultry waste as a private poultry waste applicator unless such  
18 person has obtained a valid applicator's certificate issued by the  
19 State Board of Agriculture.

20 B. Applicator's certificates shall be issued by the Board, to  
21 applicants who qualify under the provisions of the Oklahoma Poultry  
22 Waste Applicators Certification Act.

23 C. Certificates shall be issued only upon application therefor  
24 to the Board on a form of application prescribed by the Board. The

1 application shall contain information regarding the applicant's  
2 qualifications and proposed operations and such other information as  
3 may be specified by the Board.

4 D. A certificate shall be issued only after satisfactory  
5 completion of such certification standards as determined by the  
6 Board.

7 E. 1. All commercial applicator certificates shall expire on  
8 the thirty-first day of December following their issuance or  
9 renewal, and may be renewed for the ensuing calendar year, without  
10 penalty, if a properly completed application is filed with the Board  
11 not later than the first day of January of each year. A  
12 registration fee of Fifteen Dollars (\$15.00) shall accompany every  
13 initial application for certification. A renewal fee of Fifteen  
14 Dollars (\$15.00) shall accompany every renewal application.

15 2. All private applicator certificates shall be in effect for  
16 five (5) years and may be renewed by application. A registration  
17 fee of Fifteen Dollars (\$15.00) shall accompany every initial  
18 application for certification. A renewal fee of Fifteen Dollars  
19 (\$15.00) shall accompany every renewal application. The Fifteen  
20 Dollar (\$15.00) registration and renewal fee shall be waived if the  
21 private applicator is also registered pursuant to the Oklahoma  
22 Registered Poultry Feeding Operations Act.

23 3. All such fees shall be deposited in the Agriculture  
24 Regulation Revolving Fund to be used for the purpose of implementing

1 the provisions of the Oklahoma Registered Poultry Feeding Operations  
2 Act and the Oklahoma Poultry Waste Applicators Certification Act.

3 F. Any person issued an applicator's certificate shall comply  
4 with the education provisions of subsection F of Section 10-9.5 of  
5 this title.

6 SECTION 15. AMENDATORY 2 O.S. 2011, Section 10-9.18, is  
7 amended to read as follows:

8 Section 10-9.18 A. Every certified poultry waste applicator  
9 shall file by ~~December 31~~ September 1 of each year an annual report  
10 with the ~~State~~ Oklahoma Department of Agriculture, Food, and  
11 Forestry regarding all poultry waste land-applied by such applicator  
12 for the period from July 1 of the previous year through June 30 of  
13 that year. ~~Such~~ The report shall contain the following information:

14 1. The legal description and ~~conservation district~~ county where  
15 the poultry waste was produced;

16 2. The legal description and ~~conservation district~~ county where  
17 the poultry waste was land-applied;

18 3. Date of each application;

19 4. Total and per-acre amount of each application;

20 5. Name ~~and~~, address, and telephone number of the person for  
21 whom poultry waste was applied;

22 6. The most recent soil test results obtained; and

23 7. Such other information as may be required by the State Board  
24 of Agriculture.

1 B. The Department shall ~~promulgate and~~ make available forms to  
2 be used in making such report.

3 C. Applicators who seek to obtain a renewal certificate shall  
4 submit the report with their application for renewal. No renewal  
5 certificate may be issued without submission of this report.

6 ~~D. The State Department of Agriculture shall provide such~~  
7 ~~reports to the Oklahoma Conservation Commission. The Commission~~  
8 ~~shall publish an annual report containing the following information:~~

9 1. ~~The total amount of poultry waste produced in each~~  
10 ~~conservation district; and~~

11 2. ~~The total amount of poultry waste land applied by a~~  
12 ~~certified applicator when land applied in each conservation~~  
13 ~~district.~~

14 ~~E. The Commission shall submit copies of the report to the~~  
15 ~~Governor, the President Pro Tempore of the Senate and the Speaker of~~  
16 ~~the House of Representatives by March 1 of each year. Copies of~~  
17 ~~such reports shall be made available to all federal, state and local~~  
18 ~~cooperating agencies and to the general public.~~

19 SECTION 16. AMENDATORY 2 O.S. 2011, Section 10-9.19, is  
20 amended to read as follows:

21 Section 10-9.19 1. Prior to any land application of poultry  
22 waste by a certified poultry waste applicator, the applicator shall  
23 obtain the most recent soil and poultry waste tests as required by  
24 the Oklahoma Poultry Waste Applicators Certification Act.

1           2. Land application of poultry waste in a non-nutrient-limited  
2 watershed and non-nutrient-vulnerable groundwaters shall not be made  
3 at any rate which exceeds the most recently published United States  
4 Department of Agriculture Natural Resources Conservation Service  
5 Waste Utilization Standards.

6           3. The State Oklahoma Department of Agriculture, Food, and  
7 Forestry may promulgate rules pursuant to the Administrative  
8 Procedures Act which will prohibit the land application of poultry  
9 waste in nutrient-limited watersheds and nutrient-vulnerable  
10 groundwaters based upon lower soil phosphorous levels than are  
11 allowed in this section for non-nutrient-limited watersheds and non-  
12 nutrient-vulnerable groundwaters.

13           SECTION 17.           AMENDATORY           2 O.S. 2011, Section 10-9.19a, is  
14 amended to read as follows:

15           Section 10-9.19a Land application of poultry waste, whether  
16 performed by a private or commercial poultry waste applicator, shall  
17 comply at all times with the provisions set forth in:

18           1. The ~~Animal Waste~~ Nutrient Management Plan, if application is  
19 conducted on land operated by a registered poultry feeding  
20 operation; and

21           2. The Conservation Plan, if application is conducted on land  
22 operated by entities not regulated pursuant to the Oklahoma  
23 Registered Poultry Feeding Operations Act and is located in a  
24 nutrient-limited watershed.

1 SECTION 18. AMENDATORY 2 O.S. 2011, Section 10-9.20, is  
2 amended to read as follows:

3 Section 10-9.20 A. The ~~State~~ Oklahoma Department of  
4 Agriculture, Food, and Forestry shall administer and enforce the  
5 provisions of the Oklahoma Poultry Waste Applicators Certification  
6 Act and shall promulgate rules and standards for the application of  
7 poultry waste, work performance, the certification of applicators of  
8 poultry waste, recertification of applicators, procedures, and best  
9 management practices.

10 B. The State Board of Agriculture shall have the authority to  
11 negotiate reciprocal agreements with the federal government or any  
12 state, or any department or agency of either for the purpose of  
13 fulfilling the intent of the Oklahoma Poultry Waste Applicators  
14 Certification Act.

15 C. The Department may take samples of poultry waste and soil at  
16 application sites in order to determine their concentration. The  
17 work of each applicator may be inspected at the application site of  
18 each applicator to determine whether or not the work is performed  
19 according to the provisions of the Oklahoma Poultry Waste  
20 Applicators Certification Act.

21 SECTION 19. AMENDATORY 2 O.S. 2011, Section 10-9.21, is  
22 amended to read as follows:

23 Section 10-9.21 A. Any certificate issued pursuant to the  
24 Oklahoma Poultry Waste Applicators Certification Act may be

1 suspended, canceled, denied, or revoked by the State Oklahoma  
2 Department of Agriculture, Food, and Forestry after notice and an  
3 opportunity to be heard has been given to the holder of the  
4 certificate.

5 B. Suspension, cancellation, denial or revocation of a  
6 certificate may be made if the Department finds the holder of the  
7 certificate:

8 1. Has used methods of poultry waste not suitable or safe for  
9 the land-application site for which they shall have been employed;

10 2. Has failed or refused to furnish the Oklahoma Department of  
11 Agriculture, Food, and Forestry, upon request, true information  
12 regarding methods and safety measures used, work performed, or other  
13 information deemed essential by the Department, or has made any  
14 false statement or representation in such person's application for  
15 issuance or renewal of a certificate;

16 3. Has violated any state law, rule, or standard prescribed or  
17 order issued by the State Board of Agriculture;

18 4. Has failed or refused to file annual reports as specified in  
19 the Oklahoma Poultry Waste Applicators Certification Act;

20 5. Has failed to perform work according to minimum standards  
21 authorized by the Oklahoma Poultry Waste Applicators Certification  
22 Act;

23

24



1       6. Has acted, operated, done business, or advertised as a  
2 commercial applicator without having obtained a valid certificate  
3 issued by the Department;

4       7. Has acted or operated as a private applicator without having  
5 obtained a valid private poultry waste applicator certificate issued  
6 by the Department;

7       8. Has not complied with the education provisions of subsection  
8 F of Section 10-9.5 of this title; or

9       9. Has been convicted in any court of a violation of the  
10 Oklahoma Poultry Waste Applicators Certification Act.

11       SECTION 20.        AMENDATORY        2 O.S. 2011, Section 10-9.23, is  
12 amended to read as follows:

13       Section 10-9.23 The Oklahoma Cooperative Extension Service  
14 shall provide to the Secretary of the Environment no later than  
15 ~~January 31, 1999~~, and January 31 of each ~~following~~ year, a written  
16 report of their educational activities involving poultry operators  
17 and waste applicators pursuant to this act. This report shall  
18 include, but not be limited to:

19       1. The number of operators and applicators enrolled in courses  
20 required in the first year listed by ~~conservation district~~ county;

21       2. The number of operators successfully completing such courses  
22 listed by ~~conservation district~~ county;

1 3. The number of operators and applicators enrolled in courses  
2 required in subsequent years listed by ~~conservation district~~ county;  
3 and

4 4. The number of operators successfully completing such courses  
5 listed by ~~conservation district~~ county.

6 The Secretary of the Environment shall use the data provided in  
7 this report along with water quality monitoring and other  
8 environmental data to evaluate the effectiveness of the curriculum  
9 offered. The Secretary shall work in conjunction with the Oklahoma  
10 Cooperative Extension Service to correct any course deficiencies  
11 identified in the evaluation.

12 SECTION 21. AMENDATORY 59 O.S. 2011, Section 1681, is  
13 amended to read as follows:

14 Section 1681. A. The Construction Industries Board is hereby  
15 authorized to administer the Electrical License Act and exercise all  
16 incidental powers necessary and proper to implement and enforce the  
17 provisions of the Electrical License Act and the rules promulgated  
18 pursuant thereto.

19 B. The Construction Industries Board is hereby authorized to  
20 adopt, amend and repeal rules governing the examination and  
21 licensing of electrical contractors and journeymen electricians, the  
22 defining of categories and limitations for such licenses, the  
23 establishment of continuing education requirements and procedures as  
24 determined by the Committee of Electrical Examiners, the

1 establishment and levying of administrative fines, the initiation of  
2 disciplinary proceedings, the requesting of prosecution of and  
3 initiation of injunctive proceedings against any person who violates  
4 any of the provisions of the Electrical License Act or any rule  
5 promulgated pursuant to the Electrical License Act, the  
6 establishment of bonding and insurance requirements precluding  
7 municipal requirements, the requirement of proof of possession of a  
8 Federal Tax ID Number and a State of Oklahoma Employment Security  
9 Board identification number, the registration of electrical  
10 apprentices, the establishment of a poultry house contractor  
11 license, and the standard of electrical installations. ~~Provided,~~  
12 ~~broiler houses will not be required to meet the electrical wiring~~  
13 ~~requirements for environmentally controlled poultry houses as set~~  
14 ~~out in the National Electric Code.~~

15 SECTION 22. NEW LAW A new section of law to be codified  
16 in the Oklahoma Statutes as Section 59 of Title 1686.1, unless there  
17 is created a duplication in numbering, reads as follows:

18 A. The Construction Industries Board is hereby authorized to  
19 establish a license category for contractors who solely perform  
20 poultry house premise wiring for environmentally controlled poultry  
21 house systems, and the insured poultry house wiring to connect the  
22 premise wiring, and who do not perform any wiring for a structure or  
23 electrical facility that is not directly involved in the operation  
24 of the environmentally controlled poultry house wiring system. In

1 addition to other statutory authority, the Construction Industries  
2 Board shall have the power to exercise all incidental powers and  
3 duties necessary to effectuate the provisions of the poultry house  
4 contractor license, conduct investigations involving compliance with  
5 the licensing requirements, and enforce the licensing provisions of  
6 this section. However, the Construction Industries Board is not  
7 authorized to conduct an electrical code inspection of an  
8 environmentally controlled poultry house premise wiring system for  
9 purposes of compliance with electrical code installation standards  
10 established for the Electrical License Act or to issue  
11 administrative citations or fines concerning electrical code  
12 installation standards at an environmentally controlled poultry  
13 house.

14 1. With a valid poultry house contractor license, no further  
15 registration or license is required under this act in order to  
16 solely perform poultry house wiring for environmentally controlled  
17 poultry houses. This license allows contracting only for wiring of  
18 environmentally controlled poultry house systems and is not intended  
19 to disallow or exclude unlimited electrical contractors from  
20 performing poultry house wiring work under an unlimited electrical  
21 contractor license without a poultry house contractor license.

22 2. Experience under the poultry house contractor license shall  
23 not be considered qualifying electrical experience for purposes of  
24

1 experience requirements for application of any other electrical  
2 license category pursuant to the Electrical License Act.

3 3. The Board may rely upon proof of a valid construction  
4 license or registration issued by another state to expedite the  
5 processing of the required information for a poultry house  
6 contractor license; provided, the insurance and workers'  
7 compensation requirements demonstrate compliance with the required  
8 coverage for work performed in this state.

9 4. All licenses shall be nontransferable, and it shall be a  
10 misdemeanor for any business entity holding a poultry house  
11 contractor license under the provisions of the Electrical License  
12 Act to loan or allow the use of such license by any other person,  
13 firm or corporation, except as specifically provided in the  
14 Electrical License Act or to engage in poultry house contractor  
15 license work without a valid license pursuant to this act.

16 B. A nonrefundable fee in the amount of Three Hundred Dollars  
17 (\$300.00) for the annual poultry house contractor license shall be  
18 paid at the time of license application to the Construction  
19 Industries Board. The annual license shall expire one year from the  
20 date of issuance. A poultry house contractor license shall be  
21 issued for one year, at which time it may be renewed upon meeting  
22 the requirements of this section, making application, and paying the  
23 nonrefundable license renewal fee in the amount of Two Hundred  
24 Dollars (\$200.00).

1 C. The Construction Industries Board shall, upon proper  
2 application and payment of fee, license and issue a certificate of  
3 poultry house contractor license to any person who furnishes  
4 satisfactory proof to the Board that the applicant:

5 1. Is eighteen (18) years of age or over;

6 2. Is the party performing, overseeing or otherwise responsible  
7 for the poultry house contractor work performed and who meets all  
8 requirements of this act and resulting rules required to obtain such  
9 license; and

10 3. Has provided all necessary information and documentation  
11 required under this act, the resulting rules, and as requested by  
12 the Board.

13 D. The Construction Industries Board shall require the  
14 following for a poultry house contractor license:

15 1. The applicant's full legal name, physical address, mailing  
16 address, business name, telephone number of business and applicant,  
17 address and place of incorporation, if any, and address of legal  
18 registered service agent in this state;

19 2. Proof of lawful presence in the United States for the  
20 applicant and all employees and laborers working under the applicant  
21 in this state who will be involved in wiring a poultry house for  
22 environmentally controlled poultry houses;

23 3. A listing of the names and social security numbers of all  
24 employees and laborers working in this state who will be involved in

1 wiring a poultry house for environmentally controlled poultry  
2 houses. The social security number information shall remain with  
3 the Board as confidential and privileged except for necessary  
4 disclosures to state agencies to verify compliance with requirements  
5 of this act or upon request by law enforcement;

6 4. The business entity's Federal tax ID number or the  
7 employer's or owner's social security number. The employer's  
8 account number assigned by the Employment Security Commission. The  
9 social security number information shall remain with the Board as  
10 confidential and privileged except for necessary disclosures to  
11 state agencies to verify compliance with requirements of this act or  
12 upon request by law enforcement;

13 5. A letter of good standing from the Secretary of State in the  
14 state the contractor is domiciled and other documentation of valid  
15 license or registration from the domicile state licensing or  
16 registration board, commission or agency;

17 6. Disclosure of resident or nonresident contractor status, and  
18 state of residence and domicile;

19 7. A copy of the applicant's certificate of liability insurance  
20 shall be filed with the application and shall be not less than Five  
21 Hundred Thousand Dollars (\$500,000.00). Any insurance company  
22 issuing a liability policy to an applicant pursuant to the  
23 provisions of the poultry house contractor license under this act  
24 shall be required to notify the Construction Industries Board in the

1 event such liability policy is cancelled for any reason or lapses  
2 for nonpayment of premiums. All licenses granted under this act  
3 shall be suspended on the date of the policy cancellation. The  
4 Board must receive proof of insurance prior to reinstating the  
5 license;

6 8. The applicant shall submit proof of satisfactory workers'  
7 compensation coverage under the Workers' Compensation Act or an  
8 affidavit of exemption or self-insurance as authorized pursuant to  
9 the Workers' Compensation Act;

10 9. Disclosure of any felony convictions; and

11 10. Applicants for poultry house contractor license shall  
12 provide such additional documents, statements or other information  
13 as may be deemed appropriate or necessary and required by the Board.

14 E. The Construction Industries Board shall refuse to license  
15 any person if the Board determines:

16 1. The application contains false, misleading or incomplete  
17 information;

18 2. The applicant or any member of the business entity fails or  
19 refuses to provide any information requested by the Board;

20 3. The applicant fails or refuses to pay the required fees;

21 4. The applicant or owner or officer or managing member of the  
22 legal entity is ineligible for license due to a suspended or revoked  
23 license or registration in this state;

24



1           5. The nonresident applicant has a revoked or suspended  
2 registration or license required by law for contractors in another  
3 state; or

4           6. The applicant or legal entity has failed or refuses to  
5 submit any taxes due in this state.

6           F. The board shall suspend the poultry house contractor license  
7 when the licensee fails to:

8           1. Maintain liability insurance coverage;

9           2. Maintain satisfactory workers' compensation coverage under  
10 the Workers' Compensation Act or provide an affidavit of exemption  
11 or self-insurance as authorized pursuant to the Workers'  
12 Compensation Act;

13           3. Comply with provisions of the Electrical License Act or any  
14 rule or order issued pursuant thereto;

15           4. Perform normal business obligations without justifiable  
16 cause;

17           5. Notify the Board of a change in name, address, legal  
18 business entity, legal service agent, adverse finding by a licensing  
19 entity in this state or another state or adjudication by a court of  
20 competent jurisdiction for any act or omission that is a violation  
21 of the Electrical License Act;

22           6. Maintain a registration or license as required by law in  
23 another state while licensed in this state as a nonresident  
24 contractor; or

1 7. File and pay all taxes of the contractor or legal entity  
2 when due in this state.

3 SECTION 23. AMENDATORY 59 O.S. 2011, Section 1689, is  
4 amended to read as follows:

5 Section 1689. A. The Construction Industries Board or its  
6 designee and the Committee of Electrical Examiners shall act as the  
7 Electrical Hearing Board and shall comply with the provisions of  
8 Article II of the Administrative Procedures Act, Section 308a et  
9 seq. of Title 75 of the Oklahoma Statutes.

10 B. Any administrative hearing on suspensions, revocations or  
11 fines shall be conducted by a hearing examiner appointed by the  
12 Board. The hearing examiner's decision shall be a final decision  
13 which may be appealed to a district court in accordance with the  
14 Administrative Procedures Act.

15 C. The Electrical Hearing Board may, upon its own motion, and  
16 shall, upon written complaint filed by any person, investigate the  
17 business transactions of any electrical contractor, journeyman  
18 electrician or, electrical apprentice or poultry house contractor  
19 license. Upon a finding by clear and convincing evidence, the Board  
20 shall suspend or revoke any license or registration obtained by  
21 false or fraudulent representation. Upon a finding by clear and  
22 convincing evidence, the Board shall also suspend or revoke any  
23 license or registration for any of the following:  
24

1           1. Making a material misstatement in the application for a  
2 license or registration, or the renewal of a license or  
3 registration;

4           2. Loaning or illegally using a license;

5           3. Demonstrating incompetence to act as a journeyman  
6 electrician or electrical contractor;

7           4. Violating any provisions of the Electrical License Act, or  
8 any rule or order prescribed by the Board or any ordinance for the  
9 installation of electrical facilities made or enacted by a city or  
10 town by authority of the Electrical License Act; ~~or~~

11          5. Willfully failing to perform normal business obligations  
12 without justifiable cause; or

13          6. Failing to maintain a registration or license as required by  
14 law in another state while registered in this state as a nonresident  
15 contractor.

16          D. Any person whose license or registration has been revoked by  
17 the Electrical Hearing Board may apply for a new license one (1)  
18 year from the date of such revocation.

19          E. Notwithstanding any other provision of law, a political  
20 subdivision of this state that has adopted a nationally recognized  
21 electrical code and appointed an inspector pursuant to the  
22 provisions of Section 1693 of this title or pursuant to the  
23 provisions of the Oklahoma Inspectors Act for such work shall have  
24 jurisdiction over the interpretation of the code and the

1 installation of all electrical work done in that political  
2 subdivision, subject to the provisions of the Oklahoma Inspectors  
3 Act. Provided, a state inspector may work directly with an  
4 electrical contractor, journeyman electrician or electrical  
5 apprentice in such a locality if a violation of the code creates an  
6 immediate threat to life or health.

7 F. In the case of a complaint about, investigation of, or  
8 inspection of any license, registration, permit or electrical work  
9 in any political subdivision of this state which has not adopted a  
10 nationally recognized electrical code and appointed an inspector  
11 pursuant to the provisions of Section 1693 of this title or pursuant  
12 to the provisions of the Oklahoma Inspectors Act for such work, the  
13 Construction Industries Board shall have jurisdiction over such  
14 matters.

15 G. 1. No individual, business, company, corporation,  
16 association or other entity subject to the provisions of the  
17 Electrical License Act shall install, modify or alter electrical  
18 facilities in any incorporated area of this state which has not  
19 adopted a nationally recognized electrical code and appointed an  
20 inspector pursuant to the provisions of Section 1693 of this title  
21 or pursuant to the provisions of the Oklahoma Inspectors Act for  
22 such work without providing notice of such electrical work to the  
23 Construction Industries Board. A notice form for reproduction by an  
24

1 individual or entity required to make such notice shall be provided  
2 by the Construction Industries Board upon request.

3 2. Notice to the Construction Industries Board pursuant to this  
4 subsection shall not be required for electrical maintenance or  
5 replacement of existing electrical appliances or fixtures or of any  
6 petroleum refinery or its research facilities.

7 3. Enforcement of this subsection is authorized pursuant to the  
8 Electrical License Act, or under authority granted to the  
9 Construction Industries Board.

10 SECTION 24. REPEALER 2 O.S. 2011, Section 10-9.15, is  
11 hereby repealed.

12 SECTION 25. REPEALER 2 O.S. 2011, Section 10-9.22, is  
13 hereby repealed.

14 SECTION 26. This act shall become effective July 1, 2015.

15 SECTION 27. It being immediately necessary for the preservation  
16 of the public peace, health and safety, an emergency is hereby  
17 declared to exist, by reason whereof this act shall take effect and  
18 be in full force from and after its passage and approval."  
19  
20  
21  
22  
23  
24

1 Passed the Senate the 15th day of April, 2015.

2  
3 \_\_\_\_\_  
4 Presiding Officer of the Senate

5 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
6 2015.

7  
8 \_\_\_\_\_  
9 Presiding Officer of the House  
10 of Representatives

3 and

4 Allen of the Senate  
5  
6

7 An Act relating to poultry; amending 2 O.S. 2011,  
8 Sections 10-9.1, as amended by Section 1, Chapter 79,  
9 O.S.L. 2012, 10-9.3, 10-9.4, 10-9.5, 10-9.7, as  
10 amended by Section 2, Chapter 79, O.S.L. 2012, 10-  
11 9.8, 10-9.9, 10-9.10, 10-9.11 and 10-9.12, as amended  
12 by Section 2, Chapter 227, O.S.L. 2013 (2 O.S. Supp.  
13 2014, Sections 10-9.1, 10-9.7 and 10-9.12), which  
14 relate to the Oklahoma Registered Poultry Feeding  
15 Operations Act; updating reference; modifying  
16 definition; deleting definition; deleting  
17 registration requirement for certain poultry feeding  
18 operations; updating citation; updating language;  
19 modifying name of plan; deleting certain  
20 environmental history information required on certain  
21 application; modifying certain operator education  
22 requirements; specifying certain requirements; adding  
23 covers to list of methods available to store poultry  
24 waste; clarifying language; providing time certain  
date shall be retained; requiring certain data be  
dated; requiring poultry feeding operations file  
certain annual report; providing report contents;  
updating citations; updating references; removing  
requirement that the State Board of Agriculture  
promulgate rules establishing certain violation point  
system; deleting certain violation point system  
requirements; amending 2 O.S. 2011, Sections 10-9.13  
and 10-9.14, which relate to the Oklahoma Poultry  
Waste Transfer Act; updating citations; updating  
references; amending 2 O.S. 2011, Sections 10-9.16,  
10-9.17, 10-9.18, 10-9.19, 10-9.19a, 10-9.20 and 10-  
9.21, which relate to the Oklahoma Poultry Waste  
Applicators Certification Act; updating citations;  
specifying provisions requiring compliance; changing  
date certain annual report due; updating language;  
deleting certain reporting requirements; updating

1 references; modifying certain plan name; amending 2  
2 O.S. 2011, Section 10-9.23, which relates to reports  
3 of educational activities involving poultry operators  
4 and waste applicators; updating language; repealing 2  
5 O.S. 2011, Section 10-9.15, which relates to the  
6 reports detailing administration of the Oklahoma  
7 Poultry Waste Transfer Act; repealing 2 O.S. 2011,  
8 Section 10-9.22, which relates to funding for  
9 educational training programs on poultry waste; and  
10 providing an effective date.

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

12 SECTION 1. AMENDATORY 2 O.S. 2011, Section 10-9.1, as  
13 amended by Section 1, Chapter 79, O.S.L. 2012 (2 O.S. Supp. 2014,  
14 Section 10-9.1), is amended to read as follows:

15 Section 10-9.1 A. Sections 10-9.1 through 10-9.12 of this  
16 title shall be known and may be cited as the "Oklahoma Registered  
17 Poultry Feeding Operations Act".

18 B. As used in Sections 10-9.1 through 10-9.23 of this title:

19 1. "Best Management Practices" or "BMPs" means schedules of  
20 activities, prohibitions of practices, maintenance procedures and  
21 other management practices which prevent or reduce the pollution of  
22 waters of the state as established by the ~~State~~ Oklahoma Department  
23 of Agriculture, Food, and Forestry pursuant to Section 10-9.7 of  
24 this title;

2. "Board" means the State Board of Agriculture;

3. "Certificate" means a written document issued to an  
individual by the Board pursuant to Section 10-9.17 of this title



1 which indicates that the individual is authorized to land\_apply  
2 poultry waste by the Oklahoma Poultry Waste Applicators  
3 Certification Act;

4 4. "Certified poultry waste applicator" means a person who has  
5 been certified by the Board to land\_apply poultry waste and includes  
6 a commercial poultry waste applicator and a private poultry waste  
7 applicator;

8 5. "Commercial poultry waste applicator" means any person who  
9 engages in commercial land application of poultry waste. Any farmer  
10 while working for a neighbor in agricultural production, and not  
11 advertising, nor holding himself or herself out to be in the  
12 business of land\_applying poultry waste, shall not be classified as  
13 a commercial poultry waste applicator, but as a private poultry  
14 waste applicator;

15 6. "Contract growing arrangement" means any growout contract,  
16 marketing agreement, or other arrangement under which a contract  
17 poultry grower cares for or raises poultry;

18 7. "Contract poultry grower" means any person engaged in the  
19 business of caring for or raising poultry, under a contract growing  
20 arrangement;

21 8. "Common ownership" includes but is not limited to any person  
22 who has power or authority to manage, direct, restrict, regulate or  
23 oversee the operation or has financial control of two or more  
24 poultry feeding operations;

1           9. "Department" means the Oklahoma Department of Agriculture,  
2 Food, and Forestry;

3           10. "Expanding operation" means a registered poultry feeding  
4 operation that seeks to increase its registered capacity in excess  
5 of ten percent (10%) of the facility's original registered capacity;

6           11. "Facility" means any place, site or location or part  
7 thereof where poultry are kept, handled, housed or otherwise  
8 maintained including but not limited to buildings, lots, pens and  
9 poultry waste management systems;

10           12. "Integrator" means an entity which unites the elements  
11 associated with the poultry industry, including but not limited to  
12 hatching, feeding, processing and marketing. It includes, but is  
13 not limited to, situations when growing is contracted out to others  
14 and when the integrator operates its own growing facilities;

15           13. "Land application" means the spreading on, or incorporation  
16 into, the soil mantle primarily for beneficial purposes;

17           14. "Nutrient Management Plan" means a written plan that  
18 includes a combination of conservation and management practices  
19 designed to protect the natural resources of the state as required  
20 by the Oklahoma Department of Agriculture, Food, and Forestry  
21 pursuant to the provisions of Section 10-9.7 of this title and shall  
22 also include a certified nutrient management plan and animal waste  
23 management plan;

24

1 15. "Operator" means the person who performs the daily  
2 management functions associated with the poultry feeding operation;

3 16. "Person" means an individual, association, partnership,  
4 firm, company, public trust, corporation, joint stock company, trust  
5 estate, any other legal entity, or any agent, employee,  
6 representative assignor or successor thereof;

7 17. "Nutrient-limited watershed" means a watershed of a water  
8 body which is designated as "nutrient-limited" in the most recent  
9 ~~Oklahoma's~~ Oklahoma Water Quality Standards;

10 18. "Nutrient-vulnerable groundwater" means groundwater which  
11 is designated "nutrient-vulnerable" in the most recent ~~Oklahoma's~~  
12 Oklahoma Water Quality Standards;

13 19. "Poultry" includes chickens, turkeys, ducks, geese and any  
14 other domesticated bird used for human food and/or animal feed;

15 20. "Poultry feeding operation" means a property or facility  
16 where the following conditions are met:

- 17 a. poultry have been, are or will be confined and fed or  
18 maintained for a total of forty-five (45) days or more  
19 in any twelve-month period,
- 20 b. crops, vegetation, forage growth or post-harvest  
21 residues are not sustained in the normal growing  
22 season over any portion of the property or facility,  
23 and

1 c. producing over ten (10) tons of poultry waste per  
2 year;

3 21. "Poultry waste" means poultry excrement, poultry carcasses,  
4 feed wastes, bedding materials, or any other waste associated with  
5 the confinement of poultry from a poultry feeding operation;

6 22. ~~"Poultry waste utilization business" means a business at  
7 which poultry waste is collected, recycled, processed or recovered  
8 into reusable products including, but not limited to, fertilizer and  
9 animal feed;~~

10 ~~23.~~ 23. "Poultry waste management system" means a combination of  
11 structures and practices serving a poultry feeding operation that  
12 provides for the collection, treatment, disposal, distribution,  
13 storage and land application of poultry waste;

14 ~~24.~~ 23. "Private poultry waste applicator" means any person who  
15 is not a commercial poultry waste applicator but engages in the land  
16 application of poultry waste for purposes including, but not limited  
17 to, producing any agricultural commodity on property owned or rented  
18 by the person or such person's employer, or if applied without  
19 compensation other than trading of personal services between  
20 producers of agricultural commodities, on the property of another  
21 person;

22 ~~25.~~ 24. "Waste facility" means any structure or combination of  
23 structures utilized to control poultry waste until it can be  
24 utilized in an authorized manner; and

1        ~~26.~~ 25. "Waters of the state" means all streams, lakes, ponds,  
2 marshes, watercourses, waterways, wells, springs, irrigation  
3 systems, drainage systems, storm sewers and all other bodies or  
4 accumulations of water, surface and underground, natural or  
5 artificial, public or private, which are contained within, flow  
6 through or border upon this state or any portion thereof, and shall  
7 include under all circumstances the waters of the United States  
8 which are contained within the boundaries of, flow through or border  
9 upon this state or any portion thereof. Process wastewaters shall  
10 not be considered as waters of the state if contaminated at the  
11 site.

12        SECTION 2.        AMENDATORY        2 O.S. 2011, Section 10-9.3, is  
13 amended to read as follows:

14        Section 10-9.3 A. 1. It shall be unlawful for any person to  
15 construct or operate a new poultry feeding operation without having  
16 first registered with the State Board of Agriculture.

17        2. The owner or operator of a poultry operation not classified  
18 as a poultry feeding operation may register if such owner or  
19 operator elects to come under the provisions of the Oklahoma  
20 Registered Poultry Feeding Operations Act and the rules of the  
21 Board.

22        B. ~~Every poultry feeding operation in operation on the~~  
23 ~~effective date of this act shall register within six (6) months of~~  
24 ~~the effective date of this act.~~

1       ~~6.~~ Any poultry feeding operation that has a valid license  
2 pursuant to the Oklahoma Concentrated Animal Feeding Operations Act  
3 shall not be required to register pursuant to the Oklahoma  
4 Registered Poultry Feeding Operations Act.

5       SECTION 3.       AMENDATORY       2 O.S. 2011, Section 10-9.4, is  
6 amended to read as follows:

7       Section 10-9.4 A. Every poultry feeding operation shall be  
8 required to register annually to operate pursuant to the Oklahoma  
9 Registered Poultry Feeding Operations Act and rules promulgated  
10 pursuant thereto.

11       B. 1. Two or more poultry operations under common ownership  
12 are considered, for the purposes of registration, to be a single  
13 poultry feeding operation if they adjoin each other or if they use a  
14 common waste facility.

15       2. Once the cumulative amount of poultry waste produced by all  
16 facilities owned or managed by a person meets or exceeds the amount  
17 specified by paragraph 20 of Section ~~4~~ 10-9.1 of this ~~act~~ title, all  
18 poultry feeding operations owned by the person shall be required to  
19 become registered.

20       3. After the effective date of this act, any poultry feeding  
21 operation shall be required to reregister for any increase in excess  
22 of ten percent (10%) of the facility's original registered capacity.

23       SECTION 4.       AMENDATORY       2 O.S. 2011, Section 10-9.5, is  
24 amended to read as follows:

1 Section 10-9.5 A. The State Board of Agriculture shall ~~cause~~  
2 ~~to be prepared and available~~ provide the necessary forms and  
3 applications for any person desiring or required to register a  
4 poultry feeding operation or expanding operation.

5 B. The application to register to operate a new or previously  
6 unregistered poultry feeding operation or expanding operation shall  
7 be under oath and shall contain, ~~as~~ at a minimum, the following  
8 information:

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

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

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

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

14 5. 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, poultry waste storage  
18 facilities and land-application sites owned or leased by the  
19 applicant or which the applicant has contracted with for the  
20 application of poultry waste;

21 6. A copy of the ~~Animal Waste~~ Nutrient Management Plan, or  
22 proof of application for such plan, Best Management Practices or any  
23 other plans authorized by the Oklahoma Department of Agriculture,  
24 Food, and Forestry;

1 7. A statement of ownership.

2 a. If the applicant is a corporation, the name and  
3 address of the corporation and the name and address of  
4 each officer and registered agent of the corporation  
5 shall be included in the application.

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

10 c. The information contained in the statement of  
11 ownership shall be public information and shall be  
12 available upon request from the Board;

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

16 9. ~~a.~~ An environmental history from the past three (3) years  
17 of any poultry feeding operation established and  
18 operated by the applicant or any other operation with  
19 common ownership in this state or any other state.  
20 ~~Such environmental history shall include but not be~~  
21 ~~limited to all citations, administrative orders or~~  
22 ~~penalties, civil injunctions or other civil actions,~~  
23 ~~criminal actions, past, current and ongoing, taken by~~  
24 ~~any person, agency or court relating to noncompliance~~



1 ~~with any environmental law, rule, agency order, or~~  
2 ~~court action relating to the operation of a poultry~~  
3 ~~feeding operation.~~

4 b. ~~A copy of all records relating to the environmental~~  
5 ~~history required by this paragraph shall accompany the~~  
6 ~~application.~~

7 c. ~~Noncompliance with a final agency order or final order~~  
8 ~~or judgment of a court of record which has been set~~  
9 ~~aside by a court on appeal of such final order or~~  
10 ~~judgment shall not be considered a final order or~~  
11 ~~judgment for the purposes of this subsection;~~

12 10. Environmental awards or citations received or pollution  
13 prevention or voluntary remediation efforts undertaken by the  
14 applicant; and

15 11. Any other information or records required by the Department  
16 for purposes of implementing the Oklahoma Registered Poultry Feeding  
17 Operations Act or rules promulgated pursuant thereto.

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

1 D. The owner of a poultry feeding operation shall be  
2 responsible for sending written notification to the Department upon  
3 changing integrators.

4 E. For a transfer of registration to a new owner, the new owner  
5 shall register the operation pursuant to the rules of the  
6 Department.

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

1 equivalent. Courses for poultry waste management shall include the  
2 following topics:

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

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

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

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

24

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

4 SECTION 5. AMENDATORY 2 O.S. 2011, Section 10-9.7, as  
5 amended by Section 2, Chapter 79, O.S.L. 2012 (2 O.S. Supp. 2014,  
6 Section 10-9.7), is amended to read as follows:

7 Section 10-9.7 A. All poultry feeding operations shall utilize  
8 Best Management Practices and shall meet the conditions and  
9 requirements established by subsection B of this section and by  
10 rules promulgated by the State Board of Agriculture pursuant to the  
11 Oklahoma Registered Poultry Feeding Operations Act.

12 B. The criteria for Best Management Practices shall be  
13 promulgated by rules by the Board and shall include, but not be  
14 limited to, the following:

15 1. There shall be no discharge of poultry waste to waters of  
16 the state;

17 2. Stored poultry waste shall be isolated from outside surface  
18 drainage by covers, ditches, dikes, berms, terraces or other such  
19 structures;

20 3. No waters of the state shall come into direct contact with  
21 the poultry confined on the poultry feeding operation;

22 4. Poultry waste handling, treatment, management and removal  
23 shall:

24 a. not create an environmental or a public health hazard,

- 1           b. not result in the contamination of waters of the  
2           state, and
- 3           c. conform to such other handling, treatment and  
4           management and removal requirements deemed necessary  
5           by the Oklahoma Department of Agriculture, Food, and  
6           Forestry to implement the Oklahoma Registered Poultry  
7           Feeding Operations Act and rules promulgated pursuant  
8           thereto.

9           The rules promulgated by the Board pursuant to this section  
10          shall provide for exceptions to the storage requirements for poultry  
11          waste in emergency situations. Such exceptions shall include but  
12          not be limited to allowing a contract poultry grower to take such  
13          actions as are necessary to meet requirements imposed on a grower by  
14          an integrator. In such situations growers shall be required to take  
15          all actions feasible to prevent pollution from stored poultry waste.

16          C. Every poultry feeding operation shall have a Nutrient  
17          Management Plan which shall include at a minimum:

18           1. A description of poultry waste handling procedures and  
19           availability of equipment and type of equipment to be used;

20           2. The calculations and assumptions used for determining land\_  
21           application rates;

22           3. All nutrient analysis data, for soil and poultry waste  
23           testing;

1 4. Legal description of lands to be used by an operation for  
2 land application;

3 5. Land application rates of poultry waste shall be based on  
4 the available nitrogen and phosphorous content of the poultry waste  
5 and shall provide controls for runoff and erosion as appropriate for  
6 site conditions;

7 6. The procedures documented in the Nutrient Management Plan  
8 ~~must~~ shall ensure that the handling and utilization of poultry waste  
9 complies with the following requirements:

10 a. adequate poultry waste storage shall be provided  
11 consistent with rules promulgated by the Oklahoma  
12 Department of Agriculture, Food, and Forestry pursuant  
13 to subsection B of this section,

14 b. poultry waste shall not be applied to land when the  
15 ground is saturated or during rainfall events.  
16 Poultry waste shall not be applied to land when the  
17 ground is frozen except in conformance with the  
18 Nutrient Management Plan,

19 c. poultry waste shall only be applied to suitable land  
20 at appropriate times and rates. Discharge or runoff  
21 of waste from the application site is prohibited.  
22 Timing and rate of applications shall be based on  
23 assimilation capacity of the soil profile, assuming  
24

1 usual nutrient losses, expected precipitation, and  
2 soil conditions, and

3 d. poultry waste application shall be prohibited on land  
4 subject to excessive erosion;

5 7. Records shall be maintained of all poultry wastes applied on  
6 land owned or controlled by the operator, and sold or given to other  
7 persons:

8 a. if the poultry waste is sold or given to other persons  
9 for land application or other use, the poultry feeding  
10 operation shall maintain a log of: date of removal  
11 from the poultry feeding operation; name of recipient  
12 the poultry waste is sold or given to; and amount in  
13 wet tons, dry tons or cubic yards of poultry waste  
14 removed from the poultry feeding operation, and

15 b. the poultry feeding operation shall make available to  
16 the recipient any nutrient sample analysis from that  
17 year;

18 8. Any analysis required by the provisions of the Oklahoma  
19 Registered Poultry Feeding Operations Act or rules promulgated  
20 thereto shall be performed by a qualified environmental testing  
21 laboratory certified by the Department of Environmental Quality and  
22 approved by the Oklahoma Department of Agriculture, Food, and  
23 Forestry; and  
24

1           9. Such other information deemed necessary by the Oklahoma  
2 Department of Agriculture, Food, and Forestry to administer the  
3 provisions of the Oklahoma Registered Poultry Feeding Operations Act  
4 and rules promulgated pursuant thereto.

5           D. The Oklahoma Department of Agriculture, Food, and Forestry  
6 may promulgate rules providing voluntary fees charged to registered  
7 poultry feeding operations for the development and writing of  
8 Nutrient Management Plans;

9           E. Every poultry feeding operation located in a non-nutrient-  
10 limited watershed and non-nutrient-vulnerable groundwaters shall  
11 perform soil testing on each land-application area and poultry waste  
12 testing at least once every three (3) years to determine:

13           1. Soil pH and plant-available nutrients including, at a  
14 minimum, nitrogen, phosphorous and potassium;

15           2. Poultry waste nutrient concentrations and moisture; and

16           3. Application rate based upon current United States Department  
17 of Agriculture Natural Resources Conservation Service Waste  
18 Utilization Standards, unless the Oklahoma Department of  
19 Agriculture, Food, and Forestry approves other standards.

20           F. ~~1-~~ Every poultry feeding operation located in a nutrient-  
21 limited watershed and nutrient-vulnerable groundwater shall perform  
22 an annual soil test on each land application area prior to the first  
23 application of the calendar year. Poultry waste testing shall be  
24 performed annually prior to the first application of the calendar



1 year. Soil and poultry waste testing shall be performed to  
2 determine:

3 a. ~~soil~~

4 1. Soil pH and plant-available nutrients including at least  
5 nitrogen, phosphorous and potassium~~ti~~

6 b. ~~poultry~~

7 2. Poultry waste nutrient concentrations and moisture~~ti~~ and

8 c. ~~application~~

9 3. Application rate based upon current United States Department  
10 of Agriculture Natural Resources Conservation Service Waste  
11 Utilization Standards, unless the Oklahoma Department of  
12 Agriculture, Food, and Forestry approves other standards.

13 ~~2. G. 1.~~ Soil and poultry waste analysis data shall be  
14 retained by the poultry feeding operation for ~~as long as the site is~~  
15 ~~in operation~~ a minimum of six (6) years.

16 2. All soil and poultry waste analysis data shall be dated  
17 prior to land application.

18 ~~G. H.~~ 1. Poultry feeding operations shall develop a plan for  
19 the disposal of carcasses associated with normal mortality.

20 2. In the event there is an outbreak of a major disease or  
21 other emergency resulting in deaths significantly higher than normal  
22 mortality rates, the Oklahoma Department of Agriculture, Food, and  
23 Forestry may approve, in writing, an alternate method of disposal of  
24

1 carcasses or the storage of poultry waste during the emergency  
2 period.

3 I. Every poultry feeding operation shall file by September 1 of  
4 each year an annual report with the Department regarding all poultry  
5 waste removed from or land-applied by the facility for the period  
6 from July 1 of the previous year through June 30 of that year. The  
7 report shall contain the following information:

8 1. The date and amount of poultry waste removed from or land-  
9 applied at the facility;

10 2. The type of poultry waste removed or land-applied, whether a  
11 cake out, full clean out, in house windrow or compost, poultry waste  
12 stack shed, or other type;

13 3. The county and, if applicable, the name of the Nutrient  
14 Limited Watershed where the poultry waste was produced; and

15 4. The location where the poultry waste is removed to:

16 a. if land-applied on site, provide the following:

17 (1) the date of the land application,

18 (2) the total amount of poultry waste land-applied in  
19 wet tons, dry tons, or cubic yards,

20 (3) the name, mailing address, and telephone number  
21 of the poultry waste applicator, and

22 (4) the number of acres under the control of the  
23 poultry feeding operation for land application of  
24 poultry waste, or

1            b. if removed off site, provide the following:

2            (1) the date of the removal off site,

3            (2) the amount of poultry waste removed in wet tons,  
4            dry tons, or cubic yards,

5            (3) the name, mailing address, and telephone number  
6            of the person the poultry waste is sold or  
7            transferred to,

8            (4) the name, mailing address, telephone number, and  
9            poultry waste applicator license number of the  
10           poultry waste applicator, if known, and

11           (5) the name, mailing address, and telephone number  
12           of the hauler of the poultry waste.

13           SECTION 6.            AMENDATORY            2 O.S. 2011, Section 10-9.8, is  
14 amended to read as follows:

15           Section 10-9.8 Every application shall be accompanied by an  
16 annual registration fee of Ten Dollars (\$10.00), which is  
17 nonrefundable. All such fees shall be deposited in the Agriculture  
18 Regulation Revolving Fund created in Section ~~24~~ 10-9.24 of this ~~act~~  
19 title to be used for the purpose of implementing the provisions of  
20 the Oklahoma Registered Poultry Feeding Operations Act and the  
21 Oklahoma Poultry Waste Applicators Certification Act.

22           SECTION 7.            AMENDATORY            2 O.S. 2011, Section 10-9.9, is  
23 amended to read as follows:

1           Section 10-9.9 A. In addition to the authority of the State  
2 Board of Agriculture to make designations of a concentrated animal  
3 feeding operation pursuant to Section ~~9-204.1~~ 20-44 of ~~Title 2 of~~  
4 ~~the Oklahoma Statutes~~ this title, the Board shall have the power to  
5 designate a poultry feeding operation as a concentrated animal  
6 feeding operation as defined by Section ~~9-202~~ 20-41 of ~~Title 2 of~~  
7 ~~the Oklahoma Statutes~~ this title subject to the provisions of the  
8 Oklahoma Concentrated Animal Feeding Operations Act after an  
9 administrative determination that an operation has violated or is  
10 unwilling to comply with any of the provisions of the Oklahoma  
11 Registered Poultry Feeding Operations Act, or any rule promulgated  
12 pursuant thereto whether or not the ~~State~~ Oklahoma Department of  
13 Agriculture, Food, and Forestry determines the registered poultry  
14 feeding operation to be a significant contributor of pollution to  
15 waters of this state.

16           B. In order to protect the public health and safety and the  
17 environment of this state, the Board, pursuant to the Oklahoma  
18 Registered Poultry Feeding Operations Act, may require application  
19 for a concentrated animal feeding operation license to establish and  
20 operate a poultry feeding operation on and after the effective date  
21 of this act to any person or other legal entity which:

22           1. Is not in substantial compliance with a final agency order  
23 or any final order or judgment of a court of record secured by any  
24 state or federal agency relating to poultry feeding operations; or

1           2. Has evidenced a reckless disregard for the protection of the  
2 public and the environment as demonstrated by a history of  
3 noncompliance with environmental laws and rules resulting in  
4 endangerment of human health or the environment.

5           C. Any action taken in regard to the denial, suspension or  
6 revocation of a license shall be in conformity with the rules of the  
7 Board governing administrative procedures and with the  
8 Administrative Procedures Act.

9           D. The Board shall promulgate rules which will provide a  
10 procedure whereby any poultry feeding operation which has been  
11 designated a concentrated animal feeding operation pursuant to this  
12 section may have such designation removed. The rules shall require  
13 satisfactory evidence that such designation is no longer necessary  
14 in order to ensure that the operation will comply with all  
15 provisions of the Oklahoma Registered Poultry Feeding Operations Act  
16 and will not contribute to pollution of the waters of this state.

17           SECTION 8.           AMENDATORY           2 O.S. 2011, Section 10-9.10, is  
18 amended to read as follows:

19           Section 10-9.10

20           A. 1. a. The State Board of Agriculture or its authorized  
21                           agents are empowered to enter upon the premises of any  
22                           poultry feeding operation for the purpose of  
23                           investigating complaints as to the operation or to  
24

1 determine whether there are any violations of the  
2 Oklahoma Registered Poultry Feeding Operations Act.

3 b. This section shall not be construed to authorize the  
4 Board or its agents to violate any provision of the  
5 United States Constitution or the Oklahoma  
6 Constitution relating to unlawful search or seizure.

7 2. a. Registration of a poultry feeding operation pursuant  
8 to the Oklahoma Registered Poultry Feeding Operations  
9 Act shall be deemed to constitute consent for entry  
10 upon the premises of such operation by the Board or  
11 its agents for the purpose of implementing the  
12 provisions of this subsection.

13 b. The ~~State~~ Oklahoma Department of Agriculture, Food,  
14 and Forestry shall make at least one inspection per  
15 calendar year of every poultry feeding operation  
16 registered pursuant to the Oklahoma Registered Poultry  
17 Feeding Operations Act.

18 B. 1. The Board shall promulgate standard precautions for the  
19 prevention of the transmission of communicable diseases to humans  
20 and animals to be used by employees of the Department when  
21 inspecting poultry feeding operations pursuant to their official  
22 duties specified by the Oklahoma Registered Poultry Feeding  
23 Operations Act and rules promulgated pursuant thereto.

24

1           2. Except for emergency situations or when enforcement of the  
2 provisions of the Oklahoma Registered Poultry Feeding Operations Act  
3 requires the use of the standard precautions as promulgated by the  
4 Board pursuant to paragraph 1 of this subsection, Department  
5 employees shall observe the health standards and sanitary  
6 requirements of the facility.

7           C. The Board shall maintain necessary records and undertake  
8 such studies, investigations and surveys for the proper  
9 administration of the Oklahoma Registered Poultry Feeding Operations  
10 Act.

11           SECTION 9.           AMENDATORY           2 O.S. 2011, Section 10-9.11, is  
12 amended to read as follows:

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

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

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

- 1           a.    assess an administrative penalty of not more than Two  
2                    Hundred Dollars (\$200.00) per day of noncompliance, or  
3           b.    bring an action for injunctive relief granted by a  
4                    district court.

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

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

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

21           C.    1.    Any action for injunctive relief to redress or restrain  
22 a violation by any person of the Oklahoma Registered Poultry Feeding  
23 Operations Act, or for any rule promulgated thereunder, or order  
24 issued pursuant thereto, or recovery of any administrative penalty



1 assessed pursuant to the Oklahoma Registered Poultry Feeding  
2 Operations Act may be brought by:

3 a. the district attorney of the appropriate district  
4 court of the State of Oklahoma,

5 b. the Attorney General on behalf of the State of  
6 Oklahoma, or

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

8 2. The court shall have jurisdiction to determine the action,  
9 and to grant the necessary or appropriate relief, including but not  
10 limited to mandatory or prohibitive injunctive relief, interim  
11 equitable relief, and punitive damages.

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

15 D. Except as otherwise provided by law, administrative and  
16 civil penalties shall be paid into the State Department of  
17 Agriculture Regulation Revolving Fund.

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

21 F. Any contract poultry grower determined after notice and  
22 opportunity for a hearing by the Department as flagrantly  
23 disregarding Best Management Practices shall result in the  
24 Department notifying the integrator in writing.

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

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

14 SECTION 10. AMENDATORY 2 O.S. 2011, Section 10-9.12, as  
15 amended by Section 2, Chapter 227, O.S.L. 2013 (2 O.S. Supp. 2014,  
16 Section 10-9.12), is amended to read as follows:

17 Section 10-9.12 A. The State Board of Agriculture shall  
18 promulgate rules for the administration, implementation and  
19 enforcement of the Oklahoma Registered Poultry Feeding Operations  
20 Act.

21 B. ~~1. The State Board of Agriculture shall promulgate a~~  
22 ~~violation points system for persons violating the Oklahoma~~  
23 ~~Registered Poultry Feeding Operations Act which provides that:~~

24

- 1           a. ~~violations involving the greatest harm to the natural~~  
2           ~~resources of the state, ground or surface water~~  
3           ~~quantity or quality, public health or the environment~~  
4           ~~shall receive the most points and shall be considered~~  
5           ~~significant violations,~~
- 6           b. ~~violations that are committed willfully or~~  
7           ~~intentionally shall be considered significant~~  
8           ~~violations,~~
- 9           c. ~~the number of points received shall be directly~~  
10           ~~related to the degree of negligence or willfulness,~~
- 11           d. ~~the commission of three significant violations, or the~~  
12           ~~commission of lesser violations that result in a~~  
13           ~~predetermined cumulative number of points, within a~~  
14           ~~limited period of time of not less than two (2) years~~  
15           ~~shall result in the mandatory designation of the~~  
16           ~~registered poultry feeding operation as a concentrated~~  
17           ~~animal feeding operation subject to the Oklahoma~~  
18           ~~Concentrated Animal Feeding Operations Act, and~~
- 19           e. ~~the commission of one significant violation that~~  
20           ~~results in serious harm may result in the designation~~  
21           ~~of the poultry operation as a concentrated animal~~  
22           ~~feeding operation subject to the Oklahoma Concentrated~~  
23           ~~Animal Feeding Operations Act.~~
- 24

1 ~~2. In developing the violation points system pursuant to this~~  
2 ~~subsection, the Board shall determine the:~~

- 3 a. ~~number of points that lesser violations must~~  
4 ~~cumulatively total to result in the designation of the~~  
5 ~~poultry operation as a concentrated animal feeding~~  
6 ~~operation subject to the Oklahoma Concentrated Animal~~  
7 ~~Feeding Operations Act,~~
- 8 b. ~~limited period of time during which the commission of~~  
9 ~~three significant violations, or the commission of a~~  
10 ~~greater number of lesser violations, will result in~~  
11 ~~the administrative action. The limited period of time~~  
12 ~~shall not be less than two (2) years,~~
- 13 c. ~~duration of the registration revocation, and~~
- 14 d. ~~conditions under which the person whose registration~~  
15 ~~is revoked may reapply for another registration~~  
16 ~~pursuant to the Oklahoma Registered Poultry Feeding~~  
17 ~~Operations Act.~~

18 ~~C.~~ For the performance of its duties and responsibilities, the  
19 Board is authorized to employ such personnel and agents as may be  
20 required within the funds available.

21 SECTION 11. AMENDATORY 2 O.S. 2011, Section 10-9.13, is  
22 amended to read as follows:

23 Section 10-9.13 A. Sections ~~13~~ 10-9.13 through ~~15~~ 10-9.15 of  
24 this ~~act~~ title shall be known and may be cited as the "Oklahoma

1 Poultry Waste Transfer Act". The purpose of this act shall be to  
2 encourage the transfer of poultry waste out of designated nutrient-  
3 limited watersheds and nutrient-vulnerable groundwater as designated  
4 in the most recent ~~Oklahoma's~~ Oklahoma Water Quality Standards.

5 B. The ~~State~~ Oklahoma Department of Agriculture, Food, and  
6 Forestry shall develop a plan to encourage the transfer of poultry  
7 waste out of designated nutrient-limited watersheds and nutrient-  
8 vulnerable groundwater as designated by the most recent ~~Oklahoma's~~  
9 Oklahoma Water Quality Standards.

10 SECTION 12. AMENDATORY 2 O.S. 2011, Section 10-9.14, is  
11 amended to read as follows:

12 Section 10-9.14 A. There is hereby created in the State  
13 Treasury a fund for the ~~State~~ Oklahoma Department of Agriculture,  
14 Food, and Forestry to be designated as the Poultry Waste Transfer  
15 Fund. The fund shall be a continuing fund not subject to fiscal  
16 year limitations and shall consist of:

17 1. All monies received by the Department for implementing the  
18 purpose of the provisions of the Oklahoma Poultry Waste Transfer  
19 Act;

20 2. Interest attributable to investment of money in the Poultry  
21 Waste Transfer Fund; and

22 3. Money received by the Department in the form of gifts,  
23 grants, reimbursements, or from any other source intended to be used  
24

1 for the purposes specified by or collected pursuant to the  
2 provisions of the Poultry Waste Transfer Fund.

3 B. The monies deposited in the Poultry Waste Transfer Fund  
4 shall at no time become monies of the state and shall not become  
5 part of the general budget of the Department or any other state  
6 agency. Except as provided for in this section, no monies from the  
7 Poultry Waste Transfer Fund shall be transferred for any purpose to  
8 any other state agency or any account of the Department or be used  
9 for the purpose of contracting with any other state agency or  
10 reimbursing any other state agency for any expense.

11 SECTION 13. AMENDATORY 2 O.S. 2011, Section 10-9.16, is  
12 amended to read as follows:

13 Section 10-9.16 Sections ~~16~~ 10-9.16 through ~~21~~ 10-9.21 of this  
14 ~~act~~ title shall be known and may cited as the "Oklahoma Poultry  
15 Waste Applicators Certification Act".

16 SECTION 14. AMENDATORY 2 O.S. 2011, Section 10-9.17, is  
17 amended to read as follows:

18 Section 10-9.17 A. It shall be unlawful and a misdemeanor  
19 punishable by a fine of not more than Five Thousand Dollars  
20 (\$5,000.00) for any person to act, operate, or do business or  
21 advertise as a commercial poultry waste applicator or to landapply  
22 poultry waste as a private poultry waste applicator unless such  
23 person has obtained a valid applicator's certificate issued by the  
24 State Board of Agriculture.

1 B. Applicator's certificates shall be issued by the Board, to  
2 applicants who qualify under the provisions of the Oklahoma Poultry  
3 Waste Applicators Certification Act.

4 C. Certificates shall be issued only upon application therefor  
5 to the Board on a form of application prescribed by the Board. The  
6 application shall contain information regarding the applicant's  
7 qualifications and proposed operations and such other information as  
8 may be specified by the Board.

9 D. A certificate shall be issued only after satisfactory  
10 completion of such certification standards as determined by the  
11 Board.

12 E. 1. All commercial applicator certificates shall expire on  
13 the thirty-first day of December following their issuance or  
14 renewal, and may be renewed for the ensuing calendar year, without  
15 penalty, if a properly completed application is filed with the Board  
16 not later than the first day of January of each year. A  
17 registration fee of Fifteen Dollars (\$15.00) shall accompany every  
18 initial application for certification. A renewal fee of Fifteen  
19 Dollars (\$15.00) shall accompany every renewal application.

20 2. All private applicator certificates shall be in effect for  
21 five (5) years and may be renewed by application. A registration  
22 fee of Fifteen Dollars (\$15.00) shall accompany every initial  
23 application for certification. A renewal fee of Fifteen Dollars  
24 (\$15.00) shall accompany every renewal application. The Fifteen

1 Dollar (\$15.00) registration and renewal fee shall be waived if the  
2 private applicator is also registered pursuant to the Oklahoma  
3 Registered Poultry Feeding Operations Act.

4 3. All such fees shall be deposited in the Agriculture  
5 Regulation Revolving Fund to be used for the purpose of implementing  
6 the provisions of the Oklahoma Registered Poultry Feeding Operations  
7 Act and the Oklahoma Poultry Waste Applicators Certification Act.

8 F. Any person issued an applicator's certificate shall comply  
9 with the education provisions of subsection F of Section 10-9.5 of  
10 this title.

11 SECTION 15. AMENDATORY 2 O.S. 2011, Section 10-9.18, is  
12 amended to read as follows:

13 Section 10-9.18 A. Every certified poultry waste applicator  
14 shall file by ~~December 31~~ September 1 of each year an annual report  
15 with the ~~State~~ Oklahoma Department of Agriculture, Food, and  
16 Forestry regarding all poultry waste land-applied by such applicator  
17 for the period from July 1 of the previous year through June 30 of  
18 that year. ~~Such~~ The report shall contain the following information:

19 1. The legal description and ~~conservation district~~ county where  
20 the poultry waste was produced;

21 2. The legal description and ~~conservation district~~ county where  
22 the poultry waste was land-applied;

23 3. Date of each application;

24 4. Total and per-acre amount of each application;



1        5. Name ~~and~~, address, and telephone number of the person for  
2 whom poultry waste was applied;

3        6. The most recent soil test results obtained; and

4        7. Such other information as may be required by the State Board  
5 of Agriculture.

6        B. The Department shall ~~promulgate and~~ make available forms to  
7 be used in making such report.

8        C. Applicators who seek to obtain a renewal certificate shall  
9 submit the report with their application for renewal. No renewal  
10 certificate may be issued without submission of this report.

11        ~~D. The State Department of Agriculture shall provide such~~  
12 ~~reports to the Oklahoma Conservation Commission. The Commission~~  
13 ~~shall publish an annual report containing the following information:~~

14        ~~1. The total amount of poultry waste produced in each~~  
15 ~~conservation district; and~~

16        ~~2. The total amount of poultry waste land applied by a~~  
17 ~~certified applicator when land applied in each conservation~~  
18 ~~district.~~

19        ~~E. The Commission shall submit copies of the report to the~~  
20 ~~Governor, the President Pro Tempore of the Senate and the Speaker of~~  
21 ~~the House of Representatives by March 1 of each year. Copies of~~  
22 ~~such reports shall be made available to all federal, state and local~~  
23 ~~cooperating agencies and to the general public.~~

1 SECTION 16. AMENDATORY 2 O.S. 2011, Section 10-9.19, is  
2 amended to read as follows:

3 Section 10-9.19 1. Prior to any land application of poultry  
4 waste by a certified poultry waste applicator, the applicator shall  
5 obtain the most recent soil and poultry waste tests as required by  
6 the Oklahoma Poultry Waste Applicators Certification Act.

7 2. Land application of poultry waste in a non-nutrient-limited  
8 watershed and non-nutrient-vulnerable groundwaters shall not be made  
9 at any rate which exceeds the most recently published United States  
10 Department of Agriculture Natural Resources Conservation Service  
11 Waste Utilization Standards.

12 3. The ~~State~~ Oklahoma Department of Agriculture, Food, and  
13 Forestry may promulgate rules pursuant to the Administrative  
14 Procedures Act which will prohibit the land application of poultry  
15 waste in nutrient-limited watersheds and nutrient-vulnerable  
16 groundwaters based upon lower soil phosphorous levels than are  
17 allowed in this section for non-nutrient-limited watersheds and non-  
18 nutrient-vulnerable groundwaters.

19 SECTION 17. AMENDATORY 2 O.S. 2011, Section 10-9.19a, is  
20 amended to read as follows:

21 Section 10-9.19a Land application of poultry waste, whether  
22 performed by a private or commercial poultry waste applicator, shall  
23 comply at all times with the provisions set forth in:  
24

1        1. The ~~Animal Waste~~ Nutrient Management Plan, if application is  
2 conducted on land operated by a registered poultry feeding  
3 operation; and

4        2. The Conservation Plan, if application is conducted on land  
5 operated by entities not regulated pursuant to the Oklahoma  
6 Registered Poultry Feeding Operations Act and is located in a  
7 nutrient-limited watershed.

8        SECTION 18.        AMENDATORY        2 O.S. 2011, Section 10-9.20, is  
9 amended to read as follows:

10        Section 10-9.20 A. The ~~State~~ Oklahoma Department of  
11 Agriculture, Food, and Forestry shall administer and enforce the  
12 provisions of the Oklahoma Poultry Waste Applicators Certification  
13 Act and shall promulgate rules and standards for the application of  
14 poultry waste, work performance, the certification of applicators of  
15 poultry waste, recertification of applicators, procedures and best  
16 management practices.

17        B. The State Board of Agriculture shall have the authority to  
18 negotiate reciprocal agreements with the federal government or any  
19 state, or any department or agency of either for the purpose of  
20 fulfilling the intent of the Oklahoma Poultry Waste Applicators  
21 Certification Act.

22        C. The Department may take samples of poultry waste and soil at  
23 application sites in order to determine their concentration. The  
24 work of each applicator may be inspected at the application site of

1 each applicator to determine whether or not the work is performed  
2 according to the provisions of the Oklahoma Poultry Waste  
3 Applicators Certification Act.

4 SECTION 19. AMENDATORY 2 O.S. 2011, Section 10-9.21, is  
5 amended to read as follows:

6 Section 10-9.21 A. Any certificate issued pursuant to the  
7 Oklahoma Poultry Waste Applicators Certification Act may be  
8 suspended, canceled, denied, or revoked by the ~~State~~ Oklahoma  
9 Department of Agriculture, Food, and Forestry after notice and an  
10 opportunity to be heard has been given to the holder of the  
11 certificate.

12 B. Suspension, cancellation, denial or revocation of a  
13 certificate may be made if the Department finds the holder of the  
14 certificate:

15 1. Has used methods of poultry waste not suitable or safe for  
16 the land-application site for which they shall have been employed;

17 2. Has failed or refused to furnish the Oklahoma Department of  
18 Agriculture, Food, and Forestry, upon request, true information  
19 regarding methods and safety measures used, work performed, or other  
20 information deemed essential by the Department, or has made any  
21 false statement or representation in such person's application for  
22 issuance or renewal of a certificate;

23 3. Has violated any state law, rule, or standard prescribed or  
24 order issued by the State Board of Agriculture;

1 4. Has failed or refused to file annual reports as specified in  
2 the Oklahoma Poultry Waste Applicators Certification Act;

3 5. Has failed to perform work according to minimum standards  
4 authorized by the Oklahoma Poultry Waste Applicators Certification  
5 Act;

6 6. Has acted, operated, done business, or advertised as a  
7 commercial applicator without having obtained a valid certificate  
8 issued by the Department;

9 7. Has acted or operated as a private applicator without having  
10 obtained a valid private poultry waste applicator certificate issued  
11 by the Department;

12 8. Has not complied with the education provisions of subsection  
13 F of Section 10-9.5 of this title; or

14 9. Has been convicted in any court of a violation of the  
15 Oklahoma Poultry Waste Applicators Certification Act.

16 SECTION 20. AMENDATORY 2 O.S. 2011, Section 10-9.23, is  
17 amended to read as follows:

18 Section 10-9.23 The Oklahoma Cooperative Extension Service  
19 shall provide to the Secretary of the Environment no later than  
20 ~~January 31, 1999, and~~ January 31 of each ~~following~~ year, a written  
21 report of their educational activities involving poultry operators  
22 and waste applicators pursuant to this act. This report shall  
23 include, but not be limited to:  
24

1 1. The number of operators and applicators enrolled in courses  
2 required in the first year listed by ~~conservation district~~ county;

3 2. The number of operators successfully completing such courses  
4 listed by ~~conservation district~~ county;

5 3. The number of operators and applicators enrolled in courses  
6 required in subsequent years listed by ~~conservation district~~ county;

7 and

8 4. The number of operators successfully completing such courses  
9 listed by ~~conservation district~~ county.

10 The Secretary of the Environment shall use the data provided in  
11 this report along with water quality monitoring and other  
12 environmental data to evaluate the effectiveness of the curriculum  
13 offered. The Secretary shall work in conjunction with the Oklahoma  
14 Cooperative Extension Service to correct any course deficiencies  
15 identified in the evaluation.

16 SECTION 21. REPEALER 2 O.S. 2011, Section 10-9.15, is  
17 hereby repealed.

18 SECTION 22. REPEALER 2 O.S. 2011, Section 10-9.22, is  
19 hereby repealed.

20 SECTION 23. This act shall become effective November 1, 2015.

1 Passed the House of Representatives the 10th day of March, 2015.

2  
3 \_\_\_\_\_  
4 Presiding Officer of the House  
of Representatives

5 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2015.

6  
7  
8 \_\_\_\_\_  
9 Presiding Officer of the Senate