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April 11, 2022

ENGROSSED HOUSE
BILL NO. 1628

By: Hardin (David) of the House

and

Murdock of the Senate

An Act relating to agriculture; amending 2 O.S. 2021, Sections 20-25 and 20-61, which relate to animal feeding operations; eliminating certain point system; and providing an effective date.

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

SECTION 1. AMENDATORY 2 O.S. 2021, Section 20-25, is amended to read as follows:

~~Section 20-25. A. 1. The State Board of Agriculture is authorized and directed to promulgate a violation points system for violating the Oklahoma Swine Feeding Operations Act which provides greater punishment for violations which are intentional and for violations which pose a greater threat to the environment.~~

~~2.~~ The State Board of Agriculture shall have the power to suspend, revoke or not renew the license of any swine feeding operation ~~based on the point system~~ after a hearing, and after an administrative determination that the swine feeding operation has violated or has failed to comply with any of the provisions of the

1 Oklahoma Swine Feeding Operations Act, or any rule promulgated
2 pursuant thereto.

3 ~~3.~~ 2. The Board shall have the power and duty to reinstate any
4 such suspended or revoked licenses, or renew the licenses, upon a
5 satisfactory and acceptable showing and assurance that the swine
6 feeding operation conducted swine feeding operations in conformity
7 with, and in compliance with, the provisions of the Oklahoma Swine
8 Feeding Operations Act and rules promulgated pursuant thereto, and
9 that conformity and compliance will be continuous.

10 B. In order to protect the public health and safety and the
11 environment of this state, the Board, pursuant to the Oklahoma Swine
12 Feeding Operations Act, may deny issuance of a license or transfer
13 of a license to establish and operate a swine feeding operation ~~on~~
14 ~~and after September 1, 1997,~~ to any person or other legal entity
15 which:

16 1. Is not in substantial compliance with a final agency order
17 or any final order or judgment of a court of record secured by any
18 state or federal agency relating to swine feeding operations; or

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

23 C. Any action taken in regard to the denial, suspension or
24 revocation of a license shall be in conformity with the rules of the

1 Board governing Administrative Procedures and the Administrative
2 Procedures Act.

3 SECTION 2. AMENDATORY 2 O.S. 2021, Section 20-61, is
4 amended to read as follows:

5 Section 20-61. A. 1. ~~The Board is authorized and directed to~~
6 ~~promulgate a violation points system for violating the Oklahoma~~
7 ~~Concentrated Animal Feeding Operations Act which provides greater~~
8 ~~punishment for violations which are intentional and for violations~~
9 ~~which pose a greater threat to the environment.~~

10 ~~2.~~ The State Board of Agriculture shall have the power to
11 suspend, revoke or not renew the license of any animal feeding
12 operation ~~based on the point system~~ after a hearing, and after an
13 administrative determination that the animal feeding operation has
14 violated or has failed to comply with any of the provisions of the
15 Oklahoma Concentrated Animal Feeding Operations Act, or any rule
16 promulgated pursuant thereto.

17 ~~3.~~ 2. The Board shall have the power and duty to reinstate any
18 such suspended or revoked licenses, or renew the licenses, upon a
19 satisfactory and acceptable showing and assurance that the animal
20 feeding operation conducted animal feeding operations in conformity
21 with, and in compliance with, the provisions of the Oklahoma
22 Concentrated Animal Feeding Operations Act and rules promulgated
23 pursuant thereto, and that such conformity and compliance will be
24 continuous.

1 B. In order to protect the public health and safety and the
2 environment of this state, the Board, pursuant to the Oklahoma
3 Concentrated Animal Feeding Operations Act, may deny issuance of a
4 license or transfer of a license to establish and operate an animal
5 feeding operation ~~on and after September 1, 1997,~~ to any person or
6 other legal entity which:

7 1. Is not in substantial compliance with a final agency order
8 or any final order or judgment of a court of record secured by any
9 state or federal agency relating to animal feeding operations; or

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

14 C. Any action taken in regard to the denial, suspension or
15 revocation of a license shall be in conformity with the rules of the
16 Board governing Administrative Procedures and the Administrative
17 Procedures Act.

18 SECTION 3. This act shall become effective November 1, 2022.

19 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE AND WILDLIFE
20 April 11, 2022 - DO PASS
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