

1 STATE OF OKLAHOMA

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

3 SENATE BILL 120

By: Burns

6 AS INTRODUCED

7 An Act relating to animal feeding operations;
8 amending 2 O.S. 2021, Sections 10-9.5, as amended by
9 Section 1, Chapter 372, O.S.L. 2024, and 20-45 (2
O.S. Supp. 2024, Section 10-9.5), which relate to
application for registration and licensure for
certain feeding operations; requiring owners and
operators to provide proof of residency to receive
registration or licensure; requiring certain
documentation for verification of residency; updating
statutory reference; updating statutory language; and
providing an effective date.

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

15 SECTION 1. AMENDATORY 2 O.S. 2021, Section 10-9.5, as
16 amended by Section 1, Chapter 372, O.S.L. 2024 (2 O.S. Supp. 2024,
17 Section 10-9.5), is amended to read as follows:

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

22 B. The application to register to operate a new or previously
23 unregistered poultry feeding operation or expanding operation shall
24 contain, at a minimum, the following information:
25

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

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

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

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

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

17
18 The name on the application shall be reflected on all
19 documentation requested in this paragraph;

20
21 9. The name and address of the person having day-to-day control
22 of the operation, if such person is not the applicant and is acting
23 as agent for the applicant;

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

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

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

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

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

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

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

- 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 this state, and
- e. any other related subject as determined by Oklahoma State University in consultation with the Department.

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

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

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

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

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

1 SECTION 2. AMENDATORY 2 O.S. 2021, Section 20-45, is

2 amended to read as follows:

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

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

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

11 2. Name and address of the animal feeding operation;

12 3. Capacity in animal units, and number and type of animals
13 housed or confined;

14 4. A diagram or map and legal description showing geographical
15 location of the facility on which the perimeters of the facility are
16 designated, location of waters of the state, including, but not
17 limited to, drainage from the facility, animal waste storage
18 facilities and land application sites owned or leased by the
19 applicant;

20 5. A copy of the Pollution Prevention Plan containing an Animal
21 Waste Management Plan, Best Management Practices, or such other plan
22 authorized by the Oklahoma Concentrated Animal Feeding Operations
23 Act and approved by the Department;

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

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

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

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

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

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

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

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

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

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

21 a. the new owner or operator cannot comply with the
22 requirements of transfer,

- 1 b. the Department finds a material or substantial change
2 in conditions since the issuance of the original
3 license to operate the animal feeding operation,
4 c. failure of the new owner or operator to meet any other
5 conditions or requirements for compliance established
6 by the Department pursuant to the Oklahoma
7 Concentrated Animal Feeding Operations Act and rules
8 promulgated pursuant thereto, or
9 d. the new owner or operator has failed to meet the
10 requirements of Section ~~48 of the Oklahoma~~
11 ~~Concentrated Animal Feeding Operations Act 20-61 of~~
12 this title; and

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

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

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

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

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

7 1. a. A statement of ownership.

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

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

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

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

- 1 2. The name and address of the management, if the management is
2 not the applicant and is acting as agent for the applicant;
- 3 3. a. An environmental history from the past three (3) years
4 of any concentrated animal or swine feeding operation
5 established and operated by the applicant or any other
6 operation with common ownership in this state or any
7 other state. The environmental history shall include
8 but not be limited to all citations, administrative
9 orders or penalties, civil injunctions or other civil
10 actions, criminal actions, past, current and ongoing,
11 taken by any person, agency or court relating to
12 noncompliance with any environmental law, rule, agency
13 order, or court action relating to the operation of an
14 animal or swine feeding operation.
- 15 b. A copy of all records relating to the environmental
16 history required by this paragraph shall accompany the
17 application.
- 18 c. Noncompliance with a final agency order or final order
19 or judgment of a court of record which has been set
20 aside by a court on appeal of the final order or
21 judgment shall not be considered a final order or
22 judgment for the purposes of this subsection;

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

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

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

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

19 SECTION 3. This act shall become effective November 1, 2025.
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21 60-1-184

MR

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