

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

SENATE BILL NO. 936

BY: FRANKLIN

AS INTRODUCED

AN ACT RELATING TO WASTE DISPOSAL; PROHIBITING THE DISPOSAL OF CERTAIN WATER OR SUBSTANCE; GRANTING EXCEPTION; PROVIDING PENALTY; STATING DISPOSITION OF CERTAIN MONEY; AUTHORIZING FORFEITURE OF CERTAIN EQUIPMENT; PROVIDING ENHANCED PENALTIES FOR SECOND OR SUBSEQUENT OFFENSE; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1792 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. It shall be unlawful for any person responsible for the lawful disposition of saltwater, deleterious substance or basic sediment and water to dispose of any saltwater, deleterious substance or basic sediment and water, except in a lawful disposal pit or well.

B. Any person who is convicted of or pleads guilty or nolo contendere to violating the provisions of subsection A of this section shall be fined for each offense in an amount not less than two times the amount of the cost of lawful disposal, together with all the costs of cleaning up the unlawful disposal of waste.

C. Any person who is convicted of or pleads guilty or nolo contendere to violating the provisions of subsection A of this section after a prior conviction or plea of guilty or nolo contendere to violating the provisions of subsection A of this section shall be guilty of a felony punishable by imprisonment for a period not to exceed five (5) years and shall be fined for each offense in an amount not less than Ten Thousand Dollars (\$10,000.00), and all such machinery or equipment used in violation of this section are deemed contraband and shall be seized and summarily forfeited. Any such contraband shall be auctioned by order of the court and any net proceeds shall be divided equally and deposited in the Sheriff's Training Fund and the Court Fund.

D. Any person convicted of or pleads guilty or nolo contendere to violating the provisions of subsection A of this section after two previous convictions or pleas of guilty or nolo contendere to violating the provisions of subsection A of this section shall surrender any license or permit from the State of Oklahoma at the court's discretion.

SECTION 2. This act shall become effective July 1, 1992.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

43-2-1810

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