

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

HOUSE BILL NO. 1173

By: Pilgrim

AS INTRODUCED

An Act relating to environment and natural resources; providing for civil penalties for certain violations; providing computation method for determining penalty; providing certain considerations; providing for deposits; providing for release of certain information; providing for codification; and providing an effective date.

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 2000 of Title 27A, unless there is created a duplication in numbering, reads as follows:

A. Any person who has been determined by the Department of Environmental Quality to have violated any provisions of the Oklahoma Environmental Code or any rule or order issued pursuant thereto shall be liable for a civil penalty for each day that said violation continues.

B. The amount of the penalty shall be based on a percentage of the annual gross revenue of the person determined to have violated the Oklahoma Environmental Code or rule or order issued pursuant thereto. In determining the amount of the penalty, the Department or the court, as the case may be, shall include but not be limited

to consideration of the nature, circumstances and gravity of the violation and, with respect to the person found to have committed the violation, the degree of culpability, and any show of good faith in attempting to achieve compliance with the provisions of the Oklahoma Environmental Code.

C. All penalties collected pursuant to the provisions of this section shall be deposited in the Department of Environmental Quality Revolving Fund.

D. For purposes of determining a civil penalty, pursuant to the provisions of this section, the Oklahoma Tax Commission shall provide such documents or information on the annual gross revenue of the person determined to have violated the Oklahoma Environmental Code or rule or order issued pursuant thereto as may be deemed necessary by the Department or by the court as the case may be.

SECTION 2. This act shall become effective September 1, 1993.

44-1-5312            KSM