

STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

SENATE BILL NO. 427

By: Fair

AS INTRODUCED

An Act relating to the Oklahoma Asbestos Control Act; amending 40 O.S. 1991, Section 456, as amended by Section 269, Chapter 145, O.S.L. 1993 (40 O.S. Supp. 1998, Section 456), which relates to certain federal law violations by local education agencies; providing for certain civil penalty at discretion of the Commissioner of Labor; directing use to be made of funds collected; and declaring an emergency.

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

SECTION 1. AMENDATORY 40 O.S. 1991, Section 456, as amended by Section 269, Chapter 145, O.S.L. 1993 (40 O.S. Supp. 1998, Section 456), is amended to read as follows:

Section 456. A. In addition to any administrative or civil penalty, any person who violates any of the provisions of the Oklahoma Asbestos Control Act or who violates any rule or order promulgated pursuant thereto shall be guilty of a misdemeanor and may be enjoined from continuing such action. Upon conviction thereof, said person shall be punished by imprisonment in the county jail for not more than six (6) months and by a fine of not less than One Hundred Dollars (\$100.00). Each day's violations shall constitute a separate violation.

B. Any local education agency as defined in 15 U.S.C., Section 2647, as amended, shall be subject to punishment pursuant to this subsection if a violation punishable pursuant to said section occurs. The Commissioner of Labor, at his or her discretion, may assess a punishment pursuant to this subsection of a civil penalty of not less than Five Thousand Dollars (\$5,000.00) nor more than

Twenty-five Thousand Dollars (\$25,000.00) for each day that the violation occurs. The court shall order that any civil penalty collected under this subsection be used pursuant to the supervision of the Department of Labor for the purpose of bringing the violator's property into compliance with federal regulations. Any portion of a civil penalty remaining after compliance is attained shall be deposited to the General Revenue Fund.

~~B.~~ C. The Attorney General shall, upon request of the Commissioner, bring an action for injunction against any person violating any provision of the Oklahoma Asbestos Control Act or violating any order or determination of the Commissioner. In any action for injunction, any finding of the Commissioner, after notice, shall be prima facie evidence of the facts found therein.

~~C.~~ D. A district attorney, upon request of the Commissioner, shall prosecute any violation of the Oklahoma Asbestos Control Act.

SECTION 2. 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.

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