

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

HOUSE BILL 2984

By: Jett

AS INTRODUCED

An Act relating to the environment; amending 2 O.S. 2001, Section 16-24.1, which relates to lawful burning; expanding certain instances of lawful burning; establishing the Oklahoma Litter Prevention Act; providing definition; establishing regulations; providing for penalties; and providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 2 O.S. 2001, Section 16-24.1, is amended to read as follows:

Section 16-24.1 A. It shall be lawful for an owner of croplands, rangelands or forestlands to set the croplands, rangelands or forestlands on fire for the purposes of:

1. Managing and manipulating plant species present whether grass, weeds, brush or trees; ~~and~~
2. Destroying detrimental or unwanted plants, plant parts, shrubs or trees on the croplands, rangelands or forestlands; and
3. Cedar tree eradication.

B. The provisions of this section shall not be construed to exempt or release a person from civil liability for damages or injury incurred as a result of the burn or for criminal liability as imposed pursuant to the Oklahoma Forestry Code.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-5-101 of Title 27A, unless there is created a duplication in numbering, reads as follows:

A. This section shall be known and may be cited as the "Oklahoma Litter Prevention Act".

B. For purposes of this section, "litter" means any solid or liquid domestic or commercial refuse, debris, or trash including, but not limited to, any glass, metal, cigarette butts, paper, fabric, wood, food, abandoned vehicles, abandoned vehicle parts, construction or demolition material, and any other material, substance or object which makes the place where it is located disorderly or detrimentally affects the proper use of that place.

C. It is a violation of this section to abandon a junk vehicle upon any property. In addition, no person shall throw, drop, deposit, discard, or otherwise dispose of litter upon any public property in the state, or upon private property in this state not owned by that person, or in the waters of this state whether from a vehicle or otherwise including, but not limited to, any public highway, public park, beach, campground, forest land, recreational area, trailer park, highway, road, street, or alley except:

1. When the property is designated by the state or the agencies of the state or political subdivisions for the disposal of garbage and refuse, and the person is authorized to use such property for that purpose;

2. Into a litter receptacle in a manner that will prevent litter from being carried away or deposited by the elements upon any part of the private or public property or waters.

D. Any person found littering shall pay a litter cleanup restitution fine. The restitution payment shall be distributed to the law enforcement agency investigating the incident, except that, in the case of a cigarette or cigarette butt, the restitution proceeds shall be distributed to the fire department of the county in which the cigarette or cigarette butt was discarded.

E. The Department of Environmental Quality shall establish a twenty-four-hour call-in telephone number for persons to call to report an incidence of littering. The number shall be 1-888-5LITTER. If the person who performed the act of littering is

identified, that person shall be subject to the penalty described in subsection C of this section.

SECTION 3. This act shall become effective November 1, 2006.

50-2-8123          SAB          01/19/06