

ARKANSAS SENATE
90th General Assembly - Regular Session, 2015
Amendment Form

Subtitle of Senate Bill No. 555

TO CREATE THE ARKANSAS GRAIN DEALERS ACT; TO REGULATE GRAIN DEALERS; AND TO
DECLARE AN EMERGENCY.

Amendment No. 1 to Senate Bill No. 555

Amend Senate Bill No. 555 as originally introduced:

Page 2, delete lines 4 and 5, and substitute the following:

"(2) "End user" means a person that:

(A) Is the ultimate user of the grain; or

(B) Offers the grain for sale to the general public as a

retail sale;"

AND

Page 3, delete lines 25 through 28, and substitute the following:

"The State Plant Board may require a surety bond, financial reserve, or other evidence of creditworthiness for dealers."

AND

Page 3, line 33, delete "annually" and substitute "annually and as necessary"

AND

Page 4, delete line 10, and substitute the following:

"guilty of a Class A misdemeanor.

(d)(1) A person who violates this chapter or a rule promulgated under this chapter upon conviction is guilty of a violation shall be punished by a fine of not more than one hundred dollars (\$100).

(2)(A) In addition to or in lieu of any other lawful disciplinary action, the board may assess a civil penalty of not more than one thousand dollars (\$1,000) for each violation of a statute, rule, or order enforceable by the board under this chapter.

(B)(i) The board shall establish by rule a schedule designating the minimum and maximum civil penalty that may be assessed under this subsection for violation of each statute, rule, or order over which it has regulatory control under this chapter.

(ii) The board may promulgate any other rules



necessary to carry out the intent of this subsection.

(C) If a civil penalty lawfully assessed under subdivision (d)(2)(A) of this section is not paid, the civil penalty is recoverable in the name of the state by the Attorney General in Pulaski County Circuit Court or in the circuit court of the county in which the violation occurred.

(D) A civil penalty paid or recovered under this subsection shall be deposited into the State Treasury to be credited to the Miscellaneous Agencies Fund Account."

AND

Page 4, delete lines 14 and 15, and substitute the following:
"license without a hearing if the board determines that the public"

AND

Page 5, delete line 30, and substitute the following:
"this section.

2-24-113. Recordkeeping.

(a) The State Plant Board shall promulgate rules concerning the records a dealer is required to maintain for the proper administration of this chapter.

(b) A dealer shall:

(1) Maintain the records required by the board under this section for five (5) years; and

(2) Make the records available to the board on request."

AND

Page 5, line 32, delete "2-24-113" and substitute "2-24-114"

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator Caldwell

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Secretary