

1 **State of Arkansas**  
2 **80th General Assembly**  
3 **Regular Session, 1995**  
4 **By: Senator Fitch**

# **A Bill**

**ACT 141 OF 1995**  
**SENATE BILL 117**

## **For An Act To Be Entitled**

8 "AN ACT TO AMEND ARKANSAS CODE 2-16-203 TO AUTHORIZE THE  
9 STATE PLANT BOARD TO ASSESS CIVIL PENALTIES; AND FOR OTHER  
10 PURPOSES."

### **Subtitle**

13 "TO AMEND ARKANSAS CODE 2-16-203 TO  
14 AUTHORIZE THE STATE PLANT BOARD TO  
15 ASSESS CIVIL PENALTIES."

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

19 SECTION 1. Arkansas Code 2-16-203 is amended to read as follows:

20 "2-16-203. Penalty.

21 (a) Fines. Any person who shall violate any provisions or requirements  
22 of this subchapter, or the rules and regulations made, or of any notice given  
23 pursuant thereto, or who shall forge, counterfeit, deface, destroy, or  
24 wrongfully use any certificate provided for in this subchapter, or in the  
25 rules and regulations made pursuant thereto, shall be deemed guilty of a  
26 misdemeanor, and upon conviction he shall be punished by a fine of not more  
27 than one hundred dollars (\$100).

28 (b) Civil penalties.

29 (1) The Plant Board may, in a lawful proceeding respecting  
30 licensing, as defined in the Arkansas Administrative Procedures Act A.C.A. 25-  
31 15-201 et seq., in addition to or in lieu of any other lawful disciplinary  
32 action, assess a civil penalty of not more than one thousand dollars (\$1,000)  
33 for each violation of any statute, rule or order enforceable by the Plant  
34 Board. In no case shall a single application or drift incident by a pesticide  
35 applicator be considered multiple violations based on the number of  
36 complaints. In no case shall the failure to meet minimum treating standards

1 (ACT 488 of 1975, Sections III A, III B, III C, and III D) except those which  
2 require a termiticide application be considered a violation and subject to a  
3 civil penalty.

4 (2) The Plant Board shall by rule establish a schedule  
5 designating the minimum and maximum civil penalty which may be assessed under  
6 this section for violation of each statute, rule, or order over which it has  
7 regulatory control. Authority is vested in the Plant Board to promulgate any  
8 other regulations necessary to carry out the intent of this section.

9 (3) In the event of nonpayment of any civil penalty lawfully  
10 assessed pursuant to subsection (1), such penalty shall be recoverable in the  
11 name of the state by the Attorney General in the circuit court of Pulaski  
12 County or county in which the violation occurred.

13 (4) All sums paid or recovered under this section shall be  
14 deposited into the State Treasury. Sums collected under special revenue  
15 programs shall be deposited in the Plant Board special revenue fund. Sums  
16 collected under general services programs shall be deposited into the state  
17 general service fund.

18 (5) All rules and regulations promulgated pursuant to this act  
19 shall be reviewed by the Joint Interim Committee on Agriculture and Economic  
20 Development or a subcommittee thereof."

21

22 SECTION 2. All provisions of this act of a general and permanent nature  
23 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
24 Revision Commission shall incorporate the same in the Code.

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26 SECTION 3. If any provision of this act or the application thereof to  
27 any person or circumstance is held invalid, such invalidity shall not affect  
28 other provisions or applications of the act which can be given effect without  
29 the invalid provision or application, and to this end the provisions of this  
30 act are declared to be severable.

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32 SECTION 4. All laws and parts of laws in conflict with this act are  
33 hereby repealed.

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*/s/Fitch*

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***As Engrossed: 1/18/95***

**SB 117**

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APPROVED: 2-6-95

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