

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

HOUSE BILL 1760

5 By: Representative Dalby
6

For An Act To Be Entitled

8 AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE LAW
9 CONCERNING THE ARKANSAS NATURAL HERITAGE COMMISSION;
10 AND FOR OTHER PURPOSES.
11

Subtitle

12
13 TO MAKE TECHNICAL CORRECTIONS TO THE LAW
14 CONCERNING THE ARKANSAS NATURAL HERITAGE
15 COMMISSION.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 15-20-502 is amended to read as follows:

22 15-20-502. Rules ~~and regulations~~ – Enforcement – Penalties.

23 (a) The Arkansas Natural Heritage Commission ~~shall have the authority~~
24 ~~to~~ may promulgate rules ~~and regulations~~ establishing policies governing the
25 use and protection of a natural areas area.

26 (b) ~~Any~~ A person violating ~~any of the rules and regulations~~ a rule
27 promulgated by the commission governing a natural areas area ~~shall~~ upon
28 conviction is guilty of an unclassified misdemeanor and shall be fined not
29 less than twenty-five dollars (\$25.00) nor more than two hundred fifty
30 dollars (\$250), or imprisoned for not less than ten (10) days nor more than
31 thirty (30) days for each ~~and every offense~~ violation.

32 (c) ~~Any~~ A law enforcement officer ~~shall have the right to~~ may issue
33 ~~citations~~ a citation to and ~~to~~ apprehend ~~persons detected~~ a person violating
34 ~~any rules or regulations~~ a rule promulgated by the commission for use and
35 protection of a natural areas area and take ~~offenders~~ the person before ~~any~~ a
36 court having jurisdiction in the county where the ~~offense is~~ violation was



1 committed.

2 (d) The Director of the Arkansas Natural Heritage Commission may apply
 3 to the circuit court of any county in which a violation of this subchapter is
 4 occurring or in which the director has reasonable cause to believe a
 5 violation of this subchapter is about to occur, and ~~that~~ the circuit court
 6 shall have jurisdiction to grant a temporary or permanent injunction
 7 restraining any person from violating this subchapter without requiring the
 8 director to post bond during the pendency of ~~this~~ the action described in
 9 this subsection.

10 (e)(1) In addition to criminal penalties ~~set forth in~~ under subsection
 11 (b) of this section, ~~any~~ a person who violates ~~any rules and regulations~~ a
 12 rule promulgated by the commission governing a natural ~~areas~~ area or who
 13 causes ~~such~~ a violation by his or her employee or agent ~~shall be~~ is liable
 14 for a civil penalty of five hundred dollars (\$500) or three (3) times the
 15 value of the damages caused, whichever is the greater, and the civil penalty
 16 ~~to~~ shall be recovered in an action brought by the Attorney General or the
 17 commission's attorney in the proper circuit court.

18 (2) The civil penalty described in subdivision (e)(1) of this
 19 section shall be used to restore the natural area or to secure the
 20 preservation of similar areas.

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22 SECTION 2. DO NOT CODIFY. CONSTRUCTION AND LEGISLATIVE INTENT.

23 It is the intent of the General Assembly that:

24 (1) The enactment and adoption of this act shall not expressly
 25 or impliedly repeal an act passed during the regular session of the Ninety-
 26 First General Assembly;

27 (2) To the extent that a conflict exists between an act of the
 28 regular session of the Ninety-First General Assembly and this act:

29 (A) The act of the regular session of the Ninety-First
 30 General Assembly shall be treated as a subsequent act passed by the General
 31 Assembly for the purpose of:

32 (i) Giving the act of the regular session of the
 33 Ninety-First General Assembly its full force and effect; and

34 (ii) Amending or repealing the appropriate parts of
 35 the Arkansas Code of 1987; and

36 (B) Section 1-2-107 shall not apply; and

1 (3) This act shall make only technical, not substantive, changes
2 to the Arkansas Code of 1987.

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5 **APPROVED: 03/24/2017**
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