

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

HOUSE BILL

1126

By: Representative Mahony

For An Act To Be Entitled

"THE ARKANSAS NATURAL AREA PROTECTION ACT."

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

SECTION 1. Definitions.

(a) "Commission" means the Arkansas Natural Heritage Commission.

(b) "Director" means the Director of the Arkansas Natural Heritage Commission or his appointed agent(s).

(c) "Natural area" means any real property held by the Arkansas Natural Heritage Commission in fee or less than fee interest along with all appurtenances thereto.

SECTION 2. Rulemaking: penalties.

(a) The commission shall have the authority to promulgate rules and regulations establishing policies governing the use and protection of natural areas.

(b) Any person violating any of the rules and regulations promulgated by the commission governing natural areas shall upon conviction be fined not less than twenty-five dollars (\$25.00) nor more than two hundred fifty dollars (\$250.00), or imprisoned for not less than ten (10) days nor more than thirty (30) days for each and every offense.

(c) Any law enforcement officer shall have the right to issue citations and to apprehend persons detected violating any rules or regulations promulgated by the commission for use and protection of natural areas and take offenders before any court having jurisdiction in the county where the offense is committed.

(d) The director may apply to the chancery court of any county in which a violation of this act is occurring or in which the director has reasonable cause to believe a violation of this act is about to occur, and that court

shall have jurisdiction to grant a temporary or permanent injunction restraining any person from violating this act without requiring the director to post bond during the pendency of this action.

(e) In addition to criminal penalties set forth in subsection 2(b) of this act, any person who violates any rules and regulations promulgated by the commission governing natural areas, or who causes such violation by his employee or agent, shall be liable for a civil penalty of five hundred dollars (\$500.00) or triple the value of the damages caused, whichever is the greater, such penalty to be recovered in an action brought by the Attorney General or the commission's attorney in the proper circuit court. The penalty shall be used to restore the natural area or to secure the preservation of similar areas.

SECTION 3. Exceptions.

(a) Activities and consequences thereof by employees of the commission or their agents, persons under contract to the commission or their agents shall not be construed as violations of this act where such employees, persons, or agents are acting in performance of their official duties.

(b) Activities and consequences thereof conducted pursuant to and in accord with the provisions of any permit or special authorization issued by the director shall not be construed as violations of this act.

SECTION 4. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 5. All laws and parts of laws in conflict with this act are hereby repealed.