

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

HOUSE BILL

1387

By: Representative Goodwin

For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE 15-20-206 PERTAINING TO THE RULES AND REGULATIONS AND MEETINGS OF THE ARKANSAS SOIL AND WATER CONSERVATION COMMISSION; TO AMEND ARKANSAS CODE 15-22-204 PERTAINING TO ENFORCEMENT POWERS OF THE COMMISSION; TO AMEND ARKANSAS CODE 15-22-209 PERTAINING TO APPELLATE REVIEW OF ACTIONS OF THE COMMISSION; AND FOR OTHER PURPOSES."

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

SECTION 1. Arkansas Code 15-20-206 is hereby amended to read as follows:

"15-20-206. Rules and regulations - Meetings.

(a) For the purpose of carrying out its functions, the commission shall have authority to make and amend and enforce all necessary or desirable rules, regulations, and orders not inconsistent with law.

(b) The commission shall adopt, and may modify, rules for the conduct of its business and shall keep a record of its transactions, findings, and determinations, which record shall be public.

(c) The rules shall provide for regular meetings and for special meetings at the call of the chairman, or the vice-chairman if he is for any reason the acting chairman, either at his own instance or upon the written request of at least four (4) members.

(d) A quorum shall consist of not less than one-half of the commission membership present at any regular or special meetings, and the affirmative vote of such number shall be necessary for the disposition of any business.

(e) The commission shall meet or hold hearings at such times and places as in each instance may suit the commission's convenience, and all such meetings and hearings shall be open to the public.

(f) In all matters coming before the commission, the commission shall

have the power to administer oaths, issue subpoenas, and enforce its decisions and orders pursuant to procedures set out in Title 15, Chapter 22.

(g) Any rule, regulation, or order made by the commission shall be subject to judicial review pursuant to the Arkansas Administrative Procedure Act as contained in Arkansas Code 25-15-201 et seq."

SECTION 2. Arkansas Code 15-22-204 is hereby amended to read as follows:

"15-22-204. Enforcement. (A) The commission shall enforce its regulations and orders by any or all of the following:

- (1) Revocation of any permit or suspension from any program administered by the commission;
- (2) Suit for injunction or for damages, or both;
- (3) Civil penalties not to exceed ten thousand dollars (\$10,000), or both.

(B) Any person who violates any provision of this act shall be guilty of a misdemeanor and subject to imprisonment not to exceed six (6) months, or a fine not to exceed ten thousand dollars (\$10,000), or both.

(C) For a continuing offense, each day during which the offense is committed shall be considered a separate violation.

(D) All penalties received shall go the Arkansas Water Development Fund."

SECTION 3. Arkansas Code 15-22-209 is hereby amended to read as follows:

"15-22-209. Penalties. Any person effected by any rule, regulation, or order made by the commission or action taken may obtain review of such action pursuant to the Arkansas Administrative Procedure Act as contained in Arkansas Code 25-15-201 et seq."

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.

