

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Representative Dawson**

A Bill

HOUSE BILL 1897

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7 **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 . "

11

12 **Subtitle**

13 "AUTHORIZE THE STATE PLANT BOARD TO ASSESS CIVIL
14 PENALTIES . "

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

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

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

27 (b) Civil penalties.

28 (1) The Plant Board may, in a lawful proceeding respecting
29 licensing, as defined in the Arkansas Administrative Procedures Act A.C.A. 25-
30 15-201 et seq., in addition to or in lieu of any other lawful disciplinary
31 action, assess a civil penalty *against a licensed commercial provider of*
32 *products or services covered by this act. The civil penalty shall not be more*
33 *than one thousand dollars (\$1,000) for each violation (one occurrence shall*
34 *not be a multiple violation) of any statute, rule or order enforceable by the*
35 *Plant Board.*

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

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

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

15 (5) All rules and regulations promulgated pursuant to this act
16 shall be reviewed by the Joint Interim Committee on Agriculture and Economic
17 Development or an appropriate subcommittee thereof."

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

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

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

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/s/Rep. Dawson

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As Engrossed: 3/30/93

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