State of Arkansas
91st General Assembly
Regular Session, 2017

A Bill

HOUSE BILL 1760

By: Representative Dalby

For An Act To Be Entitled

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

Subtitle

TO MAKE TECHNICAL CORRECTIONS TO THE LAW CONCERNING THE ARKANSAS NATURAL HERITAGE COMMISSION.

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

SECTION 1. Arkansas Code § 15-20-502 is amended to read as follows:

15-20-502. Rules ~~and regulations~~ — Enforcement — Penalties.

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

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

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

committed.

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

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

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

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

It is the intent of the General Assembly that:

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

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

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

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

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

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

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