1	State of Arkansas As Engrossed: S3/7/17 H3/16/17 H3/21/17 91st General Assembly As Engrossed: S3/7/17 H3/16/17 H3/21/17
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3	Regular Session, 2017SENATE BILL 501
4	Pur Someters P. Johnson, D. Wallace
5	By: Senators B. Johnson, D. Wallace
6 7	By: Representatives Cavenaugh, Jett, Hillman
7 8	For An Act To Be Entitled
9	AN ACT TO CREATE PENALTIES UNDER THE STATE PLANT
10	BOARD FOR THE MISUSE OF DICAMBA OR DICAMBA RELATED
11	PRODUCTS; TO LIMIT THE USE OF PENALTIES ABOVE ONE
12	THOUSAND DOLLARS (\$1,000); TO DIRECT MONEYS TO
13	SCHOLARSHIPS AND TRAINING OF PERSONNEL; AND FOR OTHER
14	PURPOSES.
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16	
17	Subtitle
18	TO CREATE PENALTIES UNDER THE STATE PLANT
19	BOARD FOR THE MISUSE OF DICAMBA OR
20	RELATED PRODUCTS; TO LIMIT THE USE OF
21	PENALTIES ABOVE ONE THOUSAND DOLLARS
22	(\$1,000); AND TO DIRECT MONEYS TO
23	SCHOLARSHIPS AND TRAINING OF PERSONNEL.
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26	BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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28	SECTION 1. Arkansas Code § 2-16-203(b)(1)(A), concerning penalties
29	under the Arkansas Plant Act of 1917, is amended to read as follows:
30	(b)(l)(A) <u>(i)</u> In a lawful proceeding respecting licensing, as defined
31	in the Arkansas Administrative Procedure Act, § 25-15-201 et seq., in
32	addition to or in lieu of any other lawful disciplinary action, the State
33	Plant Board may assess a civil penalty of not more than one thousand dollars
34	(\$1,000) for each violation of any statute, rule, or order enforceable by the
35	board.
36	<u>(ii)(a) The board may assess a civil penalty greater</u>



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As Engrossed: S3/7/17 H3/16/17 H3/21/17

2 dollars (\$25,000) only if the board finds that a violation under subdivision 3 (b)(A)(i)(a) of this section is egregious. 4 (b) A violation is egregious only if 5 significant off-target crop damage occurred as a result of the application of 6 dicamba or an auxin-containing herbicide or any new herbicide technology 7 released after the effective date of this act. 8 9 9 SECTION 2. Arkansas Code § 2-16-203, concerning penalties under the 1 Arkansas Plant Act of 1917, is amended to add an additional subsection to 11 read as follows: 12 (c) Moneys collected through a civil penalty assessed by the board 3 shall be distributed as follows: 14 (1) For amounts up to one thousand dollars (\$1,000), as 15 currently used, including funding for the Arkansas State Plant Board 16 Scholarship program; and 17 (2) For amounts more than one thousand dollars (\$1,000): 18 (A) The first one thousand dollars (\$1,000) of the assessed penalty for scholarships through the Arkansas State Plant Board 20 Sixty percent (602) for scholarships through the 21 (B) The remainder divided as follows: <th>1</th> <th>than one thousand dollars (\$1,000) but not more than twenty-five thousand</th>	1	than one thousand dollars (\$1,000) but not more than twenty-five thousand
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