

1 State of Arkansas *As Engrossed: S3/7/17 H3/16/17 H3/21/17*

2 91st General Assembly

A Bill

3 Regular Session, 2017

SENATE BILL 501

4

5 By: Senators B. Johnson, *D. Wallace*

6 *By: Representatives Cavanaugh, Jett, Hillman*

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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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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)(1)(A)(i) 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.

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(ii)(a) The board may assess a civil penalty greater



1 than one thousand dollars (\$1,000) but not more than twenty-five thousand
2 dollars (\$25,000) only if the board finds that a violation under subdivision
3 (b)(1)(A)(ii)(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.

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9 SECTION 2. Arkansas Code § 2-16-203, concerning penalties under the
10 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
13 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
19 assessed penalty for scholarships through the Arkansas State Plant Board
20 Scholarship program; and

21 (B) The remainder divided as follows:

22 (i) Sixty percent (60%) for scholarships through the
23 Arkansas State Plant Board Scholarship program; and

24 (ii) Forty percent (40%) deposited into the
25 University of Arkansas Fund to be used by the University of Arkansas
26 Cooperative Extension Service.

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28 /s/B. Johnson

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31 **APPROVED: 03/31/2017**