

1 State of Arkansas  
2 91st General Assembly  
3 Regular Session, 2017  
4

# A Bill

SENATE BILL 501

5 By: Senators B. Johnson, D. Wallace  
6 By: Representative Jett  
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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

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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.

36 (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.

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8 SECTION 2. Arkansas Code § 2-16-203, concerning penalties under the  
9 Arkansas Plant Act of 1917, is amended to add an additional subsection to  
10 read as follows:

11 (c) Moneys collected through a civil penalty assessed by the board  
12 shall be distributed as follows:

13 (1) For amounts up to one thousand dollars (\$1,000), as  
14 currently used, including funding for the Arkansas State Plant Board  
15 Scholarship program; and

16 (2) For amounts more than one thousand dollars (\$1,000):

17 (A) The first one thousand dollars (\$1,000) of the  
18 assessed penalty for scholarships through the Arkansas State Plant Board  
19 Scholarship program; and

20 (B) The remainder divided as follows:

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

23 (ii) Twenty percent (20%) deposited into the  
24 Arkansas Agriculture Department Fund Account to be used for education and  
25 training of employees of the Division of Agriculture of the University of  
26 Arkansas and of agencies administered by the division; and

27 (iii) Twenty percent (20%) deposited into the  
28 University of Arkansas Fund to be used by the University of Arkansas  
29 Cooperative Extension Service.

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