

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

# A Bill

HOUSE BILL 1692

5 By: Representative Hillman  
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## For An Act To Be Entitled

8 AN ACT TO INCREASE PENALTIES UNDER THE STATE PLANT  
9 BOARD; TO LIMIT THE USES OF PENALTIES ABOVE ONE  
10 THOUSAND DOLLARS (\$1,000); TO DIRECT MONEYS TO  
11 SCHOLARSHIPS AND TRAINING OF PERSONNEL; AND FOR OTHER  
12 PURPOSES.  
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## Subtitle

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16 TO INCREASE PENALTIES UNDER THE STATE  
17 PLANT BOARD; TO LIMIT THE USES OF  
18 PENALTIES ABOVE ONE THOUSAND DOLLARS  
19 (\$1,000); AND TO DIRECT MONEYS TO  
20 SCHOLARSHIPS AND TRAINING OF PERSONNEL.  
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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25 SECTION 1. Arkansas Code § 2-16-203(b)(1)(A), concerning penalties  
26 under the Arkansas Plant Act of 1917, is amended to read as follows:

27 (b)(1)(A)(i) In a lawful proceeding respecting licensing, as defined  
28 in the Arkansas Administrative Procedure Act, § 25-15-201 et seq., in  
29 addition to or in lieu of any other lawful disciplinary action, the State  
30 Plant Board may assess a civil penalty of not more than one thousand dollars  
31 (\$1,000) for each violation of any statute, rule, or order enforceable by the  
32 board.

33 (ii)(a) The board may assess a civil penalty greater than one  
34 thousand dollars (\$1,000) but not more than twenty-five thousand dollars  
35 (\$25,000) only if the board finds that the violation is egregious.

36 (b) A violation is egregious only if significant off-



1 target crop damage occurred as a result of the violation.

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

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

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

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

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

15 (B) The remainder divided as follows:

16 (i) Fifty percent (50%) deposited into the State  
17 Treasury and credited to the General Revenue Fund Account; and

18 (ii) Fifty percent (50%) deposited into the Arkansas  
19 Agriculture Department Fund Account to be used for:

20 (a) Education and training of employees of the  
21 University of Arkansas Division of Agriculture and of agencies administered  
22 by the division; and

23 (b) Other programs developed by the division.