

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

As Engrossed: H3/9/17

A Bill

HOUSE BILL 1692

5 By: Representative Hillman
6 *By: Senator D. Wallace*
7

For An Act To Be Entitled

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

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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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. Arkansas Code § 2-16-203(b)(1)(A), concerning penalties
27 under the Arkansas Plant Act of 1917, is amended to read as follows:

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

34 (ii)(a) The board may assess a civil penalty greater than one
35 thousand dollars (\$1,000) but not more than twenty-five thousand dollars
36 (\$25,000) only if the board finds that the violation is egregious.



1 (b) A violation is egregious and carries the potential for
2 significant off-target crop damage as a result of the violation.

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

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

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

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

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

16 (B) The remainder divided as follows:

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

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

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

24 (b) Other programs developed by the division.

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27 /s/Hillman
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