

1 State of Arkansas  
2 91st General Assembly  
3 Regular Session, 2017  
4  
5 By: Senator B. Johnson  
6 By: Representative Jett  
7

*As Engrossed: S3/7/17*

# A Bill

SENATE BILL 501

## 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.

## 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; and

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

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27 /s/B. Johnson  
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