

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

As Engrossed: S3/7/17 H3/16/17

A Bill

SENATE BILL 501

5 By: Senator B. Johnson
6 By: Representatives *Cavanaugh*, Jett
7

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

15
16
17
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.
24
25

26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
27

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.

7
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.

26
27 /s/B. Johnson
28
29
30
31
32
33
34
35
36