

Stricken language would be deleted from and underlined language would be added to present law.
Act 778 of the Regular Session

State of Arkansas *As Engrossed: S3/7/17 H3/16/17 H3/21/17*
91st General Assembly **A Bill**
Regular Session, 2017

SENATE BILL 501

By: Senators B. Johnson, *D. Wallace*
By: Representatives *Cavanaugh, Jett, Hillman*

For An Act To Be Entitled

AN ACT TO CREATE PENALTIES UNDER THE STATE PLANT BOARD FOR THE MISUSE OF DICAMBA OR DICAMBA RELATED PRODUCTS; TO LIMIT THE USE OF PENALTIES ABOVE ONE THOUSAND DOLLARS (\$1,000); TO DIRECT MONEYS TO SCHOLARSHIPS AND TRAINING OF PERSONNEL; AND FOR OTHER PURPOSES.

Subtitle

TO CREATE PENALTIES UNDER THE STATE PLANT BOARD FOR THE MISUSE OF DICAMBA OR RELATED PRODUCTS; TO LIMIT THE USE OF PENALTIES ABOVE ONE THOUSAND DOLLARS (\$1,000); AND TO DIRECT MONEYS TO SCHOLARSHIPS AND TRAINING OF PERSONNEL.

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

SECTION 1. Arkansas Code § 2-16-203(b)(1)(A), concerning penalties under the Arkansas Plant Act of 1917, is amended to read as follows:

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

(ii)(a) The board may assess a civil penalty greater



than one thousand dollars (\$1,000) but not more than twenty-five thousand dollars (\$25,000) only if the board finds that a violation under subdivision (b)(1)(A)(ii)(a) of this section is egregious.

(b) A violation is egregious only if significant off-target crop damage occurred as a result of the application of dicamba or an auxin-containing herbicide or any new herbicide technology released after the effective date of this act.

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

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

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

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

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

(B) The remainder divided as follows:

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

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

/s/B. Johnson

APPROVED: 03/31/2017