

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
91st General Assembly  
Regular Session, 2017

*As Engrossed: H3/9/17*  
**A Bill**

HOUSE BILL 1692

By: Representative Hillman  
*By: Senator D. Wallace*

### **For An Act To Be Entitled**

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

### **Subtitle**

TO INCREASE PENALTIES UNDER THE STATE PLANT BOARD; TO LIMIT THE USES 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 the violation is egregious.



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

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

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

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

(b) Other programs developed by the division.

*/s/Hillman*