

1 State of Arkansas *As Engrossed: H2/16/23 H2/21/23*

2 94th General Assembly

A Bill

3 Regular Session, 2023

HOUSE BILL 1434

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5 By: Representatives Vaught, *Cavanaugh*

6 By: Senator B. Johnson

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For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW REGARDING AGRICULTURE; TO
10 PLACE THE BURDEN OF PROOF ON THE PARTY BRINGING AN
11 ACTION AGAINST AN AGRICULTURAL OPERATION AS A
12 NUISANCE; AND FOR OTHER PURPOSES.

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Subtitle

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TO AMEND THE LAW REGARDING AGRICULTURE;
17 AND TO PLACE THE BURDEN OF PROOF ON THE
18 PARTY BRINGING AN ACTION AGAINST AN
19 AGRICULTURAL OPERATION AS A NUISANCE.

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

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24 SECTION 1. Arkansas Code § 2-4-107, concerning agricultural operations
25 as a public or private nuisance, is amended to add an additional subsection
26 to read as follows:

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(e) The burden of proof in actions brought under this chapter is on
the party who brings an action against an agricultural operation.

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/s/Vaught

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APPROVED: 3/21/23

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