1 2	State of Arkansas 95th General Assembly	A Bill	
3	Regular Session, 2025		HOUSE BILL 1045
4			
5	By: Representative Cavenaugh	l	
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7			
8	For An Act To Be Entitled		
9	AN ACT REGARDING CROP RESIDUE BURNS; TO PLACE CERTAIN		
10	REQUIREMENTS ON AN INDIVIDUAL PLANNING A CROP RESIDUE		
11	BURN; TO	ADDRESS LIABILITY OF AN INDIVIDUAL WHO	) HAS
12	FOLLOWED	CROP RESIDUE BURN REQUIREMENTS; TO PRO	OVIDE
13	CIVIL PE	NALTIES; AND FOR OTHER PURPOSES.	
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15			
16		Subtitle	
17	ТО	PLACE CERTAIN REQUIREMENTS ON AN	
18	IND	IVIDUAL PLANNING A CROP RESIDUE BURN;	
19	ТО	ADDRESS LIABILITY OF AN INDIVIDUAL	
20	WHO	HAS FOLLOW CROP RESIDUE BURN	
21	REQ	UIREMENTS; AND TO PROVIDE CIVIL	
22	PEN	ALTIES.	
23			
24	BE IT ENACTED BY THE	GENERAL ASSEMBLY OF THE STATE OF ARKAN	NSAS:
25			
26	SECTION 1. Arl	kansas Code Title 2, Chapter 1, Subchap	pter l, is amended
27	to add an additional	section to read as follows:	
28	<u>2-1-103.</u> Crop	residue burn requirements - Liability	<u>— Penalty.</u>
29	<u>(a) A crop res</u>	sidue burn shall:	
30	<u>(1)</u> Be :	reported to the Department of Agricult	<u>are for approval</u>
31	before burning commences; and		
32	(2) Comply with the Arkansas Voluntary Smoke Management		
33	<u>Guidelines for Row Crop Burning.</u>		
34	(b) A crop residue burn is not prohibited in a county with a burn ban		
35	unless the Forestry Division of the Department of Agriculture determines all		
36	burning is unsafe in the county.		



<ul> <li>(c) An individual Who conducts a crop residue burn in compliance with</li> <li>this section is not liable in a civil action for any damage or injury caused</li> <li>by a fire in the crop residue burn, including without limitation the</li> <li>reignition of a smoldering and previously contained fire or resulting from</li> <li>smoke, unless the claimant proves by a preponderance of the evidence that the</li> <li>claimant suffered damages as a result of negligence by the individual in</li> <li>planning, implementing, or conducting the crop residue burn.</li> <li>(d) An individual who conducts a crop residue burn in violation of</li> <li>this section shall pay the following civil penalties to the department:</li> <li>(1) Twenty-five thousand dollars (\$25,000) for the first</li> <li>violation;</li> <li>(2) Fifty thousand dollars (\$50,000) for a second violation; and</li> <li>(3) Seventy-five thousand dollars (\$75,000) for each subsequent</li> <li>violation beyond the second.</li> <li>(e) A decision of the department to assess a civil penalty on an</li> <li>individual for a violation under subsection (d) of this section may be</li> <li>appealed by the individual as provided in the Arkansas Administrative</li> <li>Procedure Act, § 25-15-201 et seq.</li> <li>(f) Moneys collected through a civil penalty assessed by the</li> <li>department under this section shall be distributed to the Agri Scholarship</li> <li>Program under § 25-38-212.</li> </ul>	1			
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