

1 State of Arkansas  
2 95th General Assembly  
3 Regular Session, 2025

# A Bill

HOUSE BILL 1045

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5 By: Representative Cavenaugh  
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## For An Act To Be Entitled

8  
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 PROVIDE  
13 CIVIL PENALTIES; AND FOR OTHER PURPOSES.  
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## Subtitle

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17 TO PLACE CERTAIN REQUIREMENTS ON AN  
18 INDIVIDUAL PLANNING A CROP RESIDUE BURN;  
19 TO ADDRESS LIABILITY OF AN INDIVIDUAL  
20 WHO HAS FOLLOW CROP RESIDUE BURN  
21 REQUIREMENTS; AND TO PROVIDE CIVIL  
22 PENALTIES.  
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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26 SECTION 1. Arkansas Code Title 2, Chapter 1, Subchapter 1, is amended  
27 to add an additional section to read as follows:

28 2-1-103. Crop residue burn requirements – Liability – Penalty.

29 (a) A crop residue burn shall:

30 (1) Be reported to the Department of Agriculture for approval  
31 before burning commences; and

32 (2) Comply with the Arkansas Voluntary Smoke Management  
33 Guidelines for Row Crop Burning.

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.



1       (c) An individual who conducts a crop residue burn in compliance with  
2 this section is not liable in a civil action for any damage or injury caused  
3 by a fire in the crop residue burn, including without limitation the  
4 reignition of a smoldering and previously contained fire or resulting from  
5 smoke, unless the claimant proves by a preponderance of the evidence that the  
6 claimant suffered damages as a result of negligence by the individual in  
7 planning, implementing, or conducting the crop residue burn.

8       (d) An individual who conducts a crop residue burn in violation of  
9 this section shall pay the following civil penalties to the department:

10           (1) Twenty-five thousand dollars (\$25,000) for the first  
11 violation;

12           (2) Fifty thousand dollars (\$50,000) for a second violation; and

13           (3) Seventy-five thousand dollars (\$75,000) for each subsequent  
14 violation beyond the second.

15       (e) A decision of the department to assess a civil penalty on an  
16 individual for a violation under subsection (d) of this section may be  
17 appealed by the individual as provided in the Arkansas Administrative  
18 Procedure Act, § 25-15-201 et seq.

19       (f) Moneys collected through a civil penalty assessed by the  
20 department under this section shall be distributed to the Agri Scholarship  
21 Program under § 25-38-212.

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