

State of Arkansas As Engrossed: S3/31/25 S4/2/25 H4/14/25

95th General Assembly

A Bill

Regular Session, 2025

SENATE BILL 290

By: Senator B. Johnson

By: Representatives Vaught, Painter

For An Act To Be Entitled

AN ACT TO PROHIBIT A MORATORIUM ON THE ISSUANCE OF
PERMITS IN WATERSHEDS AND OTHER BODIES OF WATER; AND
FOR OTHER PURPOSES.

Subtitle

TO PROHIBIT A MORATORIUM ON THE ISSUANCE
OF PERMITS IN WATERSHEDS AND OTHER
BODIES OF WATER.

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

SECTION 1. Arkansas Code § 10-3-309(f), concerning authorization for a committee or subcommittee to vote to not approve a rule under the section, is amended to add an additional subdivision to read as follows:

(5) A committee or subcommittee under this section considering a rule to institute a moratorium in a watershed or other body of water under § 15-23-107 is not required to state the grounds under subdivision (f)(1) of this section when not approving a rule.

SECTION 2. Arkansas Code Title 15, Chapter 23, Subchapter 1, is amended to add an additional section to read as follows:

15-23-107. Prohibition on moratorium in watersheds and other bodies of water – Definition.

(a) As used in this section, "moratorium" means a prohibition on the issuance of permits or any other limitation on agricultural production, including without limitation, livestock and poultry operations, contained animal feeding operations, and the cultivation of crops and orchards.



1 (b) Except as provided in subsections (c) and (f) of this section, a
2 state agency, including without limitation the Department of Agriculture and
3 the Department of Energy and Environment, shall not institute a moratorium on
4 the issuance of permits in a watershed or other body of water.

5 (c)(1) In order for a state agency to institute a moratorium related
6 to a watershed or other body of water, the state agency shall:

7 (A) Promulgate a rule to institute the moratorium;

8 (B)(i) Follow the procedure under the Arkansas
9 Administrative Procedure Act, § 25-15-201 et seq.

10 (ii) If the Arkansas Administrative Procedure Act, §
11 25-15-201 et seq., does not apply to the state agency, the state agency shall
12 follow the law governing the adequate administrative procedures for the state
13 agency; and

14 (C) Obtain review and approval of the state agency rule
15 under § 10-3-309.

16 (2)(A) A moratorium reviewed and approved under subdivision
17 (c)(1) of this section shall expire four (4) years after the effective date
18 of the rule.

19 (B) A state agency that wishes to continue a moratorium
20 shall submit the moratorium to the Legislative Council, or if the General
21 Assembly is in session, the Joint Budget Committee, for review and approval
22 sufficiently in advance of the expiration date described under subdivision
23 (c)(2)(A) of this section to continue the moratorium.

24 (C) If the state agency fails to submit a moratorium to
25 the Legislative Council, or if the General Assembly is in session, the Joint
26 Budget Committee, for review and approval prior to the expiration date or if
27 the Legislative Council, or if the General Assembly is in session, the Joint
28 Budget Committee, does not approve the moratorium, the moratorium shall
29 expire at the expiration date.

30 (d) This section does not prohibit a state agency from seeking review
31 and approval for a proposed emergency rule under § 10-3-309 and § 25-15-204
32 to impose a moratorium to protect the public from imminent peril to the
33 public health, safety, or welfare or compliance with a federal law or
34 regulation.

35 (e) If a state agency does not have statutory authority to impose a
36 moratorium, this section does not create the authority for a moratorium.

1 (f) This section does not apply to a moratorium related to a watershed
2 or other body of water instituted by rule before the effective date of this
3 section.

4
5 SECTION 3. DO NOT CODIFY. Existing rule.

6 The Department of Agriculture shall utilize the current Arkansas
7 Pollution Control and Ecology Commission's rules on Liquid Animal Waste
8 Management Systems, 8 CAR pt. 24, formerly known as Regulation No. 5, to
9 administer the department's authority over liquid animal waste management
10 systems under § 15-20-102 until the department adopts final rules regarding
11 liquid animal waste management systems.

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13 SECTION 4. DO NOT CODIFY. Effective date.

14 This act shall be effective on and after February 1, 2026.

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16 /s/B. Johnson

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19 APPROVED: 4/21/25