

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

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

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

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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  
28 the party who brings an action against an agricultural operation.

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*/s/Vaught*

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