

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

1 State of Arkansas *As Engrossed: S3/31/25 S4/2/25*

2 95th General Assembly

# A Bill

3 Regular Session, 2025

SENATE BILL 290

4

5 By: Senator B. Johnson

6 By: Representatives Vaught, Painter

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## For An Act To Be Entitled

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

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## Subtitle

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

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

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

24 *(5) A committee or subcommittee under this section considering a*  
25 *rule to institute a moratorium in a watershed or other body of water under §*  
26 *15-23-107 is not required to state the grounds under subdivision (f)(1) of*  
27 *this section when not approving a rule.*

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

31 *15-23-107. Prohibition on moratorium in watersheds and other bodies of*  
32 *water – Definition.*

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



1 (b) Except as provided in subsection (c) of this section, a state  
2 agency, including without limitation the Department of Agriculture and the  
3 Department of Energy and Environment, shall not institute a moratorium on the  
4 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.

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*SECTION 3. DO NOT CODIFY. Existing moratoriums.*

*(a) A moratorium related to a watershed or other body of water instituted before the effective date of this act shall go through the rule review and approval process required under § 15-23-107(c) within ninety (90) days of the effective date of this act to remain enforceable.*

*(b) If a state agency does not submit the moratorium for review and approval as required by subsection (a) of this section, the moratorium related to a watershed or other body of water instituted before the effective date of this act shall expire immediately.*

*(c) If a moratorium related to a watershed or other body of water instituted before the effective date of this act is not approved under § 15-23-107(c), the moratorium shall expire immediately.*

*SECTION 4. DO NOT CODIFY. Effective date.*

*This act shall be effective on and after January 1, 2026.*

*/s/B. Johnson*