

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

State of Arkansas
95th General Assembly
Regular Session, 2025

As Engrossed: H3/5/25 S4/2/25

A Bill

HOUSE BILL 1525

By: Representative Steimel

By: Senator Irvin

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING REAL PROPERTY; TO ADDRESS AGRICULTURAL IMPACT REMEDIATION AGREEMENTS; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING REAL PROPERTY; AND TO ADDRESS AGRICULTURAL IMPACT REMEDIATION AGREEMENTS.

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

SECTION 1. Arkansas Code Title 18, Chapter 11, is amended to add an additional subchapter to read as follows:

Subchapter 9 – Agricultural Impact Remediation Agreements

18-11-901. Definitions.

As used in this subchapter:

(1) "Agricultural impact remediation agreement" means an agreement between a commercial renewable energy facility owner and a landowner as described in this subchapter;

(2) "Agricultural land" means a property from which one thousand dollars (\$1,000) or more of agricultural products were produced and sold, or normally would have been sold, during a given year;

(3) "Commercial renewable energy facility" means a commercial wind energy facility or commercial solar energy facility;

(4) "Construction" means the installation, preparation for installation, or repair of a commercial renewable energy facility;



(5) "Deconstruction" means the removal of a commercial renewable energy facility from the property of a landowner and the restoration of the property as provided in an agricultural impact remediation agreement; and

(6) "Landowner" means a person:

(A) With an ownership interest in property that is used for agricultural purposes; and

(B) Who is a party to an underlying agreement for the construction of a commercial renewable energy facility on the agricultural land.

18-11-902. Agricultural impact remediation agreement.

(a) Before construction of a commercial renewable energy facility on agricultural land, the commercial renewable energy facility owner shall enter into an agricultural impact remediation agreement with the respective landowner.

(b) The agricultural impact remediation agreement required under subsection (a) of this section shall:

(1) Outline construction and deconstruction standards to ensure the restoration of the agricultural land upon the conclusion of the commercial renewable energy facility;

(2)(A) Be completed with a copy provided to the Department of Agriculture no less than forty-five (45) days before the full notice to proceed under the construction contract for the commercial renewable energy facility.

(B) An agricultural remediation agreement in the custody of the department under subdivision (b)(2)(A) of this section is not a public record and is exempt from examination or disclosure under the Freedom of Information Act of 1967, § 25-19-101 et seq.;

(3) Be binding on a subsequent commercial renewable energy facility owner or landowner; and

(4) Provide the landowner with a comprehensive deconstruction plan that includes adequate proof of financial mechanisms and assurances.

(c) The terms and conditions of the agricultural impact remediation agreement required under this section may be modified by an underlying agreement between the landowner and the commercial renewable energy facility owner.

(d) This subchapter or a term in an agricultural impact remediation agreement shall not be construed to apply to or otherwise impair an underlying agreement for a commercial renewable energy facility entered into before the effective date of this subchapter.

(e) This subchapter shall not apply when the commercial renewable energy facility owner is also the landowner.

/s/Steimel