

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

State of Arkansas
93rd General Assembly
Regular Session, 2021

As Engrossed: S4/21/21
A Bill

SENATE BILL 385

By: Senator A. Clark

For An Act To Be Entitled

AN ACT TO ESTABLISH A GATED RESIDENTIAL COMMUNITY LOGGING PERMIT; TO REQUIRE AN INDIVIDUAL WHO IS LOGGING IN A GATED RESIDENTIAL COMMUNITY TO FOLLOW THE ARKANSAS FORESTRY COMMISSION'S BEST MANAGEMENT PRACTICES FOR WATER QUALITY PROTECTION; AND FOR OTHER PURPOSES.

Subtitle

TO ESTABLISH A GATED RESIDENTIAL COMMUNITY LOGGING PERMIT; AND TO REQUIRE AN INDIVIDUAL LOGGING IN A GATED RESIDENTIAL COMMUNITY TO FOLLOW THE ARKANSAS FORESTRY COMMISSION'S BEST MANAGEMENT PRACTICES.

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

SECTION 1. Arkansas Code Title 15, Chapter 32, Subchapter 1, is amended to add an additional section to read as follows:

15-32-102. Gated residential community logging permit.

(a) Before logging in a gated residential community as described in subsection (b) of this section, an individual shall:

(1) Apply for and obtain a gated residential community logging permit from the Department of Agriculture; and

(2) Certify in the application that he or she will follow the Arkansas Forestry Commission's Best Management Practices for Water Quality Protection.



(b) An individual shall obtain the gated residential community logging permit under subsection (a) of this section before logging in a gated residential community if, within a period of six (6) months, the individual is cutting ten (10) or more trees that are:

- (1) Over six inches (6") in diameter per acre;
- (2) Located on three (3) or more acres; and
- (3) Located inside of the gated residential community and within two thousand feet (2000') of a residential dwelling within the gated residential community.

(c)(1) The department shall conduct an inspection after the individual has logged on one (1) acre to ensure the individual is following the commission's Best Management Practices for Water Quality Protection.

(2)(A) If the individual has not complied with the commission's Best Management Practices for Water Quality Protection, the department shall allow the individual fourteen (14) days to comply with the commission's Best Management Practices for Water Quality Protection.

(B)(i) Following the fourteen (14) days provided under subdivision (c)(2)(A) of this section, the department shall reinspect for compliance with the commission's Best Management Practices for Water Quality Protection.

(ii) If upon *reinspection* the department finds that the individual has not complied with the commission's Best Management Practices for Water Quality Protection, the department shall revoke the individual's gated residential community logging permit.

(d) If an individual's gated residential community logging permit is revoked under subdivision (c)(2)(B)(ii) of this section, he or she shall not be issued another gated residential community logging permit under this section until he or she has shown compliance with the commission's Best Management Practices for Water Quality Protection as verified by the department.

(e) The department shall issue to an individual only one (1) gated residential community logging permit at a time under this section.

(f) The fee for a gated residential community logging permit under this section is one hundred dollars (\$100).

(g) This section does not apply to a public utility as defined in § 23-1-101 operating as an electric utility or a municipal electric utility

operating under § 14-200-106.

/s/A. Clark