

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

State of Arkansas
93rd General Assembly
Regular Session, 2021

A Bill

SENATE BILL 634

By: Senator Hester
By: Representative Lundstrum

For An Act To Be Entitled

AN ACT TO PROHIBIT STATE AGENCIES, COUNTIES, AND MUNICIPALITIES FROM RESTRICTING THE RIGHT OF A LANDOWNER TO PERFORM TREE MAINTENANCE ON THE LANDOWNER'S PROPERTY; AND FOR OTHER PURPOSES.

Subtitle

TO PROHIBIT STATE AGENCIES, COUNTIES, AND MUNICIPALITIES FROM RESTRICTING THE RIGHT OF A LANDOWNER TO PERFORM TREE MAINTENANCE ON THE LANDOWNER'S PROPERTY.

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

SECTION 1. Arkansas Code Title 14, Chapter 1, is amended to add an additional subchapter to read as follows:

Subchapter 5 – Landowner Tree Maintenance Protection Act

14-1-501. Title.

This subchapter shall be known and may be cited as the "Landowner Tree Maintenance Protection Act".

14-1-502. Findings and legislative intent.

(a) The General Assembly finds that the right to own, use, and enjoy private property:

(1) Is protected by the Arkansas Constitution and the United



States Constitution;

(2) Is a hallmark of Arkansas and American society that is deeply embedded in the fabric of both urban and rural societies; and

(3) Should be protected from undue interference by state and local government.

(b) It is the intent of the General Assembly by enacting this subchapter to preserve and protect the property rights of citizens of this state by prohibiting state agencies, counties, and municipalities from restricting the right of a landowner to perform tree maintenance on the landowner's property.

14-1-503. Definitions.As used in this subchapter:

(1) "Landowner" means:

(A) An individual or entity that owns real property; and

(B) The authorized agents of an individual or entity that owns real property; and

(2) "Tree maintenance" means trimming or removing a tree, bush, or shrub.

14-1-504. State agency rules – County and municipal ordinances – Restricting tree maintenance prohibited – Exceptions.

(a)(1) A state agency shall not restrict by rule or otherwise the right of a landowner to perform tree maintenance on the landowner's property.

(2) A county, city, or incorporated town shall not restrict by ordinance or otherwise the right of a landowner to perform tree maintenance on the landowner's property.

(b) Subsection (a) of this section does not permit a landowner to perform tree maintenance on the landowner's property if the tree maintenance on the landowner's property would violate:

(1) A real property covenant or deed restriction;

(2) A bill of assurance; or

(3) A requirement or restriction imposed by a homeowners' association, a property owners' association, or a similar organization whether imposed by a duly recorded master deed and bylaws or otherwise.

14-1-505. Conflicting rules and ordinances repealed.

A state agency rule or an ordinance of a county, city, or incorporated town that conflicts with this subchapter is repealed to the extent of the conflict.