

1 INTERIM STUDY PROPOSAL 2021-069

2 State of Arkansas

As Engrossed: S4/21/21

3 93rd General Assembly

A Bill

4 Regular Session, 2021

SENATE BILL 385

5
6 By: Senator A. Clark

7 Filed with: Arkansas Legislative Council
8 pursuant to A.C.A. §10-3-217.

9 **For An Act To Be Entitled**

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

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18 **Subtitle**

19 TO ESTABLISH A GATED RESIDENTIAL
20 COMMUNITY LOGGING PERMIT; AND TO REQUIRE
21 AN INDIVIDUAL LOGGING IN A GATED
22 RESIDENTIAL COMMUNITY TO FOLLOW THE
23 ARKANSAS FORESTRY COMMISSION’S BEST
24 MANAGEMENT PRACTICES.

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

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

31 15-32-102. Gated residential community logging permit.

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

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

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

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

8 (1) Over six inches (6") in diameter per acre;

9 (2) Located on three (3) or more acres; and

10 (3) Located inside of the gated residential community and within
11 two thousand feet (2000') of a residential dwelling within the gated
12 residential community.

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

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

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

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

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

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

36 (f) The fee for a gated residential community logging permit under

1 this section is one hundred dollars (\$100).

2 (g) This section does not apply to a public utility as defined in §
3 23-1-101 operating as an electric utility or a municipal electric utility
4 operating under § 14-200-106.

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6 /s/A. Clark

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9 Referred requested by the Arkansas Senate

10 Prepared by: MBM/KFW

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