

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Representative Wingfield**

A Bill

HOUSE BILL 1887

For An Act To Be Entitled

8 "AN ACT TO LEVY A FEE ON LEASES WHERE OPEN TIMBERLAND IS
9 LEASED FOR THE PURPOSE OF HUNTING; AND FOR OTHER
10 PURPOSES."

Subtitle

13 "TO LEVY A FEE ON LEASES WHERE OPEN TIMBERLAND IS LEASED
14 FOR THE PURPOSES OF HUNTING."

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

18 SECTION 1. (a) There is hereby levied a fee on all leases where open
19 timberland is leased for the purpose of hunting. This act shall not apply to
20 leases executed solely for the purpose of allowing hunting activities
21 involving migratory birds that are regulated by federal law.

22 (b) After deducting an amount necessary to pay ad valorem taxes on the
23 leased timberland, the fee shall be determined as follows:

24 (1) *On land leased for one dollar and fifty cents (\$1.50) per*
25 *acre or less, eighty percent (80%) shall be retained by the lessor and twenty*
26 *percent (20%) shall be remitted to the state;*

27 (2) *On land leased for one dollar and seventy-five cents (\$1.75)*
28 *per acre or less, seventy-five percent (75%) shall be retained by the lessor*
29 *and twenty-five percent (25%) shall be remitted to the state;*

30 (3) *On land leased for two dollars (\$2.00) per acre or less,*
31 *seventy percent (70%) shall be retained by the lessor and thirty percent (30%)*
32 *shall be remitted to the state;*

33 (4) *On land leased for two dollars and twenty-five cents (\$2.25)*
34 *per acre or less, sixty-five percent (65%) shall be retained by the lessor and*
35 *thirty-five percent (35%) shall be remitted to the state.*

1 (5) On land leased for two dollars and fifty cents (\$2.50) per
2 acre or less, sixty percent (60%) shall be retained by the lessor and forty
3 percent (40%) shall be remitted to the state;

4 (6) On land leased for two dollars and seventy-five cents (\$2.75)
5 per acre or less, fifty percent (50%) shall be retained by the lessor and
6 fifty percent (50%) shall be remitted to the state;

7 (7) On land leased for three dollars (\$3.00) per acre or less,
8 forty percent (40%) shall be retained by the lessor and sixty percent (60%)
9 shall be remitted to the state;

10 (8) On land leased for three dollars and fifty cents (\$3.50) per
11 acre or less, thirty percent (30%) shall be retained by the lessor and seventy
12 percent (70%) shall be remitted to the state;

13 (9) On land leased for four dollars (\$4.00) per acre or less,
14 twenty percent (20%) shall be retained by the lessor and eighty percent (80%)
15 shall be remitted to the state;

16 (10) On land leased for five dollars (\$5.00) per acre or less and
17 any amount in excess thereof, ten percent (10%) shall be retained by the
18 lessor and ninety percent (90%) shall be remitted to the state.

19 (c) (1) Within thirty (30) days after any payment is received on the
20 lease, the lessor shall remit the fee to the Department of Finance and
21 Administration.

22 (2) The Department of Finance and Administration shall remit ten
23 percent (10%) of all monies received under this act to the sheriff_s
24 department in the county where the leased timberland is located. In the event
25 that the leased timberland is located in more than one county, the ten percent
26 (10%) share shall be divided among the sheriff_s departments of the counties
27 where the leased timberland is located in a manner determined by the Forestry
28 Commission.

29 (3) The Department of Finance and Administration shall deposit
30 the remaining monies received under this act as special revenues in the
31 "Hunting Lease Fee Fund" which is hereby created on the books of the State
32 Treasurer, State Auditor and Chief Fiscal Officer of the State and there to be
33 used for the purpose of carrying out the functions and duties of the Arkansas
34 Forestry Commission.

35 (4) All monies received under this act in excess of eight million

1 dollars (\$8,000,000) shall be deposited in the state treasury as general
2 revenues.

3 (d) (1) The Department of Finance and Administration may assess a civil
4 penalty in an amount equal to the full amount of monies to be received under
5 the lease against any lessor who does not comply with the provisions of this
6 act.

7 (2) Any lessor who violates this section is guilty of a
8 misdemeanor and shall be punished by a fine of one thousand dollars (\$1,000)
9 or imprisonment of up to thirty (30) days or both.

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11 SECTION 2. (a) Within thirty (30) days after executing a lease of open
12 timberland for the purpose of hunting, the lessee shall report the terms of
13 the lease to the Secretary of State. The report shall include the amount of
14 monies to be paid under the lease, the number of acres leased, the county or
15 counties where the leased timberland is located, the name of the lessee, the
16 name of the lessor and any other terms deemed by the Secretary of State, the
17 Forestry Commission or the Department of Finance and Administration as
18 necessary for the enforcement of this act. Reports submitted under this
19 section shall be available to the Forestry Commission and the Department of
20 Finance and Administration upon request.

21 (b) Any lessee who violates this section is guilty of a misdemeanor and
22 shall be punished by a fine not to exceed two hundred and fifty dollars
23 (\$250).

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25 SECTION 3. The Department of Finance and Administration, the Secretary
26 of State and the Forestry Commission shall promulgate such rules and
27 regulations as necessary to administer this act.

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29 SECTION 4. *The first one thousand (1,000) acres of open timberland*
30 *leased by a person, corporation or any other legal entity shall be exempt from*
31 *the provisions of this act.*

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33 SECTION 5. All provisions of this act of a general and permanent nature
34 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
35 Revision Commission shall incorporate the same in the Code.

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SECTION 6. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 7. All laws and parts of laws in conflict with this act are hereby repealed.

/s/Rep. Wingfield

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