

State of Arkansas

76th General Assembly

Regular Session, 1987

HOUSE BILL 1961

By: Representatives Matthews, Barclay and Hutchinson

"AN ACT TO AMEND SECTION 1 OF ACT 85 OF 1935, AS AMENDED [ARK. STAT. 41-1951] TO REQUIRE EMPLOYEES OF THE STATE FORESTRY COMMISSION TO ENFORCE LOCAL BURNING BANS; AND FOR OTHER PURPOSES."

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

SECTION 1. Section 1 of Act 85 of 1935, as amended, the same being Arkansas Statute 41-1951, is hereby amended to read as follows:

"Section 1. A. The following acts shall be misdemeanors and shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than three hundred dollars (\$300.00), or a jail sentence of not more than one (1) year, or both such fine and imprisonment:

1. Setting on fire or causing or procuring to be set on fire any forest, brush or other inflammable vegetation on lands not his own.

2. Allowing fire to escape from the control of the person building or having charge of the fire, or to spread to the lands of any person other than the builder of the fire.

3. Burning any brush, stumps, logs, rubbish, fallen timber, grass, stubble or debris of any sort, whether on his own land or that of another without taking necessary precaution both before lighting the fire and at all times thereafter to prevent the escape thereof. The escape of such fire to adjoining timber, brush, or grass lands shall be prima facie evidence that necessary precautions were not taken.

4. Building a camp fire upon lands, not one's own, without clearing the ground immediately around it free from material which will carry fire, or leaving thereon a camp fire to spread thereon or by throwing away a lighted cigar, match, cigarette, or by the use of firearms or in any other manner starting a fire in forest material not his own and leaving the same

unextinguished.

5. Defacing or destroying fire warning notices.

6. It shall be a misdemeanor for any employee of the State Forestry Commission or any officer charged with the duties of enforcing criminal laws to fail to attempt to secure the arrest and conviction of any persons against whom he has or can secure evidence of violating the fire laws.

7. Anyone desiring to burn any new ground, field, grasslands or woodlands adjoining woodlands or grasslands of another, shall, if such lands lie within the boundaries or a forest protection unit, or any other area that has organized fire protection, report to the State Forestry Commission the time that he intends to burn his lands and the location of the same.

B. Employees of the State Forestry Commission or any officer charged with the duties of enforcing criminal laws shall assist in the enforcement of bans on burning declared by the chief executive officer of a political subdivision pursuant to Section 13 of Act 511 of 1973, and any successor acts thereto."

SECTION 2. All laws and parts of laws in conflict with this Act are hereby repealed.

