

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997

As Engrossed: S3/18/97

## A Bill

SENATE BILL 694

4  
5 By: Senator Walters  
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### For An Act To Be Entitled

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9 "AN ACT TO PROMOTE SUSTAINABLE ECONOMIC DEVELOPMENT OF THE  
10 STATES FOREST RESOURCES BY INFORMING AND EDUCATING NON-  
11 INDUSTRIAL PRIVATE FOREST OWNERS REGARDING SUSTAINABLE  
12 FOREST MANAGEMENT PRACTICES, AND BY REQUIRING CERTAIN  
13 DISCLOSURES BE MADE TO FOREST OWNERS IN TIMBER SALES  
14 CONTRACTS; AND FOR OTHER PURPOSES."  
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### Subtitle

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17 "PRIVATE FOREST ECONOMIC DEVELOPMENT  
18 ACT."  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. Public Policy statement.

23 Arkansas forests provide jobs in manufacturing, tourism, and  
24 recreational industries. They also provide wildlife habitat and contribute to  
25 a natural environment that supports a high quality of life for all the states  
26 citizens. Most of the states forest are privately owned and most privately  
27 owned forests are held by non-industrial forest owners. Many of these owners  
28 do not employ forest management plans, know little about harvest techniques  
29 and the consequences of employing bad ones, or how to value their timber.  
30 Proper management is desirable to assure sustainability of the states timber  
31 resources, avoid unnecessary environmental harm from improper timber harvests  
32 practices, maximize the economic value of timber production, and to produce  
33 quality timber that will support value added industry. By enhancing long term  
34 profitability, effective timber management will encourage private non-  
35 industrial forest owners to keep their lands in forest, thereby supporting the  
36 public values served by the states private forest resources. It is believed

1 that most private forest owners will pursue appropriate management techniques  
2 if they are adequately informed. Accordingly it is important for the state to  
3 do all that is reasonable to provide essential information and promote forest  
4 owner education. Further, it is preferable to protect the public interest,  
5 especially in connection with private land use, through the mechanism of  
6 market forces and informed private action rather than by command and control  
7 regulation whenever possible.

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9       SECTION 2. For the purposes of this act, a procuring entity means any  
10 person, business or legal entity seeking to purchase timber from private non-  
11 industrial forest owners. Private non-industrial forest owner, or owner,  
12 means any noncorporate landowner, or a corporate landowner the primary  
13 business of which is not the production of timber for commercial harvesting  
14 purposes.

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16       SECTION 3. Every contract to purchase or harvest timber from a private  
17 non-industrial forest owner in this state shall contain a prominent notice  
18 informing the owner of the following:

19       (a) whether the harvest will conform to forestry Best Management  
20 Practices established by the State Forestry Commission, and the potential  
21 consequences of failing to adhere to forestry Best Management Practices;

22       (b) how a landowner can contact the State Forestry Commission for  
23 further information concerning forest management, timber harvesting and timber  
24 valuation, including the telephone number, postal address and World Wide Web  
25 page address if applicable;

26       (c) that prior to selling timber it is advisable for a landowner to  
27 consider:

28               (1) instituting a long term forest management plan;

29               (2) obtaining an independent appraisal of the resource to be sold  
30 and the possible cost of reseeding or clearing the land;

31               (3) reading the appropriate State Forestry Commission  
32 publications for private non-industrial forest owners.

33       Nothing in this section shall be interpreted as requiring the use of  
34 forestry Best Management Practices or the adoption of a forest management plan  
35 or to otherwise restrict any landowners management or property use.

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1       SECTION 4. The State Forestry Commission will draft a standard notice  
2 provision which will meet the requirement of Section 2 of this act. Any  
3 notice containing the Commissions language will be deemed to comply with the  
4 requirements of Section 2 of this act. Any entity using a notice other than  
5 the one drafted by the Commission will file a copy with the Commission for  
6 approval. Whether the contract is written or oral the procuring entity shall  
7 have the owner sign the notice attesting that the owner is aware of the notice  
8 and its contents and has either obtained or been provided a copy of the  
9 appropriate State Forestry Commissions publication for private non-industrial  
10 forest owners or has determined to proceed with the sale without the  
11 publication(s). If the notice is appended to a written contract document the  
12 notice will be set out separately from the body of the contract and require a  
13 signature in addition to any other signature otherwise required of the owner.  
14 Any contract for the sale of timber entered into without the required notice  
15 and signed acknowledgment is invalid.

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17       SECTION 5. The Commission will prepare one (1) or more publications,  
18 appropriate to each of the states principle timber growing regions, which  
19 will inform non-industrial forest owners, concerning Best Management  
20 Practices; the benefits of forest management plans; how to establish a  
21 management plan; wildlife habitat, environmental and esthetic considerations  
22 which may be appropriate to consider in developing a management plan; the  
23 services it and other public and private resources, offer to landowners; and a  
24 listing of publications it has available for landowners to reference. The  
25 State Forestry Commission will make these publications available to non-  
26 industrial forest owners who request them and to procurement entities who wish  
27 to purchase or reproduce them for distribution. The Commission will also make  
28 available, to non-industrial forest owners, any information provided to it for  
29 that purpose from other private and public resources concerning forest  
30 management issues. The Commission may employ a handling charge to cover the  
31 cost of printing and distribution.

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33       SECTION 6. 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 7. 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.

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SECTION 8. All laws and parts of laws in conflict with this act are  
hereby repealed.

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10 /s/Walters

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