

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas

As Engrossed: H1/19/99 S1/27/99 S2/4/99

2 82nd General Assembly

# A Bill

3 Regular Session, 1999

HOUSE BILL 1138

4

5 By: Representatives Lancaster, Simmons, B. Johnson, Milum, Gullett, J. Jeffress, French, Broadway,  
6 Bevis, Salmon, G. Jeffress, Creekmore

7 By: Senators Scott, Edwards, Mahony, D. Malone, Roebuck, Hill, Ross, Gordon, Riggs, Hunter, K. Smith,  
8 Canada, Wooldridge, Critcher, Bradford, Everett

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## For An Act To Be Entitled

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"TO AMEND ARKANSAS CODE 20-22-302 TO REQUIRE ANY  
13 PERSON DESIRING TO BURN FOREST VEGETATION TO NOTIFY  
14 THE ARKANSAS FORESTRY COMMISSION; AND FOR OTHER  
15 PURPOSES. "

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## Subtitle

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"TO REQUIRE ANY PERSON DESIRING TO BURN  
19 FOREST VEGETATION TO NOTIFY THE ARKANSAS  
20 FORESTRY COMMISSION. "

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

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25 SECTION 1. Arkansas Code 20-22-302 is amended to read as follows:

26 "20-22-302. Notice to Arkansas Forestry Commission ~~forest ranger of~~  
27 intent to burn forest vegetation ~~— Assistance to landowner.~~

28 (a) Any person in this state who desires to burn forest vegetation,  
29 including debris from land clearing, fallen timber, or rubbish on lands  
30 belonging to himself, in circumstances wherein there is danger that the fire  
31 may escape and damage the lands of another person, may shall notify his local  
32 state the Arkansas Forestry Commission forest ranger of his the person's  
33 intention as aforesaid, to burn. Notification of the proposed burning shall  
34 include the time and location of the intended burning, and other facts which  
35 he the person or the Arkansas Forestry Commission may deem significant  
36 relevant. This notification requirement shall not apply to the 'open burning'

\*JMB072\*

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1 of 'yard wastes' as those terms are defined in Arkansas Code § 8-6-1701.

2 ~~(b) The landowner or person having charge of the lands, in giving~~  
3 ~~notice to the local state forest ranger, may request the assistance of the~~  
4 ~~forest ranger or his designated agents in aiding and supervising the burning.~~

5 ~~(1) If the local state forest ranger or his designated assistants~~  
6 ~~are not otherwise assigned to other specific duties, the forest ranger or his~~  
7 ~~assistants may assist the landowner in the burning.~~

8 ~~(2) (b) However, the~~ The landowner or other person having charge of the  
9 land, or ~~his~~ his/her agent, shall be present and in attendance at the time of  
10 the burning.

11 ~~(3) (c) There shall be no liability on the part of the State of~~  
12 ~~Arkansas, the State~~ Arkansas Forestry Commission, or any personnel of the  
13 ~~State~~ Arkansas Forestry Commission for damages caused by the burning of ~~the~~  
14 ~~land forest vegetation or any other person in connection with any burning~~  
15 under the provisions of this section.

16 ~~(c) (d) It is the intention of this section that the local state~~  
17 ~~Arkansas Forestry Commission forest ranger or his assistants may, when not~~  
18 ~~otherwise engaged in specific duties, may assist or advise local landowners or~~  
19 ~~their agents in the burning of forest vegetation, fallen timber, or other~~  
20 ~~rubbish upon the lands of that person for the purpose of providing proper~~  
21 ~~assistance and supervision over the burning. In no way shall the state forest~~  
22 ~~ranger, his agent, or the State of Arkansas be liable for any injury or~~  
23 ~~damages suffered as a result of the burning.~~

24 (e) This section shall not apply unless the forest vegetation or debris  
25 from land clearing to be burned weighs at least one (1) ton."

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27 SECTION 2. All provisions of this Act of a general and permanent nature  
28 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
29 Revision Commission shall incorporate the same in the Code.

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31 SECTION 3. If any provision of this Act or the application thereof to  
32 any person or circumstance is held invalid, such invalidity shall not affect  
33 other provisions or applications of the Act which can be given effect without  
34 the invalid provision or application, and to this end the provisions of this  
35 Act are declared to be severable.

1 SECTION 4. All laws and parts of laws in conflict with this Act are  
2 hereby repealed.

3 /s/ Lancaster, et al  
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