

1 State of Arkansas  
2 93rd General Assembly  
3 Regular Session, 2021  
4

# A Bill

SENATE BILL 634

5 By: Senator Hester  
6 By: Representative Lundstrum  
7

## For An Act To Be Entitled

9 AN ACT TO PROHIBIT STATE AGENCIES, COUNTIES, AND  
10 MUNICIPALITIES FROM RESTRICTING THE RIGHT OF A  
11 LANDOWNER TO PERFORM TREE MAINTENANCE ON THE  
12 LANDOWNER'S PROPERTY; AND FOR OTHER PURPOSES.  
13

## Subtitle

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15 TO PROHIBIT STATE AGENCIES, COUNTIES, AND  
16 MUNICIPALITIES FROM RESTRICTING THE RIGHT  
17 OF A LANDOWNER TO PERFORM TREE  
18 MAINTENANCE ON THE LANDOWNER'S PROPERTY.  
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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24 SECTION 1. Arkansas Code Title 14, Chapter 1, is amended to add an  
25 additional subchapter to read as follows:  
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### Subchapter 5 – Landowner Tree Maintenance Protection Act

#### 14-1-501. Title.

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29 This subchapter shall be known and may be cited as the "Landowner Tree  
30 Maintenance Protection Act".  
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#### 14-1-502. Findings and legislative intent.

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34 (a) The General Assembly finds that the right to own, use, and enjoy  
35 private property:

36 (1) Is protected by the Arkansas Constitution and the United



1 States Constitution;

2 (2) Is a hallmark of Arkansas and American society that is  
 3 deeply embedded in the fabric of both urban and rural societies; and

4 (3) Should be protected from undue interference by state and  
 5 local government.

6 (b) It is the intent of the General Assembly by enacting this  
 7 subchapter to preserve and protect the property rights of citizens of this  
 8 state by prohibiting state agencies, counties, and municipalities from  
 9 restricting the right of a landowner to perform tree maintenance on the  
 10 landowner's property.

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 12 14-1-503. Definitions.

13 As used in this subchapter:

14 (1) "Landowner" means:

15 (A) An individual or entity that owns real property; and

16 (B) The authorized agents of an individual or entity that  
 17 owns real property; and

18 (2) "Tree maintenance" means trimming or removing a tree, bush,  
 19 or shrub.

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 21 14-1-504. State agency rules – County and municipal ordinances –  
 22 Restricting tree maintenance prohibited – Exceptions.

23 (a)(1) A state agency shall not restrict by rule or otherwise the  
 24 right of a landowner to perform tree maintenance on the landowner's property.

25 (2) A county, city, or incorporated town shall not restrict by  
 26 ordinance or otherwise the right of a landowner to perform tree maintenance  
 27 on the landowner's property.

28 (b) Subsection (a) of this section does not permit a landowner to  
 29 perform tree maintenance on the landowner's property if the tree maintenance  
 30 on the landowner's property would violate:

31 (1) A real property covenant or deed restriction;

32 (2) A bill of assurance; or

33 (3) A requirement or restriction imposed by a homeowners'  
 34 association, a property owners' association, or a similar organization  
 35 whether imposed by a duly recorded master deed and bylaws or otherwise.

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1 14-1-505. Conflicting rules and ordinances repealed.

2 A state agency rule or an ordinance of a county, city, or incorporated  
3 town that conflicts with this subchapter is repealed to the extent of the  
4 conflict.

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