

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

SENATE BILL 246

By: Senator Stone

By: Representative Gonzales

For An Act To Be Entitled

AN ACT TO AMEND THE LAW REGARDING TIMBER SALES; TO REVISE THE LAW REGARDING CO-OWNERS OR COHEIRS; TO DEFINE "UNKNOWN OR UNLOCATABLE CO-OWNERS OR COHEIRS"; TO AMEND REQUIREMENTS RELATED TO TIMBER SALE CONTRACTS; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW REGARDING TIMBER SALES; TO REVISE THE LAW REGARDING CO-OWNERS OR COHEIRS; TO DEFINE "UNKNOWN OR UNLOCATABLE CO-OWNERS OR COHEIRS"; AND TO AMEND REQUIREMENTS RELATED TO TIMBER SALE CONTRACTS.

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

SECTION 1. Arkansas Code § 15-32-501(b)(1), concerning the purchase of timber from unknown or unlocatable co-owners or coheirs of land, is amended to read as follows:

(b)(1) A buyer may purchase the timber from unknown or unlocatable co-owners or coheirs of land and may remove the timber without the consent of the unknown or unlocatable co-owners or coheirs when:

(A) At least sixty percent (60%) of the ownership interest in the land has consented;

(B) He or she has made a diligent search and inquiry for any unknown or unlocatable co-owners or coheirs, including publishing a



notice in a newspaper of general circulation in the county in which the property is located in accordance with subdivision (b)(2) of this section, and after diligent search and inquiry, he or she is unable to ascertain and locate any other co-owners or coheirs; and

(C)(i) He or she has filed with the circuit clerk of the county in which the property is located a record of ~~his~~:

(a) His or her diligent search and inquiry that was unable to ascertain and locate any other co-owners or coheirs, together with a certificate of affirmation under the penalties of perjury that the facts stated therein are within his or her personal knowledge and are true, for which the circuit clerk may charge the same fees as are allowed by law for similar services; and

(b) The timber sale contract offer made to any co-owner or coheir who failed or refused to execute the timber sale contract offer.

(ii) The circuit clerk shall maintain these records for a period of five (5) years.

SECTION 2. Arkansas Code § 15-32-501(b)(3) and (4), concerning buyer liability for treble damages related to timber sales, is amended to read as follows:

(3) A buyer who does not conduct a diligent search and inquiry shall be liable in treble damages to any alleged unknown or unlocatable ~~owners~~ co-owners or ~~heirs~~ coheirs.

(4) A buyer who knows and locates but does not offer a timber sale contract with to a co-owner or coheir with the same terms offered the other co-owners or coheirs shall be liable in treble damages to ~~the alleged unknown and unlocatable~~ the co-owner or coheir.

SECTION 3. Arkansas Code § 15-32-501(c), concerning liability for co-owners or coheirs related to timber operations from timber sales, is amended to read as follows:

~~(c)(1) A co-owner or coheir of the land who does not consent to the exercise of such rights has no liability for the cost of timber operations resulting from the sale of the timber and shall receive from the buyer the same price which the buyer paid to the other co-owners or coheirs.~~

~~(2)~~ The consenting co-owners or coheirs shall agree to indemnify and hold harmless the nonconsenting co-owners or coheirs for any damage or injury claims which may result from ~~such~~ timber operations resulting from the sale of the timber.

SECTION 4. Arkansas Code § 15-32-501, concerning timber sales related to co-owners or coheirs, is amended to add an additional subsection to read as follows:

(f) As used in this section, "unknown or unlocatable co-owners or coheirs" means co-owners or coheirs who:

(1) Cannot be identified or whose location cannot be determined;

or

(2) Were offered a timber sale contract but refused to execute the timber sale contract.