

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

INTERIM STUDY PROPOSAL 2007-069

State of Arkansas
86th General Assembly
Regular Session, 2007

A Bill

HOUSE BILL 2517

By: Representative Ragland

Referred to
Agriculture, Forestry & Economic Development- House
by the House of Representatives
on 03/09/2007

For An Act To Be Entitled

AN ACT TO PERMIT ACTIONS TO QUIET THE TITLE TO
MINERAL INTERESTS; AND FOR OTHER PURPOSES.

Subtitle

AN ACT TO PERMIT ACTIONS TO QUIET THE
TITLE TO MINERAL INTERESTS.

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

SECTION 1. Arkansas Code § 18-60-501 is amended to read as follows:

18-60-501. Proceedings generally.

(a) Any person claiming to own land that is wild or improved or land that is in the actual possession of himself or herself, or those claiming under him or her, may have his or her title to the land confirmed and quieted by proceeding in the manner provided in this subchapter.

(b) As used in this subchapter, "land" means any divided or undivided interest in real property including, but not limited to, subsurface mineral interests, whether severed or unsevered.

(c) The procedure for quieting title and the resulting substantive rights under this subchapter apply retroactively to all land within the State of Arkansas.

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SECTION 2. Arkansas Code § 18-60-601 is amended to read as follows:
18-60-601. Proceedings to confirm public sales.

(a) The purchasers, or the heirs and legal representatives of purchasers, of lands at sheriff's sales or those made by the county clerks, or by the Commissioner of State Lands, or from levee or drainage improvement districts, who have acquired title by purchase at the sale held by the sheriff or by foreclosure proceedings for taxes due the districts, in pursuance of any of the laws thereof, or those made by the order, decree, or authority of any court of record, may protect themselves from eviction of the lands so purchased, or from any responsibility as possessors of them, by proceeding in the manner provided in this subchapter.

(b) As used in this subchapter, "lands" means any divided or undivided interest in real property including, but not limited to, subsurface mineral interests, whether severed or unsevered.

(c) The procedure for quieting title and the resulting substantive rights under this subchapter apply retroactively to all lands within the State of Arkansas.

SECTION 3. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that under the decision in Schuman v. Certain Lands, 223 Ark. 85, 264 S.W.2d 413 (1954), the statutes to quiet the title to land purchased at public sales were held inapplicable to tax sale purchases of severed mineral rights; and that a quiet title procedure to establish the marketability of titles to mineral rights acquired through tax sales or otherwise is needed to permit the transfer or lease of minerals for the good of the state's economy and its citizens. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

- (1) The date of its approval by the Governor;
- (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or
- (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

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