

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

A Bill

SENATE BILL 246

5 By: Senator Stone
6 By: Representative Gonzales
7

For An Act To Be Entitled

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

16 TO AMEND THE LAW REGARDING TIMBER SALES;
17 TO REVISE THE LAW REGARDING CO-OWNERS OR
18 COHEIRS; TO DEFINE "UNKNOWN OR
19 UNLOCATABLE CO-OWNERS OR COHEIRS"; AND TO
20 AMEND REQUIREMENTS RELATED TO TIMBER SALE
21 CONTRACTS.
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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27 SECTION 1. Arkansas Code § 15-32-501(b)(1), concerning the purchase of
28 timber from unknown or unlocatable co-owners or coheirs of land, is amended
29 to read as follows:

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

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

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



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

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

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

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

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

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

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

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

29
 30 SECTION 3. Arkansas Code § 15-32-501(c), concerning liability for co-
 31 owners or coheirs related to timber operations from timber sales, is amended
 32 to read as follows:

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

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

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

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

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

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

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