

1 SENATE BILL NO. 43

2 INTRODUCED BY W. CURDY

3 BY REQUEST OF THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

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5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING NOTICE REQUIREMENTS FOR CERTAIN TIMBER
6 SALES ON STATE LANDS; AND AMENDING SECTION 77-5-201, MCA."

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8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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10 **Section 1.** Section 77-5-201, MCA, is amended to read:

11 **"77-5-201. Sale of timber.** (1) Under the direction of the board, the department may sell the timber
12 crop and other crops of the forests after examination, estimate, appraisal, and report and under any rules
13 established by the board. Timber or forest products sold from state trust lands may be sold by a stumpage
14 method or a lump-sum method or marketed by the state through contract harvesting as provided in 77-5-214
15 through 77-5-219.

16 (2) Timber proposed for sale in excess of 500,000 board feet must be advertised in a ~~paper of the~~
17 ~~county in which the timber is situated~~ public place PAPER OF THE COUNTY IN WHICH THE TIMBER IS SITUATED OR ON
18 THE DEPARTMENT'S WEBSITE for a period of at least 30 days, during which time the department must receive
19 sealed bids up to the hour of the closing of the bids, as specified in the notice of sale.

20 (3) (a) In cases of emergency because of fire, insect, fungus, parasite, or blowdown or to address
21 forest health concerns or in cases when the department is required to act immediately to take advantage of
22 access granted by permission of an adjoining landowner, timber proposed for sale not in excess of 1 million
23 board feet may be advertised by invitation to bid for a period of not less than 10 days. The department may
24 reject any bids, upon approval of the board, or it shall award the sale to the highest responsible bidder.

25 (b) (i) In cases when the department is required to act immediately to take advantage of access
26 granted by permission of an adjoining landowner and there is only one potential buyer with legal access, the
27 department may negotiate a sale of timber not in excess of 2 million board feet without offering the timber for
28 bid if the sale is for fair market value.

