

HOUSE BILL NO. 38

INTRODUCED BY W. CURDY

BY REQUEST OF THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE AMOUNT OF TIMBER THAT MAY BE HARVESTED ON INACCESSIBLE STATE LANDS WHEN AN ADJOINING LANDOWNER GRANTS ACCESS TO ONLY ONE POTENTIAL BUYER; AMENDING SECTION 77-5-201, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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

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

(2) Timber proposed for sale in excess of 100,000 board feet must be advertised in a paper of the county in which the timber is situated for a period of at least 30 days, during which time the department must receive sealed bids up to the hour of the closing of the bids, as specified in the notice of sale.

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

(b) (i) In cases when the department is required to act immediately to take advantage of access granted by permission of an adjoining landowner and there is only one potential buyer with legal access, the department may negotiate a sale of timber not in excess of 4 2 million board feet without offering the timber for bid if the sale is for fair market value.

(ii) The provisions of subsection (3)(b)(i) do not apply to situations when the only access is totally



1 controlled by a potential purchaser of the timber, in which case the department shall seek to negotiate permanent,  
2 reciprocal access.

3 (c) In the situations described in subsections (3)(a) and (3)(b)(i), the department is not required to comply  
4 with the provisions of 75-1-201(1) to the extent that compliance is precluded by limited time available to take  
5 advantage of the sales opportunities described by this subsection (3)."

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7 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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