

1 HOUSE BILL NO. 612

2 INTRODUCED BY MAEDJE, HEINERT, EVERETT, ARNTZEN, HENDRICK, FUREY, LAKE, KLOCK,
3 D. BROWN, A. OLSON, JACKSON, TAYLOR, WARD, RICE, HARRIS, HIMMELBERGER, STOKER,
4 SINRUD, W. JONES, WAGMAN, BARRETT

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6 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING APPLICATION PROCEDURES FOR COMMERCIAL
7 TIMBER REMOVAL; REQUIRING LIABILITY INSURANCE AND PERFORMANCE BONDS; REQUIRING THE
8 DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION TO REVIEW COMPLETED
9 APPLICATIONS WITHIN 30 DAYS; AND AMENDING SECTION 77-5-212, MCA."

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

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13 **Section 1.** Section 77-5-212, MCA, is amended to read:

14 **"77-5-212. Commercial permits for timber removal sale.** (1) Permits may be issued to citizens of the
15 state for commercial purposes, at commercial rates, without advertising, and under such restrictions and rules
16 as that the board may approve for the sale of timber:

17 (a) in quantities of less than 100,000 feet board measure feet; and

18 (b) in cases of emergency due to fire, insect, fungus, parasite, or blowdown and no other, in quantities
19 of less than 200,000 feet board measure feet.

20 (2) To apply for a permit under this section, an individual shall:

21 (a) complete a permit application on a form provided by the department and submit the completed
22 application to the department office that is responsible for management of the state land where the proposed
23 sale is located;

24 (b) using ribbon, mark the area of the proposed sale; and

25 (c) designate on a U.S. geological survey map or other approved map the area proposed for sale and
26 existing roads that would be used to remove timber from the site.

27 (3) For sales of less than 30,000 board feet, an individual shall provide proof of VEHICLE LIABILITY
28 INSURANCE AND \$1 million in COMMERCIAL GENERAL liability insurance, naming the state of Montana as additionally
29 insured, and shall provide a performance bond in an amount not to exceed \$1,000.

30 (4) For sales of 30,000 board feet or more, an individual shall provide proof of VEHICLE LIABILITY

1 INSURANCE AND \$1 million in COMMERCIAL GENERAL liability insurance, naming the state of Montana as additionally
2 insured, and shall provide a performance bond in accordance with 77-5-202.

3 (5) Unless the timber proposed for sale is already sold or is part of another proposed sale being
4 reviewed by the department, the department shall review completed permit applications within 30 days of the
5 application's submittal. If the proposed sale complies with existing state and federal laws and regulations, the
6 department shall perform an appraisal within 60 days of the application's submittal.

7 (6) The department shall issue a permit within 5 working days of the date that the applicant agrees to
8 the terms of the proposed sale, unless the parties mutually agree upon a time extension.

9 (2)(7) Repeated permits of this kind shall may not be issued to avoid advertising and the consequent
10 competition secured thereby by advertising.

11 (8) PERMIT APPLICATIONS PURSUANT TO SUBSECTION (1)(B) ARE CATEGORICAL EXCLUSIONS AS DEFINED BY
12 RULE, AND THE DEPARTMENT IS NOT REQUIRED TO COMPLY WITH THE PROVISIONS OF 75-1-201(1) IN REVIEWING THOSE
13 APPLICATIONS.

14 (9) PROPOSED TIMBER SALES UNDER SUBSECTION (1)(B) DO NOT TAKE PRECEDENCE OVER THE TIMELY SALE
15 AND HARVEST OF GREEN TIMBER PURSUANT TO 77-5-207.

16 (10) PERMIT APPLICATIONS MADE PURSUANT TO THIS SECTION MAY BE SUBJECT TO FURTHER ENVIRONMENTAL
17 REVIEW, AND THE NUMBER OF PERMITS MAY BE LIMITED IF THE DEPARTMENT DETERMINES THAT SALES MAY HAVE A
18 CUMULATIVE EFFECT ON GEOGRAPHIC AREA."

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