	ment - 1st Reading-white - Requested by: Willis Curdy - (S) Natural Resources
- 202: 68th L	slature 2023 Drafter: Jason Mohr, 406-444-1640 SB0043.001.00
1	SENATE BILL NO. 43
2	INTRODUCED BY W. CURDY
3	BY REQUEST OF THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
4	
5	BILL FOR AN ACT ENTITLED: "AN ACT REVISING NOTICE REQUIREMENTS FOR CERTAIN TIMBER
6	ALES ON STATE LANDS; AND AMENDING SECTION 77-5-201, MCA."
7	
8	E 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	rop and other crops of the forests after examination, estimate, appraisal, and report and under any rules
13	stablished by the board. Timber or forest products sold from state trust lands may be sold by a stumpage
14	nethod or a lump-sum method or marketed by the state through contract harvesting as provided in 77-5-214
15	nrough 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	ounty in which the timber is situated public place paper of the county in which the timber is situated or on the
18	epartment's website for a period of at least 30 days, during which time the department must receive sealed
19	ids 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	prest health concerns or in cases when the department is required to act immediately to take advantage of
22	ccess granted by permission of an adjoining landowner, timber proposed for sale not in excess of 1 million
23	oard feet may be advertised by invitation to bid for a period of not less than 10 days. The department may
24	eject 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	ranted by permission of an adjoining landowner and there is only one potential buyer with legal access, the
27	epartment 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.



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

2 controlled by a potential purchaser of the timber, in which case the department shall seek to negotiate

3 permanent, reciprocal access.

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

6 take advantage of the sales opportunities described by this subsection (3)."

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- END -

