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INTRODUCED BY Wagner Wash Edin M. Hanson Reidinger House BILL NO. 274

A BILL FOR AN ACT ENTITLED: "AN ACT GRANTING THE DEPARTMENT OF STATE LANDS BROADER DISCRETION TO EXPEDITE SALES OF STATE TIMBER IN EMERGENCY SITUATIONS AND LIMITED ACCESS OPPORTUNITY SITUATIONS; EXEMPTING CERTAIN LIMITED ACCESS OPPORTUNITY TIMBER SALES FROM THE BID PROCESS REQUIREMENTS; EXEMPTING EMERGENCY AND LIMITED ACCESS OPPORTUNITY TIMBER SALES FROM CERTAIN ENVIRONMENTAL IMPACT STATEMENT PROVISIONS OF THE MONTANA ENVIRONMENTAL POLICY ACT; AND AMENDING SECTION 77-5-201, MCA."

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 ~~such~~ rules as ~~may be~~ established by the board.

(2) Timber proposed for sale in excess of 100,000 board feet ~~shall~~ 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 ~~shall~~ 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 due to fire, insect, fungus, parasite, or blowdown or in cases when the department is required to act immediately to take advantage of a limited access opportunity, 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 or all bids, upon approval of the board, or it shall award the sale to the highest responsible bidder.

(b) In cases when the department is required to act immediately to take advantage of a limited access opportunity and there is only one potential buyer with legal access, the department may negotiate a sale of timber not in excess of 1 million board feet without offering the timber for bid if the sale is for fair market value.

(c) In the situations described in this subsection (3), the department is not required to comply with

1 the provisions of 75-1-201(1)."

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-END-

1 HOUSE BILL NO. 274

2 INTRODUCED BY WAGNER, TASH, ELLIS, M. HANSON, DEBRUYCKER

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4 A BILL FOR AN ACT ENTITLED: "AN ACT GRANTING THE DEPARTMENT OF STATE LANDS BROADER
5 DISCRETION TO EXPEDITE SALES OF STATE TIMBER IN EMERGENCY SITUATIONS AND LIMITED ACCESS
6 OPPORTUNITY SITUATIONS; EXEMPTING CERTAIN LIMITED ACCESS OPPORTUNITY TIMBER SALES
7 FROM THE BID PROCESS REQUIREMENTS; EXEMPTING CERTAIN EMERGENCY AND LIMITED ACCESS
8 OPPORTUNITY TIMBER SALES FROM ~~CERTAIN ENVIRONMENTAL IMPACT STATEMENT PROVISIONS OF~~
9 THE MONTANA ENVIRONMENTAL POLICY ACT; AND AMENDING SECTION 77-5-201, MCA."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:12
13 **Section 1.** Section 77-5-201, MCA, is amended to read:14 **"77-5-201. Sale of timber.** (1) Under the direction of the board, the department may sell the timber
15 crop and other crops of the forests after examination, estimate, appraisal, and report and under ~~such~~ ANY
16 rules ~~as may be~~ established by the board.17 (2) Timber proposed for sale in excess of 100,000 board feet ~~shall~~ must be advertised in a paper
18 of the county in which the timber is situated for a period of at least 30 days, during which time the
19 department ~~shall~~ must receive sealed bids up to the hour of the closing of the bids, as specified in the
20 notice of sale.21 (3)(a) In cases of emergency due to fire, insect, fungus, parasite, or blowdown or in cases when
22 the department is required to act immediately to take advantage of a limited access opportunity ACCESS
23 GRANTED BY PERMISSION OF AN ADJOINING LANDOWNER, timber proposed for sale not in excess of
24 1 million board feet may be advertised by invitation to bid for a period of not less than 10 days. The
25 department may reject any or all bids, upon approval of the board, or it shall award the sale to the highest
26 responsible bidder.27 (b) (I) In cases when the department is required to act immediately to take advantage of a limited
28 access opportunity ACCESS GRANTED BY PERMISSION OF AN ADJOINING LANDOWNER and there is only
29 one potential buyer with legal access, the department may negotiate a sale of timber not in excess of 1
30 million board feet without offering the timber for bid if the sale is for fair market value.

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(3)(a) In cases of emergency due to fire, insect, fungus, parasite, or blowdown or in cases when the department is required to act immediately to take advantage of a limited access opportunity 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 or all 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 a limited access opportunity 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 1 million board feet without offering the timber for bid if the sale is for fair market value.

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