

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 507

BY RESOURCES AND CONSERVATION COMMITTEE

AN ACT

RELATING TO TIMBER; AMENDING SECTION 58-407, IDAHO CODE, TO REVISE PROVISIONS REGARDING SECURITY REQUIREMENTS IN CERTAIN ACTIONS OR PROCEEDINGS INVOLVING THE SALE OF TIMBER AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 58-407, Idaho Code, be, and the same is hereby amended to read as follows:

58-407. BOND OF PERSONS CUTTING TIMBER. (1) The state board of land commissioners shall require of all persons cutting timber upon state lands, a bond in a sufficient amount, with good and approved sureties, for the carrying out in good faith all the laws applicable thereto and all the terms and conditions imposed by the state board of land commissioners.

(2) In any action or proceeding brought for the purpose of setting aside a sale of timber directed by the state board of land commissioners, or any sale of timber auctioned or offered by the department of lands under good neighbor authority, as provided in 16 U.S.C. 2113a, or in any action or proceeding brought for the purpose of delaying or preventing the cutting or removal of timber by the purchaser at any such sale, in which any party seeks a stay or seeks a temporary restraining order or preliminary injunction against the state board of land commissioners, the state of Idaho, or the purchaser, the court shall require security as provided in rule 65(c) of the Idaho rules of civil procedure, in an amount equal to not less than ten percent (10%) of either the appraised value of the timber or the purchase price of the sale, whichever is greater, for the benefit of the fund for which the state holds in trust the timber included in the sale.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.