

HOUSE BILL NO. 743

INTRODUCED BY CURTISS, C. SMITH, DARKO, CONNELLY, HARP,
MUELLER, B. BROWN, ELLIOTT, MCCALLUM

IN THE HOUSE

February 12, 1983	Introduced and referred to Committee on Agriculture, Livestock and Irrigation.
February 18, 1983	Committee recommend bill do pass. Report adopted. Posted on Consent Calendar.
February 19, 1983	Considered correctly engrossed. Questions and answers.
February 22, 1983	Consent Calendar, do pass. Transmitted to Senate.

IN THE SENATE

March 1, 1983	Introduced and referred to Committee on Agriculture, Livestock and Irrigation.
March 8, 1983	Committee recommend bill be concurrent in as amended. Report adopted.
March 10, 1983	Second reading, concurred in.
March 12, 1983	Third reading, concurred in. Ayes, 47; Noes, 0.

IN THE HOUSE

March 12, 1983	Returned to House with amendments.
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March 31, 1983

Second reading, amendments
not concurred in.

On motion Conference
Committee requested and
appointed.

April 9, 1983

Conference Committee
reported.

April 12, 1983

Second reading, report
adopted.

April 13, 1983

Third reading, report
adopted.

April 16, 1983.

Conference Committee report
adopted by Senate.

Sent to enrolling.

Reported correctly enrolled.

1 House BILL NO. 743
 2 INTRODUCED BY Curtis Smith Mark Parnell Harvey
 3 Martha Bob Brown Elliot J. McCallum
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REDUCE THE NUMBER OF
 5 CONIFEROUS TREES THAT A PERSON MAY TRANSPORT WITHOUT A BILL
 6 OF SALE AND TO REQUIRE AUTHORIZATION OF THE OWNER FOR
 7 TRANSPORTATION OF OVER 200 POUNDS OF CONIFEROUS TREE BOUGHS;
 8 AMENDING SECTION 76-13-601, MCA."
 9
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 11 Section 1. Section 76-13-601, MCA, is amended to read:
 12 "76-13-601. Unlawful transportation of trees and
 13 boughs. (1) No person may transport on the highways of this
 14 state more than ~~10~~ 5 coniferous trees without having in his
 15 possession a bill of sale showing his ownership of the
 16 trees. The bill of sale shall specify:
 17 (a) the date of its execution;
 18 (b) the name and address of the vendor or donor of the
 19 trees;
 20 (c) the name and address of the vendee or donee of the
 21 trees;
 22 (d) the number of trees, by species, sold or
 23 transferred by the bill of sale; and
 24 (e) the shipping yards or the property from which the
 25 trees were taken.

1 (2) Subsection (1) does not apply to:
 2 (a) the transportation of trees with their roots
 3 intact;
 4 (b) the transportation of logs, poles, pilings, or
 5 other forest products from which substantially all the limbs
 6 and branches have been removed;
 7 (c) the transportation of coniferous trees by the
 8 owner of the land from which they were taken or his agent,
 9 provided that agent has in his possession a tax receipt or
 10 other evidence indicating the section, township, and range
 11 from which the trees were harvested;
 12 (d) the transportation of coniferous trees by a common
 13 carrier.
 14 ~~(3) No person may transport on the highways of this~~
 15 ~~state more than 200 pounds of boughs from coniferous trees~~
 16 ~~without written authorization of the owner of the boughs.~~
 17 ~~(3)(4)~~ A person who violates this section shall be
 18 punished by a fine not to exceed \$500 or imprisonment not to
 19 exceed 6 months, or both."

-End-

INTRODUCED BILL

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H.B. 743

1 House BILL NO. 743
 2 INTRODUCED BY Curtis Smith Steve Penney HART
 3 Maella Bob Brown Echo J. McCallum
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REDUCE THE NUMBER OF
 5 CONIFEROUS TREES THAT A PERSON MAY TRANSPORT WITHOUT A BILL
 6 OF SALE AND TO REQUIRE AUTHORIZATION OF THE OWNER FOR
 7 TRANSPORTATION OF OVER 200 POUNDS OF CONIFEROUS TREE BOUGHS;
 8 AMENDING SECTION 76-13-601, MCA."
 9
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 11 Section 1. Section 76-13-601, MCA, is amended to read:
 12 "76-13-601. Unlawful transportation of trees and
 13 boughs. (1) No person may transport on the highways of this
 14 state more than ~~10~~ 5 coniferous trees without having in his
 15 possession a bill of sale showing his ownership of the
 16 trees. The bill of sale shall specify:
 17 (a) the date of its execution;
 18 (b) the name and address of the vendor or donor of the
 19 trees;
 20 (c) the name and address of the vendee or donee of the
 21 trees;
 22 (d) the number of trees, by species, sold or
 23 transferred by the bill of sale; and
 24 (e) the shipping yards or the property from which the
 25 trees were taken.

1 (2) Subsection (1) does not apply to:
 2 (a) the transportation of trees with their roots
 3 intact;
 4 (b) the transportation of logs, poles, pilings, or
 5 other forest products from which substantially all the limbs
 6 and branches have been removed;
 7 (c) the transportation of coniferous trees by the
 8 owner of the land from which they were taken or his agent,
 9 provided that agent has in his possession a tax receipt or
 10 other evidence indicating the section, township, and range
 11 from which the trees were harvested;
 12 (d) the transportation of coniferous trees by a common
 13 carrier.
 14 ~~(1) No person may transport on the highways of this~~
 15 ~~state more than 200 pounds of boughs from coniferous trees~~
 16 ~~without written authorization of the owner of the boughs.~~
 17 ~~(3)(4)~~ A person who violates this section shall be
 18 punished by a fine not to exceed \$500 or imprisonment not to
 19 exceed 6 months, or both."

-End-

CONSENT CALENDAR

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THIRD READING

HB 743

March 8, 1983

SENATE STANDING COMMITTEE REPORT
(Agriculture, Livestock & Irrigation)

That House Bill No. 743 be amended as follows:

1. Page 1, line 13.

Strike: "highways"

Insert: "ways"

2. Page 2, line 14.

Strike: "highways"

Insert: "ways"

3. Page 2, line 20.

Following: line 19

Insert: "NEW SECTION. Section 2. Definition. "Ways of this state" means any highway, road, alley, lane, parking area, or other public or private place adapted and fitted for public vehicle travel that is commonly used by the public with the express or implied consent of the owner."

HOUSE BILL NO. 743

INTRODUCED BY CURTISS, C. SMITH,

DARKO, CONNELLY, HARP, MUELLER,

B. BROWN, ELLIOTT, MCCALLUM

A BILL FOR AN ACT ENTITLED: "AN ACT TO REDUCE THE NUMBER OF CONIFEROUS TREES THAT A PERSON MAY TRANSPORT WITHOUT A BILL OF SALE AND TO REQUIRE AUTHORIZATION OF THE OWNER FOR TRANSPORTATION OF OVER 200 POUNDS OF CONIFEROUS TREE BOUGHS; AMENDING SECTION 76-13-601, MCA."

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

Section 1. Section 76-13-601, MCA, is amended to read:

"76-13-601. Unlawful transportation of trees and boughs. (1) No person may transport on the highways ~~WAYS~~ of this state more than ~~10~~ 5 coniferous trees without having in his possession a bill of sale showing his ownership of the trees. The bill of sale shall specify:

(a) the date of its execution;

(b) the name and address of the vendor or donor of the trees;

(c) the name and address of the vendee or donee of the trees;

(d) the number of trees, by species, sold or transferred by the bill of sale; and

(e) the shipping yards or the property from which the trees were taken.

(2) Subsection (1) does not apply to:

(a) the transportation of trees with their roots intact;

(b) the transportation of logs, poles, pilings, or other forest products from which substantially all the limbs and branches have been removed;

(c) the transportation of coniferous trees by the owner of the land from which they were taken or his agent, provided that agent has in his possession a tax receipt or other evidence indicating the section, township, and range from which the trees were harvested;

(d) the transportation of coniferous trees by a common carrier.

~~(3) No person may transport on the highways WAYS of this state more than 200 pounds of boughs from coniferous trees without written authorization of the owner of the boughs.~~

~~(3)(4)~~ A person who violates this section shall be punished by a fine not to exceed \$500 or imprisonment not to exceed 6 months, or both."

THERE IS A NEW MCA SECTION THAT READS:

Section 2. Definition. "Ways of this state" means any highway, road, alley, lane, parking area, or other public or

- 1 private place adapted and fitted for public vehicle travel
- 2 that is commonly used by the public with the express or
- 3 implied consent of the owner.

-End-

.....April 8,.....19 83.....

CONFERENCE COMMITTEE
ON HOUSE BILL NO. 743

(Report No. 1, April 8, 1983)

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Conference Committee on House Bill No. 743, met April 8, 1983, and considered;

Senate Agriculture, Livestock, and Irrigation Committee amendments to the third reading copy, dated March 8, 1983, and recommend as follows:

That the House accede to Agriculture, Livestock, and Irrigation Committee amendments nos. 1 through 3, dated March 8, 1983;

And that the Conference Committee Report to House Bill No. 743 be adopted.

FOR THE HOUSE:

FOR THE SENATE:

Ray Lybeck
Lybeck, Chairman

Bob Brown
Brown, Chairman

Connelly
Connelly

William Gage
Gage

Curtiss
Curtiss

John Mohr
Mohr

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Chairman.