

HB 812 INTRODUCED BY RAPP-SVRCEK, ET AL.
REQUIRES USE OF FOREST SLASH THAT IS ECONOMICALLY
PRACTICABLE

2/18 INTRODUCED
2/18 REFERRED TO NATURAL RESOURCES
2/18 FISCAL NOTE REQUESTED
2/20 HEARING
2/20 TABLED IN COMMITTEE
2/23 FISCAL NOTE RECEIVED

1 INTROSUCED BY House BILL NO. 812
 2 Legg, Durb
 3 Narkeo
 4 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE
 5 DEPARTMENT OF STATE LANDS TO PROMOTE THE ECONOMIC USE OF
 6 FOREST PRODUCTS; REQUIRING OWNERS OF TIMBER AND FOREST LANDS
 7 TO MAKE SLASH AVAILABLE FOR PUBLIC USE; ESTABLISHING
 8 LIABILITY LIMITATIONS FOR OWNERS OF TIMBER AND FOREST LANDS;
 9 AMENDING SECTIONS 76-13-401 AND 76-13-403, MCA; AND
 10 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

11
 12 WHEREAS, a considerable volume of usable forest
 13 products and slash on privately owned land is often left in
 14 the forest after major timber sales; and

15 WHEREAS, the unused forest products and slash are not
 16 marketable by the owner of the timber or forest land, but
 17 could serve many useful purposes if made available to the
 18 public; and

19 WHEREAS, allowing the public to use forest products and
 20 slash on privately owned lands would lessen the pressure and
 21 competition for similar forest products and slash on public
 22 lands; and

23 WHEREAS, more efficient use of forest products and
 24 slash is a desirable goal for purposes of wise management
 25 and conservation of forest resources.

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

3 Section 1. Section 76-13-401, MCA, is amended to read:
 4 "76-13-401. Definitions. As used in this part, the
 5 following definitions apply:

6 (1) "Board" means the board of land commissioners
 7 provided for in Article X, sec. 4, of the Montana
 8 Constitution.

9 (2) "Department" means the department of state lands
 10 provided for in Title 2, chapter 15, part 32.

11 (3) "Forest product" means trees or their component
 12 parts, including but not limited to logs, poles, pilings,
 13 limbs, branches, or bark. The term also includes but is not
 14 limited to cants, studs, cross-ties, or other products
 15 manufactured on the cutting area.

16 ~~(3)~~(4) "Person" means an individual, association,
 17 partnership, corporation, estate, or any other entity.

18 (5) "Scribner rule" means the Scribner Decimal C log
 19 rule for estimating the volume of saw logs."

20 Section 2. Section 76-13-403, MCA, is amended to read:
 21 "76-13-403. Supervision by department. The department,
 22 under such rules as the board adopts;

23 (1) may supervise and inspect the reduction or
 24 management of any fire hazard created by the cutting of any
 25 forest product on private land in the state; and



-2- INTRODUCED BILL
 HB-812

1 (2) shall promote the use of forest products that have
 2 been cut or are about to be cut, to the fullest extent that
 3 is economically practicable, including slash that would
 4 otherwise be subject to disposal in accordance with the fire
 5 hazard reduction requirements of this part."

6 NEW SECTION. Section 3. Availability of slash for
 7 public use -- exemption. (1) Owners of timber and forest
 8 lands shall make available for public use and consumption
 9 the slash that would otherwise be subject to disposal in
 10 compliance with the fire hazard reduction requirements of
 11 this part.

12 (2) Owners of timber and forest lands are exempt from
 13 this section for any individual timber sale that contains a
 14 volume of 500,000 board feet or less of forest products
 15 harvested according to the Scribner rule. For purposes of
 16 determining whether an individual timber sale is exempt, all
 17 forest products harvested must be measured by or converted
 18 to board feet according to the Scribner rule.

19 NEW SECTION. Section 4. Restriction on liability of
 20 owner of timber or forest lands or his agent or tenant. A
 21 person who makes use of any property in the possession or
 22 under the control of another for the purpose specified in
 23 [section 3] without giving a valuable consideration therefor
 24 does so without any assurance from the owner of timber or
 25 forest lands, his agent, or his tenant that the property is

1 safe for any purpose. The owner of timber or forest lands,
 2 his agent, or his tenant owes the person no duty of care,
 3 except that the owner of timber or forest lands, his agent,
 4 or his tenant is liable to such person for any injury to
 5 person or property for an act or omission that constitutes
 6 willful or wanton misconduct.

7 NEW SECTION. Section 5. Authority to adopt rules. The
 8 board shall adopt rules to implement this act.

9 NEW SECTION. Section 6. Codification instruction.
 10 Sections 3 through 5 are intended to be codified as an
 11 integral part of Title 76, chapter 13, part 4, and the
 12 provisions of Title 76, chapter 13, part 4, apply to
 13 sections 3 through 5.

14 NEW SECTION. Section 7. Effective date. This act is
 15 effective on passage and approval.

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