

HOUSE BILL NO. 488

INTRODUCED BY BRANDEWIE, HARP, WAGNER, HERRON, BIRD,  
LARSON, PETERSON

IN THE HOUSE

FEBRUARY 5, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON NATURAL RESOURCES.
	FIRST READING.
FEBRUARY 17, 1993	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 18, 1993	PRINTING REPORT.
FEBRUARY 19, 1993	SECOND READING, DO PASS.
FEBRUARY 20, 1993	ENGROSSING REPORT.
FEBRUARY 22, 1993	THIRD READING, PASSED. AYES, 99; NOES, 0.
FEBRUARY 23, 1993	TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 1, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON NATURAL RESOURCES.
	FIRST READING.
MARCH 24, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 26, 1993	SECOND READING, CONCURRED IN.
MARCH 27, 1993	THIRD READING, CONCURRED IN. AYES, 48; NOES, 0.
	RETURNED TO HOUSE.

IN THE HOUSE

MARCH 29, 1993	RECEIVED FROM SENATE.
	SENT TO ENROLLING.
	REPORTED CORRECTLY ENROLLED.

1 *House* BILL NO. *488*  
 2 INTRODUCED BY *B. Lewis HARP Wagner Heron*  
 3 *Bird* *Lana Peterson*  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT DIRECTING THE  
 5 DEPARTMENT OF STATE LANDS TO ESTABLISH A SALVAGE TIMBER  
 6 PROGRAM; AND AMENDING SECTION 76-13-302, MCA."  
 7

8 STATEMENT OF INTENT

9 It is the intent of the legislature that the department  
 10 of state lands establish and implement an aggressive salvage  
 11 timber program for state lands that removes dead and dying  
 12 timber before the timber decays and wood value is lost.  
 13 However, the direction to establish a salvage timber program  
 14 in this bill should not take precedence over the timely sale  
 15 of green timber.  
 16

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

18 **Section 1.** Section 76-13-302, MCA, is amended to read:

19 "76-13-302. Definitions. In this part, the following  
 20 definitions apply:

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

23 (2) "Forest land" means any land which that has enough  
 24 forest growth, standing or down, to constitute in the  
 25 judgment of the department an insect or disease infestation

1 breeding ground of a nature to constitute a menace,  
 2 injurious and dangerous to the forest resources in the  
 3 district or zone of infestation.

4 (3) "Forest landowner" means the person, firm,  
 5 association, or corporation having the actual, beneficial  
 6 ownership of forest land or timber, other than an easement,  
 7 right-of-way, or mineral reservation.

8 (4) "Salvage" means the timely removal of dead and  
 9 dying timber or timber that is threatened by insects,  
 10 disease, fire, or windthrow when the removal of timber will  
 11 help contain insect or disease outbreaks, aid in the  
 12 prevention of wildfire, or provide long-range protection for  
 13 such forest resources as wildlife, water, soils, or air  
 14 quality."

15 **NEW SECTION. Section 2. Salvage timber program.** (1)  
 16 The department shall establish a salvage timber program that  
 17 provides for the timely salvage logging on state forests of  
 18 dead or dying timber or timber that is threatened by  
 19 insects, disease, fire, or windthrow. In managing the  
 20 harvest of salvage timber, the department shall consider:

21 (a) the economic value of the timber to be salvaged;  
 22 (b) the cost of salvage efforts; and  
 23 (c) the long-term costs to all forest resources from  
 24 insects, disease, or fire that otherwise might be controlled  
 25 through salvage operations.

1       (2) The department shall ensure that dead and dying  
2 timber harvested as part of a salvage program is harvested  
3 before the wood decays and wood value is lost.

4       (3) The department may sell salvage timber pursuant to  
5 Title 77, chapter 5, part 2.

6       (4) The department's salvage timber program may not  
7 take precedence over the timely sale and harvest of green  
8 timber.

9       NEW SECTION.   **Section 3.** Codification       instruction.

10      [Section 2] is intended to be codified as an integral part  
11 of Title 76, chapter 13, part 3, and the provisions of Title  
12 76, chapter 13, part 3, apply to [section 2].

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0488, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION: An act directing the Department of State Lands to establish a timber salvage program on state forest lands that ensures the timely salvage of dead and dying timber.

ASSUMPTIONS:

1. The State Land Board is required to administer the school trust lands to secure the largest measure of legitimate and reasonable advantage to the trust (77-1-202 MCA).
2. It is the public policy of the state to protect and preserve forest resources from destruction by forest insect pests and tree diseases (76-13-301 MCA).
3. This act does not change the Department of State Land's current relative priorities for the salvage of dead and dying timber and green timber sale programs.


FISCAL IMPACT: None


TECHNICAL NOTES:

In the proposed Section 2(2) the department "...shall ensure" that dead and dying timber is harvested before the wood decays and value is lost. Wood decay and value loss begins in dying trees often before those trees show any symptoms of decay. This process of decay is occurring in individual trees on nearly 600,000 acres of the state's forest land. Given the nature of forest decay it is impossible for the department to comply with this strict requirement in the proposed act. New suggested wording for Section 2(2) is: "The department shall to the extent practicable harvest dead and dying timber before there is substantial wood decay and value loss."

Title 76 contains the department's regulatory authority over private land. Title 77 contains the statute regarding the department's management of timber on its own lands. This bill should therefore be so defined in Title 77, not Title 76.

It appears from the description of the intent of this act that the harvest of green timber is intended to remain a higher priority for the department than the timber salvage program. If so, the wording of Section 2(4) should be strengthened to read: "The department's salvage timber program shall not take precedence over the timely sale and harvest of green timber."

  
DAVID LEWIS, BUDGET DIRECTOR      DATE  
Office of Budget and Program Planning

  
RAY BRANDEWIE, PRIMARY SPONSOR      DATE

Fiscal Note for HB0488, as introduced

**HB 488**

APPROVED BY COMM. ON  
NATURAL RESOURCES

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STATEMENT OF INTENT

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of state lands establish and implement an aggressive salvage  
timber program for state lands that removes dead and dying  
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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 76-13-302, MCA, is amended to read:

"76-13-302. Definitions. In this part, the following  
definitions apply:

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

(2) "Forest land" means any land which that has enough  
forest growth, standing or down, to constitute in the

judgment of the department an insect or disease infestation  
breeding ground of a nature to constitute a menace,  
injurious and dangerous to the forest resources in the  
district or zone of infestation.

(3) "Forest landowner" means the person, firm,  
association, or corporation having the actual, beneficial  
ownership of forest land or timber, other than an easement,  
right-of-way, or mineral reservation.

(4) "Salvage" means the timely removal of dead and  
dying timber or timber that is threatened by insects,  
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help contain insect or disease outbreaks, aid in the  
prevention of wildfire, or provide long-range protection for  
such forest resources as wildlife, water, soils, or air  
quality.

**NEW SECTION. Section 2. Salvage timber program.** (1)  
The department shall establish a salvage timber program that  
provides for the timely salvage logging on state forests of  
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harvest of salvage timber, the department shall consider:  
(a) the economic value of the timber to be salvaged;  
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(c) the long-term costs to all forest resources from  
insects, disease, or fire that otherwise might be controlled

1 through salvage operations.

2 (2) ~~The department shall ensure that dead and dying~~  
3 ~~timber harvested as part of a salvage program is harvested~~  
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5 DEPARTMENT SHALL, TO THE EXTENT PRACTICABLE, HARVEST DEAD  
6 AND DYING TIMBER BEFORE THERE IS SUBSTANTIAL WOOD DECAY AND  
7 VALUE LOSS.

8 (3) The department may sell salvage timber pursuant to  
9 Title 77, chapter 5, part 2.

10 (4) The department's salvage timber program may not  
11 take precedence over the timely sale and harvest of green  
12 timber.

13 NEW SECTION. Section 3. Codification instruction.  
14 [Section 2] is intended to be codified as an integral part  
15 of Title ~~76, chapter 13, part 3~~ 77, CHAPTER 5, and the  
16 provisions of Title ~~76, chapter 13, part 3~~ 77, CHAPTER 5,  
17 apply to [section 2].

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-End-