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MONTANA STATE FORESTS a PLAN for MANAGEMENT

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Forestry Advisory Commission

George Neff

Lloyd Helmer

Ross Williams, Chairman



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FORESTRY ADVISORY COMMISSION

REPORT TO THE:
State Board of Land Commissioners
November 29, 1954

The Thirty Fourth Legislative Assembly
State of Montana
January 17, 1955

In Response To:

The fifth joint Senate resolution of the Thirty-third Legislative
Assembly To:

"Make, under the direction of the State Board of Land Commissioners,
a complete study of the State-owned forest resource and report to
the Thirty-fourth Legislative Assembly a program for the administration
of this resource."

Appointed by

Governor J. Hugo Aronson

April 7, 1953

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George Neff, Missoula

A. L. Helmer, Polson

Ross Williams (Chairman) Missoula

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Action by the State Board of Land Commissioners
is recorded in green ink on the pages following
Commissions recommendations.

*To bring them
up to date*

SENATE JOINT RESOLUTION NO. 5

A Joint Resolution to the Governor of the State of Montana Requesting the Appointment of a Commission to Function for a Period of Two Years Under the Direction of the State Board of Land Commissioners to make a Complete Study of the State Owned Forest Resource and Report to the Thirty-fourth Legislative Assembly a Program for the Administration of this Resource.

Be It Resolved by the Senate of the Thirty-third Legislative Assembly of the State of Montana, the House of Representatives Concurring:

WHEREAS, the State of Montana now has an estimated one and one-half billion feet of merchantable timber estimated at a value of fifteen million dollars (\$15,000,000); and

WHEREAS, the present method of managing this vast resource is inadequate because sufficient funds have not been made available so that sufficient and competent personnel can be secured for proper forest management and the administration of timber sales which returned in 1952 to the state endowment investment fund and the common school fund, a sum in excess of one million three hundred thousand dollars (\$1,300,000); and

WHEREAS, timber is now treated as a crop by the timber industry and should be harvested when ripe; and

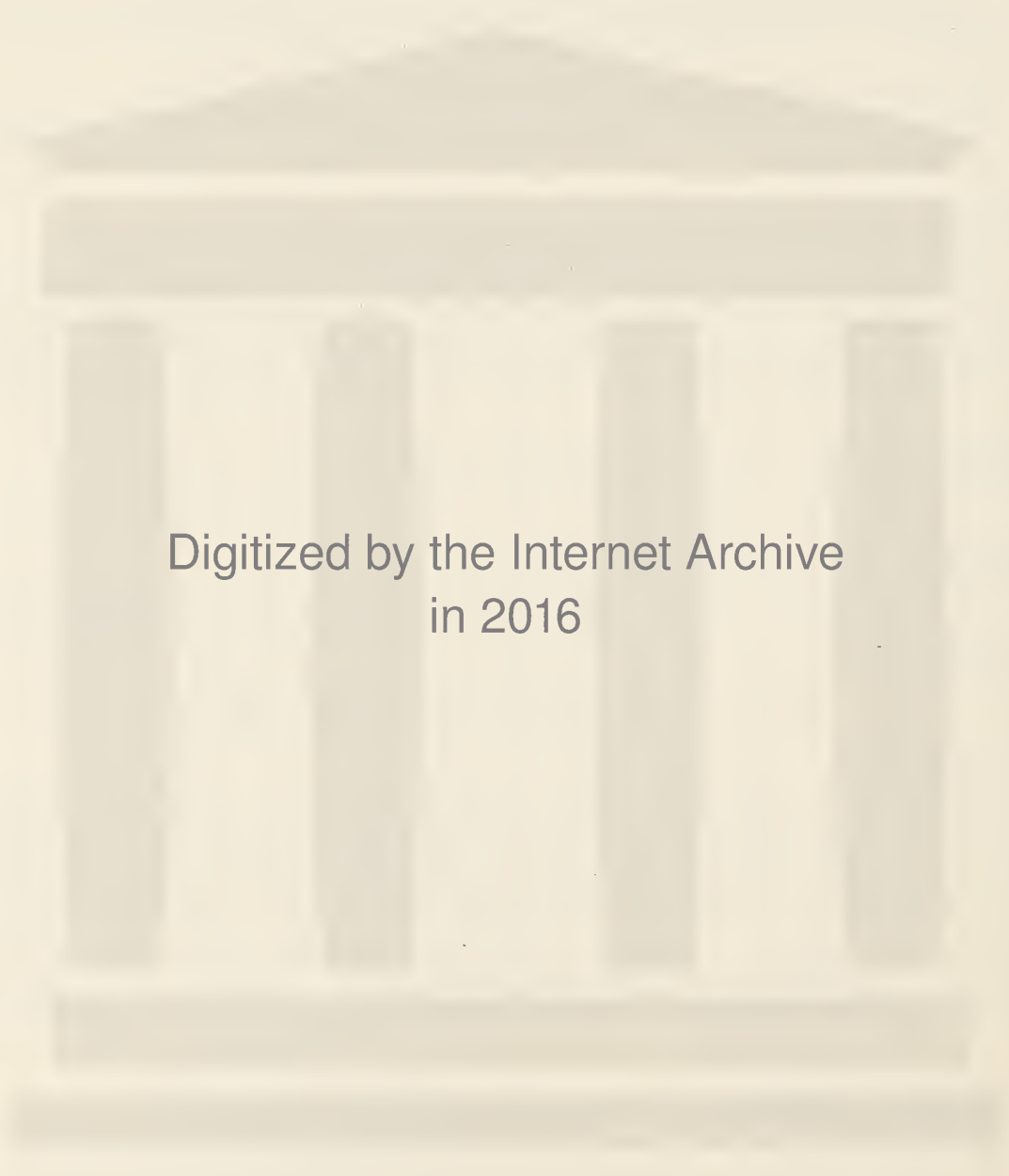
WHEREAS, much of Montana's timber stands are over-ripe and are therefore extremely susceptible to disease, the attack of bugs and beetles and fires; and

WHEREAS, the whole problem of protection and management of this vast timber resource needs a modern, more scientific approach thereto;

NOW, THEREFORE, BE IT RESOLVED by the Senate of the State of Montana, the House of Representatives concurring, that the Governor of the State of Montana is hereby requested and authorized to appoint a three-man commission, one (1) of whom shall be the Dean of the Montana State School of Forestry, Montana University at Missoula, Montana, to function under the direction of the State Board of Land Commissioners to make a complete study of the state owned forest resource for the purpose of formulating a forest management plan somewhat comparable to the practices of other agencies and interests in the forestry field in the State of Montana and the northwest;

BE IT FURTHER RESOLVED, that said commission be appointed within thirty (30) days after the passage and approval of this resolution, to function for a period of two (2) years to make a report, submit its recommendations and such proposed legislative enactments as it deems necessary and advisable to the Thirty-fourth Legislative Assembly of the State of Montana on or before the tenth legislative day of said Legislative Assembly.

Approved March 4, 1953.



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AN INVENTORY OF STATE OWNED FOREST LANDS

The most urgent necessity for the proper management of State-owned forest lands is an inventory that will provide the location, volume and condition of Saw Timber, Pole Stands, Seedling and Saplings and Nonstocking areas. This inventory should also show the growth and decadence, for each separate species, a complete record of all logged over and burned areas and the requirements that will bring them into full production. This and other detailed information must be made available to the State Forester before it is possible for him to prepare a complete forest management and protection plan.

State-owned forests of Montana do not now have such an inventory or plan. Some of the Forest surveys that are used as the basis of present activities are thirty years old. The detailed records of the various classes of timber land are incomplete and out of date. The condition of cut over and burned areas is not a matter of reliable record. There is no fully developed planting and timber stand improvement plan. A complete inventory, even when taking advantage of modern facilities and techniques, such as aerial photographs and random sampling is expensive but when once completed it can be kept up to date at a reasonable annual cost. The Commission believes that a minimum of 50 cents per acre should be provided for such a survey for the heavily timbered areas.

A sizeable portion of the State's merchantable timber is concentrated on the State forests west of the divide, as follows:

Designated State Forests

<u>State Forest</u>	<u>Area Acres</u>	<u>Cost to Survey at 50¢ per A.</u>
Swan River Forest	42,000	\$21,000.00
Stillwater Forest	90,000	45,000.00
Clearwater Forest	18,076	9,038.00
Lincoln Forest	8,245	4,122.50
Cole Creek Forest	20,000	
Sula Forest	10,000	
Thompson River Forest	14,628	

A summary of the State-owned forest lands that exist in the State Forester's office was made by Professor Fay Clark and is presented as an appendix to this report. However, the most reliable available information is to be found in the Montana report of the National Forest Survey which is conducted by the United States Forest Service. This information is summarized in tables 5 and 6 in the appendix of that report and is reproduced here.

Table One

State and County Owned Commercial and Non Commercial

Forest Lands

Stand Size Class	Western Montana		:	Eastern Montana		:	Total for the entire State	
	Acres		:	Acres		:	Acres	
	State	County	:	State	County	:	State	County
Saw Timber	217,000	10,000	:	34,000	2,000	:	251,000	12,000
Pole Timber	120,000	5,000	:	35,000	16,000	:	205,000	21,000
Seedling and Sapling	85,000	24,000	:	7,000	1,000	:	92,000	25,000
Nonstocking	24,000	-----	:	36,000	17,000	:	60,000	17,000
<hr/>								
Total Commercial Forest Land	446,000	39,000	:	162,000	36,000	:	608,000	75,000
Total Non Com- mercial Forest Lands	40,000	1,000	:	10,000	5,000	:	50,000	6,000
Total Forest Lands	486,000	40,000	:	172,000	41,000	:	658,000	81,000

Table Two

Live Saw Timber and Primary Growing Stock

State and County Owned

Ownership	Live Saw Timber			Primary Growing Stock		
	Million Board Feet			Million Cubic Feet		
Class	Western Montana	Eastern Montana	Entire State	Western Montana	Eastern Montana	Entire State
State owned	2,416	255	2,671	575	99	674
County owned	95	21	116	26	9	35

The statistical data for forest land in the western part of the State is based upon samples taken on each section of State-owned land and is as accurate as can be obtained from this type of survey. Statistics for the forest land in the eastern part of the State are based upon random samples designed to give fairly reliable information on a county basis. For this reason they should be used with the knowledge that they contain sizeable plus or minus errors when applied to smaller areas. All State and County forest land is located within the forested areas delineated on the enclosed map.

This Commission recommends that a complete inventory of uncut timber be initiated as soon as funds are available. We recommend an appropriation of \$30,000 for the next bienium, \$20,000 to be used to initiate the invoice on the heavily timbered areas in the western part of the State, starting on the Swan Forest and then progressing to the Stillwater, and \$10,000 to be used to locate and classify State-owned forest land in the eastern part of the State.

The following bill was presented to the State Board of Land Commissioners on January 12, 1955, and was approved. The bill will be introduced during the session.

BILL NO. _____

INTRODUCED BY _____

A BILL FOR AN ACT ENTITLED: "AN ACT TO APPROPRIATE MONEY FOR AN INVENTORY OF TIMBER RESOURCES ON MONTANA STATE-OWNED LANDS."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA:

WHEREAS, the thirty-third legislative assembly of the State of Montana passed Senate joint resolution number five providing for a three-man commission to study and make recommendations regarding the status of the state-owned forest resources for the purpose of formulating a forest management plan, and

WHEREAS, said commission making this study has found that a most urgent necessity for the proper management of state-owned forest lands is an inventory that will provide the location, volume and condition of saw timber, pole stands, seedlings and saplings and non-stocking areas. This inventory would also include the growth and decadence, a record of all logged over and burned areas and requirements that will bring them into full production, and

WHEREAS, the present value of Montana state-owned forest lands is estimated at \$60,000,000; Now, therefore be it enacted by the legislative assembly of the State of Montana

Section 1. That there be hereby appropriated out of any money in the State treasury not otherwise appropriated, the sum of \$30,000 to the Office of the State Forester for the sole purpose of beginning a complete inventory of Montana forest resources.

Section 2. That one-third of the appropriated funds will be used to initiate the inventory, locating and classifying state-owned forest lands in the eastern portion of Montana and two-thirds to be used to initiate inventory, locate and classify state-owned forest lands on the heavily timbered areas in the western portion of the state starting at the Swan State Forest and then progressing to the Stillwater State Forest.

Section 3. All acts and parts of acts in conflict herewith are repealed.

Section 4. This act shall be in full force and effect from and after its passage and approval.

A CUTTING BUDGET for STATE FOREST LANDS

Over the years annual cutting budgets have been proposed, varying from 25 to 35 million board feet. However, the average annual cut for the past three years has been approximately 94,600,000. The annual cut of merchantable timber should, in so far as possible, be determined in advance and should represent the basis for the Legislative appropriation to cover the State Forester's financial budget for timber sales and forest management.

It is apparent that a proper timber cutting policy cannot be established until reliable information is obtained concerning the amount and condition of the State-owned forest resource. However, during the period necessary to make an inventory of this resource a temporary cutting policy should be adopted. This Commission recommends that for the next two years timber sales be made on State-owned lands primarily to control epidemic outbreaks of tree killing insects and to salvage the timber killed. The current epidemics of spruce and Douglas fir bark beetles should get first consideration, but other insect outbreaks, tree diseases and fire killed timber should also be considered.

Sales of over-mature timber should continue on sound forestry principles in other areas which will not interfere with the control and salvage in these problem areas.

Only such timber should be sold as can be properly managed by the personnel of the Office of the State Forester.

It is the understanding of this Commission that the policy outlined above has now been adopted by the State Forester but that the necessity to administer existing sales contracts will delay immediate action in some areas.

CUTTING BUDGET

On January 12, 1955, at the regular meeting of the State Board of Land Commissioners in Helena, Montana, the following recommendation was made by the State Forester and was unanimously passed by the Land Board:

"The State Forester recommends that for the next two years timber sales be made on state-owned lands primarily to control epidemic outbreaks of tree killing insects and to salvage the timber killed. Sales of over-mature timber should continue in areas which will not interfere with the control and salvage in the insect problem areas. Only such timber should be sold as can be properly managed by the personnel of the Office of the State Forester."

The CONSOLIDATION of STATE-OWNED FOREST LANDS

This Commission strongly recommends that the State take immediate steps to consolidate its timber holdings within the boundaries of presently established State forests and that new forests be designated in the eastern part of the State where other consolidations may be made.

The majority of this consolidation can be accomplished by taking advantage of existing statutes which permit exchanges of State, Federal, Private, and County lands.

The present widely scattered State-owned sections presents a formidable administrative problem. An example of the present pattern of divided ownerships in a portion of the Swan River State forest, and the possibility for consolidation by exchange, is illustrated by the following map of the Swan River drainage. In some areas, State-owned land is confined to two to three widely scattered sections in each township.

CONSOLIDATION OF STATE-OWNED FOREST LAND

Over a period of many years attempts have been made to consolidate state forest lands. Some members of the Forestry Board in the past have felt that such action would not be constitutional and cited cases of other states. In order to clarify this, the State Forester has requested the Attorney General to render an official opinion as to the legality of making exchanges for the purpose of consolidation. This request has been submitted and is awaiting reply from the Attorney General's office.

RECORDS PERTAINING TO STATE FOREST LANDS

The State Forestry Department is charged with the administration of more than 600,000 acres of forest land scattered throughout the timbered portions of the State. In order to properly administer these lands the State Forester must have a complete record by legal subdivisions of all the land under his jurisdiction. The system heretofore used was satisfactory as a record of ownership and condition of the land at the date of entry but did not readily allow the insertion of new information.

A proper record system should be so arranged that information concerning classification, timber estimate, leasing, rights of way, method of cutting and other factors affecting the land may be kept current and readily available. These records should be in a form that will allow easy addition of new information particularly with regard to the character and condition of the timber on the land.

The successful management of these lands to procure the largest measure of advantage to the State must depend on a thorough knowledge of the forest land being managed. The basis of this knowledge, in record form, must be available to the successive managers of the State's forests.

The State Forester is now developing a card system of permanent records. This system appears to be satisfactory and the Commission urges its early adoption. In order that such a record system may serve the purpose intended it must be kept current at all times and this Commission recommends that definite responsibility be placed in the office of the State Forester to maintain this record.

RECORDS

On January 12, 1955, at the regular meeting of the State Board of Land Commissioners in Helena, Montana, the following recommendation was made by the State Forester and was unanimously passed by the Land Board:

"The State Forester recommends to the State Board of Land Commissioners that a ruling be passed whereby the State Forester would be required to keep and maintain a complete permanent record by legal subdivision of all lands under his jurisdiction."

The STATE FORESTER'S 1956-57

Biennium Budget

The Commission has thoroughly reviewed the State Forester's biennium budget and wholeheartedly support it in its entirety. We believe that this budget is necessary to make it possible for the State to adequately administer its 60 million dollar investment in standing timber and forest land.

EMERGENCY FUNDS
for the
Protection of State-owned Forests in
Abnormal Situations

Consideration of the desirability of the State providing an "emergency fund" to be used for the protection of State-owned forests in those instances where abnormal situations develop, because of forest fires, insects, fungus attacks, blowdown etc., between legislative sessions, has been before the State Forestry Board and the State Legislature on numerous occasions.

The original "Insect Bill" (28-1930) presented to the 1953 legislative session contained such a clause. A reproduction of the original bill with this section (Section 6) intact is attached. The bill was passed by the 33rd Legislature - without this section.

This Commission strongly recommends the amendment of this law by including such a section. The situation that has developed during the past two year period, in connection with the Spruce and Douglas fir bark beetle infestation, fully demonstrates the advisability of having such an emergency fund. The State stands to loose many times this amount because of an inadequate budget for the State Forester's office during this period.

REORGANIZATION
of the
State Forester's Office

We have studied the State Forester's plan for the reorganization of his office and field force and wish to commend him upon the thorough manner in which he has accomplished his objective and the speed with which he has put it into operation.

PRESENTED BY FORESTER

BILL NO. _____

INTRODUCED BY _____

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE PROTECTION AND PRESERVATION OF FOREST RESOURCES OF THE STATE OF MONTANA FROM DAMAGE, INJURY OR DESTRUCTION BY FOREST INSECT PESTS AND TREE DISEASES AND TO PROTECT THE FORESTS AND WATERSHEDS OF MONTANA AND ENHANCE THE PRODUCTION OF FORESTS AND TO PROMOTE THE STABILITY OF THE INDUSTRY, TO PROTECT THE RECREATIONAL VALUES OF THE FORESTS AND TO INDEPENDENTLY AND THROUGH COOPERATION WITH THE FEDERAL GOVERNMENT, THE STATE GOVERNMENT AND PRIVATE FOREST LAND OWNERS TO CONTROL, SUPPRESS AND ERADICATE OUTBREAKS OF INSECT PESTS AND TREE DISEASES IN THE STATE OF MONTANA."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA:

Section 1. It is declared to be the public policy of the state of Montana, in order to protect and preserve forest resources from destruction by forest insect pests and tree diseases, to protect the forest and watersheds of Montana, to enhance the production of forests, to promote the stability of forest industry, to protect the recreational values of the forest, to independently and through cooperation with the Federal Government and private forest land owners adopt measures to control, suppress, and eradicate outbreaks of forest insect pests and tree disease.

Section 2. This Act is declared to be a measure necessary for the protection and preservation of the forest resources of the State of Montana.

Section 3. For the purpose of this Act any land shall be considered forest land which has enough forest growth, standing or down, to constitute, in the judgment of the State Forester and the State Board of Forestry, 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.

Section 4. "Forest land owner" is defined as 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.

Section 5. Whenever the State Forester determines that there exists an infestation of forest insect pests or forest tree diseases injurious to the timber of forest growth on forest lands within the State of Montana and that said infestation is of such a character as to be a menace to the timber or forest growth of this state, the State Forester shall, with the written approval of the State Board of Forestry, declare the existence of a zone of infestation, and shall declare and fix the boundaries so as to definitely describe and identify the said zone of infestation.

Thereupon, the State Forester or his agent shall have the power to go upon the land within said zone of infestation and cause the forest insect pest infestation or forest tree disease to be suppressed, eradicated and destroyed in the manner approved by the State Board of Forestry and in order to accomplish the suppression, eradication and destruction of such infestation the State Forester may enter into cooperative agreement with the Federal Government and other public or private agencies and with forest land owners using such funds as have been or may hereafter be made available for such purposes.

Section 6. For purposes of this Act there is authorized to be appropriated not in excess of Twenty-five Thousand Dollars (\$25,000.00) during any appropriation biennium; provided, however, that if and when appropriated, the same may be spent only with the advice and consent of the State Board of Forestry, provided that the appropriation may be spent only in the control of said infestations on or threatening State-owned forest lands, during the biennium for which it was appropriated, and, provided further that no part of said appropriation may be spent when no forest insect pest and disease out-

break zone of infestation is established as described in Section 5 of this Act.

Section 7. Whenever the State Forester determines that forest insect or disease control work within the designated zone of infestation is no longer necessary or feasible, then the State Forester on advice and written consent of the State Board of Forestry, shall abolish the Zone of infestation.

Section 8. All acts and parts of acts in conflict herewith are hereby repealed.



REORGANIZATION OF THE OFFICE OF THE
STATE FORESTER

The State Board of Land Commissioners on July 30, 1954, approved the proposed reorganization of the Office of the State Forester and directed the State Forester to put it into effect at once. On August 26, 1954, the Montana State Board of Forestry approved the reorganization as outlined by the State Forester.

The following bill was presented to the State Board of Land Commissioners on January 12, 1955, and was approved. The bill will be introduced during the session.

BILL NO. _____

INTRODUCED BY _____

A BILL FOR AN ACT ENTITLED: "AN ACT TO APPROPRIATE MONEY FOR THE PROTECTION AND PRESERVATION OF THE FOREST RESOURCES OF THE STATE OF MONTANA FROM DAMAGE, INJURY OR DESTRUCTION BY FOREST INSECT PESTS."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA:

WHEREAS, Montana faces one of the most serious forest insect attacks in its history and

WHEREAS, thousands of acres of both Spruce and Douglas Fir will eventually be killed and because of the remoteness of some of the stands may not be salvaged unless all forest land owners make every attempt to coordinate their efforts in a united program to control these insects, and

WHEREAS, such a coordinated program is now in its second year whereby private industry and all federal agencies have expended millions of dollars in new logging roads, stepped-up logging operation, sales programs and control methods, and

WHEREAS, the State of Montana has enacted by the Thirty-third legislative assembly have made provisions that the State Forester or his agent shall have the power to go upon lands within zones of infestation and cause the forest insect pest infestation to be suppressed, eradicated or destroyed in a manner approved by the State Board of Forestry and may enter into cooperative agreements with the federal government and other public or private agencies for this purpose, and

WHEREAS, the Forest Advisory Commission, State Forester, Forestry Board, United States Forest Service and all other federal, state and private agencies recognize that a serious emergency exists in Montana's forests today.

Section 1. That there be hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of \$25,000 provided that when appropriated the same may be spent only at the advice and consent of the State Board of Land Commissioners and the State Board of Forestry provided that the appropriation may be spent only in the control of said infestations on or threatening state of Montana lands and providing further that no part of said appropriation may be spent where no forest insect or disease outbreak zone of infestation is established by the State Board of Forestry.

Section 2. An emergency is hereby declared and the appropriation herein and approved provided shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. All acts and parts of acts in conflict herewith are repealed.

Section 4. This act shall be in full force and effect from and after its passage and approval.

RECOMMENDATIONS PERTAINING

To The

SALE of STATE-OWNED TIMBER

This Commission believes that the State's interests involved in the sale of forest products can best be safeguarded by a thorough appraisal, which should form the basis of such transactions, and a contract which both safeguards the State and adequately informs the purchaser pertaining to the details expected of him. The Commission has with the assistance of the State Forester developed a statement of principles to be used as the basis for making an appraisal of all State timber before it is offered for sale. They are as follows:

1. Price and other necessary information should be gathered by the State Forester's office from industry people in the areas accessible to a proposed sale, (at least dividing the State into two sections; East and West of the Continental Divide), so that the Department may determine the true average market value of lumber produced and sold, by species, from these areas.
2. By the same method as for lumber, determine the true average cost from Contract Timber, by species, of logs delivered in Mill Log Ponds. This determination should also be made separately in the areas East and West of the Continental Divide in Montana only.
3. A fair margin for profit and risk with consideration for the capital required in the venture will be allowed.
4. Consideration of the cost incident to the location and accessibility of the proposed sale and the road requirements, including road specifications, necessary to get the timber out of the area involved.
5. Determination by the State Forester of the percentage of the trees in a given stand of timber which are to be harvested as a result of a sale and

the premarking of such trees before they are offered for sale, so the prospective buyers may have an opportunity to make an inspection before being required to bid on the timber being offered.

6. Make known the scaling method to be used on the sale being offered.
7. Consideration of the cost of brush disposal for the sale being offered.
8. Consideration of the cost of Stand improvement for the sale being offered.

We approve the present State timber sale contract as recently amended. An amended copy is attached.

RECOMMENDATION PERTAINING TO THE SALE OF STATE-OWNED TIMBER

APPRAISALS

On January 12, 1955, at the regular meeting of the State Board of Land Commissioners in Helena, Montana, the following recommendation was made by the State Forester and was unanimously passed by the Land Board:

"The State Forester recommends to the State Board of Land Commissioners that the State Forester develop a statement of principles to be used as a basis for making an appraisal on state timber before it is offered for sale which would include:

1. Price and other necessary information to be gathered by the State Forester's office from industry and allied forest agencies in the areas accessible to a proposed sale by dividing the state into two sections, east and west of the Continental Divide, so that the department may determine the true average market value of lumber produced and sold by species from these areas.
2. By the same method as for lumber, determine the true average cost from the contract timber by species, of logs delivered in mill ponds.
3. Consideration of the costs incident to the location and accessibility of the proposed sale and road requirement including road specifications necessary to get the timber out of the area.
4. A determination by the State Forester of the volume of timber in any given stand which is to be harvested as a result of sale and the pre-marking of trees before they are offered for sale.
5. Make known the scaling method to be used on the sale being offered.
6. A fair margin for profit and risk be allowed.
7. Consideration of the cost of brush disposal and timber stand improvement based upon the Attorney General's opinion and Land Board's action as per the recommendation regarding timber stand improvement."

COORDINATION of the RURAL FIRE FIGHTERS' SERVICE

with the

STATE FORESTER'S FOREST FIRE CONTROL ORGANIZATION

The Rural Fire Fighters' Service is a cooperative organization supported in part from State appropriated funds which are matched by Federal Clarke-McNary Forest Fire Control money. The central, State and Clarke-McNary supported organization, in turn cooperates with the various counties who may organize local fire districts, "For the purpose of protection and conservation of range, farm and forest resources, and for the prevention of soil erosion", under the provisions of State Statutes, Sections, 28-601 to and including 28-604, 11-2009 and 11-2010. Each county is limited to an annual expenditure of \$2,500.00 for this purpose.

In general, originally, emphasis was placed upon the fire protection problems arising from farm and ranch building and grass fires, in the eastern portion of the State only. At the time this program was initiated the State Forester did not maintain an office in this part of the State. The coordination of these activities has been concentrated in one individual officed with the Agricultural Extension Service in Bozeman. Until recently, the Forest Fire Control problem in eastern Montana has not been considered an especially serious matter on either State or private forest lands. The reason is due to the comparatively limited amount of timber cutting and the resultant lack of slash.

The conditions which made this arrangement feasible in former years have now changed materially. The increased activity in pulp, saw timber and pole operations in lodgepole pine stands in eastern Montana has created a slash problem, which has extensively increased fire hazards. This situation has required the State Forester to locate one member of his staff at Bozeman. In recent years many Rural Fire districts have been organized in the western part of the State which requires the services of

the director of the Rural Firefighting Service in western counties where the bulk of the State Forester's staff is located.

These changes result in an overlapping of two State financed organizations both under the supervision of the State Forester. In the interests of economy and efficiency this Commission recommends that the Rural Fire Fighters' Service be completely separated from the State Foresters' Office and that the Clark McNary funds (allotted to the State for the specific purpose of controlling forest fires) be devoted to the control of forest fires in the eastern part of the State.

This action is based upon a thorough study of the two organizations by Don Drummond, Professor of Forest Fire Control. A copy of his report is available upon request.

THE LEVYING of TIMBER STAND IMPROVEMENT ASSESSMENTS

The Commission approves the principle involved in the recent accepted practice of levying an assessment of from 25 to 75 cents per thousand board feet of timber cut, and the setting aside of such assessments as a timber stand improvement fund. We feel, however, that for the benefit of the purchaser of State timber, the State Legislature, the Board of Education, and the public, that the following points should be defined and clarified.

1. "Timber Stand Improvement" should be defined.
2. The legal aspects of such assessments should be clarified.
3. The length of time such deposits may be retained before they are expended should be stated.

The Commission recommends that:

1. All timber stand improvement assessments be expended on the area from which the timber was cut and which provides the assessment. (This is the present policy of the Federal Government for timber sales made on National Forests)
2. If not expended within a stipulated time such funds should revert to the public school funds.
3. Such funds should not be expended for the planting of burned or denuded areas outside of the timber sale area which supplied the assessment. We believe that funds for the planting of such areas should be provided by Legislative appropriations. We do not, however, recommend such legislation for this session of the State Legislature.

TIMBER STAND IMPROVEMENT

On January 12, 1955, at the regular meeting of the State Board of Land Commissioners in Helena, Montana the following recommendation was made by the State Forester and was unanimously passed by the Land Board:

"The Forest Advisory Commission and the State Forester recommend to the State Board of Land Commissioners that the Attorney General be requested to render an official opinion as to the legal aspects of levying an assessment for the **purpose of timber stand improvement. At a later date, upon receipt of such an opinion, the State Forester should be directed and required to make recommendation to the Board for their approval which would include the following:**

1. Definition of timber stand improvement.
2. Length of time such deposits should be retained before they are expended and disposition if not expended.
3. Use of timber stand improvement funds."

THE STATES RESPONSIBILITY
in assisting with the
United Effort to Combat the
Spruce and Douglas Fir Bark Beetle
Infestation

Montana faces one of the most serious forest insect attacks in its history. Thousands of acres of both Spruce and Douglas fir will eventually be killed, and because of the remoteness of some of the stands may not be salvaged unless all forest land owners make every attempt to coordinate their efforts in a United program to control these insects. Such a coordinated program is now in its second year. Private industry and all Federal agencies have expended millions of dollars in new logging roads, stepped up logging operations, sales programs, and trap tree and spraying controls.

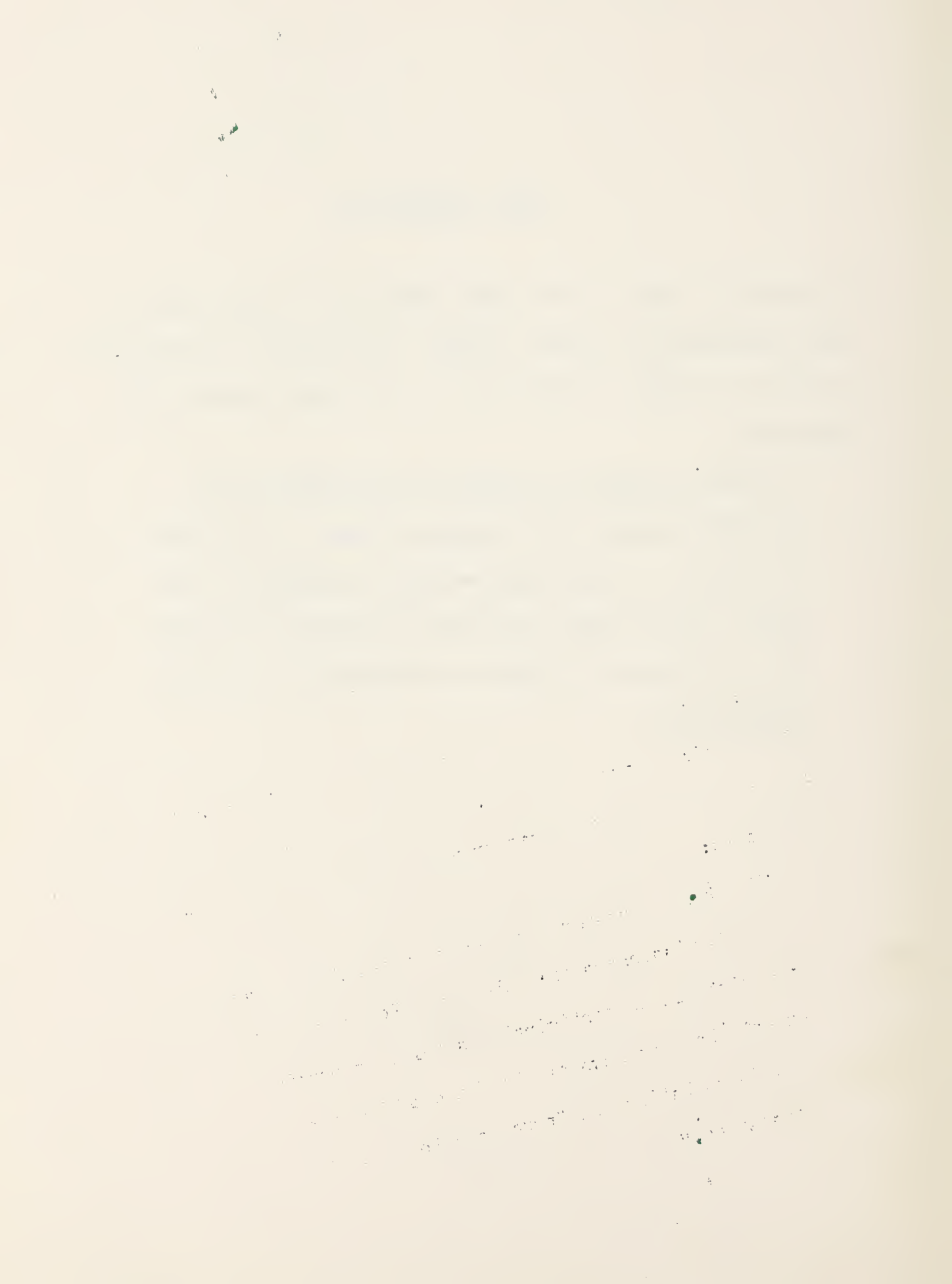
This Commission is sorry to have to report that the State of Montana has been remiss in recognizing its responsibility in respect to this emergency especially in its early stages, and has been slow to take full advantage of the opportunities and facilities at its disposal in respect to initiating control on State forest land. The Commission is fully aware that the State Forester has during his short period in office been confronted with a big job of reorganization and modernization and that his staff has been faced with the administration of timber sale contracts most of which were initiated before his appointment.

We recommend that the State place as much emphasis upon the present insect threat as they would were they forced to meet a similar destruction of State-owned timber by a forest fire.

INSECT INFESTATION

On January 12, 1955, at the regular meeting of the State Board of Land Commissioners in Helena, Montana, the following recommendation was made by the State Forester and was unanimously passed by the Land Board:

"The State Forester recommends to the State Board of Land Commissioners that the State Forester be instructed and directed to participate as fully as possible to the extent that the laws of the State of Montana will permit him, in combating the Spruce and Douglas Fir Bark Beetle infestation."



RECOMMENDED CHANGES
in the
STATE FORESTRY LAWS

The Commission made a careful analysis of the laws pertaining to forests, forest fires and forest insects as published in "Laws of Montana Relating to Forestry" and found 24 items which they either questioned or in which they feel changes should be made in order to bring these statutes in line with present conditions and practices.

This Commission therefore recommends that the forth-coming legislative session provide the facilities that will make it possible to recode all Montana laws pertaining to Forestry. They recommend that those to whom this task shall be entrusted, be well qualified from the standpoint of law and the technical aspects of the state's forestry requirements.

The Commission recommends however, that the changes outlined in the 13 statutes referred to in the following paragraphs be presented to the 34th Legislature for its immediate consideration. All of these are either in conflict with present day practices or are outmoded for the reasons stated. All have been considered by the State Board of Forestry and have their approval. (See the August 28, 1953 and the Nov. 5, 1954 minutes of the Board of Forestry.) They are as follows:

1. 81-1407. (1830.7) Permits to Remove Timber for Fuel, which reads:

Permits may be issued free of charge for dead, down or inferior timber in such quantities and under such restrictions and regulations as the state land board may approve for fuel and domestic purposes to residents and settlers of the state.

Permits may be issued to citizens of the state for commercial purposes at commercial rates without advertising under such restrictions and rules as the state land board may approve for timber in quantities of less than 100,000 feet board measure; provided, repeated permits of this kind shall not be issued to avoid advertising and the consequent competition secured thereby.

Permits for cutting and removal of timber may be issued to farmers, ranchers and prospectors with such restrictions and regulations as the board may approve for timber in quantities of twenty-five thousand feet board measure, or less, when it is to be used for domestic purposes in the repair and development of the ranch

or farm; provided, that not to exceed twenty-five thousand feet board measure shall be granted in any one year to any one person; and provided, that the rates of charge for such permits shall be fixed by the state land board.

History: En. Sec. 7, Ch. 179, L. 1925; Ch. 170, R.C.M. 1935;
Ch. 14, R.C.M. 1947.

It is recommended that the section which states ".....less than 100,000 feet board measure;....." be followed by the statement ".....and in cases of emergency due to fire, insect, fungus or blowdown, in quantities of less than 200,000 feet board measure;....."

This change is necessary to take care of emergencies that occasionally arise due to the causes stated. Quick action on the part of the state in some instances will facilitate the salvaging of damaged timber before deterioration sets in.

2. 81-1403. (1830.3) State Forester - Appointment - Compensation - Term - Assistants - Bond, which reads:

The governor, by and with the advice and consent of the senate, shall appoint a State Forester to have general charge of all the state's forests. He shall be trained and experienced in forestry, and his salary shall not exceed Six Thousand Dollars (\$6,000.00) per annum, at the discretion of the state land board, together with the actual, necessary expenses while engaged in outside work in connection with his office and its duties as defined by law and the regulations of the state board of land commissioners and the state board of forestry. Such expenses shall be payable monthly from the state's general fund and/or the appropriations made to those other boards to which he, by law, has been designated secretary or executive officer. His term of office shall be for four (4) years. With the consent and approval of the state board of land commissioners the State Forester shall appoint and fix the salaries and expenses of such office help, district foresters, fire wardens, cruisers, scalers, slash disposal men, and such other trained and qualified assistants as may be necessary in the administration of the state forests and the forested lands within the state. Provided, however, that consent and approval of such appointments by any board shall be restricted to those appointments made for the purposes of that board as defined by law. He shall give a satisfactory bond to the State of Montana in the sum of Ten Thousand Dollars (\$10,000.00) as a guarantee for the faithful performance of his duties.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Section 3. This act shall take effect and be in full force from and after its passage and approval.

History: En. Sec. 3, Ch. 179, L. 1925; Ch. 14, R.C.M. 1947;
amd. Ch. 161, L. 1953.

It is recommended that the second sentence of this first paragraph be changed to read: "He shall be technically trained in forestry, experienced and a graduate of an accredited forestry school."

The successful and intensive management of forest properties calls for the use of a thorough knowledge of the fundamental theory, accepted techniques and the use of modern practices as taught by progressive accredited forestry schools of this country.

It is our understanding that every state in the nation with state-owned forest resources employ technically trained State Foresters at the present time.

We feel that this change in the law will serve to safeguard the State of Montana in this respect.

3. 81-1411. (1831) Duties of State Forester, which reads:

The State Forester shall, under the direction and control of the State Board of Land Commissioners, do all the field work in the selection, location, examination, appraisalment, and reappraisalment of state timber lands, whether now belonging to the state or hereafter granted to the state; he shall do all acts required of him to be performed by the said board, and under the direction of said board shall have general charge of the timber lands of the state. He shall act as secretary of the forestry board. He shall, under the supervision of the State Board of Land Commissioners, execute all matters pertaining to forestry within the jurisdiction of the state; have charge of all fire wardens of the state and direct and aid them in their duties; direct the protection and improvement of state parks and forests; take such action as is authorized by law to prevent and extinguish forest, brush and grass fires; enforce the laws pertaining to forest and brush-covered lands, and prosecute for any violation of such laws. He shall deliver a course of at least six lectures on practical forestry to the students attending the state university, the state agricultural college, and the state normal school, during each school year. He shall prepare annually a report to the governor on the progress and condition of the state forest park, and recommend therein plans for improving the state system of forest protection, management, and replacement. He shall furnish notices, printed in large letters, on cloth, calling attention to the danger from forest fires, and to the forest fires, and to the forest fire and trespass laws, and their penalties. Such notices shall be posted by the fire warden in conspicuous places in the several counties of the state, and particularly in brush and forest-covered country, at frequent intervals along streams and lakes frequented by tourists, hunters, and fishermen, at established camping sites, and in every postoffice in the forested region.

a. It is recommended that the section reading "...direct the protection and improvement of state parks and forests;..." shall have "park"

deleted and the section made to read: "...direct the protection and improvement of state forests;..."

This change is in keeping with the transfer of the responsibility for the state parks from the State Forester to the State Highway Department by the 33rd Legislative session.

b. That the sentence which reads: "He shall deliver a course of at least six lectures on practical forestry to students attending the State University, the State Agriculture College, and the State Normal School during each school year." be deleted.

This statute was enacted at a time when the state had no forestry school, and a lack of appreciation for the state's forest resources. To our knowledge this directive was never fulfilled. The State Forester has always been invited to contribute to the instruction offered by the School of Forestry.

c. The sentence reading: "He shall furnish notices printed in large letters, on cloth, calling attention to the danger of forest fires etc."-- should have the word "cloth" stricken out.

At one time cloth was considered to be the most durable material on which to print signs exposed to the weather. There are many durable media available for out-door signs now that are more satisfactory.

4. 81-1408. (1830.8) Duties of State Forester Concerning Timber Sales -- Scaling When Title Passes, which reads:

It shall be the duty of the State Forester to supervise all the state timber sales, to secure payment to the state treasurer for all the timber before it is cut, to secure the most complete utilization of all forest products consistent with the current lumbering practice. It shall be his duty to instruct and supervise the cruiser, forest wardens and scalers in the conduct of their work; and to fix and establish the standard practice in timber sales administration. He shall require that each merchantable log be scaled by the Scribner decimal C. log rule inside the bark at the small end, and that the deduction be made for all visible cull. He shall fix and determine converting factors and units of measure for all forest products other than saw logs, which shall be as nearly as practical equivalent to the decimal C. log scale. He shall require that all merchantable logs sold be numbered consecutively on at least one end, and that the corresponding numbers and the scale therefor be entered in a scale book, which shall be retained as a permanent public record showing date of scale, the designation of the sale, and the name of the scaler or scalers who did the work. He shall also require that each merchantable saw log, stull, tie, post, pole or other piece of timber be stamped on one or both ends

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with the official state timber mark, which is hereby authorized and designated thus, "S-T," signifying "state timber"; provided, however, in the event of small sales of timber to individuals or others, where the volume of timber involved is not in excess of one million board feet (1,000,000) log scale, the State Forester is authorized to designate each tree to be cut and make a tree scale measurement of all trees to be sold.

History: En. Sec. 8, Ch. 179, L. 1925; amd. Sec. 1, Ch. 40, L. 1945; Ch. 14, R.C.M. 1947.

It is recommended that this statute be amended to read:

81-1408. (1830.8) Duties of State Forester Concerning Timber Sales --

Scaling When Title Passes

It shall be the duty of the State Forester to supervise all the state timber sales, to secure payment to the state treasurer for all the timber before it is cut, to secure the most complete utilization of all forest products consistent with the current lumbering practice. It shall be his duty to instruct and supervise the cruiser, forest wardens and scalers in the conduct of their work; and to fix and establish the standard practice in timber sales administration.

He shall require that each merchantable log be scaled by the Scribner decimal C. log rule at the small end on the average diameter inside bark taken to the nearest inch, and that deduction be made for all apparent defect. He shall fix and determine converting factors and units of measure for all forest products other than saw logs, which shall be as nearly as practical equivalent to the Scribner decimal C. log scale. Records of the scale of logs and measurement of other forest products shall be kept as a permanent public record showing the date of scale or measurement, the designation of the sale and the name of the scaler. Where the volume of timber involved in a sale is not in excess of one million (1,000,000) board feet log scale, the State Forester is authorized to designate each tree to be cut and make a tree scale measurement of all trees to be sold.

The methods of scaling, marking and recording the scale of forest products in the original act are time consuming, cumbersome and costly. These changes are recommended in the interest of efficiency and economy.

5. 28-103. Definitions, which reads:

The following words and phrases used in this act are hereby defined:

Organized Forest Protection District is defined as a definite forest land area, the boundaries of which are fixed, and wherein, through the medium of an agency recognized by the Board, the forest land owners, whether state, county, municipal or private, pay the actual cost of fire protection and fire suppression on a pro-rata basis for acreage owned within the district.

Fire District is defined as a subdivision of an organized forest protection district, or a forest area outside the boundaries of an organized forest protection district, but adjacent thereto and which can be made a part thereof.

Recognized Agency is defined as an association of owners of forest lands in an organized forest protection district, organized for the purpose of providing forest protection and fire suppression in such district and financed by the owners in said district, and recognized by the Board as giving adequate fire protection to such forest lands in accordance with rules and regulations prescribed by the Board. Any public agency administering and protecting forest lands may also be recognized by the Board as such an agency.

Forest Fire Season is defined as the period of each year beginning on May first and ending on September thirtieth, inclusive; provided, however, that in the event of excessive or great fire danger, the Board may expand the said season within any district, or in any part thereof, for not more than thirty extra days, and when so expanded the Board shall give such public notice thereof as it may deem necessary.

Note: Forestry Board went on record at its annual meeting, August 28, 1953, to support a 60-day expansion of the forest fire season. Legislation will be put in motion at the Thirty-fourth Session to so amend this portion of the law.

Forest Protection is defined as the work of prevention, detection and suppression of fire in forest material or on forest land.

Owner is defined as 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.

History: En. Sec. 3, Ch. 128, L. 1939; Ch. 1, R.C.M. 1947.

It is recommended that the word "thirty extra days" in the 4th paragraph be changed to "sixty extra days."

This change was originally recommended by the State Forestry Board at their August 28, 1953 meeting.

Occasionally a warm dry fall lasting into November makes it necessary to extend the official fire season to beyond the 30 days recommended in the original act.

6. 28-109. Duty of Owner of Classified Forest Land, which reads:

Every owner of forest land classified as such by the Board is hereby required to furnish protection against the starting or existence, and to suppress the spread of fire on such land during the full period of each forest fire season defined by this act. Such protection and suppression shall be in conformity with reasonable rules and standards for adequate fire protection to be prescribed by the Board. If such owner does not provide for such protection and suppression, said Board may provide the same, at a cost of not less than one cent or more than five cents per acre per annum, and in the event thereof, the owner of such land shall pay to the county treasurer of the county in which such land is situated, the charge for the same approved by the Board, in accordance with the provisions of this act; Provided, that for the purposes of this section, any legal subdivision of not more than one hundred sixty (160) acres of forest land classified as such by the Board, to be designated by the owner, shall be

deemed by the Board to be protected by the owner if more than one-half thereof is within the radius of one mile of a permanent habitation occupied throughout the fire season either by the owners or by someone under the owner's direction, and provided further that the starting, existence and spread of fire on said designated legal subdivision, without immediate and reasonable measures for suppression being taken by said owner or under his direction, shall be prima facie evidence that protection is not being furnished by said owner, and the Board shall thereupon provide protection and suppression in accordance with the provisions of this section.

History: En. Sec. 9, Ch. 128, L. 1939; amd. Sec. 2, Ch. 141, L. 1941; Ch. 1, R.C.M. 1947.

It is recommended that the word "five" in the third sentence be changed to "eight."

Increased costs for fire control necessitate this change.

7. 28-402 (2778.6) Disposal of Slashings, which reads:

Every person, firm or corporation, hereinafter called the operator, who shall hereafter, for commercial purposes, cut any timber, logs, trees, posts, ties, poles, cordwood, pulpwood or any other forest product upon any lands within the State of Montana, shall remove any forest fire hazard to the property of others that may be created by the slashings, or other forest debris incident to such cutting operations. Provided, however, that an expenditure in excess of Seventy-five Cents (75¢) for each one thousand (1,000) feet log scale, or the equivalent thereof if products other than logs are cut, shall not be required. Slash and debris will be disposed of during the cutting operations or as soon thereafter as is practical. Provided, however, that any fire hazard to the property of others created by said slash and debris shall under no conditions be allowed to remain for more than 18 months in any portion of the cutting area except with written permission of the State Forester. If and when the operator has satisfactorily disposed of said slash or debris in accordance with the law and the rules and regulations of the state board of forestry he will be so notified, in writing, by the State Forester.

Any operator, as defined herein, may elect to have said slash and debris, incident to his cutting operations treated, protected or disposed of by the State Forester under the rules and regulations of the state board of forestry. Said operator will deposit with the State Forester the estimated costs of such disposal at such times and in such amounts as the State Forester may direct, but in no event shall such deposit or payment exceed, in the aggregate, an amount equal to Seventy-five Cents (75¢), multiplied by the number of thousand of feet log scale cut from the forest area involved. The State Forester will refund to said operator all sums deposited over and above costs of slash and debris treatment, protection or disposal.

Each person, firm or corporation, hereinafter called the purchaser, who shall hereafter purchase or contract to purchase any timber, logs, trees, ties, posts, poles or other forest products cut from any forest lands within the State of Montana, shall within five (5) days after making said purchase or contract to purchase, notify the State Forester of such purchase or contract together with the name of the person furnishing said forest products and the name of the owner of the land from which said products are cut.

Each purchaser shall withhold, before making payment for such products a sum equal to Seventy-five Cents (75¢) for each thousand (1,000) feet log scale or the equivalent thereof if forest products other than logs are to be cut under such contract, unless the State Forester has notified said purchaser that slash and debris from the cutting operator furnishing the forest products has been disposed of, or that the cutting operator has complied with the law. When the State Forester is satisfied that said slash and debris, creating a fire hazard to the property of others, has been or will be legally treated, protected or disposed of by the cutting operator in accordance with the requirements of law and of the rules and regulations of the state board of forestry, he will release said money withheld by purchaser to insure compliance with the law. If, on or before, the conclusion of said purchase or contract to purchase, the State Forester has not released said withheld moneys the purchaser shall, upon demand, immediately remit the moneys withheld to the State Forester. The State Forester will issue receipt, therefor, to the purchaser. Said receipt shall discharge the purchaser from any and all liability for moneys withheld from cutting operator in the amounts shown by said receipt. The State Forester shall retain such moneys as a surety covering treatment, protection or removal of said slash and debris or may, at his discretion procure the treatment, protection or disposal of said slash and debris by applying said money, or so much thereof as may be necessary in payment of the costs of such abatement.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 13, 1953.

History: Ch. 83, L. 1949; Ch. 18, L. 1953.

It is recommended that the first part of the third paragraph which reads "Each person, firm or corporation, hereinafter called the purchaser, who shall purchase or contract to purchase any timber, logs, trees, ties, posts, poles or other forest products...." be changed to read: "Each person, firm or corporation, hereinafter called the purchaser, who shall purchase or contract to purchase any timbers, logs, ties, posts, poles or other products...."

This section is clarified by the changing of the word "timber to "timbers" and by eliminating "...trees..." The complete statement which then reads: "...contract to purchase any timbers, logs, ties, posts, poles or other forest products...." amply protects the State in such transactions.

8. 81-1412 (1833) Fire Wardens, which reads:

The State Forester shall appoint in such number and localities as he deems wise, public-spirited citizens to act as volunteer fire wardens. Every sheriff, undersheriff, deputy sheriff, game warden, and deputy game

warden shall be ex-officio a fire warden, but shall not receive any additional compensation by reason of the duties hereby imposed, and they shall be deemed paid fire wardens under the terms of this act. The supervisors and rangers of the federal forest reserves within this state whenever they formally accept the duties and responsibilities of fire wardens, may be appointed volunteer fire wardens, and shall have all the powers given to fire wardens by this act. The fire wardens shall promptly report all fires to the state board of forestry, take immediate and active steps toward their extinguishment, report any violation of forest laws, and assist in apprehending and convicting offenders.

History: En. Sec. 11, Ch. 147, L. 1909; re-en. Sec. 1833, R.C.M. 1921; Ch. 14, R.C.M. 1947.

It is recommended that the words "federal forest reserves" in the first line of the third sentence be changed to read "federal forest lands."

In 1909 when this act was passed the National Forests were referred to as "forest reserves" and the Forest Service was the only federal agency engaged in forest fire control. Since then many federal agencies are interested and involved in the suppression of forest fires in Montana.

9. 81-1415 (1836) Duties of Fire Wardens and Forester, which reads:

The State Forester, assistant forester, and all fire wardens (except volunteer wardens), under such rules and regulations as the state board of land commissioners may provide, shall protect the timber of the state, and especially the timber owned by the state, from destruction by fire, and for such purpose, in emergencies, may employ men and incur other expenses, when necessary; provided, that no fire warden shall incur any expense in excess of Fifty Dollars (\$50), without express authority of the state board of land commissioners.

History: En. Sec. 14, Ch. 147, L. 1909; re-en. Sec. 1836, R.C.M. 1921; Ch. 14, R.C.M. 1947.

It is recommended that the last two and the third line starting with "provided" be deleted from the law.

There are two reasons for making this change. The first involves the \$50.00 limitation which is now inadequate and the second is that the present fiscal controls satisfactorily safeguard the State under such conditions.

10. 28-119. Sawdust Piles -- Restrictions, which reads:

No sawmill located within or contiguous to forest lands shall accumulate in one pile, sawdust in excess of an amount resulting from the sawing of 500,000 feet log scale of saw logs, provided, however, that a larger sawdust pile may be accumulated when there is no reasonable danger of fire therefrom and a permit for the additional accumulation is granted by the

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State Forester. Each sawdust pile so accumulated shall be prepared for burning by cribbing the base of each pile with slabs in accordance with regulations issued by the board of forestry.

History: En. Sec. 19, Ch. 128, L. 1939; Ch. 1, R.C.M. 1947.

We recommend that the last sentence be amended to read: "Each sawdust pile so accumulated shall be prepared for burning by cribbing the base of each pile with slabs and burned in accordance with rules and regulations issued by the Board of Forestry."

The original act does not state who or under what conditions the sawdust pile should be burned.

11. 26-339. Dumping Refuse from Sawmill Into Streams, which reads:

No person or corporation operating a sawmill on or near any stream, pond, lake or river shall hereafter dump, drop, cart or deposit, or cause to be dumped, dropped, carted, or deposited, sawdust, bark, shavings, oil, ashes, cinders or debris in or near any such stream, pond, lake or river, in such manner or place as will likely result or cause the same to be carried into the waters of any such stream, pond, lake or river; and any person so doing shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished as provided by Section 26-324 (26-324 applies to above which misdemeanor and conviction, shall be punished by a fine of not less than Twenty-five Dollars (\$25.00), nor more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment...")

History: 3718, Sec. 12, Ch. 224, L. 1947.

It is recommended that the first four lines be changed to read: "No person or corporation, shall hereafter, dump, drop, cart or deposit, or cause to be dumped, dropped, carted or deposited, sawdust, bark, shavings, oil, ashes, cinders, or debris ~~in or near any stream, pond, lake or....~~"

The original wording of this section applied to the dumping of sawdust only by an operator of a sawmill. Cases are on record involving other than mill operators who have been apprehended dumping sawdust in streams but who could not be prosecuted because of this weakness.

Two additional sections of the law were discussed by the Forestry Board at its Nov. 5th, 1954 meeting at which time it recommended definite action. This Commission wishes to draw your attention to these and suggest that you consider the recommendations that were made. They involve:

1. 81-302 (1805.16) Classification -- Reclassification -- Records, which reads:

The lands of the State of Montana shall be classified according to the provisions of the Constitution as follows:

Class 1. Grazing lands, being all those lands which are valuable only for grazing purposes.

Class 2. Timber lands, being all those lands which are principally valuable for the timber that is on them.

Class 3. Agricultural lands.

Class 4. Lands within the limits of any town or city or within three miles of such limits.

The third class, agricultural lands, shall be subdivided into two classes as follows:

(a) Irrigable lands.

(b) Non-irrigable lands.

The fourth class shall be subdivided as follows:

(a) Lands within the limits of any town or city.

(b) Lands not within such limits but within three miles thereof.

The classification shall be so made as to place each forty-acre tract or lot in the class to which it properly belongs.

Whenever lands formerly non-irrigable have become irrigable, and whenever new towns or cities are located and platted, and in all other cases when the Board deems it necessary, the lands affected shall be reclassified so that no state land will be sold under a different classification from that to which it actually belongs.

All field books, plats, maps and records of the department shall show the class to which each tract therein belongs, and they shall also show whether it belongs to the public schools of the state or to what state institutions or other entity it belongs according to the grant or instrument by which title to such land has passed to the state of Montana; they shall also show whether or not the coal or other minerals in the land are reserved by the United States, and shall contain such further information as the commissioners may deem necessary.

History: En. Sec. 16, Ch. 60, L. 1927; Ch. 159, R.C.M. 1935; Ch. 3, R.C.M. 1947.

"Class 2. Timber lands being all those lands which are principally valuable for the timber that is on them." is not an adequate definition for forest land. The two other definitions in the statutes, for forest and forest land cover special conditions:

The first:

28-104. Responsibility of Actual Owner of Land or Timber -- Scope of Act.

(a) In any instance where the owner as herein defined does not appear upon the public records as the holder of the legal title to such land or timber, he is nevertheless primarily responsible for the performance of the acts and duties imposed upon him by this act. In addition thereto, the holder of the legal title to such land or timber as it may appear upon the public records is hereby made secondarily responsible for the performance of the acts and duties imposed upon the owner by this act and is subject to the same liabilities and penalties as such owner. Where the owner of the timber is not the owner of the land, the primary responsibility for the performance of the acts and duties imposed by this act shall be upon the owner of the timber.

(b) Sections 28-108 and 28-113 inclusive of this act shall only apply to forest lands within the State of Montana growing commercial or merchantable timber or having a young growth of timber, which, in the ordinary course of time, would or will become commercial and merchantable timber, and then only when officially so classified by the Board as being such forest lands for which conservation and fire protection measures are reasonably required. But all of the other sections and parts of this act (Sections 28-101 to 28-129) shall apply to all forest lands within the State of Montana which shall be officially classified by the Board as forest lands for which conservation and fire protection measures are reasonably required; provided, that nothing herein contained shall be deemed to prevent or discourage any owner of forest land, classified as such by the Board, from paying fire control cost to organized forest protection agencies recognized as such by the Board.

History: En. Sec. 4, Ch. 128, L. 1939; amd. Sec. 3, Ch. 141, L. 1941; Ch. 1, R.C.M. 1947.

has to deal with the protection of forests from fire.

The second, the "Insect Law" passed by the 33rd Legislature gives a definition which applies to forests damaged by insects and fungus. It reads as follows:

Section 3.

For the purpose of this Act any land shall be considered forest land which has enough forest growth, standing or down, to constitute, in the judgment of the State Forester and the State Board of Forestry, an insect or disease infected breeding ground of a nature to constitute a menace, injurious and dangerous to the forest resources in the district or zone of infestation.

The minutes of the Nov. 5, 1954 meeting of the Board of Forestry recommends "... that three members of the Commission and the State Forester be directed to develop a definition for forest lands. The definition should be broken down into five to ten categories...."

94-3334.1(11507) Injury to Trees on Public Lands, which reads:

Every person who commits a trespass on or injury to any state lands or the improvements thereon, or who, without the proper authority, cuts, fells, girdles, injures or destroys any trees or timber upon any of the school, university or other state lands, or removes or attempts to remove the same, or knowingly purchases or receives such trees or timber, or advises the removal thereof, is guilty of a misdemeanor, and is also liable to the state for three times the value of said trees or timber, or lumber into which the same are converted.

All fines collected and all moneys recovered by virtue of this section must be paid into the school fund of the state.

History: Ap. p. Sec. 1, p. 256, L. 1891; en. Sec. 1076, Pen. C. 1895; re-en. Sec. 8773, Rev. C. 1907; re-en. Sec. 11507, R.C.M. 1921; Ch. 33, R.C.M. 1947.

Some forest lands covered by this section are held in trust by the State University or were deeded to the University for a special purpose. Fines levied for trespass on such lands should rightfully be paid into the trust fund or directly to the University.

The Forestry Board recommends that "... the Attorney General be questioned as to whether the phrase 'all fines collected and all moneys recovered by virtue of this section must be paid into the School fund of the State,' applies to lands which are held in trust by the State."

The following bill was presented to the State Board of Land Commissioners on January 12, 1955, and was approved. The bill will be introduced during the session.

_____ BILL NO. _____

INTRODUCED BY _____

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 81-1407 OF THE REVISED CODES OF MONTANA, 1947, RELATING TO ISSUING PERMITS TO REMOVE TIMBER FOR FUEL."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA:

That Section 81-1407, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Permits may be issued free of charge for dead, down or inferior timber in such quantities and under such restrictions and regulations as the state land board may approve for fuel and domestic purposes to residents and settlers of the state.

Permits may be issued to citizens of the state for commercial purposes at commercial rates without advertising under such restrictions and rules as the state land board may approve for timber in quantities of less than 100,000 feet board measure; and in cases of emergency due to fire, insect, fungus, parasite, or blowdown, and no other, in quantities of less than 200,000 feet board measure; provided, repeated permits of this kind shall not be issued to avoid advertising and the consequent competition secured thereby.

Permits for cutting and removal of timber may be issued to farmers, ranchers, and prospectors with such restrictions and regulations as the board may approve for timber in quantities of twenty-five thousand feet board measure, or less, when it is to be used for domestic purposes in the repair and development of the ranch or farm; provided, that not to exceed twenty-five thousand feet board measure shall be granted in any one year to any one person; and provided, that the rates of charge for such permits shall be fixed by the state land board.

The following bill was presented to the State Board of Land Commissioners on January 12, 1955, and was approved. The bill will be introduced during the session.

_____ BILL NO. _____

INTRODUCED BY _____

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 81-1403 OF THE REVISED CODES OF MONTANA, 1947, RELATING TO STATE FORESTER'S APPOINTMENT, COMPENSATION, TERM, ASSISTANTS, AND BOND."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA:

That Section 81-1403, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

The governor, by and with the advice and consent of the senate, shall appoint a State Forester to have general charge of all the state's forests. (Matter deleted). He shall be technically trained in forestry, experienced and a graduate of an accredited forester school, and his salary shall not exceed Six Thousand Dollars (\$6,000.00) per annum, at this discretion of the state land board, together with the actual, necessary expenses while engaged in outside work in connection with his office and its duties as defined by law and the regulations of the state board of land commissioners and the state board of forestry. Such expenses shall be payable monthly from the state's general fund and/or the appropriations made to those other boards to which he, by law, has been designated secretary or executive officer. His term of office shall be for four (4) years. With the consent and approval of the state board of land commissioners the State Forester shall appoint and fix the salaries and expenses of such office help, district foresters, fire wardens, cruisers, scalers, slash disposal men, and such other trained and qualified assistants as may be necessary in the administration of the state forests and the forested lands within the state. Provided, however, that consent and approval of such appointments by any board shall be restricted to those appointments made for the purposes of that board as defined by law. He shall give a satisfactory bond to the State of Montana in the sum of Ten Thousand Dollars (\$10,000.00) as a guarantee for the faithful performance of his duties.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Section 3. This act shall take effect and be in full force from and after its passage and approval.

The following bill was presented to the State Board of Land Commissioners on January 12, 1955, and was approved. The bill will be introduced during the session.

BILL NO. _____

INTRODUCED BY _____

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 81-1411 OF THE REVISED CODES OF MONTANA, 1947, RELATING TO THE DUTIES OF STATE FORESTER."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA:

That Section 81-1411, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

The State Forester shall, under the direction and control of the State Board of Land Commissioners, do all the field work in the selection, location, examination, appraisement, and reappraisement of state timber lands, whether now belonging to the state or hereafter granted to the state; he shall do all acts required to him to be performed by the said board, and under the direction of said board shall have general charge of the timber lands of the state. He shall act as secretary of the forestry board. He shall, under the supervision of the State Board of Land Commissioners, execute all matters pertaining to forestry within the jurisdiction of the state; have charge of all fire wardens of the state and direct and aid them in their duties; direct the protection, (matter deleted) improvement and condition of state forests; take such action as is authorized by law to prevent and extinguish forest, brush and grass fires; enforce the laws pertaining to forest and brushcover lands, and prosecute for any violation of such laws. (Matter deleted) He shall prepare annually a report to the governor on the progress and condition of the state forests (matter deleted), and recommend therein plans for improving the state system of forest protection, management, and replacement. He shall furnish notices, printed in large letters, (matter deleted), calling attention to the danger from forest fires, and to the forest fire and trespass laws, and their penalties. Such notices shall be posted by the fire warden in conspicuous places in the several counties of the state, and particularly in brush and forest-covered country, at frequent intervals along streams and lakes frequented by tourists, hunters, and fishermen, at established camping sites, and in every postoffice in the forested region.

The following bill was presented to the State Board of Land Commissioners on January 12, 1955, and was approved. The bill will be introduced during the session.

_____ BILL NO. _____

INTRODUCED BY _____

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 81-1408 OF THE REVISED CODES OF MONTANA, 1947, RELATING TO THE DUTIES OF STATE FORESTER CONCERNING TIMBER SALES."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA:

That Section 81-1408, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

It shall be the duty of the State Forester to supervise all the state timber sales, to secure payment to the state treasurer for all the timber before it is cut, to secure the most complete utilization of all forest products consistent with the current lumbering practice. It shall be his duty to instruct and supervise the cruiser, forest wardens and scalers in the conduct of their work; and to fix and establish the standard practice in timber sales administration. (Matter deleted) He shall require that each merchantable log be scaled by the Scribner decimal C. log rule at the small end on the average diameter inside bark taken to the nearest inch, and that deduction be made for all apparent defect. He shall fix and determine converting factors and units of measure for all forest products other than saw logs, which shall be as nearly as practical equivalent to the Scribner decimal C. log scale. Records of the scale of logs and measurement of other forest products shall be kept as a permanent public record showing the date of scale or measurement, the designation of the sale and the name of the scaler. Where the volume of timber involved is not in excess of one million board feet (1,000,000) log scale, the State Forester is authorized to designate each tree to be cut and make a tree scale measurement of all trees to be sold.

The following bill was presented to the State Board of Land Commissioners on January 12, 1955, and was approved. The bill will be introduced during the session.

_____ BILL NO. _____

INTRODUCED BY _____

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 81-1411 OF THE REVISED CODES OF MONTANA, 1947, RELATING TO DEFINITIONS."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA:

That Section 28-103, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Organized Forest Protection District is defined as a definite forest land area, the boundaries of which are fixed, and wherein, through the medium of an agency recognized by the Board, the forest land owners, whether state, county, municipal or private, pay the actual cost of fire protection and fire suppression on a pro-rata basis for acreage owned within the district.

Fire District is defined as a subdivision of an organized forest protection district, or a forest area outside the boundaries of an organized forest protection district, but adjacent thereto and which can be made a part thereof.

Recognized Agency is defined as an association of owners of forest lands in an organized forest protection district, organized for the purpose of providing forest protection and fire suppression in such district and financed by the owners in said district, and recognized by the Board as giving adequate fire protection to such forest lands in accordance with rules and regulations prescribed by the Board. Any public agency administering and protecting forest lands may also be recognized by the Board as such an agency.

Forest Fire Season is defined as the period of each year beginning on May first and ending on September thirtieth, inclusive; provided, however, that in the event of excessive or great fire danger, the Board may expand the said season within any district, or in any part thereof, for not more than (matter deleted) sixty extra days, and when so expanded the Board shall give such public notice thereof as it may deem necessary.

Forest Protection is defined as the work of prevention, detection and suppression of fire in forest material or on forest land.

Owner is defined as 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.

The following bill was presented to the State Board of Land Commissioners on January 12, 1955; and was approved. The bill will be introduced during the session.

BILL NO. _____

INTRODUCED BY _____

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 28-109 OF THE REVISED CODES OF MONTANA, 1947, RELATING TO THE DUTY OF OWNER OF CLASSIFIED FOREST LAND."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA:

That Section 28-109, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Every owner of forest land classified as such by the Board is hereby required to furnish protection against the starting or existence, and to suppress the spread of fire on such land during the full period of each forest fire season defined by this act. Such protection and suppression shall be in conformity with reasonable rules and standards for adequate fire protection to be prescribed by the Board. If such owner does not provide for such protection and suppression, said Board may provide the same, at a cost of not less than one cent or more than (matter deleted) eight cents per acre per annum, and in the event thereof, the owner of such land shall pay to the county treasurer of the county in which such land is situated, the charge for the same approved by the Board, in accordance with the provisions of this act; Provided, that for the purposes of this section, any legal subdivision of not more than one hundred sixty (160) acres of forest land classified as such by the Board, to be designated by the owner, shall be deemed by the Board to be protected by the owner if more than one-half thereof is within the radius of one mile of a permanent habitation occupied throughout the fire season either by the owners or by someone under the owner's direction, and provided further that the starting, existence and spread of fire on said designated legal subdivision, without immediate and reasonable measures for suppression being taken by said owner or under his direction, shall be prima facie evidence that protection is not being furnished by said owner, and the Board shall thereupon provide protection and suppression in accordance with the provisions of this section.

The following bill was presented to the State Board of Land Commissioners on January 12, 1955, and was approved. The bill will be introduced during the session.

_____ BILL NO. _____

INTRODUCED BY _____

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 28-402 OF THE REVISED CODES OF MONTANA, 1947, RELATING TO THE DISPOSAL OF SLASHINGS."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA:

That Section 28-402, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Every person, firm or corporation, hereinafter called the operator, who shall hereafter, for commercial purposes, cut any timber, logs, trees, posts, ties, poles, cordwood, pulpwood or any other forest product upon any lands within the State of Montana, shall remove any forest fire hazard to the property of others that may be created by the slashings, or other forest debris incident to such cutting operations. Provided, however, that an expenditure in excess of Seventy-five Cents (75¢) for each one thousand (1,000) feet log scale, or the equivalent thereof if products other than logs are cut shall not be required. Slash and debris will be disposed of during the cutting operations or as soon thereafter as is practical. Provided, however, that any fire hazard to the property of others created by said slash and debris shall under no conditions be allowed to remain for more than 18 months in any portion of the cutting area except with written permission of the State Forester. If and when the operator has satisfactorily disposed of said slash or debris in accordance with the law and the rules and regulations of the state board of forestry he will be so notified, in writing, by the State Forester.

Any operator, as defined herein, may elect to have said slash and debris, incident to his cutting operations treated, protected or disposed of by the State Forester under the rules and regulations of the state board of forestry. Said operator will deposit with the State Forester the estimated costs of such disposal at such times and in such amounts as the State Forester may direct, but in no event shall such deposit or payment exceed, in the aggregate, an amount equal to Seventy-five Cents (75¢), multiplied by the number of thousand of feet log scale cut from the forest area involved. The State Forester will refund to said operator all sums deposited over and above costs of slash and debris treatment, protection or disposal.

Each person, firm or corporation, hereinafter called the purchaser, who shall purchase or contract to purchase any (matter deleted) timbers, logs, (matter deleted) ties, posts, poles or other forest products cut from any forest lands within the state of Montana, shall within five (5) days after making said purchase or contract to purchase, notify the State Forester of such purchase or contract together with the name of the person furnishing said forest products and the name of the owner of the land from which said products are cut. Each purchaser shall withhold, before making payment for

such products a sum equal to Seventy-five Cents (75¢) for each thousand (1,000) feet log scale or the equivalent thereof if forest products other than logs are to be cut under such contract, unless the State Forester has notified said purchaser that slash and debris from the cutting operator furnishing the forest products has been disposed of, or that the cutting operator has complied with the law. When the State Forester is satisfied that said slash and debris, creating a fire hazard to the property of others, has been or will be legally treated, protected or disposed of by the cutting operator in accordance with the requirements of law and of the rules and regulations of the state board of forestry, he will release said money withheld by purchaser to insure compliance with the law. If, on or before, the conclusion of said purchase or contract to purchase, the State Forester has not released said withheld moneys the purchaser shall, upon demand, immediately remit the moneys withheld to the State Forester. The State Forester will issue receipt, therefor, to the purchaser. Said receipt shall discharge the purchaser from any and all liability for moneys withheld from cutting operator in the amounts shown by said receipt. The State Forester shall retain such moneys as a surety covering treatment, protection or removal of said slash and debris or may, at his discretion procure the treatment, protection or disposal of said slash and debris by applying said money, or so much thereof as may be necessary in payment of the costs of such abatement.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 13, 1953.

The following bill was presented to the State Board of Land Commissioners on January 12, 1955, and was approved. The bill will be introduced during the session.

_____ BILL NO. _____

INTRODUCED BY _____

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 81-1412 OF THE REVISED CODES OF MONTANA, 1947, RELATING TO FIRE WARDENS."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA:

That Section 81-1412, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

The State Forester shall appoint in such number and localities as he deems wise, public-spirited citizens to act as volunteer fire wardens. Every sheriff, undersheriff, deputy sheriff, game warden, and deputy game warden shall be ex-officio a fire warden, but shall not receive any additional compensation by reason of the duties hereby imposed, and they shall be deemed paid fire wardens under the terms of this act. The supervisors and rangers of the (matter deleted) federal forest lands within this state whenever they formally accept the duties and responsibilities of fire wardens, may be appointed volunteer fire wardens, and shall have all the powers given to fire wardens by this act. The fire wardens shall promptly report all fires to the state board of forestry, take immediate and active steps toward their extinguishment, report any violation of forest laws, and assist in apprehending and conviction offenders.

The following bill was presented to the State Board of Land Commissioners on January 12, 1955, and was approved. The bill will be introduced during the session.

_____ BILL NO. _____

INTRODUCED BY _____

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 81-1415 OF THE REVISED CODES OF MONTANA, 1947, RELATING TO DUTIES OF FIRE WARDENS AND FORESTER."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA:

That Section 81-1415, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

The State Forester, assistant forester, and all fire wardens (except volunteer wardens), under such rules and regulations as the state board of land commissioners may provide, shall protect the timber of the state, and especially the timber owned by the state, ~~from~~ destruction by fire, and for such purpose, in emergencies, may employ men and incur other expenses, when necessary.

The following bill was presented to the State Board of Land Commissioners on January 12, 1955, and was approved. The bill will be introduced during the session.

_____ BILL NO. _____

INTRODUCED BY _____

A BILL FOR AN ACT ENTITLED: " AN ACT TO AMEND SECTION 28-119 OF THE REVISED CODES OF MONTANA, 1947, RELATING TO SAWDUST PILES-RESTRICTIONS.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA:

That Section 28-119, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

No sawmill located within or contiguous to forest lands shall accumulate in one pile, sawdust in excess of an amount resulting from the sawing of 500,000 feet log scale of saw logs, provided, however, that a larger sawdust pile may be accumulated when there is no reasonable danger of fire therefrom and a permit for the additional accumulation is granted by the State Forester. Each sawdust pile so accumulated shall be prepared for burning by cribbing the base of each pile with slabs and burned in accordance with regulations issued by the board of forestry.

The following bill was presented to the State Board of Land Commissioners on January 12, 1955, and was approved. The bill will be introduced during the session.

_____ BILL NO. _____

INTRODUCED BY _____

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 26-339 OF THE REVISED CODES OF MONTANA, 1947, RELATING TO DUMPING REFUSE FROM SAWMILL INTO STREAMS.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA:

That Section 26-339, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

No person, firm, or corporation (Matter deleted) shall hereafter dump, drop, cart or deposit, or cause to be dumped, dropped, carted, or deposited, sawdust, bark, shavings, oil, ashes, cinders or debris in or near any such stream, pond, lake or river, in such manner or place as will likely result or cause the same to be carried into the waters of any such stream, pond, lake or river; and any person so doing shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished as provided by Section 26-324 (26-324 applies to above which misdemeanor and conviction, shall be punished by a fine of not less than Twenty-five Dollars (\$25.00), nor more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment.....)

CLASSIFICATION AND DEFINITION OF FOREST LANDS

As brought out in this report, the need for a clear-cut definition of timber land or forest land is imperative. Due to the complexity of such a definition, the State Board of Land Commissioners on advice of the State Forester and the Forest Advisory Commission, moved to delay action on this matter for two years so that a very detailed, comprehensive study could be made before submitting the definition for legislative approval. The following initial definition has been submitted by the State Forester and in all likelihood will be the starting place in preparation of such a definition. This definition has been gleaned from definitions found in the laws of the states throughout the union.

Timber lands, being all those lands which are principally valuable for the timber that is on them. Timber land or forest land is any land which is producing or capable of producing a crop of trees of any species which are of sufficient size and quality to be capable of furnishing raw material used in the manufacture of lumber and co-related wood products as well as wood land and brush land capable of exerting an influence on the effectiveness of the water shed. Such lands must be capable of producing a forest growth of suitable character and so distributed as to give assurance that a stand of merchantable timber will be developed within a reasonable period of time or that the influence on the water shed will be maintained. Forest land shall consist of the following:

1. Forested area of at least 100 feet wide.
2. Be at least 10 acres in area.
3. Have a sufficient number of trees to provide 10% crown coverage.
4. If lacking 10% crown coverage, be likely to remain in forest use.
5. Commercial forest land is land which is producing or is physically capable of producing usable crops of wood, economically average now or prospectively and not withdrawn from commercial utilization.
6. Non-forested land is forest land incapable of yielding usable wood products because of adverse site conditions or so physically inaccessible as to be permanently unavailable, economically and not withdrawn for special purposes.
7. Cut-over forest land means land which has borne a crop of green forest products and which is now supporting or capable of growing a crop of trees. This category would also include land destroyed by fire, insect or tree disease.

The following bill was presented to the State Board of Land Commissioners on January 12, 1955, and was approved. The bill will be introduced during the session.

_____ BILL NO. _____

INTRODUCED BY _____

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 94-3334 OF THE REVISED CODES OF MONTANA, 1947, RELATING TO INJURY TO TREES ON PUBLIC LANDS."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA:

That Section 94-3334, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Every person who commits a trespass on or injury to any state lands or the improvements thereon, or who, without the proper authority, cuts, fells, girdles, injures or destroys any trees or timber upon any of the school, university or other state lands, or removes or attempts to remove the same, or knowingly purchases or receives such trees or timber, or advises the removal thereof, is guilty of a misdemeanor, and is also liable to the state for three times the value of said trees or timber, or lumber into which the same are converted.

All fines collected and all moneys recovered by virtue of this section must be paid into the (matter deleted) trust fund if the lands involved are held in trust either through deed or grant or be paid to the funds of the state departments administrating such lands where lands not held in trust are involved.

Respectively Submitted to:

The State Land Board of Land Commissioners

Governor J. Hugo Aronson
Ex-Officio Chairman, Helena

Mary Condon
Supt. of Public Instruction, Helena

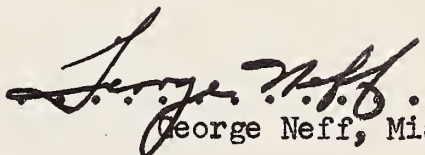
Sam W. Mitchell
Secretary of State, Helena

Arnold Olsen
Attorney General, Helena

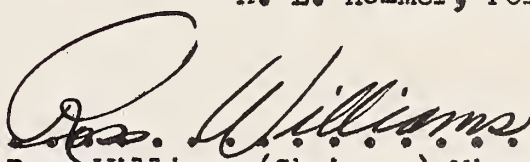
Lou E. Bretzke
Secretary and Commission of State
Lands and Investments, Helena

November 29, 1954

The Thirty-fourth Legislative Assembly
of the State of Montana
January 17, 1955

...  ...
George Neff, Missoula

...  ...
A. L. Helmer, Polson

 ...
Ross Williams (Chairman) Missoula

