

House Bill 3287

Sponsored by Representative HANNA; Representatives BENTZ, BERGER, BRUUN, FREEMAN, GARRARD, GILLIAM, GILMAN, HUFFMAN, JENSON, KRIEGER, MAURER, G SMITH, SPRENGER, WEIDNER, WHISNANT, WINGARD

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Defines statutory term regarding management of acquired lands designated as state forests, common school forest lands and the Elliott State Forest Lands. Requires State Board of Forestry to amend forest management plans to achieve policy and goals reflected in definition.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to the management of forest lands; creating new provisions; amending ORS 530.050, 530.490
3 and 530.520; and declaring an emergency.

4 Whereas lands have been acquired by the state since the 1930s under a series of laws and
5 amendments now embodied in ORS chapter 530; and

6 Whereas the historical records for those lands show that the State Board of Forestry, the State
7 Forestry Department and counties that made these lands available to the state have construed ORS
8 chapter 530 to require management of the lands primarily for timber production; and

9 Whereas the past policies, practices and administrative proceedings of the State Board of
10 Forestry and the State Forestry Department confirm that priority is to be given on those lands to
11 timber production in order to produce revenue for counties, schools and local taxing districts; and

12 Whereas questions have recently arisen as to the proper construction of ORS chapter 530 with
13 regard to the priority to be given to timber production on the lands; and

14 Whereas those questions require that ORS chapter 530 be clarified to conform to the historical
15 intent of the state and counties; now, therefore,

16 **Be It Enacted by the People of the State of Oregon:**

17 **SECTION 1.** ORS 530.050 is amended to read:

18 530.050. (1) **As used in this section, "secure the greatest permanent value" means to en-**
19 **sure that lands are forests managed primarily for timber production in order to produce re-**
20 **venue for counties, schools and local taxing districts that receive revenue from those lands.**

21 (2) Under the authority and direction of the State Board of Forestry except as otherwise pro-
22 vided for the sale of forest products, the State Forester shall manage the lands acquired pursuant
23 to ORS 530.010 to 530.040 so as to secure the greatest permanent value of those lands to the state,
24 and to that end may:

25 [(1)] (a) Protect the lands from fire, disease and insect pests, cooperate with the counties and
26 with persons owning lands within the state in the protection of the lands and enter into all agree-
27 ments necessary or convenient for the protection of the lands.

28 [(2)] (b) Sell forest products from the lands, and execute mining leases and contracts as provided
29 for in ORS 273.551.

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 [(3)] (c) Enter into and administer contracts for the sale of timber from lands owned or managed
 2 by the State Board of Forestry and the State Forestry Department.

3 [(4)] (d) Permit the use of the lands for other purposes, including but not limited to forage and
 4 browse for domestic livestock, fish and wildlife environment, landscape effect, protection against
 5 floods and erosion, recreation, and protection of water supplies when, in the opinion of the board,
 6 the use is not detrimental to the best interest of the state.

7 [(5)] (e) Grant easements, permits and licenses over, through and across the lands. The State
 8 Forester may require and collect reasonable fees or charges relating to the location and establish-
 9 ment of easements, permits and licenses granted by the state over the lands. The fees and charges
 10 collected shall be used exclusively for the expenses of locating and establishing the easements,
 11 permits and licenses under this [subsection] **paragraph** and shall be placed in the State Forestry
 12 Department Account.

13 [(6)] (f) Require and collect fees or charges for the use of state forest roads. The fees or charges
 14 collected shall be used exclusively for purposes of maintenance and improvements of the roads and
 15 shall be placed in the State Forestry Department Account.

16 [(7)] (g) Reforest the lands and cooperate with the counties, and with persons owning
 17 timberlands within the state, in the reforestation, and make all agreements necessary or convenient
 18 for the reforestation.

19 [(8)] (h) Require such undertakings as in the opinion of the board are necessary or convenient
 20 to secure performance of any contract entered into under the terms of this section or ORS 273.551.

21 [(9)] (i) Sell rock, sand, gravel, pumice and other such materials from the lands. The sale may
 22 be negotiated without bidding, provided the appraised value of the materials does not exceed \$2,500.

23 [(10)] (j) Enter into agreements, each for not more than 10 years duration, for the production
 24 of minor forest products.

25 [(11)] (k) Establish a forestry carbon offset program to market, register, transfer or sell forestry
 26 carbon offsets. In establishing the program, the forester may:

27 [(a)] (A) Execute any contracts or agreements necessary to create opportunities for the creation
 28 of forestry carbon offsets; and

29 [(b)] (B) Negotiate prices that are at, or greater than, fair market value for the transfer or sale
 30 of forestry carbon offsets.

31 [(12)] (L) Do all things and make all rules, not inconsistent with law, necessary or convenient
 32 for the management, protection, utilization and conservation of the lands.

33 **SECTION 2.** ORS 530.490 is amended to read:

34 530.490. (1) **As used in this section, “secure the greatest permanent value” has the**
 35 **meaning given that term in ORS 530.050.**

36 (2) Notwithstanding the provisions of any other law, or authority granted thereunder, after the
 37 State Board of Forestry and State Land Board resolutions and legal descriptions are filed with the
 38 Secretary of State as required by ORS 530.480, the State Forester [*hereby shall be authorized*]
 39 **may**, under the supervision of the State Board of Forestry and the regulations of that board, [*to*]
 40 manage, control and protect the Common School Forest Lands. Also, notwithstanding the provisions
 41 of any other law, or authority granted thereunder, the State Forester [*hereby is authorized*] **may**,
 42 under the supervision of the State Board of Forestry and the regulations of that board, [*to*] manage,
 43 control and protect the Elliott State Forest Lands. In each instance the State Forester shall manage,
 44 control and protect such forests and forestlands so as to secure the greatest permanent value of the
 45 lands to the whole people of the State of Oregon, particularly for the dedicated purposes of the lands

1 and the common schools to which the resources of the lands are devoted.

2 [(2)] (3) Easements on, over and across the Common School Forest Lands and the Elliott State
3 Forest Lands may be granted as follows:

4 (a) Permanent easements determined by the State Forester and State Board of Forestry as nec-
5 essary to accomplish the dedicated purposes of such lands may be granted by the Department of
6 State Lands.

7 (b) Easements other than permanent may be granted by the State Forester under joint rules of
8 the State Board of Forestry and Department of State Lands.

9 [(3)] (4) The authority granted the State Forester in this section [shall] **may** not supersede the
10 authority of the Department of State Lands to grant easements on or leases for the Common School
11 Forest Lands and Elliott State Forest Lands for grazing purposes or for the exploration and devel-
12 opment of minerals, oil or gas.[and] Any consideration received by the Department of State Lands
13 [therefor] **for such easements or leases** shall be excepted from the provisions of ORS 530.520.
14 However, the Department of State Lands shall cooperate with the forestry program of the State
15 Forester in granting such easements and leases and make provisions therein for continuing the pri-
16 mary purposes for which such land has been dedicated.

17 **SECTION 3.** ORS 530.520 is amended to read:

18 530.520. (1) Excepting receipts from the easements and leases designated in ORS 530.490 [(3)]
19 (4), all receipts from the Elliott State Forest and the Common School Forest Lands shall be paid into
20 the Common School Fund and are continuously appropriated to the Department of State Lands for
21 the purposes for which other moneys in the Common School Fund may be used and to reimburse the
22 Common School Forest Revolving Fund as provided in subsection (2) of this section.

23 (2)(a) The Common School Forest Revolving Fund, in an amount not exceeding \$300,000, is es-
24 tablished as a fund, separate and distinct from the General Fund, in the State Treasury. Interest
25 earned by the fund shall be credited to the fund. The revolving fund is continuously appropriated
26 to the State Forester for the payment of administrative expenses incurred by the State Forester in
27 the management, control and protection of the Elliott State Forest and the Common School Forest
28 Lands and in processing the sale of forest products and the disposal of privileges under ORS 530.500.
29 The revolving fund shall be reimbursed at least once each month by submission to the Department
30 of State Lands of a claim for payment approved by the State Forester and payment of the claim to
31 the revolving fund out of the Common School Fund, that payment representing a portion of receipts
32 paid into the Common School Fund under subsection (1) of this section.

33 (b) As used in paragraph (a) of this subsection, “administrative expenses” means a classification
34 of expenses incurred by the State Forester in performing functions referred to in paragraph (a) of
35 this subsection as a whole, rather than expenses incurred in performing any specific function that
36 is a part of the whole; and it means expenditures recognized as operating costs of a current or past
37 period, including refund of overpayments in the sale of forest products, and capital expenditures for
38 buildings, furniture, fixtures or equipment.

39 (3) After the end of each six-month period the State Forester shall submit to the Department
40 of State Lands a statement of capital asset account balances as of the end of that period for
41 buildings, furniture, fixtures and equipment held by the State Forester in performing functions re-
42 ferred to in subsection (2)(a) of this section and in which the Common School Fund has a vested
43 interest, showing the amount of that interest.

44 **SECTION 4. No later than July 1, 2010, the State Board of Forestry shall modify all**
45 **management plans developed by the State Forester to the extent necessary to achieve the**

1 **policy goals and direction reflected in the amendments to ORS 530.050 and 530.490 by sections**
2 **1 and 2 of this 2009 Act.**

3 **SECTION 5. This 2009 Act being necessary for the immediate preservation of the public**
4 **peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect**
5 **on its passage.**

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