

Enrolled
House Bill 2069

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Governor Theodore R. Kulongoski for State Forestry Department)

CHAPTER

AN ACT

Relating to forest tree seed; creating new provisions; and amending ORS 526.060, 526.235 and 526.470.

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

SECTION 1. ORS 526.235 is amended to read:

526.235. (1) A state forest nursery may be operated by the forester and the State Board of Forestry to provide forest tree seedlings for the reforestation of forestland. The nursery program may provide for the growth, care and maintenance of nursery stock and for the sale of such stock to private, state and other public owners of forestland.

(2) The forester and the board may use means in addition to, or instead of, operating a state forest nursery under subsection (1) of this section to secure forest tree seedlings and may sell those forest tree seedlings to private, state and other public owners of forestland. The means of securing forest tree seedlings may include, but need not be limited to:

- (a) Contracting with private nurseries to grow forest tree seedlings;
- (b) Allocating all or part of forest tree seedling production [for] **on behalf of** the forester and the board to a cooperative of private growers under ORS 526.237; and
- (c) Leasing or otherwise making state nursery property available for operation by private growers of forest tree seedlings.

(3) Each year the forester shall determine the costs of nursery operation and of securing forest tree seedlings under subsection (2) of this section and shall offer nursery stock or otherwise secured forest tree seedlings for sale to forest owners at prices that will recover actual costs.

(4) All revenues derived from the selling of nursery stock and otherwise secured forest tree seedlings shall be credited to the State Forestry Department Account **and deposited in the State Forest Nursery Subaccount established in ORS 526.060.**

[(5) Notwithstanding ORS 291.238, the moneys credited to the State Forestry Department Account under subsection (4) of this section shall be continuously available on a revolving basis exclusively for forest nursery purposes or for the purpose of securing forest tree seedlings.]

SECTION 2. ORS 526.470 is amended to read:

526.470. (1) A state forest tree seed bank may be operated by the State Forester and the State Board of Forestry to provide forest tree seed for the raising of forest tree seedlings suitable for reforestation. Such tree seed bank is to provide for the **research and development, production,** purchase, collection, storage, care and maintenance of forest tree seed and for the sale of such tree seed to private, state and other public owners of forest nurseries or forestland.

(2) Each year the State Forester shall determine the costs of tree seed bank operation and shall offer tree seed for sale to forest or nursery owners at prices that will recover actual costs.

(3) All revenues derived from the operation of the tree seed bank shall be credited to the State Forestry Department Account **and deposited in the State Forest Tree Seed Bank Subaccount established in ORS 526.060.**

[(4) Notwithstanding ORS 291.328, the moneys credited to the State Forestry Department Account under subsection (3) of this section shall be continuously available on a revolving basis exclusively for forest nursery purposes or for the purpose of securing forest tree seedlings.]

[(5) The State Forester shall keep a record of all moneys deposited in the State Forestry Department Account for forest nursery purposes or for the purpose of securing forest tree seedlings. The record shall indicate by separate cumulative accounts the source from which the moneys are derived and the individual activity or program against which each withdrawal is charged.]

(4) In order to develop and produce high quality forest tree seed, the moneys deposited in the State Forest Tree Seed Bank Subaccount may be used for research and development activities, including establishing and maintaining seed production areas, seed orchards or select forest trees from which seed, cuttings or pollen may be collected. The activities described in this subsection may be conducted independently by the State Forester or in collaboration, partnership or cooperation with private entities and public bodies as defined in ORS 174.109.

SECTION 3. (1) A state forest tree seed orchard may be operated by the State Forester and the State Board of Forestry to produce high quality forest tree seed suitable for reforestation. The purposes of the state forest tree seed orchard are to:

(a) Grow, care for and maintain seed orchard stock and produce seed, pollen, cuttings and other propagules for reforestation uses by private entities and public bodies as defined in ORS 174.109;

(b) Promote the conservation of genetic resources; and

(c) Support research and development activities for the purpose of producing high quality, well adapted seeds.

(2) The State Forester may enter into cooperative cost sharing and management agreements with private entities and public bodies as defined in ORS 174.109 to carry out the purposes set forth in subsection (1) of this section.

(3) Each year the State Forester shall determine the costs of operating the state forest tree seed orchard and shall recover actual costs.

(4) All revenues derived from the operation of the state forest tree seed orchard shall be credited to the State Forestry Department Account and deposited in the State Forest Tree Seed Orchard Subaccount established in ORS 526.060.

SECTION 4. ORS 526.060 is amended to read:

526.060. (1) Excepting the sinking fund moneys designated in ORS 530.280 and reimbursements for the revolving account under ORS 526.121, all assessments, federal apportionments or contributions, and other moneys received by the forester or State Board of Forestry, shall be paid into the State Treasury and credited to the State Forestry Department Account, which is established separate and distinct from the General Fund. All moneys in the State Forestry Department Account are appropriated continuously, and shall be used by the forester, under the supervision and direction of the board, for the purposes authorized by law.

(2) The forester shall keep a record of all moneys deposited in the State Forestry Department Account. The record shall indicate by separate cumulative accounts the source from which the moneys are derived and the individual activity or program against which each withdrawal is charged. All moneys in the account received pursuant to ORS 527.610 to 527.770 and 527.992 shall be used only for carrying out the duties, functions and powers of the State Forestry Department in administering ORS 527.610 to 527.770 and 527.992.

(3) The Urban and Community Forestry Subaccount is established as a subaccount of the State Forestry Department Account. Moneys in the Urban and Community Forestry Subaccount are ap-

appropriated continuously to the State Forestry Department to be used for urban and community [forestry] forest activities described in ORS 469.634 and 469.652.

(4) The State Forest Enhancement Donation Subaccount is established as a subaccount to the State Forestry Department Account. Moneys in the State Forest Enhancement Donation Subaccount are continuously appropriated to the State Forestry Department to be used for the purposes described in ORS 526.065.

(5) The State Forest Nursery Subaccount is established as a subaccount to the State Forestry Department Account. Moneys in the State Forest Nursery Subaccount are continuously appropriated to the State Forestry Department to be used for the purposes described in ORS 526.235.

(6) The State Forest Tree Seed Bank Subaccount is established as a subaccount to the State Forestry Department Account. Moneys in the State Forest Tree Seed Bank Subaccount are continuously appropriated to the State Forestry Department to be used for the purposes described in ORS 526.470.

(7) The State Forest Tree Seed Orchard Subaccount is established as a subaccount to the State Forestry Department Account. Moneys in the State Forest Tree Seed Orchard Subaccount are continuously appropriated to the State Forestry Department to be used for the purposes described in section 3 of this 2007 Act.

(8) Notwithstanding ORS 291.238, the moneys credited to the subaccounts established under subsections (5), (6) and (7) of this section shall be continuously available on a revolving basis.

Passed by House March 21, 2007

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Chief Clerk of House

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Speaker of House

Passed by Senate May 15, 2007

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President of Senate

Received by Governor:

.....M.,....., 2007

Approved:

.....M.,....., 2007

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Governor

Filed in Office of Secretary of State:

.....M.,....., 2007

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Secretary of State