

# House Bill 2069

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## 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**.

Authorizes surcharge on sale price of seed sold from state forest tree seed bank. Authorizes State Forester to use funds from state forest tree seed bank to establish, maintain and develop seed production areas. Provides specific authority for State Forester and State Board of Forestry to operate state forest tree seed orchard. Creates subaccounts for state forest nursery, state forest tree seed bank and state forest tree seed orchard.

## A BILL FOR AN ACT

1  
2 Relating to forest tree seed; creating new provisions; and amending ORS 526.060, 526.235 and  
3 526.470.

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

5 **SECTION 1.** ORS 526.235 is amended to read:

6 526.235. (1) A state forest nursery may be operated by the forester and the State Board of  
7 Forestry to provide forest tree seedlings for the reforestation of forestland. The nursery program  
8 may provide for the growth, care and maintenance of nursery stock and for the sale of such stock  
9 to private, state and other public owners of forestland.

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

14 (a) Contracting with private nurseries to grow forest tree seedlings;

15 (b) Allocating all or part of forest tree seedling production *[for]* **on behalf of** the forester and  
16 the board to a cooperative of private growers under ORS 526.237; and

17 (c) Leasing or otherwise making state nursery property available for operation by private  
18 growers of forest tree seedlings.

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

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

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

28 **SECTION 2.** ORS 526.470 is amended to read:

29 526.470. (1) A state forest tree seed bank may be operated by the State Forester and the State

**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 Board of Forestry to provide forest tree seed for the raising of forest tree seedlings suitable for  
 2 reforestation. Such tree seed bank is to provide for the **development, production,** purchase, col-  
 3 lection, storage, care and maintenance of forest tree seed and for the sale of such tree seed to pri-  
 4 vate, state and other public owners of forest nurseries or forestland.

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

7 **(3) In addition to offering tree seed at an amount that will recover actual costs, the State**  
 8 **Forester may impose on the sale price of tree seed a surcharge for the purpose of funding**  
 9 **research and development activities described in subsection (5) of this section.**

10 *[(3)]* **(4) All revenues derived from the operation of the tree seed bank shall be credited to the**  
 11 **State Forestry Department Account and deposited in the State Forest Tree Seed Bank Subac-**  
 12 **count established in ORS 526.060.**

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

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

20 **(5) In order to develop and produce high quality forest tree seed, the moneys deposited**  
 21 **in the State Forest Tree Seed Bank Subaccount may be used for research and development**  
 22 **activities, including establishing and maintaining seed production areas, seed orchards or**  
 23 **select forest trees from which seed, cuttings or pollen may be collected. The activities de-**  
 24 **scribed in this subsection may be conducted independently by the State Forester or in col-**  
 25 **laboration, partnership or cooperation with private entities and public bodies as defined in**  
 26 **ORS 174.109.**

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

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

33 **(b) Promote the conservation of genetic resources; and**

34 **(c) Support research and development activities for the purpose of producing high qual-**  
 35 **ity, well adapted seeds.**

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

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

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

44 **SECTION 4. ORS 526.060 is amended to read:**

45 526.060. (1) Excepting the sinking fund moneys designated in ORS 530.280 and reimbursements

1 for the revolving account under ORS 526.121, all assessments, federal apportionments or contribu-  
 2 tions, and other moneys received by the forester or State Board of Forestry, shall be paid into the  
 3 State Treasury and credited to the State Forestry Department Account, which is established sepa-  
 4 rate and distinct from the General Fund. All moneys in the State Forestry Department Account are  
 5 appropriated continuously, and shall be used by the forester, under the supervision and direction  
 6 of the board, for the purposes authorized by law.

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

13 (3) The Urban and Community Forestry Subaccount is established as a subaccount of the State  
 14 Forestry Department Account. Moneys in the Urban and Community Forestry Subaccount are ap-  
 15 propriated continuously to the State Forestry Department to be used for urban and community  
 16 [forestry] **forest** activities described in ORS 469.634 and 469.652.

17 (4) The State Forest Enhancement Donation Subaccount is established as a subaccount to the  
 18 State Forestry Department Account. Moneys in the State Forest Enhancement Donation Subaccount  
 19 are continuously appropriated to the State Forestry Department to be used for the purposes de-  
 20 scribed in ORS 526.065.

21 (5) **The State Forest Nursery Subaccount is established as a subaccount to the State**  
 22 **Forestry Department Account. Moneys in the State Forest Nursery Subaccount are contin-**  
 23 **uously appropriated to the State Forestry Department to be used for the purposes described**  
 24 **in ORS 526.235.**

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

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

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