

From the Desk of  
Senator Ted Ferrioli

# Senate Bill 806

Sponsored by Senator FERRIOLI

## 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.

Instructs State Forester to manage, control and protect lands in Elliott State Forest in manner designed to generate, after payment of State Forester administrative expenses, sustainable revenue from forest operations of \$40 million or more per year. Allows Department of State Lands to lease land in Elliott State Forest to private entities if lands fail in two or more consecutive years to generate required amount of revenue and department determines that leases would generate more revenue for school use.

Declares emergency, effective July 1, 2015.

## A BILL FOR AN ACT

1  
2 Relating to lands in the Elliott State Forest; creating new provisions; amending ORS 530.490; and  
3 declaring an emergency.

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

5 **SECTION 1. (1) The State Forester shall act under the direction of the State Board of**  
6 **Forestry to manage, control and protect lands in the Elliott State Forest in a manner de-**  
7 **signed to achieve, after payment under ORS 530.520 of State Forester administrative ex-**  
8 **penditures, sustainable revenue from forest operations on those lands equal to or greater than**  
9 **\$40 million per year.**

10 **(2) Notwithstanding subsection (1) of this section and ORS 530.500 and 530.520 (2) and (3),**  
11 **the Department of State Lands may lease all or part of the lands in the Elliott State Forest**  
12 **under one or more agreements to private entities for use in a manner consistent with oper-**  
13 **ations under the Oregon Forest Practices Act if:**

14 **(a) Lands in the Elliott State Forest managed, controlled and protected under subsection**  
15 **(1) of this section do not, in two or more consecutive years, produce revenue from forest**  
16 **operations that, after payment under ORS 530.520 of State Forester administrative expenses,**  
17 **is equal to or greater than \$40 million per year; and**

18 **(b) The department determines that leasing lands to private entities will result in a**  
19 **higher amount of revenue going to the Distributable Income Account established under ORS**  
20 **273.105 than would result from continuing the management, control and protection of those**  
21 **lands by the State Forester.**

22 **(3) Any revenue from leases described in subsection (2) of this section shall be paid into**  
23 **the Common School Fund for use as provided under ORS 530.520.**

24 **(4) If the department leases any lands in the Elliott State Forest to private entities under**  
25 **subsection (2) of this section:**

26 **(a) Subject to the determination required under subsection (2)(b) of this section, the de-**  
27 **partment may issue additional leases and may renew leases for lands in the Elliott State**  
28 **Forest; and**

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 (b) During the time one or more leases are in effect, subsection (1) of this section does  
2 not apply to lands remaining under or returning to management, control and protection by  
3 the State Forester.

4 (5)(a) During the time that any lease under subsection (2) of this section is in effect, the  
5 State Forester shall retain or resume management, control and protection of any lands that  
6 are not under lease to a private entity. The State Forester shall manage, control and protect  
7 those lands in a manner designed to achieve, after payment under ORS 530.520 of State  
8 Forester administrative expenses, the highest practicable sustained revenue from forest op-  
9 erations on those lands. The State Forester shall file the capital asset account balance  
10 statement required under ORS 530.520 for the unleased lands.

11 (b) If the State Forester resumes management, control and protection of all lands in the  
12 Elliott State Forest following the expiration of leases under this section, subsection (1) of  
13 this section applies to the management, control and protection of those lands by the State  
14 Forester.

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

16 530.490. (1) Notwithstanding the provisions of any other law, or authority granted thereunder,  
17 after the State Board of Forestry and State Land Board resolutions and legal descriptions are filed  
18 with the Secretary of State as required by ORS 530.480, the State Forester hereby shall be author-  
19 ized, under the supervision of the State Board of Forestry and the regulations of that board, to  
20 manage, control and protect the Common School Forest Lands. [*Also, notwithstanding the provisions*  
21 *of any other law, or authority granted thereunder*] **Except as provided in section 1 of this 2015**  
22 **Act**, the State Forester hereby is authorized, under the supervision of the State Board of Forestry  
23 and the regulations of that board, to manage, control and protect the Elliott State Forest Lands. In  
24 each instance the State Forester shall manage, control and protect such forests and forestlands so  
25 as to secure the greatest permanent value of the lands to the whole people of the State of Oregon,  
26 particularly for the dedicated purposes of the lands and the common schools to which the resources  
27 of the lands are devoted.

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

30 (a) Permanent easements determined by the State Forester and State Board of Forestry as nec-  
31 cessary to accomplish the dedicated purposes of such lands may be granted by the Department of  
32 State Lands.

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

35 (3) The authority granted the State Forester in this section shall not supersede the authority  
36 of the Department of State Lands to grant easements on or leases for the Common School Forest  
37 Lands and Elliott State Forest Lands for grazing purposes or for the exploration and development  
38 of minerals, oil or gas, and any consideration received by the Department of State Lands therefor  
39 shall be excepted from the provisions of ORS 530.520. However, the Department of State Lands shall  
40 cooperate with the forestry program of the State Forester in granting such easements and leases  
41 and make provisions therein for continuing the primary purposes for which such land has been  
42 dedicated.

43 **SECTION 3.** This 2015 Act being necessary for the immediate preservation of the public  
44 peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect  
45 July 1, 2015.

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