

# House Bill 3585

Sponsored by Representative JAVADI, Senators WEBER, ANDERSON, Representative STOUT, Senator SMITH DB;  
Representatives BOSHART DAVIS, CATE, OWENS

## 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 analyze certain criteria before adopting rule changing management of state forest lands.

Instructs State Forester to annually report to committee or interim committee of Legislative Assembly related to natural resources on projected revenues from state forest lands and degree to which forest management decisions affect projected revenues.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to the management of state forests; amending ORS 530.050 and 530.110; and declaring an  
3 emergency.

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

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

6 530.050. (1) Under the authority and direction of the State Board of Forestry except as other-  
7 wise provided for the sale of forest products, the State Forester shall manage the lands acquired  
8 pursuant to ORS 530.010 to 530.040 so as to secure the greatest permanent value of those lands to  
9 the state, and to that end may:

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

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

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

17 [(4)] (d) Enter into and administer contracts for activities necessary or convenient for the sale  
18 of timber under [*subsection (3) of this section*] **paragraph (c) of this subsection**, either separately  
19 from or in conjunction with contracts for the sale of timber, including but not limited to activities  
20 such as timber harvesting and sorting, transporting, gravel pit development or operation, and road  
21 construction, maintenance or improvement.

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

26 [(6)] (f) Grant easements, permits and licenses over, through and across the lands. The State  
27 Forester may require and collect reasonable fees or charges relating to the location and establish-  
28 ment of easements, permits and licenses granted by the state over the lands. The fees and charges

**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 collected shall be used exclusively for the expenses of locating and establishing the easements,  
 2 permits and licenses under this subsection and shall be placed in the State Forestry Department  
 3 Account.

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

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

10 [(9)] (i) Require such undertakings as in the opinion of the board are necessary or convenient  
 11 to secure performance of any contract entered into under the terms of this section or ORS 273.551.

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

14 [(11)] (k) Enter into agreements, each for not more than 10 years duration, for the production  
 15 of minor forest products.

16 [(12)] (L) Establish a forestry carbon offset program to market, register, transfer or sell forestry  
 17 carbon offsets. In establishing the program, the forester may:

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

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

22 [(13)] (m) Do all things and make all rules, not inconsistent with law, necessary or convenient  
 23 for the management, protection, utilization and conservation of the lands.

24 **(2) Before adopting a rule under subsection (1) of this section that changes the manage-**  
 25 **ment of lands acquired pursuant to ORS 530.010 to 530.040, the State Forester shall analyze:**

26 **(a) A range of management strategies that are alternatives to the proposed change; and**

27 **(b) The projected impacts of the proposed change and the alternative management**  
 28 **strategies on revenues that will be distributed pursuant to ORS 530.110 over the subsequent**  
 29 **10 years.**

30 **SECTION 2.** ORS 530.110 is amended to read:

31 530.110. (1) All revenues derived from lands acquired without cost to the state, or acquired from  
 32 counties pursuant to ORS 530.030, shall be paid into the State Treasury and credited to the State  
 33 Forestry Department Account and shall be used in accordance with the following distribution:

34 (a) Fifteen percent shall be credited to the State Forests Protection Subaccount of the State  
 35 Forestry Department Account until the amount in such subaccount reaches \$475,000. Thereafter, the  
 36 revenues shall be disposed of as stated in paragraphs (b) and (c) of this subsection, unless needed  
 37 to maintain the \$475,000 level. All moneys in the State Forests Protection Subaccount are contin-  
 38 uously appropriated to the State Forester who may use such money under the following priorities:

39 (A) First, in addition to or in lieu of other moneys available, to pay the cost of protection, as  
 40 determined under ORS 477.270, for lands acquired under ORS 530.010 to 530.040.

41 (B) Second, to provide moneys needed for activities authorized by subsection (3) of this section.

42 (C) From remaining moneys, to pay costs incurred in the suppression of fire originating on or  
 43 spreading from an operation area, as defined in ORS 477.001, on state-owned forestland acquired  
 44 under ORS 530.010 to 530.040. The State Forester shall make payments with approval of the State  
 45 Board of Forestry for such fire suppression costs, except that no payments shall be made for such

1 costs or portion thereof when other parties are responsible under law or contracts for the payment  
 2 of such costs.

3 (b) Seventy-five percent of all such revenues remaining after the percentage disposed of as  
 4 stated in paragraph (a) of this subsection, shall be disposed of as provided in ORS 530.115.

5 (c) Twenty-five percent of all such revenues remaining after the percentage disposed of as stated  
 6 in paragraph (a) of this subsection, shall be used for the purposes set out in subsection (3) of this  
 7 section.

8 (2) Except as provided in ORS 530.147 and 530.280, all revenues from lands other than lands  
 9 designated in subsection (1) of this section, acquired under ORS 530.010 to 530.040, shall be paid into  
 10 the State Treasury and credited to the State Forestry Department Account and shall be used in  
 11 accordance with the following distribution:

12 (a) Until each legal subdivision of the lands has been credited with an amount equal to the  
 13 purchase price thereof, the revenues shall reimburse the State Forestry Department Account. If  
 14 sufficient revenue to reimburse the State Forestry Department Account is not generated from the  
 15 purchased parcels within five years from the date of acquisition, the State Forester, with the consent  
 16 of the affected county, shall deduct all or portions of the unreimbursed purchase costs from the re-  
 17 venue distributed to that county in accordance with ORS 530.115 (1). After the State Forestry De-  
 18 partment Account has been reimbursed for the purchase price of the lands, the revenue from the  
 19 lands shall be distributed according to the formula specified in paragraphs (b), (c) and (d) of this  
 20 subsection.

21 (b) The percentage required under subsection (1)(a) of this section shall be credited to the State  
 22 Forests Protection Subaccount, and the revenues shall be disposed of as stated in paragraphs (c) and  
 23 (d) of this subsection.

24 (c) Seventy-five percent of all such revenues remaining after paragraphs (a) and (b) of this sub-  
 25 section have been complied with, shall be disposed of as provided in ORS 530.115.

26 (d) Twenty-five percent of all such revenues remaining after the percentage disposed of as stated  
 27 in paragraphs (a) and (b) of this subsection, shall be used for the purposes set out in subsection (3)  
 28 of this section.

29 (3) Unless otherwise consented to in advance and in writing by the counties from which the  
 30 state has acquired lands without cost to the state or pursuant to ORS 530.130, the moneys in the  
 31 State Forestry Department Account derived from those percentages of revenues set out in sub-  
 32 sections (1)(c) and (2)(d) of this section shall be used exclusively for the following purposes and in  
 33 the following order:

34 (a) First, for the payment of bond related costs for bonds issued under ORS 530.140 prior to July  
 35 28, 2009.

36 (b) Second, to the Forest Acquisition County Reimbursement Fund to the extent necessary for  
 37 paying tax revenue reimbursements to counties under ORS 530.175.

38 (c) Third, for such other purposes as are necessary in carrying out ORS 530.010 to 530.110.

39 **(4) The State Forester shall annually report, in the manner prescribed in ORS 192.245,**  
 40 **to a committee or interim committee of the Legislative Assembly related to natural re-**  
 41 **sources on:**

42 **(a) The revenues that are projected to be distributed pursuant to this section over the**  
 43 **subsequent 10 years.**

44 **(b) The degree to which decisions to manage lands under ORS 530.050 affect the projected**  
 45 **revenues.**

1           (c) The degree to which any rulemaking initiated pursuant to ORS 530.050 but not con-  
2 cluded before the date of the report may affect future projected revenues.

3           SECTION 3. This 2023 Act being necessary for the immediate preservation of the public  
4 peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect  
5 on its passage.  
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