

Introduced by

1 A BILL for an Act to create and enact chapter 4.1-21 of the North Dakota Century Code, relating
2 to the state forester and forestry and tree distribution; and to repeal chapter 4-19 of the North
3 Dakota Century Code, relating to the state forester and forestry and tree distribution.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** Chapter 4.1-21 of the North Dakota Century Code is created and enacted as
6 follows:

7 **4.1-21-01. State forester - Appointment - Qualifications - Duties.**

8 The board of higher education shall appoint the state forester.

- 9 1. The state forester must be a graduate of an accredited school of forestry with a
10 minimum education of a bachelor of science degree in forestry. The office of the state
11 forester must be located in Bottineau. The state forester shall serve as the director of
12 the state forest service and, subject to the approval of the board of higher education
13 and the president of North Dakota state university, may employ assistants and secure
14 office facilities and equipment necessary for the administration of this chapter and the
15 performance of the powers and duties of the office.
- 16 2. The state forester shall:
- 17 a. Supervise the raising and distribution of seeds and forest tree planting stock as
18 provided in this chapter.
- 19 b. Promote practical forestry and compile and disseminate information relative to
20 practical forestry to landowners, community groups, schools, and other
21 organizations interested in forestry.
- 22 c. Encourage the development, use, and wise stewardship of forest resources.
- 23 d. Provide assistance to landowners, producers, and public bodies relating to
24 forestry, reforestation, protection of forest resources, prevention and suppression

1 of fires, planting of trees and shrubs, and the growing, harvesting, marketing, and
2 management of forest resources.

3 **4.1-21-02. State nursery - Maintenance - Purpose.**

4 A state nursery, under the direction of the state forester, must be maintained at Towner. The
5 nursery shall propagate seeds and forest tree planting stock adapted to the climatic conditions
6 of this state.

7 **4.1-21-03. Powers - Cooperative state agreements.**

8 Under the general supervision of the board of higher education, the state forester may:

- 9 1. Establish procedures for the administration of this chapter.
- 10 2. Provide grants to, and enter cooperative agreements with, public and private entities
11 for purposes consistent with this chapter.
- 12 3. Establish councils to advise the state forester on the administration of this chapter.

13 **4.1-21-04. State forester reserve account.**

14 The state forester reserve account is established as a special account in the state treasury.
15 All moneys received for charges in excess of the cost of production of seedlings from the state
16 nursery must be deposited in the reserve account. The state forester may use the reserve
17 account within limits of legislative appropriations for expenses relating to nursery seedling
18 losses or other unanticipated events requiring additional funding as determined necessary by
19 the state forester. If the balance of the state forester reserve account exceeds one million
20 dollars, charges for state nursery seedlings must not exceed estimated production costs until
21 the account balance is less than seven hundred thousand dollars, at which time the state
22 forester may charge one hundred ten percent of production costs.

23 **4.1-21-05. Distribution of seeds and planting stock.**

24 Seeds and planting stock from the state nursery may be distributed by the state forester to
25 citizens and landowners of this state upon payment by them of a price not greater than one
26 hundred ten percent of the cost to the state of production in the case of planting stock or
27 collection in the case of seeds, and the cost of transportation from the nursery. The seeds and
28 planting stock may be used to establish or reestablish forests, windbreaks, shelterbelts, living
29 snow fences, farm woodlots, Christmas tree plantings, wildlife habitats, and other conservation
30 tree plantings and for erosion control and water quality management.

1 **4.1-21-06. State forester may accept land for forestry purposes.**

2 The state forester may accept gifts, donations, or contributions of land suitable for forestry
3 purposes and may enter agreements for acquiring, by lease, purchase, or otherwise, such lands
4 as in the state forester's judgment are desirable for state forestry purposes.

5 **4.1-21-07. Obligations incurred in acquiring land - Payment.**

6 Obligations incurred by the state forester in the acquisition of land under this chapter must
7 be paid solely and exclusively from revenues derived from such land, and may not impose any
8 liability upon the general credit and taxing power of the state.

9 **4.1-21-08. Powers of state forester when lands acquired or leased.**

10 When lands are acquired or leased under section 4.1-21-06, the state forester may make
11 expenditures from any funds not otherwise obligated for the management, development, and
12 utilization of such areas. The state forester may provide recreational services within those areas
13 and may charge a user fee in an amount sufficient to cover the cost of providing such services.
14 The state forester may sell or otherwise may dispose of products from such lands and may
15 make necessary rules to carry out the purposes of this chapter.

16 **4.1-21-09. Revenue received from lands acquired or leased - Regulations governing -**
17 **Payments in lieu of taxes.**

18 All revenues derived from lands acquired or leased under this chapter must be segregated
19 by the state treasurer for the use of the state forester in the acquisition, management,
20 development, and use of such lands. However, from those revenues derived from agricultural
21 leases there must be paid over to the governing body of the county in which those lands are
22 located, an amount sufficient to cover the loss of tax revenues, if any, resulting from such
23 acquisition or lease.

24 **4.1-21-10. State forester may sell, exchange, or lease lands.**

25 The state forester may sell, exchange, or lease lands under the state forester's jurisdiction
26 when in the state forester's judgment it is advantageous to the best orderly development and
27 management of state forests and state parks, except any sale, lease, or exchange may not be
28 contrary to the terms of any contract that the state has entered.

29 **4.1-21-11. Agreements for shelterbelt lands by state.**

30 Any board or officer having the control or management of any real estate belonging to or
31 controlled by this state or any of its political subdivisions may enter agreements with the officers

1 and agents of the United States for the improvement by the United States of any of said lands
2 by the establishment and maintenance thereon of shelterbelts composed of trees, other plants,
3 and necessary protective structures and works. Every such agreement must describe
4 particularly the land to be covered by the shelterbelt, must be recorded at the expense of the
5 United States in the county where such land is situated, and thereafter all leases, sales, and
6 other disposition of such land are subject to such agreement.

7 **4.1-21-12. Trees for North Dakota program and trust fund.**

8 The trees for North Dakota program is created for the public purpose of strengthening the
9 tradition of tree planting and management in this state.

10 A special fund known as the trees for North Dakota program trust fund is established in the
11 state treasury. Income earned on moneys in the fund must be credited to the fund. The state
12 forester shall deposit all program funds received from governmental and private sources in the
13 trust fund. Program funds may be expended for direct costs or distributed for grants and
14 contracts by the state forester within the limits of legislative appropriations for defraying the
15 costs associated with execution of the trees for North Dakota program.

16 Any political subdivision of the state may provide financial aid or supportive services to the
17 trees for North Dakota program.

18 **SECTION 2. REPEAL.** Chapter 4-19 of the North Dakota Century Code is repealed.