

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.