

TITLE 44

FORESTRY AND FOREST PRODUCTS

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Chapter 526

1955 REPLACEMENT PART

Forestry Administration

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DEFINITIONS

526.005 Definitions. In this chapter, unless the context or subject matter otherwise requires:

- (1) "Board" means State Board of Forestry.
- (2) "Forester" means State Forester.
- (3) "Warden" means fire warden.
- (4) "Forest land" includes any forest, woodland, brushland, cutover land, slashing, chopping or clearing containing any inflammable forest debris.
- (5) "Classification committee" means a county forest land committee established under this chapter.

526.006 to 526.009 [Reserved for expansion]

**STATE BOARD OF FORESTRY;
STATE FORESTER**

526.010 State Board of Forestry created; members, meetings, quorum. (1) There shall be a State Board of Forestry, consisting of the Governor, the acting head of the School of Forestry of Oregon State College, and eight electors to be appointed by the Governor upon the authoritative recommendation of the Oregon State Grange, Oregon Forest Fire Association, West Coast Lumbermen's Association, Western Pine Association, United States Forest Service, Oregon Wool Growers' Association, Western Oregon Livestock Association, Oregon Cattle and Horse Raisers' Association and the Association of Oregon Counties. Each of these organizations is to select and name one from its association, except the Western Oregon Livestock Association and the Oregon Cattle and Horse Raisers' Association who are jointly to select and name the remaining one from either of their associations. The representative of the United States Forest Service shall act in an advisory capacity only. In the absence of recommendations, the Governor shall appoint the electors.

(2) The board shall supervise all matters of forest policy and management under the jurisdiction of the state, and approve claims for expenses incurred under the provisions of the statutes administered by the board, unless otherwise provided. The members of the board shall receive no compensation for their services, but shall be entitled to actual traveling expenses incurred in attending board meetings. The board shall meet on the first Wednesday following the

first Monday in January, March, June and September, at the State Capitol. The board may meet at other times upon the call of the Governor or the secretary of the board and at any convenient place in the state. A majority of the board shall constitute a quorum. [Amended by 1953 c.68 §19; 1953 c.372 §22]

526.020 State Forester, appointment, expenses allowed, general powers and duties; Acting State Forester. (1) The State Board of Forestry shall appoint a State Forester, who shall be a practical forester familiar with western conditions and experienced in organization for the prevention of forest fires. He shall hold office at the pleasure of the board, which also shall have power to fix his compensation. He may appoint assistant state foresters and a deputy state forester with the approval of the State Board of Forestry. He shall be allowed necessary office and contingent expenses, including clerical help, and he and his assistants and his deputy shall be paid actual traveling and field expenses incurred in the performance of their official duties.

(2) He shall:

(a) Under the supervision of the State Board of Forestry, execute all matters pertaining to forestry.

(b) Devise and promulgate rules and regulations, with the approval of the State Board of Forestry, for the enforcement of the state fire laws, the protection of forest lands and the conservation of forest resources, not inconsistent with law, and within the provisions of the statutes prescribing his or the board's duties.

(c) Appoint and instruct fire wardens as provided for in ORS chapter 477.

(d) Direct the improvement and protection of state forest lands.

(e) Collect data relative to forest conditions.

(f) Take such action as is authorized by law to prevent and extinguish forest, brush and grass fires.

(g) Enforce all laws pertaining to forest and brush-covered land and prosecute for any violation of such laws.

(h) Cooperate with landowners, counties or others in forest protection.

(i) Advise and encourage reforestation.

(j) Publish such information on forestry as he may deem wise.

(k) Act as secretary of the State Board of Forestry.

(L) Prepare biennially a report to the Governor on the progress and condition of state forest work, containing recommendations for improving methods of forest protection, management and reproduction.

(m) Under the supervision of the State Board of Forestry, enter into contracts and cooperative agreements pertaining to experiments and research in the field of forestry.

(n) Sell, exchange or otherwise dispose of any real property heretofore or hereafter acquired by the board for administrative purposes and no longer needed.

(3) During the State Forester's absence or disability, all his authority shall be exercised by the deputy state forester or by the assistant whom the State Forester or the State Board of Forestry may designate as Acting State Forester. [Amended by 1953 c.68 §19; 1955 c.117 §1]

526.030 State Forester to cooperate with other agencies and individuals; payment of expenses; contracts for supervision; deposit for costs. (1) Under the direction of the State Board of Forestry, the State Forester shall, upon request, and whenever he deems that it will serve the public interest, assist and cooperate with any federal or state department or any institution, county, town, corporation or individual owning or controlling forests or woodlands within the state, in the preparation of plans for their protection, management, replacement or extension. Unless otherwise provided by law, the parties obtaining such assistance shall pay the necessary costs of travel, subsistence and other field expenses incurred by the State Forester or his assistants in the preparation and execution of these plans.

(2) Under the direction of the State Board of Forestry, the State Forester may enter into contracts with the applicants under which he will supervise the execution of the plans, provided that the costs of carrying them out shall be paid by the applicants.

(3) In carrying out the provisions of this section the State Forester may require the applicant to deposit in one or more installments the moneys needed to cover the cost of preparing and executing the plans, such deposits to constitute a special fund which hereby is appropriated and made available until expended, as the State Forester may direct, for the payment of the cost and for refunds to applicants of amounts deposited by or for them in excess of such cost. [Amended by 1953 c.23 §2; 1955 c.27 §1]

526.040 [Repealed by 1953 c.43 §2]

526.050 [Repealed by 1953 c.23 §2]

526.060 to 526.100 [Reserved for expansion]

**REVOLVING FUND OF STATE
FORESTER; EQUIPMENT POOL
REVOLVING FUND; FOREST
PATROL FUND**

526.110 [Repealed by 1953 c.327 §6]

526.111 Revolving fund for State Forester created; purposes. Notwithstanding the provisions of ORS 291.238, or of any other law that may be in conflict herewith, there hereby is created a revolving fund for the State Forester in the sum of \$75,000. The fund shall be deposited with the State Treasurer and shall be at the disposal of the State Forester for the payment of lawful expenses incurred under the direction of the State Forester and the State Board of Forestry in the prevention or suppression of fire and the protection of forest lands, and in the payment of miscellaneous bills and extraordinary items which are payable in cash immediately upon presentation. The State Forester may draw his checks or orders upon the State Treasurer in making disbursements for the said purposes. The creation of said fund shall not require an allotment or allocation of moneys pursuant to ORS 291.234 to 291.260. [1953 c.327 §1]

526.120 [Repealed by 1953 c.327 §6]

526.121 Reimbursement of revolving fund; fidelity bond required of State Forester; auditing of accounts. (1) Reimbursement vouchers for claims paid from said fund created by ORS 526.111 shall be approved by the State Forester and shall be audited by the Secretary of State. Warrants in payment of the vouchers shall be drawn in favor of the State Forester and by him shall be deposited with the State Treasurer to reimburse the fund. The State Forester shall maintain such accounts and records as shall readily disclose the true status of vouchers payable from, and checks outstanding against, the fund and the balance to the credit thereof.

(2) The State Forester shall furnish a bond in the penal sum of \$100,000 in favor of the State of Oregon, approved as to form by the Attorney General, conditioned upon the faithful and honest handling and disposition of the fund. The premium for the bond

shall be paid from the appropriation of the State Board of Forestry. The bond shall be in addition to any other bond required of the State Forester by law or by action of the State Board of Forestry and shall be filed with the Secretary of State.

(3) The Secretary of State at such times as he may consider advisable may examine into and audit the accounts of the State Forester in reference to such fund. [1953 c.327 §2]

526.130 [Repealed by 1953 c.327 §6]

526.140 [Repealed by 1953 c.327 §6]

526.150 [Repealed by 1953 c.327 §6]

526.160 Equipment Pool Revolving Fund created; uses and management of fund. (1) There hereby is created and established in the General Fund in the State Treasury a revolving fund to be known as the Equipment Pool Revolving Fund which fund, notwithstanding the provisions of ORS 291.238, hereby is continuously appropriated to the State Board of Forestry to be used solely for the operation, storage, maintenance, repair and replacement of equipment under the control of the State Board of Forestry, the payment of insurance premiums for such equipment, and the administrative expenses of the board in connection with the operation of the motor pool and of the revolving fund.

(2) At the end of each month the State Board of Forestry shall render a statement on a basis of mileage or rental, against other funds or moneys available to the State Forester or the State Board of Forestry for which transportation has been furnished, and all amounts due shall be credited to the Equipment Pool Revolving Fund and shall be a charge against such funds or moneys involved. Any proceeds from the sale or other disposition of used motor vehicle equipment owned by the state and operated by the State Forester or State Board of Forestry shall be credited to the Equipment Pool Revolving Fund. Administrative costs in connection with the operation of the motor pool and the revolving fund shall be included in the computation of the rental or mileage statement. The State Forester on behalf of the State Board of Forestry shall at all times keep records and accounts which shall disclose the transportation and rental charges, and against which funds or moneys the charges shall be a claim. [1953 c.74 §1]

526.170 Forest Patrol Fund created; ratification of use of and transactions involving fund prior to 1953. (1) There hereby is created and established in the General Fund in the State Treasury, a fund to be known as the Forest Patrol Fund, which fund, notwithstanding the provisions of ORS 291.238, hereby is continuously appropriated to the State Board of Forestry to be used by the State Forester, under the direction of the State Board of Forestry, in performing the duties of his office as provided by law.

(2) Chapter 71, Oregon Laws 1953, shall ratify the past use and transactions including all existing credits and balances of the Forest Patrol Fund as a subaccount of the General Fund as established by the administrator. [1953 c.71 §1]

526.180 to 526.200 [Reserved for expansion]

FOREST PRODUCTS LABORATORY

526.210 Policy; Forest Products Laboratory created. (1) The State Board of Forestry, cooperating with the School of Forestry of Oregon State College, shall institute and carry on research in the fields of utilization, fabrication and manufacture of forest products to further the interests of forestry and forest industries within the state. The research shall include improving the utilization of present waste materials resulting from the harvesting of forest crops, and the manufacture of lumber and other wood products.

(2) The State Board of Forestry may establish a Forest Products Laboratory at Oregon State College and appoint a managing director thereof who shall cooperate with individuals, corporations, associations and public agencies wherever and whenever advisable to further the purposes of ORS 526.210 to 526.250, and who shall have authority to hire personnel, purchase material, equipment and to do or have done all things necessary to the research program or other projects, objects and purposes of ORS 526.210 to 526.250. The managing director of the Forest Products Laboratory and those persons holding professional laboratory research positions requiring a college degree in a specialized technical field are not included in the classified civil service. [Amended by 1953 c.376 §3; 1955 c.13 §1]

526.220 Advisory Committee; functions. The Governor shall appoint an Advisory

Committee of six electors of the State of Oregon, one to be recommended for selection from each of the following agencies: West Coast Lumbermen's Association, Willamette Valley Lumbermen's Association, the Western Pine Association, the School of Forestry at Oregon State College of the State of Oregon, the Oregon Plywood Association and the Pacific Northwest Forest and Range Experiment Station. The Governor is to be ex officio member of the committee and its chairman, and the State Forester is to be its secretary. The functions of the Advisory Committee shall be:

(1) To survey the entire field of research in wood utilization for the purpose of assembling definite information covering current research projects as well as past accomplishments and rendering practical counsel in the field of economic forest utilization.

(2) To explore new fields for the utilization of forest products and to encourage the establishment of new industries of this type within the state.

(3) To guide and approve all research activities undertaken by the Forest Products Laboratory.

(4) Through contacts with wood-using industries to suggest promising wood utilization projects to other research organizations.

(5) To recommend the compilation and release to industry and to the general public of all research information and data.

526.230 Advisory Committee, compensation, expenses, meetings. The members of the Advisory Committee shall receive no compensation for their services as such, but may be paid for actual traveling expenses incurred in attending committee meetings or for the performance of other services. The committee shall meet at any convenient place upon the call of the chairman or the secretary.

526.240 Gifts to board; contracts for acceptance and use of gifts. The State Board of Forestry may accept from the United States or any of its agencies, from the State of Oregon or any of its agencies, and from any person, such funds as may now or hereafter be available for any of the purposes contemplated by ORS 526.210 to 526.250, and may accept from any source any grant or donation of land or gift of money or other valuable thing made for any of the purposes contemplated by ORS 526.210 to 526.250. The State Board of Forestry may enter into

contracts and agreements concerning the acceptance and use of such funds, grant, donation or gift as may be necessary, proper and convenient and not contrary to law.

526.250 Sale, transfer or licensing of patent rights relating to forest products; disposition of income. The State Board of Forestry may, under such terms and conditions as it determines, sell, transfer, license or assign, in whole or in part, to any person, any patent rights, relating to forest products utilization, acquired by the State of Oregon through the State Board of Forestry or Forest Products Laboratory. From the net income derived from such sale, transfer, license or assignment, 40 percent shall be deposited in the General Fund for general governmental purposes and the balance shall be deposited in a special account with the State Treasurer to be used in the same manner and for the same purpose as funds made available to the Forest Products Laboratory by ORS 321.170. [Amended by 1953 c.324 §2]

526.260 Audit and approval of claims approved by managing director. The Secretary of State is authorized and directed to audit and allow all claims approved by the managing director appointed pursuant to ORS 526.210, incurred in pursuance of any appropriation made therefor and to draw his warrants on the State Treasurer in payment thereof. [1953 c.376 §3]

526.270 ORS 526.250 not to be construed as limiting powers granted under ORS 351.230. ORS 526.250 shall not be construed to limit the powers of the State Board of Higher Education with respect to intellectual property relating to forest products utilization. [1953 c.332 §3]

526.280 to 526.300 [Reserved for expansion]

COUNTY FOREST LAND CLASSIFICATION COMMITTEE

526.310 County classification committees created. (1) The county court of each county containing forest land may establish a county forest land classification committee of five persons, of whom one shall be appointed by the State Board of Forestry, one by the Director of the State Agricultural Experiment Station and three by the county court. Of the members appointed by the county court, one shall be an owner of forest land and one shall be an owner of grazing

land. Each of the agencies named shall file with the State Board of Forestry the name of its appointee, and the persons so named shall constitute the classification committee for the county involved. Each member of the committee shall, at all times, be subject to removal and replacement by the appointing agency, effective upon the filing with the board by that agency of written notice of removal and the name of the new member.

(2) The committee shall elect from among its members a chairman and a secretary and may elect or employ other officers, agents and employees, as it may deem advisable. It shall adopt reasonable regulations and bylaws governing its organization and proceedings and the performance of its functions under ORS 526.310 to 526.370, and shall keep written minutes of all its meetings.

(3) The county court may provide for the classification committee and its employees such offices, furniture, supplies, fuel and light, and may appropriate to the committee's use such county funds not otherwise appropriated as the county court may deem necessary for the proper performance of the committee's functions under ORS 526.310 to 526.370. The members of the committee shall receive no compensation for their services but the county court may, in its discretion, reimburse them for traveling expenses incurred in attending meetings of the committee or otherwise performing their functions.

526.320 Investigation of forest lands by classification committees; determination of adaptability for particular uses. Upon establishment of a classification committee under ORS 526.310, the committee shall as rapidly as possible investigate and study all forest land within its county and determine which of the land is suitable primarily for the production of timber, which is suitable primarily for joint use for timber production and the grazing of livestock, and which is suitable primarily for grazing or other agricultural use. Such determination shall take into consideration climate, topography, elevation, rainfall, soil conditions, roads, availability of school facilities, extent of fire hazards, recreation needs, scenic values, and other physical, economic and social factors and conditions relating to the land involved.

526.330 Classification by committee; lands included in each class; procedure; notice of hearing; hearing and order; appeal.

(1) Upon the basis of such investigation and determination the classification committee shall classify all forest land within its county as follows:

(a) Class 1, or timber class, shall include all forest land primarily suitable for the production of timber.

(b) Class 2, or timber and grazing class, shall include all forest land primarily suitable for joint use for timber production and the grazing of livestock, as a permanent or semi-permanent joint use, or as a temporary joint use during the interim between logging and reforestation.

(c) Class 3, or agricultural class, shall include all forest land primarily suitable for grazing or other agricultural use.

(2) The classification committee first shall make and adopt a preliminary classification and upon its completion shall cause notice thereof to be published for two consecutive weeks in a newspaper of general circulation in that county and to be posted in three public places within that county, which notice shall state the time and place for hearing or receiving objections, remonstrances or suggestions as to such proposed classification and the place where a statement of the preliminary classification may be inspected.

(3) The committee thereafter shall hold a public hearing at the time and place stated in the notice, or at such other time and place as the hearing may then be adjourned to, to receive from any interested persons objections, remonstrances or suggestions relating to the proposed classification. Following such hearing the committee may make such changes in the preliminary classification as it may find to be proper, and thereafter shall make its final classification. All action by a classification committee in classifying or reclassifying forest land shall be by formal written order which shall include a statement of findings of fact on the basis of which the order is made. Such order shall include a map showing the classifications or reclassifications made. The original of the order shall be filed immediately with the county clerk of that county, who shall maintain it available for public inspection, and a copy of the order certified by the secretary of the committee shall be delivered to the State Board of Forestry. The classification

committee shall reclassify any land classified hereunder whenever such reclassification shall be justified by changed conditions.

(4) Any owner of forest land classified under this section or ORS 526.340 who is adversely affected by such classification may, within 30 days following the date of the order making such classification, appeal therefrom to the circuit court of the county in which that land is situated. Such appeal shall be taken by filing a notice of appeal with the county clerk and serving a copy of the notice of appeal upon the secretary of the classification committee, or, if the classification was made by the State Forester, as provided in ORS 526.340, in lieu of a classification by a classification committee, then such notice of appeal shall be served upon the forester. Such appeal shall be tried by the circuit court as a suit in equity.

526.340 Classification by State Forester upon failure of committee to act. In the event no classification of forest land was made by a classification committee within a county in which such land is situated, within six months after March 11, 1937, the State Board of Forestry may authorize the forester to proceed to make the study, investigation and determinations and to make the preliminary and final classifications of such land which are in ORS 526.330 provided to be made by a classification committee, and in the manner provided for such committee, including formal written order and findings of fact. Such classifications by the forester shall have the same force and effect as though made by a classification committee for that county; but such classifications made by the forester shall cease to be effective if and when replaced by classifications made pursuant to ORS 526.330 by the appropriate classification committee.

526.350 Policy to be followed in administering forest and fire laws; provision in contracts for care of forest lands; fire control; burning permits. All forest and fire laws relating to forest land classified pursuant to ORS 526.330 or 526.340, and all rules and regulations promulgated under such laws, shall be so administered as best to promote the primary use for which that land is classified. Any contract by the State Board of Forestry or the State Forester with any other agency for the care of any such forest land shall provide that the care shall be in accord with the provisions of this sec-

tion relating to that land. As to all forest land classified in class 1, it shall be the policy of the board, the forester and all wardens to give primary consideration to timber production and reforestation, in preference to grazing or agricultural uses, not excluding, however, recreation needs or scenic values; as to all forest land classified in class 2, to give equal consideration and value to timber production and the development or maintenance of grazing, either as a temporary use for the interim between logging and reforestation or as a permanent or semi-permanent joint use and as to all forest land classified in class 3, to give primary consideration to the development of grazing or agriculture, in preference to timber production. The forester and wardens shall control fires, issue or refuse to issue burning permits, and supervise or refuse to supervise burning, on forest land classified pursuant to ORS 526.330 or 526.340, in accordance with the aforesaid policy as it applies to the land involved.

526.360 Board and forester to assist in developing forest lands for agricultural uses; supervision of burning on class 2 and 3 lands; refusal of supervision or permit; liability for damage from burning. (1) The State Board of Forestry and the State Forester shall assist to the extent possible in developing, for grazing or agricultural uses, all forest land classified pursuant to ORS 526.330 or 526.340 for such uses, including the burning of brush or other inflammable material for the purpose of removing a fire hazard to timber, homes, farms or other property, or to any city, or for the purpose of preparing seed beds, or for the purpose of removing obstructions to or interference with the proper seeding or agricultural or grazing development or use of that land.

(2) Upon request of the owner or the agent of the owner of any forest land classified pursuant to ORS 526.330 or 526.340 as in class 2 or 3, the forester or his warden shall supervise burning operations thereon for any of the aforesaid purposes, the owner or his agent to supply such assistance as the forester or warden may require while there is danger of the fire spreading, but not to exceed 10 men. The forester or his warden shall, however, have full authority to refuse to supervise burning or to issue any burning permit when such burning would create an unwarranted hazard. When any burning for any of the aforesaid purposes on forest land

classified as class 2 or 3 is started under the supervision of and supervised by the forester or a warden, the owner or the agent of the owner of that land shall not be liable for property damage resulting from that burning unless the damage is caused directly by his own personal negligence.

526.370 Seeding agreements as condition of supervision of burning on class 2 or 3 lands; seeding at owner's expense on breach; lien; foreclosure. The forester or warden may, as a condition precedent to supervising any burning of class 2 or 3 lands, as provided in ORS 526.360, require the owner or his agent in control of the land involved to agree in writing to seed properly the land over which the burning operation is to be conducted, with such seed or seed mixtures as may be suitable for that area. In the event of failure by that owner or his agent to seed the property in accordance

with such agreement, the county court of that county may cause the seeding to be done and the cost thereof may be recovered by that county court from the owner or his agent by legal action. The cost shall constitute a lien upon the land seeded. A written statement and notice of such lien, describing the land and stating the amount of the cost, shall be certified under oath by the county court and filed in the office of the county clerk within 90 days following the completion of reseeded. The lien may be foreclosed, within six months after such filing, by suit, in the manner provided by law for foreclosure of liens for labor and material.

526.380 to 526.400 [Reserved for expansion]

526.410 [Repealed by 1953 c.138 §2]

526.420 [Repealed by 1953 c.139 §2]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.
Done at Salem, Oregon,
on October 15, 1955.

Sam R. Haley
Legislative Counsel

