

Chapter 530

1955 REPLACEMENT PART

Acquisition and Development of State Forests

ACQUISITION, MANAGEMENT AND DEVELOPMENT OF STATE FORESTS; FINANCING THEREOF	
530.010	State Board of Forestry authorized to acquire lands; limitations; lands designated as state forests
530.020	Conditions precedent to acceptance of title; approval by Attorney General; suit to quiet title; deeds, deposit and recordation
530.030	Conveyance of county lands to state; consideration; adjustment of delinquent fire patrol liens; contracts concerning removal of timber and disposition of proceeds from sale thereof
530.040	Exchange of forest land or timber; reservations; hearing; approval of title; status of lands received
530.050	Management of lands acquired; powers of board; sales of forest products
530.060	Agreements for coordinate management; sustained yield units
530.070	Provisions of agreement
530.080	Recordation of agreement; hearing and notice; modification
530.090	Limitation on amount of timber secured by agreement
530.100	State Forest Development Revolving Fund; purpose; interest, earned income, unexpended balances; redemption of revenue bonds
530.110	Disposition of revenues from lands acquired under ORS 530.010 to 530.040
530.120	Account of receipts from lands acquired; annual statement to county
530.130	Bonds may be sold or exchanged for lands
530.140	Forest development revenue bonds
530.150	Redemption of bonds
530.160	Refunding of bonds
530.170	Disposition of revenues from lands acquired under former statute; redemption of bonds issued under former statute
530.210	Definitions for ORS 530.210 to 530.300
530.220	Oregon Forest Rehabilitation Act
530.230	Board to sell bonds; limitation on issues
530.240	Revenue from bond sales to be credited to Oregon Forest Rehabilitation Fund; purposes of fund
530.250	State Forester to rehabilitate state forest lands; assistants, equipment and contracts; board to make rules
530.260	Bonds; terms, redemption and refunding thereof
530.270	Selling the bonds
530.280	Sinking fund account; composition, disbursement and investment
530.290	Taxes levied by tax commission to be credited to sinking fund account
530.300	Disposition of moneys derived from disposal of forest products from certain lands
ELLIOTT STATE FOREST	
530.410	Withdrawal from sale of Elliott State Forest
530.420	State Forester to control and manage Elliott State Forest; delegation of privileges to state school of forestry
530.430	Sale of forest products; mining and power leases; conditions; submission to head of state school of forestry; approval of State Forester; disposition of receipts
530.440	Manner of paying administrative expenses of managing Elliott State Forest

CROSS REFERENCES

Administrative orders of state agencies generally, Ch. 183	530.040
Deeds and conveyances purporting to affect real property acquired for the purposes of ORS 530.010 to 530.170 prior to August 3, 1955, validated, 1955 c.74 §1	Exchange of real property by State Forester, 526.020 (2) (n)
Forest lands to be used to promote primary use for which classified, 526.350	530.100
Ratification of acts of State Board of Forestry and of State Forester relating to acquisition of lands from counties for purposes of ORS 530.010 to 530.170, 1955 c.74 §2	Expenditures without allotment prohibited in certain cases, 291.238
State bonds, Ch. 286	530.110
State lands generally, Ch. 273	Disposition of certain revenues, 530.300
	530.210
	Nonseparability of 1955 amendments to ORS 530.210, 530.280 and 530.300, 1955 c.115 §4
	530.240
	Expenditures without allotment prohibited in certain cases, 291.238

530.250

Employment of personnel, Ch. 240
State purchasing generally, 279.712

530.280

Disposition of certain revenues, 530.300
See cross reference for ORS 530.210

530.300

See cross reference for ORS 530.210

530.440

Expenditures without allotment prohibited in certain cases, 291.238

**ACQUISITION, MANAGEMENT AND DEVELOPMENT OF STATE FORESTS;
FINANCING THEREOF**

530.010 State Board of Forestry authorized to acquire lands; limitations; lands designated as state forests. The State Board of Forestry, referred to in this chapter as the board, in the name of the State of Oregon, may acquire, by purchase, donation, devise or exchange from any public, quasi-public or private owner, lands which by reason of their location, topographical, geological or physical characteristics are chiefly valuable for the production of forest crops, watershed protection and development, erosion control, grazing, recreation or forest administrative purposes. But the board shall not acquire any land without prior approval, duly made and entered, of the county court or board of county commissioners of the county in which the lands are situated; nor, in counties where land classification committees have been appointed in accordance with ORS 526.310, shall lands be so acquired unless they have been classified for the purposes above enumerated. Lands acquired under the provisions of this section shall be designated as state forests. [Amended by 1953 c.43 §2]

530.020 Conditions precedent to acceptance of title; approval by Attorney General; suit to quiet title; deeds, deposit and recordation. Title to all lands acquired by the board under ORS 530.010 shall be free and clear of all encumbrances except easements of rights of way and reservations or exceptions of gas, oil, coal, mineral and timber rights. All titles shall be approved by the Attorney General before conveyance is accepted. However, the Attorney General may approve title to lands proposed to be acquired from counties under the provisions of ORS 530.030 or proposed to be acquired by donation or devise when, in his opinion, existing defects of title are of formal nature and may be cured by suit to quiet title. In case of acquisition of lands with defective title, the Attorney General may institute suit to quiet title to such lands, and all costs in connection therewith shall be a proper charge against the funds of the board. All deeds, abstracts, title insurance policies, and other evidences of title to lands acquired under ORS 530.010 to 530.040 shall be deposited with the Secretary of State. All deeds shall promptly be recorded in the county in which the lands are situated. [Amended by 1955 c.421 §1]

530.030 Conveyance of county lands to state; consideration; adjustment of delinquent fire patrol liens; contracts concerning removal of timber and disposition of proceeds from sale thereof. (1) The county court or board of county commissioners of any county may convey to the state for state forests any lands heretofore or hereafter acquired by such county through foreclosure of tax liens, or otherwise, which are within the classification of lands authorized to be acquired under ORS 530.010, if the board deems such lands necessary or desirable for acquisition, in consideration of the payment to such county of the percentage of revenue derived from such lands as provided in ORS 530.110. In connection with any such conveyance the board shall have authority to make equitable adjustments with any county of accrued delinquent fire patrol liens on lands heretofore or hereafter acquired by such county by foreclosure of tax liens.

(2) As to such lands acquired by the board with title to the timber remaining in the county for a designated period of time, the State Forester may enter into contracts with the county to supervise the removal and sale of such timber and under such contracts the gross proceeds of the sale thereof shall be disposed of as follows:

(a) Ten percent of such gross proceeds shall be placed in the special fund to be used for the payment of fire suppression costs as set out in ORS 530.110.

(b) A percentage of such gross proceeds shall be accepted by the State Forester, pursuant to written contract with the county authority, as compensation for the supervision and management of county-owned timber; the funds so derived hereby are appropriated and shall be deposited in the State Forest Development Revolving Fund to be used for the same purposes as other moneys in said fund. [Amended by 1953 c.65 §5]

530.040 Exchange of forest land or timber; reservations; hearing; approval of title; status of lands received. The board may exchange any land or the timber thereon acquired under the provisions of ORS 530.010 for land of approximately equal aggregate value, situated in the same county, when such exchange is in furtherance of the purposes of ORS 530.010; provided that either party to any such exchange may make reservations of easements, rights of use and other interests and rights. Before making any such exchange the board

shall hold a hearing thereon at the courthouse of the county in which such lands are situated and shall give notice of the time and place thereof by publication in two successive issues of a newspaper of general circulation published in such county. The notice shall contain a description of the lands to be given and to be received in the proposed exchange. However, no such exchange shall be made until the title to the lands to be received has been approved by the Attorney General. All lands received in exchange shall have the same status and be subject to the same provisions of law as the lands given in exchange therefor. [Amended by 1955 c.421 §2]

530.050 Management of lands acquired; powers of board; sales of forest products. (1) The board shall manage the lands acquired pursuant to ORS 530.010 to 530.040 so as to secure the greatest permanent value of such lands to the state, and to that end may:

(a) Protect the lands from fire, disease and insect pests, cooperate with the counties and with persons owning lands within the state in such protection and enter into all agreements necessary or convenient therefor.

(b) Sell forest products from the lands, and execute mining leases and contracts as provided for in ORS 517.410.

(c) Permit the use of the lands for grazing, recreation and other purposes when, in the opinion of the board, such use is not detrimental to the purposes of this section.

(d) Grant easements and rights of way over, through and across the lands.

(e) Reforest the lands and cooperate with the counties, and with persons owning timberlands within the state, in such reforestation, and make all agreements necessary or convenient therefor.

(f) Require such undertakings as in the opinion of the board are necessary or convenient to secure performance of any contract entered into under the terms of this section, or ORS 517.410.

(g) Do all things and make all rules and regulations, not inconsistent with law, necessary or convenient for the management, protection, utilization and conservation of the lands.

(2) Any sale of forest products in excess of the value of \$1,000 shall be made only after opportunity for competitive bidding is given by notice of the proposed sale by advertisement

of not less than once a week for four successive weeks by publication in one or more newspapers published and of general circulation in the county in which such products are situated; however, competitive bidding shall not be required:

(a) In connection with cooperative agreements for the promotion of forest management on a sustained yield basis, as provided in ORS 530.060.

(b) In connection with any experimental or research project for the promotion of forest management under the direction of the State Forester and when authorized by the State Board of Forestry and approved by the county court or board of county commissioners of the county in which such project is located.

(c) In connection with any grant of right of way or permit to use a right of way over said lands, which grant or permit involves the removal, injury or destruction of forest products; for the purposes of this section, such removal, injury or destruction shall not be deemed a sale, but shall be considered as damages to be paid for at the fair market value for such products.

(3) In planning the sale of forest products, the board shall take into consideration the manufacturing plants operating in the vicinity of the place of production and, where feasible, establish marketing areas within the boundaries of which purchasers of such products shall be required either to manufacture the same, at least through the primary stages of manufacture, or to sell the same for such manufacture within the marketing area. In the event at any time the board determines that market conditions in any such area are such that the enforcement of the provision requiring either primary manufacture or the sale for primary manufacture in the area would be impracticable or inequitable, it may suspend such requirement while such conditions exist. [Amended by 1953 c.65 §5; 1955 c.421 §3]

530.060 Agreements for coordinate management; sustained yield units. The board, when it deems such action in the public interest, may make cooperative agreements with other landowners for the coordinate management, including, but not limited to time, rate and method of cutting timber and forest growth to secure continuous forest production. The board further, in connection with such cooperative agreements, may determine, define and formally declare the

establishment of sustained yield units, composed of portions of lands acquired pursuant to ORS 530.010 to 530.040, together with such other lands as are included by agreement.

530.070 Provisions of agreement. (1) In each cooperative agreement made pursuant to ORS 530.060, the private or public owner concerned shall agree, in consideration of the assured privilege of purchasing state forest timber or other products within the unit created pursuant to ORS 530.060, or of the benefits to be obtained by having the owner's lands managed for sustained yield as a part of the unit involved, or of both such privilege and benefit, to give the board such control over the owner's lands and to comply with such conditions and requirements with respect to their management, as in the board's judgment may be necessary to effectuate the purposes of ORS 530.060 and insure continuous timber production.

(2) Each cooperative agreement entered into shall also expressly provide that any privilege, benefit or control conferred by its terms shall not extend beyond the period the agreement remains in full force and effect.

530.080 Recordation of agreement; hearing and notice; modification. (1) The board shall cause each cooperative agreement entered into under authority of ORS 530.060 to be recorded in the proper records of each county in which the lands described in such agreement are located. It is authorized to pay the cost incident to such recording out of any available fund appropriated for the activities of the board.

(2) Before any cooperative agreement is entered into and before any sustained yield unit is declared, the board shall hold a hearing thereon at the courthouse in the county in which the lands to be included in such cooperative agreement or in such sustained yield unit are situated, and shall give notice of the time and place of such hearing by publication in two successive issues of a newspaper of general circulation published in such county, which notice shall contain a description of the boundaries of the proposed sustained yield unit.

(3) After such hearing the board may modify the terms of the proposed cooperative agreement or the boundaries of the proposed sustained yield unit, if it finds such action in the public interest; but no change in the boundaries of such proposed sus-

tained yield unit shall increase the area thereof.

530.090 Limitation on amount of timber secured by agreement. No cooperative agreement shall be made which secures to any person an amount of timber on lands acquired pursuant to ORS 530.010 to 530.040 in excess of 50 percent of the timber required for a sustained yield operation with a maximum cut of 200,000 feet board measure per day.

530.100 State Forest Development Revolving Fund; purpose; interest, earned income, unexpended balances; redemption of revenue bonds. (1) There is created a State Forest Development Revolving Fund in the State Treasury which shall be held by the State Treasurer as a trust fund for the redemption of Oregon forest development revenue bonds and payment of interest thereon, for the acquisition, development and management of forest lands and for such other purposes as are necessary in carrying out the provisions of ORS 530.010 to 530.170.

(2) All interest and income earned on the fund shall be placed to the credit thereof, and any unexpended balance remaining in the fund shall continue to be available for the purposes mentioned in this section and shall not revert to the General Fund. However, forest development revenue bonds issued under ORS 530.130 shall be redeemable and principal and interest thereon payable from that portion of the State Forest Development Revolving Fund representing the income from lands as provided in ORS 530.110. Such bonds shall also be redeemable and principal and interest thereon payable from time to time from that portion of the balance of the State Forest Development Revolving Fund as may be determined by the State Board of Forestry.

530.110 Disposition of revenues from lands acquired under ORS 530.010 to 530.040. (1) All revenues derived from lands acquired without cost to the state, or acquired from counties pursuant to ORS 530.030, shall be distributed as follows, and for which purposes the revenues are appropriated:

(a) Ten percent shall be placed in a sub-account of the State Forest Development Revolving Fund in the State Treasury until the amount shall reach \$300,000, thereafter, the revenues shall be disposed of as stated in paragraphs (b) and (c) of this subsection,

unless needed to maintain the level of the fund. The fund derived hereunder shall be used to pay costs incurred in the suppression of fire originating on or spreading from an operation area on state-owned forest land acquired under ORS 530.010 to 530.040. The State Forester shall make payments with approval of the board for such fire suppression costs; provided, however, that no payments shall be made for such costs or portion thereof when other parties are responsible under law or contracts for such costs or portion thereof due to acts of negligence. "Operation area" means the area so defined by ORS 477.002.

(b) Seventy-five percent of all such revenues remaining after the percentage disposed of as stated in paragraph (a) of this subsection, shall be credited to the county in which the lands are situated and shall be paid at least biannually to the county by warrant of the Secretary of State, pursuant to claim therefor, duly approved by the board, and shall be by the county prorated and apportioned as the same would have been had the lands from which the revenues are derived been sold by the county.

(c) Twenty-five percent of all such revenues remaining after the percentage disposed of as stated in paragraph (a) of this subsection, shall be credited to the State Forest Development Revolving Fund.

(2) All revenues from all other lands acquired under ORS 530.010 to 530.040 shall be paid into the General Fund and shall be credited by the State Treasurer as follows, and for which purposes the funds are appropriated: Until each legal subdivision of the lands has been credited with an amount equal to the purchase price thereof, the revenues shall be credited to the State Forest Development Revolving Fund; thereafter, all such remaining revenues shall be distributed as stated in the following paragraphs (a), (b) and (c):

(a) Ten percent of all such revenues shall be placed in the subaccount of the General Fund as set out in paragraph (a) of subsection (1) of this section, and under the conditions stated therein; thereafter, the revenues shall be disposed of as stated in the following paragraphs (b) and (c).

(b) Seventy-five percent of all such revenues remaining after paragraph (a) of this subsection has been complied with, shall be credited to the county in which such land is situated and shall be paid at least biannually to the county, by warrant of the Secretary

of State, pursuant to claim therefor, duly approved by the board, and shall be by the county prorated and apportioned as the same would have been had the lands from which the revenues are derived been sold by the county.

(c) Twenty-five percent of all such revenues remaining after paragraph (a) of this subsection has been complied with, shall be credited to the State Forest Development Revolving Fund. [Amended by 1953 c.65 §5]

530.120 Account of receipts from lands acquired; annual statement to county. The board shall keep an accurate account, by legal subdivisions, of all receipts from lands acquired under the provisions of ORS 530.010 to 530.040 and shall credit to each legal subdivision the revenues derived therefrom. The board shall render annually to each county in which lands acquired under the provisions of ORS 530.010 to 530.040 are situated, a statement, by legal subdivisions, showing the revenues derived from each of such legal subdivisions.

530.130 Bonds may be sold or exchanged for lands. (1) The board may issue the revenue bonds described in ORS 530.140 in exchange for lands selected by it in accordance with ORS 530.010, or may sell such bonds in such manner as it deems advisable. Should the bonds be sold by the board, the proceeds shall be deposited in the General Fund and be expended only by warrant of the Secretary of State in the payment of vouchers bearing the approval of the board in the purchase of lands, as provided in ORS 530.010.

(2) No bond shall be sold or issued in exchange for lands on a basis less than the par value of the bond and accrued interest. Lands proposed to be taken in exchange for bonds shall first be appraised by the board and the appraisal approved by the State Board of Control. The bonds shall be signed by the Governor, the Secretary of State and the State Treasurer.

530.140 Forest development revenue bonds. (1) The board may sell revenue bonds of the State of Oregon, to be known as Oregon forest development revenue bonds, in an amount not exceeding \$500,000 in denominations not exceeding \$1,000 each. The bonds shall not constitute a general obligation of the state, nor be a lien on any of the lands acquired by the state under ORS 530.010.

(2) The bonds shall bear interest at a

rate to be determined by the board, but not to exceed two percent per annum, payable semiannually at the office of the State Treasurer. The bonds shall be numbered consecutively, beginning with number one, and shall be due 50 years from date of issue, but shall be payable when sufficient funds are available therefor in the State Forest Development Revolving Fund, as provided in ORS 530.150.

(3) The bonds shall be payable to bearer and shall have interest coupons attached, which shall also be payable to bearer. The holder of any such bond may have his ownership registered with the State Treasurer with respect to the principal of the bond. The registered owner of any bond may have such bond changed to be payable to bearer by filing with the State Treasurer his irrevocable bond power, transferring all his rights in the bond to bearer.

(4) The board shall keep a record of every purchaser of the bonds as originally issued.

530.150 Redemption of bonds. (1) When funds are available therefor, as provided in ORS 530.100, the board shall cause to be published in a newspaper of general and wide circulation in the state a notice of call for redemption at par and accrued interest of sufficient revenue bonds to utilize such funds. The notice shall be published not less than twice, the second publication to be not less than 14 days after the first and not less than 30 days prior to the date of such call.

(2) The bonds shall be called in numerical order, beginning with the lowest number, and shall cease to draw interest after the date fixed for redemption. Interest and principal of the bonds shall be payable solely from the State Forest Development Revolving Fund.

(3) Not less than 10 days before the date set by the board for redemption of any of the revenue bonds, or the refunding bonds issued under ORS 530.160, the board shall certify to the State Treasurer the amount necessary to pay such redemption. Upon receipt of the certificate, the treasurer shall prepare and verify a claim for the amount set out therein, attaching thereto the certificate, and present the same to the Secretary of State, who shall audit the same and issue a warrant therefor payable out of the State Forest Development Revolving Fund.

(4) All bonds and interest coupons upon

payment shall be deposited by the State Treasurer with the Secretary of State, to be attached to the original claim of the State Treasurer for payment.

530.160 Refunding of bonds. If the revenue bonds have not been redeemed within 50 years of the date of issue as provided in ORS 530.140, the board shall cause to be sold refunding bonds in an amount sufficient to provide funds for the redemption of such unredeemed bonds as have been outstanding for 50 years, the proceeds of the sale of which refunding bonds shall be used solely for the purpose of calling and paying such bonds and coupons so refunded. The refunding bonds shall be of like tenor as those refunded, and shall be payable only from the State Forest Development Revolving Fund. The bonds shall show by indorsement thereon that their legality has been approved by the Attorney General of Oregon.

530.170 Disposition of revenues from lands acquired under former statute; redemption of bonds issued under former statute. (1) Revenues from lands acquired by the state pursuant to section 5, chapter 478, Oregon Laws 1939, shall be disposed of as provided by law at the time of such acquisition; provided that the county court or board of county commissioners of any county from which such lands were acquired may, by resolution duly made and entered, and delivery of a certified copy thereof to the board, elect to have such revenues disposed of as provided in subsection (1) of ORS 530.110.

(2) Oregon forest development revenue bonds issued pursuant to chapter 236, Oregon Laws 1941, and redeemable from the State Forest Development Fund thereunder shall be redeemed from the State Forest Development Revolving Fund created under the provisions of ORS 530.100.

530.180 to 530.200 [Reserved for expansion]

530.210 Definitions for ORS 530.210 to 530.300. When used in ORS 530.210 to 530.300, unless the context clearly would be otherwise:

(1) "Bonds" are the general obligation bonds of the State of Oregon issued pursuant to Article XI-E, Oregon Constitution.

(2) "Forest land" is any land suitable for the production of forest crops. [Amended by 1955 c.115 §1]

530.220 Oregon Forest Rehabilitation Act. ORS 530.210 to 530.300 shall be known as the Oregon Forest Rehabilitation Act.

530.230 Board to sell bonds; limitation on issues. The board may sell bonds in such denominations as in its judgment will be most marketable, for the purpose of raising funds to meet the requirements of ORS 530.240. Such bonds shall be sold in lots, from time to time, as may be required; but the annual issue shall not exceed \$750,000.

530.240 Revenue from bond sales to be credited to Oregon Forest Rehabilitation Fund; purposes of fund. The moneys arising from the sale of each issue of bonds shall be deposited with the State Treasurer and shall be credited to a special fund, separate and distinct from the General Fund, which fund shall be known as the Oregon Forest Rehabilitation Fund; and all moneys deposited therein hereby are appropriated and made available to the board for the rehabilitation, reforestation, management and development of state-owned forest lands and the acquisition of lands for said purposes. All unexpended balances remaining in the fund shall continue to be available for the purposes of this section and shall not revert to, nor at any time be made a part of, the General Fund. Moneys acquired under ORS 530.230 shall be in addition to and not in lieu of moneys regularly appropriated or otherwise made available to the board for the administration, management and protection of state forest lands.

530.250 State Forester to rehabilitate state forest lands; assistants, equipment and contracts; board to make rules. (1) The State Forester, under the direction of the board, shall rehabilitate, reforest and develop state-owned forest lands so as to secure the highest permanent usefulness to the whole people of the state. In the management and control of such land, the State Forester may employ assistants and such other help as in his judgment may be necessary and may purchase machinery, equipment and supplies required to accomplish the purposes hereof. He may enter into any and all contracts, in the name of the board, deemed necessary for the rehabilitation, reforestation and development of said lands.

(2) The board shall carry out the provisions of ORS 530.210 to 530.300 and may promulgate such rules and regulations and

do any other act or thing necessary to meet fully the requirements of such sections.

530.260 Bonds; terms, redemption and refunding thereof. (1) The Attorney General, at the request of the board, shall prepare a form of interest-bearing bond of the State of Oregon containing the necessary covenants and conditions to carry out the purposes of ORS 530.210 to 530.300. All bonds issued under authority of ORS 530.230 shall bear interest payable semiannually at such rates, not exceeding 4 percent per annum, as the board, with the approval of the State Bond Commission, may deem advisable.

(2) The bonds shall be numbered consecutively beginning with the number one, and shall be payable in the order of their issuance, upon dates fixed by the board; provided that the maturity date shall be not less than six months nor more than 25 years from the date of issue. In the discretion of the board the bonds may be issued subject to the right of optional redemption for retirement or refunding prior to the date of maturity fixed by the instrument as provided in ORS 286.040; but, if the bonds affected are owned wholly by the state, they may be redeemed pursuant to service by the board upon the State Treasurer, of written notice of intended redemption, without publication of such notice.

(3) The bonds may be converted into registered bonds in the manner in which other state bonds are so converted. The bonds and the appurtenant coupons shall be negotiable in form and shall embody an absolute and unconditional promise of the State of Oregon to pay the principal and interest thereof in any coin or currency which, at the time of payment, is legal tender for the payment of public and private debts within the United States.

(4) The bonds shall be signed by the Governor, Secretary of State and the State Treasurer, unless otherwise executed as provided in ORS 286.050. The bonds shall bear coupons evidencing the interest to become due thereon for each instalment. Upon each coupon shall be printed the facsimile signature of each of the above-named officers whose name appears on the bond.

(5) Refunding bonds of like tenor to those refunded may be issued and sold in a like manner and under the same conditions as the original issue.

(6) Not less than 20 days before due

date for the payment of the principal or interest on any bonds issued under ORS 530.210 to 530.300, the board shall prepare and submit to the State Treasurer, for verification, a claim duly approved by the board in an amount sufficient to meet the payment thereof, and upon verification, the board shall present the claim to the Secretary of State for audit in a like manner as other claims against the state are audited. The Secretary of State thereupon shall issue a warrant, drawn on the State Treasurer for payment of such claim, payable out of any moneys provided by law for the payment thereof. All bonds and interest coupons surrendered to the State Treasurer upon payment shall be deposited, in due course, with the Secretary of State.

530.270 Selling the bonds. (1) The board, with the approval of the State Bond Commission, shall provide such method as it may deem necessary for the advertisement of each issue of bonds before they are sold and shall require a sufficient deposit with each bid as the board may deem adequate to insure the fulfillment of such bids. The advertisement shall contain a provision to the effect that the board, in its discretion, may reject any and all bids made in pursuance of such advertisement. In the event of such rejection the board is authorized to re-advertise for bids, in the form and manner herein set out, as many times as, in the judgment of the board, may be necessary to effect a satisfactory sale.

(2) The bonds may be sold by the board to the state either in registered or coupon form without advertisement thereof for public sale, at such interest rate or rates not exceeding an effective rate of four percent per annum payable semiannually and at such price, not less than herein specified, as shall be agreed upon between the board and the State Bond Commission.

(3) The bonds shall be sold for a price not less than 98 percent of the par value and the full amount, if any, of the accrued interest thereon to the date of delivery. The state shall not pay any brokerage fees, commissions or other charges for the preparation of proceedings for or for the financing or underwriting of the bonds; but such limitations shall not preclude the payment of reasonable compensation to licensed attorneys for the furnishing of written opinions as to the regularity thereof or as to the validity or legality of the bonds.

530.280 Sinking fund account; composition, disbursement and investment. (1) There hereby is created a sinking fund account to provide for the payment of the principal and interest of all bonds issued pursuant to the provisions of ORS 530.210 to 530.300. The fund shall consist of the following:

(a) All moneys derived from taxes levied under ORS 530.290; and

(b) All moneys derived from the sale, exchange or use of land acquired pursuant to ORS 530.240; and

(c) All moneys received from the disposal of forest products created through expenditures from the Oregon Forest Rehabilitation Fund for reforestation.

The moneys referred to in paragraphs (a) to (c) of this subsection shall be set aside for sinking fund purposes until the issues of bonds which provided funds for such reforestation have been retired. The State Forester shall designate and keep records of the area of land on which the funds from particular issues of bonds have been expended for such reforestation.

(2) Disbursement from the sinking fund shall be made, for the purposes stated, upon the submission of duly verified claims, approved by the board, to the Secretary of State, who shall audit the same in the manner that other claims against the state are audited. The Secretary of State thereupon shall draw a warrant on the State Treasurer against said fund. The money in the sinking fund may be invested by the State Bond Commission in the same manner and subject to the same restrictions as other funds are invested under the provisions of ORS 287.702, 287.704, 287.990 and 291.602 to 291.620.

(3) ORS 530.210 to 530.290 shall not affect nor impair the revenues derived from land acquired under the provisions of ORS 530.010 to 530.040, which revenues have been obligated for the payment of any bonded indebtedness. [Amended by 1955 c.115 §2]

530.290 Taxes levied by tax commission to be credited to sinking fund account. Each year the State Tax Commission shall ascertain and take into consideration, subject to the limitation imposed by Article XI-E, Oregon Constitution, the amount of revenue necessary to meet the requirements of ORS 530.280. Such levy shall be apportioned, certified to and collected by the several

counties as required by law for the apportionment, certification and collection of other ad valorem property taxes for state purposes. All moneys collected for the purposes set out herein shall be remitted to the State Treasurer and shall be credited to the sinking fund account created and established under ORS 530.280.

530.300 Disposition of moneys derived from disposal of forest products from certain lands. On land containing partially stocked forest reproduction or timber, the county court or board of county commissioners of the county in which the land is situated and the State Forester shall determine the percentage of such stocking existing prior to reforestation under ORS 530.210 to 530.300. After such reforestation, all moneys derived from the disposal of forest products from such lands shall be distributed pursuant to ORS 530.110 and paragraph (c) of subsection (1) of ORS 530.280 according to the established percentages. [Amended by 1955 c.115 §3]

530.310 to 530.400 [Reserved for expansion]

ELLIOTT STATE FOREST

530.410 Withdrawal from sale of Elliott State Forest. Any lands in the national forests on February 25, 1913, selected by, and patented to, the state for the purpose of establishing a state forest shall be withdrawn from sale for 50 years. Such state forest shall be known as the Elliott State Forest. [Amended by 1955 c.121 §1]

530.420 State Forester to control and manage Elliott State Forest; delegation of privileges to state school of forestry. The State Forester, under the supervision of the State Board of Forestry and the regulations which it may prescribe, shall manage, control and protect the state forest referred to in ORS 530.410 in a manner to secure its highest permanent usefulness to the whole people of the state and particularly to the common schools to which its resources are devoted. The State Board of Forestry shall also, as occasion demands, delegate to the state school of forestry such authority and privileges within said forest, covering its entire area or portions thereof necessary, as may be desirable in order to utilize the school's technical facilities in the administration of the forest or to afford its students

practical forestry experience, demonstration or experiment.

530.430 Sale of forest products; mining and power leases; conditions; submission to head of state school of forestry; approval of State Forester; disposition of receipts. Whenever it appears for the best interest of the state and not contrary to the purpose for which the lands were acquired, the State Board of Forestry may, on terms most advantageous to the state, secured by ample advertisement and effort to obtain competitive bids, sell forest products on the state forest lands referred to in ORS 530.410, or make and execute leases for the mining and removal of any valuable minerals or for the development and utilization of water power or desirable occupancies or privileges thereon. In any disposal of products or privileges the first consideration shall be the care, maintenance and perpetuation of the tract's forest productivity as a source of maximum permanent revenue; and such disposal, and its contractual provisions for safeguarding these ends, shall be submitted to the acting head of the state school of forestry for suggestions and shall have the approval of the State Forester. All receipts from the state forest, after deducting the administrative expenses, as defined in ORS 530.440, shall be paid into the Common School Fund in the manner provided in ORS 530.440. [Amended by 1953 c.76 §2; 1955 c.121 §2]

530.440 Manner of paying administrative expenses of managing Elliott State Forest. (1) As used in this section, "administrative expenses" means the expenses incurred under the direction of the State Forester and the State Board of Forestry in the management, control and protection under ORS 530.420 of the state forest lands referred to in ORS 530.410 and the expenses incurred in the processing and sale of forest products and the disposal of privileges under ORS 530.430.

(2) It is the intention of the legislature that the administrative expenses shall be paid from the money received under ORS 530.430 and that the net receipts, after the payment of the administrative expenses, shall be credited to the Common School Fund. In order to carry out this intention, the money received under ORS 530.430 shall first be deposited in an account to be known as the Forest Revenue Account in the General Fund, which account hereby is created.

All administrative expenses shall be paid from the Forest Revenue Account and sufficient moneys hereby are appropriated for such purpose from such account. To accomplish the crediting of the net receipts under ORS 530.430 to the Common School Fund, the Secretary of State shall, on the last day of March, June, September and December of each year, cause to be transferred the amount in excess of \$35,000 in the Forest Revenue Account to the Common School Fund. [1955 c.121 §3]

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

CHAPTER 531

[Reserved for expansion]

