CHAPTER 4-19
FORESTRY AND TREE DISTRIBUTION

4-19-01. State forester - Appointment - Qualifications - Duties.

The board of higher education shall appoint the state forester.

1. The state forester must be a graduate of an accredited school of forestry with a minimum education of a bachelor of science degree in forestry. The office of the state forester must be located in Bottineau. The state forester shall serve as the director of the state forest service and, subject to the approval of the board of higher education and the president of North Dakota state university, may employ assistants and secure office facilities and equipment necessary for the administration of this chapter and the performance of the powers and duties of the office.
2. The state forester shall:
   a. Have general supervision of the raising and distribution of seeds and forest tree planting stock as provided in this chapter.
   b. Promote practical forestry, and compile and disseminate information relative to practical forestry to landowners, community groups, schools, and other organizations interested in forestry.
   c. Encourage the development, use, and wise stewardship of forest resources.
   d. Provide assistance to landowners, producers, and public bodies relating to forestry, reforestation, protection of forest resources, prevention and suppression of fires, planting of trees and shrubs, and the growing, harvesting, marketing, and management of forest resources.

4-19-01.1. District foresters - Qualifications.

Repealed by S.L. 1995, ch. 70, § 5.

4-19-01.2. State forester reserve account.

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

4-19-01.3. Powers - Cooperative state agreements.

Under the general supervision of the board of higher education, the state forester is authorized to:

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

4-19-02. State nursery - Maintenance - Purpose.

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

4-19-03. Distribution of seeds and planting stock.

Seeds and planting stock from the state nursery may be distributed by the state forester to citizens and landowners of this state upon payment by them of a price not greater than one hundred ten percent of the cost to the state of production in the case of planting stock or

collection in the case of seeds, and the cost of transportation from the nursery. The seeds and planting stock may be used to establish or reestablish forests, windbreaks, shelterbelts, living snow fences, farm woodlots, Christmas tree plantings, wildlife habitats, and other conservation tree plantings, and for erosion control and water quality management.

4-19-04. Information and assistance furnished to applicant.

Repealed by S.L. 1995, ch. 70, § 5.

4-19-05. State forester may accept land for forestry purposes.

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

4-19-06. Obligations incurred in acquiring land - How paid.

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

4-19-07. Powers of state forester when lands acquired or leased.

When lands are acquired or leased under section 4-19-05, the state forester may make expenditures from any funds not otherwise obligated for the management, development, and utilization of such areas. The state forester may provide recreational services within those areas and may charge a user fee in an amount sufficient to cover the cost of providing such services. The state forester may sell or otherwise may dispose of products from such lands and may make necessary rules and regulations to carry out the purposes of this chapter.

4-19-08. Revenue received from lands acquired or leased - Regulations governing.

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

4-19-09. State forester may sell, exchange, or lease lands acquired.

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

4-19-10. Agreements for shelterbelt lands by state.

Any board or officer having the control or management of any real estate belonging to or controlled by this state or any of its political subdivisions may enter into agreements with the officers and agents of the United States for the improvement by the United States of any of said lands by the establishment and maintenance thereon of shelterbelts composed of trees, other plants, and necessary protective structures and works. Every such agreement must describe particularly the land to be covered by the shelterbelt, must be recorded at the expense of the United States in the county where such land is situated, and thereafter all leases, sales, and other disposition of such land are subject to such agreement.