

ORS 568 – Back to Basics November 2020 SWCC Meeting

568.300 Petition for formation of district; contents; consolidation of petitions. (1) Any 25 or more landowners or the owners of more than 70 percent of the acres of land lying within the limits of the territory proposed to be organized into a district may file a petition with the State Department of Agriculture asking that a soil and water conservation district be formed to function in the territory described in the petition. Such petition shall set forth:

(a) The proposed name of the district.

(b) That there is need, in the interest of the general welfare, for a soil and water conservation district to function in the territory described in the petition.

(c) A description of the territory proposed to be organized as a district. A description is sufficient if generally accurate and need not be given by metes and bounds or by legal subdivision.

(d) A request that the department duly define the boundaries for the district, that a referendum be held within the territory so defined on the question of the formation of a district in such territory, and that the department determine that a district be formed.

(2) If more than one petition is filed covering parts of the same territory, the department may consolidate all or any such petitions. [Amended by 1981 c.92 §7; 2009 c.220 §3]

568.310 Notice of hearing; questions considered. Within 60 days after a petition described in ORS 568.300 is filed with the State Department of Agriculture, the department shall give notice of and hold a public hearing:

(1) Upon the question of the desirability and necessity, in the interest of the general welfare, of the creation of the district.

(2) Upon the question of the appropriate boundaries to be assigned to the district.

(3) Upon the propriety of the petition and other proceedings taken under ORS 568.210 to 568.808 and 568.900 to 568.933.

(4) Upon all questions relevant to such inquiries. [Amended by 1981 c.92 §8; 2009 c.220 §4]

568.320 Right to be heard; subsequent notice and hearings. (1) All owners of land and electors within the limits of the territory described in the petition for formation of a district, owners of lands and electors within any territory considered for addition to the described territory, and all other interested parties, shall have the right to attend the public hearing described in ORS 568.310 and to be heard.

(2) If it appears upon the hearing that it may be desirable to include within the proposed district territory outside of the area within which due notice of the hearing has been given, the hearing shall be adjourned. Due notice of further hearing shall then be given throughout the entire area considered for inclusion in the district and such further hearing held. [Amended by 2009 c.220 §5]

568.330 Determination of need for district; factors considered in determination; territory need not be contiguous. (1) After the hearing under ORS 568.310, if the State Department of Agriculture determines upon the facts presented at the hearing and upon such other relevant facts and information as may be

available, that there is need, in the interest of the general welfare, for a soil and water conservation district to function in the territory considered at the hearing, the department shall make and record the determination and define the boundaries of the district.

(2) In making the determination and defining the boundaries, the department shall give due weight and consideration to:

(a) The topography of the area considered and of the state.

(b) The composition of the soils.

(c) The distribution of erosion.

(d) The prevailing land-use practices.

(e) The desirability and necessity of including within the boundaries the particular lands under consideration and the benefits those lands may receive from being included within district boundaries.

(f) The relation of the proposed area to existing watersheds and agricultural regions and to other soil and water conservation districts already formed or proposed for formation.

(g) Such other physical, geographical, and economic factors as are relevant.

(3) The territory to be included within district boundaries need not be contiguous. [Amended by 1981 c.92 §9; 2009 c.220 §6]

568.340 Determination to not form district; subsequent petitions may be filed. (1) If the State Department of Agriculture determines after the hearing and after due consideration of the relevant facts that a soil and water conservation district in the territory is not administratively practicable or that there is no need for a soil and water conservation district to function in the territory considered at the hearing, the department shall make and record the determination and deny the petition.

(2) After one year has expired from the date of the denial of the petition, subsequent petitions covering the same or substantially the same territory may be filed as provided in ORS 568.300 and new hearings be held and determinations made. [Amended by 1981 c.92 §10; 2009 c.220 §7]

568.350 [Amended by 1981 c.92 §11; repealed by 2009 c.220 §34]

568.351 Determination of boundaries for proposed district; notice of plan to issue order; publication; request for referendum. (1) If the State Department of Agriculture makes and records a determination that the formation of a soil and water conservation district within a territory is administratively practicable, that there is a need for the district and that formation of the district promotes the public interest and general welfare, the department shall define the boundaries of the proposed district and shall publish notice that the department plans to issue an order of formation for the district. The department shall cause the notice to be published in a newspaper of general circulation within the area of the proposed district. The notice shall include instructions regarding the filing of a request for a referendum.

(2) If 10 percent of the electors within the proposed district file a written request for referendum within 30 days after publication of the notice, the department shall schedule a referendum as described in ORS 568.391.

(3) If a referendum is not required under subsection (2) of this section, the department shall issue an order of formation for the district. The order must set forth the name of the district and the district boundaries defined by the department. [2009 c.220 §8]

568.360 [Amended by 1981 c.92 §12; repealed by 2009 c.220 §34]

568.370 Eligible electors. (1) All electors residing within the boundaries of the territory, as determined by the State Department of Agriculture, shall be eligible to vote in the referendum.

(2) For the purpose of the referendum, the county clerk shall assist the department in obtaining a list of electors residing within the boundaries of the proposed area. [Amended by 1957 c.603 §2; 1973 c.656 §2; 1981 c.92 §13]

568.380 Department to pay expenses and supervise hearings and referenda; informalities in referendum. (1) The State Department of Agriculture shall pay all expenses for issuance of the notices and conduct of the hearings and referenda, and shall supervise the conduct of the hearings and referenda. It shall issue appropriate regulations governing the conduct of the hearings and referenda.

(2) No informalities in the conduct of the referendum or in any matters relating thereto shall invalidate the referendum or the result thereof, if notice thereof was given substantially as provided in ORS 568.310 or 568.320 and the referendum was fairly conducted. [Amended by 1981 c.92 §14; 1983 c.83 §106]

568.390 [Amended by 1973 c.656 §3; 1981 c.92 §15; repealed by 2009 c.220 §34]

568.391 Referendum process; ballot contents; results. (1) If a referendum regarding the formation of a district is required under ORS 568.351, the State Department of Agriculture shall:

(a) Prepare appropriate ballots and administer the referendum election process; or

(b) Enter into an agreement with county officials for administration of the referendum election process by the county.

(2) The ballot for a referendum election must include a map or other description of the boundaries of the proposed district, provided by the department, that uses legal descriptions and generally recognized features. The ballots must comply with ORS 250.035.

(3) If the legally required number of ballots approve the formation of the district, the department shall issue an order of formation for the district as provided under ORS 568.351 and appoint directors as provided under ORS 568.400. If the required number of ballots to approve the formation are not cast, the department may not issue an order for formation of the district.

(4) If a referendum does not approve a proposal to form a district, the department may not accept the filing of a petition covering the same or substantially the same territory as the disapproved proposal until one year after the referendum election date. Upon the filing under ORS 568.300 of a petition covering the same or substantially the same territory as the disapproved proposal, the department shall conduct new hearings and make new determinations regarding the district formation proposed by the petition. [2009 c.220 §9]

568.400 Appointment of first directors of district. If the State Department of Agriculture determines that the operation of the proposed district within the defined boundaries is administratively practicable and feasible, the department shall appoint a board of five directors for the district, to serve terms as provided under ORS 568.560. [Amended by 1955 c.142 §10; 1981 c.92 §16; 2009 c.220 §10]

568.410 Formation of district. A soil and water conservation district may be formed in the following manner:

(1) The board of directors appointed under ORS 568.400 shall present to the Secretary of State an application signed and sworn to by them, which shall set forth the procedure followed in the formation of the district.

(2) The application shall be accompanied by a map of uniform scale showing the location and legal boundaries of the district and by a statement by the State Department of Agriculture. The statement shall certify that the district was formed in compliance with ORS 568.300 to 568.790.

(3) The Secretary of State shall examine the application and statement. If the Secretary of State finds that the name proposed for the district is not identical with that of any other district of this state or so nearly similar as to lead to confusion or uncertainty, the Secretary of State shall receive and file them and shall record them in an appropriate book of record in the office of the secretary.

(4) If the Secretary of State finds that the name proposed for the district is identical with that of any other soil and water conservation district of this state or so nearly similar as to lead to confusion and uncertainty, the Secretary of State shall notify the department. The department shall submit to the Secretary of State a new name for the district that is not identical or substantially similar to the name of any other district.

(5) Upon receipt of the new name, the Secretary of State shall record the application and statement, with the name so modified.

(6) The formation of the district is final when the application and statement have been made, filed and recorded as provided in this section. [Amended by 1955 c.142 §11; 1973 c.656 §4; 1981 c.92 §17; 1983 c.83 §106a; 2003 c.802 §146; 2009 c.220 §11]

568.420 Certificate of formation; boundaries of district. (1) The Secretary of State shall make and issue to the board of directors appointed under ORS 568.400 a certificate, under the seal of the state, of the formation of the soil and water conservation district, and shall record the certificate with the application and statement.

(2) The boundaries of the district shall include the territory as determined by the department as provided in ORS 568.330, but may not include any area included within the boundaries of another soil and water conservation district. [Amended by 1955 c.142 §12; 1981 c.92 §18; 2009 c.220 §12]

568.430 [Amended by 1955 c.142 §13; 1957 c.603 §3; 1973 c.656 §5; 1981 c.92 §19; repealed by 2009 c.220 §34]

568.431 Petitions for inclusion of territory; conditions; referendum. (1) Except as provided under ORS 568.445, one or more landowners may petition the State Department of Agriculture to include the land of the petitioning landowners in an existing soil and water conservation district. The department shall prescribe the form for the petition. The petition must include, but need not be limited to, a legal description of the property, landowner information and the reasons for the proposed inclusion.

(2) The department shall approve the petition if the department, in consultation with the district board of directors, determines that:

(a) It is or would be feasible for the land described in the petition to receive services from the district; and

(b) The work of the district would benefit the soil, water or natural resource conditions of the land described in the petition.

(3) The department shall deny the petition if the department, in consultation with the district board, determines that:

(a) It is not and would not be feasible for the land described in the petition to receive services from the district; or

(b) The work of the district would not benefit the soil, water or natural resource conditions of the land described in the petition.

(4) If the department approves the petition, the department shall redefine the boundaries of the district and make any adjustments to the district zones necessary to comply with ORS 568.560.

(5) Land that becomes included in a district that has ad valorem tax authority is subject to taxes levied for the district after the inclusion date. The district board shall provide the notice of boundary change to the Department of Revenue and the county assessor under ORS 568.435.

(6) If a petitioner disagrees with the decision of the department, the petitioner may initiate a referendum on the decision by submitting additional petitions signed by 10 percent or more of the electors residing in the existing district. The referendum election shall be governed by ORS chapter 255. Only electors residing in the existing district are eligible to cast ballots in the referendum election.

(7) If a majority of the ballots cast at the referendum election are in favor of inclusion, the department shall approve the petition, redefine the boundaries of the district and make any adjustments to the district zones necessary to comply with ORS 568.560. [2009 c.220 §14]

568.433 Petitions for withdrawal of territory; conditions; referendum. (1) Except as provided in ORS 568.445, one or more landowners may petition the State Department of Agriculture to withdraw the land of the petitioning landowners from an existing soil and water conservation district. The department shall prescribe the form for the petition. The petition must include, but need not be limited to, a legal description of the property, landowner information and the reasons for the proposed withdrawal.

(2) The department shall approve the petition if the department, in consultation with the district board of directors, determines that:

(a) It is not and would not be feasible for the land described in the petition to receive services from the district; or

(b) The work of the district would not benefit the soil, water or natural resource conditions of the land described in the petition.

(3) The department shall deny the petition if the department, in consultation with the district board, determines that:

(a) It is or would be feasible for the land described in the petition to receive services from the district; and

(b) The work of the district would benefit the soil, water or natural resource conditions of the land described in the petition.

(4) If the department approves the petition, the department shall redefine the boundaries of the district and make any adjustments to the district zones necessary to comply with ORS 568.560.

(5) Land withdrawn from a district with an ad valorem tax is not subject to taxes levied for the district after the withdrawal date. The district board shall provide the notice of boundary change to the Department of Revenue and the county assessor under ORS 568.435.

(6) If a petitioner disagrees with the decision of the department, the petitioner may initiate a referendum on the decision by submitting additional petitions signed by 10 percent or more of the electors residing in the existing district. The referendum election shall be governed by ORS chapter 255. Only electors residing in the existing district are eligible to cast ballots in the referendum election.

(7) If a majority of the ballots cast at the referendum election are in favor of the withdrawal, the department shall approve the petition, redefine the boundaries of the district and make any adjustments to the district zones necessary to comply with ORS 568.560. [2009 c.220 §15]

568.435 Boundary change notice for taxation purposes. For purposes of ad valorem taxation, a boundary change must be filed in final approved form with the county assessor and the Department of Revenue as provided in ORS 308.225. [2001 c.138 §50]

Note: 568.435 was added to and made a part of 568.210 to 568.808 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

568.440 District legally formed; certificate as evidence. In any suit, action or proceeding involving the validity or enforcement of, or relating to, any contract, proceeding or action of a soil and water conservation district, the district shall be deemed to have been formed in accordance with ORS 568.210 to 568.808 and 568.900 to 568.933 upon proof of the issuance by the Secretary of State of the certificate provided for in ORS 568.420 or 568.555. A copy of such certificate certified by the Secretary of State shall be admissible in evidence in any such suit, action or proceedings and shall be proof of the filing and contents of the certificate. [Amended by 1983 c.740 §219; 2009 c.220 §13]

568.445 Petitions for inclusion of territory wholly within another district; approval or disapproval by directors and department. (1) Proceedings for inclusion within a district territory adjacent thereto and located wholly within another district may be initiated by:

(a) A petition for inclusion filed with the directors of the district within which the territory is proposed to be included, signed by 25 or two-thirds, whichever is the lesser, of the landowners of the adjacent territory; or

(b) Resolutions for inclusion adopted by the board of directors of each district to be affected by the inclusion and filed with the State Department of Agriculture.

(2) The department shall prescribe the form for such petitions. The directors of the district within which the territory is proposed to be included shall approve or disapprove such a petition. If they approve the petition, the directors shall forward it to the department.

(3) Upon receipt of a petition forwarded as provided in subsection (2) of this section or a resolution as provided in subsection (1)(b) of this section, the department shall investigate the proposed inclusion of territory, taking into consideration:

(a) The reasons for the proposed inclusion.

(b) The reaction of the landowners of the district within which the territory in question is located to the proposed inclusion.

(c) The effect of the inclusion on the district within which the territory in question is located and the district within which the territory is proposed to be included.

(d) Any other matters deemed pertinent by the department.

(4) After the investigation the department shall approve or disapprove the petition. If the department approves the petition, the inclusion of the territory within the one district and the withdrawal thereof from the other district shall be effective, and the department shall present to the Secretary of State a statement of such approval and a map of each district affected showing the new boundaries thereof. The Secretary of State, upon receipt of the statement and maps, shall make the necessary changes in the appropriate records in the office of the secretary. [1955 c.142 §3; 1973 c.656 §6; 1981 c.92 §20]

568.450 Procedure for consolidating districts. (1) Proceedings to consolidate two or more soil and water conservation districts may be initiated by:

(a) Petitions to consolidate filed with the State Department of Agriculture by 500 electors or 10 percent of the electors, whichever is less, within the districts affected; or

(b) Resolutions to consolidate adopted by the board of directors of each district to be affected by the consolidation and filed with the department.

(2) The department shall prescribe the form for the petition. The petition must include, but need not be limited to, a legal description of the districts, name and contact information for the chief petitioner and the reasons for the proposed consolidation.

(3) If consolidation is initiated as provided in this section, the department shall hold a public hearing no later than 60 days after receipt of the petitions or resolutions. The department shall conduct the public hearing for the purposes of reviewing the petitions or resolutions, discussing procedures and requirements under ORS 568.460, 568.471 and 568.545 and accepting public comment.

(4)(a) If all of the districts involved in a consolidation have tax levies, the districts shall hold a referendum election on the consolidation unless:

(A) No objections to the consolidation are received at the public hearing described in subsection (3) of this section; and

(B) No later than 60 days after the public hearing described in subsection (3) of this section, a two-thirds majority of the board of directors in each of the districts votes to approve the consolidation and the boundaries of the consolidated district.

(b) The permanent tax rate for the consolidated district shall be established as provided under section 11 (3)(d), Article XI of the Oregon Constitution.

(5) If none of the districts involved in a consolidation have tax levies, the districts shall hold a referendum election on the consolidation unless:

(a) No objections to the consolidation are received at the public hearing described in subsection (3) of this section; and

(b) No later than 60 days after the public hearing described in subsection (3) of this section, a two-thirds majority of the board of directors in each of the districts votes to approve the consolidation and the boundaries of the consolidated district.

(6) If a consolidation is between one or more districts having tax levies and one or more districts that do not have tax levies, the districts shall hold a referendum election on the consolidation. The ballot measure shall indicate that a single question is being proposed, consisting of whether the districts should consolidate into a single district for which the permanent rate limit specified in the ballot measure shall be adopted as the permanent rate limit of operating taxes for the consolidated district.

(7) The counties containing the affected districts shall administer the referendum election process as provided under ORS chapter 255. [Amended by 1965 c.155 §1; 1981 c.92 §21; 2005 c.281 §1; 2009 c.220 §16]

568.460 Referendum; eligible electors; majority required. In the holding of the referendum for consolidation all electors residing within the affected districts shall be eligible to vote. Unless a majority of the electors in each of the districts involved votes in favor of the proposal, the districts shall not be consolidated. [Amended by 1973 c.656 §7]

568.470 [Amended by 1961 c.236 §1; repealed by 2009 c.220 §34]

568.471 Effect of consolidating districts. If two or more soil and water conservation districts are consolidated, the corporate existence of the districts and, except as provided in ORS 568.545, the terms of office for the board of directors of the former districts expire upon the Secretary of State issuing and recording a certificate of formation for the consolidated district. Upon consolidation, the consolidated district shall assume and be vested with all rights and liabilities of the former districts. [2009 c.220 §17]

568.480 [Amended by 1973 c.656 §8; 1981 c.92 §22; repealed by 2009 c.220 §34]

568.481 Methods for initiating dissolution of district; notice of process initiation; plan of dissolution and liquidation; public hearings; dissolution order; referendum. (1) The dissolution of a soil and water conservation district may be initiated by any of the following methods:

(a) A petition by 500 electors or 10 percent of the electors within the district, whichever is less, filed with the State Department of Agriculture.

(b) A resolution of the district board of directors filed with the department. The district board may adopt a resolution described in this paragraph only if the board finds that dissolution and liquidation of the district is in the public interest.

(c) District board notification to the department that the board is unable to maintain a quorum of directors or that the district is unable to satisfy the legal obligations and liabilities of the district.

(d) An order of the department, if the department determines that the district is inactive, that the district board is unable to maintain a quorum of directors or that the district is unable to satisfy the legal obligations and liabilities of the district.

(2) The department shall prescribe the form for a petition for dissolution. The petition must include, but need not be limited to, a legal description of the district, name and contact information for the chief petitioner and the reasons for the proposed dissolution. No later than 60 days after receiving the petition, the department shall verify the petition signatures.

(3) Upon the initiation of a dissolution by any method, the department shall provide the district with written notice that the dissolution process has been initiated and shall request information from the district board for use in public meetings and public hearings.

(4) No later than 60 days after receiving a written request for information from the department, the district board shall provide the department with the requested information and a plan of dissolution and liquidation for the district. The information and plan shall include, at a minimum:

(a) The amount of district debt, a general description of the indebtedness and the names and contact information for persons owed, including but not limited to, payroll and other accrued liabilities;

(b) A brief description of the district's real property and interests in real property;

(c) A description of conservation easements held by the district;

(d) A description of the uncollected taxes, assessments and charges levied by the district;

(e) A description of personal property and other assets of the district;

(f) The estimated cost of dissolution; and

(g) A general description of all district contracts, grants and agreements, a description of receivables and payables for each contract, grant and agreement and a description of the work or other obligations remaining on each contract, grant or agreement.

(5) If the district is within the jurisdiction of a local government boundary commission, no later than 10 days after the district board provides the plan of dissolution and liquidation to the department, the district board shall provide a copy of the plan to the boundary commission.

(6) The department shall have full access to district records. If the district is unable to prepare a plan of dissolution and liquidation, the department shall review the district records and prepare the plan.

(7) The department shall conduct public meetings and public hearings as necessary to present the plan of dissolution and liquidation and to aid in the consideration of dissolution.

(8) If the dissolution is initiated by petition, the department may order the district dissolved without a referendum election if:

(a) No later than 60 days after the department receives the petition, the district board adopts a resolution to dissolve the district and the department determines that dissolution of the district is in the public interest; or

(b) No later than 60 days after holding a public hearing regarding dissolution of the district, the department finds that the district board is unable to maintain a quorum of directors or that the district is unable to satisfy the legal obligations and liabilities of the district.

(9) Except as provided in subsection (8) of this section, if the dissolution is initiated by petition, after holding a public hearing and giving notice of a referendum election, the department shall hold an election. The election shall be for the purpose of submitting to the electors of the district the question of whether the district should be dissolved, the indebtedness of the district liquidated and district assets disposed of, as provided under the plan for dissolution and liquidation. The election shall be held on the next special election date described in ORS 255.345 for which the filing deadline can be met. However, an election may not be held unless the department has:

(a) Made provision for the district to pay to the department, to the extent practicable, the cost of the referendum; and

(b)(A) Obtained assent to the dissolution and liquidation from all known holders of a valid indebtedness against the district; or

(B) Made provision in the plan of dissolution and liquidation for the payment of nonassenting holders.

(10) The notice of election must contain a brief summary of the plan of dissolution and liquidation and state that the plan is available for examination at the office of the county clerk. Only electors residing in the district are eligible to cast ballots in the referendum election. An informality in the conducting of the referendum election, or in matters regarding the election, does not invalidate the election or results if notice of the election was given in substantial compliance with this section and the election was fairly conducted.

(11) If a majority of the ballots cast at the referendum election are in favor of dissolution, the department shall approve the petition and order dissolution of the district. If a majority of the ballots cast disapprove the proposed dissolution, the department may not order dissolution of the district.

(12) If a referendum does not approve a proposal to dissolve a district, the department may not accept the filing of a new petition for dissolution of the district until one year after the referendum election date. Upon the filing of a new petition for dissolution of the district, the department shall make new requests for information from the district board and hold new public meetings and public hearings as provided under this section. [2009 c.220 §18]

568.490 [Amended by 1955 c.142 §14; 1981 c.92 §23; repealed by 2009 c.220 §34]

568.491 Termination of board of directors; appointment of board of trustees; notice of dissolution; certificate of dissolution. (1) If referendum election results favor the dissolution of a soil and water conservation district, or if the State Department of Agriculture orders the dissolution of a district under

ORS 568.481 without a referendum election, the department shall declare the member positions of the district board of directors to be vacant and appoint three individuals to serve as a board of trustees for winding up the affairs of the district.

(2) The board of trustees shall consult with the department for the purpose of implementing the plan of dissolution and liquidation and carrying out the following:

- (a) Payment of debts, or securing the release of debts, and disposing of district property.
- (b) Settling all books and other records of the district and delivering the records to the department.
- (c) Executing under oath, and filing with the department, a statement that the district has been dissolved and liquidated.
- (d) Transferring conservation easements and other contracts that are to remain in effect.

(3) Upon receiving the statement of dissolution and liquidation from the trustees, the department shall give notice of the dissolution and of the termination of the corporate existence of the district for all purposes to:

- (a) The Secretary of State;
- (b) Affected county governments;
- (c) The Department of Revenue;
- (d) Known holders of valid indebtedness of the district; and
- (e) Other agencies or entities as the State Department of Agriculture deems appropriate.

(4) Upon receiving notice from the State Department of Agriculture of district dissolution and termination of corporate status, the Secretary of State shall issue and record a certificate of dissolution for the district. [2009 c.220 §19]

568.495 Disposition of district assets; insolvency; rules. (1) If a soil and water conservation district that is being dissolved has tax levying authority, the board of trustees for the district shall turn over to the county treasurer any surplus moneys remaining to the credit of the district after payment of the indebtedness of the district. If the assets of the district are insufficient to pay the indebtedness, the board of trustees shall levy taxes, within the limits of the authority of the district, for the liquidation of the indebtedness.

(2) In each year that the county receives surplus moneys to the credit of a district described in subsection (1) of this section, the county assessor shall certify any moneys in the district account on June 30, except moneys not in excess of \$6,000 that the county retains for administration. The certified moneys shall be disposed of in one of the following manners, as selected by the county assessor:

(a) Notwithstanding ORS 310.105, the moneys may be offset against that portion of the levies of taxing units levied against the property values of property within the dissolved district. The Department of Revenue shall adopt rules further defining the method of offset. If the moneys are offset as provided under this paragraph, the moneys shall be distributed to each taxing unit in the amount of that taxing unit's offset.

(b) The amount may be credited to each property appearing on the tax roll for the year for which the credit applies within the dissolved district on the basis of current assessed value. If the certified moneys are distributed under this paragraph, the moneys shall be deposited in the unsegregated tax collections

account established under ORS 311.385 and distributed in the same manner as other moneys in that account. The Department of Revenue shall adopt rules further defining the method to be used to credit the amount.

(3) If a district that is being dissolved does not have tax levying authority, the board of trustees shall turn over to the State Department of Agriculture any surplus moneys remaining to the credit of the district after payment of the indebtedness of the district. If the assets of the district are insufficient to pay the indebtedness, the board of trustees shall determine whether any of the indebtedness is given priority by law over other indebtedness. The board of trustees shall apply the assets of the district first to the payment of indebtedness that is given priority by law over other indebtedness. If any assets remain after the payment of indebtedness that is given priority by law, the board of trustees shall apply the assets to the payment of a uniform percentage of each remaining indebtedness.

(4) The board of trustees may transfer any district assets, other than moneys, available after the payment of all district indebtedness to the State Department of Agriculture or to another soil and water conservation district. [2009 c.220 §20]

568.500 Order of dissolution; effect. Upon issuance of an order of dissolution by the State Department of Agriculture, all ordinances and regulations adopted and in force within the former soil and water conservation district shall be of no further force and effect. [Amended by 1981 c.92 §24; 2009 c.220 §21]

568.510 Proceedings for dissolution limited. The State Department of Agriculture may not entertain petitions for dissolution of any soil and water conservation district or conduct a referendum or make findings regarding a petition for dissolution of a district in accordance with ORS 568.481 more often than once each year after the first five-year period following formation of the district. [Amended by 1981 c.92 §25; 2009 c.220 §22]