

2009 LEGISLATION: ORS 568 SOIL AND WATER CONSERVATION DISTRICTS

Purpose of this summary

Summarize changes in statutes (Oregon Revised Statutes, ORS) passed by the Oregon Legislature in 2009 underpinning the authority of the soil and water conservation districts (SWCDs) and the Soil and Water Conservation Commission (SWCC) to inform review and deliberations as part of the 2020-2021 “Back to Basics” exercise. The most recent changes occurred in 2009 and are summarized below and the full bill language is provided.

2009 Legislative Changes: Context and Summary

Context

There was a recognized need for an overall update to governing SWCD statutes. SWCC meeting minutes from August 2008 state: “The goal is to update the statutes, expand the authority of districts, and to clarify the role of ODA.” Legislative committee deliberations of the submitted House Bill (HB) 2082 mention the need to eliminate authorities not exercised by Districts or the Department of Agriculture and to gain efficiencies for the Department¹. Finally, the legislative policy intent language of the enrolled HB 2082 expands SWCD functions to “...promote collaborative conservation efforts to protect and enhance healthy watershed functions, assist in the development of renewable energy and energy efficiency resources...”. (ORS 568.225 (1))

Summary

House Bill (HB) 2082 was created in 2009 to revise provisions governing formation, consolidation, dissolution, and inclusion or withdrawal of land within soil and water conservation districts. The bill

¹ Audio: House Committee On Agriculture, Natural Resources and Rural Communities 2009-02-19 8:00 AM (<https://olis.oregonlegislature.gov/liz/mediaplayer/?clientID=4879615486&eventID=2009021193>)

eliminated provisions regarding imposition of land use regulations within districts and regarding payment of county extension agents employed by districts. More specifically, HB 2082:

- Created/clarified authorities regarding
 - Department of Agriculture discretion on District formation
 - Formation and dissolution of districts, including hearing conduct
 - Entering into agreements supporting purposes including but not limited to
 - Sustainable agriculture and forestry; Food security; Economic development; Watershed management and ecosystem health; Invasive species; Alternative and renewable energy; Air quality; Animal waste and nutrient management; Carbon sequestrations; Market-based services and certification; Fuel reduction and wildfire planning and management; Preservation of agricultural, forestry and other lands; To conduct outreach and conservation education activities, and; To provide financial assistance.
 - Other facets addressed the authority to:
 - Hold conservation easements
 - Place liens on real and personal property
 - Hold patents, trademarks, and copyrights
 - Designate District representatives to go upon lands to conduct work
- Provided for landowner petition for inclusion and withdrawal of District territory, refinement of District consolidation process
- Set the number of at-large Directors at two. Also set District expectation to publish notices for any declaration of intent and request for write-in votes by a qualified person.

For further reading on the specific language relating to each of these changes see the provided copy of HB 2082.