

Enrolled
House Bill 3647

Sponsored by COMMITTEE ON AGRICULTURE, NATURAL RESOURCES AND RURAL COMMUNITIES

CHAPTER

AN ACT

Relating to soil information; appropriating money; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) If a person concludes that more detailed soils information than that contained in the Internet soil survey of soil data and information produced by the National Cooperative Soil Survey operated by the Natural Resources Conservation Service of the United States Department of Agriculture would assist a county to make a better determination of whether land qualifies as agricultural land, the person must request that the Department of Land Conservation and Development arrange for an assessment of the capability of the land by a professional soil classifier who is:

- (a) Certified by and in good standing with the Soil Science Society of America; and
- (b) Chosen by the person.

(2) A soils assessment produced under this section is not a public record, as defined in ORS 192.410, unless the person requesting the assessment utilizes the assessment in a land use proceeding. If the person decides to utilize a soils assessment produced under this section in a land use proceeding, the person shall inform the Department of Land Conservation and Development and consent to the release by the department of certified copies of all assessments produced under this section regarding the land to the local government conducting the land use proceeding. The department:

- (a) Shall review soils assessments prepared under this section.
- (b) May not disclose a soils assessment prior to its utilization in a land use proceeding as described in this subsection without written consent of the person paying the fee for the assessment.
- (c) Shall release to the local government conducting a land use proceeding all soils assessments produced under this section regarding land to which the land use proceeding applies.

(3) Before arranging for a soils assessment under this section, the department shall charge and collect from the person requesting the assessment a fee in an amount intended to meet the costs of the department to assess the soils and administer this section.

(4) The department shall deposit fees collected under this section in the Soils Assessment Fund established under section 2 of this 2010 Act.

(5) This section authorizes a person to obtain additional information for use in the determination of whether land qualifies as agricultural land, but this section does not other-

wise affect the process by which a county determines whether land qualifies as agricultural land.

SECTION 2. The Soils Assessment Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Soils Assessment Fund shall be credited to the fund. Moneys in the fund are continuously appropriated to the Department of Land Conservation and Development to meet the costs of the department to assess soils under and to administer section 1 of this 2010 Act.

SECTION 3. (1) Section 1 of this 2010 Act becomes operative October 1, 2011.

(2) The Department of Land Conservation and Development may adopt rules and take any other actions before the operative date specified in subsection (1) of this section that are necessary to enable the department to exercise, on and after the operative date specified in subsection (1) of this section, the duties, functions and powers of the department pursuant to section 1 of this 2010 Act.

SECTION 4. This 2010 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2010 Act takes effect on its passage.

Passed by House February 12, 2010

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Chief Clerk of House

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Speaker of House

Passed by Senate February 20, 2010

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President of Senate

Received by Governor:

.....M.,....., 2010

Approved:

.....M.,....., 2010

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Governor

Filed in Office of Secretary of State:

.....M.,....., 2010

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Secretary of State