

HOUSE AMENDMENTS TO HOUSE BILL 3647

By COMMITTEE ON AGRICULTURE, NATURAL RESOURCES AND RURAL
COMMUNITIES

February 10

1 On page 1 of the printed bill, delete lines 4 through 30 and delete page 2 and insert:

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

9 **“(a) Certified by and in good standing with the Soil Science Society of America; and**

10 **“(b) Chosen by the person.**

11 **“(2) A soils assessment produced under this section is not a public record, as defined in**
12 **ORS 192.410, unless the person requesting the assessment utilizes the assessment in a land**
13 **use proceeding. If the person decides to utilize a soils assessment produced under this sec-**
14 **tion in a land use proceeding, the person shall inform the Department of Land Conservation**
15 **and Development and consent to the release by the department of certified copies of all as-**
16 **sessments produced under this section regarding the land to the local government conduct-**
17 **ing the land use proceeding. The department:**

18 **“(a) Shall review soils assessments prepared under this section.**

19 **“(b) May not disclose a soils assessment prior to its utilization in a land use proceeding**
20 **as described in this subsection without written consent of the person paying the fee for the**
21 **assessment.**

22 **“(c) Shall release to the local government conducting a land use proceeding all soils as-**
23 **sessments produced under this section regarding land to which the land use proceeding ap-**
24 **plies.**

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

28 **“(4) The department shall deposit fees collected under this section in the Soils Assess-**
29 **ment Fund established under section 2 of this 2010 Act.**

30 **“(5) This section authorizes a person to obtain additional information for use in the de-**
31 **termination of whether land qualifies as agricultural land, but this section does not other-**
32 **wise affect the process by which a county determines whether land qualifies as agricultural**
33 **land.**

34 **“SECTION 2. The Soils Assessment Fund is established in the State Treasury, separate**
35 **and distinct from the General Fund. Interest earned by the Soils Assessment Fund shall be**

1 credited to the fund. Moneys in the fund are continuously appropriated to the Department
2 of Land Conservation and Development to meet the costs of the department to assess soils
3 under and to administer section 1 of this 2010 Act.

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

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

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

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