

Chapter 561

(Partial)

2005 EDITION

State Department of Agriculture

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AGRICULTURE

561.190 Rules and regulations; publication; effect of violation. The State Department of Agriculture is authorized and directed to make any and all rules and regulations necessary for the administration or enforcement of any law with the administration or enforcement of which the department is charged, and not inconsistent with the authority with which the department is vested or with any such law. Such rules and regulations shall be compiled and printed in pamphlet form for distribution. The violation of any rule or regulation made by the department pursuant to this section shall be a violation of the law to which such rule or regulation applies and shall be punishable in the manner provided for violations of such law.

561.191 Program and rules relating to water quality. (1) The State Department of Agriculture shall develop and implement any program or rules that directly regulate farming practices, as defined in ORS 30.930, that are for the purpose of protecting water quality and that are applicable to areas of the state designated as exclusive farm use zones under ORS 215.203 or other agricultural lands in Oregon, including but not limited to rules related to:

- (a) Protection of the quality of surface or ground water;
- (b) Wellhead protection areas;
- (c) Coastal zone management areas;
- (d) Areas of ground water concern; and
- (e) Ground water management areas.

(2) Any program or rules adopted by the State Department of Agriculture under subsection (1) of this section shall be designed to assure achievement and maintenance of water quality standards adopted by the Environmental Quality Commission.

(3) If two or more state agencies are required to adopt rules under ORS 468B.150 to 468B.190, the agencies:

- (a) Shall consult with one another and coordinate the rules; and
- (b) May consolidate the rulemaking proceedings.

(4) Nothing in this section is intended to change or reduce the authority of the Water Resources Commission or the Water Resources Department under ORS chapters 536 to 543. [1995 c.690 §6a]

Note: 561.191 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 561 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

561.192 Code of regulations; compilation and publication. (1) The State Department of Agriculture may from time to time

revise and compile, in a code of regulations, all rules and regulations of a general character promulgated by the department.

(2) No substantive change may be made in revising the rules and regulations unless the department complies with the procedures required by law for the adoption or amendment of the particular rule or regulation. However, changes that are not of a substantive nature may be made without the procedures required by law for the adoption or amendment of rules and regulations by the department.

(3) The department shall print, publish and distribute the code of regulations in a convenient form. The code of regulations as published is prima facie evidence of the current rules and regulations of the department. [1955 c.76 §1; 1971 c.734 §26]

561.194 Distribution of code of regulations. (1) The State Department of Agriculture may distribute the code of regulations published under ORS 561.192 free of charge to such state agencies as are designated by the department.

(2) The department shall sell the other copies at such prices as the department finds sufficient to recover the cost of printing.

(3) All moneys received by the department under this section, in addition to any other appropriation of funds available for the purposes of ORS 561.192 and 561.194, hereby are continuously appropriated to the department for the purpose of paying the cost of publication of the code of regulations. [1955 c.76 §2]

561.200 Prohibitions against the obstruction of officers, agents or employees. (1) No person, firm or corporation shall refuse to allow any authorized officer, agent or employee of the State Department of Agriculture to enter upon the premises of the person, firm or corporation or to inspect any books, records, plant, equipment, apparatus, vehicles or any other thing or place of the person, firm or corporation which it is such officer's, agent's or employee's duty to inspect.

(2) No person, firm or corporation shall refuse to produce books, records, apparatus and equipment for the inspection of such officer, agent or employee upon demand, or refuse to allow samples to be taken by such officer, agent or employee, when they are by law authorized so to do.

(3) No person, firm or corporation shall otherwise interfere with such officer, agent or employee in the lawful exercise of duties, either by active or passive resistance or by refusal to cooperate in every reasonable manner with the officer agent or employee in the carrying out of lawful duties.

561.220 Prohibitions against altering or removing seal or similar marking used by department and against selling products from used containers bearing such markings. (1) Except as hereafter provided in subsections (2) and (3) of this section, no person shall alter, deface or remove any seal, sign, tag, stamp, placard, mark, brand or similar object used by the State Department of Agriculture pursuant to any law of this state.

(2) Subsection (1) of this section does not apply to:

(a) Employees or agents of the State Department of Agriculture engaged in the regular discharge of their duties.

(b) The alteration, defacement or removal of markings on any type of food or other agricultural product in the normal course of sale and distribution thereof.

(3) No person shall sell food or other agricultural products in or from a used container bearing any of the markings referred to in subsection (1) of this section unless such person first removes or defaces such markings. [1955 c.11 §1]

561.230 Prohibition against reusing, imitating or counterfeiting markings used by department. No person shall reuse, imitate or counterfeit any seal, sign, tag, stamp, placard, mark, brand or similar object used by the State Department of Agriculture pursuant to any law of this state. [1955 c.11 §2]

561.240 Contracts and agreements with other agencies, governmental units and private persons; payment and receipt of funds. (1) The State Department of Agriculture is authorized to enter into contracts and agreements with, and to receive funds from, any department or agency of the United States. The department may enter into agreements with authorized departments and agencies of this state and other states, and with counties, municipal corporations, other public and private corporations and persons of this state, in connection with the administration of laws of this state, including but not limited to legislation relating to the inspection, production, processing, marketing and distribution of agricultural products and to the control or eradication of plant and animal diseases and pests. The department may exchange information and services with any public or private body or person described in this subsection, in order to minimize duplication of public services, investigations, inspections and audits. The department may receive compensation, and make payment, for services rendered in performance of agreements authorized by this subsection.

(2) In the performance of services required by any contract or agreement authorized by subsection (1) of this section, public agencies that are parties to the contract or agreement shall have the authority and powers of the department.

(3) Funds received by the department as provided in subsection (1) of this section shall be deposited with the State Treasurer. Such funds are continuously appropriated for the use of the department in carrying out the purposes of the respective agreements, contracts, state laws and Acts of Congress in relation to which the money is received. [1957 c.478 §2; 1963 c.251 §1; 1967 c.437 §1; 1967 c.637 §§10, 10a; 1993 c.21 §1; 1995 c.79 §309]

561.250 Services by department for commodity commissions, Oregon Beef Council and Oregon Wheat Commission.

(1) Notwithstanding the provisions of ORS chapters 577 and 578, upon request of a commodity commission established under ORS 576.051 to 576.455, the Oregon Beef Council created by ORS 577.210 or the Oregon Wheat Commission created under ORS 578.030, the State Department of Agriculture may, if facilities and services are available:

(a) Provide centralized accounting, data processing, data recording, clerical, secretarial, business management, office and all other similar or related facilities and services. The department may not provide executive secretary services.

(b) Provide and furnish office space, telephone and other similar or related facilities and services.

(c) Provide for the collection and receiving of assessment or other moneys due a commodity commission, the beef council or the wheat commission. Any person authorized or required to pay an assessment or other moneys to a commodity commission, the beef council or the wheat commission shall, after notice, pay the moneys to the department in behalf of and in the name of the commodity commission, beef council or wheat commission. Moneys received by the department under this subsection shall be paid to the appropriate commodity commission, the beef council or the wheat commission.

(2) A person authorized or required to file a report or perform other actions with regard to a commodity commission, the Oregon Beef Council or the Oregon Wheat Commission shall, after notice, file the report or perform the action with regard to the department in behalf of and in the name of the commodity commission, the beef council or the wheat commission.

(3) Commodity commissions, the Oregon Beef Council and the Oregon Wheat Com-

mission shall pay for facilities or services received under subsection (1) of this section. [1957 c.480 §§2,3,4; 1959 c.596 §69; 1959 c.685 §30; 2003 c.604 §103]

561.255 Fees for confined animal feeding operations. (1) The State Department of Agriculture by rule shall establish a schedule of annual fees, not to exceed \$25, to be paid under ORS 468B.215 by any persons operating a confined animal feeding operation.

(2) As used in this section, “confined animal feeding operation” has the meaning given that term in rules adopted by the State Department of Agriculture. [Formerly 561.175]

561.258 Regulation of vermiculture. (1) As used in this section, “vermiculture” means the commercial raising and breeding of worms for use as bait or as an animal food protein source or to produce castings.

(2) The practice of vermiculture is an agricultural activity that is subject to regulation by the State Department of Agriculture. Vermiculture products are subject to department regulation as agricultural commodities or agricultural products. [2005 c.657 §1]

Note: 561.258 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 561 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

561.265 Inspecting records of persons required to pay fees to department. (1) The State Department of Agriculture upon not less than three days’ notice in writing is authorized to inspect and audit, during regular business hours, necessary and applicable books and records of any person required by law to report or pay fees or moneys to the department. Such inspection is for the purpose of determining whether proper fees have been paid.

(2) “Fees” as used in this section includes fees due the department by a person, each month, year, or other fixed time or period, the amount of which is based upon the quantity, volume, weight or other measurement of some article, product or commodity and such fees to be used by the department in carrying out or enforcing a law under its jurisdiction. “Fees” does not include a license fee, the exact amount of which is fixed by law. [1961 c.425 §2; 1973 c.794 §26]

561.275 Inspecting premises and facilities of department licensees. Insofar as it is necessary for the State Department of Agriculture in the enforcement and carrying out of the laws under its supervision or jurisdiction, the department may, during the normal business hours of the business being inspected, inspect premises, machinery, equipment and facilities of the places or

businesses subject to or required to be licensed under such laws. [1967 c.437 §5]

561.279 Issuance of subpoenas by department for investigations, audits and hearings. The State Department of Agriculture is authorized to issue subpoenas to compel the attendance of witnesses and to require the production of pertinent books, records and documents in:

(1) Conducting an investigation of a matter with which the department specifically is charged with responsibility and which seriously affects the health of persons or animals;

(2) Making an audit authorized or required by ORS chapter 583; or

(3) Holding a hearing pursuant to the provisions of ORS chapter 183. [1967 c.437 §6; 2003 c.14 §349]

561.280 Enjoining violations of law. In addition to the other remedies provided by law, the State Department of Agriculture may apply to the circuit court for, and such court shall have jurisdiction upon a summary hearing and for cause shown to grant, a temporary or permanent injunction restraining any person from violating any provision of a law under the jurisdiction of the department. [1959 c.229 §9]

561.290 Jurisdiction over prosecutions. Justice courts have concurrent jurisdiction with circuit courts of all prosecutions arising under any law under the jurisdiction of the State Department of Agriculture. [1959 c.229 §10]

561.300 Unpaid license fees; delinquent renewal penalty; notice required; collection procedure. (1) The State Department of Agriculture may collect a delinquent renewal penalty for any license fee required by law under the jurisdiction of the department if the licensee has failed to renew the license before the 60th day after the license expiration date. All delinquent renewal penalties collected under this section shall be deposited in the same account as the corresponding license fee. The department shall collect the following delinquent renewal penalties:

(a) For license fees \$100 or less, \$30 or the amount of the license fee, whichever amount is less.

(b) For license fees greater than \$100, 30 percent of the amount of the license fee or \$750, whichever amount is less.

(2) Any unpaid license fee and delinquent renewal penalty required by law under the jurisdiction of the department for a prior licensing period or year continues to be owing to the department. Before taking any action or procedure against a person who should have paid a prior license fee, the department

shall forward a written notice to the person by certified mail at the last-known address of the person on the records of the department advising of the amount owing. The notice shall give such person 20 days after the mailing date to pay the amount due or to present written or oral information or argument as to why the person believes the license fee is not owing. If after such period the department is of the opinion the license fee for the prior period is owing, it may then initiate such actions or procedures authorized under the applicable licensing law to collect the amount due.

(3) The provisions of subsection (2) of this section do not apply to a statute under the jurisdiction of the department if specific provisions cover collection of unpaid license fees thereunder. [1967 c.437 §4; 1993 c.536 §1]

561.303 Refund of excess fees or penalties; conditions; refusal to refund. (1) Notwithstanding the provisions of ORS 293.445 (2), the State Department of Agriculture may, upon application therefor, make refunds and determine that moneys received by the department are not due or are in excess of amounts due as fees or penalties relating to the issuance or renewal of licenses, permits, registrations or certificates under its jurisdiction, whenever:

(a) The amount received is in excess of the prescribed fee or penalty;

(b) The applicant has not or will not engage in the activity requiring the license, permit, registration or certificate or use the license, permit, registration or certificate during the time period requiring the license, permit, registration or certificate, and has:

(A) Died, or otherwise involuntarily become incapable of engaging in such activity; or

(B) Applied for a license, permit, registration or certificate under a mistake of fact as to the need therefor; or

(c) The applicant, as a condition to the issuance of a license, permit, registration or certificate, is required to meet certain personal qualifications, submit a bond, insurance certificate or other indemnity document to the department, or submit to a departmental examination, and due to causes beyond the control of the applicant cannot do so.

(2) The department may refuse refunds and determine that moneys received by the department are due as fees or penalties relating to the issuance or renewal of licenses, permits, registrations or certificates under its jurisdiction whenever:

(a) The applicant, as a condition to the issuance of a license, permit, registration or

certificate, is required to submit to a departmental examination, analysis or inspection, and fails to voluntarily submit, complete or satisfactorily pass the examination, analysis or inspection;

(b) The applicant voluntarily determines not to engage in the activity requiring the license, permit, registration or certificate;

(c) The applicant has engaged in the activity requiring a license, permit, registration or certificate without having obtained a license, permit, registration or certificate, whether or not the applicant thereafter qualified under any of the provisions of subsection (1) of this section;

(d) Other than costs of clerical processing of the application, the department has incurred costs for services performed in connection with the license, permit, registration or certificate, or application therefor;

(e) The moneys subject to refund in accordance with the provisions of subsection (1) of this section are less than \$5; or

(f) The application for refund is not submitted to the department during the time period of the license, permit, registration or certificate. [1975 c.758 §2; 2005 c.22 §382]

561.305 Issuance of licenses; multiple activity license; refusal, revocation, suspension or nonrenewal of license. (1) In order to simplify and expedite the issuance of licenses by the State Department of Agriculture, whenever practical and reasonable the department may accept a single application and issue a single license covering multiple activities of a single applicant that are required to be licensed by the department.

(2) The department may refuse to issue, refuse to renew, revoke or suspend any license or application for license issued or which may be issued pursuant to any law under its jurisdiction where it finds that the licensee has violated any provision of such law or regulations promulgated thereunder. If a single license is issued covering multiple activities, the department may refuse to issue, refuse to renew, revoke or suspend the license for any single activity covered by the license without affecting other activities covered by the license. [1959 c.229 §11; 1985 c.353 §1]

561.315 Publication of product test reports. (1) For the purpose of this section:

(a) "Product" means any animal, agricultural product or commodity, or any article of human or animal food, chemical or other matter that is under the supervision or jurisdiction of the State Department of Agriculture.

(b) "Test" means an analytical, chemical or microbiological test, or any other similar

test or analysis performed by the department laboratories.

(2) Unless otherwise specifically provided by law, the department at least quarterly shall publish or distribute information, statistics, reports or the results of its tests of products, which show a violation of or non-compliance with a law, standard or regulation.

(3) The department shall make available a copy of the results of any test performed on a product to the owner or the person in possession of the tested product. [1969 c.131 §2]

561.362 Activities of Oregon State University. Oregon State University shall have full authority and responsibility:

(1) For resident instruction in all branches of agriculture.

(2) For research and experimentation in all branches and phases of agriculture as set forth in federal and state laws creating, maintaining and defining the work of the agricultural experiment stations.

(3) For educational and demonstrational work in all branches and phases of agriculture under authority of all federal and state laws creating, maintaining and defining the work of the Agricultural Extension Service.

(4) For collection and dissemination of statistical information bearing upon crop and market conditions and trends of agricultural production, including agricultural outlook reports and market news reports.

(5) To conduct educational work in the field of marketing, which includes information, advice and assistance relative to organizing and operating cooperative associations and marketing agencies, in accordance with the division of functions set forth in this chapter.

(6) For coordinating any activities of the agricultural extension service related to a watershed enhancement project approved by the Oregon Watershed Enhancement Board under ORS 541.375 with activities of other cooperating state and federal agencies participating in the project. [Formerly 561.080]

561.364 Cooperation with Oregon State University. (1) In order to eliminate unnecessary duplication of effort and expense, there shall be the fullest cooperation between Oregon State University and the State Department of Agriculture, including the interchange of statistical information between the university and the department.

(2) If, in the interest of economy and efficiency, either temporary or permanent, it appears advisable to have any of the laboratory or statistical work of the department performed by Oregon State University, the Director of Agriculture and the director of

the experiment station shall work out a cooperative plan of operation and shall agree upon such a division of the funds available for such work as may meet with the approval of the Governor and the State Board of Higher Education. [Formerly 561.090]

561.366 Conferences to coordinate work. The Director of Agriculture, the director of the agricultural experiment station and the director of the agricultural extension service of Oregon State University shall meet in conference at such times as may be necessary to eliminate any causes of overlapping and friction which may arise in connection with the conduct of their work; and they are authorized to invite representatives of collaborating federal agencies to participate in such conferences. [Formerly 561.100]

561.372 State Board of Agriculture created; member qualifications; terms. (1) In order that there may be the closest correspondence between State Department of Agriculture policies and programs, the public interests and the resolution of practical agricultural problems of the state, there is created the State Board of Agriculture.

(2) The Director of Agriculture, the Dean of the College of Agricultural Sciences of Oregon State University and the chairperson of the Soil and Water Conservation Commission shall serve as ex officio members of the board. The director and the dean shall be nonvoting members. The director shall act as secretary of the board. The dean may appoint a person to represent the dean on the board.

(3) The Governor shall appoint nine members to the board. The members appointed to the board must be residents of Oregon. Not more than five of the members appointed to the board may belong to the same political party. Party affiliation shall be determined by the appropriate entry on official election registration cards.

(4) The term of each member appointed to the board is four years. A member shall continue to serve until a successor is appointed and qualifies. Before a member's term expires, the Governor shall appoint a successor. If a vacancy occurs, the Governor shall appoint a person to complete the remainder of the unexpired term.

(5) A person who serves two consecutive terms on the board is not eligible for appointment to another term on the board until at least one year after the expiration of the second consecutive term.

(6) The Governor shall appoint two board members who are not actively involved in the agricultural industry to be representatives of the public interests. The Governor shall appoint seven board members who are actively engaged in the production of agri-

cultural commodities. The Governor shall seek to ensure that the appointed board members who produce agricultural commodities reflect the diverse nature of agricultural commodity production within the state. [Formerly 561.130]

561.374 Compensation and expenses; organization; meetings; quorum. (1) Each member of the State Board of Agriculture may receive compensation and expenses as provided in ORS 292.495, payable from moneys appropriated or otherwise made available to the board.

(2) The board shall select a chairperson from among its voting members.

(3) The board shall meet once during each calendar quarter at a time and place determined by the chairperson. The board may hold additional meetings at times and places determined by the chairperson or the Director of Agriculture, or as requested by five or more members. A majority of the voting board members constitutes a quorum. An act by a majority of a quorum is an official act of the board.

(4) By arrangement with the chairperson, the Director of Agriculture shall review with the board the activities of the State Department of Agriculture and, subject to policy direction by the board, outline the methods, policies and program of work for the department. [Formerly 561.140]

561.376 Legislative findings; State Board of Agriculture duties. (1) The Legislative Assembly finds and declares that:

(a) Agriculture is an important component of the state economy; and

(b) The sustainability of natural resources in the state greatly affects the well-being of the residents of the state.

(2) The State Board of Agriculture shall advise the State Department of Agriculture regarding the implementation, administration and enforcement of department programs and the development of department policies designed to positively affect the agricultural industry in this state, including but not limited to programs and policies to:

(a) Address the continuing changes and adjustments in agricultural industries.

(b) Foster the natural resources of the state to provide ample opportunities for productive and beneficial agricultural enterprise.

(c) Guide the department in ensuring the viability of the agricultural industry in this state. [2005 c.24 §1]

Note: 561.376 and 561.378 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 561 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

561.378 State Board of Agriculture report. The State Board of Agriculture shall report as provided in ORS 192.230 to 192.250 on a biennial basis to the Governor and the Legislative Assembly regarding the status of the agricultural industry in this state. [2005 c.24 §2]

Note: See note under 561.376.

561.395 Soil and Water Conservation Commission; membership; compensation and expenses; forfeiture of office; functions. (1) In order that there may be the closest contact between the State Department of Agriculture and the various soil and water conservation districts in the state, and in order to keep the department advised as to matters of soil and water conservation in the state, there is created a Soil and Water Conservation Commission which shall consist of seven members appointed by the Director of Agriculture.

(2) Each member shall be a citizen of this state and a director of a soil and water conservation district at the time of appointment. As far as practicable, the Director of Agriculture shall make appointments so that geographic areas of the state are represented on the commission. The term of each member shall be four years. A member shall continue to serve until a successor is appointed and qualified. Vacancies in office shall be filled by appointment for the unexpired term.

(3) The members shall be entitled to compensation as provided in ORS 292.495. At the first meeting after July 1 of each year the commission shall select a chairperson. The commission shall meet at least four times each year on a quarterly basis, and otherwise at the call of the chairperson or the Director of Agriculture. A majority of the members shall constitute a quorum, and a majority vote of the quorum at any meeting shall constitute an official act of the commission.

(4) Any member of the commission who fails to attend three consecutive meetings of the commission, whether regular, adjourned or special, shall forfeit the office unless the member is prevented from attending by the serious illness of the member or the member's family or for any other cause that in the judgment of the director constitutes a valid reason for failing to attend. The director shall immediately appoint a successor.

(5) The function of the commission is to advise and develop policy with the department in the administration of its duties and powers under ORS 561.400, 568.210 to 568.808 and 568.900 to 568.933. [1981 c.92 §2; 2005 c.24 §5]

561.400 Natural Resources Division; duties; insurance for soil and water conservation districts. (1) There is established within the State Department of Agriculture a Natural Resources Division which shall have the duties and powers conferred by subsection (2) of this section, by ORS 568.210 to 568.808 and 568.900 to 568.933 and by the Director of Agriculture. The administrator of the division shall be appointed by the director under ORS 561.050 after consultation with the Soil and Water Conservation Commission.

(2) In addition to other duties and powers, the division is authorized:

(a) To review and approve or disapprove all projects, practices, budgets, contracts or regulations of soil and water conservation districts organized under ORS 568.300 to 568.790;

(b) To keep the directors of the soil and water conservation districts informed of the activities and experiences of other districts, to assist in the interchange of advice and information among the districts, and to promote cooperation among the districts;

(c) To coordinate, as much as possible, the various programs of the soil and water conservation districts;

(d) To solicit the cooperation and assistance of any department or agency of the United States or other department or agency of this state;

(e) To disseminate information concerning the activities and programs of soil and water conservation districts and encourage formation of such districts in areas where they would be desirable and feasible;

(f) To receive, from any source, materials, machinery and equipment and to transfer such to any soil and water conservation district under terms and conditions deemed appropriate, including payment by the district for costs of delivery or use;

(g) To receive from any public or private source, donations, gifts and grants for the furtherance of soil and water conservation, the provisions of ORS 568.225 or the protection of natural resources affecting agriculture, which moneys are continuously appropriated to the department for the administration of the Natural Resources Division and functions related thereto and for furnishing support and financial assistance for the projects and activities of soil and water conservation districts or other projects and activities relating to natural resources affecting agriculture or consistent with ORS 568.225;

(h) To establish the procedures for developing and implementing extended stream bank erosion plans under ORS 561.403;

(i) To review and evaluate documents and proposals of the federal government, agencies of the State of Oregon, counties, cities, other governmental bodies or subdivisions thereof relating to natural resources affecting agriculture or consistent with ORS 568.225; and

(j) To assist in the development of agricultural management procedures and practices relating to natural resources for the prevention of soil erosion and water contamination or enhancement of water quality and quantity.

(3) The administrator of the division shall coordinate any activities of the Natural Resources Division related to a watershed enhancement project approved by the Oregon Watershed Enhancement Board under ORS 541.375 with activities of other cooperating state and federal agencies participating in the project.

(4) In addition to or in lieu of the coverage provided pursuant to ORS 30.282 (4), the Oregon Department of Administrative Services may provide to soil and water conservation districts and their officers, employees and agents acting within the scope of their employment or duties, protection against liability as part of the insurance provided to the State Department of Agriculture pursuant to ORS 278.120 to 278.215. The Oregon Department of Administrative Services shall determine any additional contributions to be apportioned to the State Department of Agriculture under ORS 278.110 for extending insurance to soil and water conservation districts, and the State Department of Agriculture shall pay the assessments from such moneys as may be available therefor. [1981 c.92 §3; 1985 c.40 §4; 1985 c.667 §4; 1987 c.158 §119; 1987 c.734 §17; 1989 c.343 §1; 2005 c.175 §5]

561.401 Disposition of moneys collected by Natural Resources Division. All moneys received by the Natural Resources Division under ORS 561.400 shall be paid to the State Treasurer and credited to the Department of Agriculture Service Fund established by ORS 561.144. All such moneys are continuously appropriated to the State Department of Agriculture to carry out ORS 561.400. [1991 c.624 §4]

561.403 Extended stream bank erosion plans; division to assist in developing plans; requirements. (1) Upon the request of any soil and water conservation district, flood control district or municipality, the Natural Resources Division of the State Department of Agriculture shall cooperate with the requester to develop an extended stream bank erosion plan.

(2) An extended stream bank erosion plan shall provide for the best methods of erosion control for an extended section of stream that affects all the parties that have requested the division's assistance in developing the plan.

(3) In developing an extended stream bank erosion plan, the division shall cooperate extensively with all persons or entities interested in or affected by the erosion of the stream bank, including but not limited to landowners, persons who occupy the land adjacent to the stream, flood control districts, soil and water conservation districts,

municipalities and other local government units. [1985 c.667 §2]

561.407 Division responsible for obtaining available financing for plans. After completing an extended stream bank erosion plan under ORS 561.403, the Natural Resources Division, on behalf of the parties that developed the plan, shall be responsible for obtaining all available federal funding and other assistance necessary to implement the extended stream bank erosion plan. [1985 c.667 §3]
