

# AUTHORIZING STATUTE FOR CALIFORNIA RESOURCE CONSERVATION DISTRICTS

Division 9 of the California Public Resources Code defines the State's framework for conducting the business of resource conservation within California. A central component of Division 9 is its authorization for resource conservation districts (RCDs) to be formed for the purpose of addressing local resource conservation needs. Particular emphasis is placed upon the conservation of soil and water resources. Division 9 defines the roles and responsibilities of RCDs, as well as the directors that are selected to govern them.

In addition to defining RCD formation and operation, Division 9 also authorizes the existence of a Resource Conservation Commission, to be served by a Division of Resource Conservation within the Department of Conservation. The Commission was conceived to establish soil and water resource conservation policy and provide guidance to RCDs. Although Division 9 still provides the format for which the Commission would function, the Commission was administratively abolished in the mid 1970's, and has never been reconstituted.

Other sections also remain in place in Division 9, even though they are no longer applicable. Most notable among these are sections relating to the authority of RCDs to levy property taxes. Much of this authority was made obsolete by the passage of Proposition 13 in 1978, which placed restrictions on property taxation through the addition of Article 13A to the State Constitution.

Since its inception in 1938, Division 9 has been periodically revised and updated. Most recently, an ad hoc Soil Conservation Committee appointed by the Secretary of the Resources Agency proposed a comprehensive revision to Division 9 in 1990, while working in an advisory capacity to the Department of Conservation. A number of these recommendations were subsequently introduced as legislation and adopted (Ch. 831, Statutes of 1991). Most of these revisions address broadening the authorities of RCDs, and removing former ambiguities in the law.

The following version of Division 9 incorporates all of the most recent revisions which took effect January 1, 1992. The document has been formatted to facilitate the referencing of sections. Also included are notes on certain key sections, providing additional information in legislative history and relationships with other state and federal laws.

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