

House Bill 2958

Sponsored by Representative NOSSE

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Makes requirement that soil and water conservation district zone director own or manage 10 acres or more within district applicable only if majority of district lies within county that has population less than 50,000.

A BILL FOR AN ACT

1
2 Relating to directors of soil and water conservation districts; creating new provisions; and amending
3 ORS 568.560.

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

5 **SECTION 1.** ORS 568.560 is amended to read:

6 568.560. (1) The local governing body of the soil and water conservation district shall consist
7 of a board of either five or seven directors elected or appointed as provided by law. To ensure
8 proper representation of all the people in the district and to facilitate district functions, the State
9 Department of Agriculture shall provide for the zoning of each district, and shall provide each time
10 directors are elected or appointed for the proper and equitable representation for each zone.

11 (2) Two director positions shall be at-large positions. At-large directors must reside within the
12 district and be registered voters.

13 *[(3) Zone directors must own or manage 10 or more acres of land in the district, be involved in the*
14 *active management of the property, reside within the boundaries of the district and be registered voters.*
15 *Zone directors may either reside within the zone that is represented or own or manage 10 or more acres*
16 *within the zone that is represented and be involved in the active management of the property. An in-*
17 *dividual may also serve as a zone director when the individual, in lieu of the other requirements*
18 *specified in this subsection, resides within the zone that is represented and indicates an interest in*
19 *natural resource conservation as demonstrated by serving at least one year as a director or associate*
20 *director of a district and having a conservation plan that is approved by the district. Candidates*
21 *nominated for director from a specific zone shall be voted on by all electors within the district.]*

22 **(3)(a) A person qualifies to be a zone director:**

23 **(A) Subject to paragraph (b) of this subsection, if the person resides within the bounda-**
24 **ries of the district and is a registered voter; or**

25 **(B) If the person resides within the boundaries of the zone, has served at least one year**
26 **as a director or associate director of a district and has a conservation plan that is approved**
27 **by the district.**

28 **(b) If a majority of the district lies within a county that has a population of less than**
29 **50,000, as indicated in the latest certificate issued for the county under ORS 190.520, a person**
30 **whose qualification as a zone director is based on paragraph (a)(A) of this subsection must,**
31 **in addition to meeting the conditions in paragraph (a)(A) of this subsection:**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

1 **(A) Own or manage 10 or more acres of land in the zone and be actively involved in the**
 2 **management of the land; or**

3 **(B) Reside within the zone, own or manage 10 or more acres of land within the district**
 4 **and be actively involved in the management of the land.**

5 **(c) Candidates nominated for director from a specific zone shall be voted on by all elec-**
 6 **tors within the district.**

7 (4) The directors shall designate a chairperson, secretary and other officers as necessary and
 8 may, from time to time, change such designation.

9 (5) The term of office of each director shall be four years, except that:

10 (a) Of the directors first appointed under ORS 568.400, two shall serve until January first fol-
 11 lowing the first general election following their appointment, and three shall serve until January
 12 first following the second general election following their appointment, as determined by the de-
 13 partment, and thereafter, their successors shall be elected as provided by law for other elected di-
 14 rectors.

15 (b) Of the directors first elected as provided in ORS 568.545 (1), three shall serve until January
 16 first following the first general election and four shall serve until January first following the second
 17 general election after the date of their election, as determined by them by lot at the meeting re-
 18 ferred to in ORS 568.545 (1).

19 (c) Of the directors first elected as provided in ORS 568.565 (1), three shall serve until January
 20 first following the first general election and two shall serve until January first following the second
 21 general election after the date of their election, as determined by them by lot at the meeting re-
 22 ferred to in ORS 568.565 (1).

23 (d) Of the zone directors elected as provided under ORS 568.565 (2), three shall serve until
 24 January first following the first general election and two shall serve until January first following
 25 the second general election after the date of their election, as determined by lot at the meeting re-
 26 ferred to in ORS 568.565 (2).

27 (6) A director shall hold office until a successor has been elected or appointed, has qualified and
 28 has taken the oath of office or until the office becomes vacant under subsection (7) of this section.
 29 Any vacancy occurring in the office of director shall be filled as provided by subsection (8) of this
 30 section.

31 (7) A director position becomes vacant under the following circumstances:

32 (a) The department, upon the written recommendation of a majority of the members of the local
 33 governing body of a district, may declare vacant the position of a director who is absent from three
 34 consecutive meetings of the local governing body of the district. A position becomes vacant under
 35 this subsection upon the issuance of the declaration by the department.

36 (b) No nominee for the position qualifies under ORS 568.530 to have the name of the nominee
 37 furnished to the county clerk for placement on the general district election ballot and no person
 38 qualifies under ORS 568.530 to have write-in votes counted. A position becomes vacant under this
 39 paragraph on January 1.

40 (c) The department determines that a candidate receiving the most votes at an election does not
 41 qualify under this section to hold the position. A position becomes vacant under this paragraph on
 42 January 1 next following the election at which the unqualified candidate was elected unless an ap-
 43 pointee to the position has been selected under subsection (8) of this section.

44 (d) A director serving in a position no longer qualifies under this section to hold the position.
 45 A position becomes vacant under this paragraph upon the department's declaration that the person

1 no longer qualifies for the position.

2 (e) A director resigns from a position. A position becomes vacant under this paragraph upon the
3 department's receiving notice of the resignation.

4 (f) A candidate who received the most votes at an election, or an appointee, refuses to take the
5 oath of office as a director.

6 (8) A director position that becomes vacant before the scheduled expiration of a term shall be
7 filled by appointment by a majority of the remaining directors. However, if a majority of the director
8 positions are vacant or if the remaining directors cannot agree on an appointee, the department
9 shall make an appointment to fill the position.

10 (9) An appointment under subsection (8) of this section shall end on January 1 next following
11 the first general district election held after the appointment. If the appointment ends under this
12 subsection before the January 1 that would normally complete the four-year term of office for the
13 position, the position shall be placed on the ballot at the next general election as provided under
14 ORS 568.530 to fill the position for the remainder of the four-year term.

15 **SECTION 2. The amendments to ORS 568.560 by section 1 of this 2019 Act apply to a zone**
16 **director position for which an election is held, or an appointment to a vacant position is**
17 **made, on or after the effective date of this 2019 Act.**

18