

# House Bill 3861

Sponsored by Representative LEVY E

## 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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act makes changes about who can be a director of a soil and water conservation district. (Flesch Readability Score: 60.1).

Makes certain changes related to the qualifications of directors of soil and water conservation districts.

## A BILL FOR AN ACT

1  
2 Relating to conservation districts; amending ORS 568.560.

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

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

5 568.560. (1) The local governing body of the soil and water conservation district shall consist  
6 of a board of either five or seven directors elected or appointed as provided by law. To ensure  
7 proper representation of all the people in the district and to facilitate district functions, the State  
8 Department of Agriculture shall provide for the zoning of each district, and shall provide each time  
9 directors are elected or appointed for the proper and equitable representation for each zone.

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

12 (3)(a) All zone directors must be registered voters and reside within the zones they represent in  
13 the district.

14 (b) In addition to the requirements described in paragraph (a) of this subsection, zone directors  
15 in a district, **other than the soil and water conservation district serving Deschutes County**,  
16 that does not include any county with a population of 250,000 or more must:

17 (A) Own or manage 10 or more acres of land in the zones they represent in the district and be  
18 involved in the active management of the land; or

19 (B) Indicate an interest in natural resource conservation as demonstrated by serving at least  
20 one year as a director or associate director of a district and having a conservation plan that is  
21 approved by the district.

22 (4) Candidates nominated for director from a specific zone shall be voted on by all electors  
23 within the district.

24 (5) The directors shall designate a chairperson, secretary and other officers as necessary and  
25 may, from time to time, change such designation.

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

27 (a) Of the directors first appointed under ORS 568.400, two shall serve until January first fol-  
28 lowing the first general election following their appointment, and three shall serve until January  
29 first following the second general election following their appointment, as determined by the de-  
30 partment, and thereafter, their successors shall be elected as provided by law for other elected di-

**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 rectors.

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

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

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

14 (7) A director shall hold office until a successor has been elected or appointed, has qualified and  
15 has taken the oath of office or until the office becomes vacant under subsection (8) of this section.  
16 Any vacancy occurring in the office of director shall be filled as provided by subsection (9) of this  
17 section.

18 (8) A director position becomes vacant under the following circumstances:

19 (a) The department, upon the written recommendation of a majority of the members of the local  
20 governing body of a district, may declare vacant the position of a director who is absent from three  
21 consecutive meetings of the local governing body of the district. A position becomes vacant under  
22 this paragraph upon the issuance of the declaration by the department.

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

27 (c) The department determines that a candidate receiving the most votes at an election does not  
28 qualify under this section to hold the position. A position becomes vacant under this paragraph on  
29 January 1 next following the election at which the unqualified candidate was elected unless an ap-  
30 pointee to the position has been selected under subsection (9) of this section.

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

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

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

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

42 (10) An appointment under subsection (9) of this section shall end on January 1 next following  
43 the first general district election held after the appointment. If the appointment ends under this  
44 subsection before the January 1 that would normally complete the four-year term of office for the  
45 position, the position shall be placed on the ballot at the next general election as provided under

1 ORS 568.530 to fill the position for the remainder of the four-year term.

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