Enrolled
Senate Bill 775

Sponsored by Senator FREDERICK, Representative GRAYBER; Representatives BYNUM, MARSH, NOSSE, PHAM K, REYNOLDS

CHAPTER .....

AN ACT

Relating to soil and water conservation districts; amending ORS 568.545, 568.560 and 568.565.

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

SECTION 1. ORS 568.560 is amended to read:

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

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

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

(b) In addition to the requirements described in paragraph (a) of this subsection, zone directors in a district that does not include any county with a population of 250,000 or more must:

(A) Own or manage 10 or more acres of land in **the zones they represent in** the district[,] **and** be involved in the active management of the **land** [*property, reside within the boundaries of the district and be registered voters. Zone directors may either reside within the zone that is represented or own or manage 10 or more acres within the zone that is represented and be involved in the active management of the property. An individual may also serve as a zone director when the individual, in lieu of the other requirements specified in this subsection, resides within the zone that is represented and indicates*]**; or**

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

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

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

[*(5)*] **(6)** The term of office of each director shall be four years, except that:

(a) Of the directors first appointed under ORS 568.400, two shall serve until January first following the first general election following their appointment, and three shall serve until January first following the second general election following their appointment, as determined by the de-

partment, and thereafter, their successors shall be elected as provided by law for other elected directors.

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

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

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

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

[*(7)*] **(8)** A director position becomes vacant under the following circumstances:

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

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

(c) The department determines that a candidate receiving the most votes at an election does not qualify under this section to hold the position. A position becomes vacant under this paragraph on January 1 next following the election at which the unqualified candidate was elected unless an appointee to the position has been selected under subsection [*(8)*] **(9)** of this section.

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

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

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

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

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

SECTION 2. ORS 568.545 is amended to read:

568.545. (1) If two or more soil and water conservation districts are consolidated, all directors of the former districts may continue to serve until directors for the consolidated district are elected as provided in this subsection. Not later than 30 days after the date of issuance of the certificate referred to in ORS 568.471, the boards of the former districts shall hold a joint meeting. At the joint

meeting, a majority of all the directors of all the former districts constitutes a quorum for the transaction of business. The directors so assembled shall elect seven persons from among their number to serve as directors of the consolidated district. The term of office of the directors elected as provided in this subsection shall be as provided in ORS 568.560 [*(5)(b)*] **(6)(b)**. The number of directors of a consolidated district may be reduced to five in the manner provided in ORS 568.565.

(2) The directors elected as provided in subsection (1) of this section shall select a chairperson, secretary and other necessary officers and select a regular date for the annual and other meetings.

SECTION 3. ORS 568.565 is amended to read:

568.565. (1) Upon the written recommendation of the local governing body of a district having seven directors, the number of directors of such governing body may be reduced from seven to five by holding a meeting of the governing body at which the directors elect five persons from among their number to serve as directors of the district. The term of office of the directors elected pursuant to this section shall be as provided in ORS 568.560 [*(5)(c)*] **(6)(c)**.

(2) Upon the written recommendation and majority vote of the local governing body of a district having five directors, the number of directors for the district may be increased to seven. Notwithstanding any unexpired term of office to which a member may have been elected, all five zone positions shall be placed on the ballot at the next following general election. The department shall determine the terms of office for the positions as provided in ORS 568.560 [*(5)(d)*] **(6)(d)**. Any vacancy that occurs in a zone position shall be filled as provided under ORS 568.560.

Passed by Senate June 20, 2023

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Lori L. Brocker, Secretary of Senate

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Rob Wagner, President of Senate

Passed by House June 23, 2023

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Dan Rayfield, Speaker of House

Received by Governor:

.....M.,....., 2023

Approved:

.....M.,....., 2023

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Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M.,....., 2023

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Secretary of State