

JAN 23 2009

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# A BILL FOR AN ACT

RELATING TO SOIL AND WATER CONSERVATION DISTRICTS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1.   Section 180-7, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "**§180-7   Determining feasibility of operation of district.**

4   The department of land and natural resources shall, within a  
5 reasonable time thereafter, determine whether the operation of  
6 the proposed district would be administratively practicable and  
7 feasible; provided that it shall not have the authority to  
8 determine in favor of the creation of the district unless at  
9 least a majority of the votes cast in the referendum [~~shall~~]  
10 have been cast in favor thereof.  In making [~~such~~] the  
11 determination and in determining the need for a proposed  
12 district, the department shall give due regard to the  
13 topography, composition of soils, distribution of erosion,  
14 prevailing land use practices within the proposed district, the  
15 probable expense of carrying on erosion control operations  
16 within the district, the effects of organic farming on  
17 conservation of resources and preservation of the environment,



1 and other relevant geographical, physical, economic, and social  
2 factors. If the department determines in favor of the creation  
3 of a district it shall make public the result of the election to  
4 elect directors. The three candidates who receive the largest  
5 number, respectively, of the votes cast in the election, shall  
6 be the elected directors for the district and the department  
7 shall appoint two directors to act with the three elected  
8 directors as the governing body of the district [-], provided  
9 that one of the two appointed directors shall represent the  
10 organic farming community."

11 SECTION 2. Section 180-12, Hawaii Revised Statutes, is  
12 amended to read as follows:

13 **"§180-12 Appointment, election, qualifications, and tenure**  
14 **of directors.** The terms of office of the two district directors  
15 appointed pursuant to section 180-7 shall be three years, except  
16 that those first appointed shall be for one and two years,  
17 respectively. The terms of the three elected directors shall be  
18 three years. Unexpired terms shall be filled by a majority vote  
19 of the district's remaining directors. Successors to full terms  
20 shall be appointed or elected, as originally selected. The  
21 directors shall either live or work in the districts they  
22 represent [-], provided that the director appointed to represent



1 the organic farming community shall preferably live or work in  
2 the district represented. The districts shall conduct their own  
3 elections and submit the results to the department for  
4 certification. Land occupiers representing individual farms,  
5 ranches, or plantations are eligible to have one vote for each  
6 one hundred acres or less lying within a district. Each acreage  
7 can be accounted for only once, with priority voting in order of  
8 land occupier, and land owner, respectively; provided that to be  
9 eligible to vote, a land occupier shall first provide the  
10 district with its name, address, and information clearly  
11 identifying the acreage. The directors shall designate a  
12 chairperson and may, from time to time, change the designation.  
13 A majority of the directors shall constitute a quorum and the  
14 concurrence of a majority upon any official matter shall be  
15 necessary. Directors shall receive no compensation for their  
16 services, but shall be entitled to necessary expenses. They may  
17 employ and fix the compensation of [such] officers and employees  
18 as they may require, and shall provide for surety bonds for  
19 employees or officers who are entrusted with funds. Directors  
20 shall keep a record of proceedings, resolutions, rules, and  
21 orders issued or adopted, and accounts of receipts and  
22 disbursements, and shall furnish to the department copies of



1 [such] documents, instruments, or information concerning their  
2 activities as the department may request."

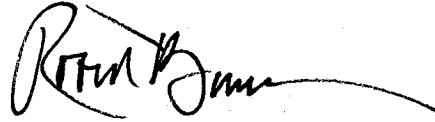
3 SECTION 3. The initial appointment under this Act of a  
4 director to represent the organic farming community shall take  
5 place when the term of the first of the two currently appointed  
6 directors expires.

7 SECTION 4. Statutory material to be repealed is bracketed  
8 and stricken. New statutory material is underscored.

9 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:



**Report Title:**

Soil and Water Conservation Districts; Directors

**Description:**

Requires one director of a soil and water conservation district to be appointed by the department of land and natural resources to represent the organic farming community.

