

JAN 17 2014

A BILL FOR AN ACT

RELATING TO CONSERVATION.

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

1 SECTION 1. During the 1930s, the United States federal
2 government developed a standard soil conservation district law
3 for consideration by each state. The model law, which was sent
4 to each state governor, suggested that farmers and ranchers
5 should be granted the authority to establish districts
6 specifically for conservation of soil and water resources.
7 This, along with related federal legislation, provided the basis
8 for states to form local soil and water conservation districts
9 and enable local communities to take positive action to
10 collectively protect the nation's soil and water resources.

11 The legislature enacted chapter 180, Hawaii Revised
12 Statutes, to authorize the establishment of soil and water
13 conservation districts as subdivisions of the State to act,
14 educate, construct, maintain, and assist in the development of
15 conservation plans and oversee county grading ordinances. The
16 State currently has sixteen soil and water conservation
17 districts, which are each managed by five directors. Two
18 directors are appointed by the department of land and natural



1 resources and three directors are elected by land occupiers
2 within the district.

3 In the conduct of district elections, land occupiers
4 representing individual farms, ranches, or plantations are
5 eligible to have one vote for each one hundred acres or less
6 lying within the district. This voting system was established
7 when plantations controlled most of the State's agricultural
8 lands. However, the control and use of agricultural land has
9 since become more diversified. Moreover, Hawaii is one of only
10 twelve states that do not utilize a one vote per person system
11 for soil and water conservation districts. Given the current
12 agricultural landscape, small-scale land occupiers should have
13 equal votes as large-scale land occupiers.

14 The purpose of this Act is to provide that all land
15 occupiers within a soil and water conservation district shall
16 have one vote in electing district directors.

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

19 "**§180-12 Appointment, election, qualifications, and tenure**
20 **of directors.** The terms of office of the two district directors
21 appointed pursuant to section 180-7 shall be three years, except
22 that those first appointed shall be for one and two years,



1 respectively. The terms of the three elected directors shall be
2 three years. Unexpired terms shall be filled by a majority vote
3 of the district's remaining directors. Successors to full terms
4 shall be appointed or elected, as originally selected. The
5 directors shall either live or work in the districts they
6 represent. The districts shall conduct their own elections and
7 submit the results to the department for certification. Land
8 occupiers representing individual farms, ranches, or plantations
9 are eligible to have one vote [~~for each one hundred acres or~~
10 ~~less lying within a district. Each acreage can be accounted for~~
11 ~~only once, with priority voting in order of land occupier, and~~
12 ~~land owner, respectively, provided that to be eligible to vote,~~
13 ~~a land occupier shall first provide the district with its name,~~
14 ~~address, and information clearly identifying the acreage]. The
15 directors shall designate a chairperson and may, from time to
16 time, change the designation. A majority of the directors shall
17 constitute a quorum and the concurrence of a majority upon any
18 official matter shall be necessary. Directors shall receive no
19 compensation for their services, but shall be entitled to
20 necessary expenses. They may employ and fix the compensation of
21 such officers and employees as they may require, and shall
22 provide for surety bonds for employees or officers who are~~



1 entrusted with funds. Directors shall keep a record of
 2 proceedings, resolutions, rules, and orders issued or adopted,
 3 and accounts of receipts and disbursements, and shall furnish to
 4 the department copies of such documents, instruments, or
 5 information concerning their activities as the department may
 6 request."

7 SECTION 3. Statutory material to be repealed is bracketed
 8 and stricken.

9 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

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S.B. NO. 2273

Report Title:

Soil and Water Conservation Districts; Directors; Election

Description:

Provides that all land occupiers within a soil and water conservation district shall have one vote in electing district directors.

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