

A Bill for an Act Relating to Soil and Water Conservation Districts.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The purpose of this Act is to enhance the ability of soil and water conservation districts to control soil erosion and pollution of Hawaii's water resources.

SECTION 2. Section 180-1, Hawaii Revised Statutes, is amended by amending the definition of "land occupier" to read as follows:

"'Land occupier' or 'occupier of land' includes [both the] any person, firm, or corporation who [shall hold] leases or holds title to lands for agricultural designation or use [and, in the case of leased land, the person, firm, or corporation who shall be in possession of any lands lying] within a district organized, or to be organized, under this chapter. [Each occupier of land lying within a district organized, or to be organized, under this chapter shall have one vote, provided each land occupier of more than one hundred acres of land lying within a district organized, or to be organized, under this chapter shall be entitled to one vote for each one hundred acres.]"

SECTION 3. Section 180-12, Hawaii Revised Statutes, is amended to read as follows:

"**§180-12 Appointment, election, qualifications, and tenure of directors.** The [term] terms of office of the two district directors appointed pursuant to section 180-7 shall be three years, except that those first appointed shall be [designated to serve] for [terms of] one and two years, respectively. [Vacancies shall be filled for the unexpired term.] The terms of the three elected directors shall be three years. Unexpired terms shall be filled by a majority vote of the district's remaining directors. [The selection of successors] Successors to [fill an unexpired term, or for a full term, shall be made in the same manner in which the retiring directors shall have been selected.] full terms shall be appointed or elected, as originally selected. The directors shall either live or work in the districts they represent. The districts shall conduct their own elections and submit the results to the department for certification. Land occupiers representing individual farms, ranches, or plantations are eligible to have one vote for each one hundred acres or less lying within a district. Each acreage can be accounted for only once, with priority voting in order of land occupier, and land owner, respectively; provided that to be eligible to vote, a land occupier shall first provide the district with its name, address, and information clearly identifying the acreage. The directors shall designate a [chairman] chairperson and may, from time to time, change the designation. A majority of the directors shall constitute a quorum and the concurrence of a majority upon any official matter shall be necessary. Directors shall receive no compensation for their services, but shall be entitled to necessary expenses. They may employ and fix the compensation of such officers and employees as they may require, [and fix their compensation,] and shall provide for surety bonds for employees or officers who are entrusted with funds. [They] Directors shall keep a record of proceedings, resolutions, [regulations,] rules, and orders issued or adopted, and accounts of receipts and disbursements[;], and shall furnish to the department [of land and natural resources] copies of such documents,

instruments, or information concerning their activities as the department may request.”

SECTION 4. Section 180-13, Hawaii Revised Statutes, is amended to read as follows:

“§180-13 Powers of districts and directors. A district organized under this chapter, and the directors thereof, shall have, in addition to other powers granted in [other sections of] this chapter, the [following powers:] power to:

- (1) [To provide] Provide for and encourage surveys, investigations, and research relating to soil and water conservation, and [to] publish and disseminate information concerning such subjects;
- (2) [To provide] Provide for and encourage demonstrations relative to [the] control and prevention of erosion and [the] conservation of soil and water resources, and carry out preventive and control measures, on publicly owned lands within the district with the consent of the agency having jurisdiction thereof, and on other lands with the consent of the occupier of the lands;
- (3) [To cooperate,] Cooperate or enter into agreements with, and [to] furnish financial or other aid, including machinery, equipment, fertilizer, seeds, and other material, to any agency or any occupier of lands within the district, for carrying on soil and water control conservation and operations, subject to such conditions as the directors may deem necessary;
- (4) [To acquire] Acquire property, real or personal, or rights or interest therein; [to] maintain, administer, and improve the property, receive income from it, and expend the income in carrying out the purposes of this chapter; and [to] sell, lease, or otherwise dispose of any of such property;
- (5) [To construct,] Construct, improve, and maintain any structures necessary for carrying out the purposes of this chapter;
- (6) [To develop] Develop plans for [the] conservation of soil and water resources and [the] control and prevention of erosion within the district, and [to] publish or otherwise bring them to the attention of district land occupiers;
- (7) [To accept] Accept contributions in money, services, materials or otherwise from any source, and [to] use or expend them in carrying [on] out its operations;
- (8) [To sue] Sue and be sued; [to] have a seal, which seal shall be judicially noticed; [to] and make and execute any necessary contracts or other instruments;
- (9) As a condition to the extending of benefits, or the performance of work upon lands under this chapter, [the directors may] require land occupiers to contribute money, services, materials, or otherwise to any operations conferring such benefits, and [may] impose any other reasonable conditions therefor[.];
- (10) Form associations to coordinate their policies, objectives, and actions, with power to create staffs, set policies, obtain and administer soil and water conservation district program funds, provide surety bonds, coordinate soil and water conservation district projects, and conduct director training. Other powers shall require the approval of the districts; and

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- (11) Appoint associate directors to aid districts, but without director voting powers.”

SECTION 5. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 6. This Act shall take effect upon its approval.

(Approved May 2, 1991.)