
A BILL FOR AN ACT

RELATING TO COUNTIES.

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

1 SECTION 1. Chapter 171, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§171- County of Niihau; governance. (a) The county of
5 Niihau shall consist of the island of Niihau. The county of
6 Niihau shall be a county by itself and shall not be or form a
7 portion of the county of Kauai. Except for any powers
8 specifically conferred to the county of Niihau, none of the
9 provisions of the Hawaii Revised Statutes regarding counties
10 shall be deemed to refer to or shall be applicable to the county
11 of Niihau.

12 (b) The county of Niihau shall be under the jurisdiction
13 and control of the department of land and natural resources.
14 The department shall adopt rules pursuant to chapter 91 to
15 effectuate the purposes of establishing and maintaining the
16 county of Niihau; provided that the department shall adopt rules
17 with respect to the rights of the residents of the county of
18 Niihau customarily and traditionally exercised for subsistence,



1 cultural, and religious purposes pursuant to article XII,
2 section 7, of the Hawaii State Constitution, with the assistance
3 and input from the residents of the county of Niihau."

4 SECTION 2. Section 4-1, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "**§4-1 Districts, generally.** For election, taxation, city,
7 county, and all other purposes, the State shall be divided into
8 the following districts; provided that the establishment of
9 election districts shall be exclusively governed by article IV
10 of the constitution of the State of Hawaii and chapter 25:

11 (1) The island and county of Hawaii shall be divided into
12 nine districts as follows:

13 (A) Puna, to be styled the Puna district;

14 (B) From the Hakalau stream to the boundary of South
15 Hilo and Puna, to be styled the South Hilo
16 district;

17 (C) From the boundary of Hamakua and North Hilo to
18 the Hakalau stream, to be styled the North Hilo
19 district;

20 (D) Hamakua, to be styled the Hamakua district;

21 (E) North Kohala, to be styled the North Kohala
22 district;



- 1 (F) South Kohala, to be styled the South Kohala
2 district;
- 3 (G) North Kona, to be styled the North Kona district;
- 4 (H) South Kona, to be styled the South Kona district;
5 and
- 6 (I) Kau, to be styled the Kau district.
- 7 (2) The islands of Maui, Molokai, Lanai, and Kahoolawe and
8 the counties of Maui and Kalawao shall be divided into
9 seven districts as follows:
- 10 (A) Kahikinui, Kaupo, Kipahulu, Hana, and Koolau, to
11 be styled the Hana district;
- 12 (B) Hamakualoa, Hamakuapoko, portion of Kula, and
13 Honuaula, the western boundary being a line
14 starting from the sea at Kapukaulua on the
15 boundary between the ahupuaas of Haliimaile and
16 Wailuku, thence running inland following the
17 boundary to the mauka side of the Lowrie ditch,
18 thence following the mauka side of the ditch and
19 its projected extension to the Waiakoa gulch
20 which is the boundary between the ahupuaas of
21 Pulehunui and Waiakoa, thence down along the
22 boundary to the mauka boundary of the Waiakoa



- 1 Homesteads (makai section), thence along the
2 boundary to the ahupuaa of Kaonoulu, thence
3 across the ahupuaa of Kaonoulu to the mauka
4 boundary of the Waiohuli-Keokea Beach Homesteads,
5 thence along the boundary to the mauka boundary
6 of the Kamaole Homesteads, thence along the
7 boundary and the extension thereof to the north
8 boundary of the ahupuaa of Paeahu, thence along
9 the boundary to the sea, and including the island
10 of Kahoolawe, to be styled the Makawao district;
- 11 (C) All that portion of central Maui lying east of a
12 line along the boundary of the ahupuaas of
13 Kahakuloa and Honokohau to the peak of Eke
14 crater, thence along the ridge of mountains and
15 down the bottom of Manawainui gulch to the sea,
16 and west of the boundary of Makawao district, to
17 be styled Wailuku district;
- 18 (D) All that portion of Maui lying west of Wailuku
19 district, to be styled the Lahaina district;
- 20 (E) The island of Molokai, except that portion of the
21 island known as Kalaupapa, Kalawao, and Waikolu
22 and commonly known or designated as the



1 Settlement for Hansen's disease sufferers, to be
2 styled the Molokai district;

3 (F) All that portion of the island of Molokai known
4 as Kalaupapa, Kalawao, and Waikolu forming the
5 county of Kalawao, to be styled the Kalawao
6 district; and

7 (G) The island of Lanai, to be styled the Lanai
8 district.

9 (3) For judicial purposes, the island of Oahu shall be
10 divided into seven districts as follows:

11 (A) From Makapuu Head in Maunalua to Moanalua
12 inclusive, and the islands not included in any
13 other district, to be styled the Honolulu
14 district;

15 (B) Ewa, excluding Waikakalaua, Waipio Acres, and
16 Mililani Town, to be styled the Ewa district;

17 (C) Waianae excluding Waianae Uka, to be styled the
18 Waianae district;

19 (D) From Kaena point to and including Waialeale Stream
20 excluding Wahiawa, hereinafter described, to be
21 styled the Waialua district;



1 (E) From Waialeale Stream to Lae o ka Oio, to be styled
2 the Koolauloa district;

3 (F) From Lae o ka Oio to Makapuu Head in Waimanalo,
4 to be styled the Koolaupoko district; and

5 (G) Wahiawa and Waianae Uka, including Waikakalaua,
6 Waipio Acres, and Mililani Town, lying between
7 Ewa and Waialua districts and more particularly
8 described in the following manner: Beginning at
9 Puu Kaaumakua in the Koolau range and running to
10 and along the south boundary of Waianae Uka
11 (which is also the south boundary of Schofield
12 Barracks Military Reservation) to Puu Hapapa in
13 the Waianae range; thence continuing along
14 Schofield Barracks Military Reservation northerly
15 along the Waianae range to Puu Kaala, easterly
16 along Mokuleia down ridge to Puu Pane, continuing
17 to Maili Trig. station, and down ridge to
18 Haleauau stream and down Haleauau stream to
19 Kaukonahua gulch, and easterly along the gulch to
20 the west boundary of the ahupuaa of Wahiawa;
21 thence leaving Schofield Barracks Military
22 Reservation and following up and along the west



1 and north boundaries of the ahupuaa of Wahiawa to
2 the Koolau range; thence along the Koolau range
3 to the beginning; to be styled the Wahiawa
4 district.

5 (4) For all purposes except for judicial, the island of
6 Oahu shall be divided into seven districts as follows:

7 (A) From Makapuu Head in Maunalua to Moanalua
8 inclusive, and the islands not included in any
9 other district, to be styled the Honolulu
10 district;

11 (B) Ewa, to be styled the Ewa district;

12 (C) Waianae excluding Waianae Uka, to be styled the
13 Waianae district;

14 (D) From Kaena point to and including the ahupuaa of
15 Waimea excluding Wahiawa, hereinafter described,
16 to be styled the Waialua district;

17 (E) From Waimea to Lae o ka Oio, to be styled the
18 Koolauloa district;

19 (F) From Lae o ka Oio to Makapuu Head in Waimanalo,
20 to be styled the Koolaupoko district; and

21 (G) Wahiawa and Waianae Uka, lying between Ewa and
22 Waialua districts and more particularly described



1 in the following manner: Beginning at Puu
2 Kaaumakua in the Koolau range and running to and
3 along the south boundary of Waianae Uka (which is
4 also the south boundary of Schofield Barracks
5 Military Reservation) to Puu Hapapa in the
6 Waianae range; thence continuing along Schofield
7 Barracks Military Reservation northerly along the
8 Waianae range to Puu Kaala, easterly along
9 Mokuleia down ridge to Puu Pane, continuing to
10 Maili Trig. station, and down ridge to Haleauau
11 stream and down Haleauau stream to Kaukonahua
12 gulch, and easterly along the gulch to the west
13 boundary of the ahupuaa of Wahiawa; thence
14 leaving Schofield Barracks Military Reservation
15 and following up and along the west and north
16 boundaries of the ahupuaa of Wahiawa to the
17 Koolau range; thence along the Koolau range to
18 the beginning; to be styled the Wahiawa district.

19 (5) The islands of Kauai, Niihau, and Kaula, and [county]
20 the counties of Kauai[7] and Niihau, shall be divided
21 into [~~five~~] six districts as follows:



- 1 (A) From Puanaaiea point to the ili of Eleele,
2 including the [~~islands~~] island of [~~Niihau and~~]
3 Kaula, to be styled the Waimea district;
- 4 (B) From and including the ili of Eleele to and
5 including Mahaulepu, to be styled the Koloa
6 district;
- 7 (C) From and including Kipu to the northerly bank of
8 the north fork and the main Wailua river, to be
9 styled the Lihue district;
- 10 (D) From the northerly bank of the north fork and the
11 main Wailua river to Kealaakaiole, to be styled
12 the Kawaihau district; [~~and~~]
- 13 (E) From and including Kealaakaiole to Puanaaiea
14 point to be styled the Hanalei district[-]; and
- 15 (F) The island of Niihau, to be styled the Niihau
16 district."

17 SECTION 3. Section 11-1, Hawaii Revised Statutes, is
18 amended by amending the definition of "county" to read as
19 follows:

20 "County", the counties of Hawaii, Maui, Kauai, and the
21 city and county of Honolulu, as the context may require. For
22 the purposes of this title, the county of Kalawao shall be



1 deemed to be included in the county of Maui[-] and the county of
2 Niihau shall be deemed to be included in the county of Kauai."

3 SECTION 4. Section 11-61, Hawaii Revised Statutes, is
4 amended by amending subsection (a) to read as follows:

5 "(a) The term "political party" means any party which has
6 qualified as a political party under sections 11-62 and 11-64
7 and has not been disqualified by this section. A political
8 party shall be an association of voters united for the purpose
9 of promoting a common political end or carrying out a particular
10 line of political policy and which maintains a general
11 organization throughout the State, including a regularly
12 constituted central committee and county committees in each
13 county other than the counties of Kalawao[-] and Niihau."

14 SECTION 5. Section 15-4, Hawaii Revised Statutes, is
15 amended by amending subsection (b) to read as follows:

16 "(b) Notwithstanding subsection (a), the respective clerk
17 shall be allowed to conduct an absentee ballot-only election and
18 may mail an absentee ballot for each primary, special primary,
19 special, general, and special general election to each
20 registered voter who resides in the county of Kalawao or Niihau
21 or on any island of a county with a population of less than one
22 hundred eighty thousand, except for the island where the county



1 seat of government is located. The chief election officer may
2 adopt rules to carry out this subsection."

3 SECTION 6. Section 101-1, Hawaii Revised Statutes, is
4 amended by amending the definition of "county" to read as
5 follows:

6 "County" means a county (except the [~~county~~] counties of
7 Kalawao[+] and Niihau) and any agency of a county, including the
8 board of water supply thereof, duly authorized to exercise the
9 power of eminent domain."

10 SECTION 7. Section 103F-202, Hawaii Revised Statutes, is
11 amended by amending subsection (a) to read as follows:

12 "(a) There is established a community council on purchase
13 of health and human services. The community council shall be
14 comprised of no more than nine voting members, and one non-
15 voting, ex-officio member of the interagency committee on
16 purchase of health or human services designated by the majority
17 of the members of the committee. There shall be a member from
18 each county, except the [~~county~~] counties of Kalawao[+] and
19 Niihau, and up to five members interested in health, human
20 services, employment, or the provision of services to children
21 and youth."



1 SECTION 8. Section 128A-2, Hawaii Revised Statutes, is
2 amended by amending the definition of "county" to read as
3 follows:

4 "County" means any of the political subdivisions of the
5 State, including the counties of Hawaii, Maui, and Kauai and the
6 city and county of Honolulu, but does not include the county of
7 Kalawao~~[-]~~ or Niihau."

8 SECTION 9. Section 128E-4, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "~~[-]~~**§128E-4**~~[-]~~ **Establishment of emergency planning**
11 **districts.** Each county is designated as an emergency planning
12 district for the purposes of this chapter; provided that the
13 department shall be responsible for Kalawao county~~[-]~~, and the
14 department of land and natural resources shall be responsible
15 for the county of Niihau."

16 SECTION 10. Section 231-2, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "**§231-2 Taxation districts.** For the purpose of taxation,
19 the State is divided into four districts, viz.:

20 (a) The city and county of Honolulu, to be called the
21 first district;



1 (b) The counties of Maui and Kalawao, to be called the
2 second district;

3 (c) The county of Hawaii, to be called the third district;

4 (d) The [~~county~~] counties of Kauai[-] and Niihau, to be
5 called the fourth district."

6 SECTION 11. Section 243-4, Hawaii Revised Statutes, is
7 amended by amending subsection (d) to read as follows:

8 "(d) No tax shall be collected in respect to any liquid
9 fuel, including diesel oil and liquefied petroleum gas, shown to
10 the satisfaction of the department to have been sold for use in
11 and actually delivered to, or sold in, the [~~county~~] counties of
12 Kalawao[-] or Niihau."

13 SECTION 12. All rights, powers, functions, and duties
14 relating to the governance of the island of Niihau under the
15 county of Kauai are transferred to the department of land and
16 natural resources.

17 All employees who occupy civil service positions and whose
18 functions are transferred to the department of land and natural
19 resources by this Act shall retain their civil service status,
20 whether permanent or temporary. Employees shall be transferred
21 without loss of salary, seniority (except as prescribed by
22 applicable collective bargaining agreements), retention points,



1 prior service credit, any vacation and sick leave credits
2 previously earned, and other rights, benefits, and privileges,
3 in accordance with state personnel laws and this Act; provided
4 that the employees possess the minimum qualifications and public
5 employment requirements for the class or position to which
6 transferred or appointed, as applicable; provided further that
7 subsequent changes in status may be made pursuant to applicable
8 civil service and compensation laws.

9 Any employee who, prior to this Act, is exempt from civil
10 service and is transferred as a consequence of this Act may
11 retain the employee's exempt status, but shall not be appointed
12 to a civil service position as a consequence of this Act. An
13 exempt employee who is transferred by this Act shall not suffer
14 any loss of prior service credit, vacation or sick leave credits
15 previously earned, or other employee benefits or privileges as a
16 consequence of this Act; provided that the employees possess
17 legal and public employment requirements for the position to
18 which transferred or appointed, as applicable; provided further
19 that subsequent changes in status may be made pursuant to
20 applicable employment and compensation laws. The chairperson of
21 the board of land and natural resources may prescribe the duties



1 and qualifications of these employees and fix their salaries
2 without regard to chapter 76, Hawaii Revised Statutes.

3 SECTION 13. All appropriations, records, equipment,
4 machines, files, supplies, contracts, books, papers, documents,
5 maps, and other personal property heretofore made, used,
6 acquired, or held by the county of Kauai relating to the
7 functions transferred to the department of land and natural
8 resources shall be transferred with the functions to which they
9 relate.

10 SECTION 14. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 15. This Act shall take effect upon its approval.

13



Report Title:

Counties; Niihau; Department of Land and Natural Resources

Description:

Establishes the county of Niihau as a separate county apart from the county of Kauai under the jurisdiction and control of the department of land and natural resources. Makes various conforming amendments to reflect the establishment of the county of Niihau. (SD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

