
A BILL FOR AN ACT

RELATING TO LAND.

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 part to be appropriately designated and
3 to read as follows:

4 **"PART**

5 **COUNTY OF NIIHAU**

6 **§171-A County of Niihau; governance.** (a) The county of
7 Niihau shall consist of the islands of Niihau, Kaula, and Lehua,
8 and shall not be or form a portion of the county of Kauai, but
9 is constituted a county by itself. As a county it shall have
10 only the powers especially conferred and given by sections 171-A
11 to 171-E and, except as provided in those sections, none of the
12 provisions of the Hawaii Revised Statutes regarding counties
13 shall be deemed to refer to or shall be applicable to the county
14 of Niihau.

15 (b) The county of Niihau shall be under the jurisdiction
16 and control of the department and be governed by the laws and
17 rules relating to the department, except as otherwise provided
18 by law.



1 (c) All functions, powers, and duties relating to the
2 taxation of real property located in the county of Niihau shall
3 be exercised exclusively by the county of Kauai.

4 **§171-B Sheriff, appointment, removal.** There shall be no
5 county officer in the county other than a sheriff, who shall be
6 a resident of and be appointed in the county by the department
7 and who shall hold office at the pleasure of the department or
8 until a successor is appointed by the department. When a
9 qualified resident is not available, the department may appoint
10 a qualified person to serve as sheriff.

11 **§171-C Sheriff, salary.** The salary of the sheriff shall
12 be fixed and paid by the department.

13 **§171-D Sheriff, duties.** The sheriff of the county of
14 Niihau shall preserve the public peace and shall arrest and take
15 before the district judge for examination all persons who
16 attempt to commit or who have committed a public offense and
17 prosecute the same to the best of the sheriff's ability."

18 **§171-E Sheriff, powers.** The sheriff may appoint and
19 dismiss and reappoint as many police officers as may be
20 authorized by the department for the county. Police officers
21 shall receive pay as the department determines. The sheriff
22 shall have other powers and duties within the county of Niihau



1 and appropriate thereto as are prescribed by law for the chiefs
2 of police or police officers of the several counties
3 respectively."

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, Kaula, and ~~[county of~~
20 ~~Kauai]~~ the counties of Kauai and Niihau shall be
21 divided into ~~[five]~~ six districts as follows:



1 (A) From Puanaaiea point to the ili of Eleele,
2 [~~including~~] excluding the islands 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 islands of Niihau, Kaula, and Lehua, to be
16 styled the Niihau 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 Kalawao[-] or 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, the
21 county of Niihau, or on any island of a county with a population
22 of less than one hundred eighty thousand, except for the island



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

3 SECTION 6. Section 26-15, Hawaii Revised Statutes, is
4 amended by amending subsection (c) to read as follows:

5 "(c) The functions and authority heretofore exercised by
6 the county of Kauai with respect to the islands of Niihau,
7 Kaula, and Lehua (excluding the taxation of real property), the
8 commissioner and board of public lands (including the
9 hydrography division and the bureau of conveyances), the Hawaii
10 water authority, the commission on ground water resources, the
11 Hawaii land development authority, the soil conservation
12 committee, and the commission on historical sites and the
13 function of managing the state parks and the function of
14 promoting the conservation, development and utilization of
15 forests, including the regulatory powers over the forest
16 reserve, aquatic life and wildlife resources of the State
17 heretofore exercised by the board of commissioners of
18 agriculture and forestry as heretofore constituted are
19 transferred to the department of land and natural resources
20 established by this chapter."



1 SECTION 7. Section 101-1, Hawaii Revised Statutes, is
2 amended by amending the definition of "county" to read as
3 follows:

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

8 SECTION 8. Section 103F-202, Hawaii Revised Statutes, is
9 amended by amending subsection (a) to read as follows:

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

20 SECTION 9. Section 128A-2, Hawaii Revised Statutes, is
21 amended by amending the definition of "county" to read as
22 follows:



1 "County" means any of the political subdivisions of the
2 State, including the counties of Hawaii, Maui, and Kauai and the
3 city and county of Honolulu, but does not include the ~~[county of~~
4 ~~Kalawao.]~~ counties of Kalawao and Niihau."

5 SECTION 10. Section 128E-4, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "~~[+]§128E-4[+]~~ **Establishment of emergency planning**
8 **districts.** Each county is designated as an emergency planning
9 district for the purposes of this chapter; provided that the
10 department shall be responsible for Kalawao county~~[+]~~ and the
11 department of land and natural resources shall be responsible
12 for Niihau county."

13 SECTION 11. Section 231-2, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "**§231-2 Taxation districts.** For the purpose of taxation,
16 the State is divided into four districts, viz.:

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

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

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



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

3 SECTION 12. Section 243-4, Hawaii Revised Statutes, is
4 amended by amending subsection (d) to read as follows:

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

10 SECTION 13. Section 281-1, Hawaii Revised Statutes, is
11 amended by amending the definition of "county" to read as
12 follows:

13 "'County" means the county in respect of which each
14 commission has jurisdiction under this chapter; provided that in
15 the [~~county~~] counties of Kalawao and Niihau liquor may be sold
16 only by such persons and only under such conditions as may be
17 permitted or prescribed from time to time by the department of
18 health[~~-~~] for the county of Kalawao and the department of land
19 and natural resources for the county of Niihau."

20 SECTION 14. Section 445-13, Hawaii Revised Statutes, is
21 amended to read as follows:



1 **"§445-13 License inspectors.** The deputy sheriff of
2 Kalawao, the deputy sheriff of Niihau, any police officer, or
3 any authorized representative of the county director of finance
4 duly authorized by a chief of police shall be ex officio license
5 inspectors of the counties for which they are appointed or
6 authorized, and [~~as such,~~] they shall from time to time report
7 to the county director of finance the names of all persons
8 within the county who are liable for the payment of license
9 fees."

10 SECTION 15. Section 804-5, Hawaii Revised Statutes, is
11 amended to read as follows:

12 **"§804-5 By whom allowed.** In cases where the punishment
13 for the offense charged may be imprisonment for life not subject
14 to parole, or imprisonment for a term more than ten years with
15 or without fine, a judge or justice of a court of record,
16 including a district judge, shall be competent to admit the
17 accused to bail, in conformity with sections 804-3 to 804-6. In
18 all other cases, the accused may be so admitted to bail by any
19 judge or justice of a court of record, including a district
20 judge, and in cases, except under section 712-1207, where the
21 punishment for the offense charged may not exceed two years'
22 imprisonment with or without fine, the sheriff, the sheriff's



1 deputy, the chief of police or any person named by the chief of
2 police, [~~or~~] the sheriff of Kalawao, or the sheriff of Niihau,
3 regardless of the circuit within which the alleged offense was
4 committed, may admit the accused person to bail."

5 SECTION 16. All rights, powers, functions, and duties of
6 the county of Kauai with respect to the islands of Niihau,
7 Kaula, and Lehua (excluding the taxation of real property) are
8 transferred to the department of land and natural resources.

9 All employees who occupy civil service positions and whose
10 functions are transferred to the department of land and natural
11 resources by this Act shall retain their civil service status,
12 whether permanent or temporary. Employees shall be transferred
13 without loss of salary, seniority (except as prescribed by
14 applicable collective bargaining agreements), retention points,
15 prior service credit, any vacation and sick leave credits
16 previously earned, and other rights, benefits, and privileges,
17 in accordance with state personnel laws and this Act; provided
18 that the employees possess the minimum qualifications and public
19 employment requirements for the class or position to which
20 transferred or appointed, as applicable; provided further that
21 subsequent changes in status may be made pursuant to applicable
22 civil service and compensation laws.



1 Any employee who, prior to this Act, is exempt from civil
2 service and is transferred as a consequence of this Act may
3 retain the employee's exempt status, but shall not be appointed
4 to a civil service position as a consequence of this Act. An
5 exempt employee who is transferred by this Act shall not suffer
6 any loss of prior service credit, vacation or sick leave credits
7 previously earned, or other employee benefits or privileges as a
8 consequence of this Act; provided that the employees possess
9 legal and public employment requirements for the position to
10 which transferred or appointed, as applicable; provided further
11 that subsequent changes in status may be made pursuant to
12 applicable employment and compensation laws. The chair of the
13 board of land and natural resources may prescribe the duties and
14 qualifications of these employees and fix their salaries without
15 regard to chapter 76, Hawaii Revised Statutes.

16 SECTION 17. All appropriations, records, equipment,
17 machines, files, supplies, contracts, books, papers, documents,
18 maps, and other personal property heretofore made, used,
19 acquired, or held by the county of Kauai relating to the
20 functions transferred to the department of land and natural
21 resources shall be transferred with the functions to which they
22 relate.



1 SECTION 18. All rules, policies, procedures, guidelines,
2 and other material adopted or developed by the county of Kauai
3 with respect to the islands of Niihau, Kaula, and Lehua to
4 implement provisions of the Hawaii Revised Statutes that are
5 reenacted or made applicable to the department of land and
6 natural resources by this Act shall remain in full force and
7 effect until amended or repealed by the department of land and
8 natural resources pursuant to chapter 91, Hawaii Revised
9 Statutes. In the interim, every reference to the county of
10 Kauai or mayor of Kauai in those rules, policies, procedures,
11 guidelines, and other material is amended to refer to the
12 department of land and natural resources or the chair of the
13 board of land and natural resources as appropriate.

14 SECTION 19. (a) There is established in the department of
15 land and natural resources, for administrative purposes only, a
16 temporary working group that shall analyze and discuss the
17 issues surrounding the establishment of the county of Niihau.

18 (b) The working group shall be composed of five members as
19 follows:

20 (1) A member appointed by the mayor of Kauai;

21 (2) A member appointed by the governor; and



1 (3) Three members who are residents of Niihau to be
2 appointed by the owners of Niihau.

3 (c) The working group shall submit a report of its
4 findings and recommendations, including any proposed
5 legislation, to the legislature no later than twenty days prior
6 to the convening of the regular session of 2015.

7 (d) The members of the working group shall serve without
8 compensation but shall be reimbursed for any necessary expenses,
9 including travel expenses, incurred in the performance of their
10 official duties.

11 (e) The working group shall be dissolved on June 30, 2015.

12 SECTION 20. This Act does not affect rights and duties
13 that matured, penalties that were incurred, and proceedings that
14 were begun before its effective date.

15 SECTION 21. In codifying the new sections added by section
16 1 of this Act, the revisor of statutes shall substitute
17 appropriate section numbers for the letters used in designating
18 the new sections in this Act.

19 SECTION 22. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

21 SECTION 23. This Act shall take effect on July 1, 2020.



Report Title:

Land; DLNR; Niihau; Working Group

Description:

Establishes the County of Niihau under the jurisdiction of DLNR. Requires the department of land and natural resources to form a temporary working group to examine the issues surrounding the establishment of the County of Niihau and to report any findings to the legislature. Working group shall be dissolved on June 30, 2015. Takes effect 7/1/2020. (SD2)

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

