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# A BILL FOR AN ACT

RELATING TO COUNTY GOVERNANCE.

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

1           SECTION 1. The legislature finds that the remaining number  
2 of Hansen's disease patients in Kalawao county no longer  
3 necessitates governance by the department of health.

4           The purpose of this Act is to abolish Kalawao county and  
5 incorporate the portion of the island of Molokai known as  
6 Kalaupapa, Kalawao, and Waikolu and commonly known or designated  
7 as the Kalaupapa settlement into the county of Maui.

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

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

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

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



1 (B) From the Hakalau stream to the boundary of South  
2 Hilo and Puna, to be styled the South Hilo  
3 district;

4 (C) From the boundary of Hamakua and North Hilo to  
5 the Hakalau stream, to be styled the North Hilo  
6 district;

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

8 (E) North Kohala, to be styled the North Kohala  
9 district;

10 (F) South Kohala, to be styled the South Kohala  
11 district;

12 (G) North Kona, to be styled the North Kona district;

13 (H) South Kona, to be styled the South Kona district;  
14 and

15 (I) Kau, to be styled the Kau district.

16 (2) The islands of Maui, Molokai, Lanai, and Kahoolawe and  
17 the [~~counties~~] county of Maui [~~and Kalawae~~] shall be  
18 divided into [~~seven~~] six districts as follows:

19 (A) Kahikinui, Kaupo, Kipahulu, Hana, and Koolau, to  
20 be styled the Hana district;



1 (B) Hamakualoa, Hamakuapoko, portion of Kula, and  
2 Honuaula, the western boundary being a line  
3 starting from the sea at Kapukaulua on the  
4 boundary between the ahupuaas of Haliimaile and  
5 Wailuku, thence running inland following the  
6 boundary to the mauka side of the Lowrie ditch,  
7 thence following the mauka side of the ditch and  
8 its projected extension to the Waiakoa gulch  
9 which is the boundary between the ahupuaas of  
10 Pulehunui and Waiakoa, thence down along the  
11 boundary to the mauka boundary of the Waiakoa  
12 Homesteads (makai section), thence along the  
13 boundary to the ahupuaa of Kaonoulu, thence  
14 across the ahupuaa of Kaonoulu to the mauka  
15 boundary of the Waiohuli-Keokea Beach Homesteads,  
16 thence along the boundary to the mauka boundary  
17 of the Kamaole Homesteads, thence along the  
18 boundary and the extension thereof to the north  
19 boundary of the ahupuaa of Paeahu, thence along  
20 the boundary to the sea, and including the island  
21 of Kahoolawe, to be styled the Makawao district;



1 (C) All that portion of central Maui lying east of a  
2 line along the boundary of the ahupuaas of  
3 Kahakuloa and Honokohau to the peak of Eke  
4 crater, thence along the ridge of mountains and  
5 down the bottom of Manawainui gulch to the sea,  
6 and west of the boundary of Makawao district, to  
7 be styled Wailuku district;

8 (D) All that portion of Maui lying west of Wailuku  
9 district, to be styled the Lahaina district;

10 (E) The island of Molokai, [~~except that portion of~~  
11 ~~the island known as Kalaupapa, Kalawao, and~~  
12 ~~Waikolu and commonly known or designated as the~~  
13 ~~Settlement for Hansen's disease sufferers,]~~ to be  
14 styled the Molokai district;

15 [~~(F)~~] ~~All that portion of the island of Molokai known~~  
16 ~~as Kalaupapa, Kalawao, and Waikolu forming the~~  
17 ~~county of Kalawao, to be styled the Kalawao~~  
18 ~~district,]~~ and

19 [~~(G)~~] (F) The island of Lanai, to be styled the Lanai  
20 district.



- 1           (3) For judicial purposes, the island of Oahu shall be  
2           divided into seven districts as follows:
- 3           (A) From Makapuu Head in Maunalua to Moanalua  
4           inclusive, and the islands not included in any  
5           other district, to be styled the Honolulu  
6           district;
- 7           (B) Ewa, excluding Waikakalaua, Waipio Acres, and  
8           Mililani Town, to be styled the Ewa district;
- 9           (C) Waianae excluding Waianae Uka, to be styled the  
10          Waianae district;
- 11          (D) From Kaena point to and including Waialeale Stream  
12          excluding Wahiawa, hereinafter described, to be  
13          styled the Waialua district;
- 14          (E) From Waialeale Stream to Lae o ka Oio, to be styled  
15          the Koolauloa district;
- 16          (F) From Lae o ka Oio to Makapuu Head in Waimanalo,  
17          to be styled the Koolaupoko district; and
- 18          (G) Wahiawa and Waianae Uka, including Waikakalaua,  
19          Waipio Acres, and Mililani Town, lying between  
20          Ewa and Waialua districts and more particularly  
21          described in the following manner: Beginning at



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

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



- 1 (A) From Makapuu Head in Maunalua to Moanalua  
2 inclusive, and the islands not included in any  
3 other district, to be styled the Honolulu  
4 district;
- 5 (B) Ewa, to be styled the Ewa district;
- 6 (C) Waianae excluding Waianae Uka, to be styled the  
7 Waianae district;
- 8 (D) From Kaena point to and including the ahupuaa of  
9 Waimea excluding Wahiawa, hereinafter described,  
10 to be styled the Waialua district;
- 11 (E) From Waimea to Lae o ka Oio, to be styled the  
12 Koolauloa district;
- 13 (F) From Lae o ka Oio to Makapuu Head in Waimanalo,  
14 to be styled the Koolaupoko district; and
- 15 (G) Wahiawa and Waianae Uka, lying between Ewa and  
16 Waialua districts and more particularly described  
17 in the following manner: Beginning at Puu  
18 Kaaumakua in the Koolau range and running to and  
19 along the south boundary of Waianae Uka (which is  
20 also the south boundary of Schofield Barracks  
21 Military Reservation) to Puu Hapapa in the



1           Waianae range; thence continuing along Schofield  
2           Barracks Military Reservation northerly along the  
3           Waianae range to Puu Kaala, easterly along  
4           Mokuleia down ridge to Puu Pane, continuing to  
5           Maili Trig. station, and down ridge to Haleauau  
6           stream and down Haleauau stream to Kaukonahua  
7           gulch, and easterly along the gulch to the west  
8           boundary of the ahupuaa of Wahiawa; thence  
9           leaving Schofield Barracks Military Reservation  
10          and following up and along the west and north  
11          boundaries of the ahupuaa of Wahiawa to the  
12          Koolau range; thence along the Koolau range to  
13          the beginning; to be styled the Wahiawa district.

14          (5) The islands of Kauai, Niihau, Kaula, and county of  
15          Kauai, shall be divided into five districts as  
16          follows:

17                (A) From Puanaaiea point to the ili of Eleele,  
18                including the islands of Niihau and Kaula, to be  
19                styled the Waimea district;





1 (B) From and including the ili of Eleele to and  
2 including Mahaulepu, to be styled the Koloa  
3 district;

4 (C) From and including Kipu to the northerly bank of  
5 the north fork and the main Wailua river, to be  
6 styled the Lihue district;

7 (D) From the northerly bank of the north fork and the  
8 main Wailua river to Kealaakaiole, to be styled  
9 the Kawaihau district; and

10 (E) From and including Kealaakaiole to Puanaaiea  
11 point to be styled the Hanalei district."

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

15 "County", the counties of Hawaii, Maui, Kauai, and the  
16 city and county of Honolulu, as the context may require. [~~For~~  
17 ~~the purposes of this title, the county of Kalawao shall be~~  
18 ~~deemed to be included in the county of Maui.]"~~

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



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

10           SECTION 5. Section 23-81, Hawaii Revised Statutes, is  
11 amended by amending subsection (c) to read as follows:

12           "(c) This section shall apply to the following:

13           (1) Section 237-23(a)(3)--Fraternal benefit societies,  
14           orders, or associations for the payment of benefits to  
15           members;

16           (2) Section 237-23(a)(4)--Corporations, associations,  
17           trusts, or societies:

18           (A) Organized and operated exclusively for religious,  
19           charitable, scientific, or educational purposes;



- 1 (B) Operating senior citizens housing facilities
- 2 qualifying for loans under the United States
- 3 Housing Act of 1959, as amended;
- 4 (C) Operating legal service plans; or
- 5 (D) Operating or managing homeless facilities or
- 6 other programs for the homeless;
- 7 (3) Section 237-23(a)(5)--Business leagues, chambers of
- 8 commerce, boards of trade, civic leagues, agricultural
- 9 and horticultural organizations, and organizations
- 10 operated exclusively for the benefit of the community
- 11 or promotion of social welfare, including legal
- 12 service plans;
- 13 (4) Section 237-23(a)(6)--Hospitals, infirmaries, and
- 14 sanitararia;
- 15 (5) Section 237-23(a)(7)--Tax-exempt potable water
- 16 companies serving residential communities lacking
- 17 access to public utility water services;
- 18 (6) Section 237-23(a)(8)--Agricultural cooperative
- 19 associations incorporated under state or federal law;
- 20 (7) Section 237-23(a)(9)--Persons affected with Hansen's
- 21 disease and kokuas with respect to business within the



1           ~~[county of Kalawao,]~~ portion of the island of Molokai  
 2           known as Kalaupapa, Kalawao, and Waikolu, and commonly  
 3           known or designated as the Kalaupapa settlement;

4           (8) Section 237-23(a)(10)--Corporations, companies,  
 5           associations, or trusts organized for cemeteries; and

6           (9) Section 237-23(a)(11)--Nonprofit shippers."

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

10           "County" means a county [~~(except the county of Kalawao)]~~  
 11 and any agency of a county, including the board of water supply  
 12 thereof, duly authorized to exercise the power of eminent  
 13 domain."

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

16           "(a) There is established a community council on purchase  
 17 of health and human services. The community council shall be  
 18 comprised of no more than nine voting members, and one non-  
 19 voting, ex-officio member of the interagency committee on  
 20 purchase of health or human services designated by the majority  
 21 of the members of the committee. There shall be a member from



1 each county[~~except the county of Kalawae,~~] and up to five  
2 members interested in health, human services, employment, or the  
3 provision of services to children and youth."

4 SECTION 8. Section 127A-2, Hawaii Revised Statutes, is  
5 amended by amending the definition of "county" to read as  
6 follows:

7 "County" means the city and county of Honolulu, and the  
8 counties of Hawaii, Kauai, and Maui[~~provided that the county  
9 of Maui shall include the county of Kalawao for the purposes of  
10 this chapter~~]."

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

14 "County" means any of the political subdivisions of the  
15 State, including the counties of Hawaii, Maui, and Kauai and the  
16 city and county of Honolulu[~~but does not include the county of  
17 Kalawae~~]."

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

20 "[+]§128E-4[+] **Establishment of emergency planning**  
21 **districts.** Each county is designated as an emergency planning



1 district for the purposes of this chapter [~~provided that the~~  
2 ~~department shall be responsible for Kalawao county~~]."

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

5 "**§231-2 Taxation districts.** For the purpose of taxation,  
6 the State is divided into the following four districts:

7 (1) The city and county of Honolulu, to be called the  
8 first district;

9 (2) The [~~counties~~] county of Maui [~~and Kalawao~~], to be  
10 called the second district;

11 (3) The county of Hawaii, to be called the third district;  
12 and

13 (4) The county of Kauai, to be called the fourth  
14 district."

15 SECTION 12. Section 237-23, Hawaii Revised Statutes, is  
16 amended by amending subsection (a) to read as follows:

17 "(a) This chapter shall not apply to the following  
18 persons:

19 (1) Public service companies as that term is defined in  
20 section 239-2, with respect to the gross income,  
21 either actual gross income or gross income estimated



1           and adjusted, that is included in the measure of the  
2           tax imposed by chapter 239;

3           (2) Public utilities owned and operated by the State or  
4           any county, or other political subdivision thereof;

5           (3) Fraternal benefit societies, orders, or associations,  
6           operating under the lodge system, or for the exclusive  
7           benefit of the members of the fraternity itself,  
8           operating under the lodge system, and providing for  
9           the payment of death, sick, accident, a legal service  
10          plan, or other benefits to the members of the  
11          societies, orders, or associations, and to their  
12          dependents;

13          (4) Corporations, associations, trusts, or societies  
14          organized and operated exclusively for religious,  
15          charitable, scientific, or educational purposes, as  
16          well as that of operating senior citizens housing  
17          facilities qualifying for a loan under the laws of the  
18          United States as authorized by section 202 of the  
19          Housing Act of 1959, as amended, as well as that of  
20          operating a legal service plan, as well as that of  
21          operating or managing a homeless facility, or any



- 1 other program for the homeless authorized under  
2 part XVII of chapter 346;
- 3 (5) Business leagues, chambers of commerce, boards of  
4 trade, civic leagues, agricultural and horticultural  
5 organizations, and organizations operated exclusively  
6 for the benefit of the community and for the promotion  
7 of social welfare that shall include the operation of  
8 a legal service plan, and from which no profit inures  
9 to the benefit of any private stockholder or  
10 individual;
- 11 (6) Hospitals, infirmaries, and sanitararia;
- 12 (7) Companies that provide potable water to residential  
13 communities that lack any access to public utility  
14 water services and are tax exempt under section  
15 501(c)(12) of the Internal Revenue Code of 1986, as  
16 amended;
- 17 (8) Cooperative associations incorporated under  
18 chapter 421 or Code section 521 cooperatives which  
19 fully meet the requirements of section 421-23, except  
20 Code section 521 cooperatives need not be organized in  
21 Hawaii; provided that:





- 1           (A) The exemption shall apply only to the gross  
2           income derived from activities that are pursuant  
3           to purposes and powers authorized by chapter 421,  
4           except those provisions pertaining to or  
5           requiring corporate organization in Hawaii do not  
6           apply to Code section 521 cooperatives;
- 7           (B) The exemption shall not relieve any person who  
8           receives any proceeds of sale from the  
9           association of the duty of returning and paying  
10          the tax on the total gross proceeds of the sales  
11          on account of which the payment was made, in the  
12          same amount and at the same rate as would apply  
13          thereto had the sales been made directly by the  
14          person, and all those persons shall be so  
15          taxable; and
- 16          (C) As used in this paragraph, "Code section 521  
17          cooperatives" mean associations that qualify as a  
18          cooperative under section 521 (with respect to  
19          exemption of farmers' cooperatives from tax) of  
20          the Internal Revenue Code of 1986, as amended;



1 (9) Persons affected with Hansen's disease and kokuas,  
 2 with respect to business within [~~the county of~~  
 3 ~~Kalawao;~~] the portion of the island of Molokai known  
 4 as Kalaupapa, Kalawao, and Waikolu, and commonly known  
 5 or designated as the Kalaupapa settlement;

6 (10) Corporations, companies, associations, or trusts  
 7 organized for the establishment and conduct of  
 8 cemeteries no part of the net earnings of which inures  
 9 to the financial benefit of any private stockholder or  
 10 individual; provided that the exemption shall apply  
 11 only to the activities of those persons in the conduct  
 12 of cemeteries and shall not apply to any activity the  
 13 primary purpose of which is to produce income, even  
 14 though the income is to be used for or in the  
 15 furtherance of the exempt activities of those persons;  
 16 and

17 (11) Nonprofit shippers associations operating under part  
 18 296 of the Civil Aeronautics Board Economic  
 19 Regulations."

20 SECTION 13. Section 243-4, Hawaii Revised Statutes, is  
 21 amended by amending subsection (d) to read as follows:



1           "(d) No tax shall be collected in respect to any liquid  
2 fuel, including diesel oil and liquefied petroleum gas, shown to  
3 the satisfaction of the department to have been sold for use in  
4 and actually delivered to, or sold in, the [~~county of Kalawao~~]  
5 portion of the island of Molokai known as Kalaupapa, Kalawao,  
6 and Waikolu, and commonly known or designated as the Kalaupapa  
7 settlement."

8           SECTION 14. Section 281-1, Hawaii Revised Statutes, is  
9 amended by amending the definition of "county" to read as  
10 follows:

11           "County" means the county in respect of which each  
12 commission has jurisdiction under this chapter [~~provided that~~  
13 ~~in the county of Kalawao liquor may be sold only by such persons~~  
14 ~~and only under such conditions as may be permitted or prescribed~~  
15 ~~from time to time by the department of health]."~~

16           SECTION 15. Section 326-24, Hawaii Revised Statutes, is  
17 amended to read as follows:

18           "**§326-24 Rules.** The director of health may adopt rules  
19 pursuant to chapter 91 necessary for the conduct of all matters  
20 pertaining to Hansen's disease, the treatment and care thereof,  
21 and other services provided to persons affected with Hansen's



1 disease, and the full and complete governance of the county of  
2 Kalawao, except as limited by this chapter."

3 amended to read as follows:

4 "§326-24 Rules. The director of health may adopt rules  
5 pursuant to chapter 91 necessary for the conduct of all matters  
6 pertaining to Hansen's disease, the treatment and care thereof,  
7 and other services provided to persons affected with Hansen's  
8 disease, [~~and the full and complete governance of the county of~~  
9 ~~Kalawao,~~] except as limited by this chapter."

10 SECTION 16. Section 326-29, Hawaii Revised Statutes, is  
11 amended to read as follows:

12 "§326-29 Fishing laws exemption; Kalaupapa.

13 Notwithstanding any provision of law to the contrary, state laws  
14 on fishing shall not be applicable to Hansen's disease patients  
15 of Kalaupapa, provided the patients engage in fishing along the  
16 shorelines and in waters immediately adjacent to the [~~county of~~  
17 ~~Kalawao,~~] portion of the island of Molokai known as Kalaupapa,  
18 Kalawao, and Waikolu, and commonly known or designated as the  
19 Kalaupapa settlement.

20 No fish or other marine products obtained by patients may  
21 be sold outside of the [~~county of Kalawao,~~] portion of the



1 island of Molokai known as Kalaupapa, Kalawao, and Waikolu, and  
2 commonly known or designated as the Kalaupapa settlement.

3 The department of health shall adopt rules pursuant to  
4 chapter 91 necessary to control all fishing and acquisition of  
5 marine products by Hansen's disease patients."

6 SECTION 17. Section 329D-2, Hawaii Revised Statutes, is  
7 amended by amending subsection (d) to read as follows:

8 "(d) The department shall issue eight dispensary licenses  
9 statewide; provided that three dispensary licenses shall be  
10 issued for the city and county of Honolulu, two dispensary  
11 licenses each shall be issued for the county of Hawaii and the  
12 county of Maui, and one dispensary license shall be issued for  
13 the county of Kauai [~~; provided further that no dispensary~~  
14 ~~license shall be issued for the county of Kalawao~~]."

15 SECTION 18. Section 431:10C-119, Hawaii Revised Statutes,  
16 is amended by amending subsection (a) to read as follows:

17 "(a) Prior to licensing an insurer to transact a motor  
18 vehicle insurance business in this State, the commissioner:

- 19 (1) Shall effect a thorough examination of the insurer's  
20 business experience, financial soundness, and general  
21 reputation as an insurer in this and other states. In



1           the discretion of the commissioner, this examination  
2           may include an examination of any or all of the  
3           business records of the insurer, and an audit of all  
4           or any part of the insurer's motor vehicle insurance  
5           business, each to be performed by the commissioner's  
6           staff or by independent consultants. No license shall  
7           be issued until the commissioner is satisfied as to  
8           the business experience, financial solvency, and the  
9           economic soundness of the insurer;

10          (2) Except for a member-owned reciprocal insurer and its  
11          wholly owned insurer subsidiaries, as specified in  
12          subsection (c), shall require of each insurer, and  
13          determine that satisfactory arrangements have been  
14          made for, the provision of a complete sales and claims  
15          service office in the State; provided that the  
16          establishment and maintenance of an office by licensed  
17          producers of an insurer in every county the insurer  
18          does business shall meet the requirements of this  
19          paragraph; [~~provided further that the preceding shall~~  
20          ~~not be required for the county of Kalawao;~~] and



1 (3) Notwithstanding any other requirements of this section  
 2 or of the insurance code, may require a bond in a  
 3 reasonable amount and with deposits or sureties  
 4 determined in the commissioner's discretion of any  
 5 applicant for a license hereunder. The commissioner  
 6 may, at any time, make and enforce such a requirement  
 7 of any licensed insurer or self-insurer."

8 SECTION 19. Section 445-13, Hawaii Revised Statutes, is  
 9 amended to read as follows:

10 "**§445-13 License inspectors.** [~~The deputy sheriff of~~  
 11 ~~Kalawao, any~~] Any police officer[~~7~~] or any authorized  
 12 representative of the county director of finance duly authorized  
 13 by a chief of police shall be ex officio license inspectors of  
 14 the counties for which they are appointed or authorized, and as  
 15 such, they shall from time to time report to the county director  
 16 of finance the names of all persons within the county who are  
 17 liable for the payment of license fees."

18 SECTION 20. Section 804-5, Hawaii Revised Statutes, is  
 19 amended to read as follows:

20 "**§804-5 By whom allowed.** In cases where the punishment  
 21 for the offense charged may be imprisonment for life not subject



1 to parole, or imprisonment for a term more than ten years with  
 2 or without fine, a judge or justice of a court of record,  
 3 including a district judge, shall be competent to admit the  
 4 accused to bail, in conformity with sections 804-3 to 804-6. In  
 5 all other cases, the accused may be so admitted to bail by any  
 6 judge or justice of a court of record, including a district  
 7 judge, and in cases, except under section 712-1207, where the  
 8 punishment for the offense charged may not exceed two years'  
 9 imprisonment with or without fine, the sheriff, the sheriff's  
 10 deputy, the chief of police or any person named by the chief of  
 11 police, [~~or the sheriff of Kalawao,~~] regardless of the circuit  
 12 within which the alleged offense was committed, may admit the  
 13 accused person to bail. The court shall impose conditions of  
 14 release or bail that are the least restrictive conditions  
 15 required to ensure the accused's appearance and to protect the  
 16 public."

17 SECTION 21. Section 326-34, Hawaii Revised Statutes, is  
 18 repealed.

19 [~~"§326-34 County of Kalawao; governance. (a) The county~~  
 20 ~~of Kalawao shall consist of that portion of the island of~~  
 21 ~~Molokai known as Kalaupapa, Kalawao, and Waikolu, and commonly~~





1 ~~known or designated as the Kalaupapa Settlement, and shall not~~  
2 ~~be or form a portion of the county of Maui, but is constituted a~~  
3 ~~county by itself. As a county it shall have only the powers~~  
4 ~~especially conferred and given by sections 326-34 to 326-38 and,~~  
5 ~~except as provided in those sections, none of the provisions of~~  
6 ~~the Hawaii Revised Statutes regarding counties shall be deemed~~  
7 ~~to refer to or shall be applicable to the county of Kalawao.~~

8 ~~(b) The county of Kalawao shall be under the jurisdiction~~  
9 ~~and control of the department of health and be governed by the~~  
10 ~~laws, and rules relating to the department and the care and~~  
11 ~~treatment of persons affected with Hansen's disease, except as~~  
12 ~~otherwise provided by law." ]~~

13 SECTION 22. Section 326-35, Hawaii Revised Statutes, is  
14 repealed.

15 [~~"§326-35 Sheriff, appointment, removal. There shall be~~  
16 ~~no county officer in the county other than a sheriff, who shall~~  
17 ~~be a patient resident of and be appointed in the county by the~~  
18 ~~department of health and who shall hold office at the pleasure~~  
19 ~~of the department or until a successor is appointed by the~~  
20 ~~department. When a qualified patient resident is not available,~~



1 ~~the department may appoint a staff employee or other qualified~~  
2 ~~person to serve as sheriff." ]~~

3 SECTION 23. Section 326-36, Hawaii Revised Statutes, is  
4 repealed.

5 [~~"§326-36 Sheriff, salary. The salary of the sheriff~~  
6 ~~shall be fixed and paid by the department of health out of the~~  
7 ~~appropriation allowed by the legislature for the care and~~  
8 ~~treatment of persons affected with Hansen's disease." ]~~

9 SECTION 24. Section 326-37, Hawaii Revised Statutes, is  
10 repealed.

11 [~~"§326-37 Sheriff, duties. The sheriff of the county of~~  
12 ~~Kalawao shall preserve the public peace and shall arrest and~~  
13 ~~take before the district judge for examination all persons who~~  
14 ~~attempt to commit or who have committed a public offense and~~  
15 ~~prosecute the same to the best of the sheriff's ability." ]~~

16 SECTION 25. Section 326-38, Hawaii Revised Statutes, is  
17 repealed.

18 [~~"§326-38 Sheriff, powers. The sheriff may appoint and~~  
19 ~~dismiss and reappoint as many police officers as may be~~  
20 ~~authorized by the department of health for the county. Patient~~  
21 ~~residents, for the services rendered as police officers, shall~~



1 ~~receive pay as the department determines and which pay shall be~~  
 2 ~~taken out of and from the appropriation made by the legislature~~  
 3 ~~for the care and treatment of persons affected with Hansen's~~  
 4 ~~disease. The sheriff shall have other powers and duties within~~  
 5 ~~the county of Kalawao and appropriate thereto as are prescribed~~  
 6 ~~by law for the chiefs of police or police officers of the~~  
 7 ~~several counties respectively." ]~~

8 SECTION 26. Statutory material to be repealed is bracketed  
 9 and stricken. New statutory material is underscored.

10 SECTION 27. This Act shall take effect on January 2, 2025.

11

INTRODUCED BY: \_\_\_\_\_

*Sam*

By Request

JAN 18 2022



# H.B. NO. 1444

**Report Title:**

Maui County Council Package; Kalawao County; Maui County;  
Department of Health

**Description:**

Abolishes Kalawao County and incorporates the area into Maui  
County.

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

