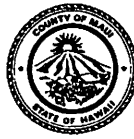


Council Chair
Alice L. Lee

Vice-Chair
Keani N.W. Rawlins-Fernandez

Presiding Officer Pro Tempore
Tasha Kama

Councilmembers
Gabe Johnson
Kelly Takaya King
Michael J. Molina
Tamara Paltin
Shane M. Sinenci
Yuki Lei K. Sugimura



COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

September 9, 2021

Director of Council Services
Traci N. T. Fujita, Esq.
Deputy Director of Council Services
David M. Raatz, Jr., Esq.

RECEIVED
2021 SEP -9 AM 11:45
OFFICE OF THE
COUNTY CLERK

The Honorable Alice L. Lee
Council Chair
County of Maui
Wailuku, Hawaii 96793

Dear Chair Lee:

**SUBJECT: 2022 MAUI COUNTY COUNCIL LEGISLATIVE
PACKAGE (GREAT-4)**

May I request the attached proposed resolutions be placed on the next Council meeting agenda:

1. A proposed resolution entitled "APPROVING FOR INCLUSION IN THE 2022 MAUI COUNTY COUNCIL LEGISLATIVE PACKAGE A STATE BILL TO ESTABLISH CRIMINAL OFFENSES OF UNLAWFUL CHOP SHOP ACTIVITY;"
2. A proposed resolution entitled "APPROVING FOR INCLUSION IN THE 2022 MAUI COUNTY COUNCIL LEGISLATIVE PACKAGE A STATE BILL TO ALLOW COUNTY REGULATION OF NOISE NUISANCES STRICTER THAN DEPARTMENT OF HEALTH RULES;"
3. A proposed resolution entitled "APPROVING FOR INCLUSION IN THE 2022 MAUI COUNTY LEGISLATIVE PACKAGE A STATE BILL RELATING TO HIGHWAY IMPROVEMENTS IN THE COUNTY OF MAUI;" and

COUNTY COMMUNICATION NO. 21-444

The Honorable Alice L. Lee
Council Chair
September 9, 2021
Page 2

4. A proposed resolution entitled "APPROVING FOR INCLUSION IN THE 2022 MAUI COUNTY COUNCIL LEGISLATIVE PACKAGE A STATE BILL TO INCORPORATE KALAUPAPA SETTLEMENT INTO MAUI COUNTY."

Sincerely,

A handwritten signature in black ink, appearing to read "Michael J. Molina". The signature is fluid and cursive, with the first name "Michael" being more prominent.

MICHAEL J. MOLINA, Chair
Government Relations, Ethics, and
Transparency Committee

great:ltr:004ach01:ske

Enclosure

Resolution

No. _____

APPROVING FOR INCLUSION IN THE 2022
MAUI COUNTY COUNCIL LEGISLATIVE
PACKAGE A STATE BILL TO ESTABLISH
CRIMINAL OFFENSES OF UNLAWFUL CHOP
SHOP ACTIVITY

WHEREAS, a “chop shop” is a place of criminal activity, often mimicking a legitimate auto body or repair shop, where stolen motor vehicles or motor vehicle parts are taken to be altered to conceal their true identity; and

WHEREAS, chop shop activity may include the theft of motor vehicles and motor vehicle parts, defacing vehicle identification numbers, re-stamping false vehicle identification numbers into stolen vehicles, and re-sale of these stolen vehicles to unsuspecting, innocent buyers; and

WHEREAS, according to a “Crime in the U.S. 2019” report by the Federal Bureau of Investigation’s Criminal Justice Information Services Division, Hawai‘i had the third-highest motor vehicle theft rate in the nation at 371.1 per 100,000 people; and

WHEREAS, in 2019, the Maui Police Department reported 661 motor vehicle theft offenses and \$4,421,246 in stolen motor vehicle property; and

WHEREAS, there is no State statute covering the criminal misconduct of chop shop activity, and the need for such a statute has been established through numerous auto theft investigations that led to the discovery of chop shop activity as part of the criminal misconduct; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That the proposed State bill, attached as Exhibit “A,” to establish criminal offenses of unlawful chop shop activity, is approved for inclusion in the 2022 Maui County Council Legislative Package; and

Resolution No. _____

2. That certified copies of this Resolution be transmitted to the Mayor and Chief of Police.

paf:kmat:21-216b

____.B. NO.____

A BILL FOR AN ACT

RELATING TO UNLAWFUL CHOP SHOP ACTIVITY.

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

1 SECTION 1. The legislature finds that a chop shop is street
2 vernacular for a location where stolen motor vehicles or motor
3 vehicle parts are taken to be altered to conceal their true
4 identity. Chop shop activity may include the theft of motor
5 vehicles and motor vehicle parts, defacing vehicle identification
6 numbers, re-stamping false vehicle identification numbers into
7 stolen vehicles, and the re-sale of these stolen vehicles to
8 unsuspecting, innocent buyers.

9 The purpose of this Act is to establish the criminal offenses
10 of unlawful chop shop activity in the first and second degree, and
11 to provide for the forfeiture of property connected with chop shop
12 activity.

13 SECTION 2. Chapter 708, Hawaii Revised Statutes, is amended
14 by adding a new part to be appropriately designated and to read as
15 follows:

16 **"PART**

17 **UNLAWFUL CHOP SHOP ACTIVITY**

18 **§708- Definitions.** As used in this part:

____.B. NO. _____

1 "Chop shop" means:

2 (1) Any building, lot, or other premises that is used to
3 store, destroy, dismantle, disassemble, or reassemble a motor
4 vehicle or two or more motor vehicle parts that the person knows
5 to have been stolen; or

6 (2) Any building lot, or other premises that is used to
7 alter, conceal, disguise, or remove the vehicle identification
8 number of at least one motor vehicle or two or more motor vehicle
9 parts from at least one motor vehicle that the person knows to
10 have been stolen.

11 "Motor vehicle" means any automobile, motorcycle, motorboat,
12 or other motor-propelled vehicle.

13 "Vehicle identification number" means the number that the
14 manufacturer or a governmental agency assigns to a motor vehicle
15 for the purpose of identifying the motor vehicle or a major
16 component part of the motor vehicle. "Vehicle identification
17 number" includes any combination of numbers or letters.

18 **§708- Unlawful chop shop activity.** A person commits
19 unlawful chop shop activity if the person knowingly:

20 (a) Owns or operates a chop shop;

21 (b) Transports a stolen motor vehicle or two or more stolen
22 motor vehicle parts to or from a chop shop;

____.B. NO. _____

1 (c) Sells or transfers to, or purchases or receives from a
2 chop shop a stolen motor vehicle or two or more stolen motor
3 vehicle parts; or

4 (d) Conducts or participates in the conduct of the affairs
5 of any chop shop by:

6 (A) Storing, destroying, dismantling, disassembling, or
7 reassembling a stolen motor vehicle or two or more stolen motor
8 vehicle parts; or

9 (B) Altering, concealing, disguising, or removing the
10 vehicle identification number of at least one stolen motor vehicle
11 or two or more motor vehicle parts from at least one stolen motor
12 vehicle.

13 **§708- Unlawful chop shop activity in the first degree. (1)**

14 A person commits the offense of unlawful chop shop activity in the
15 first degree if the person commits unlawful chop shop activity and
16 the total value of all stolen motor vehicles or stolen motor
17 vehicle parts stored, transported, sold, transferred, purchased,
18 received, destroyed, dismantled, disassembled, reassembled, or
19 made unidentifiable by altering, concealing, disguising, or
20 removing the vehicle identification number of the motor vehicle or
21 motor vehicle parts by the person is equal to or greater than
22 \$250,000.

____.B. NO. _____

(2) Unlawful chop shop activity in the first degree is a class A felony.

§708- Unlawful chop shop activity in the second degree.

(1) A person commits the offense of unlawful chop shop activity in the second degree if the person commits unlawful chop shop activity and the total value of all stolen motor vehicles or stolen motor vehicle parts stored, transported, sold, transferred, purchased, received, destroyed, dismantled, disassembled, reassembled, or made unidentifiable by altering, concealing, disguising, or removing the vehicle identification number of the motor vehicle or motor vehicle parts by the person is less than \$250,000, but equal to or greater than \$100,000.

(2) Unlawful chop shop activity in the second degree is a class B felony.

§708- Forfeiture of property connected with chop shop activity. Any motor vehicle, motor vehicle part, tool, implement, or real property possessed or used in violation of this part, or any money obtained in violation of this part may be ordered forfeited to the State, subject to the requirements of chapter 712A.""

SECTION 3. Statutory material to be repealed is bracketed and in strikethrough. New statutory material is underscored.

____.B. NO. ____

1 SECTION 4. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

4 SECTION 5. This Act shall take effect upon its approval.

5

6 INTRODUCED BY: _____

7

8 paf:kmatt:21-216a

Resolution

No. _____

APPROVING FOR INCLUSION IN THE 2022
MAUI COUNTY COUNCIL LEGISLATIVE
PACKAGE A STATE BILL TO ALLOW COUNTY
REGULATION OF NOISE NUISANCES STRICTER
THAN DEPARTMENT OF HEALTH RULES

WHEREAS, noise emanating from mechanized agricultural activities, equipment, or machinery often presents unique challenges to adjacent residential communities; and

WHEREAS, the State Department of Health's administrative rules on agricultural noise stipulate the maximum allowable noise at 70 decibels, both day and night, permitted by agriculture activities; and

WHEREAS, county ordinances regulating agricultural noise, whether stricter or more lenient than the Department of Health's rules, are ineffective under State law; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That the proposed State bill, attached as Exhibit "A," to allow counties to regulate agricultural noise is approved for inclusion in the 2022 Maui County Council Legislative Package; and
2. That certified copies of this Resolution be transmitted to the Governor of the State of Hawaii, the President of the State Senate, the Speaker of the State House of Representatives, the County's delegation to the State Legislature, the Mayor of the County of Maui, and the Corporation Counsel.

____.B. NO.____

A BILL FOR AN ACT

RELATING TO REGULATION OF CERTAIN PUBLIC NUISANCES.

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

1 SECTION 1. The legislature finds that noises emanating from
2 mechanized agricultural activities, equipment, or machinery, and
3 in particular noises from industrial sized air handling units or
4 fans, may present a unique nuisance to adjacent residential
5 communities, requiring local regulation stricter than the
6 department of health regulations to address the condition.

7 The purpose of this Act is to allow counties to regulate
8 agricultural noise by ordinance in manner more exacting and
9 stricter than rule adopted by the department of health on noise
10 nuisances under authority of chapter 342F.

11 SECTION 2. Chapter 46, Hawaii Revised Statutes, is amended
12 by amending section 46-17 to read as follows:

13 **"§46-17 Regulation of certain public nuisances.** Any
14 provision of law to the contrary notwithstanding, the council of
15 any county may adopt and provide for the enforcement of ordinances
16 regulating or prohibiting noise, smoke, dust, vibration, or odors
17 which constitute a public nuisance. No such ordinance shall be
18 held invalid on the ground that it covers any subject or matter

____.B. NO. _____

1 embraced within any statute or rule of the State; provided that in
2 any case of conflict between a statute or rule and an ordinance,
3 the law affording the most protection to the public shall apply,
4 with the exception that:

5 (1) An ordinance shall not be effective to the extent that
6 it is inconsistent with any permit for agricultural burning granted
7 by the department of health under authority of chapter 342B, or to
8 the extent that it prohibits, subjects to fine or injunction, or
9 declares to be a public nuisance any agricultural burning conducted
10 in accordance with such a permit; and

11 (2) An ordinance shall not be effective to the extent that
12 it is [~~inconsistent with~~] less stringent than any noise rule
13 adopted by the department of health under authority of chapter
14 342F."

15 SECTION 3. Statutory material to be repealed is bracketed
16 and in strikethrough. New statutory material is underscored.

17 SECTION 4. This Act does not affect rights and duties that
18 matured, penalties that were incurred, and proceedings that were
19 begun before its effective date.

20 SECTION 5. This Act shall take effect upon its approval.

21
22 INTRODUCED BY: _____

23 paf:rem:21-208a

Resolution

No. _____

APPROVING FOR INCLUSION IN THE 2022
MAUI COUNTY LEGISLATIVE PACKAGE A
STATE BILL RELATING TO HIGHWAY
IMPROVEMENTS IN THE COUNTY OF MAUI

WHEREAS, Hāna Highway spans over 64 miles and features 620 curves and 59 bridges, attracting many visitors to enjoy abundant rainforests, picturesque waterfalls, and dramatic seascapes; and

WHEREAS, with stresses of climate change, overcrowding, and everyday wear and tear on Hāna Highway, and the connecting Pi'ilani Highway, the road conditions pose safety hazards for motorists and liability for the State and County; and

WHEREAS, maintenance and repair of Hāna Highway and Pi'ilani Highway including resurfacing of the road, reinforcement of bridges, improvement of reflective paint and signage, and clearing of vegetation from signage and turnouts are crucial to improve its overall safety conditions; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That the proposed State bill, attached as Exhibit "A," to authorize the State Director of Finance to issue General Obligation Bonds and appropriate the same amount for the Fiscal Year 2022-2023 for repair and maintenance of Hāna Highway and Pi'ilani Highway, is approved for inclusion in the 2022 Maui County Legislative Package; and
2. That certified copies of this Resolution be transmitted to the Mayor and the Director of Public Works.

Exhibit "A"

____.B. NO. _____

A BILL FOR AN ACT

RELATING TO HIGHWAY IMPROVEMENTS IN THE COUNTY OF MAUI.

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

1 SECTION 1. The director of finance is authorized to issue
2 general obligation bonds in the sum of \$20,000,000 or so much
3 thereof as may be necessary and the same sum or so much thereof
4 as may be necessary is appropriated for fiscal year 2022-2023
5 for the repair and maintenance of feeder roads and alternate
6 routes for Hāna Highway and Pi'ilani Highway and any portion of
7 those highways under the jurisdiction of the county of Maui.

8 The sum appropriated shall be expended by the county of
9 Maui for the purposes of this Act.

10 SECTION 2. The appropriation made for the capital
11 improvement project authorized by this Act shall not lapse at
12 the end of the fiscal biennium for which the appropriation is
13 made; provided that all moneys from the appropriation
14 unencumbered as of June 30, 2025, shall lapse as of that date.

15 SECTION 3. This Act shall take effect on July 1, 2022.

16
17 INTRODUCED BY: _____

____.B. NO. _____

1 paf:kmat:21-258a

Resolution

No. _____

APPROVING FOR INCLUSION IN THE 2022
MAUI COUNTY COUNCIL LEGISLATIVE
PACKAGE A STATE BILL TO INCORPORATE
KALAUPAPA SETTLEMENT INTO MAUI COUNTY

WHEREAS, in 1865 the Kingdom of Hawai'i passed "An Act to Prevent the Spread of Leprosy," and designated Kalaupapa on the Island of Moloka'i as the place where those with leprosy, or Hansen's disease, would reside; and

WHEREAS, in 1905; the Territorial Legislature passed the County Act, forming county governance and placing Kalawao County under the jurisdiction of the Department of Health, with the Director of Health serving as the Mayor of Kalawao County; and

WHEREAS, at its peak, about 1,200 men, women, and children were in exile at Kalaupapa; and

WHEREAS, today, there are about 10 remaining patients at Kalaupapa; and

WHEREAS, the significant reduction in the number of patients no longer necessitates the governance of the Department of Health; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That the proposed State bill, attached as Exhibit "A," to incorporate the Kalaupapa Settlement into Maui County, is approved for inclusion in the 2022 Maui County Council Legislative Package; and
2. That verified copies of this Resolution be transmitted to the Mayor Michael P. Victorino.

____.B. NO.____

A BILL FOR AN ACT

RELATING TO KALAWAO COUNTY.

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 Maui County.

8 Section 2. Section 4-1, Hawaii Revised Statutes, is amended
9 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 of
14 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;

____.B. NO. _____

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

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

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

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

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

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

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

and

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

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

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

(B) Hamakualoa, Hamakuapoko, portion of Kula, and Honuaula, the western boundary being a line starting from the sea at Kapukaulua on the boundary between the ahupuaas of Haliimaile and Wailuku, thence running inland following the boundary to the mauka side of the Lowrie ditch, thence following the mauka side of the ditch and its projected extension to the Waiakoa gulch which

____.B. NO. _____

1 is the boundary between the ahupuaas of Pulehunui and Waiakoa,
2 thence down along the boundary to the mauka boundary of the Waiakoa
3 Homesteads (makai section), thence along the boundary to the
4 ahupuaa of Kaonoulu, thence across the ahupuaa of Kaonoulu to the
5 mauka boundary of the Waiohuli-Keokea Beach Homesteads, thence
6 along the boundary to the mauka boundary of the Kamaole Homesteads,
7 thence along the boundary and the extension thereof to the north
8 boundary of the ahupuaa of Paeahu, thence along the boundary to
9 the sea, and including the island of Kahoolawe, to be styled the
10 Makawao district;

11 (C) All that portion of central Maui lying east of a
12 line along the boundary of the ahupuaas of Kahakuloa and Honokohau
13 to the peak of Eke crater, thence along the ridge of mountains and
14 down the bottom of Manawainui gulch to the sea, and west of the
15 boundary of Makawao district, to be styled Wailuku district;

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

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

____.B. NO. _____

1 ~~[(F) All that portion of the island of Molokai known as~~
2 ~~Kalaupapa, Kalawao, and Waikolu forming the county of Kalawao, to~~
3 ~~be styled the Kalawao district; and]~~

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

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

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

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

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

15 (D) From Kaena point to and including Waialeale Stream
16 excluding Wahiawa, hereinafter described, to be styled the Waialua
17 district;

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

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

____.B. NO. _____

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

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

19 (A) From Makapuu Head in Maunalua to Moanalua inclusive,
20 and the islands not included in any other district, to be styled
21 the Honolulu district;

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

____.B. NO. _____

1 (C) Waianae excluding Waianae Uka, to be styled the
2 Waianae district;

3 (D) From Kaena point to and including the ahupuaa of
4 Waimea excluding Wahiawa, hereinafter described, to be styled the
5 Waialua district;

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

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

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

____.B. NO. _____

1 of Wahiawa to the Koolau range; thence along the Koolau range to
2 the beginning; to be styled the Wahiawa district.

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

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

7 (B) From and including the ili of Eleele to and including
8 Mahaulepu, to be styled the Koloa district;

9 (C) From and including Kipu to the northerly bank of the
10 north fork and the main Wailua river, to be styled the Lihue
11 district;

12 (D) From the northerly bank of the north fork and the
13 main Wailua river to Kealaakaiole, to be styled the Kawaihau
14 district; and

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

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

19 "'County", the counties of Hawaii, Maui, Kauai, and the city
20 and county of Honolulu, as the context may require. [~~For the~~
21 ~~purposes of this title, the county of Kalawao shall be deemed to~~
22 ~~be included in the county of Maui.~~]"

____.B. NO. _____

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

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

SECTION 5. Section 23.81, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

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

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

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

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

(B) Operating senior citizens housing facilities qualifying for loans under the United States Housing Act of 1959, as amended;

____.B. NO. _____

1 (C) Operating legal service plans; or

2 (D) Operating or managing homeless facilities or other
3 programs for the homeless;

4 (3) Section 237-23(a)(5)--Business leagues, chambers of
5 commerce, boards of trade, civic leagues, agricultural and
6 horticultural organizations, and organizations operated
7 exclusively for the benefit of the community or promotion of social
8 welfare, including legal service plans;

9 (4) Section 237-23(a)(6)--Hospitals, infirmaries, and
10 sanitararia;

11 (5) Section 237-23(a)(7)--Tax-exempt potable water companies
12 serving residential communities lacking access to public utility
13 water services;

14 (6) Section 237-23(a)(8)--Agricultural cooperative
15 associations incorporated under state or federal law;

16 (7) Section 237-23(a)(9)--Persons affected with Hansen's
17 disease and kokuas with respect to business within the [~~county of~~
18 ~~Kalawao~~] portion of the island of Molokai known as Kalaupapa,
19 Kalawao, and Waikolu, and commonly known or designated as the
20 Kalaupapa Settlement;

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

____.B. NO. _____

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

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

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

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

9 "(a) There is established a community council on purchase of
10 health and human services. The community council shall be
11 comprised of no more than nine voting members, and one non-voting,
12 ex-officio member of the interagency committee on purchase of
13 health or human services designated by the majority of the members
14 of the committee. There shall be a member from each county[~~7~~
15 ~~except the county of Kalawao,~~] and up to five members interested
16 in health, human services, employment, or the provision of services
17 to children and youth."

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

21 "'County" means the city and county of Honolulu, and the
22 counties of Hawaii, Kauai, and Maui[~~; provided that the county of~~

____.B. NO. _____

1 ~~Maui shall include the county of Kalawao for the purposes of this~~
2 ~~chapter]."~~

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

6 "'County" means any of the political subdivisions of the
7 State, including the counties of Hawaii, Maui, and Kauai and the
8 city and county of Honolulu[, ~~but does not include the county of~~
9 ~~Kalawao]."~~

10 SECTION 10. Section 128E-4, Hawaii Revised Statutes, is
11 amended as follows:

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

16 SECTION 11. Section 231-2, Hawaii Revised Statutes, is
17 amended as follows:

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

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

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

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

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

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

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

(1) Public service companies as that term is defined in section 239-2, with respect to the gross income, either actual gross income or gross income estimated and adjusted, that is included in the measure of the tax imposed by chapter 239;

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

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

(4) Corporations, associations, trusts, or societies organized and operated exclusively for religious, charitable,

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1 scientific, or educational purposes, as well as that of operating
2 senior citizens housing facilities qualifying for a loan under the
3 laws of the United States as authorized by section 202 of the
4 Housing Act of 1959, as amended, as well as that of operating a
5 legal service plan, as well as that of operating or managing a
6 homeless facility, or any other program for the homeless authorized
7 under part XVII of chapter 346;

8 (5) Business leagues, chambers of commerce, boards of trade,
9 civic leagues, agricultural and horticultural organizations, and
10 organizations operated exclusively for the benefit of the
11 community and for the promotion of social welfare that shall
12 include the operation of a legal service plan, and from which no
13 profit inures to the benefit of any private stockholder or
14 individual;

15 (6) Hospitals, infirmaries, and sanitararia;

16 (7) Companies that provide potable water to residential
17 communities that lack any access to public utility water services
18 and are tax exempt under section 501(c)(12) of the Internal Revenue
19 Code of 1986, as amended;

20 (8) Cooperative associations incorporated under chapter 421
21 or Code section 521 cooperatives which fully meet the requirements

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1 of section 421-23, except Code section 521 cooperatives need not
2 be organized in Hawaii; provided that:

3 (A) The exemption shall apply only to the gross income
4 derived from activities that are pursuant to purposes and powers
5 authorized by chapter 421, except those provisions pertaining to
6 or requiring corporate organization in Hawaii do not apply to Code
7 section 521 cooperatives;

8 (B) The exemption shall not relieve any person who
9 receives any proceeds of sale from the association of the duty of
10 returning and paying the tax on the total gross proceeds of the
11 sales on account of which the payment was made, in the same amount
12 and at the same rate as would apply thereto had the sales been
13 made directly by the person, and all those persons shall be so
14 taxable; and

15 (C) As used in this paragraph, "Code section 521
16 cooperatives" mean associations that qualify as a cooperative
17 under section 521 (with respect to exemption of farmers'
18 cooperatives from tax) of the Internal Revenue Code of 1986, as
19 amended;

20 (9) Persons affected with Hansen's disease and kokuas, with
21 respect to business within [~~the county of Kalawao~~] Kalaupapa,

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1 Kalawao, and Waikolu, commonly known or designated as the Kalaupapa
2 settlement;

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

12 (11) Nonprofit shippers associations operating under part
13 296 of the Civil Aeronautics Board Economic Regulations."

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

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

21 SECTION 14. Section 326-24, Hawaii Revised Statutes, is
22 amended as follows:

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1 "**§326-24 Rules.** The director of health may adopt rules
2 pursuant to chapter 91 necessary for the conduct of all matters
3 pertaining to Hansen's disease, the treatment and care thereof,
4 and other services provided to persons affected with Hansen's
5 disease[, and the full and complete governance of the county of
6 Kalawao], except as limited by this chapter."

7 SECTION 15. Section 326-34, Hawaii Revised Statutes, is
8 repealed.

9 [~~"**§326-34 County of Kalawao; governance.** (a) The county of~~
10 ~~Kalawao shall consist of that portion of the island of Molokai~~
11 ~~known as Kalaupapa, Kalawao, and Waikolu, and commonly known or~~
12 ~~designated as the Kalaupapa Settlement, and shall not be or form~~
13 ~~a portion of the county of Maui, but is constituted a county by~~
14 ~~itself. As a county it shall have only the powers especially~~
15 ~~conferred and given by sections 326-34 to 326-38 and, except as~~
16 ~~provided in those sections, none of the provisions of the Hawaii~~
17 ~~Revised Statutes regarding counties shall be deemed to refer to or~~
18 ~~shall be applicable to the county of Kalawao.~~

19 ~~(b) The county of Kalawao shall be under the jurisdiction and~~
20 ~~control of the department of health and be governed by the laws,~~
21 ~~and rules relating to the department and the care and treatment of~~

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1 ~~persons affected with Hansen's disease, except as otherwise~~
2 ~~provided by law."]~~

3 SECTION 16. Section 326-35, Hawaii Revised Statutes, is
4 repealed.

5 [~~"There shall be no county officer in the county other than~~
6 ~~a sheriff, who shall be a patient resident of and be appointed in~~
7 ~~the county by the department of health and who shall hold office~~
8 ~~at the pleasure of the department or until a successor is appointed~~
9 ~~by the department. When a qualified patient resident is not~~
10 ~~available, the department may appoint a staff employee or other~~
11 ~~qualified person to serve as sheriff."]~~

12 SECTION 17. Section 326-36, Hawaii Revised Statutes, is
13 repealed.

14 [~~"The salary of the sheriff shall be fixed and paid by the~~
15 ~~department of health out of the appropriation allowed by the~~
16 ~~legislature for the care and treatment of persons affected with~~
17 ~~Hansen's disease."]~~

18 SECTION 18. Section 326-37, Hawaii Revised Statutes, is
19 repealed.

20 [~~"The sheriff of the county of Kalawao shall preserve the~~
21 ~~public peace and shall arrest and take before the district judge~~
22 ~~for examination all persons who attempt to commit or who have~~

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1 ~~committed a public offense and prosecute the same to the best of~~
2 ~~the sheriff's ability."]~~

3 SECTION 19. Section 326-38, Hawaii Revised Statutes, is
4 repealed.

5 [~~"The sheriff may appoint and dismiss and reappoint as many~~
6 ~~police officers as may be authorized by the department of health~~
7 ~~for the county. Patient residents, for the services rendered as~~
8 ~~police officers, shall receive pay as the department determines~~
9 ~~and which pay shall be taken out of and from the appropriation~~
10 ~~made by the legislature for the care and treatment of persons~~
11 ~~affected with Hansen's disease. The sheriff shall have other powers~~
12 ~~and duties within the county of Kalawao and appropriate thereto as~~
13 ~~are prescribed by law for the chiefs of police or police officers~~
14 ~~of the several counties respectively."]~~

15 SECTION 20. Section 329D-2, Hawaii Revised Statutes, is
16 amended by amending subsection (d) to read as follows:

17 "(d) The department shall issue eight dispensary licenses
18 statewide; provided that three dispensary licenses shall be issued
19 for the city and county of Honolulu, two dispensary licenses each
20 shall be issued for the county of Hawaii and the county of Maui,
21 and one dispensary license shall be issued for the county of

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1 Kauai [~~; provided further that no dispensary license shall be issued~~
2 ~~for the county of Kalawao~~]."

3 SECTION 21. Section 431:10C-119, Hawaii Revised Statutes, is
4 amended by amending subsection (a) to read as follows:

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

7 (1) Shall effect a thorough examination of the insurer's
8 business experience, financial soundness, and general reputation
9 as an insurer in this and other states. In the discretion of the
10 commissioner, this examination may include an examination of any
11 or all of the business records of the insurer, and an audit of all
12 or any part of the insurer's motor vehicle insurance business,
13 each to be performed by the commissioner's staff or by independent
14 consultants. No license shall be issued until the commissioner is
15 satisfied as to the business experience, financial solvency, and
16 the economic soundness of the insurer;

17 (2) Except for a member-owned reciprocal insurer and its
18 wholly owned insurer subsidiaries, as specified in subsection (c),
19 shall require of each insurer, and determine that satisfactory
20 arrangements have been made for, the provision of a complete sales
21 and claims service office in the State; provided that the
22 establishment and maintenance of an office by licensed producers

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1 of an insurer in every county the insurer does business shall meet
2 the requirements of this paragraph; [~~provided further that the~~
3 ~~preceding shall not be required for the county of Kalawao;~~] and

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

10 SECTION 22. Section 804-5, Hawaii Revised Statutes, is
11 amended as follows:

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

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1 any person named by the chief of police, [~~or the sheriff of~~
2 ~~Kalawao,~~] regardless of the circuit within which the alleged
3 offense was committed, may admit the accused person to bail. The
4 court shall impose conditions of release or bail that are the least
5 restrictive conditions required to ensure the accused's appearance
6 and to protect the public."

7 SECTION 23. Statutory material to be deleted is bracketed
8 and in strikethrough. New statutory material is underscored.

9 SECTION 24. This Act shall take effect on January 2, 2025.

10

11

INTRODUCED BY: _____