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# A BILL FOR AN ACT

RELATING TO SEWER SYSTEMS SERVICING ON HAWAIIAN HOME LANDS.

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

1           SECTION 1. The legislature finds that the sewer  
2 transmission lines and other sewerage facilities servicing lots  
3 located on Hawaiian home lands are or will be in need of  
4 improvement, repair, and maintenance. Many sewer lines and  
5 facilities servicing Hawaiian home lands are further integrated  
6 into the counties' overall sewer systems, and transmit sewage  
7 from properties located on and off Hawaiian home lands. The  
8 counties also constructed certain sewer systems on Hawaiian home  
9 lands, including the sewer system that services Hawaiian home  
10 lands lots in Papakolea on the island of Oahu.

11           In the past, the sewer systems servicing Hawaiian home  
12 lands that were constructed by the department of Hawaiian home  
13 lands have been licensed to the counties. In these cases, the  
14 relevant county reviewed the plans for the systems, inspected  
15 construction of the systems, and gave final approval for the  
16 systems prior to accepting the responsibility to operate,  
17 improve, repair, and maintain the systems.



1           The legislature also finds that the counties have  
2 historically collected and continue to collect sewer fees and  
3 other charges from lessees of Hawaiian home lands.

4           The legislature further finds that the counties are  
5 uniquely positioned to operate, improve, repair, maintain, and  
6 replace sewer transmission lines and other sewerage facilities.

7           This Act clarifies and confirms the counties' ownership of  
8 and obligation to operate, improve, repair, maintain, and  
9 replace existing sewer systems servicing Hawaiian home lands  
10 that the counties developed, constructed, operated, improved, or  
11 maintained, or for which the counties otherwise have obligations  
12 to operate, improve, repair, maintain, or replace.

13           This Act further requires the counties to accept dedication  
14 or license of and responsibility for other sewer systems  
15 servicing Hawaiian home lands upon demand by the department of  
16 Hawaiian home lands upon meeting certain conditions.

17           SECTION 2. Chapter 46, Hawaii Revised Statutes, is amended  
18 by adding a new section to be appropriately designated and to  
19 read as follows:

20           "§46-     County ownership of sewer transmission lines and  
21 facilities servicing Hawaiian home lands. (a) All sewer  
22 transmission lines and other sewerage facilities servicing



1 Hawaiian home lands existing on the effective date of this  
2 section, that were developed, constructed, operated, improved,  
3 or maintained by the counties, or for which the counties  
4 otherwise have obligations to operate, improve, repair, or  
5 maintain, are confirmed to be owned by the county in which the  
6 sewer lines and facilities, including those lines and facilities  
7 located on Hawaiian home lands, are located.

8 (b) Upon demand by the department of Hawaiian home lands,  
9 the counties shall accept, at the election of the department of  
10 Hawaiian home lands, license or dedication and ownership of any  
11 and all sewer transmission lines and other sewerage facilities  
12 servicing Hawaiian home lands and not subject to subsection (a),  
13 as may be identified by the department of Hawaiian home lands;  
14 provided that:

15 (1) Any sewer lines or other sewerage facilities not  
16 subject to subsection (a) and existing before the  
17 effective date of this section that the counties  
18 establish are not in substantial compliance with  
19 environmental laws and regulations pertaining to the  
20 dedication or license of the sewers to the counties at  
21 the time of construction shall be brought into



1           compliance with those laws and regulations prior to  
2           acceptance by the counties; and  
3           (2) Sewer transmission lines and other sewerage facilities  
4           completed after the effective date of this section  
5           shall comply with all applicable federal, state, and  
6           county environmental, design, and construction  
7           requirements prior to acceptance by the counties.  
8           (c) The counties shall have the general supervision,  
9           charge, and control of, and the duty to operate, improve,  
10          repair, and maintain, and shall not abandon or terminate the  
11          service of, the sewer transmission lines and other sewerage  
12          facilities that are confirmed to be owned by or are licensed or  
13          dedicated to them under this section without approval of the  
14          department of Hawaiian home lands; provided that approval shall  
15          not be unreasonably withheld if abandonment or termination is  
16          necessary. If sewer transmission lines or other sewerage  
17          facilities are abandoned or terminated, the counties shall make  
18          alternate sewer transmission lines and other facilities  
19          available to service the affected Hawaiian home lands."

20           SECTION 3. New statutory material is underscored.

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



**Report Title:**

Sewer Systems Servicing; Hawaiian Home Lands

**Description:**

Clarifies counties' ownership of and responsibility for certain existing sewer systems and facilities servicing Hawaiian Home Lands. Requires the counties to accept dedication or license of and responsibility for certain other sewer systems and facilities servicing Hawaiian Home Lands. (HB866 HD1)

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