

STAND. COM. REP. NO.

752

Honolulu, Hawaii

March 1, 2013

RE: H.B. No. 866
H.D. 2

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Sir:

Your Committee on Ocean, Marine Resources, & Hawaiian
Affairs, to which was referred H.B. No. 866, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO SEWER SYSTEMS SERVICING ON
HAWAIIAN HOME LANDS,"

begs leave to report as follows:

The purpose of this measure is to clarify counties' ownership
for certain existing sewer systems and facilities servicing
Hawaiian Home Lands and to require the counties to accept
dedication or license of and responsibility for certain other
sewer systems and facilities servicing Hawaiian Home Lands.

The Office of Hawaiian Affairs, the Department of Hawaiian
Home Lands, Hawaiian Affairs Caucus of the Democratic Party of
Hawaii, and an individual provided testimony in support of this
measure. The Department of Environmental Services of the City and
County of Honolulu provided testimony in opposition to this
measure.

Your Committee has amended this measure by changing its
effective date to July 1, 2020, for the purpose of facilitating
further discussion. Technical, nonsubstantive amendments were
also made for clarity, consistency, and style.

Your Committee notes that the Department of Environmental
Services of the City and County of Honolulu expressed the
following concerns regarding sewer lines on Oahu:

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- (1) Although it fully accepts responsibility to operate and maintain sewer lines that are owned by the City and County of Honolulu or for which there are intergovernmental agreements for the City and County of Honolulu to operate and maintain, it is unclear as to whether the Legislature may transfer ownership as suggested in the measure by just a declaratory statement;
- (2) The provisions fail to address the fact that most sewer lines on Oahu are from ten to seventy years old and without maintenance are no longer in their original condition and may not have been built to City and County of Honolulu standards;
- (3) It may not be appropriate for other City and County of Honolulu sewer rate payers to accept the burden of upgrading Hawaiian Home Lands sewer systems when that has long been the responsibility of the Department of Hawaiian Home Lands as the owner;
- (4) It is unclear as to whether there exists an ability to transfer the assets of the Department of Hawaiian Home Lands; and
- (5) Properties connected indirectly, including through Hawaiian Home Lands sewer systems, do pay City and County of Honolulu sewer service charges which pay for the operation and maintenance of the City and County of Honolulu-owned sewer lines that transmit wastewater to the City and County of Honolulu's wastewater treatment plants for the treatment and disposal of that wastewater.

As affirmed by the record of votes of the members of your Committee on Ocean, Marine Resources, & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 866, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 866, H.D. 2.



Respectfully submitted on
behalf of the members of the
Committee on Ocean, Marine
Resources, & Hawaiian Affairs,



FAYE P. HANOHANO, Chair



