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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.  
8 Counties have also constructed certain sewer systems on Hawaiian  
9 home lands, including the sewer system that services Hawaiian  
10 home 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 Act  
2 that were developed, constructed, operated, improved, or  
3 maintained by a county, or for which a county otherwise has an  
4 obligation to operate, improve, repair, maintain, or replace,  
5 are confirmed to be owned by the county in which the sewer lines  
6 and facilities are located, including those lines and facilities  
7 located on Hawaiian home lands.

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

14 (1) Any sewer lines or other sewerage facilities:

15 (A) Not subject to subsection (a);

16 (B) Existing before the effective date of this Act;

17 and

18 (C) That the appropriate county determines are not in

19 substantial compliance with environmental laws,

20 rules, and regulations pertaining to the

21 dedication or license of the sewers to the

22 counties at the time of their construction,



1           shall be brought into compliance with those laws,  
2           rules, and regulations by the department of Hawaiian  
3           home lands prior to acceptance by the county; and  
4           (2) Sewer transmission lines and other sewerage facilities  
5           completed after the effective date of this Act shall  
6           comply with all applicable federal, state, and county  
7           environmental, design, and construction requirements  
8           prior to acceptance by a county.

9           (c) Each county shall operate, improve, repair, maintain,  
10          and replace, as necessary, the sewer transmission lines and  
11          other sewerage facilities that are subject to subsection (a) or  
12          (b).

13          (d) No county shall abandon or terminate the service of  
14          sewer transmission lines and other sewerage facilities subject  
15          to this section without the approval of the department of  
16          Hawaiian home lands; provided that the department shall not  
17          unreasonably withhold approval if abandonment or termination is  
18          necessary. If sewer transmission lines or other sewerage  
19          facilities are abandoned or terminated, the appropriate county  
20          shall make alternate sewer transmission lines and other  
21          facilities available to service the affected Hawaiian home  
22          lands."



1 SECTION 3. The revisor of statutes shall insert the  
2 appropriate effective date of this Act in section 2 of this Act.

3 SECTION 4. New statutory material is underscored.

4 SECTION 5. 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 CD1)

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