
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 Act ,
2 Session Laws of Hawaii 2013, that were developed, constructed,
3 operated, improved, or maintained by the counties, or for which
4 the counties otherwise have obligations to operate, improve,
5 repair, maintain, or replace, are confirmed to be owned by the
6 county in which the sewer lines and facilities, including those
7 lines and facilities located on Hawaiian home lands, are
8 located.

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

16 (1) Any sewer lines or other sewerage facilities not
17 subject to subsection (a) and existing before the
18 effective date of Act , Session Laws of Hawaii 2013,
19 that the counties establish that are not in
20 substantial compliance with environmental laws and
21 regulations pertaining to the dedication or license of
22 the sewers to the counties at the time of construction



1 shall be brought into compliance with those laws and
2 regulations prior to acceptance by the counties; and
3 (2) Sewer transmission lines and other sewerage facilities
4 completed after the effective date of Act , Session
5 Laws of Hawaii 2013, shall comply with all applicable
6 federal, state, and county environmental, design, and
7 construction requirements prior to acceptance by the
8 counties.

9 (c) The counties shall have the general supervision,
10 charge, and control of, and the duty to operate, improve,
11 repair, maintain, and replace, and shall not abandon or
12 terminate the service of, the sewer transmission lines and other
13 sewerage facilities that are confirmed to be owned by or are
14 licensed or dedicated to them under this section without
15 approval of the department of Hawaiian home lands; provided that
16 approval shall not be unreasonably withheld if abandonment or
17 termination is necessary. If sewer transmission lines or other
18 sewerage facilities are abandoned or terminated, the counties
19 shall make alternate sewer transmission lines and other
20 facilities available to service the affected Hawaiian home
21 lands."



1 SECTION 3. New statutory material is underscored.

2 SECTION 4. This Act shall take effect on July 1, 2020.



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. Effective July 1, 2020. (HB866 HD2)

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

