

S.B. NO. 1097

JAN 24 2013

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.

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

14 The legislature further finds that the counties are
15 uniquely positioned to operate, improve, repair, and maintain
16 sewer transmission lines and other sewerage facilities.

17 This Act clarifies and confirms the counties' ownership of
18 and obligation to operate, improve, repair, and maintain

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1 existing sewer systems servicing Hawaiian home lands that the
2 counties developed, constructed, operated, improved, or
3 maintained, or for which the counties otherwise have existing
4 obligations to operate, improve, repair, or maintain.

5 This Act further requires the counties to accept dedication
6 of and responsibility for other sewer systems servicing Hawaiian
7 home lands upon demand by the department of Hawaiian home lands.

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

11 "§46- County ownership of sewer transmission lines and
12 facilities servicing Hawaiian home lands. (a) All sewer
13 transmission lines and other sewerage facilities servicing
14 Hawaiian home lands existing on the effective date of this Act,
15 that were developed, constructed, operated, improved, or
16 maintained by the counties, or for which the counties otherwise
17 have existing obligations to operate, improve, repair, or
18 maintain, are confirmed to be owned by the county in which the
19 sewer lines and facilities are located, including those lines
20 and facilities located on Hawaiian home lands.

21 (b) Upon demand by the department of Hawaiian home lands,
22 the counties shall accept dedication and ownership of any and

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1 all sewer transmission lines and other sewerage facilities
2 servicing Hawaiian home lands, as may be identified by the
3 department of Hawaiian home lands.

4 (c) The counties shall have the general supervision,
5 charge, and control of, and the duty to operate, improve,
6 repair, and maintain, and shall not abandon or terminate the
7 service of, the sewer transmission lines and other sewerage
8 facilities that are confirmed to be owned by or are dedicated to
9 them under this section."

10 SECTION 3. New statutory material is underscored.

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

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INTRODUCED BY:

Genoa Mercado Ki

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BY REQUEST

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Report Title:

Sewer Systems Servicing; Hawaiian Home Lands

Description:

Clarifies and confirms counties' ownership of and responsibility for certain existing sewer transmission lines and facilities servicing Hawaiian Home Lands. Requires the counties to accept dedication of and to own, operate, improve, maintain, and repair certain other sewer transmission lines and other sewerage facilities servicing Hawaiian home lands.

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

JUSTIFICATION SHEET

DEPARTMENT: Hawaiian Home Lands

TITLE: RELATING TO SEWER SYSTEMS SERVICING ON HAWAIIAN HOME LANDS.

PURPOSE: Clarifies and confirms the counties' ownership of and responsibility for certain existing sewer systems servicing Hawaiian Home Lands, and requires the counties to accept dedication of certain other sewer systems servicing Hawaiian Home Lands. Further requires the counties to operate, improve, maintain, and repair the sewer systems covered by the bill.

MEANS: Add a new section to chapter 46, Hawaii Revised Statutes.

JUSTIFICATION: The sewer transmission lines and other sewerage facilities servicing lots located on Hawaiian Home Lands are or will be in need of improvement, repair, and maintenance. Many sewer lines and facilities servicing Hawaiian Home Lands are further integrated into the counties' overall sewer systems, and transmit sewage from properties located on and off Hawaiian Home Lands. The counties also constructed certain sewer systems on Hawaiian Home Lands, including the sewer system that services Hawaiian Home Lands lots in Papakolea. The counties have historically collected and continue to collect sewer fees and other charges from lessees of Hawaiian Home Lands. The counties, not the Department of Hawaiian Home Lands (DHHL), are uniquely equipped to improve, repair and maintain sewer transmission lines and other sewerage facilities. The counties, not DHHL, are therefore the appropriate entities to own, operate, improve, maintain, and repair sewer systems servicing Hawaiian Home Lands.

Impact on the public: Ensures the operation, improvement, maintenance, and repair of sewer systems servicing Hawaiian Home Lands.

Impact on the department and other agencies: Confirms the counties' ownership of and responsibility for certain sewer systems servicing Hawaiian Home Lands. Further requires counties to operate, improve, maintain, and repair certain sewer systems servicing Hawaiian Home Lands.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: HHL 602.

OTHER AFFECTED
AGENCIES: None.

EFFECTIVE DATE: Upon approval.