



DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII

345 KEKŪANAŌ'A STREET, SUITE 20 • HILO, HAWAII 96720

TELEPHONE (808) 961-8050 • FAX (808) 961-8657

February 7, 2017

Chair Ryan Yamane, Vice-Chair Sam Kong, and Committee Members
Committee on Water and Land
House of Representatives
Hawaii State Capitol, Room 420
Honolulu, HI 96813

Dear Honorable Yamane, Vice-Chair Kong, and Committee Members:

Subject: House Bill 215 – Relating to County Services
Hearing: February 8, 2017, 9:00 a.m.

The Department of Water Supply (DWS), County of Hawaii, respectfully submits testimony in opposition of House Bill 215 (HB 215).

The proposed amendments to Hawaii Revised Statutes (HRS) 46-1.5, as currently drafted in HB 215, are unclear and ambiguous for the following reasons:

1. The clause “respond to claim” is not clearly defined. Does this mean to acknowledge the claim or to correct/rectify the claim? These are two significantly different scenarios.
2. The seventy-two (72) hour deadline to “respond to claim” appears to conflict with the Hawaii County Charter and Code, regarding claims filed against the county. The Hawaii County Charter and Code do not specify the deadline to respond to a claim once it has been filed.
3. The clause “disruption to water or sewer service” does not specifically exclude valid reasons for disruption of water service such as, but not limited to:
 - a. restriction of water use to forestall a water shortage,
 - b. water shut-offs with or without notice to make water system repairs, alterations, extensions, or for other reasons deemed necessary or in the best interest of the utility.
4. The clause “disruption to water or sewer service” does not specifically exclude valid reasons for discontinuation of water service such as, but not limited to:
 - a. nonpayment of water bills,
 - b. noncompliance with Rules and Regulations,
 - c. unauthorized use of water,
 - d. wasteful use of water,
 - e. service detrimental to other water users,
 - f. water use that represents a clear and immediate hazard to the water supply.

The examples for disruption of water service, as listed in Bullets 3 and 4 above, are terms that a water service applicant agrees to when applying for water service with the Hawaii County DWS. The

Committee on Water and Land
Page 2
February 7, 2017

Hawai'i County DWS cannot be penalized when enforcing its established Rules and Regulations for water service. As currently written, HB 215 could also impede the DWS' ability to collect payment owed to the DWS for water service, which will in turn penalize DWS' customers who make regular on-time payment for their water service.

To summarize, the DWS respectfully submits this testimony in opposition of HB 215.

Thank you for your time and consideration on DWS' testimony for this proposed bill. Should you have additional questions, please do not hesitate to contact us at (808) 961-8050.

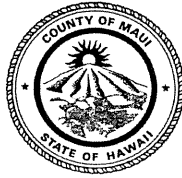
Sincerely yours,

A handwritten signature in black ink, appearing to read 'Keith K. Okamoto', written in a cursive style.

Keith K. Okamoto, P.E.
Manager-Chief Engineer

KKU:dmj

ALAN M. ARAKAWA
Mayor



DAVID TAYLOR, P.E.
Director

GLADYS C. BAISA
Deputy Director

DEPARTMENT OF WATER SUPPLY
COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793-2155
www.mauiwater.org

LATE

February 8, 2017

**Testimony of the Maui County Department of Water Supply
Opposing H.B. 215 Relating to County Services
House Committee on Water and Land
Wednesday, February 8, 2017, 9:00 am, Conference Room 325**

Dear Honorable Representative Yamane and Members of the Committee on Water and Land:

The Maui County Department of Water Supply (DWS) **opposes H.B. 215** which would require each county to respond within 72 hours to claims relating to disruption of water or sewer service and provides that failure to respond within this time period subjects the counties to treble damages in a civil court for failure to respond.

I respectfully feel that H.B. 215:

- Constitutes an unfunded mandate that would place an onerous burden on our operations as it would require additional funds for staff resources in order to respond to claims within a 72 hour time period, especially on weekends and holidays when minimal staffing is available;
- Is overly broad and does not define what a "claim", "disruption" or "respond" means. Failure to adequately define these terms may result in a large volume of valid and fraudulent claims against DWS;
- Does not cite the basis for requiring a 72 hour window period. It appears that 72 hours is an arbitrary response time with no supporting justification;
- May subject DWS to treble damages even in instances where full completion of repairs is impractical, infeasible, unsafe; and
- Exposes DWS to treble damages without exempting Acts of God and intentional damage to water systems.

Thank you for the opportunity to provide testimony on this very important matter.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "David Taylor".

DAVID TAYLOR, P.E.
Director of Water Supply

"By Water All Things Find Life"



Water has no substitute.....Conserve it

LATE

Testimony of
Kirk Saiki, P.E.
Manager and Chief Engineer
Before the Committee on Water & Land
Friday, February 8, 2017
9:00 A.M.
State Capitol, Conference Room 325

February 7, 2017

The Honorable Ryan I. Yamane, Chair
And Members
Committee on Water & Land
House of Representatives
State Capitol, Conference Room 420
415 South Beretania Street
Honolulu, Hawaii 96813

RE: HB215, RELATING TO WATER

The County of Kauai Department of Water (DOW) respectfully **opposes** House Bill 215. This measure requires each county to respond within 72 hours to claims relating to disruption of water or sewer service and provides that failure to respond within this time period subjects the counties to treble damages in a civil court for failure to respond.

DOW opposes House Bill 215 for the following reasons:

- House Bill 215 does not define the words “claim”, “disruption” or “respond”. Failure to define these terms may result in numerous claims against DOW.
- Exposes DOW to treble damages without exempting Acts of God and intentional damage to water system.
- Exposes DOW to treble damages where full completion of repairs is impractical, infeasible, and unsafe.

Thank you for the opportunity to testify. Should you have any further questions feel free to call me at (808) 245-5408.

Respectfully,

A handwritten signature in black ink, appearing to read "Kirk Saiki".

Kirk Saiki P.E.
Manager and Chief Engineer

Enclosure

HOUSE OF REPRESENTATIVES
THE TWENTY-NINTH LEGISLATURE
REGULAR SESSION OF 2017

COMMITTEE ON WATER & LAND

Rep. Ryan I. Yamane, Chair
Rep. Sam Satoru Kong, Vice Chair

Rep. Ty J.K. Cullen Rep. Nicole E. Lowen
Rep. Cindy Evans Rep. Calvin K.Y. Say
Rep. Linda Ichiyama Rep. Beth Fukumoto
Rep. Chris Lee

NOTICE OF HEARING

DATE: Wednesday, February 8, 2017
TIME: 9:00AM
PLACE: Conference Room 325
 State Capitol
 415 South Beretania Street

A G E N D A

- | | | |
|---|--|----------|
| HB 870
Status | RELATING TO MORTGAGES.
Removes the requirement that a co-mortgagor assisting a qualified resident in securing a mortgage to purchase a dwelling unit from the Hawaii housing finance and development corporation be a family member. Requires a qualified resident who is assisted by a co-mortgager to have an income of at least fifty per cent of the amount required to qualify for a loan to purchase the dwelling unit. | WAL, FIN |
| HB 1418
Status | RELATING TO LAND.
Amends the county exemptions from building permit and building code requirements to ensure that Hawaii's communities are not suspended from participation in the NFIP. | WAL, CPC |
| HB 617
Status | RELATING TO LAND RECORDATION.
Establishes requirements that any plan of land for deregistered land must meet for recordation at the bureau of conveyances. Requires that any land plan involving deregistered land filed with the registrar of conveyances must be accompanied by data on the deregistration. | WAL, JUD |
| HB 231
Status | RELATING TO THE AHA MOKU.
Clarifies that the Aha Moku Advisory Committee is placed within DLNR for administrative purposes only. Requires DLNR to provide budgetary and administrative support to the Committee. Allows the Special Land and Development Fund to be used for expenses incurred by the Committee. Appropriates funds. | WAL, FIN |
| HB 875
Status | RELATING TO HISTORIC PRESERVATION.
Appropriates funds for 5 full-time equivalent (5.0 FTE) temporary student intern II positions within the state historic preservation division. | WAL, FIN |
| HB 1213
Status | RELATING TO THE DEPARTMENT OF LAND AND NATURAL RESOURCES.
Requires the State Historic Preservation Division of the Department of Land and Natural Resources, in conjunction with the Department of Taxation, to conduct a joint study on the viability and costs associated with creating a state tax credit for commercial properties that historically preserve their properties. Appropriates funds. | WAL, FIN |

HB 588 Status	<p>MAKING AN APPROPRIATION FOR HE'EIA NATIONAL ESTUARINE RESEARCH RESERVE.</p> <p>Appropriates funds for Fiscal Year 2018-2019 for the initial staff necessary to develop and manage the He'eia National Estuarine Research Reserve and its programs.</p>	WAL, FIN
HB 259 Status	<p>RELATING TO COMMUNITY FOOD FORESTS.</p> <p>Establishes a community food forest program in the Department of Land and Natural Resources and requires Department of Land and Natural Resources to work collaboratively with local government and community organizations to provide sources of healthy food statewide. Appropriate funds.</p>	WAL, FIN
HB 632 Status	<p>RELATING TO WATER INFRASTRUCTURE LOANS.</p> <p>Broadens the Water Infrastructure Loan Program to include loans made to water utilities. Amends the definition of "water infrastructure charge" to include on-bill charges to be imposed on water utilities and the definitions of "water infrastructure equipment", "water infrastructure loans", and "loan program" to include water tanks.</p>	WAL, FIN
HB 643 Status	<p>RELATING TO IRRIGATION.</p> <p>Authorizes the Director of Finance to issue general obligation bonds to finance capital improvements to the Waiahole Irrigation System.</p>	WAL, FIN
HB 1536 Status	<p>RELATING TO IRRIGATION.</p> <p>Clarifies that the BOA has the power to acquire property by eminent domain for the construction and maintenance of water facilities that convey, distribute, and transmit water for agricultural uses, but not for domestic use. Amends the definition of "public utility" in chapter 269, HRS, to include the production, conveyance, etc. of water for human consumption.</p>	WAL, CPC
HB 215 Status	<p>RELATING TO COUNTY SERVICES.</p> <p>Requires counties to respond within 72 hours to claims relating to disruption of water or sewer service. Subjects the counties to treble damages in civil court for failure to respond.</p>	WAL, JUD
HB 631 Status	<p>RELATING TO WATER.</p> <p>Provides that the Commission on Water Resource Management shall require an owner or prior owner of an abandoned well to repair or seal the well at the owner's or prior owner's expense. Appropriates funds. Appropriates funds for three new positions to assist DLNR with the inspection of abandoned wells and the enforcement of well construction and pump installation standards. Appropriate funds for well enforcement.</p>	WAL, FIN
HB 630 Status	<p>RELATING TO DROUGHT MITIGATION.</p> <p>Appropriates funds for county drought mitigation projects and measures. Appropriates funds for one full-time equivalent permanent planner IV position within the Commission on Water Resource Management to update the Hawaii drought plan.</p>	WAL, FIN
HB 465 Status	<p>RELATING TO THE BOATING SPECIAL FUND.</p> <p>Repeals the boating special fund. Transfers unencumbered boating special fund moneys and future revenues to the general fund.</p>	WAL, FIN
HB 386 Status	<p>RELATING TO BEACH MONITORING.</p> <p>Appropriates funds for the two-year extension of the Post-Bypass Beach Monitoring Program of the Kikiaola Small Boat Harbor Sand Bypass Operation at Waimea, Kauai.</p>	WAL, FIN

[HB 400](#)
[Status](#)

RELATING TO MAALAEA SMALL BOAT HARBOR.

WAL, FIN

Corrects an error in the Supplemental Appropriations Act of 2016 to clarify that the CIP project for Maalaea small boat harbor on Maui was for plans, design, and construction for pier improvements, rather than dredging.

[HB 52](#)
[Status](#)

RELATING TO LAHAINA SMALL BOAT HARBOR.

WAL, FIN

Authorizes the issuance of \$3,300,000 in general obligation bonds and appropriates funds for the construction of a new ferry pier at Lahaina small boat harbor.

DECISION MAKING TO FOLLOW

Persons wishing to offer comments should submit testimony at least 24 hours prior to the hearing. Testimony should indicate:

- Testifier's name with position/title and organization;
- The Committee(s) to which the comments are directed;
- The date and time of the hearing; and
- Measure number.

While every effort will be made to incorporate all testimony received, materials received on the day of the hearing or improperly identified or directed, may be distributed to the Committee after the hearing.

Submit testimony in ONE of the following ways:

PAPER: 1 copies (including an original) to Room 313 in the State Capitol;

FAX: For testimony less than 5 pages in length, transmit to 808-586-8459 (Oahu) or 1-800-535-3859 (for Neighbor Islander without a computer to submit testimony through e-mail or the Web); or

WEB: For testimony less than 10MB in size, transmit from <http://www.capitol.hawaii.gov/submittestimony.aspx>.

Testimony submitted will be placed on the legislative website. This public posting of testimony on the website should be considered when including personal information in your testimony.

If during the course of the hearing it appears that there will not be sufficient time to allow everyone to be heard, the chairperson reserves the right to limit the remaining testifiers to three-minutes. This three-minute policy will be enforced to ensure fairness and adequate consideration to all bills.

If you require special assistance or auxiliary aids and/or services to participate in the House public hearing process (i.e., sign or foreign language interpreter or wheelchair accessibility), please contact the Committee Clerk at 586-6150 or email your request for an interpreter to HouseInterpreter@Capitol.hawaii.gov at least 24 hours prior to the hearing for arrangements. Prompt requests submitted help to ensure the availability of qualified individuals and appropriate accommodations.

Selected meetings are broadcast live. Check the current legislative broadcast schedule on the "Capitol TV" website at www.capitoltv.org or call 536-2100.

		_____ Rep. Ryan I. Yamane Chair

BOARD OF WATER SUPPLY

CITY AND COUNTY OF HONOLULU
630 SOUTH BERETANIA STREET
HONOLULU, HI 96843
www.boardofwatersupply.com




February 8, 2017

KIRK CALDWELL, MAYOR

BRYAN P. ANDAYA, Chair
ADAM C. WONG, Vice Chair
DAVID C. HULIHEE
KAPUA SPROAT
KAY C. MATSUI

ROSS S. SASAMURA, Ex-Officio
FORD N. FUCHIGAMI, Ex-Officio

ERNEST Y. W. LAU, P.E.
Manager and Chief Engineer

ELLEN E. KITAMURA, P.E.
Deputy Manager and Chief Engineer 

The Honorable Ryan I. Yamane, Chair
and Members
Committee on Water and Land
House of Representatives
Hawaii State Capitol, Room 420
415 Beretania Street
Honolulu, Hawaii 96813

Dear Chair Yamane and Members:

Subject: House Bill 215 Relating to County Services

The Board of Water Supply (BWS) respectfully opposes House Bill 215. This measure requires each county to respond within 72 hours to claims relating to disruption of water or sewer service and provides that failure to respond within this time period subjects the counties to treble damages in a civil court for failure to respond.


We believe House Bill 215:

- Constitutes an unfunded mandate that would place an onerous burden on our operations as it would require additional funds for staff resources in order to respond to claims within a 72 hour time period, especially on weekends and holidays when minimal staffing is available;
- Is overly broad and does not define what a "claim", "disruption" or "respond" means. Failure to adequately define these terms may result in a large volume of valid and fraudulent claims against BWS;
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- May subject BWS to treble damages even in instances where full completion of repairs is impractical, infeasible, unsafe; and
- Exposes BWS to treble damages without exempting Acts of God and intentional damage to water systems.

Thank you for your consideration of our testimony on House Bill 215.

Very truly yours,

FOR



ERNEST Y.W. LAU, P.E.
Manager and Chief Engineer