

STAND. COM. REP. NO.

732

Honolulu, Hawaii

MAR 04 2021

RE: S.B. No. 1123
S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 1123, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO COUNTIES,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Give counties jurisdiction over the infrastructure of the Department of Hawaiian Home Lands housing developments located within their boundaries under specific conditions; and
- (2) Require counties, under specific conditions, to commence maintenance on that infrastructure within sixty days, subject to tolling to comply with certain other laws.

Your Committee received testimony in support of this measure from the Department of Hawaiian Home Lands and one individual. Your Committee received testimony in opposition to this measure from the Department of Water of the County of Kaua'i. Your Committee received comments on this measure from the Office of Hawaiian Affairs.

Your Committee finds that, although Act 227, Session Laws of Hawaii 2014, clarified and confirmed that operating and maintaining sewer systems is a county function, the Department of



Hawaiian Home Lands continues to maintain sewer systems on Hawaiian home lands until such time that Act 227 can be fully implemented in subdivisions completed after the mid-1990s. Your Committee further finds that the resources of the Department of Hawaiian Home Lands are more properly allocated to the development of housing rather than maintenance of infrastructure, such as waterlines and appurtenances, sewer lines, waste treatment systems, roadways, and street lighting that connects to county infrastructure.

Your Committee has amended this measure by:

- (1) Inserting an effective date of May 6, 2137, to encourage further discussion; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1123, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1123, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



KARL RHOADS, Chair



The Senate
Thirty-First Legislature
State of Hawai'i

**Record of Votes
Committee on Judiciary
JDC**

Bill / Resolution No.:*	Committee Referral:	Date:
SB 1123 SD 1	HWN, JDC	2/25/21

The Committee is reconsidering its previous decision on this measure.
If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312 Pass, with amendments 2311 Hold 2310 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
KEOHOKALOLE, Jarrett (VC)	✓			
ACASIO, Laura		✓		
GABBARD, Mike	✓			
KIM, Donna Mercado	✓			
LEE, Chris	✓			
FEVELLA, Kurt		✓		
TOTAL	5	2	0	0

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature: *Karl Rhoads*

Distribution: Original Yellow Pink Goldenrod
File with Committee Report Clerk's Office Drafting Agency Committee File Copy

*Only one measure per Record of Votes