

JAN 19 2024

A BILL FOR AN ACT

RELATING TO WATER METERING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 167-19, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 "(b) Upon the board's certification, the chairperson or
4 the chairperson's designee shall determine the acreage
5 assessment to be levied against the property of each land
6 occupier in the following manner:

7 (1) By determining the amount of acreage assessments to be
8 borne by the agricultural land and the pasture land
9 within the project according to the proportion
10 previously certified by the board;

11 (2) By dividing the amount of acreage assessment to be
12 borne by the agricultural land by the number of
13 cultivatable acres, excluding streams, dry gulches,
14 and uncultivable or unusable lands, within the
15 project and multiplying the quotient by the number of
16 cultivatable acres of agricultural land, except the
17 board may by rules adopted pursuant to chapter 91 set



1 a minimum acreage assessment for uncultivable or
2 unusable lands, of the occupier within the project[~~+~~
3 and]; provided that land occupiers who have not
4 applied for water service for the following year shall
5 be exempt from acreage assessments; and

6 (3) By dividing the amount of acreage assessment to be
7 borne by the pasture land by the number of acres of
8 pasture land within the project and multiplying the
9 quotient by the number of acres of pasture land of the
10 land occupier within the project[~~-~~]; provided that
11 land occupiers who have not applied for water service
12 for the following year shall be exempt from acreage
13 assessments.

14 The acreage assessments shall be in addition to any real
15 property taxes, and shall be collected by the board together
16 with the monthly water tolls. Except in the case of public
17 lands and lands designated as "available lands" under the
18 Hawaiian Homes Commission Act, 1920, acreage assessments shall
19 be a paramount lien against the entire tract, including
20 improvements, of the land occupier of which the assessed
21 agricultural or pasture land, or both, of the land occupier



1 included within the project forms a part. Acreage assessments
2 levied pursuant to this chapter shall be a lien against each lot
3 or parcel of land assessed from the date of board certification
4 declaring the assessment, and these liens shall have priority
5 over all other liens except real property tax liens and prior
6 recorded state tax liens on real property. The lien may be
7 foreclosed in the same manner as liens for taxes in accordance
8 with sections 231-61 to 231-70. In case of the foreclosure of
9 any homestead land pursuant to sections 231-61 to 231-70, the
10 foreclosure sale shall be subject to chapter 171. In the case
11 of public lands and lands designated as "available lands" under
12 the Hawaiian Homes Commission Act, 1920, acreage assessments
13 shall not constitute a lien on the property involved and notice
14 of any delinquent acreage assessment shall be served upon either
15 the board of land and natural resources or the Hawaiian homes
16 commission, as applicable, for payment."

17 SECTION 2. By _____, the board of agriculture shall
18 amend its administrative rules to:

- 19 (1) To prevent erroneous water toll charges and acreage
20 assessments, establish a process, that does not place
21 the burden upon land occupiers, to identify and



1 maintain an active record of land occupiers within the
2 boundaries of an irrigation district that:

3 (A) Have not applied for water service or water
4 service connections as prospective consumers
5 pursuant to section 4-157-6, Hawaii
6 Administrative Rules; and

7 (B) Have not drawn water without authorization
8 pursuant to section 4-157-18, Hawaii
9 Administrative Rules;

10 (2) Immediately discontinue service to a land occupier for
11 non-use if there are no water toll charges for a
12 period of more than two years;

13 (3) Ensure that the department of agriculture maintains
14 records of all weir, water meter, and water flow
15 measuring instrument readings taken by the department
16 pursuant to chapter 4-157, Hawaii Administrative
17 Rules, and make individualized reading records
18 available to land occupiers upon request;

19 (4) Require written notice to land occupiers whenever a
20 weir, water meter, or water flow measuring instrument
21 is removed by the department for any reason and to



- 1 cease any associated water toll charges and acreage
- 2 assessments;
- 3 (5) Establish a formal process for land occupiers within
- 4 the boundaries of the irrigation district, that have
- 5 not applied for water service or water service
- 6 connections as prospective consumers and have not
- 7 drawn water without authorization, to contest
- 8 erroneous water toll charges and acreage assessments,
- 9 and any accumulated interest accrued therefrom, and
- 10 credit or waive any incorrect amounts; and
- 11 (6) Establish a formal process for land occupiers with
- 12 outstanding water toll charges and acreage
- 13 assessments, including any accumulated interest
- 14 accrued therefrom, to enter into a reasonable payment
- 15 plan with the department.

16 SECTION 3. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

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

19

INTRODUCED BY: Lyn De Cotte

S.B. NO. 2495

Report Title:

BOA; DOA; Acreage Assessments; Administrative Rules; Water Tolls; Meter Reading Records

Description:

Exempts from acreage assessments land occupiers who have not applied for water service for the following year. By an unspecified date, requires the Board of Agriculture to amend its administrative rules to require the Department of Agriculture to: maintain an active record of land occupiers within the boundaries of an irrigation district that have not applied for water service or water service connections as prospective consumers and have not drawn water without authorization; immediately discontinue service to a land occupier for non-use if there are no water toll charges for a period of more than 2 years; maintain records of all weir, water meter, and water flow measuring instrument readings taken; make individualized reading records available to land occupiers upon request; provide written notice to land occupiers whenever a weir, water meter, or water flow measuring instrument is removed by the Department for any reason and to cease any associated water toll charges and acreage assessments; establish a formal process for certain land occupiers to contest erroneous water toll charges and acreage assessments; and establish a formal process for land occupiers with outstanding water toll charges and acreage assessments to enter into a reasonable payment plan with the Department.

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