
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.
8 Counties have also constructed certain sewer systems on Hawaiian
9 home lands, including the sewer system that services Hawaiian
10 home 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



Hawaiian home lands existing on the effective date of this Act
that were developed, constructed, operated, improved, or
maintained by a county, or for which a county otherwise has an
obligation to operate, improve, repair, maintain, or replace,
are confirmed to be owned by the county in which the sewer lines
and facilities are located, including those lines and facilities
located on Hawaiian home lands.

(b) Upon demand by the department of Hawaiian home lands,
each county shall accept the license or dedication and ownership
of any and all sewer transmission lines and other sewerage
facilities servicing Hawaiian home lands and that are not
subject to subsection (a), as may be identified by the
department of Hawaiian home lands; provided that:

(1) Any sewer lines or other sewerage facilities:

(A) Not subject to subsection (a);

(B) Existing before the effective date of this Act;

and

(C) That the appropriate county determines are not in
substantial compliance with environmental laws,
rules, and regulations pertaining to the
dedication or license of the sewers to the
counties at the time of their construction,



1 shall be brought into compliance with those laws,
2 rules, and regulations prior to acceptance by the
3 county; and

4 (2) Sewer transmission lines and other sewerage facilities
5 completed after the effective date of this Act shall
6 comply with all applicable federal, state, and county
7 environmental, design, and construction requirements
8 prior to acceptance by a county.

9 (c) Each county shall operate, improve, repair, maintain,
10 and replace, as necessary, the sewer transmission lines and
11 other sewerage facilities that are subject to subsection (a) or
12 (b).

13 (d) No county shall abandon or terminate the service of
14 sewer transmission lines and other sewerage facilities subject
15 to this section without the approval of the department of
16 Hawaiian home lands; provided that the department shall not
17 unreasonably withhold approval if abandonment or termination is
18 necessary. If sewer transmission lines or other sewerage
19 facilities are abandoned or terminated, the appropriate county
20 shall make alternate sewer transmission lines and other
21 facilities available to service the affected Hawaiian home
22 lands."



1 SECTION 3. The revisor of statutes shall insert the
2 appropriate effective date of this Act in section 2 of this Act.

3 SECTION 4. New statutory material is underscored.

4 SECTION 5. This Act shall take effect on July 1, 2050.



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 7/1/2050.
(SD2)

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