

**ACT 201**

**H.B. NO. 1054**

**A Bill for an Act Relating to Public Utilities.**

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 46-76, Hawaii Revised Statutes, is amended to read as follows:

**“[~~§~~46-76] Location of utility facilities in improvement districts.** Notwithstanding any provision of law to the contrary, whenever any public improvement is established, constructed, improved, or altered pursuant to the improvement by assessment statutes or ordinances, and in conjunction therewith it is necessary to provide for the installation or require the removal, relocation, replacement, or reconstruction of public utility facilities that are privately owned, the respective legislative bodies of the counties shall determine whether the whole or a portion of such utility facilities shall be located overhead or underground. Where it is decided that the whole or a portion of the utility facilities shall be [located] ~~relocated, replaced or reconstructed~~ [underground], which installation [underground] shall constitute a public improvement, the respective legislative bodies of the counties shall determine what portion of the costs of the installation or the removal, relocation, replacement, or reconstruction of the utility facilities required [to go underground] shall be borne by the utility companies, the counties and the properties specially benefited within the improvement district; provided that such costs borne by the counties and the utility companies shall be paid in a lump sum, that the portion of the costs to be borne by the utility companies shall be the same percentage of the total relocation cost for each utility company required to remove, relocate, replace or reconstruct its facilities within the improvement district and the costs that are allocated against the properties specially benefited in the improvement district shall be assessed and paid for in accordance with the provisions of the improvement by assessment statutes or ordinances; provided, further, that the counties may issue bonds under any applicable laws to pay their share of such costs and the costs allocated against the properties specially benefited may be financed under any applicable laws as are other special assessments against specially benefited property.

The foregoing provisions shall not be applicable to the subdivision of lands which require the installation of utility facilities in new streets established by the subdivision and which subdivision is initiated, created or made by a private developer.”

SECTION 2. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved June 3, 1985.)