July 7, 2014

The Honorable Donna Mercado Kim,  
President  
and Members of the Senate  
Twenty-Seventh State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

The Honorable Joseph M. Souki,  
Speaker and Members of the  
House of Representatives  
Twenty-Seventh State Legislature  
State Capitol, Room 431  
Honolulu, Hawaii 96813

Dear President Kim, Speaker Souki, and Members of the Legislature:

This is to inform you that on July 7, 2014, the following bill was signed into law:

HB866 HD2 SD2 CD1  
RELATING TO SEWER SYSTEMS SERVICING ON HAWAIIAN HOME LANDS  
ACT 227 (14)

NEIL ABERCROMBIE  
Governor, State of Hawaii
RELATING TO SEWER SYSTEMS SERVICING ON HAWAIIAN HOME LANDS.

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

SECTION 1. The legislature finds that the sewer transmission lines and other sewerage facilities servicing lots located on Hawaiian home lands are or will be in need of improvement, repair, and maintenance. Many sewer lines and facilities servicing Hawaiian home lands are further integrated into the counties' overall sewer systems, and transmit sewage from properties located on and off Hawaiian home lands.

Counties have also constructed certain sewer systems on Hawaiian home lands, including the sewer system that services Hawaiian home lands lots in Papakolea on the island of Oahu.

In the past, the sewer systems servicing Hawaiian home lands that were constructed by the department of Hawaiian home lands have been licensed to the counties. In these cases, the relevant county reviewed the plans for the systems, inspected construction of the systems, and gave final approval for the systems prior to accepting the responsibility to operate, improve, repair, and maintain the systems.
The legislature also finds that the counties have historically collected and continue to collect sewer fees and other charges from lessees of Hawaiian home lands.

The legislature further finds that the counties are uniquely positioned to operate, improve, repair, maintain, and replace sewer transmission lines and other sewerage facilities.

This Act clarifies and confirms the counties' ownership of and obligation to operate, improve, repair, maintain, and replace existing sewer systems servicing Hawaiian home lands that the counties developed, constructed, operated, improved, or maintained, or for which the counties otherwise have obligations to operate, improve, repair, maintain, or replace.

This Act further requires the counties to accept dedication or license of and responsibility for other sewer systems servicing Hawaiian home lands upon demand by the department of Hawaiian home lands upon meeting certain conditions.

SECTION 2. Chapter 46, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"s46- County ownership of sewer transmission lines and facilities servicing Hawaiian home lands. (a) All sewer 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,
shall be brought into compliance with those laws, rules, and regulations by the department of Hawaiian home lands prior to acceptance by the county; and

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

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

(d) No county shall abandon or terminate the service of sewer transmission lines and other sewerage facilities subject to this section without the approval of the department of Hawaiian home lands; provided that the department shall not unreasonably withhold approval if abandonment or termination is necessary. If sewer transmission lines or other sewerage facilities are abandoned or terminated, the appropriate county shall make alternate sewer transmission lines and other facilities available to service the affected Hawaiian home lands.
SECTION 3. The revisor of statutes shall insert the appropriate effective date of this Act in section 2 of this Act.

SECTION 4. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

APPROVED this 7 day of JUL, 2014

GOVERNOR OF THE STATE OF HAWAII