

Hawaii Laws, 1913

LAWS
OF THE
TERRITORY OF HAWAII
PASSED BY THE
LEGISLATURE
AT ITS
REGULAR SESSION
1913

PUBLISHED BY AUTHORITY

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1913

Act 137. Waimea Electric Franchise.

Act 138. Transfer Water and Sewers to Municipality.

be desired by the purchaser and approved by said commission or said court on appeal.

SECTION 15. This Act shall go into effect and be law from and after the date of its approval by the Governor of the Territory of Hawaii, subject, however, to the approval of the Congress of the United States, such approval by the Congress to be secured within two years from the date of such approval by the governor.

SECTION 16. The Congress of the United States, or the Legislature of the Territory of Hawaii, with the approval of the Congress, may at any time amend or repeal this Act.

Approved this 29th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 138

AN ACT

RELATING TO THE HONOLULU WATER AND SEWER WORKS AND
REPEALING FORMER LAWS RELATING THERETO.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Transfer to City and County. As soon as may be after the expenditure of so much as may be required out of appropriations made from loan funds for the Honolulu Water Works and the Honolulu Sewer Works before this Act takes effect and in any event not later than July 1, 1914, said water and sewer works and all moneys in the Honolulu Water and

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Sewer Works fund shall be transferred from the Territory to the City and County of Honolulu or its successor.

SECTION 2. Management. Until such transfer the operation, maintenance, extension and improvement of said works, the collection and expenditure of all moneys on account thereof and the exercise and performance of all powers and duties in relation thereto shall be by the Superintendent of Public Works subject to the direction of the Governor; and after such transfer the same shall be by such officer as shall be designated by law or by the Board of Supervisors or other governing body, if any, of said City and County or its successor subject to the directions of said Board or other body.

Upon such transfer said City and County or its successor as the case may be shall assume and become liable for the payment of all indebtedness incurred by the Territory for the operation, maintenance, construction, improvement and extension of said works and the interest thereon and all contracts and other obligations of every kind of the Territory incurred by reason of or in connection with said works to the same extent to which the Territory shall be liable therefor immediately preceding such transfer.

SECTION 3. Disposition of Revenues. All revenues derived from time to time from said works shall be paid into the Treasury of the Territory or of said City and County or its successor, as the case may be, and there held as a special fund for the following purposes for which alone it shall be expended: (1) the operation and maintenance of said works; (2) interest on the bonds issued for the extension and improvement of said works; (3) the payment of said bonds, for which purpose there shall be set aside each year not less than such a sum that the aggregate of the sums so set aside, with interest thereon compounded yearly at the rate of interest specified in the bonds, would amount to the par value of the bonds at maturity, not

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more than such a sum that the aggregate of such sums with such interest would amount to the par value of the bonds when they become redeemable; and (4) the extension and improvement of said works.

In whole or partial fulfillment of its obligations under subdivisions (2) and (3) of this Section, said City and County or its successor shall after such transfer pay to the Territory on the interest dates of any such bonds as shall have been issued by the Territory, interest upon an amount equal to the par value of such bonds at the rate of interest specified in such bonds and also such sum or sums each year during the term for which said bonds shall have been issued, whether refunded or not, that the aggregate of the sums so paid will, compounded annually at such rate of interest, equal at the expiration of such term, such par value, and may so pay to the Territory in any year any additional sum on account of the principal of said bonds, and when any such payment shall be made on account of the principal, the interest payable thereafter shall be reduced correspondingly, and when the aggregate sums so paid on account of the principal of said bonds shall equal the par value thereof, all obligations of said City and County in respect of said bonds, principal and interest, shall be deemed to have been discharged. All amounts so paid to the Territory on account of principal, shall be credited to the Territorial sinking fund and such credit when made shall be deemed to have been made under the provisions of the first paragraph of Section 1 of Act 97 of the Laws of 1907.

SECTION 4. Water Revenues. Rates shall be charged for the use of all water and water power furnished by said works, whether to the United States, the Territory, said City and County or its successor, vessels, corporations, persons or others, except as otherwise required under contracts heretofore made.

SECTION 5. It shall be the duty of the City and County of Honolulu to operate and maintain the said works and to pay

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from time to time to the Territory, out of the general revenue of the City and County for the purposes stated in divisions two and three of Section 3, deficiencies, if any, which may occur in said special fund.

SECTION 6. The Board of Supervisors, or other governing body of the City and County of Honolulu, shall have power by ordinance, to fix rates for water and for sewer privileges; to enforce the payment of such rates, with interest, if delinquent; to prescribe methods of measuring water and water power; to make such general regulations for the conduct of said works and the use by privilege holders as shall be in the public interest and not inconsistent with this Act.

SECTION 7. Settlement of Disputes. All disputes as to the water or sewer rates to be charged, the right to connect with the water and sewer mains, and all other disputes arising under the provisions of this Act may be referred to a Circuit Judge of the First Circuit Court at Chambers, and such judge shall have full power to decide the same and make all proper orders in relation thereto, which shall be final.

SECTION 8. Repeal of Existing Laws. Sections 552 to 573, both inclusive, Acts 105 and 112 of the Laws of 1909, and Act 158 of the Laws of 1911, are hereby repealed.

SECTION 9. This Act shall take effect on July 1, 1913.

Approved this 29th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.