

S.B. NO. 1213

JAN 27 2021

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A BILL FOR AN ACT

RELATING TO TRANSPORTATION.

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

1 SECTION 1. Section 264-19, Hawaii Revised Statutes, is  
2 repealed.

3 ~~["§264-19] Transportation improvement special~~  
4 ~~fund.~~ (a) ~~There is created within the state treasury the~~  
5 ~~transportation improvement special fund to fund qualified~~  
6 ~~transportation projects and to receive reimbursements from~~  
7 ~~private developers who have been advanced public funds to~~  
8 ~~fulfill the conditions of land use development relating to~~  
9 ~~transportation.~~

10 ~~The director may expend from the special fund such sums as~~  
11 ~~are necessary to advance transportation projects, including~~  
12 ~~administrative expenses, to the extent permissible:~~

13 ~~(1) When such projects:~~

14 ~~(A) Have been identified in or are consistent with~~  
15 ~~the statewide transportation plan adopted~~  
16 ~~pursuant to chapter 279A; and~~

17 ~~(B) Satisfy all applicable federal and state~~  
18 ~~eligibility requirements; or~~

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1       ~~(2) When the director determines that funds previously~~  
2           ~~authorized for the aforementioned projects are~~  
3           ~~inadequate or any delay in the completion of such~~  
4           ~~projects would unnecessarily increase their cost or~~  
5           ~~intensify undesirable transportation conditions.~~

6       ~~(b) Expenditures from the special fund shall be made on~~  
7       ~~vouchers approved by the director or such other officer as may~~  
8       ~~be designated by the director.~~

9       ~~(c) There shall be credited to the special fund all~~  
10       ~~reimbursements and any interest earned or penalty accrued on~~  
11       ~~late payments thereon received from developers who have been~~  
12       ~~advanced public funds to fulfill the conditions of land use~~  
13       ~~development relating to transportation or other transportation~~  
14       ~~requirements imposed upon such developers.~~

15       ~~(d) Expenditures from the special fund may not be made by~~  
16       ~~the director without appropriation by the legislature. No~~  
17       ~~expenditure shall be made from, and no obligation shall be~~  
18       ~~incurred against, the special fund in excess of the amount~~  
19       ~~standing to the credit of the special fund or for any purpose~~  
20       ~~for which moneys from the special fund may not lawfully be~~  
21       ~~expended.~~

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1       ~~(c) The department of transportation shall prepare and~~  
2 ~~submit an annual report to the legislature on the use of the~~  
3 ~~transportation improvement special fund which shall include, but~~  
4 ~~not be limited to:~~

5       ~~(1) The [special] fund balance and the expenses made from~~  
6           ~~the [special] fund for the immediately preceding~~  
7           ~~fiscal year; and~~

8       ~~(2) Proposed appropriations from the [special] fund for~~  
9           ~~the next fiscal year.~~

10       ~~This report shall be submitted to the legislature no later~~  
11 ~~than twenty days prior to the convening of each legislative~~  
12 ~~session.~~

13       ~~(f) The director may adopt rules pursuant to chapter 91~~  
14 ~~necessary to effectuate the purposes of, and to administer, this~~  
15 ~~section.~~

16       ~~(g) As used in this section:~~

17       ~~"Director" means the director of transportation.~~

18       ~~"Special fund" means the transportation improvement special~~  
19 ~~fund." ]~~

20       SECTION 2. Section 266-2.3, Hawaii Revised Statutes, is  
21 repealed.

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1           ~~["§266-2.3] Kewalo basin use permit; Honolulu harbor use~~  
2 ~~permit; portability.~~ (a) ~~Notwithstanding any law to the~~  
3 ~~contrary, the department of transportation shall allow, on a~~  
4 ~~space available basis, a vessel with a use permit authorizing~~  
5 ~~the vessel to moor in Kewalo basin to moor in Honolulu harbor at~~  
6 ~~no additional cost and with no additional use permit required~~  
7 ~~under the following conditions:~~

8           ~~(1) The manager of Kewalo basin prohibits entrance into~~  
9           ~~Kewalo basin because of inclement weather or ocean~~  
10           ~~conditions; provided that as soon as the manager of~~  
11           ~~Kewalo basin opens the entrance to vessels, the vessel~~  
12           ~~shall leave Honolulu harbor;~~

13           ~~(2) The owner or operator of a commercial fishing vessel~~  
14           ~~desires to sell the owner's or operator's catch of~~  
15           ~~fish to a business operating within Honolulu harbor or~~  
16           ~~otherwise conduct business within Honolulu harbor;~~  
17           ~~provided that the vessel shall not moor in Honolulu~~  
18           ~~harbor for a period longer than is necessary to unload~~  
19           ~~all or some of the catch of fish for sale or otherwise~~  
20           ~~conduct business; and~~

21           ~~(3) The owner of the vessel is current in its payments of~~  
22           ~~any moneys, rates, fees, dues, compensation, fines, or~~

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1 ~~penalties assessed against the vessel that are due to~~  
2 ~~the State.~~

3 ~~(b) Notwithstanding any law to the contrary, the~~  
4 ~~department with jurisdiction over Kewalo basin shall allow, on a~~  
5 ~~space available basis, a vessel with a use permit authorizing~~  
6 ~~the vessel to moor in Honolulu harbor to moor in Kewalo basin at~~  
7 ~~no additional cost and with no additional use permit required~~  
8 ~~subject to the discretion of the harbor manager of Kewalo basin.~~

9 ~~(c) The director of transportation shall adopt rules~~  
10 ~~pursuant to chapter 91, to implement this section." ]~~

11 SECTION 3. Section 266-22, Hawaii Revised Statutes, is  
12 repealed.

13 [~~"§266-22 Maintenance of fire boat. The cost of operating~~  
14 ~~and maintaining the fire boat shall be borne by the department~~  
15 ~~of transportation. The department shall pay annually from its~~  
16 ~~special fund for the operation and maintenance costs." ]~~

17 SECTION 4. Statutory material to be repealed is bracketed  
18 and stricken.

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

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INTRODUCED BY: 

22

BY REQUEST

# S.B. NO. 1213

**Report Title:**

Department of Transportation; Hawaii Revised Statutes, Repeal

**Description:**

Repeals sections 264-19, 266-2.3, and 266-22, Hawaii Revised Statutes, for the purpose of deleting obsolete or unnecessary provisions.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

JUSTIFICATION SHEET

DEPARTMENT: Transportation

TITLE: A BILL FOR AN ACT RELATING TO TRANSPORTATION.

PURPOSE: Repeal three sections of the Hawaii Revised Statutes to delete obsolete or unnecessary provisions.

MEANS: Repeal sections 264-19, 266-2.3, and 266-22, Hawaii Revised Statutes.

JUSTIFICATION: The Department of Transportation seeks to repeal these sections of the Hawaii Revised Statutes for the following reasons:

Section 264-19, Transportation special fund - there are no funds remaining in the Transportation Improvement Special Fund as all improvements have been completed.

Section 266-2.3, Kewalo basin use permit; Honolulu harbor use permit; portability - oversight of Kewalo basin is under the purview of the Hawaii Community Development Corporation (HCDA), and the statutes should be repealed to reflect that shared permitting and expense items are wholly with the HCDA.

Section 266-22, Maintenance of fire boat - The Department of Transportation no longer owns any fireboats.

Impact on the public: None.

Impact on the department and other agencies: Repeals obsolete or unnecessary sections in the Hawaii Revised Statutes.

GENERAL FUND: None.

OTHER FUNDS: None.

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PPBS PROGRAM  
DESIGNATION:

OTHER AFFECTED  
AGENCIES:

Hawaii Community Development Corporation

EFFECTIVE DATE: Upon approval.