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# A BILL FOR AN ACT

RELATING TO INVASIVE SPECIES FUNDING.

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

1           SECTION 1. Section 261-7, Hawaii Revised Statutes, is  
2 amended by amending subsection (e) to read as follows:  
3           "(e) The department may fix and regulate, from time to  
4 time, reasonable landing fees for aircraft, including the  
5 imposition of landing surcharges or differential landing fees,  
6 and other reasonable charges for the use and enjoyment of the  
7 airports and the services and facilities furnished by the  
8 department in connection therewith, including the establishment  
9 of a statewide system of airports landing fees, a statewide  
10 system of airports support charges, and joint use charges for  
11 the use of space shared by users, which fees and charges may  
12 vary among different classes of users such as foreign carriers,  
13 domestic carriers, inter-island carriers, air taxi operators,  
14 helicopters, and such other classes as may be determined by the  
15 director, for the purpose of meeting the expenditures of the  
16 statewide system of airports set forth in section 261-5(a),  
17 which includes expenditures for capital improvement projects  
18 approved by the legislature.



1        Of the statewide system of airport landing fees collected  
2 each year, five per cent shall be disbursed by the department,  
3 in consultation with the departments of agriculture and land and  
4 natural resources, for invasive species prevention and control  
5 and in accordance with applicable federal law regarding the  
6 disposition of airport revenues.

7        In setting airports rates and charges, including landing  
8 fees, the director may enter into contracts, leases, licenses,  
9 and other agreements with aeronautical users of the statewide  
10 system of airports containing such terms, conditions, and  
11 provisions as the director deems advisable.

12        If the director has not entered into contracts, leases,  
13 licenses, and other agreements with any or fewer than all of the  
14 aeronautical users of the statewide system of airports prior to  
15 the expiration of an existing contract, lease, license, or  
16 agreement, the director shall set and impose rates, rentals,  
17 fees, and charges pursuant to this subsection without regard to  
18 the requirements of chapter 91; provided that a public  
19 informational hearing shall be held on the rates, rentals, fees,  
20 and charges.

21        The director shall develop rates, rentals, fees, and  
22 charges in accordance with a residual methodology so that the

1 statewide system of airports shall be, and always remain, self-  
2 sustaining. The rates, rentals, fees, and charges shall be set  
3 at such levels as to produce revenues which, together with  
4 aviation fuel taxes, shall be at least sufficient to meet the  
5 expenditures of the statewide system of airports set forth in  
6 section 261-5(a), including expenditures for capital improvement  
7 projects approved by the legislature, and to comply with  
8 covenants and agreements with holders of airport revenue bonds.

9 The director may develop and formulate methodology in  
10 setting the various rates, rentals, fees, and charges imposed  
11 and may determine usage of space, estimate landed weights, and  
12 apply such portion of nonaeronautical revenue deemed appropriate  
13 in determining the rates, rentals, fees, and charges applicable  
14 to aeronautical users of the statewide system of airports.

15 The rates, rentals, fees, and charges determined by the  
16 director in the manner set forth in this subsection shall be  
17 those charges payable by the aeronautical users for the periods  
18 immediately following the date of expiration of the existing  
19 contract, lease, license, or agreement. If fees are established  
20 pursuant to this section, the department shall prepare a  
21 detailed report on the circumstances and rates and charges that  
22 have been established, and shall submit the report to the

1 legislature no later than twenty days prior to the convening of  
2 the next regular session.

3       If a schedule of rates, rentals, fees, and charges  
4 developed by the director in accordance with this section is  
5 projected by the department to produce revenues which, together  
6 with aviation fuel taxes, will be in excess of the amount  
7 required to meet the expenditures of the statewide system of  
8 airports set forth in section 261-5(a), including expenditures  
9 for capital improvement projects approved by the legislature,  
10 and to comply with covenants and agreements with holders of  
11 airport revenue bonds, the department shall submit the schedule  
12 of rates, rentals, fees, and charges to the legislature prior to  
13 the convening of the next regular session of the legislature.  
14 Within forty-five days after the convening of the regular  
15 session, the legislature may disapprove any schedule of rates,  
16 rentals, fees, and charges required to be submitted to it by  
17 this section by concurrent resolution. If no action is taken by  
18 the legislature within the forty-five-day period the schedule of  
19 rates, rentals, fees, and charges shall be deemed approved. If  
20 the legislature disapproves the schedule within the forty-five-  
21 day period, the director shall develop a new schedule of rates,  
22 rentals, fees, and charges in accordance with this section



1 within seventy-five days of the disapproval. Pending the  
2 development of a new schedule of rates, rentals, fees, and  
3 charges, the schedule submitted to the legislature shall remain  
4 in force and effect.

5 Notwithstanding any other provision of law to the contrary,  
6 the department may waive landing fees and other aircraft charges  
7 established under this section at any airport owned or  
8 controlled by the State whenever:

- 9 (1) The governor declares a state of emergency; and
- 10 (2) The department determines that the waiver of landing  
11 fees and other charges for the aircraft is consistent  
12 with assisting in the delivery of humanitarian relief  
13 to disaster-stricken areas of the State."

14 SECTION 2. Section 266-2, Hawaii Revised Statutes, is  
15 amended by amending subsection (b) to read as follows:

16 "(b) Notwithstanding any law or provision to the contrary,  
17 the department of transportation is authorized to plan,  
18 construct, operate, and maintain any commercial harbor facility  
19 in the State, including, but not limited to, the acquisition and  
20 use of lands necessary to stockpile dredged spoils, without the  
21 approval of county agencies.

1 All moneys appropriated for commercial harbor improvements,  
 2 including new construction, reconstruction, repairs, salaries,  
 3 and operating expenses, shall be expended under the supervision  
 4 and control of the department, subject to this chapter and  
 5 chapter 103D.

6 All contracts and agreements authorized by law to be  
 7 entered into by the department shall be executed on its behalf  
 8 by the director of transportation.

9 Of the port entry, wharfage, and demurrage fees collected  
 10 each year, five per cent shall be disbursed by the department,  
 11 in consultation with the departments of agriculture and land and  
 12 natural resources, for invasive species prevention and control."

13 SECTION 3. New statutory material is underscored.

14 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: Wamuni Duota

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 JAN 25 2006

HB 2850

**Report Title:**

Invasive Species; Funding

**Description:**

Earmarks a portion of the airport landing fee and the harbor port entry, dockage, and wharfage fees for invasive species control and prevention.

