

JAN 25 2006

A BILL FOR AN ACT

RELATING TO INVASIVE SPECIES.

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

1 SECTION 1. Section 141, Hawaii Revised Statutes, is
2 amending by adding a new section to be appropriately designated
3 and to read as follows:

4 **"§141- Hawaii invasive species special fund.** There is
5 created the Hawaii invasive species special fund into which
6 shall be deposited revenue from the airport revenue fund under
7 section 261-5(c) and the harbor special fund under section
8 266-19(c). Proceeds from the fund shall be used by the
9 department of agriculture exclusively for the inspection and
10 eradication of invasive species (as that term is defined in
11 section 520A-2) at ports of entry in the State."

12 SECTION 2. Section 261-5, Hawaii Revised Statutes, is
13 amended to read as follows:

14 **"§261-5 Disposition of airport revenue fund.** (a) Except
15 for that portion of the payments received by the department
16 under a contract entered into as authorized by section 261-7 and
17 deposited in the transportation use special fund pursuant to
18 section 261D-1, and except for all proceeds from the passenger



1 facility charge and deposited in the passenger facility charge
2 special fund, all moneys received by the department from rents,
3 fees, and other charges collected pursuant to this chapter, as
4 well as all aviation fuel taxes paid pursuant to section 243-
5 4(a)(2), shall be paid into the airport revenue fund created by
6 section 248-8.

7 ~~[All]~~ (b) Except as provided in subsection (c), all moneys
8 paid into the airport revenue fund shall be appropriated,
9 applied, or expended by the department for any purpose within
10 the jurisdiction, powers, duties, and functions of the
11 department related to the statewide system of airports,
12 including, without limitation, the costs of operation,
13 maintenance, and repair of the statewide system of airports and
14 reserves therefor, and acquisitions (including real property and
15 interests therein), constructions, additions, expansions,
16 improvements, renewals, replacements, reconstruction,
17 engineering, investigation, and planning for the statewide
18 system of airports, all or any of which in the judgment of the
19 department are necessary to the performance of its duties or
20 functions. The department shall generate sufficient revenues
21 from its airport properties to meet all of the expenditures of
22 the statewide system of airports and to comply with section



1 39-61; provided that as long as sufficient revenues are
2 generated to meet such expenditures, the director of
3 transportation [~~may~~], in the director's discretion, may grant a
4 rebate of the aviation fuel taxes paid into the airport revenue
5 fund during a fiscal year pursuant to sections 243-4(a)(2) and
6 248-8 to any person who has paid airport use charges or landing
7 fees during [~~such~~] the fiscal year. Such rebate may be granted
8 during the next succeeding fiscal year but shall not exceed one-
9 half cent per gallon per person[7] and shall be computed on the
10 total number of gallons for which the tax was paid by such
11 person[7] for [~~such~~] the fiscal year.

12 (c) From the moneys paid into the airport revenue fund
13 under subsection (b), per cent of the funds collected from
14 airport landing fees shall be used exclusively for the
15 inspection and eradication of invasive species (as that term is
16 defined in section 520A-2) and deposited into the Hawaii
17 invasive species special fund created by section 141- .

18 [~~(b) At any time the~~] (d) The director of transportation
19 may transfer from the airport revenue fund all or any portion of
20 the moneys received by the department paid under a contract
21 entered into as authorized by section 261-7 on account of the
22 display, sale and delivery of in-bond merchandise displayed or



1 sold at locations in the State other than on airport properties,
2 as permitted under federal law without causing a violation of
3 federal grant agreements, which the director of transportation
4 shall determine, pursuant to rules promulgated pursuant to
5 chapter 91, to be in excess of one hundred fifty per cent of the
6 requirements of the airport revenue fund for the ensuing twelve
7 months.

8 ~~(d)~~ (e) All expenditures by the department shall be on
9 vouchers duly approved by the director of transportation or such
10 other officer as may be designated by the director.

11 ~~(d)~~ (f) Notwithstanding the provisions contained in any
12 contract authorized by section 261-7 in effect on June 13, 1989,
13 from and after June 13, 1989, to and including June 30, 1990,
14 all payments made under such contract allocable to the display
15 and sale of in-bond merchandise at locations in the State other
16 than on airport properties shall be credited to the
17 transportation use special fund established by section 261D-1 in
18 the airport revenue fund established by section 248-8, but shall
19 not be appropriated, applied, or expended prior to July 1, 1990,
20 except for purposes provided under this section."

21 SECTION 3. Section 266-19, Hawaii Revised Statutes, is
22 amended to read as follows:



1 "§266-19 Creation of harbor special fund; disposition of
2 harbor special fund. (a) There is created in the treasury of
3 the State the harbor special fund. All moneys received by the
4 department of transportation from the rates and fees pursuant to
5 section 266-17(a)(1) shall be paid into the harbor special fund.
6 The harbor special fund and the second separate harbor special
7 fund heretofore created shall be consolidated into the harbor
8 special fund at such time as there are no longer any revenue
9 bonds payable from the second separate harbor special fund. The
10 harbor reserve fund heretofore created is abolished.

11 All moneys derived pursuant to this chapter from harbor
12 properties of the statewide system of harbors (excluding
13 properties principally used for recreation or the landing of
14 fish, except properties located at Kewalo Basin, ewa of Ala
15 Moana Park, Honolulu) shall be paid into the harbor special fund
16 and each fiscal year shall be appropriated, applied, or expended
17 by the department of transportation for the statewide system of
18 harbors for any purpose within the jurisdiction, powers, duties,
19 and functions of the department of transportation related to the
20 statewide system of harbors (excluding properties principally
21 used for recreation or the landing of fish, except the
22 properties located at Kewalo Basin, ewa of Ala Moana Park,



1 Honolulu), including, without limitation, the costs of
2 operation, maintenance, and repair of the statewide system of
3 harbors and reserves therefor, and acquisitions (including real
4 property and interests therein), constructions, additions,
5 expansions, improvements, renewals, replacements,
6 reconstruction, engineering, investigation, and planning, for
7 the statewide system of harbors, all or any of which in the
8 judgment of the department of transportation are necessary to
9 the performance of its duties or functions.

10 (b) ~~[At any time]~~ Except as provided in subsection (c),
11 the director of transportation may transfer from the harbor
12 special fund, created by ~~[paragraph]~~ subsection (a) ~~[of this~~
13 ~~section]~~, all or any portion of available moneys on deposit in
14 the harbor special fund determined by the director of
15 transportation to be in excess of one hundred fifty per cent of
16 the requirements for the ensuing twelve months for the harbor
17 special fund as permitted by and in accordance with section 37-
18 53. For purposes of such determination, the director of
19 transportation shall take into consideration the amount of
20 federal funds and bond funds on deposit in, and budgeted to be
21 expended from, the harbor special fund during such period,
22 amounts on deposit in the harbor special fund ~~[which]~~ that are



1 encumbered or otherwise obligated, budgeted amounts payable from
 2 the harbor special fund during such period, and revenues
 3 anticipated to be received by and expenditures to be made from
 4 the harbor special fund during such period based on existing
 5 agreements and other information for the ensuing twelve months,
 6 and such other factors as the director of transportation shall
 7 deem appropriate.

8 (c) From the moneys paid into the harbor special fund
 9 under subsection (a), per cent of those funds shall be used
 10 exclusively for the inspection and eradication of invasive
 11 species (as that term is defined in section 520A-2) and
 12 deposited into the Hawaii invasive species special fund created
 13 by section 141- .

14 ~~(+e)~~ (d) All expenditures by the department shall be made
 15 on vouchers duly approved by the director of transportation or
 16 such other officer as may be designated by the director of
 17 transportation."

18 SECTION 4. Statutory material to be repealed is bracketed
 19 and stricken. New statutory material is underscored.

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

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S.B. NO. 2401

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SB. NO. 2401

Report Title:

Invasive species; Hawaii Invasive Species Special Fund; Airport Revenue Fund; Harbor Special Fund

Description:

Establishes the Hawaii invasive species special fund that is funded by airport landing fees and harbor fees to finance the fight against invasive species.

