

ACT 300

H. B. 898.

A Bill for an Act Relating to Mass Transit System.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Grant of powers. Every county of this State is hereby empowered and authorized to acquire, condemn, purchase, lease, construct, extend, own, maintain, and operate mass transit systems, including, without being limited to, motor buses, street railroads, fixed rail facilities such as monorails or subways, whether surface, subsurface or elevated, taxis, and other forms of transportation for hire for passengers and their personal baggage.

Every county shall have such power to provide mass transportation service, whether directly, jointly or under contract with private parties, without such county or private parties being subject to the jurisdiction and control of the state public utilities commission in any manner.

SECTION 2. Provision relating to purchase. Any franchise heretofore granted by the legislature authorizing the transportation of persons or property, or both, by motor vehicle limited to one county or a portion of a county is hereby amended as follows with respect to the procedure for the purchase of the property of the company holding the franchise (hereinafter called the "company"):

(a) The legislative body of the county may by ordinance authorize or provide for the purchase of the property of the company. No authorization by referendum nor any legislative act authorizing such referendum shall be required, and all references to such referendum or legislative act are hereby deleted from said franchise.

(b) Notice by the county to the company of the county's intention to acquire the property of the company shall not be required, and all references to such notice are hereby deleted from said franchise.

SECTION 3. Effect of amendment. The amendments provided in section 2 of this Act shall not be construed to amend or affect any other provision of the franchise referred to in said section 2.

SECTION 4. Financing the acquisition, construction, etc., of mass transportation systems. Any mass transportation system owned or operated or to be acquired by a county is hereby declared to be and to constitute a public improvement of such county within the meaning and purview of chapter 139, and an undertaking of such county within the meaning and purview of chapter 140. Any county may issue its general obligation bonds or notes pursuant to the provisions of chapter 139 or its revenue bonds or

notes pursuant to the provisions of chapter 139 or its revenue bonds or notes pursuant to the provisions of chapter 140 or both general obligation and revenue bonds or notes in order to pay the costs to the county of acquiring, constructing, reconstructing, improving, bettering, extending, equipping or furnishing a mass transportation system or systems in such county.

SECTION 5. Severability. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 6. Effective date. This Act shall take effect upon its approval.

(Approved June 13, 1967.)