

A Bill for an Act To Amend Subtitle 1 of Title 6, Hawaii Revised Statutes, by Adding Thereto a New Chapter Relating to Public Off-Street Parking Facilities for Counties.

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

SECTION 1. Subtitle 1 of Title 6, HRS, is hereby amended by adding a new chapter and sections thereto to be appropriately numbered by the Revisor of Statutes, to read as follows:

“CHAPTER

“Sec. (1) Public Off-Street Parking Facilities; Authorization by the Council. The Council of any county may acquire the land for and authorize the improvement, construction, maintenance, repair and operation of public off-street parking facilities within the county. The term ‘public off-street parking facilities’ means and includes land necessary or convenient for public off-street parking, rights-of-way, streets, or alleys necessary or convenient for ingress to or egress from such public off-street parking facilities, buildings, equipment, or any other property necessary or convenient for off-street parking purposes.

“Sec. (2) Public Off-Street Parking Facilities; Methods of Financing. The Council of any county may finance the acquisition, improvement or construction of off-street parking facilities in the same manner as is permissible for any other type of public improvement so long as the applicable statutes and ordinances governing the particular method or methods of financing chosen are complied with; provided, however, that if the Council decides to finance the acquisition, improvement or construction of any off-street parking facility in whole or in part by the creation of a public off-street parking district in accordance with the county’s improvement by assessments ordinance, land owned by or in possession of the U.S. or any of its agencies or the State or any of its political subdivisions or agencies which cannot lawfully be made subject to as-

assessments against the land within a public off-street parking district, or any other land which in the judgment of the Council will not be benefited by the acquisition, improvement or construction of the public off-street parking facility shall not be included within the district; and provided further that land to be acquired for public off-street parking facilities shall not be assessed.

“Sec. (3) Public Off-Street Parking Facilities; Leasing of Space for Commercial Purposes. The Council of any county may require the Finance Director of the county to lease space within public off-street parking facilities for commercial purposes under the following circumstances:

- (1) Whenever the Council deems it in the public interest and convenient or necessary in order to utilize properly the property as an off-street parking facility, it may require the leasing of space in any of the facilities for use by the lessee for the sale of gasoline and petroleum products, the sale of automobile accessories, automobile repair or service, or any other garage and fueling services.
- (2) Whenever the Council deems it necessary and feasible for the financing or operation of public off-street parking facilities, it may require the leasing of portions of the facilities for any commercial use.

“Sec. (4) Public Off-Street Parking Facilities; Leasing of Space Above or Below Off-Street Parking Facilities. Whenever the Council decides that the space above or below any proposed or existing public off-street parking facility is not needed for additional parking and that it would be in the public interest it may require the Finance Director to lease the right to occupy and use such space for uses other than off-street parking together with the right to use and occupy such space within the parking facility as may be necessary for the purposes of access to and support of structures occupying the space above or below such parking facility.”

SECTION 2. Sections 66-6, 70-112 and 70-113, Hawaii Revised Statutes are hereby repealed.

SECTION 3. This Act shall take effect upon its approval.
(Approved June 30, 1970.)