

ACT 136

H. B. NO. 620

A Bill for an Act Relating to Rates and Fees Applicable to Harbor and Boating Facilities.

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

SECTION 1. Section 266-17, Hawaii Revised Statutes, is amended to read:

“Sec. 266-17 Rates, how fixed. The department of transportation shall adjust and fix and enforce the rates assessable and chargeable by it in respect to dockage, wharfage, demurrage, and other rates and fees pertaining to har-

bors, wharves, and properties managed and operated by it so as to produce from the rates and fees:

(1) In respect to all such harbors, wharves, and other properties, except such as are principally used for recreation or the landing of fish, revenues sufficient to: (A) pay when due the principal of and interest of all bonds and other obligations for the payment of which the revenue is or has been pledged, charged, or otherwise encumbered, or which are otherwise payable from the revenue or from a special fund maintained or to be maintained from the revenue, including reserves therefor, and to maintain the special fund in an amount at least sufficient to pay when due all bonds or other revenue obligations and interest thereon, which are payable from the special fund, including reserves therefor; (B) provide for all expenses of operation and maintenance of the properties, including reserves therefor, and the expenses of the department in connection with operation and maintenance; and (C) reimburse the general funds of the State for all bond requirements for general obligation bonds which are or have been issued for harbor or wharf improvements, or to refund any of the improvement bonds, excluding bonds, the proceeds of which were or are to be expended for improvements which are or will be neither revenue producing nor connected in their use directly with revenue producing properties.

(2) In respect to properties under its control and management which are principally used for recreation or the landing of fish, revenues may be collected in an amount at least sufficient to pay the expenses of operating and maintaining the facilities and services and the cost including interest, of amortizing capital improvements; provided that the costs of constructing, operating and maintaining general navigation channels, protective structures and aids to navigation shall be excluded; provided, further, that rates established under this paragraph shall be fixed with due regard to the primary purposes of providing public recreational facilities and promoting the fishing industry. All revenues shall be deposited with the director of finance to the credit of the general fund."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes may exclude the brackets, the bracketed material, or the underscoring.*

SECTION 3. This Act shall take effect upon its approval.

(Approved May 30, 1972.)

*Edited accordingly.