

**ACT 117**

**H.B. NO. 76**

**A Bill for an Act Relating to Fisheries Development.**

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

**SECTION 1. Purpose.** The purpose of this Act is to promote fisheries development by providing for the acquisition, reconditioning, and operation of a vessel as a fuel supply and catch storage facility. Fisheries development has been hampered by the lack of such a vessel. Thus, fishing vessels have been required to

utilize large amounts of time and fuel traveling between fishing grounds and fuel and catch storage/processing facilities.

**SECTION 2. Appropriation.** There is appropriated out of the general revenues of the State of Hawaii the sum of \$1, or so much thereof as may be necessary for fiscal years 1981-1982 and 1982-1983 to carry out the purposes of this Act.

The sum appropriated shall be expended by the department of land and natural resources. Any unexpended or unencumbered balance of any appropriation made by this Act as of the close of business on June 30, 1983, shall lapse into the general fund.

**SECTION 3. (a)** In addition to the powers granted to the department of land and natural resources by law, the department may:

- (1) With the approval of the governor, and without public bidding, enter into a special vessel lease or an amendment or supplement thereto whereby the department agrees with another person engaged in fishery and fishery-related operations to acquire, or remodel and furnish or equip a vessel solely for the use by such other person to a special vessel lease;
- (2) Perform and carry out the terms and provisions of any special vessel lease;
- (3) Notwithstanding section 103-7, Hawaii Revised Statutes, or any other law to the contrary, acquire, construct, or remodel and furnish or equip any vessel or accept the assignment of any contract therefor entered into by the other person to the special vessel lease;
- (4) Agree with the other person to the special vessel lease whereby any acquisition, construction, remodeling, furnishing, or equipping of the vessel and the expenditure of moneys therefor shall be undertaken or supervised by such other person;
- (5) Contract for acquiring goods or services or leases under this Act and such contracts shall not be subject to section 103-22, Hawaii Revised Statutes, or any other law to the contrary.

(b) In addition to the conditions and terms set forth herein, any special vessel lease entered into by the department shall contain provisions obligating the lessee to the special vessel lease:

- (1) To pay to the department during the term of the special vessel lease, a rental or rentals at such time or times and in such amount or amounts as are equal to the fair market rental value of the vessel, regardless of whether the vessel is capable of being used or occupied or is being used or occupied by the lessee; and
- (2) To operate, maintain, and repair the vessel and pay the costs thereof or to pay to the department all costs of operation, maintenance, and repair of the vessel. The term and all renewals and extensions of the term of any special vessel lease (including any amendments or supplements thereto) shall not extend beyond the reasonable life of the subject vessel as determined by the department at the time of entering that special vessel lease. Any special vessel lease entered into by the department shall contain such other terms and conditions as the department deems advisable to

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effectuate the purposes of this Act.

(c) The department shall expend no moneys for the purpose of this Act unless money is appropriated for such purposes in H.B. No. 2070<sup>1</sup> enacted in any form by the regular session of 1982.

**SECTION 4. Effective date.** This Act shall take effect upon its approval.

(Approved May 26, 1982.)

### Note

1. Enacted as Act 264.