

**ACT 213**

H.B. NO. 1230

A Bill for an Act Relating to Transportation.

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

**PART I**

SECTION 1. This Act is recommended by the governor for immediate passage in accordance with section 9 of article VII of the Constitution of the State of Hawaii.

SECTION 2. Although funds were appropriated to the department of transportation for airport and harbor security measures throughout the State's airports and harbors for fiscal year 2002-2003, a critical funding emergency now exists. The program will expend all appropriated special funds before the end of the current fiscal year and the department will be unable to meet its fiscal obligation to provide the heightened airport and harbor security measures.

The purpose of this Act is to:

- (1) Appropriate additional special fund moneys to allow the airports and harbors divisions to continue to meet the heightened security requirements throughout the airport and harbor systems;
- (2) Appropriate additional funds to the department of transportation for various capital improvement projects; and
- (3) Appropriate funds to reduce the debt service payment for land transportation facilities and support.

SECTION 3. There is appropriated out of the airport special fund of the State of Hawaii the sum of \$5,661,084 or so much thereof as may be necessary for fiscal year 2002–2003 to be expended for security measures at state airports as follows:

<u>TRN 102 Honolulu International Airport</u>	
Security Services	3,658,305
Equipment, rental, and supplies	157,860
<u>TRN 111 Hilo International Airport</u>	
Security Services	481,436
Equipment, rental, and supplies	85,000
<u>TRN 114 Keahole Airport at Kona</u>	
Security Services	338,550
Equipment, rental, and supplies	85,000
<u>TRN 131 Kahului Airport</u>	
Security Services	313,808
Equipment, rental, and supplies	85,000
<u>TRN 141 Molokai Airport</u>	
Security Services	104,108
Equipment, rental, and supplies	18,000
<u>TRN 151 Lanai Airport</u>	
Security Services	103,917
Equipment, rental, and supplies	18,000
<u>TRN 161 Lihue Airport</u>	
Security Services	127,100
Equipment, rental, and supplies	85,000

provided that any funds unexpended for this purpose shall lapse to the airport special fund.

SECTION 4. There is appropriated out of the harbor special fund of the State of Hawaii the sum or \$2,300,000 or so much thereof as may be necessary for fiscal year 2002-2003 to be expended to continue the heightened harbor security throughout the various state harbor locations as follows:

<u>TRN 395 Harbor Administration</u>	
Statewide Security Services	2,300,000

provided that any funds unexpended for this purpose shall lapse to the harbor special fund.

SECTION 5. There is appropriated out of the harbor special fund of the State of Hawaii for Honolulu harbor (TRN 301) the following sums for fiscal year 2003-2004 for capital improvement projects:

1. J32 Snug Harbor Relocation, Honolulu Harbor, Oahu

Plans for the relocation of facilities at Snug Harbor and other related improvements.

Plans		350,000 <sup>1</sup>
Total Funding	TRN	350,000 <sup>1</sup> B

2. J33 Kapalama Container Terminal Land Acquisition, Oahu

Land acquisition for the development of a new container facility and other related improvements.

Land		8,191,000 <sup>1</sup>
Total Funding	TRN	8,191,000 <sup>1</sup> B

SECTION 6. There is appropriated out of the highway revenue bond funds and federal funds of the State of Hawaii for Oahu highways (HWY 501) the following sums for fiscal year 2003-2004 for capital improvement projects:

1. S269 Kamehameha Highway, South Punaluu Bridge Replacement, Oahu

Construction for replacement of South Punaluu bridge. This project is deemed necessary to qualify for Federal aid financing and/or reimbursement.

Construction		12,250,000 <sup>1</sup>
Total Funding	TRN	2,450,000 <sup>1</sup> E 9,800,000 <sup>1</sup> N

2. S271 Interstate Route H-1 and Moanalua Freeways Improvements, Puuloa IC to Kapiolani IC, Oahu

Construction for an additional lane on the H-1 freeway eastbound lanes from the vicinity of Middle street to the vicinity of Vineyard boulevard. This project is deemed necessary to qualify for Federal aid financing and/or reimbursement.

Construction		6,500,000 <sup>1</sup>
Total Funding	TRN	1,300,000 <sup>1</sup> E 5,200,000 <sup>1</sup> N

3. S323 Interstate Route H-1, Additional Westbound Lane, Vicinity of Pearl City Viaduct to Paiwa IC, Oahu

Design for construction of an additional H-1 west bound lane through the Waiawa interchange and an additional lane to the off-ramp at the Paiwa interchange. This project is deemed necessary to qualify for Federal aid financing and/or reimbursement.

Design		2,500,000 <sup>1</sup>
Total Funding	TRN	500,000 <sup>1</sup> E 2,000,000 <sup>1</sup> N

4. SP9901 Fort Weaver Road Widening, Vicinity of Laulaunui Street to Geiger Road, Oahu

Construction for widening of Fort Weaver road to a six-lane facility from the vicinity of Laulaunui street to the vicinity of Geiger road, including installing a traffic camera system from Waipahu street to Papipi road. This project is deemed necessary to qualify for Federal aid financing and/or reimbursement.

Construction		15,000,000 <sup>1</sup>
Total Funding	TRN	3,000,000 <sup>1</sup> E 12,000,000 <sup>1</sup> N

5. S324 Farrington Highway, Maipalaoa Bridge Replacement, Oahu

Design for replacement of a prestressed tee-beam bridge on Farrington highway in the vicinity of Mai'iili. This project is deemed necessary to qualify for Federal aid financing and/or reimbursement.

Land		350,000 <sup>1</sup>
Design		2,000,000 <sup>1</sup>
Construction		10,250,000 <sup>1</sup>
Total Funding	TRN	2,520,000 <sup>1</sup> E
		10,080,000 <sup>1</sup> N

SECTION 7. There is appropriated out of the highway other funds of the State of Hawaii for Oahu highways (HWY 501) the following sum for fiscal year 2003-2004 for a capital improvement project:

- James Campbell Estate Property Land Acquisition, Kalaeloa Barbers Point, Oahu

Land acquisition of James Campbell Estate property for future expansion of roadways at Kalaeloa Barbers Point.

Land		2,700,000 <sup>1</sup>
Total Funding	TRN	2,700,000 <sup>1</sup> X

SECTION 8. There is appropriated out of the airport special fund of the State of Hawaii the sum of \$20,885,201<sup>1</sup> or so much thereof as may be necessary for fiscal year 2003-2004 to be expended for additional positions, security services, equipment, rental, and supplies at state airports as follows:

TRN 102 Honolulu International Airport

Position Count		2.00
Security Services		8,344,720 <sup>1</sup>
Equipment, rental, and supplies		6,288,800 <sup>1</sup>

TRN 111 Hilo International Airport

Security Services		1,925,746 <sup>1</sup>
Equipment, rental, and supplies		85,000 <sup>1</sup>

TRN 114 Keahole Airport at Kona

Security Services		1,354,200 <sup>1</sup>
Equipment, rental, and supplies		85,000 <sup>1</sup>

TRN 131 Kahului Airport

Position Count		1.00
Security Services		1,255,234 <sup>1</sup>
Equipment, rental, and supplies		85,000 <sup>1</sup>

TRN 141 Molokai Airport

Security Services		416,431 <sup>1</sup>
Equipment, rental, and supplies		18,000 <sup>1</sup>

TRN 151 Lanai Airport

Security Services		415,670 <sup>1</sup>
Equipment, rental, and supplies		18,000 <sup>1</sup>

TRN 161 Lihue Airport

Security Services		508,400 <sup>1</sup>
Equipment, rental, and supplies		85,000 <sup>1</sup>

Airports Administration (TRN 195)

Position Count		1.00
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provided that any funds unexpended for this purpose shall lapse to the airport special fund.

SECTION 9. There is appropriated out of the harbor special fund of the State of Hawaii the sum or \$5,981,676<sup>1</sup> or so much thereof as may be necessary for fiscal year 2003-2004 to be expended for security services and fringe benefits throughout the various state harbor locations as follows:

Honolulu Harbor (TRN 301)

Security Services	582,400 <sup>1</sup>
Add Fringe Benefits	536,869 <sup>1</sup>

Harbor Administration (TRN 395)

Security Services – Statewide	4,600,000 <sup>1</sup>
Add Fringe Benefits	262,407 <sup>1</sup>

provided that any funds unexpended for this purpose shall lapse to the harbor special fund.

SECTION 10. Due to the refinancing of revenue bonds and other cost savings to debt service payments for highways division, the following sum shall be used to reduced the total debt service payment for fiscal year 2003-2004 for the following:

Land Transportation Facilities and Support (TRN 595)

Reduce Debt Service Payments	(4,067,783) <sup>1</sup>
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SECTION 11. For the fiscal biennium 2003-2005, where the department of transportation is authorized to expend from special funds under the department’s control, the department may expend so much as may be necessary in excess of the sums appropriated by the legislature to carry out the purpose for which the funds were appropriated; provided that such expenditures in excess of the amounts appropriated by the legislature are approved by the governor or by the director of finance if so delegated by the governor, and shall not exceed the amounts available in the respective special fund from which the appropriation is made. A report on all expenditures made pursuant to this Act shall be transmitted to the legislature not later than twenty days prior to the convening of the 2004 regular session.

SECTION 12. The sums appropriated shall be expended by the department of transportation for the purposes of this Part.

**PART II**

SECTION 13. Title 49 United States Code section 40117 and 14 Code of Federal Regulation Part 158 prohibit expenditure of passenger facility charge revenue for other than approved projects. The Federal Aviation Administration considers any transfer of the passenger facility charges to reimburse administrative expenses or to the works of art special fund to be revenue diversion. Therefore, passenger facility charges revenue needs to be exempt from the requirements of the reimbursement for central service expenses and the works of art special fund.

SECTION 14. Chapter 261, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§261- **Passenger facility charge revenue fund.** (a) There is established in the state treasury the passenger facility charge revenue fund, into which shall be deposited all proceeds from any passenger facility charge.

(b) Moneys in the passenger facility charge revenue fund shall be used for airport capital improvement program projects approved by the legislature.

(c) The passenger facility charge revenue fund is exempted from section 36-30.

(d) The passenger facility charge revenue fund is exempted from section 103-8.5.

(e) The director of transportation shall administer the passenger facility charge revenue fund.”

SECTION 15. Section 36-30, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Each special fund, except the:

- (1) Transportation use special fund established by section 261D-1;
- (2) Special out-of-school time instructional program fund under section 302A-1310;
- (3) School cafeteria special funds of the department of education;
- (4) Special funds of the University of Hawaii;
- (5) State educational facilities improvement special fund;
- (6) Special funds established by section 206E-6;
- (7) Aloha Tower fund created by section 206J-17;
- (8) Domestic violence prevention special fund under section 321-1.3;
- (9) Spouse and child abuse special account under section 346-7.5;
- (10) Spouse and child abuse special account under section 601-3.6;
- (11) Funds of the employees’ retirement system created by section 88-109;
- (12) Unemployment compensation fund established under section 383-121;
- (13) Hawaii hurricane relief fund established under chapter 431P;
- (14) Convention center enterprise special fund established under section 201B-8;
- (15) Hawaii health systems corporation special funds;
- (16) Tourism special fund established under section 201B-11;
- (17) Compliance resolution fund established under section 26-9;
- (18) Universal service fund established under chapter 269;
- (19) Integrated tax information management systems special fund under section 231-3.2;
- (20) Hawaii tobacco settlement special fund under section 328L-2;
- (21) Emergency and budget reserve fund under section 328L-3;
- (22) Probation services special fund under section 706-649;
- (23) High technology special fund under section 206M-15.5;
- (24) Public schools special fees and charges fund under section 302A-1130(f);
- (25) Cigarette tax stamp enforcement special fund established by section 28-14;
- (26) Cigarette tax stamp administrative special fund established by section 245-41.5;
- (27) Tobacco enforcement special fund established by section 28-15;
- (28) Sport fish special fund under section 187A-9.5; [and]
- (29) Neurotrauma special fund under section 321H-4; and
- (30) Passenger facility charge revenue fund established by section 261- ;

shall be responsible for its pro rata share of the administrative expenses incurred by the department responsible for the operations supported by the special fund concerned.”

SECTION 16. Section 103-8.5, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) There is created a works of art special fund, into which shall be transferred one per cent of all state fund appropriations for capital improvements designated for the construction cost element; provided that this transfer shall apply only to capital improvement appropriations that are designated for the construction or renovation of state buildings. The one per cent transfer requirement shall not apply to appropriations from the passenger facility charge revenue fund established by section 261-—.”

### PART III

SECTION 17. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.<sup>2</sup>

SECTION 18. This Act shall take effect on July 1, 2003; provided that sections 3, 4, 13, 14, 15, and 16 shall take effect upon approval.

(Approved June 26, 2003.)

#### Notes

1. Item vetoed, replaced with “0”, and initialed “LL”.
2. Edited pursuant to HRS §23G-16.5.