

HOUSE OF REPRESENTATIVES
TWENTY-SECOND LEGISLATURE, 2003
STATE OF HAWAII

H.B. NO. 1230
H.D. 1
S.D. 2
C.D. 1

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;



1 (2) Appropriate additional funds to the department of
2 transportation for various capital improvement
3 projects; and

4 (3) Appropriate funds to reduce the debt service payment
5 for land transportation facilities and support.

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

10 TRN 102 Honolulu International Airport

11	Security Services	3,658,305
12	Equipment, rental, and supplies	157,860

13 TRN 111 Hilo International Airport

14	Security Services	481,436
15	Equipment, rental, and supplies	85,000

16 TRN 114 Keahole Airport at Kona

17	Security Services	338,550
18	Equipment, rental, and supplies	85,000

19 TRN 131 Kahului Airport

20	Security Services	313,808
21	Equipment, rental, and supplies	85,000

1 TRN 141 Molokai Airport

2 Security Services 104,108

3 Equipment, rental, and supplies 18,000

4 TRN 151 Lanai Airport

5 Security Services 103,917

6 Equipment, rental, and supplies 18,000

7 TRN 161 Lihue Airport

8 Security Services 127,100

9 Equipment, rental, and supplies 85,000

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

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

17 TRN 395 Harbor Administration

18 Statewide Security Services 2,300,000

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

21 SECTION 5. There is appropriated out of the harbor special
22 fund of the State of Hawaii for Honolulu harbor (TRN 301) the



1 following sums for fiscal year 2003-2004 for capital improvement
2 projects:

3 1. J32 Snug Harbor Relocation, Honolulu Harbor, Oahu
4 Plans for the relocation of facilities at Snug Harbor and
5 other related improvements.

6 Plans

7 Total Funding TRN

~~22 350,000~~
~~22 350,000~~ B

8 2. J33 Kapalama Container Terminal Land Acquisition, Oahu
9 Land acquisition for the development of a new container
10 facility and other related improvements.

11 Land

12 Total Funding TRN

~~22 8,191,000~~
~~22 8,191,000~~ B

13 SECTION 6. There is appropriated out of the highway
14 revenue bond funds and federal funds of the State of Hawaii for
15 Oahu highways (HWY 501) the following sums for fiscal year 2003-
16 2004 for capital improvement projects:

17 1. S269 Kamehameha Highway, South Punaluu Bridge Replacement,
18 Oahu
19 Construction for replacement of South Punaluu bridge. This
20 project is deemed necessary to qualify for Federal aid
21 financing and/or reimbursement.

22 Construction

~~22 12,250,000~~

1 Total Funding TRN

22 ⁰
~~2,450,000~~ E

2 ⁰
~~9,800,000~~ N

3 2. S271 Interstate Route H-1 and Moanalua Freeways

4 Improvements, Puuloa IC to Kapiolani IC, Oahu

5 Construction for an additional lane on the H-1 freeway

6 eastbound lanes from the vicinity of Middle street to the

7 vicinity of Vineyard boulevard. This project is deemed

8 necessary to qualify for Federal aid financing and/or

9 reimbursement.

10 Construction

22 ⁰
~~6,500,000~~

11 Total Funding TRN

22 ⁰
~~1,300,000~~ E

12 ⁰
~~5,200,000~~ N

13 3. S323 Interstate Route H-1, Additional Westbound Lane,

14 Vicinity of Pearl City Viaduct to Paiwa IC, Oahu

15 Design for construction of an additional H-1 west bound

16 lane through the Waiawa interchange and an additional lane

17 to the off-ramp at the Paiwa interchange. This project is

18 deemed necessary to qualify for Federal aid financing

19 and/or reimbursement.

20 Design

22 ⁰
~~2,500,000~~

21 Total Funding TRN

22 ⁰
~~500,000~~ E

22 ⁰
~~2,000,000~~ N

1 4. SP9901 Fort Weaver Road Widening, Vicinity of Laulaunui
 2 Street to Geiger Road, Oahu
 3 Construction for widening of Fort Weaver road to a six-lane
 4 facility from the vicinity of Laulaunui street to the
 5 vicinity of Geiger road, including installing a traffic
 6 camera system from Waipahu street to Papipi road. This
 7 project is deemed necessary to qualify for Federal aid
 8 financing and/or reimbursement.

9 Construction			0		
			22 15,000,000		
10 Total Funding	TRN		0		
			72 3,000,000	E	
11			0		
			72 12,000,000	N	

12 5. S324 Farrington Highway, Maipalaoa Bridge Replacement, Oahu
 13 Design for replacement of a prestressed tee-beam bridge on
 14 Farrington highway in the vicinity of Mai'ili. This
 15 project is deemed necessary to qualify for Federal aid
 16 financing and/or reimbursement.

17 Land			0		
			72 350,000		
18 Design			0		
			72 2,000,000		
19 Construction			0		
			22 10,250,000		
20 Total Funding	TRN		0		
			22 2,520,000	E	
21			0		
			22 10,000,000	N	

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

5 1. James Campbell Estate Property Land Acquisition, Kalaeloa
6 Barbers Point, Oahu

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

9 Land

ZZ ⁰
~~2,700,000~~

10 Total Funding TRN

ZZ ⁰
~~2,700,000~~ X

11 SECTION 8. There is appropriated out of the airport
12 special fund of the State of Hawaii the sum of ⁰~~\$20,885,201~~ or so
13 much thereof as may be necessary for fiscal year 2003-2004 to be
14 expended for additional positions, security services, equipment,
15 rental, and supplies at state airports as follows:

16 TRN 102 Honolulu International Airport

17 Position Count 2.00

18 Security Services

ZZ ⁰
~~8,344,720~~

19 Equipment, rental, and supplies

ZZ ⁰
~~6,288,800~~

20 TRN 111 Hilo International Airport

21 Security Services

ZZ ⁰
~~1,925,746~~

22 Equipment, rental, and supplies

ZZ ⁰
~~85,000~~

1	<u>TRN 114 Keahole Airport at Kona</u>	
2	Security Services	$\begin{array}{r} 0 \\ -1,354,200 \end{array} \quad \text{22}$
3	Equipment, rental, and supplies	$\begin{array}{r} 0 \\ -85,000 \end{array} \quad \text{22}$
4	<u>TRN 131 Kahului Airport</u>	
5	Position Count	1.00
6	Security Services	$\begin{array}{r} 0 \\ -1,255,234 \end{array} \quad \text{22}$
7	Equipment, rental, and supplies	$\begin{array}{r} 0 \\ -85,000 \end{array} \quad \text{22}$
8	<u>TRN 141 Molokai Airport</u>	
9	Security Services	$\begin{array}{r} 0 \\ -416,431 \end{array} \quad \text{22}$
10	Equipment, rental, and supplies	$\begin{array}{r} 0 \\ -18,000 \end{array} \quad \text{22}$
11	<u>TRN 151 Lanai Airport</u>	
12	Security Services	$\begin{array}{r} 0 \\ -415,670 \end{array} \quad \text{22}$
13	Equipment, rental, and supplies	$\begin{array}{r} 0 \\ -18,000 \end{array} \quad \text{22}$
14	<u>TRN 161 Lihue Airport</u>	
15	Security Services	$\begin{array}{r} 0 \\ -508,400 \end{array} \quad \text{22}$
16	Equipment, rental, and supplies	$\begin{array}{r} 0 \\ -85,000 \end{array} \quad \text{22}$
17	<u>Airports Administration (TRN 195)</u>	
18	Position Count	1.00
19	provided that any funds unexpended for this purpose shall lapse	
20	to the airport special fund.	
21	SECTION 9. There is appropriated out of the harbor special	
22	fund of the State of Hawaii the sum or $\begin{array}{r} 0 \\ -\$5,981,676 \end{array}$ or so much	

1 thereof as may be necessary for fiscal year 2003-2004 to be
2 expended for security services and fringe benefits throughout
3 the various state harbor locations as follows:

4 Honolulu Harbor (TRN 301)

5 Security Services

~~582,400~~ 0 22

6 Add Fringe Benefits

~~536,869~~ 0 22

7 Harbor Administration (TRN 395)

8 Security Services - Statewide

~~4,600,000~~ 0 22

9 Add Fringe Benefits

~~262,407~~ 0 22

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

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

17 Land Transportation Facilities and Support (TRN 595)

18 Reduce Debt Service Payments

~~(4,067,783)~~ 0 22

19 SECTION 11. For the fiscal biennium 2003-2005, where the
20 department of transportation is authorized to expend from
21 special funds under the department's control, the department may
22 expend so much as may be necessary in excess of the sums



1 appropriated by the legislature to carry out the purpose for
2 which the funds were appropriated; provided that such
3 expenditures in excess of the amounts appropriated by the
4 legislature are approved by the governor or by the director of
5 finance if so delegated by the governor, and shall not exceed
6 the amounts available in the respective special fund from which
7 the appropriation is made. A report on all expenditures made
8 pursuant to this Act shall be transmitted to the legislature not
9 later than twenty days prior to the convening of the 2004
10 regular session.

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

13 PART II

14 SECTION 13. Title 49 United States Code section 40117 and
15 14 Code of Federal Regulation Part 158 prohibit expenditure of
16 passenger facility charge revenue for other than approved
17 projects. The Federal Aviation Administration considers any
18 transfer of the passenger facility charges to reimburse
19 administrative expenses or to the works of art special fund to
20 be revenue diversion. Therefore, passenger facility charges
21 revenue needs to be exempt from the requirements of the



1 reimbursement for central service expenses and the works of art
2 special fund.

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

6 "§261- Passenger facility charge revenue fund. (a)

7 There is established in the state treasury the passenger
8 facility charge revenue fund, into which shall be deposited all
9 proceeds from any passenger facility charge.

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

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

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

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

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

21 "(a) Each special fund, except the:

- 1 (1) Transportation use special fund established by section
- 2 261D-1;
- 3 (2) Special out-of-school time instructional program fund
- 4 under section 302A-1310;
- 5 (3) School cafeteria special funds of the department of
- 6 education;
- 7 (4) Special funds of the University of Hawaii;
- 8 (5) State educational facilities improvement special fund;
- 9 (6) Special funds established by section 206E-6;
- 10 (7) Aloha Tower fund created by section 206J-17;
- 11 (8) Domestic violence prevention special fund under
- 12 section 321-1.3;
- 13 (9) Spouse and child abuse special account under section
- 14 346-7.5;
- 15 (10) Spouse and child abuse special account under section
- 16 601-3.6;
- 17 (11) Funds of the employees' retirement system created by
- 18 section 88-109;
- 19 (12) Unemployment compensation fund established under
- 20 section 383-121;
- 21 (13) Hawaii hurricane relief fund established under chapter
- 22 431P;

- 1 (14) Convention center enterprise special fund established
2 under section 201B-8;
- 3 (15) Hawaii health systems corporation special funds;
- 4 (16) Tourism special fund established under section 201B-
5 11;
- 6 (17) Compliance resolution fund established under section
7 26-9;
- 8 (18) Universal service fund established under chapter 269;
- 9 (19) Integrated tax information management systems special
10 fund under section 231-3.2;
- 11 (20) Hawaii tobacco settlement special fund under section
12 328L-2;
- 13 (21) Emergency and budget reserve fund under section 328L-
14 3;
- 15 (22) Probation services special fund under section 706-649;
- 16 (23) High technology special fund under section 206M-15.5;
- 17 (24) Public schools special fees and charges fund under
18 section 302A-1130(f);
- 19 (25) Cigarette tax stamp enforcement special fund
20 established by section 28-14;
- 21 (26) Cigarette tax stamp administrative special fund
22 established by section 245-41.5;

- 1 (27) Tobacco enforcement special fund established by
2 section 28-15;
3 (28) Sport fish special fund under section 187A-9.5; [and]
4 (29) Neurotrauma special fund under section 321H-4; and
5 (30) Passenger facility charge revenue fund established by
6 section 261- ;

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

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

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

1 PART III

2 SECTION 17. Statutory material to be repealed is bracketed
3 and stricken. New statutory material is underscored.

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

