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## A BILL FOR AN ACT

RELATING TO INVASIVE SPECIES.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Section 141, Hawaii Revised Statutes, is  
2 amending by adding a new section to be appropriately designated  
3 and to read as follows:

4           "§141- Hawaii invasive species special fund. There is  
5 created in the treasury of the State of Hawaii the Hawaii  
6 invasive species special fund into which shall be deposited  
7 revenue from the airport revenue fund under section 261-5(c) and  
8 the harbor special fund under section 266-19(c). Proceeds from  
9 the fund shall be used by the department of agriculture  
10 exclusively for the inspection and eradication of invasive  
11 species (as that term is defined in section 520A-2) at ports of  
12 entry into the state."

13           SECTION 2. Section 261-5, Hawaii Revised Statutes, is  
14 amended to read as follows:

15           "§261-5 Disposition of airport revenue fund. (a) Except  
16 for that portion of the payments received by the department  
17 under a contract entered into as authorized by section 261-7 and  
18 deposited in the transportation use special fund pursuant to



1 section 261D-1, and except for all proceeds from the passenger  
2 facility charge and deposited in the passenger facility charge  
3 special fund, all moneys received by the department from rents,  
4 fees, and other charges collected pursuant to this chapter, as  
5 well as all aviation fuel taxes paid pursuant to section 243-  
6 4(a)(2), shall be paid into the airport revenue fund created by  
7 section 248-8.

8 ~~[All]~~ (b) Except as provided in subsection (c), all moneys  
9 paid into the airport revenue fund shall be appropriated,  
10 applied, or expended by the department for any purpose within  
11 the jurisdiction, powers, duties, and functions of the  
12 department related to the statewide system of airports,  
13 including, without limitation, the costs of operation,  
14 maintenance, and repair of the statewide system of airports and  
15 reserves therefor, and acquisitions (including real property and  
16 interests therein), constructions, additions, expansions,  
17 improvements, renewals, replacements, reconstruction,  
18 engineering, investigation, and planning for the statewide  
19 system of airports, all or any of which in the judgment of the  
20 department are necessary to the performance of its duties or  
21 functions. The department shall generate sufficient revenues  
22 from its airport properties to meet all of the expenditures of



1 the statewide system of airports and to comply with section  
2 39-61; provided that as long as sufficient revenues are  
3 generated to meet such expenditures, the director of  
4 transportation [~~may~~], in the director's discretion, may grant a  
5 rebate of the aviation fuel taxes paid into the airport revenue  
6 fund during a fiscal year pursuant to sections 243-4(a)(2) and  
7 248-8 to any person who has paid airport use charges or landing  
8 fees during [~~such~~] the fiscal year. Such rebate may be granted  
9 during the next succeeding fiscal year but shall not exceed one-  
10 half cent per gallon per person[~~7~~] and shall be computed on the  
11 total number of gallons for which the tax was paid by such  
12 person[~~7~~] for [~~such~~] the fiscal year.

13 (c) From the moneys paid into the airport revenue fund  
14 under subsection (b), per cent of the funds collected from  
15 airport landing fees shall be deposited into the Hawaii invasive  
16 species special fund created by section 141- to be used  
17 exclusively for the inspection and eradication of invasive  
18 species (as that term is defined in section 520A-2) at ports of  
19 entry into the state.

20 [~~(b) At any time the~~] (d) The director of transportation  
21 may transfer from the airport revenue fund all or any portion of  
22 the moneys received by the department paid under a contract



1 entered into as authorized by section 261-7 on account of the  
2 display, sale and delivery of in-bond merchandise displayed or  
3 sold at locations in the State other than on airport properties,  
4 as permitted under federal law without causing a violation of  
5 federal grant agreements, which the director of transportation  
6 shall determine, pursuant to rules promulgated pursuant to  
7 chapter 91, to be in excess of one hundred fifty per cent of the  
8 requirements of the airport revenue fund for the ensuing twelve  
9 months.

10 [~~(e)~~] (e) All expenditures by the department shall be on  
11 vouchers duly approved by the director of transportation or such  
12 other officer as may be designated by the director.

13 [~~(d)~~] (f) Notwithstanding the provisions contained in any  
14 contract authorized by section 261-7 in effect on June 13, 1989,  
15 from and after June 13, 1989, to and including June 30, 1990,  
16 all payments made under such contract allocable to the display  
17 and sale of in-bond merchandise at locations in the State other  
18 than on airport properties shall be credited to the  
19 transportation use special fund established by section 261D-1 in  
20 the airport revenue fund established by section 248-8, but shall  
21 not be appropriated, applied, or expended prior to July 1, 1990,  
22 except for purposes provided under this section."



1 SECTION 3. Section 266-19, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 **"§266-19 Creation of harbor special fund; disposition of**  
4 **harbor special fund.** (a) There is created in the treasury of  
5 the State the harbor special fund. All moneys received by the  
6 department of transportation from the rates and fees pursuant to  
7 section 266-17(a)(1) shall be paid into the harbor special fund.  
8 The harbor special fund and the second separate harbor special  
9 fund heretofore created shall be consolidated into the harbor  
10 special fund at such time as there are no longer any revenue  
11 bonds payable from the second separate harbor special fund. The  
12 harbor reserve fund heretofore created is abolished.

13 ~~[All]~~ Except as provided in subsection (c), all moneys  
14 derived pursuant to this chapter from harbor properties of the  
15 statewide system of harbors (excluding properties principally  
16 used for recreation or the landing of fish, except properties  
17 located at Kewalo Basin, ewa of Ala Moana Park, Honolulu) shall  
18 be paid into the harbor special fund and each fiscal year shall  
19 be appropriated, applied, or expended by the department of  
20 transportation for the statewide system of harbors for any  
21 purpose within the jurisdiction, powers, duties, and functions  
22 of the department of transportation related to the statewide



1 system of harbors (excluding properties principally used for  
2 recreation or the landing of fish, except the properties located  
3 at Kewalo Basin, ewa of Ala Moana Park, Honolulu), including,  
4 without limitation, the costs of operation, maintenance, and  
5 repair of the statewide system of harbors and reserves therefor,  
6 and acquisitions (including real property and interests  
7 therein), constructions, additions, expansions, improvements,  
8 renewals, replacements, reconstruction, engineering,  
9 investigation, and planning, for the statewide system of  
10 harbors, all or any of which in the judgment of the department  
11 of transportation are necessary to the performance of its duties  
12 or functions.

13 (b) ~~[At any time]~~ Except as provided in subsection (c),  
14 the director of transportation may transfer from the harbor  
15 special fund, created by ~~[paragraph]~~ subsection (a) ~~[of this~~  
16 ~~section]~~, all or any portion of available moneys on deposit in  
17 the harbor special fund determined by the director of  
18 transportation to be in excess of one hundred fifty per cent of  
19 the requirements for the ensuing twelve months for the harbor  
20 special fund as permitted by and in accordance with section 37-  
21 53. For purposes of such determination, the director of  
22 transportation shall take into consideration the amount of



1 federal funds and bond funds on deposit in, and budgeted to be  
2 expended from, the harbor special fund during such period,  
3 amounts on deposit in the harbor special fund [~~which~~] that are  
4 encumbered or otherwise obligated, budgeted amounts payable from  
5 the harbor special fund during such period, and revenues  
6 anticipated to be received by and expenditures to be made from  
7 the harbor special fund during such period based on existing  
8 agreements and other information for the ensuing twelve months,  
9 and such other factors as the director of transportation shall  
10 deem appropriate.

11 (c) From the moneys paid into the harbor special fund  
12 under subsection (a), per cent of those funds shall be  
13 deposited into the Hawaii invasive species special fund created  
14 by section 141- to be used exclusively for the inspection and  
15 eradication of invasive species (as that term is defined in  
16 section 520A-2) at ports of entry into the state.

17 [~~(e)~~] (d) All expenditures by the department shall be made  
18 on vouchers duly approved by the director of transportation or  
19 such other officer as may be designated by the director of  
20 transportation."

21 SECTION 4. Statutory material to be repealed is bracketed  
22 and stricken. New statutory material is underscored.



1 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:

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JAN 23 2007



**Report Title:**

Invasive Species Special Fund; Airport Revenue Fund; Harbor Special Fund

**Description:**

Establishes the Hawaii invasive species special fund that is funded by airport landing fees and harbor fees to finance the fight against invasive species.

