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# A BILL FOR AN ACT

RELATING TO COMMERCIAL PORT ADMINISTRATION.

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

1 SECTION 1. Section 26-15, Hawaii Revised Statutes, is  
2 amended by amending subsection (b) to read as follows:

3 "(b) The department shall manage and administer the public  
4 lands of the State and minerals thereon and all water and  
5 coastal areas of the State except the commercial [~~harbor~~] port  
6 areas of the State, including the soil conservation function,  
7 the forests and forest reserves, aquatic life, wildlife  
8 resources, state parks, including historic sites, and all  
9 activities thereon and therein including, but not limited to,  
10 boating, ocean recreation, and coastal areas programs."

11 SECTION 2. Section 28-2, Hawaii Revised Statutes, is  
12 amended to read as follows:

13 "**§28-2 Prosecutes offenders, enforces bonds.** The attorney  
14 general shall be vigilant and active in detecting offenders  
15 against the laws of the State[7] and shall prosecute the same  
16 with diligence. The attorney general shall also enforce all  
17 bonds and other obligations in favor of the State that may be



1 placed in the attorney general's hands for that purpose, by any  
2 person having the lawful custody of the papers; and the attorney  
3 general shall likewise be diligent in prosecuting all persons  
4 who may obstruct any street, channel, harbor, commercial port,  
5 wharf, or other highway, or any stream or public watercourse, or  
6 commit any trespass, or waste on any portion of the public  
7 domain, or other public property."

8 SECTION 3. Section 36-29, Hawaii Revised Statutes, is  
9 amended to read as follows:

10 "**§36-29 Transfer from [~~harbor~~] commercial port special**  
11 **fund.** Any other law to the contrary notwithstanding, there  
12 shall be deducted from time to time by the director of finance  
13 for the purpose of defraying the prorated estimate of central  
14 service expenses of government in relation to the [~~harbor~~]  
15 commercial port special fund five per cent of all receipts and  
16 deposits in the [~~harbor~~] commercial port special fund after  
17 deducting therefrom any amounts pledged, charged, or encumbered  
18 for the payment of bonds or interest thereon during the current  
19 year, from which receipts or deposits no deduction of five per  
20 cent has previously been made. The deductions shall be  
21 transferred to the general fund of the State and become general



1 realizations of the State. For the purposes of this section,  
2 the term "any amount pledged, charged, or encumbered for the  
3 payment of bonds or interest thereon during the current year"  
4 shall include:

- 5 (1) Amounts [~~which~~] that are so pledged, charged or  
6 encumbered;
- 7 (2) Amounts otherwise required to be applied to the  
8 payment of principal of and interest on revenue bonds  
9 or other revenue obligations;
- 10 (3) Amounts required to be paid into a separate special  
11 fund for the payment of principal of and interest on  
12 revenue bonds or other revenue obligations payable  
13 from the second separate special fund; and
- 14 (4) Amounts required by law to be paid from the [~~harbor~~]  
15 commercial port special fund into the general fund of  
16 the State to reimburse the general fund for bond  
17 requirements for general obligation bonds issued for  
18 harbor or commercial port purposes.

19 The second separate special fund maintained by deposits from the  
20 [~~harbor~~] commercial port special fund shall not be deemed to be  
21 a special fund within the meaning of section 36-27 or section



1 36-30. The director of transportation shall cooperate with the  
2 director of finance in effecting the transfer."

3 SECTION 4. Section 171-3, Hawaii Revised Statutes, is  
4 amended by amending subsection (a) to read as follows:

5 "(a) The department of land and natural resources shall be  
6 headed by an executive board to be known as the board of land  
7 and natural resources. The department shall manage, administer,  
8 and exercise control over public lands, the water resources,  
9 ocean waters, navigable streams, coastal areas (excluding  
10 commercial [~~harbor~~] port areas), and minerals and all other  
11 interests therein and exercise such powers of disposition  
12 thereof as may be authorized by law. The department shall also  
13 manage and administer the state parks, historical sites,  
14 forests, forest reserves, aquatic life, aquatic life  
15 sanctuaries, public fishing areas, boating, ocean recreation,  
16 coastal programs, wildlife, wildlife sanctuaries, game  
17 management areas, public hunting areas, natural area reserves,  
18 and other functions assigned by law."

19 SECTION 5. Section 171-24, Hawaii Revised Statutes, is  
20 amended to read as follows:



1           "§171-24 Land conveyances, preparation, signing, record,  
2 **copies.** Except for the preparation and execution of leases and  
3 licenses and the issuance of revocable permits and rights of  
4 entry by the department of transportation, in its harbor,  
5 commercial port, and airport functions, all land patents, deeds,  
6 leases, grants, or other conveyances of any public land or any  
7 interest therein, shall be prepared by the department of land  
8 and natural resources. The department of transportation shall,  
9 within thirty days after the execution or issuance of such  
10 documents, file or record as directed by the board of land and  
11 natural resources the original of the same with the board.

12           Documents setting aside lands for public purposes or  
13 withdrawing the same shall be signed by the governor. All other  
14 documents prepared by the department of land and natural  
15 resources shall be signed by its chairperson or any authorized  
16 employee.

17           The board shall keep a complete record of all such  
18 documents. The record shall be open to public inspection and  
19 the board shall furnish a certified copy, under its official  
20 seal, of any document to any person applying therefor, upon



1 payment of reasonable charges set by the board for certified  
2 copies."

3 SECTION 6. Section 188F-2, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "**§188F-2 West Hawaii regional fishery management area;**  
6 **establishment.** The department of land and natural resources  
7 shall establish the West Hawaii regional fishery management area  
8 to improve the management of consumptive and nonconsumptive uses  
9 of aquatic resources encompassing the regional ocean area on the  
10 west coast of Hawaii Island, from Ka Lae, Kau (South Point) to  
11 Upolu Point, North Kohala, but not including the port of  
12 Kawaihae [~~commercial~~] and Kawaihae harbor."

13 SECTION 7. Section 200-10, Hawaii Revised Statutes, is  
14 amended by amending subsection (c) to read as follows:

15 "(c) The permittee shall pay moorage fees to the  
16 department for the use permit that shall be based on but not  
17 limited to the use of the vessel, the vessel's effect on the  
18 harbor, use of facilities, and the cost of administering the  
19 mooring program; provided that:

20 (1) Except for commercial maritime activities in which a  
21 tariff is established by the department of



1 transportation, moorage fees shall be established by  
2 appraisal by a state-licensed appraiser approved by  
3 the department;

4 (2) For commercial maritime activities in which a tariff  
5 is established by the [~~harbors~~] commercial ports  
6 division of the department of transportation, the  
7 department may adopt the published tariff of the  
8 [~~harbors~~] commercial ports division of the department  
9 of transportation or establish the fee by appraisal by  
10 a state-licensed appraiser approved by the department;

11 (3) An application fee shall be collected when applying  
12 for moorage in state small boat harbors and shall  
13 thereafter be collected annually when the application  
14 is renewed; provided that the application fee shall be  
15 set by the department;

16 (4) If a recreational vessel is used as a place of  
17 principal habitation, the permittee shall pay, in lieu  
18 of the moorage fee required by paragraph (1), a  
19 monthly liveaboard fee that shall be two times the  
20 moorage fee that would otherwise be assessed for a  
21 vessel of the same size;



- 1 (5) If a vessel is used for commercial purposes from the  
2 vessel's permitted mooring, the permittee shall pay,  
3 in lieu of the moorage fee required by paragraph (1),  
4 a monthly fee that shall be the greater of:
- 5 (A) Three per cent of the gross revenues derived from  
6 the use of the vessel;
- 7 (B) \$1.50 per passenger carried for hire; or
- 8 (C) Two times the moorage fee that would otherwise be  
9 assessed for a recreational vessel of the same  
10 size;
- 11 (6) The department is authorized to assess and collect  
12 utility fees, including electrical and water charges,  
13 and common-area maintenance fees in small boat  
14 harbors; and
- 15 (7) All fees established by appraisal pursuant to this  
16 subsection shall be set at fair market value."

17 SECTION 8. Section 205A-48, Hawaii Revised Statutes, is  
18 amended to read as follows:

19 **"§205A-48 Conflict of other laws.** In case of a conflict  
20 between the requirements of any other state law or county  
21 ordinance regarding shoreline setback lines, the more



1 restrictive requirements shall apply in furthering the purposes  
2 of this part. Nothing contained in this part shall be construed  
3 to diminish the jurisdiction of the state department of  
4 transportation over wharves, airports, docks, piers, or other  
5 commercial [~~harbors,~~] ports, and any other maritime facilities  
6 constructed by the State; provided that such plans are submitted  
7 for the review and information of the officer of the respective  
8 agency charged with the administration of the county zoning  
9 laws, and found not to conflict with any county ordinances,  
10 zoning laws, and building codes."

11 SECTION 9. Section 237-6, Hawaii Revised Statutes, is  
12 amended to read as follows:

13 "§237-6 "Contractor", "contracting", "federal cost-plus  
14 contractor", defined. "Contracting" means the business  
15 activities of a contractor.

16 "Contractor" includes, for purposes of this chapter:

17 (1) Every person engaging in the business of contracting  
18 to erect, construct, repair, or improve buildings or  
19 structures, of any kind or description, including any  
20 portion thereof, or to make any installation therein,  
21 or to make, construct, repair, or improve any highway,



1 road, street, sidewalk, ditch, excavation, fill,  
2 bridge, shaft, well, culvert, sewer, water system,  
3 drainage system, dredging or harbor improvement  
4 project, commercial port improvement project, electric  
5 or steam rail, lighting or power system, transmission  
6 line, tower, dock, wharf, or other improvements;

7 (2) Every person engaging in the practice of architecture,  
8 professional engineering, land surveying, and  
9 landscape architecture, as defined in section 464-1;  
10 and

11 (3) Every person engaged in the practice of pest control  
12 or fumigation as a pest control operator as defined in  
13 section 460J-1.

14 "Federal cost-plus contractor" means a contractor having a  
15 contract with the United States or an instrumentality thereof,  
16 excluding national banks, where, by the terms of the contract,  
17 the United States or such instrumentality, excluding national  
18 banks, agrees to reimburse the contractor for the cost of  
19 material, plant, or equipment used in the performance of the  
20 contract and for taxes which the contractor may be required to  
21 pay with respect to such material, plant, or equipment, whether



1 the contractor's profit is computed in the form of a fixed fee  
2 or on a percentage basis; and also means a subcontractor under  
3 such a contract, who also operates on a cost-plus basis."

4 SECTION 10. Chapter 266, Hawaii Revised Statutes, is  
5 amended by amending its title to read as follows:

6 "CHAPTER 266

7 ~~[HARBORS]~~ COMMERCIAL PORTS"

8 SECTION 11. Section 266-1, Hawaii Revised Statutes, is  
9 amended to read as follows:

10 "§266-1 Department of transportation; ~~[harbors]~~  
11 commercial ports; jurisdiction[-]; definitions. (a) All  
12 commercial ports, harbors, and roadsteads, and all commercial  
13 ports, harbors, and other waterfront improvements belonging to  
14 or controlled by the State, and all vessels and shipping within  
15 the commercial ports, harbors, and roadsteads shall be under the  
16 care and control of the department [~~of transportation~~].

17 (b) For the purpose of this chapter [~~,"commercial~~  
18 ~~harbors"~~]:

19 "Anchorage ground" has the same meaning as in title 33 Code  
20 of Federal Regulations section 110.235(a).



1       "Cargo" means the load, freight, or burden of a vessel  
2 exclusive of the vessel's stores, passengers, fuel, and ballast.

3       "Commercial port" means [a harbor or off-shore mooring  
4 facility which] an anchorage ground or a marine terminal  
5 facility that is primarily for the movement of [commercial]  
6 cargo, passenger and fishing vessels entering, leaving, or  
7 traveling within the State, and facilities and supporting  
8 services for loading, off-loading, and handling of cargo,  
9 passengers, and vessels.

10       "Department" means the department of transportation.

11       "Harbor" refers to the following areas of water that  
12 provide a natural or artificial haven for vessels and that fall  
13 under the jurisdiction of the department:

14       (1) Port Allen harbor;

15       (2) Nāwiliwili harbor;

16       (3) Kalaeloa Barbers Point harbor;

17       (4) Honolulu harbor;

18       (5) Kaunakakai harbor;

19       (6) Kaumalapau harbor;

20       (7) Kahului harbor;

21       (8) Hāna harbor;



1       (9) Kawaihae harbor; and

2       (10) Hilo harbor.

3       "Harbor" does not include any small boat harbor or any harbor  
4       that is not under the jurisdiction of the department.

5       "Passenger" means every individual on board a vessel other  
6       than the master and members of the crew or other individuals  
7       employed in the commercial business of that vessel.

8       "Vessel" means every description of watercraft used or  
9       capable of being used as a means of transportation on water,  
10      including power boats, ships, tugs, cruise boats, small craft,  
11      smaller commercial vessels, sailing vessels, barges, scows,  
12      lighters, ferry boats, pleasure craft, floating equipment, house  
13      boats, floating gear, and any and all other watercraft."

14      SECTION 12. Section 266-1.5, Hawaii Revised Statutes, is  
15      amended to read as follows:

16      "~~§~~266-1.5~~§~~ Port of Honolulu ~~[harbor]~~ Piers 1 and 2;  
17      jurisdiction. Any law to the contrary notwithstanding, the  
18      department ~~[of transportation]~~ shall have jurisdiction and  
19      administrative authority over the port of Honolulu ~~[harbor]~~  
20      Piers 1 and 2 and the contiguous backup fast lands currently  
21      used for manifested cargo and passenger operations. This area



1 is defined as all of lot 3 and parcels A and B of the Forrest  
2 Avenue subdivision, as shown on the map filed with the bureau of  
3 conveyances of the State of Hawaii, as file plan 2335, and lot  
4 A-2, as shown on map 2, filed in the office of the assistant  
5 registrar of the land court of the State of Hawaii with land  
6 court application 1328; provided that all existing easements  
7 affecting and appurtenant to the parcels to be deleted from the  
8 Kakaako community development district boundaries shall not be  
9 affected by this change."

10 SECTION 13. Section 266-1.6, Hawaii Revised Statutes, is  
11 amended to read as follows:

12 "[~~§~~266-1.6[~~]~~ ~~Hana~~ Hāna harbor; jurisdiction.

13 Notwithstanding any law to the contrary, the department [~~of~~  
14 ~~transportation~~] shall have jurisdiction and administrative  
15 authority over [~~Hana~~] Hāna harbor, excluding its small boat ramp  
16 facility. The [~~Hana~~] Hāna harbor small boat ramp facility shall  
17 remain under the jurisdiction and administrative authority of  
18 the department of land and natural resources."

19 SECTION 14. Section 266-2, Hawaii Revised Statutes, is  
20 amended to read as follows:



1           "§266-2 Powers and duties of department. (a) The

2 department [~~of transportation~~] shall:

3           (1) Have and exercise all the powers and shall perform all  
4 the duties [~~which~~] that may lawfully be exercised by  
5 or under the State relative to the control and  
6 management of commercial [~~harbors,~~] ports, commercial  
7 [~~harbor~~] port, harbor, and other waterfront  
8 improvements, [~~ports,~~] harbors, roadsteads, docks,  
9 wharves, piers, quays, bulkheads, and landings  
10 belonging to or controlled by the State, and the  
11 shipping using the same;

12           (2) Have the authority to use and permit and regulate the  
13 use of the commercial docks, wharves, piers, quays,  
14 bulkheads, and landings belonging to or controlled by  
15 the State for receiving or discharging passengers and  
16 for loading and landing merchandise, with a right to  
17 collect wharfage and demurrage thereon or therefor;

18           (3) Subject to all applicable provisions of law, have the  
19 power to fix and regulate from time to time rates and  
20 charges for:

21           (A) Services rendered in mooring commercial vessels;



- 1 (B) The use of commercial moorings belonging to or  
2 controlled by the State;
- 3 (C) Wharfage or demurrage;
- 4 (D) Warehouse space, office space, and storage space  
5 for freight, goods, wares and merchandise; and
- 6 (E) The use of derricks or other equipment belonging  
7 to the State or under the control of the  
8 department;
- 9 (4) Make other charges including toll or tonnage charges  
10 on freight passing over or across docks, wharves,  
11 piers, quays, bulkheads, or landings;
- 12 (5) Appoint and remove clerks, [~~harbor~~] commercial port  
13 agents and their assistants, and all such other  
14 employees as may be necessary, and to fix their  
15 compensation;
- 16 (6) Adopt rules pursuant to chapter 91 and not  
17 inconsistent with law; and
- 18 (7) Generally have all powers necessary to fully carry out  
19 this chapter.
- 20 (b) Notwithstanding any law or provision to the contrary,  
21 the department [~~of transportation is authorized to~~] may plan,



1 construct, operate, and maintain any commercial [~~harbor~~  
2 ~~facility~~] port in the State, including, but not limited to, the  
3 acquisition and use of lands necessary to stockpile dredged  
4 spoils, without the approval of county agencies.

5 All moneys appropriated for commercial port, harbor, or  
6 other waterfront improvements, including new construction,  
7 reconstruction, repairs, salaries, and operating expenses, shall  
8 be expended under the supervision and control of the department,  
9 subject to this chapter and chapter 103D.

10 All contracts and agreements authorized by law to be  
11 entered into by the department shall be executed on its behalf  
12 by the director of transportation.

13 (c) The department shall prepare and submit annually to  
14 the governor a report of its official acts during the preceding  
15 fiscal year, together with its recommendations as to commercial  
16 port, harbor, or other waterfront improvements throughout the  
17 State."

18 SECTION 15. Section 266-2.2, Hawaii Revised Statutes, is  
19 amended to read as follows:

20 "[+]§266-2.2[+] **Exemption from conservation district**  
21 **permitting and site plan approval requirements.** Notwithstanding



1 any law to the contrary, all work involving submerged lands used  
2 for [~~state~~] commercial [~~harbor~~] port purposes shall be exempt  
3 from any permitting and site plan approval requirements  
4 established for lands in a conservation district."

5 SECTION 16. Section 266-2.5, Hawaii Revised Statutes, is  
6 amended to read as follows:

7 "[~~+~~]**\$266-2.5**[~~+~~] **Outdoor lighting.** To the extent that it  
8 is practical and not in conflict with any safety regulation or  
9 federal law, regulation, or mandate, if any [~~harbor~~] commercial  
10 port rule or standard relating to outdoor lighting at any  
11 [~~harbor facility~~] commercial port conflicts with any county  
12 ordinance or other rule regarding outdoor lighting, the more  
13 stringent requirement or standard shall govern all new  
14 installations of outdoor lighting."

15 SECTION 17. Section 266-3, Hawaii Revised Statutes, is  
16 amended by amending subsections (a) and (b) to read as follows:

17 "**\$266-3 Rules.** (a) The director of transportation may  
18 adopt rules as necessary:

19 (1) To regulate the manner in which all vessels may enter  
20 and moor, anchor, or dock in the commercial ports,  
21 harbors, [~~ports,~~] and roadsteads of the State, or move



- 1 from one dock, wharf, pier, quay, bulkhead, landing,  
2 anchorage, or mooring to another within the commercial  
3 ports, harbors, [~~ports,~~] and roadsteads;
- 4 (2) For the examination, guidance, and control of harbor  
5 masters and their assistants and their conduct while  
6 on duty;
- 7 (3) For the embarking or disembarking of passengers;
- 8 (4) For the expeditious and careful handling of freight,  
9 goods, wares, and merchandise of every kind that may  
10 be delivered for shipment or discharged on the  
11 commercial docks, wharves, piers, quays, bulkheads, or  
12 landings belonging to or controlled by the State; and
- 13 (5) To define the duties and powers of carriers, shippers,  
14 and consignees respecting passengers, freight, goods,  
15 wares, and merchandise in and upon the docks, wharves,  
16 piers, quays, bulkheads, or landings within the  
17 commercial ports, harbors, [~~ports,~~] and roadsteads of  
18 the State. The director may also make further rules  
19 for the safety of the docks, wharves, piers, quays,  
20 bulkheads, and landings on, in, near, or affecting a



1 commercial [~~harbor~~] port, harbor, and other waterfront  
2 improvements belonging to or controlled by the State.

3 (b) The director may also adopt, amend, and repeal such  
4 rules as are necessary:

5 (1) For the proper regulation and control of all shipping,  
6 traffic, and other related activities in the  
7 commercial ports, harbors, or roadsteads belonging to  
8 or controlled by the State; of the entry, departure,  
9 mooring, and berthing of vessels therein; and of all  
10 other matters and things connected with such  
11 activities;

12 (2) To establish safety measures and security requirements  
13 in or about the commercial [~~harbors,~~] ports, land, and  
14 facilities belonging to or controlled by the State;

15 (3) To prevent the discharge or throwing into commercial  
16 ports, harbors, or roadsteads of rubbish, refuse,  
17 garbage, or other substances likely to affect water  
18 quality or that contribute to making [~~such~~] commercial  
19 ports, harbors, or roadsteads unsightly, unhealthful,  
20 or unclean, or that are liable to fill up shoal or



1 shallow waters in, near, or affecting the commercial  
2 ports, harbors[7], or roadsteads; and

3 (4) To prevent the escape of fuel or other oils or  
4 substances into the waters in, near, or affecting  
5 commercial ports, harbors, or roadsteads from any  
6 source point, including, but not limited to, any  
7 vessel or pipes or storage tanks upon the land."

8 SECTION 18. Section 266-7, Hawaii Revised Statutes, is  
9 amended to read as follows:

10 "**\$266-7 Department; duties.** The department [~~of~~  
11 ~~transportation~~] shall collect all moneys, fees, and dues paid to  
12 the State for wharfage, demurrage, and all other fees or  
13 compensation in respect to the entry, anchorage, and wharfage of  
14 all vessels and other craft entering into the commercial ports  
15 of the State[7] and shall account for the same to the State as  
16 hereinafter provided. The department shall keep a full and  
17 complete record of the official acts of the department."

18 SECTION 19. Section 266-13, Hawaii Revised Statutes, is  
19 amended by amending subsections (a) and (b) to read as follows:

20 "(a) All watercraft:



- 1 (1) Lying idle alongside any wharf, pier, bulkhead, quay,  
2 or landing belonging to or controlled by the State; or
- 3 (2) Discharging or receiving freight or passengers on or  
4 from any wharf, pier, bulkhead, quay, or landing  
5 belonging to or controlled by the State, while made  
6 fast or lying alongside of the wharf, pier, bulkhead,  
7 quay, or landing;
- 8 shall pay to the department [~~of transportation~~] such rates of  
9 dockage as shall be fixed by the department.
- 10 (b) All watercraft that receive or discharge freight or  
11 passengers:
- 12 (1) From or upon any wharf, pier, bulkhead, quay, or  
13 landing, by means of boats, lighters, or otherwise,  
14 while lying at anchor or under steam in any bay,  
15 harbor, commercial port, or roadstead[?] belonging to  
16 or controlled by the State; or
- 17 (2) While lying in any slip or dock belonging to or  
18 controlled by the State, but not made fast to or lying  
19 alongside any wharf, pier, bulkhead, quay, or landing;  
20 shall pay to the department such rates of dockage as shall be  
21 fixed by the department."



1 SECTION 20. Section 266-17, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "**§266-17 Rates, how fixed.** (a) The department [~~of~~  
4 ~~transportation~~] shall adjust, fix, and enforce the rates  
5 assessable and chargeable by it in respect to dockage, wharfage,  
6 demurrage, and other rates and fees pertaining to harbors,  
7 commercial ports, wharves, and properties managed and operated  
8 by it so as to produce from the rates and fees, in respect to  
9 all harbors, commercial ports, wharves, and other properties,  
10 except those that are principally used for recreation or the  
11 landing of fish, revenues sufficient to:

12 (1) Pay when due the principal of and interest on all  
13 bonds and other obligations for the payment of which  
14 the revenue is or has been pledged, charged, or  
15 otherwise encumbered, or [~~which~~] that are otherwise  
16 payable from the revenue or from a special fund  
17 maintained or to be maintained from the revenue,  
18 including reserves therefor, and to maintain the  
19 special fund in an amount at least sufficient to pay  
20 when due all bonds or other revenue obligations and



1 interest thereon[~~, which~~] that are payable from the  
2 special fund, including reserves therefor;

3 (2) Provide for all expenses of operation and maintenance  
4 of the properties, including reserves therefor, and  
5 the expenses of the department in connection with  
6 operation and maintenance; and

7 (3) Reimburse the general fund of the State for all bond  
8 requirements for general obligation bonds [~~which~~] that  
9 are or have been issued for harbor or [~~wharf~~]  
10 commercial port improvements, or to refund any of the  
11 improvement bonds, excluding bonds, the proceeds of  
12 which were or are to be expended for improvements  
13 [~~which~~] that are or will be neither revenue producing  
14 nor connected in their use directly with revenue  
15 producing properties.

16 (b) When weather, road closures due to special events, or  
17 road repairs do not permit the loading or unloading of  
18 passengers at Kewalo Basin, cruise boats holding a Kewalo Basin  
19 sublease approved by the State shall be allowed to use the port  
20 of Honolulu [~~Harbor~~] facilities on a space available basis, and  
21 the fees for the use of facilities shall be in accordance with



1 the [~~Hawaii administrative~~] rules of the department [~~of~~  
2 ~~transportation~~] relating to fees for use of facilities for  
3 private gain."

4 SECTION 21. Section 266-19, Hawaii Revised Statutes, is  
5 amended by amending its title and subsections (a) and (b) to  
6 read as follows:

7 "**§266-19 Creation of [~~harbor~~] commercial port special**  
8 **fund; disposition of [~~harbor~~] commercial port special fund. (a)**

9 There is created in the treasury of the State the [~~harbor~~]  
10 commercial port special fund. All moneys received by the  
11 department [~~of transportation~~] from the rates, fees, fines, and  
12 administrative penalties pursuant to sections 266-17(a)(1), 266-  
13 25, 266-28, and 266-30 shall be paid into the [~~harbor~~]  
14 commercial port special fund. The [~~harbor~~] commercial port  
15 special fund and the second separate [~~harbor~~] commercial port  
16 special fund heretofore created shall be consolidated into the  
17 [~~harbor~~] commercial port special fund at such time as there are  
18 no longer any revenue bonds payable from the second separate  
19 [~~harbor~~] commercial port special fund. The harbor reserve fund  
20 heretofore created is abolished.



1 All moneys derived pursuant to this chapter from harbor or  
2 commercial port properties of the [~~statewide system of harbors~~]  
3 commercial ports system of the State shall be paid into the  
4 [~~harbor~~] commercial port special fund and each fiscal year shall  
5 be appropriated, applied, or expended by the department [~~of~~  
6 ~~transportation~~] for the [~~statewide system of harbors~~] commercial  
7 ports system of the State for any purpose within the  
8 jurisdiction, powers, duties, and functions of the department  
9 [~~of transportation~~] related to the [~~statewide system of~~  
10 ~~harbors,~~] commercial ports system of the State, including,  
11 without limitation, the costs of operation, maintenance, and  
12 repair of the [~~statewide system of harbors~~] commercial ports  
13 system of the State and reserves therefor, and acquisitions  
14 (including real property and interests therein), constructions,  
15 additions, expansions, improvements, renewals, replacements,  
16 reconstruction, engineering, investigation, and planning, for  
17 the [~~statewide system of harbors,~~] commercial ports system of  
18 the State, all or any of which in the judgment of the department  
19 [~~of transportation~~] are necessary to the performance of its  
20 duties or functions.



1 (b) At any time the director of transportation may  
2 transfer from the [~~harbor~~] commercial port special fund created  
3 by subsection (a) all or any portion of available moneys on  
4 deposit in the [~~harbor~~] commercial port special fund that is  
5 determined by the director of transportation to be in excess of  
6 one hundred fifty per cent of the requirements for the ensuing  
7 twelve months for the [~~harbor~~] commercial port special fund, as  
8 permitted by and in accordance with section 37-53. For purposes  
9 of this determination, the director of transportation shall take  
10 into consideration the amount of federal funds and bond funds on  
11 deposit in, and budgeted to be expended from, the [~~harbor~~]  
12 commercial port special fund during the ensuing twelve months;  
13 amounts on deposit in the [~~harbor~~] commercial port special fund  
14 that are encumbered or otherwise obligated; budgeted amounts  
15 payable from the [~~harbor~~] commercial port special fund during  
16 the ensuing twelve months; revenues anticipated to be received  
17 by and expenditures to be made from the [~~harbor~~] commercial port  
18 special fund during the ensuing twelve months based on existing  
19 agreements and other information for that period; and any other  
20 factors as the director of transportation shall deem  
21 appropriate."



1 SECTION 22. Section 266-19.5, Hawaii Revised Statutes, is  
2 amended as follows:

3 1. By amending its title and subsection (a) to read:

4 "**§266-19.5 Private financing of harbor or commercial port**  
5 **improvements.** (a) Notwithstanding any law to the contrary, the  
6 department [~~of transportation~~] may enter into a capital  
7 advancement contract with a private party for any public  
8 improvement to or construction of a [~~state~~] harbor, commercial  
9 [~~harbor,~~] port, roadstead, or other waterfront improvement  
10 belonging to or controlled by the State, if the director of  
11 transportation determines that a capital advancement contract  
12 promotes the best interest of the State by finding that:

13 (1) Private development is likely to be less costly than  
14 any other type of contract;

15 (2) Private development provides needed public  
16 improvements on a significantly more timely basis; or

17 (3) Public financing for the public improvements is not  
18 available on a timely basis."

19 2. By amending subsections (c) to (e) to read:

20 "(c) A capital advancement contract under subsection (a)  
21 shall be subject to the requirements of chapters 103 and 103D



1 and be subject to the approval of the department [~~of~~  
2 ~~transportation~~]; provided that all related transactions shall be  
3 subject to state audit.

4 (d) The department [~~of transportation~~] may execute capital  
5 advancement contracts pursuant to subsection (a) with a total  
6 contract value of \$5,000,000 or less without legislative  
7 approval. If the total value of a capital advancement contract  
8 pursuant to subsection (a) is greater than \$5,000,000 then the  
9 department [~~of transportation~~] shall obtain legislative approval  
10 in the form of the adoption of a concurrent resolution affirming  
11 the purpose, project, and contract issuance before executing the  
12 capital advancement contract. The total aggregate value of all  
13 capital advancement contracts entered into by the department  
14 pursuant to this section shall not exceed \$30,000,000 in any  
15 fiscal year. The department shall submit a report to the  
16 legislature of all executed capital advancement contracts for  
17 the previous twelve-month period from July 1 to June 30 no later  
18 than twenty days prior to the convening of each regular session.

19 (e) For the purposes of this section:

20 "Capital advancement contract" means an agreement between  
21 the department [~~of transportation~~] and a private party whereby



1 the private party agrees to furnish capital, labor, or materials  
2 for a public improvement to or construction of a [~~state~~] harbor,  
3 commercial [~~harbor,~~] port, roadstead, or other waterfront  
4 improvement belonging to or controlled by the State and in  
5 return for which the private party may be reimbursed in a manner  
6 to be determined by the department.

7 "Total value" includes any contract extension, project  
8 redesign, add-ons, or any other occurrence, act, or material  
9 cost that may increase the cost of the contracted project."

10 SECTION 23. Section 266-21.4, Hawaii Revised Statutes, is  
11 amended by amending subsection (a) to read as follows:

12 "(a) The department shall:

13 (1) Develop a list of minimum requirements for the marine  
14 inspection of vessels seeking permits to moor in state  
15 commercial [~~harbors;~~] ports;

16 (2) Approve qualified marine surveyors to inspect vessels  
17 seeking permits to moor in state commercial [~~harbors;~~]  
18 ports; and

19 (3) Approve a fee schedule for marine surveyors'  
20 inspections."



1 SECTION 24. Section 266-21.5, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

3 "(a) The department [~~of transportation~~] shall provide  
4 space at commercial [~~harbors~~] ports for biosecurity and  
5 inspection facilities and to facilitate the safe and efficient  
6 movement of maritime cargo through the commercial [~~harbors.~~]  
7 ports."

8 SECTION 25. Section 266-23, Hawaii Revised Statutes, is  
9 amended to read as follows:

10 "**§266-23 Acceptance of gifts.** The director of  
11 transportation may, with the approval of the governor, accept  
12 and receive gifts of personal property, which gifts shall be  
13 used for harbor or commercial port purposes; provided that  
14 moneys received by the director, pursuant to the authority  
15 granted herein, shall be deposited into an appropriate fund or  
16 account before being used for harbor or commercial port  
17 purposes."

18 SECTION 26. Section 266-24, Hawaii Revised Statutes, is  
19 amended to read as follows:

20 "**§266-24 Enforcement.** (a) Every state and county officer  
21 charged with the enforcement of any law, statute, rule,



1 regulation, ordinance, or order, shall enforce and assist in the  
2 enforcement of this chapter and of all rules and orders issued  
3 pursuant thereto, and in carrying out the responsibilities  
4 hereunder, each shall be specifically authorized to:

5 (1) Conduct any enforcement action hereunder in any  
6 commercial [~~harbor~~] port area and any area over which  
7 the department [~~of transportation~~] and the director of  
8 transportation has jurisdiction under this chapter;

9 (2) Inspect and examine at reasonable hours any premises,  
10 and the buildings and other structures thereon, where  
11 [~~harbors or harbor facilities are~~] a harbor or  
12 commercial port is situated, or where harbor-related  
13 or commercial port-related activities are operated or  
14 conducted; and

15 (3) Serve notices and orders.

16 (b) The department [~~of transportation~~], in the name of the  
17 State, may enforce this chapter and the rules and orders issued  
18 pursuant thereto by injunction or other legal process in the  
19 courts of the State."

20 SECTION 27. Section 266-25, Hawaii Revised Statutes, is  
21 amended to read as follows:



1           "**§266-25 Violation of rules; penalty.** (a) In addition to  
2 the reimbursement of fines and costs as provided in section 266-  
3 28, any person who violates any rule made, adopted, and  
4 published by the department [~~of transportation~~] as herein  
5 provided, or who violates any lawful command of any harbor  
6 master, [~~harbor~~] commercial port agent, facility security  
7 officer, or [~~harbor~~] commercial port district manager, while in  
8 the discharge of the person's duty, or who violates this  
9 chapter, except as provided in subsections (b) and (c), shall be  
10 fined not more than \$1,000 or less than \$50 for each violation,  
11 and any vessel, the agents, owner, or crew of which violate the  
12 rules of the department or this part, shall be fined not more  
13 than \$1,000 or less than \$50 for each violation; provided that  
14 in addition to or as a condition to the suspension of the fines  
15 and penalties, a court, the department, or an administrative  
16 hearings officer may deprive the offender of the privilege of  
17 entering the secured area of the port or obtaining an operating  
18 or mooring permit for any vessel in state waters for a period of  
19 not more [+]than[+] one year; provided further that the  
20 offender, at the resumption of the privilege of operating or



1 mooring a vessel in state waters, shall assume the last position  
2 on any waiting list.

3 (b) Any person who violates any rule adopted by the  
4 department [~~of transportation~~] under this part regulating  
5 vehicular parking or traffic movement shall have committed a  
6 traffic infraction as set forth in chapter 291D, the  
7 adjudication of which shall be subject to the provisions  
8 contained therein. A person found to have committed such a  
9 traffic infraction shall be fined not more than:

- 10 (1) \$100 for a first violation;  
11 (2) \$200 for a second violation; and  
12 (3) \$500 for a third or subsequent violation.

13 (c) Any person who violates any rule adopted by the  
14 department [~~of transportation~~] relating to unauthorized  
15 discharge, dumping, or abandoning any petroleum product,  
16 hazardous material, or sewage in any [state] harbor [~~facility~~],  
17 commercial port, or state waters in violation of the state water  
18 quality standards established by the department of health, shall  
19 be fined not more than \$10,000 for each day of violation, and  
20 any vessel, the agents, owner, or crew of which violate the  
21 rules of the department of transportation or this chapter, shall



1 be fined not more than \$10,000 for each day of violation;  
2 provided that in addition to or as a condition to the suspension  
3 of the fines and penalties, the court, department, or  
4 administrative [+]hearings[+] officer may deprive the offender  
5 of the privilege of entering the secured area of the port or  
6 obtaining an operating or mooring permit for any vessel in state  
7 waters for a period of not more than one year; provided further  
8 that the offender, at the resumption of the privilege of  
9 operating or mooring a vessel in state waters, shall assume the  
10 last position on any waiting list."

11 SECTION 28. Section 266-27, Hawaii Revised Statutes, is  
12 amended as follows:

13 1. By amending its title and subsection (a) to read:

14 "**§266-27 Mooring of unauthorized vessel in [state**  
15 **~~harbors;]~~ commercial ports; impoundment and disposal**  
16 **proceedings.** (a) No person shall moor a vessel in a [state]  
17 commercial [~~harbor~~] port without obtaining a use permit; nor  
18 shall a person continue to moor a vessel in any [state]  
19 commercial [~~harbor~~] port if the use permit authorizing the  
20 vessel to moor has expired or otherwise been terminated. A  
21 vessel moored without a use permit or with a use permit that has



1 expired or been terminated is an unauthorized vessel and [~~is~~]  
2 shall be subject to subsections (b) to (e)."

3 2. By amending subsection (c) to read:

4 "(c) An unauthorized vessel may be impounded by the  
5 department at the sole cost and risk of the owner of the vessel,  
6 if such a vessel is not removed after the seventy-two-hour  
7 period or if during said period the vessel is removed and re-  
8 moored in said [~~harbor~~] commercial port or any other state  
9 commercial [~~harbor~~] port without a use permit."

10 SECTION 29. Section 266-28, Hawaii Revised Statutes, is  
11 amended to read as follows:

12 "**§266-28 Fines arising from environmental protection and**  
13 **maritime transportation security violations.** Notwithstanding  
14 any other law to the contrary, any commercial [~~harbor~~] port  
15 tenant or user, including any shipper or shipping agent, who  
16 violates any federal, state, or county law or rule relating to  
17 environmental protection or maritime transportation security  
18 pursuant to title 33 Code of Federal Regulations chapter 1 and  
19 thereby causes a fine to be levied by the United States Coast  
20 Guard upon the department, shall reimburse the department for  
21 the entire amount of the fine. The department may take [~~such~~]



1 the actions necessary to collect and deposit any amount  
2 reimbursable under this section into the [~~harbor~~] commercial  
3 port special fund[~~r~~] and may also demand reimbursement for costs  
4 or expenses incurred by the department resulting from  
5 enforcement of this section."

6 SECTION 30. Section 266-29, Hawaii Revised Statutes, is  
7 amended to read as follows:

8 "[~~+~~]**\$266-29**[~~+~~] **State [~~harbors~~] commercial ports civil**  
9 **violations system; authorization.** (a) There is established,  
10 within the department [~~of transportation~~], a [~~state harbors~~]  
11 commercial ports civil violations system, [~~whose~~] which purpose  
12 shall be to process violations of departmental regulations for  
13 which administrative penalties have been authorized by law or  
14 rules adopted thereunder.

15 (b) The department [~~of transportation~~] shall adopt, amend,  
16 and repeal rules, subject to chapter 91, for the purposes of  
17 this section.

18 (c) Rules adopted pursuant to subsection (b) may include,  
19 but are not limited to, the following:

20 (1) Requirements for notice of [~~state harbors~~] commercial  
21 ports infraction;



- 1           (2) A form of the answer that shall be made pursuant to a  
2           notice of [~~state harbors~~] commercial ports infraction,  
3           which answer may be an admission of the infraction, a  
4           denial of the infraction, or an admission of the  
5           infraction with mitigating circumstances;
- 6           (3) The action to be taken after an answer is received or  
7           when a person fails to answer the notice of [~~state~~  
8           ~~harbors~~] commercial ports infraction;
- 9           (4) Procedures for administrative hearings under this  
10          section;
- 11          (5) The imposition and enforcement of monetary assessments  
12          made pursuant to this section; and
- 13          (6) Means of assuring that the alleged violator who  
14          answers the notice of [~~state harbors~~] commercial ports  
15          infraction by an admission of the infraction or an  
16          admission of the infraction with mitigating  
17          circumstances has knowingly and voluntarily elected to  
18          use the [~~state harbors~~] commercial ports civil  
19          violations system and waive the appeal provided for in  
20          section 91-14.



1 (d) Notwithstanding any other provision of law to the  
2 contrary, all [~~state harbors~~] commercial ports infractions that  
3 the department [~~of transportation~~] identifies as subject to  
4 administrative penalties may be adjudicated pursuant to this  
5 section."

6 SECTION 31. Section 266-31, Hawaii Revised Statutes, is  
7 amended to read as follows:

8 "[+]§266-31[+] **Restriction of use of facilities.** The  
9 department [~~of transportation~~] may delay or deny approval for  
10 port entry or departure for any vessel for which the department  
11 has received notice from a federal agency or other agency that  
12 the vessel or its crew has engaged in activity that has violated  
13 any federal, state, or county law or rule pertaining to  
14 environmental protection, maritime transportation, trafficking  
15 of illegal contraband, or the collection or extraction of  
16 undersea minerals unlicensed or unpermitted by the State;  
17 provided that the department may grant approvals for use of any  
18 commercial [~~harbor facility~~] port by that vessel in coordination  
19 with the federal agency or other agency."

20 SECTION 32. Section 266-53, Hawaii Revised Statutes, is  
21 amended to read as follows:



1           "**§266-53 Findings and determination for special facility**

2 **leases.** The department shall not enter into any special  
3 facility lease unless the department shall first find and  
4 determine that:

5           (1) The special facility [~~which~~] that is to be the subject  
6 of [~~such~~] the special facility lease will not be used  
7 to provide services, commodities, supplies, or  
8 facilities [~~which~~] that are then adequately being made  
9 available through the [~~harbors~~] commercial ports  
10 system of the State;

11           (2) The use or occupancy of the special facility under  
12 [~~such~~] the special facility lease would not result in  
13 the reduction of the revenues derived from the  
14 [~~harbors~~] commercial ports system of the State to an  
15 amount below the amount required to be derived  
16 therefrom by section 39-61; and

17           (3) The entering into of [~~such~~] the special facility lease  
18 would not be in violation of or result in a breach of  
19 any covenant contained in any resolution or  
20 certificate authorizing any bonds of the State and the  
21 department then outstanding."



1 SECTION 33. Section 279A-2, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

3 "(a) The [~~state~~] department of transportation shall  
4 prepare a new statewide transportation plan and shall submit  
5 [~~said~~] the plan to the legislature in its 1978 session. The  
6 legislature shall adopt the plan by resolution. The plan shall  
7 be directed toward the ultimate development of a balanced,  
8 multi-modal statewide transportation system that serves clearly  
9 identified social, economic, and environmental objectives. The  
10 statewide transportation plan shall include the following system  
11 components:

- 12 (1) The national system of interstate and defense
- 13 highways, and highways within the state highway
- 14 system;
- 15 (2) Airports;
- 16 (3) Harbors, commercial ports, and water-borne transit;
- 17 (4) Surface mass transit systems; and
- 18 (5) Major county roads.

19 The department of transportation shall pay particular  
20 attention to the interfacing of the various modes of  
21 transportation."



1 SECTION 34. Section 279A-7, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 **"§279A-7 Statewide transportation council;**  
4 **responsibilities.** In addition to its responsibility for  
5 coordinating the development of a statewide transportation plan,  
6 the council shall be responsible for the following functions:

7 (1) The council shall be responsible for making  
8 recommendations on projects for submission to the  
9 legislature which involve solely and exclusively  
10 either state highways, harbors, commercial ports, and  
11 water-borne transit, and airports and air  
12 transportation; solely and exclusively state funds; or  
13 solely state lands. All other projects for submission  
14 to the legislature, including intra-county mass  
15 transit projects, shall be the responsibility of the  
16 counties.

17 (2) In respect to transportation projects for which the  
18 counties are responsible for planning and approval  
19 prior to submission to the legislature, the council  
20 shall review [~~such~~] the projects and prepare comments  
21 for the legislature regarding:



- 1 (A) The degree to which an intra-island  
2 transportation project interfaces efficiently  
3 with existing proposed inter-island  
4 transportation system; and
- 5 (B) The relationship between the specific projects'  
6 possible requirements for state financial  
7 assistance and projections as to the State's  
8 total potential financial commitments required  
9 for development of a statewide transportation  
10 system.
- 11 (3) Counties [~~which~~] that do not have metropolitan  
12 planning organizations may request from the council,  
13 and the council shall provide, technical assistance to  
14 the counties in the preparation of their respective  
15 county transportation plans as components of the  
16 statewide transportation planning process. The  
17 amounts of technical assistance to be provided  
18 hereunder are within the discretion of the chairperson  
19 who shall consider in making the chairperson's  
20 determinations the magnitude of the problems which  
21 exist in the requesting counties, the availability of



1 local resources, the degree to which they are  
2 cooperatively participating in the statewide planning  
3 process and the adequacy of the council's budget  
4 considering the financial requirements of overall  
5 council operations."

6 SECTION 35. Section 311D-1, Hawaii Revised Statutes, is  
7 amended by amending article II to read as follows:

8 **"ARTICLE II**

9 **DEFINITIONS**

10 As used in this compact, unless the context clearly  
11 requires a different construction:

12 "Active duty" means full-time duty status in the active  
13 uniformed service of the United States, including members of the  
14 national guard and reserve on active duty orders pursuant to 10  
15 United States Code section 101(d)(1) and section 101(d)(6)(A).

16 "Appropriate education agency" means a public authority  
17 legally constituted by a state as an administrative agency to  
18 provide control of and direction for kindergarten through  
19 twelfth grade public educational institutions.



1 "Children of military families" means school-aged children,  
2 enrolled in kindergarten through twelfth grade, in the  
3 households of active duty members.

4 "Compact" means the interstate compact on educational  
5 opportunity for military children.

6 "Compact commissioner" means the voting representative of  
7 each compacting state appointed pursuant to article VIII of this  
8 compact.

9 "Deployment" means the period of three months prior to the  
10 service members' departure from their home station on military  
11 orders through six months after return to their home station.

12 "Education records" means those official records, files,  
13 and data directly related to a student and maintained by the  
14 school or appropriate education agency, including records  
15 encompassing all the material kept in the student's cumulative  
16 folder such as general identifying data, records of attendance  
17 and of academic work completed, records of achievement and  
18 results of evaluative tests, health data, disciplinary status,  
19 test protocols, and individualized education programs.

20 "Extracurricular activities" means a voluntary activity  
21 sponsored by the school or appropriate education agency or an



1 organization sanctioned by the appropriate education agency.  
2 Extracurricular activities include preparation for and  
3 involvement in public performances, contests, athletic  
4 competitions, demonstrations, displays, and club activities.

5 "Interstate commission on educational opportunity for  
6 military children" or "interstate commission" means the  
7 commission that is created under article IX of this compact.

8 "Local education agency" means a public authority legally  
9 constituted by a state as an administrative agency to provide  
10 control of and direction for kindergarten through twelfth grade  
11 public educational institutions.

12 "Member state" means a state that has enacted this compact.

13 "Military installation" means a base, camp, post, station,  
14 yard, center, homeport facility for any ship, or other facility  
15 under the jurisdiction of the United States Department of  
16 Defense, including any leased facility, which is located within  
17 any of the several states, the District of Columbia, the  
18 Commonwealth of Puerto Rico, the United States Virgin Islands,  
19 Guam, American Samoa, the Northern Marianas Islands, and any  
20 other United States territory. The term shall not include any



1 facility used primarily for civil works, rivers, ~~and~~ harbors,  
2 and commercial ports projects, or flood control projects.

3 "Non-member state" means a state that has not enacted this  
4 compact.

5 "Receiving state" means the state to which a child of a  
6 military family is sent, brought, or caused to be sent or  
7 brought.

8 "Rule" means a written statement by the interstate  
9 commission promulgated pursuant to article XII of this compact  
10 that is of general applicability, implements, interprets, or  
11 prescribes a policy or provision of the compact, or an  
12 organizational, procedural, or practice requirement of the  
13 interstate commission, has the force and effect of statutory law  
14 in a member state, and includes the amendment, repeal, or  
15 suspension of an existing rule.

16 "Sending state" means the state from which a child of a  
17 military family is sent, brought, or caused to be sent or  
18 brought.

19 "State" means a state of the United States, the District of  
20 Columbia, the Commonwealth of Puerto Rico, the United States



1 Virgin Islands, Guam, American Samoa, the Northern Marianas  
2 Islands, and any other United States territory.

3 "Student" means the child of a military family for whom the  
4 local education agency receives public funding and who is  
5 formally enrolled in kindergarten through twelfth grade.

6 "Student financial obligation" means any unpaid or  
7 outstanding fines or fees.

8 "Transition" means the formal and physical process of  
9 transferring from school to school, or the period of time in  
10 which a student moves from one school in the sending state to  
11 another school in the receiving state.

12 "Uniformed service" means the Army, Navy, Air Force, Marine  
13 Corps, Coast Guard as well as the Commissioned Corps of the  
14 National Oceanic and Atmospheric Administration, and Public  
15 Health Services.

16 "Veteran" means a person who served in the uniformed  
17 services and who was discharged or released therefrom under  
18 honorable conditions."

19 SECTION 36. Section 708-814.7, Hawaii Revised Statutes, is  
20 amended by amending subsection (3) to read as follows:



1           "(3) For the purposes of this section, unless the context  
2 requires otherwise:

3           "Highway" has the same meaning as in section 286-2.

4           "Improved state land" means any state land, including but  
5 not limited to harbors or commercial ports under the care and  
6 control of the department of transportation under chapter 266,  
7 and small boat harbors under the care and control of the  
8 department of land and natural resources under chapter 200, upon  
9 which there is improvement, including any structure, building,  
10 or facility; or alteration of the land by grading, dredging, or  
11 mining that would cause a permanent change in the land or that  
12 would change the basic natural condition of the land. Land is  
13 not "improved state land" if it only has minor improvements,  
14 including utility poles, signage, and irrigation facilities or  
15 systems; or minor alterations undertaken for the preservation or  
16 prudent management of the unimproved or unused land, including  
17 fences, trails, or pathways. Land is not "improved state land"  
18 solely due to the performance of state maintenance activities on  
19 the land, including forest plantings and the removal of weeds,  
20 brush, rocks, boulders, or trees; or removal or securing of



1 rocks or boulders undertaken to reduce risk to downslope  
2 properties.

3 "State lands" means all land owned by the State through any  
4 of its departments or agencies."

5 SECTION 37. Sections 26-19(a), 37-53, 76-16(b), 102-14(g),  
6 206J-4(b), 206J-5(a), 206J-12(a), 226-17(b), 226-54(b), 226-55,  
7 279C-2, 291C-27(b), 386-181(a) and (b), 462A-3, and 462A-35(b),  
8 Hawaii Revised Statutes, are amended by substituting the term  
9 "commercial harbor", or similar term, wherever the word  
10 "harbor", or similar term, appears, as the context requires.

11 SECTION 38. Sections 266-4, 226-4.5, 226-6, 266-14, 266-  
12 24.1, 266-24.2, 266-30(a), and 266-61, Hawaii Revised Statutes,  
13 are amended by substituting the term "department", or similar  
14 term, wherever the word "department of transportation", or  
15 similar term, appears, as the context requires.

16 SECTION 39. Statutory material to be repealed is bracketed  
17 and stricken. New statutory material is underscored.

18 SECTION 40. This Act shall take effect on July 1, 3000.



**Report Title:**

DOT; Harbors; Commercial Ports

**Description:**

Renames the Harbors Division of the Department of Transportation to the Commercial Ports Division and distinguishes between the terms "harbor" and "commercial port" throughout the Hawaii Revised Statutes. Effective 7/1/3000. (HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

