

A Bill for an Act Relating to the State Boating Program.

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

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

“Section 266-20 Boating program; payment of costs of administration. The cost of administering a comprehensive boating program including the cost of (1) operating and maintaining properties under the control and management of the department of transportation which are used principally for recreation or the landing of fish; (2) improving boating safety; (3) operating a vessel registration and boating casualty investigation and reporting system; (4) enforcing boat harbor, navigation, shore waters and beach laws and regulations; (5) abating air and water pollution related to small craft; and (6) other boating program activities shall be paid from the boating special fund; provided, if funds collected from the foregoing operations and other sources are insufficient to meet all such costs general fund appropriation may be used to augment the boating special fund, for the purposes thereof.”

SECTION 2. Section 267-13, Hawaii Revised Statutes, is amended to read:

“Section 267-13 Disposition of revenues. All fees and penalties collected pursuant to section 267-12 shall be deposited in the boating special fund.”

SECTION 3. Section 266-17, Hawaii Revised Statutes, is amended to read:

“Section 266-17 Rates, how fixed. The department of transportation shall adjust and fix and enforce the rates assessable and chargeable by it in respect to dockage, wharfage, demurrage, and other rates and fees pertaining to harbors, wharves, and properties managed and operated by it so as to produce from the rates and fees:

- (1) In respect to all such harbors, wharves, and other properties, except such as are principally used for recreation or the landing of fish, revenues sufficient to:
 - (A) pay when due the principal of and interest on all bonds and other obligations for the payment of which the revenue is or has been pledged, charged, or otherwise encumbered, or which are otherwise payable from the revenue or from a special fund maintained or to be maintained from the revenue, including reserves therefor, and to maintain the special fund in an amount at least sufficient to pay when due all bonds or other revenue obligations and interest thereon, which are payable from the special fund, including reserves therefor;
 - (B) provide for all expenses of operation and maintenance of the properties, including reserves therefor, and the expenses of the department in connection with operation and maintenance; and

- (C) reimburse the general fund of the State for all bond requirements for general obligation bonds which are or have been issued for harbor or wharf improvements, or to refund any of the improvement bonds, excluding bonds, the proceeds of which were or are to be expended for improvements which are or will be neither revenue producing nor connected in their use directly with revenue producing properties.
- (2) In respect to properties under its control and management which are principally used for recreation or the landing of fish, revenues may be collected based on the expenses of operation and maintenance and the cost to the State of the improvements used; provided, that rates established under this paragraph shall be reasonable and shall be fixed with due regard to the primary purposes of providing public recreational facilities and promoting the fishing industry. All revenues shall be deposited in the boating special fund."

SECTION 4. Section 248-8, Hawaii Revised Statutes, is amended to read:

"Section 248-8 Special funds in treasury of State. There are created in the treasury of the state three special funds to be known, respectively, as the state highway fund, the airport revenue fund and the boating special fund. All taxes collected under chapter 243 in each calendar year, except the 'county of Hawaii fuel tax', 'city and county of Honolulu fuel tax', 'county of Maui fuel tax', and 'county of Kauai fuel tax', shall be deposited in the state highway fund; provided, that all taxes collected under chapter 243 in respect to gasoline or other aviation fuel sold for use in or used for airplanes shall be set aside in the airport revenue fund and provided, further, that all taxes collected under chapter 243 with respect to liquid fuel sold for use in or used for small boats shall be deposited in the boating special fund. 'Small boats' as used herein means all vessels and other watercraft except those operated in overseas transportation beyond the state and ocean-going tugs and dredges. The director of transportation is directed, prior to July 1, 1973, and every three years thereafter to establish standards or formulas that will as equitable as possible establish the percentage of total taxes collected under chapter 243 in each fiscal year that are derived from the sale of liquid fuel for use in or used for small boats. The amount so determined shall be deposited in the boating special fund."

SECTION 5. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.*

SECTION 6. This Act shall take effect on July 1, 1972.

(Approved June 3, 1972.)

*Edited accordingly.