

A Bill for an Act Relating to Harbors.

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

SECTION 1. The purpose of this Act is to amend Section 266-2, Hawaii Revised Statutes, to clarify the law relating to the authority of the State to plan, construct, operate, and maintain harbors throughout the State without the approval of county agencies.

SECTION 2. Section 266-2, Hawaii Revised Statutes, is amended to read:

“Sec. 266-2 Powers and duties of department. The department of transportation shall have and exercise all the powers and shall perform all the duties which may lawfully be exercised by or under the State relative to the control and management of the shores, shore waters, navigable streams, harbors, harbor and waterfront improvements, ports, docks, wharves, quays, bulkheads, and landings belonging to or controlled by the State, and the shipping using the same, and shall have the authority to use and permit and regulate the use of the wharves, piers, bulkheads, quays, and landings belonging to or controlled by the State for receiving or discharging passengers and for loading and landing merchandise, with a right to collect wharfage and demurrage thereon or therefor, and, subject to all applicable provisions of law, to fix and regulate from time to time rates for services rendered in mooring vessels, charges for the use of moorings belonging to or controlled by the State, rates or charges for wharfage or demurrage, rents or charges for warehouses or warehouse space, for offices or office space, for storage of freight, goods, wares and merchandise, for storage space, for the use of donkey engines, derricks, or other equipment belonging to the State, under the control of the department, and to make other charges including toll or tonnage charges on freight passing over or across wharves, docks, quays, bulkheads, or landings. The department shall likewise have power to appoint and remove clerks, wharfingers, and their assistants, pilot boat crews, and all such other employees as may be necessary, and to fix their compensation; to make rules pursuant to chapter 91 and not inconsistent with law; and generally shall have all powers necessary fully to carry out this chapter.

Notwithstanding any law or provision to the contrary, the department of transportation is authorized to plan, construct, operate, and maintain any harbor facility in the State, including the acquisition and use of lands necessary to stockpile dredged spoils, without the approval of county agencies.

All moneys appropriated for harbor improvements, including new construction, reconstruction, repairs, salaries, and operating expenses, shall be expended under the supervision and control of the department, subject to this chapter and chapter 103.

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

The department shall prepare and submit annually to the governor a report of its official acts during the preceding fiscal year, together with its recommendations as to harbor improvements throughout the State.”

SECTION 3. New statutory material is underscored.*

SECTION 4. This Act shall take effect upon its approval.

(Approved May 28, 1980.)

*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.