

ACT 41

S.B. NO. 127

A Bill for an Act Relating to Aeronautics.

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

SECTION 1. Section 261-4, Hawaii Revised Statutes, is amended to read:

“§261-4 Airports, general. (a) Establishment, operation, maintenance. The department of transportation may, on behalf of and in the name of the State, out of appropriations and other moneys available or made available for such purposes, plan, acquire, [and] establish, construct, enlarge, [and] improve [in the manner herein provided], maintain, equip, install, operate, regulate, and protect, airports [and], air navigation facilities, [including the construction, installation, equipment, maintenance, and operation at airports of] buildings, and other facilities to provide for the servicing of aircraft [or]; to provide for the comfort, accommodation, and convenience of air travelers[.]; and [including protection] to protect against airport hazards. [For such purposes the department may, by purchase, gift, devise, lease, condemnation in accordance with chapter 101, or otherwise, acquire property, real or personal, or any interest therein, including the property, rights, estates, and interests mentioned in section 262-11. The department may acquire rights and interests in airports

owned or controlled by others, for the purpose of meeting a civilian need which is within the scope of its functions, even though it does not have the exclusive control and operation of such airports. No officer, board, or department of the State, or municipality, shall perform any function which is within the jurisdiction of the department without its approval, except for military purposes.]

(b) Acquisition of [real] property. [In the acquisition of real property and interests therein, the department of accounting and general services shall assist the department of transportation at its request, and assign thereto state officers and employees under its supervision for the making of surveys, abstracts, and otherwise as may be of assistance, for which services the department of transportation shall pay out of the appropriations available to it, unless the department of accounting and general services has a general fund appropriation for such services.] By purchase, gift, devise, lease, or condemnation in accordance with chapter 101, the department may acquire property, real or personal, or any interest therein, including the property rights, estates, and interests mentioned in section 262-11. The department may acquire rights and interests in airports owned or controlled by others, for the purpose of meeting a civilian need which is within the scope of its functions, even though it does not have the exclusive control and operation of such airports. The department may also acquire excess federal lands as permitted by federal law.

(c) Structures and improvements. All structures and improvements to land [shall be initiated], to be used for airport purposes, may be planned, designed, and constructed by the department [of transportation and shall be constructed or made by or under the comptroller, in conformity with plans and specifications approved by the department of transportation, for which purpose the department of transportation shall make allotments of the funds under its control for expenditure by the comptroller and for services of the department of accounting and general services for which the department has no general fund appropriation].

(d) Use of state and municipal facilities and services. In carrying out this chapter, the department [of transportation] may use the facilities and services of other agencies of the State and of the municipalities of the State [to the utmost extent possible,] and the agencies and municipalities shall make available their facilities and services. [This subsection shall apply to the department of accounting and general services with respect to services and facilities in addition to those specified by subsections (b) and (c).]"

SECTION 2. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved April 30, 1985.)