

A Bill for an Act Relating to Transportation.

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

SECTION 1. Section 37-53, Hawaii Revised Statutes, is amended to read as follows:

“§37-53 **Transfer of special funds.** At any time during a fiscal year, notwithstanding any other law to the contrary, any department may, with the approval of the governor or the director of finance if so delegated by the governor, transfer from [the] any special [funds] fund relating to such department to the general revenues of the State all or any portion of moneys determined to be in excess of fiscal year requirements for such special [funds,] fund, except for special funds under the control of the department of transportation relating to highways, airports, transportation use, and harbors activities. At any time the department of transportation, with the approval of the governor or the director of finance if so delegated by the governor, may transfer from any [of the] special [funds] fund under the control of the department of transportation, or from any account within any such special fund, to the general revenues of the State or to any other special fund under the control of the department of transportation all or any portion of moneys determined to be in excess of requirements for the ensuing twelve months[,] determined as prescribed by rules adopted pursuant to chapter 91; provided that no such transfer shall be made which would cause a violation of federal law or federal grant agreements.”

SECTION 2. Section 261-5, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

“(d) Notwithstanding the provisions contained in any contract authorized by section 261-7 in effect on June 13, 1989, from and after June 13, 1989, to and including June 30, 1990, all payments made under such contract allocable to the display and sale of in-bond merchandise at locations in the State other than on airport properties shall be [deposited in] credited to the transportation use special fund established by section 261D-1 in the airport revenue fund established by section 248-8, but shall not be appropriated, applied, or expended prior to July 1, 1990, except [that such funds shall continue to be available and be used] for purposes provided under this section [261-5].”

SECTION 3. Section 261D-1, Hawaii Revised Statutes, is amended to read as follows:

“~~[[§261D-1]]~~ **Transportation use special fund; established.** There is created in the treasury of the State, as a separate account in the airport revenue fund established by section 248-8, the transportation use special fund [into which]. There shall be [deposited] credited to such account that portion of the moneys received by the department of transportation paid under any contract entered into as authorized by section 261-7 on account of the display, sale, and delivery of in-bond merchandise displayed or sold at locations in the State other than on airport properties in the manner provided by rules adopted pursuant to chapter 91 as permitted under federal law without causing a violation of federal grant agreements, or as shall be mutually agreed upon by the State and any appropriate agency of the federal government[, and as may be provided by rules promulgated pursuant to chapter 91]; provided that no moneys so [deposited]

credited may be appropriated, applied, or expended from the transportation use special fund prior to July 1, 1990[,], except [that such funds shall continue to be available and be used] for purposes provided under section 261-5. The director of transportation shall administer the fund.”

SECTION 4. Section 261D-2, Hawaii Revised Statutes, is amended to read as follows:

“~~[[§261D-2]]~~ **Disposition of the transportation use special fund.** For so long as airport revenue bonds issued before June 13, 1989 are outstanding, the director of transportation shall transfer to the airport revenue fund created by section 248-8 from moneys [on deposit in] credited to the transportation use special fund, as permitted by and in accordance with section 37-53, an amount which, together with moneys on deposit in the airport revenue fund[,] other than moneys on credit to the transportation use special fund therein, will cause the aggregate amount of moneys on deposit in the airport revenue fund other than moneys on credit to the transportation special fund therein, to be at least one hundred fifty per cent of the requirements of such fund for the ensuing twelve months[.] determined as prescribed by rules adopted pursuant to chapter 91. At any time after complying with the provisions of the preceding sentence[,] or after no airport revenue bonds issued before June 13, 1989 are outstanding, the director of transportation may transfer all or any portion of the balance of the moneys [on deposit in] credited to the transportation use special fund to the general fund of the State or to any special fund under the control of the department of transportation as permitted by and in accordance with section 37-53.”

SECTION 5. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 6. This Act shall take effect upon its approval.

(Approved June 15, 1990.)