

ACT 34

H.B. NO. 1034

A Bill for an Act Relating to Harbors.

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

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

“§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] ocean waters[,] and navigable streams[,] of the

State, harbors, harbor and waterfront improvements, ports, docks, wharves, piers, 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 docks, wharves, piers, [bulkheads,] quays, bulkheads, 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] and charges for: (1) services rendered in mooring vessels, [charges for] (2) the use of moorings belonging to or controlled by the State, [rates or charges for] (3) wharfage or demurrage, [rents or charges for warehouses or] (4) warehouse space, [for offices or] office space, [for] and storage [of] space for freight, goods, wares and merchandise, [for storage space, for the use of donkey engines,] and (5) the use of derrick[s], or other equipment belonging to the State[,] or under the control of the department, and to make other charges including toll or tonnage charges on freight passing over or across docks, wharves, piers, [docks,] quays, bulkheads, or landings. The department shall likewise have power to appoint and remove clerks, [wharfingers,] harbor agents 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 fully 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, but not limited to, 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 2. All acts passed by the legislature during this Regular Session of 1991 relating to section 266-2 of the Hawaii Revised Statutes, whether enacted before or after the effective date of this Act, shall be amended to conform to this Act unless such acts specifically provide that this Act is being amended.

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

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

(Approved April 18, 1991.)