

ACT 273

S.B. NO. 1397

A Bill for an Act Relating to the Statewide Trail and Access System.

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

SECTION 1. Section 198D-2, Hawaii Revised Statutes, is amended to read as follows:

“~~[[§198D-2]]~~ **Establishment of Hawaii statewide trail and access [system.] program.** (a) There is established the Hawaii statewide trail and access [system,] program, to be known as Na Ala Hele. [The Hawaii statewide trail and access system shall consist of all trails and accesses in the State.] The department of land and natural resources shall plan, develop, acquire land or rights for public use of land, construct, restore, and engage in coordination activities to implement the [system,] program in accordance with this chapter.

(b) The trail and access program shall prepare an annual report for the legislature concerning the amount of moneys accruing to the credit of the general fund from the following sources:

- (1) All taxes collected under chapter 243 on non-highway recreational fuel, or in the alternative, 0.3 per cent of the proceeds under chapter 243 deposited into the state highway fund established under section 248-8;
- (2) Federal government grants for the management, maintenance, and development of trails and accesses;
- (3) Private contributions for the management, maintenance, and development of trails and accesses; and
- (4) Earnings on the investment of the moneys specified in paragraphs (1) to (3), which became a part of the general fund.

The trail and access program shall submit the report to the legislature not fewer than twenty days prior to the convening of each regular session of the legislature.

(c) The moneys specified in subsection (b) shall be deposited in the state treasury; provided that moneys received as deposits or contributions from the federal government or private sources shall be accounted for in accordance with the conditions established by the agencies or persons making the contribution. Earnings on the investment of these moneys shall become a part of the general fund.

(d) All moneys to meet the general operating needs and expenses of the trail and access program shall be allocated by the legislature through appropriations out of the state general fund. The department shall include in its budgetary request for each upcoming fiscal period, the amounts necessary to effectuate this chapter.’

SECTION 2. Section 198D-8, Hawaii Revised Statutes, is amended to read as follows:

“[§198D-8] **Request to acquire rights for public use of additional trails and accesses.** The department may request the legislature for appropriations to acquire rights to trails and accesses which are closed to public use or which are necessary to effectuate the [statewide] trail and access [system.] program.”

SECTION 3. Section 198D-9, Hawaii Revised Statutes, is amended to read as follows:

“**§198D-9 Other powers and duties of department.** The department:

- (1) May establish signing and design standards for classifications of trails and accesses;
- (2) Shall establish advisory councils to solicit advice and assistance in the implementation of the [statewide] trail and access [system.] program. [Appointment] The appointment of members to advisory councils shall be made by the department. If advisory councils are established, the members of the advisory councils shall serve part-time and shall not be compensated for official duties performed. Advisory councils may be established on regional, islandwide, countywide, or statewide bases[.]. The statewide council shall include representatives of motorized as well as nonmotorized trail users;
- (3) Shall serve as the centralized information agency for matters relating to the [statewide] trail and access [system;] program;
- (4) Shall coordinate its activities under this chapter, including its compilation of the inventories and classifications of trails and accesses, with other public agencies;
- (5) Shall advise and, when able, assist other public agencies in the development, construction, operation, maintenance, and regulation of trails and accesses under [their] the other agencies’ jurisdiction;
- (6) Shall advocate before the legislature, governor, and public agencies, for the implementation of the [statewide] trail and access [system;] program; and
- (7) Shall submit an annual report to the governor and legislature on activities engaged in under this chapter[.]; provided that the annual report shall include a comprehensive description of the status of the trail and access program and the financial information specified in section 198D-2(b).”

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

“**§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]:

- (1) All taxes collected under chapter 243 [in] with 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]
- (2) 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]

As used in this section, "small boats" means all vessels and other watercraft except those operated in overseas transportation beyond the State, and ocean-going tugs and dredges. The chairperson of the board of land and natural resources [is directed], from July 1, 1992, and every three years thereafter [to], shall establish standards or formulas that will as equitably as possible establish the 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.

An amount equal to all moneys collected under chapter 243 through the assessment of taxes on the sale of non-highway recreational fuel shall be reported to the trail and access program of the department of land and natural resources established under section 198D-2. Until such time as the department of transportation develops a system to calculate the tax revenues generated from non-highway recreational fuel, or until July 1, 1997, whichever is later, 0.3 per cent of all proceeds deposited into the highway fund shall be the amount reported to the trail and access program of the department of land and natural resources."

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

SECTION 6. This Act shall take effect on July 1, 1993.

(Approved June 18, 1993.)