

JAN 26 2009

A BILL FOR AN ACT

RELATING TO HARBORS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 266-3, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 "(b) The director may also adopt, amend, and repeal such
4 rules as are necessary:

5 (1) For the proper regulation and control of all shipping,
6 traffic, and other related activities in the
7 commercial harbors belonging to or controlled by the
8 State~~[, and]~~; of the entry, departure, mooring, and
9 berthing of vessels therein~~[,]~~ and ~~[for the~~
10 ~~regulation and control]~~ of all other matters and
11 things connected with such ~~[shipping,]~~ activities;

12 (2) To establish safety measures and security requirements
13 in or about the commercial harbors, land, and
14 facilities belonging to or controlled by the State;

15 ~~[-2-]~~ (3) To prevent the discharge or throwing into
16 commercial harbors of rubbish, refuse, garbage, or
17 other substances likely to affect water quality or
18 that contribute to making such harbors unsightly,

S.B. NO. 983

1 unhealthful, or unclean, or that are liable to fill up
2 shoal or shallow waters in, near, or affecting the
3 commercial harbors; and

4 ~~[(3)]~~ (4) To prevent the escape of fuel or other oils or
5 substances into the waters in, near, or affecting
6 commercial harbors from any source point, including,
7 but not limited to, any vessel or pipes or storage
8 tanks upon the land."

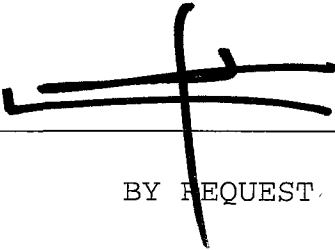
9 SECTION 2. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

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

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INTRODUCED BY:



BY REQUEST

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Report Title:

Harbors; Rules.

Description:

Authorizes the Department of Transportation to adopt rules relating to safety measures, security requirements, and shipping activities for the purpose of protecting and ensuring the general public interest and safety of persons and vessels in the commercial harbors belonging to or controlled by the State.

SB 983

JUSTIFICATION SHEET

DEPARTMENT: Transportation

TITLE: A BILL FOR AN ACT RELATING TO HARBORS.

PURPOSE: Authorizes the Director of Transportation to adopt rules to regulate traffic and activities in the commercial harbors belonging to or controlled by the State for the purposes of ensuring the safety and security of persons, vessels, and properties in the commercial harbors.

MEANS: Amend section 266-3(b), Hawaii Revised Statutes.

JUSTIFICATION: Section 266-3, Hawaii Revised Statutes, authorizes the Director of Transportation to adopt rules to regulate vessels, passengers, freight, carriers, shippers and consignees, as well as adopt rules for the safety of docks, wharves, piers, quays, bulkheads, and landings affecting the department's commercial harbors and waterfront improvements controlled by the State. Section 266-3(b) will be amended to reflect the need of the State to also have the authority, in the interest of safety and security of persons and vessels, to regulate traffic and activities in the department's commercial harbors.

In the recent past, the State has encountered situations wherein an individual or individuals, separate and apart from vessel traffic, have conducted activities in the commercial harbor which threaten the safety and/or security of the individual(s) and/or vessel(s) in the department's commercial harbors. To ensure the free, safe, and secure flow of commercial traffic within and without the State of Hawaii, the Director of Transportation needs the clear authority to regulate traffic and/or activities that threaten the safety and

security of individuals and vessels within the State's commercial harbors.

Impact on the public: Clarifying the Director of Transportation's authority to adopt rules to regulate safety and security in the State's harbors will protect the general public and the owners and users of vessels and properties in the State's harbors.

Impact on the department and other agencies: This bill will help the department ensure the free, safe, and secure flow of commercial traffic in the State's harbors. This bill is not expected to have any negative impact on any of the other departments or agencies.

GENERAL FUND:	None.
OTHER FUNDS:	None.
PPBS PROGRAM DESIGNATION:	None.
OTHER AFFECTED AGENCIES:	None.
EFFECTIVE DATE:	Upon approval.