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# A BILL FOR AN ACT

RELATING TO HARBORS.

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

1           SECTION 1. Section 266-2, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:  
3           "(a) The department of transportation shall:  
4           (1) Have and exercise all the powers and shall perform all  
5           the duties which may lawfully be exercised by or under  
6           the State relative to the control and management of  
7           commercial harbors, commercial harbor and waterfront  
8           improvements, ports, docks, wharves, piers, quays,  
9           bulkheads, and landings belonging to or controlled by  
10          the State, and the shipping using the same;  
11          (2) Have the authority to use and permit and regulate the  
12          use of the commercial docks, wharves, piers, quays,  
13          bulkheads, and landings belonging to or controlled by  
14          the State for receiving or discharging passengers and  
15          for loading and landing merchandise, with a right to  
16          collect wharfage and demurrage thereon or therefor;



- 1           (3) Subject to all applicable provisions of law, have the  
2 power to fix and regulate from time to time rates and  
3 charges for:
- 4           (A) Services rendered in mooring commercial vessels;  
5           (B) The use of commercial moorings belonging to or  
6 controlled by the State;  
7           (C) Wharfage or demurrage;  
8           (D) Warehouse space, office space, and storage space  
9 for freight, goods, wares and merchandise; and  
10          (E) The use of derricks or other equipment belonging  
11 to the State or under the control of the  
12 department;
- 13          (4) Make other charges including toll or tonnage charges  
14 on freight passing over or across docks, wharves,  
15 piers, quays, bulkheads, or landings;
- 16          (5) Make harbor facilities temporarily available as a  
17 harbor of safe refuge to small vessels under two  
18 hundred gross tons when the United States National  
19 Weather Service forecasts a tropical storm (more than  
20 thirty-eight miles per hour), or hurricane strength  
21 cyclones (more than seventy-three miles per hour),



1 unless specifically prohibited by the United States  
 2 Coast Guard Captain of the Port; provided that small  
 3 vessels shall be moored in non-essential areas and be  
 4 clear of harbor channels whenever possible;

5 [~~5~~] (6) Appoint and remove clerks, harbor agents and  
 6 their assistants, and all such other employees as may  
 7 be necessary, and to fix their compensation;

8 [~~6~~] (7) Adopt rules pursuant to chapter 91 and not  
 9 inconsistent with law; and

10 [~~7~~] (8) Generally have all powers necessary to fully  
 11 carry out this chapter."

12 SECTION 2. (a) There is established within the department  
 13 of transportation a working group to establish a plan of action  
 14 when the National Weather Service forecasts a tropical storm  
 15 (more than thirty-eight miles per hour), or hurricane strength  
 16 cyclones (more than seventy-three miles per hour) for small  
 17 vessels under two hundred gross tons and examine the feasibility  
 18 of making harbor facilities temporarily available as a harbor of  
 19 safe refuge to small vessels.

20 (b) The working group shall include the following  
 21 individuals:



- 1 (1) The director of transportation, or the director's
- 2 designee, who shall serve as the chair of the working
- 3 group;
- 4 (2) The chairperson of the board of land and natural
- 5 resources, or the chairperson's designee;
- 6 (3) One representative of the United States Coast Guard;
- 7 (4) The director of the Hawaii emergency management
- 8 agency, or the director's designee;
- 9 (5) Four representatives of the small boating industry,
- 10 which shall include representation from each of the
- 11 counties and shall be invited by the director of
- 12 transportation or the director's designee; and
- 13 (6) One representative of the Hawaii harbor users group.
- 14 (c) The working group shall submit a report of its
- 15 findings and recommendations, including any proposed
- 16 legislation, to the legislature no later than twenty days prior
- 17 to the convening of the regular session of 2020.
- 18 (d) The working group shall cease to exist on June 30,
- 19 2020.

20 SECTION 3. Statutory material to be repealed is bracketed  
21 and stricken. New statutory material is underscored.

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

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**Report Title:**

Department of Transportation; Harbor Facilities; Safe Refuge;  
Working Group; Report

**Description:**

Authorizes the department of transportation to make harbor facilities temporarily available as a harbor of safe refuge when the National Weather Service forecasts a tropical storm or hurricane strength cyclones, unless specifically prohibited by the United States Coast Guard Captain of the Port. Establishes a working group to create a plan of action for small vessels during a tropical storm or hurricane strength cyclones and to examine the feasibility of making harbor facilities temporarily available as a harbor of safe refuge to small vessels. Requires the working group to report to the legislature. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

