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STATE OF HAWAI'I | KA MOKU'ĀINA 'O HAWAI'I  
DEPARTMENT OF TRANSPORTATION | KA 'OIHANA ALAKAU  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

**LATE**

April 1, 2025  
10:00 A.M.  
State Capitol, Room 211

**H.B. 1159, H.D. 2, S.D. 1  
RELATING TO COMMERCIAL HARBORS**

Senate Committees on Judiciary & Ways and Means

The Department of Transportation (DOT) **supports** this measure that clarifies the requirement of vessels to evacuate a commercial harbor upon order by the harbor master during an emergency and to set penalties for noncompliance. This bill was included in the Governor's Package at DOT's request.

In times of emergency, it is essential that commercial harbor users evacuate the commercial harbors when ordered by the harbor master. There have been instances when the United States Coast Guard has closed a commercial harbor as part of an emergency response, and persons responsible for a vessel have not followed the harbor master's order to evacuate. In 2020, during Hurricane Douglas, 11 vessels failed to follow orders to evacuate and neither requested nor received permission to remain in port. In separate heavy weather events, vessels have broken loose from berths, sunk, and impeded delivery of cargo. With the clarification of both the requirement and the associated penalty for non-compliance, this bill aims to encourage vessel owners, agents, and crew to plan ahead for port closures and develop plans for evacuation.

DOT respectfully asks the committees to consider two amendments to the measure. The first is to amend the bill to reflect the House Draft 2 instead of the proposed establishment of the Commercial Harbors Emergency Evacuation Working Group. The findings requested of the proposed working group are already known and the previous version of the bill is a response to known gaps in the existing law. The second amendment is the inclusion of language from H.B. 1158 to further protect commercial port infrastructure and promote safety by reducing barriers to private owners of assets that are home ported in state facilities when requested by county fire departments to aid in marine firefighting. The details of these requested amendments are attached.

Thank you for the opportunity to provide testimony.

# H.B. NO.1159

PROPOSED SD2

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## A BILL FOR AN ACT

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RELATING TO COMMERCIAL HARBORS.

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

1 PART I

2 SECTION 1. Chapter 266, Hawaii Revised Statutes, is  
3 amended by adding a new section to part I to be appropriately  
4 designated and to read as follows:

5 **"§266- Order to evacuate a commercial harbor;**

6 **penalties.** (a) During an emergency, any master or person in  
7 charge of a vessel using the commercial waterways and facilities  
8 under the jurisdiction of the department of transportation shall  
9 comply with and carry into effect any evacuation order from a  
10 commercial harbor issued by the harbor master assigned to that  
11 commercial harbor.

12 (b) Notwithstanding any law to the contrary, any person,  
13 including but not limited to a vessel master, agent, owner, or  
14 crew, who violates this section shall be fined \$10,000 for each  
15 day of violation per vessel to be deposited into the harbor  
16 special fund pursuant to section 266-19; provided that in  
17 addition to the fines, a court, the department of  
18 transportation, or a hearings officer may deprive the offender

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1 of the privilege of entering the secured area of a commercial  
2 harbor or obtaining an operating or mooring permit for any  
3 vessel in a commercial harbor for a period not to exceed one  
4 year.

5 (c) As used in this section:

6 "Emergency" has the same meaning as in section 127A-2.

7 "Evacuation" means the immediate and rapid movement of  
8 individuals and vessels away from the threat or actual  
9 occurrence of any hazard, emergency, or disaster, which includes  
10 leaving any commercial harbor under the jurisdiction of the  
11 department of transportation.

12 "Harbor master" means any person appointed to that office  
13 by the director of transportation and vested with the  
14 operational control of a state commercial harbor and includes  
15 any harbor district manager, commercial harbors manager, and  
16 harbor agent.

17 "Vessel" includes all description of watercraft that are  
18 used or are capable of being used as a means of transportation  
19 on or in the water."

20 SECTION 2. Section 266-19, Hawaii Revised Statutes, is  
21 amended by amending subsection (a) to read as follows:

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1           "(a) There [~~is~~] shall be created in the treasury of the  
2 State the harbor special fund. All moneys received by the  
3 department of transportation from the rates, fees, fines, and  
4 administrative penalties pursuant to sections 266-17(a)(1), 266-  
5 25, 266-28, [~~and~~] 266-30, and 266-\_\_\_\_\_ shall be paid into the  
6 harbor special fund. The harbor special fund and the second  
7 separate harbor special fund heretofore created shall be  
8 consolidated into the harbor special fund at such time as there  
9 are no longer any revenue bonds payable from the second separate  
10 harbor special fund. The harbor reserve fund heretofore created  
11 is abolished.

12           All moneys derived pursuant to this chapter from harbor  
13 properties of the statewide system of harbors shall be paid into  
14 the harbor special fund and each fiscal year shall be  
15 appropriated, applied, or expended by the department of  
16 transportation for the statewide system of harbors for any  
17 purpose within the jurisdiction, powers, duties, and functions  
18 of the department of transportation related to the statewide  
19 system of harbors, including, without limitation, the costs of  
20 operation, maintenance, and repair of the statewide system of  
21 harbors and reserves therefor, and acquisitions (including real  
22 property and interests therein), constructions, additions,

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1 expansions, improvements, renewals, replacements,  
2 reconstruction, engineering, investigation, and planning, for  
3 the statewide system of harbors, all or any of which in the  
4 judgment of the department of transportation are necessary to  
5 the performance of its duties or functions."

6 PART II

7 SECTION 3. Chapter 266, Hawaii Revised Statutes is amended  
8 by adding a new section to part I to be appropriately designated  
9 and to read as follows:

10 "§266- Firefighting; limited liability. Any person who  
11 renders firefighting services upon a reasonable command by  
12 someone known to the person as a firefighter at any commercial  
13 harbor or roadstead, any commercial harbor or waterfront  
14 improvement belonging to or controlled by the State, or any  
15 vessel within a commercial harbor or roadstead shall not be  
16 liable for any civil damages resulting from the person's acts or  
17 omissions occurring during the course of firefighting, except  
18 for damages as may result from the person's gross negligence or  
19 wanton acts or omissions."

20 SECTION 4. Statutory material to be repealed is bracketed  
21 and stricken. New statutory material is underscored.

22 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY: \_\_\_\_\_

BY REQUEST

\_\_\_\_.B. NO.\_\_\_\_

JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA



STEPHEN F. LOGAN  
MAJOR GENERAL  
ADJUTANT GENERAL  
KA 'AKUKANA KENELALA

JAMES DS. BARROS  
ADMINISTRATOR OF  
EMERGENCY MANAGEMENT  
KAHU HO'OMALU PŪLIA

STATE OF HAWAII  
KA MOKU'ĀINA O HAWAI'I  
**DEPARTMENT OF DEFENSE**  
**KA 'OIHANA PILI KAUA**  
HAWAI'I EMERGENCY MANAGEMENT AGENCY  
4204 DIAMOND HEAD ROAD  
HONOLULU, HAWAI'I 96816-4420



STATE OF HAWAI'I  
DEPARTMENT OF DEFENSE  
HAWAI'I EMERGENCY MANAGEMENT AGENCY

TESTIMONY ON HOUSE BILL 1159 HD2 SD1,  
RELATING TO COMMERCIAL HARBORS

BEFORE THE SENATE COMMITTEE ON  
**WAYS AND MEANS**

BY

JAMES DS. BARROS  
ADMINISTRATOR  
HAWAI'I EMERGENCY MANAGEMENT AGENCY

APRIL 1, 2025

Aloha Chair Dela Cruz, Vice-Chair Moriwaki, and Members of the Committee:

Thank you for the opportunity to submit testimony to **COMMENT** on House Bill 1159 HD2 SD1.

The Hawai'i Emergency Management Agency strongly supports the HD2 version of this measure, which seeks to amend Chapter 266 of the Hawai'i Revised Statutes by establishing clear authority for harbor masters to issue evacuation orders during emergencies, along with enforceable penalties for non-compliance. This bill is vital to improving the safety and security of Hawai'i's commercial harbors during natural disasters and other emergencies.

HIEMA recognizes that our state is susceptible to various hazards, including hurricanes, tsunamis, and volcanic eruptions. This bill ensures a coordinated, swift response to protect lives, safeguard property, and minimize damage in our harbors during times of crisis. Having an enforceable evacuation mechanism will greatly improve the state's ability to respond to emergencies and avoid chaos in commercial harbor zones.

The penalties outlined in this measure send a strong message about the importance of obeying evacuation orders. This level of accountability is necessary to ensure that all parties involved in harbor operations take evacuation orders seriously. HIEMA believes that this provision will improve compliance and contribute to more effective emergency responses, especially when time is of the essence.

HIEMA is committed to working alongside the Department of Transportation and other stakeholders to ensure the safety of our state's harbors. This legislative initiative aligns with our goal of strengthening emergency preparedness and response efforts across Hawai'i's islands.

Thank you for affording HIEMA the opportunity to provide comments on House Bill 1159 HD2 SD1.

James Barros: [james.barros@hawaii.gov](mailto:james.barros@hawaii.gov); 808-733-4300

Testimony of Matson Navigation Company, Inc.  
Support the Intent of HB1159, SD1  
Before the Committees on Ways and Means and  
Judiciary  
April 1, 2025

Dear Chair Dela Cruz, Chair Rhoads, Vice Chair Moriwaki, Vice Chair Gabbard, and Members of the Committees:

Matson Navigation Company, Inc., (Matson) supports the intent of HB1159, HD2, SD1, Relating to Commercial Harbors.

As an island state, Hawaii is very dependent upon our commercial harbors to ensure the continued and unimpeded flow of cargo in and out of our State. It is estimated that over 90 percent Hawaii's imported goods pass through our commercial harbors, including consumer goods, motor vehicles, construction materials, and fuel. Given the critical role of our commercial harbors, it is imperative that the State support safe, dependable, and efficient cargo transportation and logistics to timely service our residents and businesses who depend on these goods, vehicles, materials, and fuel on all major islands.

The Maritime Heavy Weather and Hurricane Plan by the United States Coast Guard ("USCG") Captain of the Port is comprehensive and protects all harbor users. Annex C of the USCG Captain of the Port Sector Honolulu "Maritime Heavy Weather & Hurricane Plan," the Captain of the Port Honolulu provides that oceangoing vessels of 300 gross tons or more will be required to leave the port. Vessels of 200 to 300 gross tons will be required to leave the port unless they have received the Captain of the Port's permission to remain. Vessels under 200 gross tons planning to stay in port during a heavy weather event are required to submit a mooring plan for approval by the Captain of the Port and the Hawaii Department of Transportation. For your convenience, this is attached to our testimony. As originally drafted, this measure appeared to create ambiguity as to whose orders vessels must follow by mandating that all vessels regardless of size follow the Hawaii Department of Transportation Harbors Division's harbor master assigned to the respective harbor. During an emergency, it is critical for vessels to know which order to follow. We believe a working group would be very beneficial in discussing and resolving such issues. Matson looks forward to participating on the working group.

Thank you for considering our testimony.



March 28, 2025

**Testimony in Support of HB1159(HD1/SD1)**

**Before the Committees on Ways and Means and Judiciary**

Aloha Chair Dela Cruz, Chair Rhoads, Vice Chair Moriwaki, Vice Chair Gabbard, and Members of the Committees:

The Hawaii Longline Association (HLA) supports HB1159(HD1/SD1) as it forms a working group to address important issues related to commercial harbor hurricane preparedness, planning, and communication.

The Hawaii-based longline fleet is comprised of 150 active vessels that berth in Honolulu Harbor. Normally, about half the fleet is fishing and the other half are moored at Piers 16-18 and Piers 36-38. Longline vessels offload their catch at the Honolulu Fish Auction at Pier 38.

HLA looks forward to participating in the working group to assess harbor berthing capacity and to develop a comprehensive mooring plan which we believe should include effective communication procedures, alternative berthing areas, and evacuation planning.

Mahalo

Eric K. Kingma, Ph.D.  
Executive Director