

Honolulu, Hawaii

F-45, 2010

RE: H.B. No. 2298

. H.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Fifth State Legislature  
Regular Session of 2010  
State of Hawaii

Sir:

Your Committees on Transportation and Water, Land, & Ocean Resources, to which was referred H.B. No. 2298 entitled:

"A BILL FOR AN ACT RELATING TO HARBORS,"

beg leave to report as follows:

The purpose of this bill is to require the Department of Transportation (DOT) to allow vessels with a use permit for Kewalo Basin and whose payments due to the State are current, to moor at Honolulu Harbor:

- (1) During inclement weather or ocean conditions that cause Kewalo Basin to be shut down; or
- (2) To unload the owner's or operator's catch of fish to a business operating within Honolulu Harbor or otherwise conduct business within Honolulu Harbor.

The Ocean Tourism Coalition and a concerned individual testified in support of this measure. DOT provided comments.

Sometimes harbor conditions at Kewalo Basin necessitate a ship's captain to make the determination to divert the vessel for safety reasons and proceed into Honolulu Harbor. However, not all vessels are authorized to enter these harbors without first obtaining permission from harbor personnel. As such, Act 79, Session Laws of Hawaii 2008 (Act 79) was enacted to address this



issue and allow for captains to make decisions to divert to a safer harbor more rapidly.

However, some concerns have been raised that under the conditions set forth in Act 79, Kewalo Basin must be closed before ships can proceed into Honolulu Harbor. According to some captains, this presents a problem because conditions may exist which do not warrant closure of Kewalo Basin but, in the view of the captain, would present a comfort and safety issue for the ship's passengers.


Accordingly, your Committees have amended this measure by allowing the owner or operator of a commercial passenger vessel with a use permit for Kewalo Basin to make a determination as to when to enter Honolulu Harbor due to ocean conditions or inclement weather rather than requiring Kewalo Basin to be closed for entrance to Honolulu Harbor to be granted; provided that the vessel shall leave Honolulu Harbor once the inclement weather or ocean conditions improve allowing for safe and comfortable entrance into Kewalo Basin.

Technical, nonsubstantive amendments were also made for clarity, consistency, and style.

As affirmed by the records of votes of the members of your Committees on Transportation and Water, Land, & Ocean Resources that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2298, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 2298, H.D. 1, and be referred to the Committee on Finance.

Respectfully submitted on  
behalf of the members of the  
Committees on Transportation  
and Water, Land, & Ocean  
Resources,

  
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KEN ITO, Chair

  
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JOSEPH M. SOUKI, Chair





State of Hawaii  
House of Representatives  
The Twenty-fifth Legislature

*HSR 131-10*

Record of Votes of the Committee on Water, Land, & Ocean Resources

Bill/Resolution No.: <b>HB 2298</b>	Committee Referral: <b>TRN/WLO, FIN</b>	Date: <b>2/3/10</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
WLO Members	Ayes	Ayes (WR)	Nays	Excused
1. ITO, Ken (C)	X			
2. HAR, Sharon E. (VC)	X			
3. CABANILLA, Rida	X			
4. CHANG, Jerry L.	X			<del>X</del> <i>SEH</i>
5. CHONG, Pono	X			
6. COFFMAN, Denny				X
7. HERKES, Robert N.	X			<del>X</del> <i>SEH</i>
8. LEE, Chris	X			
9. LUKE, Sylvia	X			
10. MORITA, Hermina M.				X
11. SAGUM, Roland D., III	X			
12. CHING, Corinne W.L.	X			
13. THIELEN, Cynthia	X			
<b>TOTAL (13)</b>	<b>11</b>			<b>2</b>
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted (if joint referral) _____ did not support recommendation. committee acronym(s) _____				
Vice Chair's or designee's signature: <i>[Signature]</i>				
Distribution: Original (White) – Committee      Duplicate (Yellow) – Chief Clerk's Office,      Duplicate (Pink) – HMSO				