

JAN 24 2019

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;



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- 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),



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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. Statutory material to be repealed is bracketed
 13 and stricken. New statutory material is underscored.

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

15

INTRODUCED BY: *[Signature]*
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[Signature]
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Report Title:

Department of Transportation; Harbor Facilities; Safe Refuge

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.

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