

Honolulu, Hawaii

MAR 21 2025

RE: H.B. No. 1159
H.D. 2
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Sir:

Your Committee on Transportation and Culture and the Arts, to which was referred H.B. No. 1159, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO COMMERCIAL HARBORS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require masters or persons in charge of vessels to follow an order by a harbor master to evacuate a commercial harbor in emergencies;
- (2) Establish higher penalties for noncompliance; and
- (3) Require fines collected for violations to be paid into the Harbor Special Fund.

Your Committee received testimony in support of this measure from the Department of Transportation and Hawai'i Emergency Management Agency.

Your Committee received testimony in opposition to this measure from the Hawaii Longline Association.

Your Committee received comments on this measure from Matson Navigation Company, Inc.



Your Committee finds that commercial harbors play a critical role in the State's economy and supply chain structure. In times of emergency, it is essential that commercial harbor users evacuate the commercial harbors when ordered to by the harbor master to prevent damage to essential port infrastructure. Your Committee further finds that 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. Therefore, this measure will address the issues marine vessels face during times requiring a commercial harbor evacuation.

Your Committee notes the conflicting concerns raised in testimony regarding best harbor safety practices during emergencies. While proper evacuations could help mitigate damage to port infrastructure, for small watercraft vessels, evacuating during storms can be dangerous. Your Committee acknowledges that due to multiple concerns brought by testifiers, a working group dedicated to studying these issues is a preferable approach to address these issues.

Accordingly, your Committee has amended this measure by deleting its contents and inserting language that:

- (1) Establishes the Commercial Harbors Emergency Evacuation Working Group;
- (2) Requires the working group to:
 - (A) Review current state and federal laws regarding emergency evacuation procedures for commercial harbors;
 - (B) Determine whether there is adequate space in commercial harbors for all vessels to moor should they be required to evacuate Honolulu harbor and come up with a comprehensive mooring plan; and
 - (C) Review and evaluate whether current state and federal penalties are sufficient to ensure compliance with emergency evacuation orders for commercial harbors;



- (3) Specifies the members of the working group;
- (4) Clarifies that the chair of the working group shall provide an option to attend each meeting remotely;
- (5) Specifies that the members of the working group shall:
 - (A) Serve without compensation; provided that members who are employees of the State shall be reimbursed for expenses, including travel expenses, necessary for the performance of their duties; and
 - (B) Not be subject to chapter 84, Hawaii Revised Statutes, solely because of the member's participation in the working group;
- (6) Requires the Department of Transportation to provide necessary administrative support to the working group; and
- (7) Requires the working group to report to the Legislature.

As affirmed by the record of votes of the members of your Committee on Transportation and Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1159, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1159, H.D. 2, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Respectfully submitted on
behalf of the members of the
Committee on Transportation and
Culture and the Arts,



CHRIS LEE, Chair



The Senate
Thirty-Third Legislature
State of Hawai'i

Record of Votes
Committee on Transportation and Culture and the Arts
TCA

Bill / Resolution No.:* HB 1159 HDZ	Committee Referral: TCA, JDC/WAM	Date: 3.18.2025		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312 </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311 </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310 </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313 </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
LEE, Chris (C)	✓			
INOUE, Lorraine R. (VC)	✓			
ELEFANTE, Brandon J.C.	✓			
KANUHA, Dru Mamo	✓			
DECORTE, Samantha	✓			
TOTAL	5			
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature: 				
<div style="display: flex; justify-content: space-between; font-size: small;"> <div>Distribution:</div> <div>Original</div> <div>Yellow</div> <div>Pink</div> <div>Goldenrod</div> </div> <div style="display: flex; justify-content: space-between; font-size: x-small; margin-top: 2px;"> <div>File with Committee Report</div> <div>Clerk's Office</div> <div>Drafting Agency</div> <div>Committee File Copy</div> </div>				

*Only one measure per Record of Votes