

STAND. COM. REP. NO. 436

Honolulu, Hawaii

FEB 17 2023

RE: S.B. No. 824
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Transportation and Culture and the Arts, to which was referred S.B. No. 824 entitled:

"A BILL FOR AN ACT RELATING TO MOORING LINES,"

begs leave to report as follows:

The purpose and intent of this measure is to require commodities and manifested cargo requiring tug assistance to be manned by an existing, operational stevedoring company that is operating within the State.

Your Committee received testimony in support of this measure from Hawaii Stevedores Inc. and seventy-six individuals. Your Committee received testimony in opposition to this measure from Hawaiian Cement. Your Committee received comments on this measure from the Department of the Attorney General and Department of Transportation.

Your Committee finds that as the most remote island chain in the world, tugs are vital to Hawaii's shipping industry. To secure shipping vessels to wharves, mooring lines are thrown over the bollard, which are then secured by certified longshore linespersons to safely secure the bulkhead. However, presently, there is no requirement for any out-of-state company to utilize trained local longshore linespersons to secure operational vessels. Additionally, all stevedoring companies operating within the state harbor system are required to be certified and



periodically recertified to follow all health and safety guidelines. Stevedoring companies are also well-versed in the uniqueness of each state harbor's challenges pertaining to the loading and landing of merchandise. Therefore, requiring all commodities and manifested cargo requiring tug assistance to be manned by a stevedoring company operating in the State will allow a vital function of the State to continue while also keeping crews safe.

Your Committee notes the testimony of the Department of Transportation regarding the regulation of activity. As the intent of this measure focuses on the regulation of labor rather than a regulation of facilities, the Department of Transportation recommends placing the proposed changes in an appropriate chapter of the Hawaii Revised Statutes that controls labor.

Your Committee has amended this measure by:

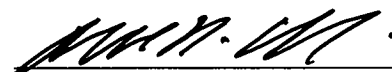
- (1) Inserting language that authorizes an unspecified department to regulate labor required to provide stevedoring services to load and unload commodities and manifested cargo from a vessel requiring tug assistance from any harbor facility owned and controlled by the Department of Transportation;
- (2) Amending the bill to clarify that the securing of mooring lines from vessels to the commercial docks, wharves, piers, quays, bulkheads and landings shall be performed by a stevedoring company, as defined in this measure;
- (3) Clarifying the definition of "stevedoring company" to more clearly reference the specific mooring activities performed by such companies; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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 S.B. No. 824, as amended herein, and recommends that it pass Second Reading in the form attached hereto



as S.B. No. 824, S.D. 1, and be referred to your Committee on Ways and Means.

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



CHRIS LEE, Chair



