

JAN 20 2023

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# A BILL FOR AN ACT

RELATING TO MOORING LINES.

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

1           SECTION 1. The legislature finds that the Hawaiian  
2 archipelago is the most remote island chain in the world, where  
3 ninety-eight per cent of all goods are processed by the harbor  
4 system. Tugs are vital to Hawaii's shipping industry, as tugs  
5 bring in tens of thousands of goods to the State each day. To  
6 properly secure shipping vessels to wharves, mooring lines are  
7 thrown over the bollard, which are then secured by certified  
8 longshore linespersons to safely secure the bulkhead.

9           The legislature also finds that, presently, it is not  
10 required for any out-of-state company to utilize trained local  
11 longshore linespersons to secure their operational vessel to the  
12 State's commercial docks, wharves, piers, quays, bulkheads, and  
13 landings belonging to or controlled by the State, leading to  
14 lower contributions to Hawaii's tax base. Moreover, this  
15 practice decreases the number of Hawaii-based jobs for  
16 residents. In 2022, the State lost \$1.5 million in all related  
17 taxes by barges that did not utilize Hawaii-based labor.



1           The legislature further finds that all stevedoring  
2 companies operating within the state harbor system are required  
3 to be certified and recertified to follow all health and safety  
4 guidelines. Stevedoring companies are crucial to the State's  
5 harbors infrastructure, as companies received proper training on  
6 identification, notification, and containment of invasive  
7 species, hazardous materials, and other potential health and  
8 safety threats to Hawaii's fragile ecosystem. Furthermore,  
9 stevedoring companies are well-versed in the uniqueness of each  
10 state harbor's challenges pertaining to the loading and landing  
11 of merchandise.

12           Therefore, the purpose of this Act is to require  
13 commodities and manifested cargo requiring tug assistance to be  
14 manned by an existing, operational stevedoring company that is  
15 currently operating in the State.

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

- 18           "(a) The department of transportation shall:
- 19           (1) Have and exercise all the powers and shall perform all  
20           the duties [~~which~~] that may lawfully be exercised by  
21           or under the State relative to the control and



1 management of commercial harbors, commercial harbor  
2 and waterfront improvements, ports, docks, wharves,  
3 piers, quays, bulkheads, and landings belonging to or  
4 controlled by the State, and the shipping using the  
5 same;

6 (2) Have the authority to use and permit and regulate the  
7 use of the commercial docks, wharves, piers, quays,  
8 bulkheads, [~~and~~] landings belonging to or controlled  
9 by the State for receiving or discharging passengers  
10 and for loading and landing merchandise, and  
11 commodities and manifested cargo manned by an  
12 existing, operational stevedoring company that is  
13 operating within the State requiring tug assistance,  
14 with a right to collect wharfage and demurrage thereon  
15 or therefor;

16 (3) Subject to all applicable provisions of law, have the  
17 power to fix and regulate from time to time rates and  
18 charges for:

- 19 (A) Services rendered in mooring commercial vessels;  
20 (B) The use of commercial moorings belonging to or  
21 controlled by the State;



- 1 (C) Wharfage or demurrage;
- 2 (D) Warehouse space, office space, and storage space
- 3 for freight, goods, wares and merchandise; and
- 4 (E) The use of derricks or other equipment belonging
- 5 to the State or under the control of the
- 6 department;
- 7 (4) Make other charges, including toll or tonnage charges
- 8 on freight passing over or across docks, wharves,
- 9 piers, quays, bulkheads, or landings;
- 10 (5) Appoint and remove clerks, harbor agents and their
- 11 assistants, and all such other employees as may be
- 12 necessary, and to fix their compensation;
- 13 (6) Adopt rules pursuant to chapter 91 and not
- 14 inconsistent with law; and
- 15 (7) Generally have all powers necessary to fully carry out
- 16 this chapter.

17 As used in this subsection:

18 "Commodity" means a product of agriculture or mining,

19 article of commerce, article of commerce delivered for shipment,

20 or mass-produced unspecialized product;





**Report Title:**

Mooring Lines; Department of Transportation; Harbors Division

**Description:**

Requires commodities and manifested cargo requiring tug assistance to be manned by an existing, operational stevedoring company that is operating within the State.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

