STAND. COM. REP. NO. 566

Honolulu, Hawaii Fe 920, 2009

RE: H.B. No. 1163 H.D. 1

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Fifth State Legislature Regular Session of 2009 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1163 entitled:

"A BILL FOR AN ACT RELATING TO HARBORS,"

begs leave to report as follows:

The purpose of this bill is to authorize the Director of Transportation to require any person who uses or occupies State commercial harbors to defend, indemnify, and hold harmless the State against claims that may arise from such use or occupation.

The Department of Transportation (DOT) testified in support of this bill. The Hawaii Harbors Users Group offered comments.

Your Committee understands that DOT and the Hawaii Harbor Users Group are negotiating further clarifying language for this measure, and respectfully encourages your Committee on Finance to consider the results of their negotiation.

Your Committee has amended this bill by:

(1) Clarifying that the requirement to defend, indemnify, and hold harmless the State against claims that may arise from the use or occupation of State commercial harbors applies only to use or occupation for business or commercial purposes;



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- (2) Changing its effective date to July 1, 2046, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1163, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.B. No. 1163, H.D. 1.

HB1163 HD1 HSCR JUD HMS 2009-2334

Respectfully submitted on behalf of the members of the Committee on Judiciary,

JON RIKI KARAMATSU, Chair

## HSCR566

## State of Hawaii House of Representatives The Twenty-fifth Legislature

## **Record of Votes of the Committee on Judiciary**

Bill/Resolution No.:	Committee Referral:	Da	Date:		
HB 1163 (HSCR 245) TRN JVD, FIN 2/17/09					
□ The committee is reconsidering its previous decision on the measure.					
The recommendation is to: Deass, unamended (as is) A Pass, with amendments (HD) Deast Hold					
Pass short form bill with HD to recommit for future public hearing (recommit)					
JUD Members	Ayes	Ayes (WR)	Nays	Excused	
1. KARAMATSU, Jon Riki (C)	V				
2. ITO, Ken (VC)					
3. BELATTI, Della Au	V				
4. CABANILLA, Rida					
5. CARROLL, Mele				V	
6. HERKES, Robert N.					
7. LUKE, Sylvia					
8. McKELVEY, Angus L.K.				V	
9. MIZUNO, John M.					
10. MORITA, Hermina M.	V.				
11. OSHIRO, Blake K.					
12. SOUKI, Joseph M.					
13. TSUJI, Clift					
14. WAKAI, Glenn	V				
15. MARUMOTO, Barbara C.	V				
16. THIELEN, Cynthia	V				
<b>TOTAL</b> (16)	14	e.		2	
The recommendation is:  Adopted  Not Adopted    If joint referral,					
Vice Chair's or designee's signature:					
<b>Distribution:</b> Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO					