Honolulu, Hawaii (Januay 3), 2014

RE: H.B. No. 979 H.D. 2

Honorable Joseph M. Souki Speaker, House of Representatives Twenty-Seventh State Legislature Regular Session of 2014 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 979, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HARBORS,"

begs leave to report as follows:

The purpose of this measure is to authorize the Department of Transportation to adopt rules to impose upon private parties who use state commercial harbors the duty to defend, indemnify, and hold harmless the State against claims that arise from such use.

The Department of the Attorney General and the Department of Transportation testified in support of this measure.

Your Committee has amended this measure by:

- (1) Changing the scope of rules that may be adopted by the Department of Transportation for claims by private parties arising from the use or occupation of state commercial harbors and related facilities from rules imposing a duty for the private party to defend, indemnify, and hold harmless the State against such claims, to rules holding parties severally liable; and
- (2) Clarifying that adopted rules shall provide that each party pay its own attorney's fees.

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. 979, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 979, H.D. 2.

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

KARL RHOADS, Chair



State of Hawaii House of Representatives The Twenty-seventh Legislature

Record of Votes of the Committee on Judiciary

Bill/Resolution No.: HB 979, HD 1	Committee Referral: TRN, JUD	Date: 0 123 14	Ţ.
☐ The committee is reconsidering its previous decision on the measure.			
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold Pass short form bill with HD to recommit for future public hearing (recommit)			
JUD Members	Ayes Ayes	s (WR) Nays	Excused
1. RHOADS, Karl (C)			
2. HAR, Sharon E. (VC)			1
3. BELATTI, Della Au			
4. BROWER, Tom			
5. CREAGAN, Richard	4.		
6. ITO, Ken			
7. KAWAKAMI, Derek S.K.			
8. LEE, Chris			
9. NAKASHIMA, Mark M.			
10. TSUJI, Clift			
11. WOOLEY, Jessica			
12. MCDERMOTT, Bob			
13. THIELEN, Cynthia			·
			<u></u>
TOTAL (13)	12		1
The recommendation is: Adopted			
If joint referral, did not support recommendation. committee acronym(s)			
Vice Chair's or designee's signature:			
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO			