

STAND. COM. REP. NO. 566

Honolulu, Hawaii

Feb 20, 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;



- (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.

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

  
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JON RIKI KARAMATSU, Chair



