

Honolulu, Hawaii  
January 31, 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,



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KARL RHOADS, Chair



