

STAND. COM. REP. NO.

609

Honolulu, Hawaii

MAR 01 2013

RE: S.B. No. 878
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Madam:

Your Committee on Ways and Means, to which was referred S.B. No. 878 entitled:

"A BILL FOR AN ACT RELATING TO ARBITRATION,"

begs leave to report as follows:

The purpose and intent of this measure is to clarify the authority of arbitrators in arbitration proceedings.

More specifically, this measure authorizes arbitrators to award costs in addition to other expenses and attorney's fees if the arbitration award is authorized by law in civil actions involving a comparable, rather than the same, claim.

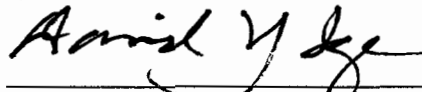
Your Committee finds that this measure clarifies that arbitrators are allowed to award "costs" such as deposition transcripts fees, witness fees, copying costs, and similar expenditures in an arbitration proceeding. Your Committee also recognizes that arbitration procedures address a wide range of issues and disputes and that providing arbitrators the same ability as courts to award attorney's fees, costs, and other reasonable expenses for a comparable claim allows arbitrators more flexibility and discretion in making these awards.

Your Committee has amended this measure by changing the effective date to July 1, 2050, to facilitate further discussion on the measure.



As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 878, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 878, S.D. 1.

Respectfully submitted on
behalf of the members of the
Committee on Ways and Means,



DAVID Y. IGE, Chair



The Senate
Twenty-Seventh Legislature
State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:* <i>SB 878</i>	Committee Referral: <i>JDL, WAM</i>	Date: <i>2-21-13</i>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
IGE, David Y. (C)	✓			
KIDANI, Michelle N. (VC)	✓			
CHUN OAKLAND, Suzanne	✓			
DELA CRUZ, Donovan M.	✓			
ENGLISH, J. Kalani	✓			
ESPERO, Will	✓			
KAHELE, Gilbert	✓			
KEITH-AGARAN, Gilbert S.C.	✓			
KOUCHI, Ronald D.				✓
RUDERMAN, Russell E.	✓			
THIELEN, Laura H.	✓			
TOKUDA, Jill N.	✓			
SLOM, Sam		✓		
TOTAL	11	1	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Michelle N. Kidani</i>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes