

STAND. COM. REP. NO.

1362

Honolulu, Hawaii

MAR 21 2019

RE: H.B. No. 942  
H.D. 2  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirtieth State Legislature  
Regular Session of 2019  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 942, H.D. 2, entitled:

"A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES,"

begs leave to report as follows:

The purpose and intent of this measure is to make appropriations for claims against the State, its officers, and its employees.

Your Committee received testimony in support of this measure from the Department of the Attorney General and Department of Transportation. Your Committee received comments on this measure from the Department of Land and Natural Resources.

Your Committee finds that, based on the testimony submitted by the Department of the Attorney General, this measure requests a total of \$1,119,556.63 in appropriations from the general fund, to be paid from the respective department's fiscal year 2018-2019 budget, to satisfy thirteen claims against the State and a total of \$12,166.45 in an appropriation from the state highway fund to satisfy one claim against the State. The grand total for the fourteen claims settled in this measure as received by your Committee is \$1,131,723.08. Timely passage of this measure will minimize the State's obligation to pay interest on those amounts.



Your Committee notes the written testimony submitted by the Department of the Attorney General, which requests the addition of twelve new claims that have been resolved since this measure was introduced. The addition of these new claims result in a total of \$2,250,429.26 in appropriations needed from the state general fund and \$4,042,607.32 in appropriations needed from the state highway fund.

Your Committee has amended this measure by:

- (1) Adding general fund appropriations for eight new claims totaling \$1,130,872.63 and state highway fund appropriations for four claims totaling \$4,030,440.87, as requested by the Department of the Attorney General, which increases the grand total of appropriations to \$6,293,036.58 in order to satisfy a total of twenty-six claims against the State, its officers, or its employees;
- (2) Specifying that the new general fund appropriations shall be paid out of the respective department's fiscal year 2018-2019 budget;
- (3) Correcting the disposition listed for *Umberger, et al. v. Department of Land and Natural Resources, State of Hawaii*, to "Judgment";
- (4) Authorizing the Department of Land and Natural Resources to pay claims out of either the Department's fiscal year 2018-2019 budget or 2019-2020 budget; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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. 942, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 942, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.



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

*Karl Rhoads*

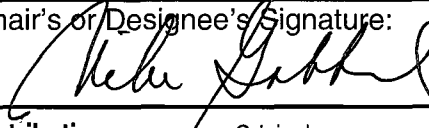
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KARL RHOADS, Chair



The Senate  
Thirtieth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Judiciary**  
**JDC**

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 942, HD 2	JDC, WAM	3/15/19		
<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
RHOADS, Karl (C)	✓			
WAKAI, Glenn (VC)				✓
GABBARD, Mike	✓			
KIM, Donna Mercado	✓			
FEVELLA, Kurt				✓
<b>TOTAL</b>	3	—	—	2
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

\*Only one measure per Record of Votes