

STAND. COM. REP. NO.

1474

Honolulu, Hawaii

, 2021

MAR 25

RE: S.B. No. 1039

S.D. 1

H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred S.B. No. 1039, S.D. 1, 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 of this measure is to satisfy several claims against the State, its officers, or its employees.

Your Committee received testimony in support of this measure from the Department of the Attorney General, State Public Charter School Commission, and Department of Transportation.

Your Committee finds that the Department of the Attorney General testified that it has advised its client agencies on how to avoid claims such as those included in this measure.

Your Committee has amended this measure by:

- (1) Appropriating \$8,250 in general funds for a settlement in the case Unga v. Board of Education, et al., Civil No. 20-0000576, First Circuit;

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- (2) Appropriating \$44,903.62 in general funds for a judgment in the case Dasalia, et al. v. Onaka, et al., Civil No. 13-1-0373-02, First Circuit;
- (3) Appropriating \$6,041.40 in general funds for a claim by Melvin Ishizu;
- (4) Appropriating \$1,367 in general funds for a claim by Gregory and Sarah Rocheleau;
- (5) Appropriating \$15,654.47 in general funds for a claim by Waste Management of Hawaii, Inc.;
- (6) Appropriating \$50,000 from the State Highway Fund for a settlement in the case of Link v. State of Hawaii, Civil No. 20-0000681, First Circuit;
- (7) Changing the effective date to July 1, 3021, to encourage further discussion; and
- (8) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

Your Committee notes that two claims in this measure, Miller-Potter v. State of Hawaii, et al., and HGEA/AFSCME on Behalf of Ardith Renteria and Charter Volcano School of Arts and Sciences, were previously approved for payment by Act 11, Session Laws of Hawaii 2020 (Act 11), from the State Public Charter School Commission fiscal year 2019-2020 budget. However, by the time Act 11 was passed, all the Charter School Commission funds intended for charter schools had already been dispersed. As a result, these claims remain unpaid.

Should the Committee on Finance deliberate on this measure further, your Committee on Judiciary & Hawaiian Affairs respectfully requests that it consider requiring the Board of Education to pay for the settlement in the case Miller-Potter v. State of Hawaii, et al., and the judgment in the case HGEA/AFSCME on Behalf of Ardith Renteria and Charter Volcano School of Arts and Sciences since the State Public Charter School Commission is administratively attached to the Department of Education.



As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1039, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1039, S.D. 1, H.D. 1, and be referred to your Committee on Finance.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,



MARK M. NAKASHIMA, Chair



