

Honolulu, Hawaii

APR 28 2022

RE: S.B. No. 3041
S.D. 2
H.D. 1
C.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 3041, S.D. 2, H.D. 1, entitled:

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

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to appropriate funds for the payment of claims against the State, its officers, or its employees.

Your Committee on Conference finds that the timely passage of this measure will minimize the State's obligation to pay interest on those claim amounts.

Your Committee on Conference takes note of the six claims settled against the Department of Public Safety for a total of \$6,365,540.00. These claims resulted from egregious incidents that the State should ensure are not repeated. Your Committee expects



the Department of the Attorney General to provide thorough corrective guidance and oversight to the Department of Public Safety to eliminate or mitigate the factors that contributed to the State's negligence.

Your Committee on Conference has amended this measure by:

- (1) Including various general fund appropriations to the Department of the Attorney General for the purpose of satisfying claims for legislative relief;
- (2) Increasing the total general fund appropriation from \$1,779,889.75 to \$335,577,607.93 to settle eleven additional claims totaling \$333,797,718.18, as follows:
 - (A) \$47,718.18 for six miscellaneous claims;
 - (B) \$225,000.00 to fund the settlement of Gallagher v. Lanihuli Community Development Corporation;
 - (C) \$4,000,000.00 to fund the settlement of Mueller v. Department of Public Safety;
 - (D) \$1,375,000.00 to satisfy the judgment in O'Malley v. State of Hawaii;
 - (E) \$150,000.00 to satisfy the judgment in Roe v. State of Hawaii; and
 - (F) \$328,000,000.00 to fund the settlement of Kalima v. State of Hawaii;
- (3) Appropriating \$138,000.00 from the state highway fund to settle one additional claim by Markel American Insurance Company (Maui Oil Company);
- (4) Clarifying that the claims against the Agribusiness Development Corporation, Department of Land and Natural Resources, Department of Public Safety, and Hawaii State Public Charter School Commission shall be paid from general funds;
- (5) Making the measure effective upon its approval; and
- (6) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.



As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 3041, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 3041, S.D. 2, H.D. 1, C.D. 1.

Respectfully submitted on behalf of the managers:

ON THE PART OF THE HOUSE

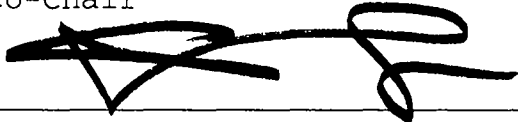
ON THE PART OF THE SENATE



MARK M. NAKASHIMA
Co-Chair



KARL RHOADS
Chair



SYLVIA LUKE
Co-Chair



GILBERT S.C. KEITH-AGARAN
Co-Chair



**Record of Votes of a
Conference Committee**

Bill / Concurrent Resolution No.: SB 3041, SD 2, HD 1	Date/Time: 7/26/22 ; 2:18 pm
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The recommendation of the House and Senate managers is to pass with amendments (CD).

The Committee is reconsidering its previous decision.

<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure	<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.
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Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
RHOADS, Karl, Chr.	✓				NAKASHIMA, Mark M., Co-Chr.	✓			
KEITH-AGARAN, Gilbert S.C., Co-Chr.	✓				LUKE, Sylvia, Co-Chr.	✓			
KIM, Donna Mercado	✓				MATAYOSHI, Scot Z.	✓			
FEVELLA, Kurt	✓				WARD, Gene	✓			
TOTAL	4	0	0	0	TOTAL	4	0	0	0

A = Aye WR = Aye with Reservations N = Nay E = Excused

Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted	House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted
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Senate Lead Chair's or Designee's Signature: 	House Lead Chair's or Designee's Signature:
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