

STAND. COM. REP. NO. 1257-22

Honolulu, Hawaii
, 2022

MAR 23

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

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

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred S.B. No. 3041, S.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 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 and Earthjustice. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Department of Land and Natural Resources, Department of Budget and Finance, and Department of Education.

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:

2022-2238 SB3041 HD1 HSCR HMSO



- (A) \$40.65 in general funds for a claim by Sang Chol Bang;
- (B) \$1,283.01 in general funds for a claim by Rodney Baculpo;
- (C) \$1,283 in general funds for a claim by Darlene Vicente fka Darlene Baculpo;
- (D) \$383,119.65 in general funds for a claim by Princeville Hotel, LP;
- (E) \$132,611.78 from the Department of Agriculture's operating budget for a settlement in the case of Nā Kia'i Kai v. Nakatani, et al.;
- (F) \$145,736.28 from the Department of Land and Natural Resources' operating budget for a settlement in the case of Kaupiko, et al. v. Dept. of Land and Natural Resources, State of Hawaii;
- (G) \$250,540 from the Department of Public Safety's operating budget for a settlement in the case of Anthony Chatman, et al. v. Max N. Otani;
- (H) \$150,000 from the Department of Public Safety's operating budget for a settlement in the case of Curt K.K. Tokunaga, et al. v. Dept. of Public Safety, State of Hawaii;
- (I) \$40,000 from the Department of Public Safety's operating budget for a settlement in the case of Faatalale Auelua v. State of Hawaii;
- (J) \$550,000 from the Department of Public Safety's operating budget for a settlement in the case of HELG Administrative Services, LLC, as Special Administrator of the Estate of Daisy L. Kasitati, deceased, et al. v. Dept. of Public Safety, State of Hawaii; and
- (K) \$125,275.38 from the Department of Education's operating budget for a judgment in the case of UPW



on behalf of James Ah Sing v. Christina Kishimoto,
et al.;

- (2) Deleting language that authorized the payment of claims to the respective persons, or for the satisfaction or settlement of the respectively identified cases, in several amounts or in lesser amounts deemed appropriate, upon checks issued by the Comptroller, subject to the approval of the Attorney General;
- (3) Changing the effective date to January 1, 2222, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

Your Committee notes that the \$125,275.38 judgment in the case of UPW on behalf of James Ah Sing v. Christina Kishimoto, et al., should be paid by the Department of Education rather than the State Public Charter School Commission.

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. 3041, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3041, S.D. 2, 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,

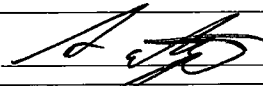

MARK M. NAKASHIMA, Chair



State of Hawaii
House of Representatives
The Thirty-first Legislature

HSCR 1257-22

Record of Votes of the Committee on Judiciary & Hawaiian Affairs

Bill/Resolution No.: SB3041, SD2	Committee Referral: JHA, FIN	Date: 3-15-22		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JHA Members	Ayes	Ayes (WR)	Nays	Excused
1. NAKASHIMA, Mark M. (C)	✓			
2. MATAYOSHI, Scot Z. (VC)	✓			
3. ICHIYAMA, Linda	✓			
4. KOBAYASHI, Dale T.	✓			
5. LoPRESTI, Matthew S.	✓			
6. LOWEN, Nicole E.	✓			
7. McKELVEY, Angus L.K.				✓
8. NAKAMURA, Nadine K.	✓			
9. TAKUMI, Roy M.	✓			
10. TOKIOKA, James Kunane	✓			
11. WARD, Gene	✓			
TOTAL (11)	10	0	0	1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. _____ committee acronym(s)				
Vice Chair's or designee's signature: 				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				