STAND. COM. REP. NO. \282 -12

Honolulu, Hawaii

March 23, 2012

RE: S.B. No. 2738

S.D. 1 H.D. 1

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Sixth State Legislature Regular Session of 2012 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2738, 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 appropriate funds to satisfy the settlements of claims against the State, its officers, or employees.

The Department of the Attorney General, the Department of Education, and PBR HAWAII & ASSOCIATES, INC., testified in support of this measure.

Your Committee has amended this measure by adding the following settlements involving three additional claims to the bill:

- (1) Brem, et al. v State of Hawaii, Civil No. 07-1-0176, Fifth Circuit, in the amount of \$5,459,107.50;
- (2) Kahle, et al. v. Villaflor, et al., Civil No. 10-00764 LEK-KSC, USDC, in the amount of \$100,000; and

(3) Wolfe v. State of Hawaii, Department of Transportation, et al., Civil No. 10-1-1029-05, First Circuit, in the amount of \$60,000.

Technical, nonsubstantive amendments were also made for the purposes of clarity, consistency, and style.

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 S.B. No. 2738, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2738, S.D. 1, H.D. 1, and be referred to the Committee on Finance.

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

GILBERT KEITH-AGARAN, Chair

State of Hawaii House of Representatives The Twenty-sixth Legislature

Record of Votes of the Committee on Judiciary

Bill/Resolution No.: 5B 2738 SD1	Committee Referral: TUD, F	Date	3/20	112
☐ The committee is reconsidering its previous decision on the measure.				
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold Pass short form bill with HD to recommit for future public hearing (recommit)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. KEITH-AGARAN, Gilbert S.C.	(C)		••••	
2. RHOADS, Karl (VC)				
3. BROWER, Tom				
4. CABANILLA, Rida T.R.				
5. CARROLL, Mele				
6. COFFMAN, Denny				
7. HERKES, Robert N.			·	
8. ITO, Ken				
9. LUKE, Sylvia				
10. McKELVEY, Angus L.K.				
11. SOUKI, Joseph M.				
12. TSUJI, Clift				
13. FONTAINE, George R.				
14. MARUMOTO, Barbara C.				
15. THIELEN, Cynthia				
	_		79,9884	
		-		
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		-		
TOTAL (15)	L1	0	0	4
The recommendation is: Adopted If joint referral, did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: Rallboath				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				