
A BILL FOR AN ACT

MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

PART I

SECTION 1. The following sums or so much thereof as may be necessary for fiscal year 2006-2007 are appropriated out of the general revenues of the State of Hawaii to the department of the attorney general for the purpose of satisfying claims for legislative relief as to the following named persons, firms, corporations, and entities, for claims against the State or its officers or employees for the overpayment of taxes, or for refunds, reimbursements, payments of judgments or settlements, or other liabilities, in the amounts set forth opposite their names:

JUDGMENTS AGAINST THE STATE AND SETTLEMENTS OF CLAIMS:	AMOUNT
1. DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES:	
Oceanic Companies, Inc. v. State of Hawaii, Civil No. 04-1-0054, Fifth Circuit	\$ 130,800.00 Settlement
Subtotal:	<hr/> \$ 130,800.00

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1	2.	DEPARTMENT OF EDUCATION:		
2				
3		Aldana, Cesar (Tort Claim)	\$	137,500.00
4				Settlement
5				
6		Cacho v. State of Hawaii, et al.	\$	25,000.00
7		Civil No. 04-1-1091-06, First Circuit		Settlement
8				
9		Sula, Pamata (Tort Claim)	\$	125,000.00
10				Settlement
11				
12		SUBTOTAL:	\$	287,500.00
13				
14	3.	DEPARTMENT OF HUMAN SERVICES:		
15				
16		Hirata v. Chandler, et al.	\$	90,000.00
17		Civil No. 02-1-2277-09, First Circuit		Settlement
18				
19		Ryan, et al. v. Kamaka, et al.	\$	47,500.00
20		Civil No. 03-00384, USDC		Settlement
21				
22		SUBTOTAL:	\$	137,500.00
23				
24	4.	DEPARTMENT OF PUBLIC SAFETY:		
25				
26		Abiley v. State of Hawaii	\$	23,000.00
27		Civil No. 04-1-0725-04, First Circuit		Settlement
28				
29		SUBTOTAL:	\$	23,000.00
30				
31	5.	MISCELLANEOUS CLAIMS:		
32				
33		Boetcher, Barbara E.	\$	65.08
34				
35		SUBTOTAL:	\$	65.08
36				
37		TOTAL (SECTION 1):	\$	578,865.08
38				
39				
40				
41				
42				

The sums appropriated shall be expended by the department of the attorney general for the purposes of this Act.

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1 PART II

2 SECTION 2. The following sums or so much thereof as may be
3 necessary for fiscal year 2005-2006 are appropriated out of the state
4 highway fund for the purpose of satisfying claims for legislative
5 relief as to the following named persons, for claims against the
6 State or its officers or employees for payments of judgments or
7 settlements, or other liabilities, in the amount set forth opposite
8 their names:

9 JUDGMENTS AGAINST THE STATE 10 AND SETTLEMENTS OF CLAIMS:	AMOUNT
11 12 DEPARTMENT OF TRANSPORTATION, 13 HIGHWAYS DIVISION:	
14 15 Moniz, et al. v. Keola, et al. 16 Civil No. 02-1-2741-11, First Circuit	\$ 75,000.00 Settlement
17 18 SUBTOTAL:	<hr/> \$ 75,000.00
19 20 TOTAL (SECTION 2):	\$ 75,000.00

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22
23 SECTION 3. The sums hereinabove may be paid to the respective
24 persons, or for the satisfaction or settlement of the respectively
25 identified cases, and in several amounts hereinabove set forth or in
26 lesser amounts deemed appropriate, upon checks issued by the
27 comptroller; provided departments must obtain the approval of the
28 attorney general before payment of any claim can be made.

29 SECTION 4. Notwithstanding the sums hereinabove stated as
30 interest upon judgments against the State, payment of interest shall

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1 be limited to the period from the date of judgment, if applicable, to
2 thirty days after the effective date of this part, as provided in
3 section 662-8, Hawaii Revised Statutes, for those cases to which the
4 statute applies.

5 PART III

6 SECTION 5. All unexpended and unencumbered balances of the
7 appropriations made in this Act as of the close of business on June
8 30, 2007, shall lapse.

9 SECTION 6. If any provision of this Act, or the application
10 thereof to any person or circumstance is held invalid, the invalidity
11 does not effect other provisions or applications of the Act, which
12 can be given effect without the invalid provision or application, and
13 to this end the provisions of this Act are severable.

14 SECTION 7. This Act shall take effect upon its approval.

15
16 INTRODUCED BY: Calvin K. King
17 BY REQUEST
JAN 23 2006

JUSTIFICATION SHEET

DEPARTMENT: Attorney General

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

PURPOSE: Provide for the authorization and payment of claims against the State for refunds of taxes, for judgments and settlements, and for other miscellaneous payments as provided by chapters 37, 661, and 662, Hawaii Revised Statutes.

MEANS: Authorize and appropriate funds for the payment of such claims.

JUSTIFICATION: This bill serves as the vehicle by which claims against the State are transmitted to the Legislature for its consideration. The Legislature will be asked to authorize and fund the payment of such claims by an appropriation of general and special funds. Timely passage of this bill will serve to minimize interest on those amounts for which interest is accruing.

Impact on the public: There would be no direct impact on the public other than the persons whose claims are being paid.

Impact on the department and other agencies: Claims eligible for payment from a special fund will generally be charged to that special fund rather than the general fund. Certain claims will be paid from a department's appropriation as reflected in the budget bill. In such case, that department will be responsible for finding the moneys in its budget to pay for the judgments and settlements rendered against it.

GENERAL FUND: \$578,865.08 to date, and additional funds ultimately expected.

OTHER FUNDS: \$75,000.00 from the Department of Transportation state highway fund.

PPBS PROGRAM DESIGNATION: Various

OTHER AFFECTED

AGENCIES:

Department of Transportation, state highway
fund.

EFFECTIVE DATE:

Upon approval.