

S .B. NO. 1317

JAN 22 2007

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:

1 PART I

2 SECTION 1. The following sums or so much thereof as may be
3 necessary for fiscal year 2007-2008 are appropriated out of the
4 general revenues of the State of Hawaii to the department of the
5 attorney general for the purpose of satisfying claims for legislative
6 relief as to the following named persons, firms, corporations, and
7 entities, for claims against the State or its officers or employees
8 for the overpayment of taxes, or for refunds, reimbursements,
9 payments of judgments or settlements, or other liabilities, in the
10 amounts set forth opposite their names:

11 JUDGMENTS AGAINST THE STATE	AMOUNT
12 AND SETTLEMENTS OF CLAIMS:	
13	
14 1. DEPARTMENT OF EDUCATION:	
15	
16 Grossman v. State of Hawaii, et al.	\$ 11,916.40
17 Civil No. 03-1-0213(1), Second Circuit	(Judgment)
18 Amount of judgment:	\$11,510.23
19 4% interest from 9/13/06-7/31/07:	\$ 406.17
20	
21 Subtotal:	<u>\$ 11,916.40</u>
22	
23	

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1	2.	HAWAII PUBLIC HOUSING AUTHORITY:	
2			
3		Waters, et al. v. Housing and Community	\$ 155,000.00
4		Development Corporation of Hawaii, et al.	(Settlement)
5		Civil No. 05-1-0815-05, First Circuit	
6			
7		Subtotal:	<u>\$ 155,000.00</u>
8			
9	3.	DEPARTMENT OF PUBLIC SAFETY:	
10			
11		Wong v. State of Hawaii, et al.	\$ 25,000.00
12		Civil No. 04-1-0339(1), Second Circuit	(Settlement)
13			
14		Subtotal:	<u>\$ 25,000.00</u>
15			
16		TOTAL (Section 1):	\$ 191,916.40

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

PART II

21 SECTION 2. The following sums or so much thereof as may be
 22 necessary for fiscal year 2006-2007 are appropriated out of the state
 23 highway fund for the purpose of satisfying claims for legislative
 24 relief as to the following named persons, for claims against the
 25 State or its officers or employees for payments of judgments or
 26 settlements, or other liabilities, in the amount set forth opposite
 27 their names:

28	JUDGMENTS AGAINST THE STATE	AMOUNT
29	AND SETTLEMENTS OF CLAIMS:	
30		
31	DEPARTMENT OF TRANSPORTATION,	
32	HIGHWAYS DIVISION:	
33		
34	Gillia v. State of Hawaii	\$ 40,000.00
35	Civil No. 05-1-1322-07, First circuit	(Settlement)

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2	Ramos v. State of Hawaii	\$ 135,000.00
3	Civil No. 04-1-1498-08, First Circuit	(Settlement)
4		
5	Taniguchi v. State of Hawaii, et al.	\$ 45,000.00
6	Civil No. 05-1-0500-03, First Circuit	(Settlement)
7		
8	Subtotal:	<u>\$ 220,000.00</u>
9		
10	TOTAL (Section 2):	\$ 220,000.00

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12 The sums appropriated shall be expended by the department of
13 transportation, highways division, for the purposes of this Act.

14 SECTION 3. The sums hereinabove may be paid to the respective
15 persons, or for the satisfaction or settlement of the respectively
16 identified cases, and in several amounts hereinabove set forth or in
17 lesser amounts deemed appropriate, upon checks issued by the
18 comptroller; provided departments must obtain the approval of the
19 attorney general before payment of any claim can be made.

20 SECTION 4. Notwithstanding the sums hereinabove stated as
21 interest upon judgments against the State, payment of interest shall
22 be limited to the period from the date of judgment, if applicable, to
23 thirty days after the effective date of this part, as provided in
24 section 662-8, Hawaii Revised Statutes, for those cases to which the
25 statute applies.

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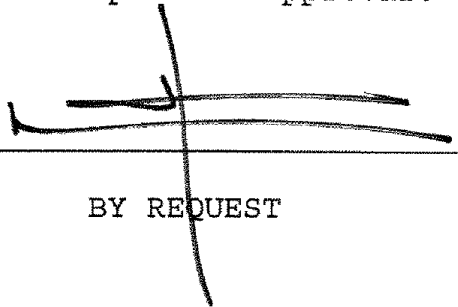
PART III

SECTION 5. All unexpended and unencumbered balances of the appropriations made in this Act as of the close of business on June 30, 2008, shall lapse.

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

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

INTRODUCED BY: _____



BY REQUEST

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: \$191,916.40 to date, and additional funds ultimately expected.

OTHER FUNDS: \$220,000 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.