

JAN 26 2009

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:

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PART I

SECTION 1. The following sums or so much thereof as may be necessary for fiscal year 2008-2009 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 EDUCATION:	
Wiley, et al. v. State of Hawaii, et al. Civil No. 04-1-1895-10, First Circuit	\$ 175,000.00 Settlement
	\$ 175,000.00
SUBTOTAL:	\$ 175,000.00

1	2.	DEPARTMENT OF HUMAN SERVICES:	
2		Martinez v. State of Hawaii, et al.	\$ 35,000.00
3		Civil No. 06-1-1658-09, First Circuit	Settlement
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5		SUBTOTAL:	\$ 35,000.00
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7	3.	DEPARTMENT OF PUBLIC SAFETY:	
8		Becker v. State of Hawaii, et al.	\$ 50,000.00
9		Civil No. 05-1-1485-08, First Circuit	Settlement
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11		Hernandez v. State of Hawaii, et al.	\$ 22,000.00
12		Civil No. 06-1-1628-09, First Circuit	Settlement
13			
14		Rosa v. State of Hawaii	\$ 23,685.05
15		Civil No. 07-1-1143-06, First Circuit	Judgment
16		Amount of judgment: \$22,675.00	
17		4% interest from 6/19/08: \$ 1,010.05	
18			<hr/>
19		SUBTOTAL:	\$ 95,685.05
20	4.	MISCELLANEOUS CLAIMS:	
21		Ejima, Inc.	\$ 587.75
22		Gladys Hayashi	\$ 223.43
23		Kay Y. Kawatani	\$ 107.40
24		Georgia K. Char Lyman as Personal	\$ 9,114.42
25		Representative of the Estate of	
26		Keakealani L. Char	
27		Lottie L. Mar	\$ 22,895.25
28		Elaine Mock	\$ 353.62
29		Karen M. Radius	\$ 1,853.15
30		Paul T. Sakuma	\$ 271.58
31			<hr/>

S.B. NO. 834

1 SUBTOTAL: \$ 35,406.60
 2 Total (SECTION 1): \$ 341,091.65

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

5 PART II

6 SECTION 2. The following sums or so much thereof as may be
 7 necessary for fiscal year 2008-2009 are appropriated out of the
 8 state highway fund for the purpose of satisfying claims for
 9 legislative relief as to the following named persons, for claims
 10 against the State or its officers or employees for payments of
 11 judgments or settlements, or other liabilities, in the amount
 12 set forth opposite their names:

13	JUDGMENTS AGAINST THE STATE	AMOUNT
14	AND SETTLEMENTS OF CLAIMS:	
15		
16	DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION:	
17	Parel v. Kanui, et al.	\$ 25,000.00
18	Civil No. 07-1-0290, Third Circuit	Settlement
19		
20	Lang v. Prosniewski, et al.	\$ 325,000.00
21	Civil No. 05-1-0389(1), Second Circuit	Settlement
22		
23	Punsalan, et al. v. State of Hawaii, et al.	\$ 350,000.00
24	Civil No. 05-01-129K, Third Circuit	Settlement
25		
26	SUBTOTAL:	\$ 700,000.00
27	TOTAL (SECTION 2)	\$ 700,000.00
28		

1 The sums appropriated shall be expended by the department
2 of transportation, highways division, for the purposes of this
3 Act.

4 SECTION 3. The sums hereinabove may be paid to the
5 respective persons, or for the satisfaction or settlement of the
6 respectively identified cases, and in several amounts
7 hereinabove set forth or in lesser amounts deemed appropriate,
8 upon checks issued by the comptroller; provided departments must
9 obtain the approval of the attorney general before payment of
10 any claim can be made.

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

17 PART III

18 SECTION 5. All unexpended and unencumbered balances of the
19 appropriations made in this Act as of the close of business on
20 June 30, 2010, shall lapse.


S.B. NO. 834

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

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

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INTRODUCED BY: _____



BY REQUEST

Report Title:

Appropriations; Claims Against State

Description:

Makes appropriations for claims against the State, its officers, and its employees.

SB 834

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: \$341,091.65 to date, and additional funds ultimately expected.

OTHER FUNDS: \$700,000.00 from Department of
Transportation, Highways Division.

PPBS PROGRAM DESIGNATION: Various.

OTHER AFFECTED AGENCIES: None.

EFFECTIVE DATE: Upon approval.