

JAN 25 2012

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**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 2011-2012 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  
6 legislative relief as to the following named persons, firms,  
7 corporations, and entities, for claims against the State or its  
8 officers or employees for the overpayment of taxes, or for  
9 refunds, reimbursements, payments of judgments or settlements,  
10 or other liabilities, in the amounts set forth opposite their  
11 names:

12	<b>JUDGMENTS AGAINST THE STATE</b>	AMOUNT
13	<b>AND SETTLEMENTS OF CLAIMS:</b>	
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15	1. DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES:	
16	Elections Systems & Software, Inc. v.	\$ 1,205,000.00
17	Cronin, et al., CAAP-11-0000078	Settlement
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19	Tanaka, et al. v. State of Hawaii, et al.	\$ 73,000.00
20	Civil No. 09-00579, USDC	Settlement

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5	2.	SUBTOTAL:	\$ 1,278,000.00
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11	2.	DEPARTMENT OF EDUCATION:	
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2	SUBTOTAL:	\$ 321,814.01
3	6. OFFICE OF HAWAIIAN AFFAIRS:	
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5	Tsachev v. State of Hawaii, et al.	\$ 162,500.00
6	Civil No. 09-1-1207-05	Settlement
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9	SUBTOTAL:	\$ 162,500.00
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11	Total (SECTION 1):	\$ 2,228,064.01

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

14 PART II

15 SECTION 2. The following sums or so much thereof as may be  
 16 necessary for fiscal year 2011-2012 are appropriated out of the  
 17 state highway fund for the purpose of satisfying claims for  
 18 legislative relief as to the following named persons, for claims  
 19 against the State or its officers or employees for payments of  
 20 judgments or settlements, or other liabilities, in the amount  
 21 set forth opposite their names:

22	JUDGMENTS AGAINST THE STATE	AMOUNT
23	AND SETTLEMENTS OF CLAIMS:	
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25	DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION:	
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27	Kuahiwinui, et al. v. Zelo's, et al.	\$ 210,000.00
28	Civil No. 08-1-0067, Fifth Circuit	Settlement
29	Ackerman v. Kuahiwinui, et al.	

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1 Civil No. 08-1-0069, Fifth Circuit

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SUBTOTAL:	\$ 210,000.00
TOTAL (SECTION 2)	\$ 210,000.00

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

13 PART III

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

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

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1 SECTION 5. All unexpended and unencumbered balances of the  
2 appropriations made in this Act as of the close of business on  
3 June 30, 2013, shall lapse.

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

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

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12 INTRODUCED BY: 

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BY REQUEST

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**Report Title:**

Appropriations; Claims Against State.

**Description:**

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

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

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: \$2,228,064.01 to date, and additional claims ultimately expected.

OTHER FUNDS: \$210,000.00 to date, and additional funds ultimately expected.

PPBS PROGRAM DESIGNATION: Various.

OTHER AFFECTED AGENCIES: None.

EFFECTIVE DATE: Upon approval.