

JAN 23 2014

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 2013-2014 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 LABOR AND INDUSTRIAL RELATIONS	
Hawaii Pacific Health, et al. v. Dwight Takamine, Civil No. 11-00706 SOM/RLP, USDC	\$ 89,645.15 Settlement
2. DEPARTMENT OF LAND AND NATURAL RESOURCES	

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1	Coziar v. State of Hawaii	\$ 30,000.00
2	Civil No. 13-1-0018(1), Second Circuit	Settlement
3		
4	3. DEPARTMENT OF PUBLIC SAFETY:	
5		
6	Buan v. State of Hawaii, et al.	\$ 50,000.00
7	Civil No. 11-1-1222-06, First Circuit	Settlement
8		
9		<hr/>
10	SUBTOTAL:	\$ 169,645.15
11		
12	4. MISCELLANEOUS CLAIMS:	
13		
14	Aimee Clay	\$ 497.48
15		
16	Bruce A. Menin	\$ 421,346.13
17		
18	Thomas K. Nagano	\$ 222.96
19		
20		<hr/>
21	SUBTOTAL:	\$ 422,066.57
22	Total (SECTION 1):	\$ 591,711.72

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

25 PART II

26 SECTION 2. The following sums or so much thereof as may be
 27 necessary for fiscal year 2013-2014 are appropriated out of the
 28 state highway fund for the purpose of satisfying claims for
 29 legislative relief as to the following named persons, for claims
 30 against the State or its officers or employees for payments of
 31 judgments or settlements, or other liabilities, in the amount
 32 set forth opposite their names:

1 JUDGMENTS AGAINST THE STATE	AMOUNT
2 AND SETTLEMENTS OF CLAIMS:	
3	
4 DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION:	
5	
6 Adams, et al. v. Yokooji, et al.	\$ 25,000.00
7 Civil No. 07-1-1567, First Circuit	Settlement
8	
9 Booth v. State of Hawaii, et al.	\$ 65,000.00
10 Civil No. 12-1-0262, Fifth Circuit	Settlement
11	
12	
13 SUBTOTAL:	\$ 90,000.00
14	
15 TOTAL (SECTION 2)	\$ 90,000.00
16	

17 The sums appropriated shall be expended by the department
 18 of transportation, highways division, for the purposes of this
 19 Act.

20 PART III

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

28 SECTION 4. Notwithstanding the sums hereinabove stated as
 29 interest upon judgments against the State, payment of interest
 30 shall be limited to the period from the date of judgment, if


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1 applicable, to thirty days after the effective date of this Act,
2 as provided in section 662-8, Hawaii Revised Statutes, for those
3 cases to which the statute applies.

4 SECTION 5. All unexpended and unencumbered balances of the
5 appropriations made in this Act as of the close of business on
6 June 30, 2015, shall lapse.

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

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

14
15 INTRODUCED BY: 

16 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.

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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.

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GENERAL FUND:	\$591,711.72
OTHER FUNDS:	\$90,000.00
PPBS PROGRAM DESIGNATION:	Various.
OTHER AFFECTED AGENCIES:	None.
EFFECTIVE DATE:	Upon approval.