

JAN 27 2016

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 2015-2016 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 JUDGMENTS AGAINST THE STATE | AMOUNT |
|-------------------------------------|--------------|
| 13 AND SETTLEMENTS OF CLAIMS: | |
| 14 | |
| 15 1. DEPARTMENT OF EDUCATION: | |
| 16 | |
| 17 Toguchi v. Matayoshi, et al. | \$ 82,500.00 |
| 18 Civil No. 13-00380 DKW-KSC, USDC | Settlement |
| 19 | <hr/> |
| 20 | |
| 21 SUBTOTAL: | \$ 82,500.00 |
| 22 | |

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| | | | |
|----|----|---------------------------------------|-----------------|
| 1 | 2. | DEPARTMENT OF HEALTH: | |
| 2 | | | |
| 3 | | Mahi v. Department of Health, et al. | \$ 20,000.00 |
| 4 | | Civil No. 13-1-250, Fifth Circuit | Settlement |
| 5 | | | |
| 6 | | | <hr/> |
| 7 | | SUBTOTAL: | \$ 20,000.00 |
| 8 | | | |
| 9 | 3. | DEPARTMENT OF PUBLIC SAFETY: | |
| 10 | | | |
| 11 | | Persin v. State of Hawaii, et al. | \$7,200,000.00 |
| 12 | | Civil No. 13-1-1571-05, First Circuit | Settlement |
| 13 | | | |
| 14 | | | <hr/> |
| 15 | | SUBTOTAL: | \$7,200,000.00 |
| 16 | | | |
| 17 | 4. | MISCELLANEOUS CLAIMS: | |
| 18 | | | |
| 19 | | Kasey M. Dowling | \$ 600.00 |
| 20 | | | |
| 21 | | | <hr/> |
| 22 | | SUBTOTAL: | \$ 600.00 |
| 23 | | Total (SECTION 1): | \$ 7,303,100.00 |

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

PART II

27 SECTION 2. The following sums or so much thereof as may be
 28 necessary for fiscal year 2015-2016 are appropriated out of the
 29 state highway fund for the purpose of satisfying claims for
 30 legislative relief as to the following named persons, for claims
 31 against the State or its officers or employees for payments of
 32 judgments or settlements, or other liabilities, in the amount
 33 set forth opposite their names:

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| 1 JUDGMENTS AGAINST THE STATE | AMOUNT |
|--|---------------|
| 2 AND SETTLEMENTS OF CLAIMS: | |
| 3 | |
| 4 DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION: | |
| 5 | |
| 6 Le v. Turtle Bay Resort, LLC, et al. | \$ 650,000.00 |
| 7 Civil No. 13-1-1885-07, First Circuit | Settlement |
| 8 | <hr/> |
| 9 | |
| 10 | |
| 11 SUBTOTAL: | \$ 650,000.00 |
| 12 | |
| 13 TOTAL (SECTION 2) | \$ 650,000.00 |
| 14 | |

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

18 PART III

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

26 SECTION 4. Notwithstanding the sums hereinabove stated as
 27 interest upon judgments against the State, payment of interest
 28 shall be limited to the period from the date of judgment, if
 29 applicable, to thirty days after the effective date of this Act,

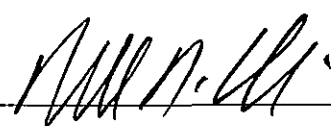
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1 as provided in section 662-8, Hawaii Revised Statutes, for those
2 cases to which the statute applies.

3 SECTION 5. All unexpended and unencumbered balances of the
4 appropriations made in this Act as of the close of business on
5 June 30, 2017, shall lapse.

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

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

13
14 INTRODUCED BY: 

15 **By Request**

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.

SB. NO. 2808

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.

The general fund appropriation included in this measure has been made in accordance with the statutorily defined appropriation ceiling for the Executive Branch pursuant to section 37-92, Hawaii Revised Statutes. Including appropriations made up to and including the regular session of 2015, the Executive Branch appropriation ceiling for fiscal year 2015-2016 has already been exceeded by \$57,056,901 or 0.9 percent. Funding requested in this measure to provide for the authorization and payment of claims against the State will result in the appropriation ceiling for the Executive Branch to now be exceeded in fiscal year 2015-2016 by an additional \$7,303,100.00 or 0.11 percent. This current declaration

takes into account additional general fund appropriations authorized for fiscal year 2015-2016 in this measure only, and does not include other general fund appropriations for fiscal year 2015-2016 that may be authorized for the Executive Branch in other legislation submitted to the Legislature during the regular session of 2016.

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: | \$7,303,100.00 |
| OTHER FUNDS: | \$650.000 |
| PPBS PROGRAM DESIGNATION: | Various. |
| OTHER AFFECTED AGENCIES: | None. |
| EFFECTIVE DATE: | Upon approval. |