
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 2019-2020 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 LAND AND NATURAL RESOURCES:		
16			
17	Ching et al. v. Case, et al.	\$	9,514.99
18	SCAP-18-000432, Supreme Court of Hawaii		Judgment
19			
20	Gold Coast Neighborhood Association v.	\$	13,160.94
21	State of Hawaii, Civil No. 07-1-1122-06		Judgment
22	First Circuit		
23			

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1	Keauhou Canoe Club v. Department of Land	\$	9,918.58
2	and Natural Resources, et., CAAP 16-0000141,		Judgment
3	Intermediate Court of Appeals		
4			
5	SUBTOTAL	\$	32,594.51
6			
7	2. DEPARTMENT OF PUBLIC SAFETY:		
8			
9	Shiira v. State of Hawaii, et al.	\$	44,946.75
10	Civil No. 13-1-0331, Fifth Circuit		Judgment
11			
12	SUBTOTAL	\$	44,946.75
13			
14	3. MISCELLANEOUS CLAIMS:		
15			
16	Grace Blevins	\$	400.28
17			
18			
19	SUBTOTAL:	\$	400.28
20			
21	TOTAL (SECTION 1):	\$	77,941.54

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

24 PART II

25 SECTION 2. The following sums or so much thereof as may be
 26 necessary for fiscal year 2019-2020 are appropriated out of the
 27 state highway fund for the purpose of satisfying claims for
 28 legislative relief as to the following named persons, for claims
 29 against the State or its officers or employees for payments of
 30 judgments or settlements, or other liabilities, in the amounts
 31 set forth opposite their names:

32	JUDGMENTS AGAINST THE STATE	AMOUNT
33	AND SETTLEMENTS OF CLAIMS:	
34		

1 DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION:

2
3 Hayselden, et al. v. State of Hawaii, et al. \$ 300,000.00
4 Civil No. 17-1-0204, Third Circuit Settlement
5
6 Vares, et al. v. State of Hawaii, et al. \$ 650,000.00
7 Civil No. 16-1-0512-03, First Circuit Settlement
8
9 TOTAL (SECTION 2) \$ 950,000.00

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

14 PART III

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

22 SECTION 4. Notwithstanding the sums hereinabove stated as
23 interest upon judgments against the State, payment of interest
24 shall be limited to the period from the date of judgment, if
25 applicable, to thirty days after the effective date of this Act,
26 as provided in section 662-8, Hawaii Revised Statutes, for those
27 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, 2021, 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 affect 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.

11

12

13

14

INTRODUCED BY:

RCM

BY REQUEST

JAN 21 2020

H .B. NO. 2288

Report Title:

Claims Against the 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: \$ 77,941.54
OTHER FUNDS: \$950,000.00
PPBS PROGRAM
DESIGNATION: Various.
OTHER AFFECTED
AGENCIES: None.
EFFECTIVE DATE: Upon approval.