

H.B. NO. 2073

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 2021-2022 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. AGRIBUSINESS DEVELOPMENT CORPORATION:	
16		
17	Na Kia'i Kai v. Nakatani, et al.	\$ 132,611.78
18	Civil No. 18-00005, USDC	Settlement
19		
20		
21	SUBTOTAL:	\$ 132,611.78
22		

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1	2.	DEPARTMENT OF LAND AND NATURAL RESOURCES:	
2			
3		Kaupiko, et al. v. Department of Land	\$ 145,000.00
4		and Natural Resources, State of Hawaii	Settlement
5		Civil No. 20-0000125; First Circuit	
6		Civil No. CAAP-21-0000374,	
7		Intermediate Court of Appeals	
8			
9			
10		SUBTOTAL:	\$ 145,000.00
11			
12	3.	DEPARTMENT OF PUBLIC SAFETY:	
13			
14		Curt K.K. Tokunaga, et al. v. Dept.	\$ 150,000.00
15		of Public Safety, State of Hawaii	Settlement
16		Civil No. 18-1-0982-06, First Circuit	
17			
18			
19		SUBTOTAL:	\$ 150,000.00
20			
21	4.	STATE PUBLIC CHARTER SCHOOL COMMISSION:	
22			
23		UPW on behalf of James Ah Sing v.	\$ 125,275.38
24		Christina Kishimoto and Connections,	Judgment
25		A New Century Public Charter School	
26		Case No. CE-01-539,	
27		Hawaii Labor Relations Board	
28			
29		SUBTOTAL:	\$ 125,275.38
30			
31	5.	MISCELLANEOUS CLAIMS:	
32			
33		Sang Chol Bang	\$ 40.65
34			
35		Rodney Baculpo	\$ 1,283.01
36			
37		Darlene Vicente fka Darlene Baculpo	\$ 1,283.00
38			
39		Princeville Hotel, LP	\$ 383,119.65
40			
41			
42		SUBTOTAL:	\$ 385,726.31
43			
44		TOTAL (SECTION 1):	\$ 938,613.47

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

3 PART II

4 SECTION 2. 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 that departments
9 shall obtain the approval of the attorney general before payment
10 of any claim can be made.

11 SECTION 3. 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 Act,
15 as provided in section 662-8, Hawaii Revised Statutes, for those
16 cases to which the statute applies.

17 SECTION 4. All unexpended and unencumbered balances of the
18 appropriations made in this Act as of the close of business on
19 June 30, 2023, shall lapse.

20 SECTION 5. If any provision of this Act, or the
21 application thereof to any person or circumstance is held
22 invalid, the invalidity does not affect other provisions or
23 applications of the Act, which can be given effect without the

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1 invalid provision or application, and to this end the provisions
2 of this Act are severable.

3 SECTION 6. This Act shall take effect upon its approval.

4

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INTRODUCED BY: _____

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6

BY REQUEST

7

JAN 24 2022

H.B. NO. 2073

Report Title:

Claims Against the State

Description:

Makes appropriations and approves payments 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.

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GENERAL FUND: \$938,613.47

OTHER FUNDS:

PPBS PROGRAM
DESIGNATION: Various.

OTHER AFFECTED
AGENCIES: None.

EFFECTIVE DATE: Upon approval.