

S.B. NO. 1277

JAN 25 2023

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 2022-2023 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. MISCELLANEOUS CLAIMS:	
16		
17	Kelly and Robert Armstrong	\$ 100,333.33
18		
19	Mercedes Nakaza	\$ 94.46
20		
21	Jyron Salamanca	\$ 1,992.30
22		

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1	The Estate of Take Yamashiro	\$ 4,777.03
2		
3		
4	SUBTOTAL:	\$ 107,197.12
5		
6	2. DEPARTMENT OF THE ATTORNEY GENERAL:	
7		
8	Honolulu Civil Beat Inc. v. Department	\$ 79,199.38
9	of the Attorney Gneral,	(Judgment)
10	SCAP-21-00000057; Civil No. 1CC161001743 JMT	
11		
12		
13	SUBTOTAL:	\$ 79,199.38
14		
15	3. DEPARTMENT OF EDUCATION:	
16		
17	Kristen Kam, et al. v. State of Hawaii	\$ 250,000.00
18	Board of Education, et al.	Settlement
19	Civil No. 21-00211 JAO-KJM, USDC	
20		
21	Cipriano Millano, et al. v.	\$ 750,000.00
22	State of Hawaii, et al.	Settlement
23	Civil No. 2CC-13-1-000031, Second Circuit	
24		
25		
26	SUBTOTAL:	\$ 1,000,000.00
27		
28	4. DEPARTMENT OF HUMAN SERVICES	
29		
30	E.F. v. State of Hawaii, Department of	\$ 35,000.00
31	Human Services, et al.	Settlement
32	Civil No. 1CCV-20-0000497, First Circuit	
33		
34		
35	SUBTOTAL:	\$ 35,000.00
36		
37	TOTAL (SECTION 1):	\$ 1,221,396.50
38		

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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 following sums or so much thereof as may be
5 necessary for fiscal year 2022-2023 are appropriated out of the
6 state highway fund for the purpose of satisfying claims for
7 legislative relief as to the following named persons, for claims
8 against the State or its officers or employees for payments of
9 judgments or settlements, or other liabilities, in the amount
10 set forth opposite their names:

11 JUDGMENTS AGAINST THE STATE	AMOUNT
12 AND SETTLEMENTS OF CLAIMS:	
13	
14 DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION:	
15	
16 Satya Simmons, et al. v.	\$ 500,000.00
17 State of Hawaii, et al.	Settlement
18 Civil No. 2CC171000224, Second Circuit	
19	_____
20 SUBTOTAL:	\$ 500,000.00
21	
22 TOTAL (SECTION 2):	\$ 500,000.00

23 The sums appropriated shall be expended by the department
24 of transportation, highways division, for the purposes of this
25 Act.

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1 PART III

2 SECTION 3. The sums hereinabove may be paid to the
3 respective persons, firms, corporations, or entities for the
4 satisfaction or settlement of the respectively identified cases,
5 and in several amounts hereinabove set forth or in lesser
6 amounts deemed appropriate, upon checks issued by the
7 comptroller; provided that departments shall obtain the approval
8 of the attorney general before payment of any claim may be made.

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

15 SECTION 5. All unexpended and unencumbered balances of the
16 appropriations made in this Act as of the close of business on
17 June 30, 2024, shall lapse.

18 SECTION 6. If any provision of this Act, or the
19 application thereof to any person or circumstance, is held
20 invalid, the invalidity does not affect other provisions or
21 applications of the Act that 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 7. This Act shall take effect upon its approval.

4

5

INTRODUCED BY: *M. D. W.*

6

BY REQUEST

S .B. NO. 1277

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

SB1277

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 who 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: \$1,221,396.50

OTHER FUNDS: \$500,000.00

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PPBS PROGRAM
DESIGNATION: Various.

OTHER AFFECTED
AGENCIES: None.

EFFECTIVE DATE: Upon approval.