

JAN 25 2017

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 2016-2017 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	Westbrook, et al. v. State of Hawaii, et al. \$	21,000.00
18	Civil No. 12-1-1596-06, First Circuit	Settlement
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1	2.	HAWAII CAMPAIGN SPENDING COMMISSION:		
2				
3		Yamada, et al. v. Snipes, et al.	\$	66,701.10
4		Civil No. 10-00497, USDC		Judgment
5		Ninth Circuit No. 12-17845		
6				
7				
8		SUBTOTAL:	\$	66,701.10
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10	3.	DEPARTMENT OF PUBLIC SAFETY:		
11				
12		Antoque v. State of Hawaii, et al.	\$	35,000.00
13		Civil No. 15-1-0262, Third Circuit		Settlement
14				
15		Freitas, et al. v. Gillespie, et al.	\$	400,000.00
16		Civil No. 13-1-0365, Fifth Circuit		Settlement
17				
18		Leolao, et al. v. State of Hawaii, et al.	\$	60,000.00
19		Civil No. 13-1-3038-11, First Circuit		Settlement
20		First Circuit		
21				
22		Obata v. State of Hawaii, et al.	\$	20,000.00
23		Civil No. 14-1-1660-07 KTN,		Settlement
24				
25		Sullivan, et al. v. State of Hawaii, et al.	\$	48,000.00
26		Civil No. 15-1-2429-12 VLC, First Circuit		Settlement
27				
28				
29				
30		SUBTOTAL:	\$	584,000.00
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32	4.	MISCELLANEOUS CLAIMS:		
33				
34		Eaton Arakaki	\$	557.99
35				
36		Paquito and Natividad Dimaya	\$	1,001.00
37				
38		Ronald Martinez, Jr.	\$	92.00
39				
40		Kan Shimada	\$	250.00
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43		SUBTOTAL:	\$	1,900.99
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45		Total (SECTION 1):	\$	673,602.09

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 2016-2017 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	Burley v. State of Hawaii	\$ 85,000.00
17	Civil No. 14-1-2102-10, First Circuit	Settlement
18		
19	Lee, et al. v. Tavai, et al.	\$ 1,565,154.00
20	Civil No. 14-1-1659-07, First Circuit	Settlement
21		
22	Lopez, et al. v. State of Hawaii	\$ 3,901,866.44
23	Civil No. 13-1-0885(2), Second Circuit	Settlement
24		<hr/>
25		
26	SUBTOTAL:	\$ 5,552,020.44
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28	TOTAL (SECTION 2)	\$ 5,552,020.44

29 The sums appropriated shall be expended by the department
30 of transportation, highways division, for the purposes of this
31 Act.
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PART III

SECTION 3. The following sums or so much thereof as may be necessary for fiscal year 2016-2017 are appropriated out of the harbor special fund for the purpose of satisfying claims for legislative relief as to the following named persons, for claims against the State or its officers or employees for payments of judgments or settlements, or other liabilities, in the amount set forth opposite their names:

JUDGMENTS AGAINST THE STATE AND SETTLEMENTS OF CLAIMS:	AMOUNT
DEPARTMENT OF TRANSPORTATION, HARBORS DIVISION:	
Smith v. State of Hawaii, et al. Civil No. 15-1-0549-03, First Circuit	\$ 116,000.00 Settlement
SUBTOTAL:	\$ 116,000.00
TOTAL (SECTION 3)	\$ 116,000.00

The sums appropriated shall be expended by the department of transportation, harbors division, for the purposes of this Act.

PART IV

SECTION 4. The sums hereinabove may be paid to the respective persons, or for the satisfaction or settlement of the

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1 respectively identified cases, and in several amounts
2 hereinabove set forth or in lesser amounts deemed appropriate,
3 upon checks issued by the comptroller; provided departments
4 shall obtain the approval of the attorney general before payment
5 of any claim can be made.

6 SECTION 5. Notwithstanding the sums hereinabove stated as
7 interest upon judgments against the State, payment of interest
8 shall be limited to the period from the date of judgment, if
9 applicable, to thirty days after the effective date of this Act,
10 as provided in section 662-8, Hawaii Revised Statutes, for those
11 cases to which the statute applies.

12 SECTION 6. All unexpended and unencumbered balances of the
13 appropriations made in this Act as of the close of business on
14 June 30, 2018, shall lapse.

15 SECTION 7. If any provision of this Act, or the
16 application thereof to any person or circumstance is held
17 invalid, the invalidity does not effect other provisions or
18 applications of the Act, which can be given effect without the
19 invalid provision or application, and to this end the provisions
20 of this Act are severable.

21 SECTION 8. This Act shall take effect upon its approval.

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INTRODUCED BY: 
By Request

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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: \$673,602.09
OTHER FUNDS: \$5,668,020.44
PPBS PROGRAM
DESIGNATION: Various.
OTHER AFFECTED
AGENCIES: None.
EFFECTIVE DATE: Upon approval.