
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:

PART I

SECTION 1. The following sums or so much thereof as may be necessary for fiscal year 2020-2021 are appropriated out of the general revenues of the State of Hawaii to the department of the attorney general for the purpose of satisfying claims for legislative relief as to the following named persons, firms, corporations, and entities, for claims against the State or its officers or employees for the overpayment of taxes, or for refunds, reimbursements, payments of judgments or settlements, or other liabilities, in the amounts set forth opposite their names:

JUDGMENTS AGAINST THE STATE AND SETTLEMENTS OF CLAIMS:	AMOUNT
1. AGRIBUSINESS DEVELOPMENT CORPORATION:	
Na Kia'i Kai v. Nakatani, et al. Civil No. 18-00005, USDC	\$ 131,849.15 Settlement
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SUBTOTAL	\$ 131,849.15

1	2.	DEPARTMENT OF THE ATTORNEY GENERAL:		
2				
3		Nickel v. Connors, et al.	\$	5,000.00
4		Civil No. 20-00330, USDC		Settlement
5				
6				
7		SUBTOTAL	\$	5,000.00
8				
9	3.	DEPARTMENT OF EDUCATION:		
10				
11		Chavis v. State of Hawaii, et al.	\$	77,000.00
12		Civil No. 17-1-1455-09, First Circuit		Settlement
13				
14		Kenigton v. State of Hawaii, et al.	\$	80,000.00
15		Civil No. 18-1-1443-09, First Circuit		Settlement
16				
17		Yoon v. State of Hawaii, et al.	\$	70,000.00
18		Civil No. 15-1-1664-08, First Circuit		Settlement
19				
20				
21		SUBTOTAL	\$	227,000.00
22				
23	4.	DEPARTMENT OF LAND AND NATURAL RESOURCES:		
24				
25		Mahuka, et al. v. Mansker, et al.	\$	115,000.00
26		Civil No. 17-1-0973-06, First Circuit		Settlement
27				
28				
29		SUBTOTAL	\$	115,000.00
30				
31	5.	DEPARTMENT OF PUBLIC SAFETY:		
32				
33		Iuli v. State of Hawaii, et al.	\$	100,000.00
34		Civil No. 19-1-0634-04, First Circuit		Settlement
35				
36				
37		SUBTOTAL	\$	100,000.00
38				
39	6.	HAWAII STATE PUBLIC CHARTER COMMISSION:		
40				
41		Miller-Potter v. State of Hawaii, et al.	\$	75,000.00
42		Civil No. 16-1-0385K, Third Circuit		Settlement
43				
44				
45				
46				
47		HGEA/AFSCME on Behalf of Ardith Renteria,	\$	74,053.25
48		And Charter Volcano School of		Judgment

1	Arts and Sciences	
2		
3	SUBTOTAL	\$ 149,053.25
4		
5	7. MISCELLANEOUS CLAIMS:	
6		
7	Gregory Au	\$ 240.00
8		
9	Caitlyn LD Cagaoan	\$ 50.00
10		
11	Christopher Carreon	\$ 815.40
12		
13	Holiday Jewelers of Hawaii, Inc.	\$ 1,080.21
14		
15	Robert D. Linn	\$ 728.00
16		
17	Matthew Lutey	\$ 94.00
18		
19	Mercede Nacion	\$ 150.00
20		
21	Barbara J. Nakagawa	\$ 75.00
22		
23	Donna Noguchi	\$ 503.00
24		
25	Leon Richards	\$ 2,297.45
26		
27	Jerome and Anne Ryan	\$ 5,536.61
28		
29	Lana Wold	\$ 2,105.55
30		
31		
32	SUBTOTAL:	\$ 13,675.22
33		
34	TOTAL (SECTION 1):	\$ 741,577.62

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

37

PART II

SECTION 2. The following sums or so much thereof as may be necessary for fiscal year 2020-2021 are appropriated out of the state highway 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 amounts set forth opposite their names:

JUDGMENTS AGAINST THE STATE AND SETTLEMENTS OF CLAIMS:	AMOUNT
DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION:	
Siu, et al. v. State of Hawaii	\$ 995,000.00
Civil No. 16-1-1230-06, First Circuit	Settlement

TOTAL (SECTION 2)	\$ 995,000.00

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

PART III

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

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

7 SECTION 5. All unexpended and unencumbered balances of the
8 appropriations made in this Act as of the close of business on
9 June 30, 2022, shall lapse.

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

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

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INTRODUCED BY: _____



19

BY REQUEST

JAN 25 2021

H.B. No. 885

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.

GENERAL FUND: \$741,577.62

H.B. No. 885

OTHER FUNDS: \$995,000.00

PPBS PROGRAM
DESIGNATION: Various.

OTHER AFFECTED
AGENCIES: None.

EFFECTIVE DATE: Upon approval.