JAN 2 4 2013

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 2012-2013 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 13 14	JUDGMENTS AGAINST THE STATE AMOUNT AND SETTLEMENTS OF CLAIMS:
15	1. DEPARTMENT OF THE ATTORNEY GENERAL:
16 17 18	Mitchell v. State of Hawaii \$ 95,000.00 FEPA No. 16448; EEOC No. 486-2011-00251 Settlement
19 20 21	SUBTOTAL: \$ 95,000.00

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1	2.	DEPARTMENT OF EDUCATION:	
2 3 4		Basa v. State of Hawaii Civil No. 10-1-1374-06, First Circuit	\$ 30,000.00 Settlement
5 6 7		Lopes v. Department of Education, et al. Civil No. 10-1-1886-08, First Circuit	\$ 14,000.00 Settlement
8 9 10		Lum, et al. v. State of Hawaii, et al. Civil No. 11-1-1498-07, First Circuit	\$ 155,000.00 Settlement
11 12		SUBTOTAL:	\$ 199,000.00
13	3.	CAMPAIGN SPENDING COMMISSION:	
14 15 16		Yamada v. Weaver Civil No. 10-00497 JMS-RLP, USDC	\$ 63,852.34 Judgment
17 18 19		SUBTOTAL:	\$ 63,852.34
20	4.	DEPARTMENT OF HEALTH:	
21 22 23		Vendetti, et al. v. Abercrombie, et al. Civil No. 10-1-2084-09, First Circuit	\$ 84,000.00 Settlement
24		SUBTOTAL:	\$ 84,000.00
25	5.	DEPARTMENT OF HUMAN SERVICES:	
26 27 28		J.B. and R.C. v. State of Hawaii, et al. Civil No. 09-1-1157-05, First Circuit	\$ 25,000.00 Settlement
29 30 31 32 33		Lopez, et al. v. Kalama, et al. Civil No. 09-1-2021-08, First Circuit Naki, et al. v. Kalama, et al. Civil No. 10-1-0616-03, First Circuit	\$ 550,000.00 Settlement
34 35		SUBTOTAL:	\$ 575,000.00

1 2	6.	DEPARTMENT OF PUBLIC SAFETY:		
3 4		Butler v. Nouchi, et al. Civil No. 08-00203, USDC	\$	15,000.00 Settlement
5 6 7		Naehu v. State of Hawaii, et al. Civil No. 09-1-2604-11, First Circuit	\$	38,579.99 Judgment
8 9 10		SUBTOTAL:	\$	53,579.99
11	7.	MISCELLANEOUS CLAIMS:		
12		Susan C. Harrison	\$	1,738.59
13		Debra Matthey	\$	700.00
14 15		SUBTOTAL:	\$	2,438.59
16		Total (SECTION 1):	\$1	,072,870.92
17		The sums appropriated shall be expended by t	he (department
18	of t	he attorney general for the purposes of this	Act	•
19		PART II		
20		SECTION 2. The following sums or so much the	nere	of as may be
21	nece	ssary for fiscal year 2012-2013 are appropria	ited	out of the
22	stat	e highway fund for the purpose of satisfying	cla	ims for
23	legi	slative relief as to the following named pers	ons	, for claims
24	agai	nst the State or its officers or employees fo	or pa	ayments of
25	judg	ments or settlements, or other liabilities, i	n t	he amount
26	set	forth opposite their names:		

1 2 3	JUDGMENTS AGAINST THE STATE AND SETTLEMENTS OF CLAIMS:		AMOUNT
4	DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION:		
5 6 7 8 9	Delouise v. Werner, et al. Civil No. 07-1-0459(1), Second Circuit	\$	275,000.00 Settlement
10 11 12	SUBTOTAL:	\$	275,000.00
13 14	TOTAL (SECTION 2)	\$	275,000.00
15	The sums appropriated shall be expended by the	ne d	epartment
16	of transportation, highways division, for the purp	pose	s of this
17	Act.		
18	PART III		
19	SECTION 3. The following sums or so much th	erec	of as may be
20	necessary for fiscal year 2012-2013 are appropriate	ced	out of the
21	state harbor fund for the purpose of satisfying c	laim	s for
22	legislative relief as to the following named person	ons,	for claims
23	against the State or its officers or employees for	r pa	yments of
24	judgments or settlements, or other liabilities, in	n th	e amount
25	set forth opposite their names:		
26 27	JUDGMENTS AGAINST THE STATE AND SETTLEMENTS OF CLAIMS:		AMOUNT
28 29	DEPARTMENT OF TRANSPORTATION, HARBORS DIVISION:		
30 31 32 33	Andrade v. State of Hawaii, et al. Civil No. 09-1-2959-12, First Circuit	\$	150,000.00 Settlement

2	SUBTOTAL: \$ 150,000.00
3	TOTAL (SECTION 3) \$ 150,000.00
5 6	The sums appropriated shall be expended by the department
7	of transportation, harbors division, for the purposes of this
8	Act.
9	PART IV
10	SECTION 4. The sums hereinabove may be paid to the
11	respective persons, or for the satisfaction or settlement of the
12	respectively identified cases, and in several amounts
13	hereinabove set forth or in lesser amounts deemed appropriate,
14	upon checks issued by the comptroller; provided departments
15	shall obtain the approval of the attorney general before payment
16	of any claim can be made.
17	SECTION 5. Notwithstanding the sums hereinabove stated as
18	interest upon judgments against the State, payment of interest
19	shall be limited to the period from the date of judgment, if
20	applicable, to thirty days after the effective date of this Act,
21	as provided in section 662-8, Hawaii Revised Statutes, for those
22	cases to which the statute applies.
23	SECTION 6. All unexpended and unencumbered balances of the
24	appropriations made in this Act as of the close of business on
25	June 30, 2014, shall lapse.

1	SECTION 7. If any provision of this Act, or the
2	application thereof to any person or circumstance is held
3	invalid, the invalidity does not effect other provisions or
4	applications of the Act, which can be given effect without the
5	invalid provision or application, and to this end the provisions
6	of this Act are severable.
7	SECTION 8. This Act shall take effect upon its approval.
8	$\sim \sim$
9	INTRODUCED BY: Smar Merado Ky
10	BY REQUEST

Report Title:

Appropriations; Claims Against 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:

\$1,072,870.92

OTHER FUNDS:

\$425,000.00

PPBS PROGRAM

Various.

DESIGNATION:

OTHER AFFECTED

EFFECTIVE DATE:

None.

AGENCIES:

Upon approval.

ATG-01(13)