

DAVID Y. IGE
GOVERNOR



DEPT. COMM. NO. 182

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December 28, 2017

The Honorable Ronald D. Kouchi
President of the Senate
and Members of the Senate
Twenty-Ninth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Scott K. Saiki
Speaker and Members of the
House of Representatives
Twenty-Ninth State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Kouchi and Speaker Saiki:

For your information and consideration, I am transmitting one (1) copy for each of you of the Department of the Attorney General's Report on Litigation Deposits Trust Fund Transactions and Collections Made on Behalf of Other Departments and Agencies as required by Section 28-16(e)(2), Hawaii Revised Statutes (HRS). In accordance with Section 93-16, HRS, I am also informing you that the report may be viewed electronically at <http://ag.hawaii.gov/publications/reports/reports-to-the-legislature/>. If you have any questions or concerns, please feel free to call me at 586-1282.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Chin".

Douglas S. Chin
Attorney General

c: David Y. Ige, Governor
Shan S. Tsutsui, Lieutenant Governor
Legislative Reference Bureau (Attn.: Karen Mau)
Leslie Kondo, State Auditor
Wesley K. Machida, Director of Finance, Department of Budget and Finance
Stacey Aldrich, State Librarian, Hawaii State Public Library System
David Lassner, PhD., President, University of Hawaii

Enclosure

State of Hawai‘i
Department of the Attorney General



**REPORT ON
LITIGATION DEPOSITS TRUST FUND TRANSACTIONS
AND
COLLECTIONS MADE ON BEHALF OF OTHER
DEPARTMENTS AND AGENCIES**

For Fiscal Year 2016 - 2017

***Submitted to
The Twenty-Ninth State Legislature
Regular Session of 2018***

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Overview of the
Litigation Deposits Trust Fund

The Litigation Deposits Trust Fund, appropriation number T-909-N, was established pursuant to Act 178, Session Laws of Hawaii 2002, to account for moneys received through any civil action in which the State is a party where the settlement amount is \$100,000 or higher. Pursuant to section 28-16, Hawaii Revised Statutes, the trust fund is administered by the Department of the Attorney General, which must annually report to the Legislature (1) the transactions, by subsidiary account, that take place in the fund for each fiscal year, and (2) a summary of the collections made in any amount on behalf of other departments and agencies specifying the appropriate number of transactions and amount collected for each department and agency.

During Fiscal Year (FY) 2016-2017, the following significant transactions occurred in the trust fund:

REVENUES:

1. The Trust Litigation Fund earned \$25,098.34 from the State's Investment Pool.

EXPENDITURES:

1. In the Matson/Molasses case, the State paid (1) \$176,559.24 as reimbursements for Department of Health Response Costs incurred; (2) \$129,163.50 for attorney's fees for Hogan Lovells US LLP for legal fees and services in the Hawaii v. Trump case.
2. (1) \$19,468.51 was transferred to the University of Hawaii in the United Parcel Service Oasis Supply case; (2) \$450,000.00 was transferred to Department of Health for Water Pollution Claims; (3) \$280,547.96 was transferred for Security Costs for the International Union for Conservation of Nature World Conservation Congress; (4) \$642,000.00 was transferred to Department of Land and Natural Resources in the Matson/Molasses case.

Financial Data for Fiscal Years 2015-2016 and 2016-2017:

Below are the details of the revenue and expenditure for this account for FY 2015-2016 and FY 2016-2017

	FY 2015-2016	FY 2016-2017	FY 2017-2018
Beginning Cash Balance	\$1,286,257.16	4,736,168.65	3,063,527.78
Beginning Encumbrances	0.00	0.00	0.00
Revenues	6,579,493.68	25,098.34	
Expenditures	2,771,662.19	1,697,739.21	
Transfers	357,920.00		
Ending Cash Balance	4,736,168.65	3,063,527.78	

Revenue by Source Code – Fiscal Year 2016-2017:

T-17-909-N

Source Code	Description	Revenue
0288	INVESTMENT POOL ACCOUNT	25,098.34
Total Revenue:		<u>25,098.34</u>

Expenditure by Object Code - Fiscal Year 2016-2017:

Object Code	Description	Expenditure
6800	JUDGMENTS AND CLAIMS	1,697,739.21
Total Expenditure:		<u>1,697,739.21</u>

Collections Made on Behalf of Other Departments and Agencies

Section 28-16(e)(2), Hawaii Revised Statutes, requires the Department to prepare a “summary of the collections made in any amount on behalf of other departments and agencies specifying the appropriate number of transactions and amount collected for each department and agency.” This report is for fiscal year 2016-2017 is as follows:

<u>Department/Agency</u>	<u>Collected Amount</u>	<u>Number of Transactions</u>
Asset Forfeiture	344,513	93
Department of Human Services	12,244,022	2,491
Department of Transportation	276,342	169
Department of Taxation	1,288,210	302
Hawaii Health System Corporation	2,247,146	10,193
Miscellaneous (Departments of Accounting and General Services, Attorney General, Education, Health and Public Safety, Human Resources Development, University of Hawaii)	250,356	335
TOTAL	<u>16,650,589</u>	<u>13,583</u>