
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 2017-2018 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. DEPARTMENT OF EDUCATION:

Clark, et al. v. Department of Education, et al., Civil No. 15-1-2486-12, First Circuit	\$ 35,000.00 Settlement
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2. DEPARTMENT OF HAWAIIAN HOME LANDS:

Arthur, et al. v. State of Hawaii, et al.	\$	200,000.00
Civil No. 05-1-1981-11, First Circuit		Settlement

3. DEPARTMENT OF HUMAN SERVICES:

Kalili v. Department of Human Services,	\$	115,000.00
et al., Civil No. 13-1-0171, Third Circuit		Settlement

Lahti, et al. v. State of Hawaii, et al.	\$	450,000.00
Civil No. 08-1-0132(3), Second Circuit		Settlement

4. DEPARTMENT OF PUBLIC SAFETY:

Hopfe v. State of Hawaii, et al.	\$	20,000.00
Civil No. 16-1-0646-04, First Circuit		Settlement

Smith v. State of Hawaii, et al.	\$	50,000.00
Civil No. 14-00432 LEK-KSC, USDC		Settlement

SUBTOTAL:	\$	870,000.00
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TOTAL (Section 1):	\$	870,000.00
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The sums appropriated shall be expended by the department of the attorney general for the purposes of this Act.

PART II

SECTION 2. The following sums or so much thereof as may be necessary for fiscal year 2017-2018 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 amount set forth opposite their names:

JUDGMENTS AGAINST THE STATE	AMOUNT
AND SETTLEMENTS OF CLAIMS:	
DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION:	
Van Vleet v. Costales, et al.	\$ 70,000.00
Civil No. 17-1-0951-06, First Circuit	Settlement
Claim of Garrison Property and Casualty	\$ 19,312.84
Insurance Company USAA	Settlement
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SUBTOTAL:	\$ 89,312.84
TOTAL (Section 2):	\$ 89,312.84

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 departments shall obtain the approval of the attorney general before payment of any claim can be made.

SECTION 4. Notwithstanding the sums hereinabove stated as interest upon judgments against the State, payment of interest shall be limited to the period from the date of judgment, if

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1 applicable, to thirty days after the effective date of this Act,
2 as provided in section 662-8, Hawaii Revised Statutes, for those
3 cases to which the statute applies.

4 SECTION 5. All unexpended and unencumbered balances of the
5 appropriations made in this Act as of the close of business on
6 June 30, 2019, shall lapse.

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

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

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INTRODUCED BY: _____



BY REQUEST

JAN 22 2018

H.B. NO. 2313

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:	\$870,000.00
OTHER FUNDS:	\$89,312.00
PPBS PROGRAM DESIGNATION:	Various.
OTHER AFFECTED AGENCIES:	None.
EFFECTIVE DATE:	Upon approval.