

ACT 151

S.B. NO. 2198-82

A Bill for an Act Making Appropriations for Compensation Claims Adjustments.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. In PEMAH et al. v. State et al., First Circuit Civil No. 65791, the First Circuit Court declared that the portions of sections 89C-2(2) and (3), Hawaii Revised Statutes, which limited the compensation of certain public officers and employees excluded from collective bargaining to 95% of the maximum salary allowable by law to either the first deputy of the head of a state department or the president of University of Hawaii, was unconstitutional. The Court, therefore, entered judgment awarding the affected officers and employees back pay and commensurate adjustments in fringe benefits for the period from May 26, 1979 to June

30, 1981.

The purpose of this Act is to appropriate the funds necessary to pay off the judgment entered by the First Circuit Court of the State of Hawaii in favor of certain state officers and employees.

SECTION 2. There is hereby appropriated or authorized from the sources of funding indicated below to the Program Planning, Analysis, Budgeting and Coordination Program (BUF 101) the following sums, or so much thereof as may be necessary, for the purposes of satisfying the judgment entered by the First Circuit Court in PEMAH et al. v. State et al. (Civil No. 65791):

GENERAL FUND:	\$241,409
FEDERAL FUNDS:	486
SPECIAL FUNDS:	10,014
OTHER FUNDS:	372

SECTION 3. Funds appropriated by this Act shall be paid to the state officers and employees listed in the judgment entered in Civil No. 65791, in the respective amounts set forth in the judgment, by warrants issued by the state comptroller, upon vouchers approved by the state director of finance.

SECTION 4. Payment to any officer or employee, whose compensation is paid, in whole or in part, from federal, special or other funds, shall to the extent possible be paid wholly or proportionately as the case may be, from those funds.

SECTION 5. This Act shall take effect upon its approval.

(Approved May 28, 1982.)