



GOV. MSG. NO. 1108

EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

March 19, 2012

The Honorable Shan Tsutsui, President
and Members of the Senate
Twenty-Sixth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Calvin Say, Speaker
and Members of the House
Twenty-Sixth State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813


Dear President Tsutsui, Speaker Say and Members of the Legislature:

This is to inform you that on March 19, 2012, the following bill was signed into law:

HB2438 HD2

MAKING EMERGENCY APPROPRIATIONS FOR
CLAIMS AGAINST THE STATE, ITS OFFICERS,
OR ITS EMPLOYEES.

Act 008 (12)

Sincerely,


NEIL ABERCROMBIE
Governor, State of Hawaii

Approved by the Governor

on MAR 19 2012

HOUSE OF REPRESENTATIVES
TWENTY-SIXTH LEGISLATURE, 2012
STATE OF HAWAII

ACT 008

H.B. NO. 2438
H.D. 2

A BILL FOR AN ACT

MAKING EMERGENCY 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. This Act is recommended by the governor for
3 immediate passage in accordance with section 9 of article VII of
4 the Hawaii state constitution.

5 SECTION 2. A critical fiscal emergency exists. During the
6 regular session of 2011, a request was made for funds to satisfy
7 judgments and settlements of claims against the State for fiscal
8 year 2010-2011, but those funds were not appropriated.
9 Therefore, it is necessary to seek these emergency
10 appropriations to satisfy those judgments and settlements of
11 claims and to avoid further legal action and expense.

12 PART II

13 SECTION 3. The following sums or so much thereof as may be
14 necessary for fiscal year 2011-2012 are appropriated out of the
15 general revenues of the State of Hawaii to the department of the
16 attorney general for the purpose of satisfying claims for
17 legislative relief as to the following named persons, firms,



1 corporations, and entities, for claims against the State or its
 2 officers or employees for the overpayment of taxes, or for
 3 refunds, reimbursements, payments of judgments or settlements,
 4 or other liabilities, in the amounts set forth opposite their
 5 names:

6	JUDGMENTS AGAINST THE STATE	AMOUNT
7	AND SETTLEMENTS OF CLAIMS:	
8		
9	1. DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES:	
10		
11	Mediation of Hilo Judiciary Complex	\$ 2,141,098.00
12	Construction Claims	Settlement
13		<hr/>
14		
15	SUBTOTAL:	\$ 2,141,098.00
16		
17	2. DEPARTMENT OF EDUCATION:	
18		
19	In the Matter of the Arbitration Between	\$ 12,298.00
20	Hawaii State Teachers Association, AFSCME	Settlement
21	Local 152, AFL-CIO and Kihei Public Charter	
22	School (Grievance of Marty Bender)	
23		
24	Jemwai v. Keau, et al.,	\$ 252,500.00
25	Civil No. 09-1-0095-01, First Circuit	Settlement
26		
27	John Doe Parent, et al. v. State of Hawaii,	\$ 70,700.00
28	et al., Civil No. 10-1-0505-03, First Circuit	Settlement
29		
30	McCauley v. Inouye, et al.	\$ 136,350.00
31	Civil No. 07-01-206K, Third Circuit	Settlement
32		<hr/>
33		
34	SUBTOTAL:	\$ 471,848.00
35		



1	3.	HAWAII HEALTH SYSTEMS CORPORATION:		
2				
3		United Public Workers AFSCME, Local 646,	\$	19,511.73
4		AFL-CIO and State of Hawaii, et al.		Judgment
5		S.P. No. 09-1-0305, First Circuit		
6				
7				
8		SUBTOTAL:	\$	19,511.73
9				
10	4.	DEPARTMENT OF HEALTH:		
11				
12		Segundo v. Frederick, et al.	\$	328,250.00
13		Civil No. 08-1-0106, Third Circuit		Settlement
14				
15				
16		SUBTOTAL:	\$	328,250.00
17				
18	5.	DEPARTMENT OF HUMAN SERVICES:		
19				
20		Robinson, et al. v. Plourde, et al.	\$	20,929.57
21		Civil No. 04-00672 DAE-KSC, USDC		Order
22				
23		Sound v. Koller, et al.	\$	70,124.05
24		Civil No. 09-00409 JMS-KSC, USDC		Settlement
25				
26				
27		SUBTOTAL:	\$	91,053.62
28				
29	6.	DEPARTMENT OF LAND AND NATURAL RESOURCES:		
30				
31		Kinney v. Department of Land and Natural	\$	54,169.39
32		Resources, et al.,		Judgment
33		Civil No. 03-1-0010, Fifth Circuit		
34				
35		Santiago v. County of Kauai, et al.	\$	18,180.00
36		Civil No. 08-1-0210, Fifth Circuit		Settlement
37				
38				
39		SUBTOTAL:	\$	72,349.39
40				



1	7.	DEPARTMENT OF PUBLIC SAFETY:		
2				
3		Botelho, et al. v. State of Hawaii, et al.	\$	277,750.00
4		Civil No. 06-00096 DAE-BMK, USDC		Settlement
5				
6		Itagaki v. Frank, et al.	\$	83,830.00
7		Civil No. 09-00110 SOM-RLP, USDC		Settlement
8				
9		Kuresa v. Frank, et al.	\$	25,250.00
10		Civil No. 09-1-0303-02, First Circuit		Settlement
11				
12		Maier v. State of Hawaii, et al.	\$	20,200.00
13		Civil No. 10-00449 JMS-BMK, USDC		Settlement
14				
15		Tenney v. State of Hawaii, et al.	\$	150,995.00
16		Civil No. 09-1-0190-01, First Circuit		Settlement
17				
				<hr/>
18		SUBTOTAL:	\$	558,025.00
19	8.	MISCELLANEOUS CLAIMS:		
20		Tom Ishigo	\$	1,852.64
21		Nicole T. Kelley	\$	394.74
22		Paulette Yoshida	\$	464.00
23				
				<hr/>
24		SUBTOTAL:	\$	2,711.38
25		Total (SECTION 3):	\$	3,684,847.12

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

28 PART III

29 SECTION 4. The following sums or so much thereof as may
30 be necessary for fiscal year 2011-2012 are appropriated out of



1 the state highway fund for the purpose of satisfying claims for
 2 legislative relief as to the following named persons, for claims
 3 against the State or its officers or employees for payments of
 4 judgments or settlements, or other liabilities, in the amount
 5 set forth opposite their names:

6 JUDGMENTS AGAINST THE STATE	AMOUNT
7 AND SETTLEMENTS OF CLAIMS:	
8	
9 DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION:	
10	
11 Labinia v. State of Hawaii, et al.	\$ 909,000.00
12 Civil No. 07-1-0075-01, First Circuit	Settlement
13	
14 Moulton, et al. v. Alamo Rental, et al.	\$ 909,000.00
15 Civil No. 08-1-0447(3), Second Circuit	Settlement
16	
17 Requelman v. State of Hawaii, et al.	\$ 232,300.00
18 Civil No. 06-1-0366, Third Circuit	Settlement
19	<hr/>
20	
21 SUBTOTAL:	\$ 2,050,300.00
22	
23 TOTAL (SECTION 4)	\$ 2,050,300.00
24	

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

28 PART IV

29 SECTION 5. The following sums or so much thereof as may be
 30 necessary for fiscal year 2011-2012 are appropriated out of the
 31 state harbor special fund for the purpose of satisfying claims



1 for legislative relief as to the following named persons, for
2 claims against the State or its officers or employees for
3 payments of judgments or settlements, or other liabilities, in
4 the amount set forth opposite their names:

5 JUDGMENTS AGAINST THE STATE	AMOUNT
6 AND SETTLEMENTS OF CLAIMS:	
7	
8 DEPARTMENT OF TRANSPORTATION, HARBORS DIVISION:	
9	
10 Barba v. State of Hawaii, et al.	\$ 35,350.00
11 Civil No. 09-1-0470-02, First Circuit	Settlement
12	
13 Lexington Insurance Company A/S/O/	\$ 20,200.00
14 Harry and Jeanette Weinberg Foundation,	Settlement
15 Inc. v. State of Hawaii, et al.	
16 Civil No. 09-1-2864-12, First Circuit	
17	
18	<hr/>
19 SUBTOTAL:	\$ 55,550.00
20	
21 TOTAL (SECTION 5)	\$ 55,550.00
22	
23	

24 The sums appropriated shall be expended by the department
25 of transportation, harbors division, for the purposes of this
26 Act.

27 PART V

28 SECTION 6. The sums hereinabove may be paid to the
29 respective persons, or for the satisfaction or settlement of the
30 respectively identified cases, and in several amounts
31 hereinabove set forth or in lesser amounts deemed appropriate,



1 upon checks issued by the comptroller; provided departments
2 shall obtain the approval of the attorney general before payment
3 of any claim can be made.

4 SECTION 7. Payment of interest shall be limited to the
5 period from the date of judgment, if applicable, to thirty days
6 after the effective date of this Act, as provided in section
7 662-8, Hawaii Revised Statutes, for those cases to which the
8 statute applies.

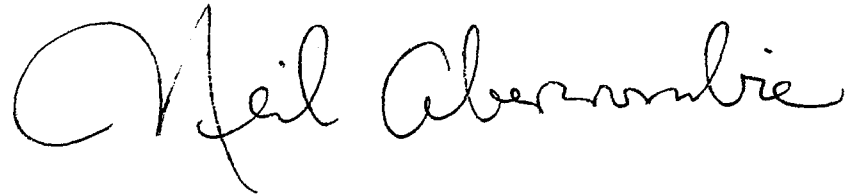
9 SECTION 8. All unexpended and unencumbered balances of the
10 appropriations made in this Act as of the close of business on
11 June 30, 2012, shall lapse to the credit of the respective fund
12 from which the money was appropriated.

13 SECTION 9. If any provision of this Act, or the
14 application thereof to any person or circumstance is held
15 invalid, the invalidity does not affect other provisions or
16 applications of the Act, which can be given effect without the
17 invalid provision or application, and to this end the provisions
18 of this Act are severable.

19 SECTION 10. This Act shall take effect upon its approval.



APPROVED this 19 day of MAR, 2012

A handwritten signature in cursive script that reads "Neil Abernethy". The signature is written in black ink and is centered on the page.

GOVERNOR OF THE STATE OF HAWAII