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

13 SECTION 3. The following sums or so much thereof as may
14 be necessary for fiscal year 2011-2012 are appropriated out of
15 the general revenues of the State of Hawaii to the department of
16 the 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		
14		_____
15		
16	SUBTOTAL:	\$ 2,141,098.00
17		
18	2. DEPARTMENT OF EDUCATION:	
19		
20	In the Matter of the Arbitration Between	\$ 12,298.00
21	Hawaii State Teachers Association, AFSCME	Settlement
22	Local 152, AFL-CIO and Kihei Public Charter	
23	School (Grievance of Marty Bender)	
24		
25	Jemwai v. Keau, et al.,	\$ 252,500.00
26	Civil No. 09-1-0095-01, First Circuit	Settlement
27		
28	John Doe Parent, et al. v. State of Hawaii,	\$ 70,700.00
29	et al., Civil No. 10-1-0505-03, First Circuit	Settlement
30		
31	McCauley v. Inouye, et al.	\$ 136,350.00
32	Civil No. 07-01-206K, Third Circuit	Settlement
33		
34		_____
35		
36	SUBTOTAL:	\$ 471,848.00
37		



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				<hr/>
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				<hr/>
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				<hr/>
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				<hr/>
38				
39				
40		SUBTOTAL:	\$	72,349.39
41				



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		
5		Settlement		
6				
7		Itagaki v. Frank, et al.	\$	83,830.00
8		Civil No. 09-00110 SOM-RLP, USDC		Settlement
9				
10		Kuresa v. Frank, et al.	\$	25,250.00
11		Civil No. 09-1-0303-02, First Circuit		Settlement
12				
13		Maier v. State of Hawaii, et al.	\$	20,200.00
14		Civil No. 10-00449 JMS-BMK, USDC		Settlement
15				
16		Tenney v. State of Hawaii, et al.	\$	150,995.00
17		Civil No. 09-1-0190-01, First Circuit		Settlement
18				
19		SUBTOTAL:	\$	558,025.00
20	8.	MISCELLANEOUS CLAIMS:		
21		Tom Ishigo	\$	1,852.64
22		Nicole T. Kelley	\$	394.74
23		Paulette Yoshida	\$	464.00
24				
25		SUBTOTAL:	\$	2,711.38
26		Total (SECTION 3):	\$	3,684,847.12
27		The sums appropriated shall be expended by the department		
28		of the attorney general for the purposes of this Act.		



1 PART II

2 SECTION 4. The following sums or so much thereof as may
3 be necessary for fiscal year 2011-2012 are appropriated out of
4 the state highway fund for the purpose of satisfying claims for
5 legislative relief as to the following named persons, for claims
6 against the State or its officers or employees for payments of
7 judgments or settlements, or other liabilities, in the amount
8 set forth opposite their names:

9 JUDGMENTS AGAINST THE STATE	AMOUNT
10 AND SETTLEMENTS OF CLAIMS:	
11	
12 DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION:	
13	
14 Labinia v. State of Hawaii, et al.	\$ 909,000.00
15 Civil No. 07-1-0075-01, First Circuit	Settlement
16	
17 Moulton, et al. v. Alamo Rental, et al.	\$ 909,000.00
18 Civil No. 08-1-0447(3), Second Circuit	Settlement
19	
20 Reuelman v. State of Hawaii, et al.	\$ 232,300.00
21 Civil No. 06-1-0366, Third Circuit	Settlement
22	
23	
24	
25 SUBTOTAL:	\$ 2,050,300.00
26	
27 TOTAL (SECTION 4)	\$ 2,050,300.00
28	

29 The sums appropriated shall be expended by the department
30 of transportation, highways division, for the purposes of this
31 Act.



1 PART III

2 SECTION 5. The following sums or so much thereof as may be
3 necessary for fiscal year 2011-2012 are appropriated out of the
4 state harbor fund for the purpose of satisfying claims for
5 legislative relief as to the following named persons, for claims
6 against the State or its officers or employees for payments of
7 judgments or settlements, or other liabilities, in the amount
8 set forth opposite their names:

9 JUDGMENTS AGAINST THE STATE	AMOUNT
10 AND SETTLEMENTS OF CLAIMS:	
11	
12 DEPARTMENT OF TRANSPORTATION, HARBORS DIVISION:	
13	
14 Barba v. State of Hawaii, et al.	\$ 35,350.00
15 Civil No. 09-1-0470-02, First Circuit	Settlement
16	
17 Lexington Insurance Company A/S/O/	\$ 20,200.00
18 Harry and Jeanette Weinberg Foundation,	Settlement
19 Inc. v. State of Hawaii, et al.	
20 Civil No. 09-1-2864-12, First Circuit	
21	
22	
23	
24 SUBTOTAL:	\$ 55,550.00
25	
26 TOTAL (SECTION 5)	\$ 55,550.00
27	
28	

29 The sums appropriated shall be expended by the department
30 of transportation, harbors division, for the purposes of this
31 Act.



1 PART IV

2 SECTION 6. The sums hereinabove may be paid to the
3 respective persons, or for the satisfaction or settlement of the
4 respectively identified cases, and in several amounts
5 hereinabove set forth or in lesser amounts deemed appropriate,
6 upon checks issued by the comptroller; provided departments
7 shall obtain the approval of the attorney general before payment
8 of any claim can be made.

9 SECTION 7. Payment of interest shall be limited to the
10 period from the date of judgment, if applicable, to thirty days
11 after the effective date of this Act, as provided in section
12 662-8, Hawaii Revised Statutes, for those cases to which the
13 statute applies.

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

18 SECTION 9. If any provision of this Act, or the
19 application thereof to any person or circumstance is held
20 invalid, the invalidity does not affect other provisions or
21 applications of the Act, which can be given effect without the



1 invalid provision or application, and to this end the provisions
2 of this Act are severable.

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



Report Title:

Appropriations; Claims Against State

Description:

Makes emergency appropriations for claims against the State or its officers or employees that were submitted during the Regular Session of 2011 but were not appropriated. (HB2438 HD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

