
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:

1 PART I

2 SECTION 1. The following sums or so much thereof as may be
3 necessary for fiscal year 2011-2012 are appropriated out of the
4 general revenues of the State of Hawaii to the department of the
5 attorney general for the purpose of satisfying claims for
6 legislative relief as to the following named persons, firms,
7 corporations, and entities, for claims against the State or its
8 officers or employees for the overpayment of taxes, or for
9 refunds, reimbursements, payments of judgments or settlements,
10 or other liabilities, in the amounts set forth opposite their
11 names:

12	JUDGMENTS AGAINST THE STATE	AMOUNT
13	AND SETTLEMENTS OF CLAIMS:	
14		
15	1. DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES:	
16		
17	Elections Systems & Software, Inc. v.	\$ 1,205,000.00
18	Cronin, et al., CAAP-11-0000078	Settlement



1	Tanaka, et al. v. State of Hawaii, et al.	\$ 73,000.00
2	Civil No. 09-00579, USDC	Settlement
3		
4		
5		
6	SUBTOTAL:	\$ 1,278,000.00
7		
8	2. DEPARTMENT OF BUDGET AND FINANCE:	
9		
10	Matsumura v. Board of Trustees of the	\$ 120,000.00
11	Employees' Retirement System of the	Settlement
12	State of Hawaii, CAAP-11-0000106	
13		
14		
15	SUBTOTAL:	\$ 120,000.00
16		
17	3. DEPARTMENT OF EDUCATION:	
18		
19	Miljkovic v. State of Hawaii, et al.	\$ 7,500.00
20	Civil No. 09-00064 ACK-KSC, USDC	Settlement
21		
22		
23		
24	SUBTOTAL:	\$ 7,500.00
25		
26	4. DEPARTMENT OF LAND AND NATURAL RESOURCES:	
27		
28	Ah Loo v. State of Hawaii, et al.	\$ 40,000.00
29	Civil No. 11-1-0032, Fifth Circuit	Settlement
30		
31	Brem, et al. v. State of Hawaii	\$ 5,459,107.50
32	Civil No. 07-1-0176, Fifth Circuit	Settlement
33		
34	Weingartner v. State of Hawaii, et al.	\$ 90,000.00
35	Civil No. 09-1-1563-07, First Circuit	Settlement
36		
37		
38		
39	SUBTOTAL:	\$ 5,589,107.50



1	5.	DEPARTMENT OF PUBLIC SAFETY:		
2				
3		Gishi v. State of Hawaii, et al.	\$	75,000.00
4		Civil No. 10-1-0198-01, First Circuit		Settlement
5				
6		Glessner v. State of Hawaii, et al.	\$	30,000.00
7		MCCP No. 2010-066		Settlement
8				
9		Graff, et al. v. State of Hawaii, et al.	\$	156,814.01
10		Civil No. 08-1-0975-05, First Circuit		Settlement
11				
12		Kahle, et al. v. Villaflor, et al.	\$	100,000.00
13		Civil No. 10-00764 LEK-KSC, USDC		Settlement
14				
15		Timas v. State of Hawaii, et al.	\$	60,000.00
16		Civil No. 10-00517, USDC		Settlement
17				
18		Tagaca v. State of Hawaii,	\$	35,000.00
19		Civil No. 09-1-2098-09, First Circuit		Settlement
20				
21				
22				
23		SUBTOTAL:	\$	456,814.01
24				
25	6.	OFFICE OF HAWAIIAN AFFAIRS:		
26				
27		Tsachev v. State of Hawaii, et al.	\$	162,500.00
28		Civil No. 09-1-1207-05		Settlement
29				
30				
31				
32		SUBTOTAL:	\$	162,500.00
33				
34		Total (SECTION 1):	\$	7,613,921.51
35				
36		The sums appropriated shall be expended by the department		

37 of the attorney general for the purposes of this Act.



1 PART II

2 SECTION 2. The following sum or so much thereof as may be
3 necessary for fiscal year 2011-2012 is appropriated out of the
4 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 Kuahiwinui, et al. v. Zelo's, et al.	\$ 210,000.00
15 Civil No. 08-1-0067, Fifth Circuit	Settlement
16 Ackerman v. Kuahiwinui, et al.	
17 Civil No. 08-1-0069, Fifth Circuit	
18	_____
19	
20 SUBTOTAL:	\$ 210,000.00
21	
22 TOTAL (SECTION 2)	\$ 210,000.00
23	

24 The sum appropriated shall be expended by the department of
25 transportation, highways division, for the purposes of this Act.

26 PART III

27 SECTION 3. The following sum or so much thereof as may be
28 necessary for fiscal year 2011-2012 is appropriated out of the
29 airport revenue fund for the purpose of satisfying claims for



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

5 JUDGMENTS AGAINST THE STATE	AMOUNT
6 AND SETTLEMENTS OF CLAIMS:	
7	
8 DEPARTMENT OF TRANSPORTATION, AIRPORTS DIVISION:	
9	
10 Wolfe v. State of Hawaii, et al.	\$ 60,000.00
11 Civil No. 10-1-1029-05, First Circuit	Settlement
12	<hr/>
13	
14 SUBTOTAL:	\$ 60,000.00
15	
16 TOTAL (SECTION 3)	\$ 60,000.00
17	

18 The sum appropriated shall be expended by the department of
19 transportation, airports division, for the purposes of this Act.

20 PART IV

21 SECTION 4. The sums hereinabove may be paid to the
22 respective persons, or for the satisfaction or settlement of the
23 respectively identified cases, and in several amounts
24 hereinabove set forth or in lesser amounts deemed appropriate,
25 upon checks issued by the comptroller; provided that departments
26 shall obtain the approval of the attorney general before payment
27 of any claim can be made.



1 SECTION 5. Notwithstanding the sums hereinabove stated as
2 interest upon judgments against the State, payment of interest
3 shall be limited to the period from the date of judgment, if
4 applicable, to thirty days after the effective date of this Act,
5 as provided in section 662-8, Hawaii Revised Statutes, for those
6 cases to which the statute applies.

7 SECTION 6. All unexpended and unencumbered balances of the
8 appropriations made in this Act as of the close of business on
9 June 30, 2013, shall lapse.

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

16 PART V

17 SECTION 8. This Act shall take effect upon its approval.



Report Title:

Appropriations; Claims Against State

Description:

Makes appropriations for claims against the State or its officers or employees. (HB2476 CD1)

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

