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# 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	SUBTOTAL:	\$ 1,278,000.00
6		
7	2. DEPARTMENT OF EDUCATION:	
8		
9	Miljkovic v. State of Hawaii, et al.	\$ 7,500.00
10	Civil No. 09-00064 ACK-KSC, USDC	Settlement
11		
12		
13		
14	SUBTOTAL:	\$ 7,500.00
15		
16	3. DEPARTMENT OF LAND AND NATURAL RESOURCES:	
17		
18	Ah Loo v. State of Hawaii, et al.	\$ 40,000.00
19	Civil No. 11-1-0032, Fifth Circuit	Settlement
20		
21	Weingartner v. State of Hawaii, et al.	\$ 90,000.00
22	Civil No. 09-1-1563-07, First Circuit	Settlement
23		
24		
25		
26	SUBTOTAL:	\$ 130,000.00
27		
28	4. DEPARTMENT OF PUBLIC SAFETY:	
29		
30	Gishi v. State of Hawaii, et al.	\$ 75,000.00
31	Civil No. 10-1-0198-01, First Circuit	Settlement
32		
33	Glessner v. State of Hawaii, et al.	\$ 30,000.00
34	MCCP No. 2010-066	Settlement
35		
36	Graff, et al. v. State of Hawaii, et al.	\$ 156,814.01
37	Civil No. 08-1-0975-05, First Circuit	Settlement
38		
39	Timas v. State of Hawaii, et al.	\$ 60,000.00
40	Civil No. 10-00517, USDC	Settlement
41		
42		
43	SUBTOTAL:	\$ 321,814.01



1	5. OFFICE OF HAWAIIAN AFFAIRS:		
2			
3	Tsachev v. State of Hawaii, et al.	\$	162,500.00
4	Civil No. 09-1-1207-05		Settlement
5			
6			
7			
8	SUBTOTAL:	\$	162,500.00
9			
10	Total (SECTION 1):	\$	1,899,814.01

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

14 PART II

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

22	JUDGMENTS AGAINST THE STATE		AMOUNT
23	AND SETTLEMENTS OF CLAIMS:		
24			
25	DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION:		
26			
27	Kuahiwinui, et al. v. Zelo's, et al.	\$	210,000.00
28	Civil No. 08-1-0067, Fifth Circuit		Settlement
29	Ackerman v. Kuahiwinui, et al.		
30	Civil No. 08-1-0069, Fifth Circuit		



1		
2		
3	SUBTOTAL:	\$ 210,000.00
4		
5	TOTAL (SECTION 2)	\$ 210,000.00
6		

7 The sums appropriated shall be expended by the department  
8 of transportation, highways division, for the purposes of this  
9 Act.

10 PART III

11 SECTION 3. The sums hereinabove may be paid to the  
12 respective persons, or for the satisfaction or settlement of the  
13 respectively identified cases, and in several amounts  
14 hereinabove set forth or in lesser amounts deemed appropriate,  
15 upon checks issued by the comptroller; provided that departments  
16 shall obtain the approval of the attorney general before payment  
17 of any claim can be made.

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



1 SECTION 5. All unexpended and unencumbered balances of the  
2 appropriations made in this Act as of the close of business on  
3 June 30, 2013, shall lapse.

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

10 SECTION 7. 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 HD1)

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

