
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
19		
20	Tanaka, et al. v. State of Hawaii, et al.	\$ 73,000.00
21	Civil No. 09-00579, SOM-KSC USDC	Settlement
22		
23		



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2	SUBTOTAL:	\$ 1,278,000.00
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4	2. DEPARTMENT OF EDUCATION:	
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6	Miljkovic v. State of Hawaii, et al.	\$ 7,500.00
7	Civil No. 09-00064 ACK-KSC, USDC	Settlement
8		
9		
10		
11	SUBTOTAL:	\$ 7,500.00
12		
13	3. DEPARTMENT OF LAND AND NATURAL RESOURCES:	
14		
15	Ah Loo v. State of Hawaii, et al.	\$ 40,000.00
16	Civil No. 11-1-0032, Fifth Circuit	Settlement
17		
18	Weingartner v. State of Hawaii, et al.	\$ 90,000.00
19	Civil No. 09-1-1563-07, First Circuit	Settlement
20		
21	Brem, et al. v State of Hawaii, Civil No.	\$ 5,459,107.50
22	07-1-0176, Fifth Circuit	Settlement
23		
24		
25		
26	SUBTOTAL:	\$ 5,589,107.50
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	Kahle, et al., v. Villaflor, et al.,	\$ 100,000.00
43	Civil No. 10-00764 LEK-KSC, USDC	Settlement



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3		
4	SUBTOTAL:	\$ 421,814.01
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6	5. OFFICE OF HAWAIIAN AFFAIRS:	
7		
8	Tsachev v. State of Hawaii, et al.	\$ 162,500.00
9	Civil No. 09-1-1207-05	Settlement
10		
11		
12		
13	SUBTOTAL:	\$ 162,500.00
14		
15	Total (SECTION 1):	\$ 7,458,921.51
16		

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

19 PART II

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

27	JUDGMENTS AGAINST THE STATE	AMOUNT
28	AND SETTLEMENTS OF CLAIMS:	
29		
30	DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION:	
31		
32	Kuahiwinui, et al. v. Zelo's, et al.	\$ 210,000.00
33	Civil No. 08-1-0067, Fifth Circuit	Settlement



1	Ackerman v. Kuahiwinui, et al.	
2	Civil No. 08-1-0069, Fifth Circuit	
3		
4	Wolfe v State of Hawaii, Department of	\$ 60,000.00
5	Transportation, et al.,	Settlement
6	Civil No. 10-1-1029-05, First Circuit	
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9		<hr/>
10	SUBTOTAL:	\$ 270,000.00
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12	TOTAL (SECTION 2)	\$ 270,000.00
13		

14 The sums appropriated shall be expended by the department
 15 of transportation, highways division, for the purposes of this
 16 Act.

17 PART III

18 SECTION 3. The sums hereinabove may be paid to the
 19 respective persons, or for the satisfaction or settlement of the
 20 respectively identified cases, and in several amounts
 21 hereinabove set forth or in lesser amounts deemed appropriate,
 22 upon checks issued by the comptroller; provided departments
 23 shall obtain the approval of the attorney general before payment
 24 of any claim can be made.

25 SECTION 4. Notwithstanding the sums hereinabove stated as
 26 interest upon judgments against the State, payment of interest
 27 shall be limited to the period from the date of judgment, if
 28 applicable, to thirty days after the effective date of this Act,



1 as provided in section 662-8, Hawaii Revised Statutes, for those
2 cases to which the statute applies.

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

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

12 SECTION 7. This Act shall take effect upon its approval.



Report Title:

Appropriations; Claims Against State

Description:

Makes appropriations for claims against the State, its officers, and its employees. (SB2738 HD1)

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

