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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:

PART I

1  
2 SECTION 1. The following sums or so much thereof as may be  
3 necessary for fiscal year 2012-2013 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 THE ATTORNEY GENERAL:	
16	Mitchell v. State of Hawaii	\$ 95,000.00
17	FEPA No. 16448; EEOC No. 486-2011-00251	Settlement
18		<hr/>
19		
20	SUBTOTAL:	\$ 95,000.00
21		
22		

1	2.	DEPARTMENT OF EDUCATION:	
2		Basa v. State of Hawaii	\$ 30,000.00
3		Civil No. 10-1-1374-06, First Circuit	Settlement
4			
5		Lopes v. Department of Education, et al.	\$ 14,000.00
6		Civil No. 10-1-1886-08, First Circuit	Settlement
7			
8		Lum, et al. v. State of Hawaii, et al.	\$ 155,000.00
9		Civil No. 11-1-1498-07, First Circuit	Settlement
10			
11		SUBTOTAL:	<hr/> \$ 199,000.00
12			
13	3.	CAMPAIGN SPENDING COMMISSION:	
14		Yamada v. Weaver	\$ 63,852.34
15		Civil No. 10-00497 JMS-RLP, USDC	Judgment
16			<hr/>
17			
18		SUBTOTAL:	\$ 63,852.34
19			
20	4.	DEPARTMENT OF HEALTH:	
21		Vendetti, et al. v. Abercrombie, et al.	\$ 84,000.00
22		Civil No. 10-1-2084-09, First Circuit	Settlement
23			<hr/>
24		SUBTOTAL:	\$ 84,000.00
25	5.	DEPARTMENT OF HUMAN SERVICES:	
26		J.B. and R.C. v. State of Hawaii, et al.	\$ 25,000.00
27		Civil No. 09-1-1157-05, First Circuit	Settlement
28			
29		Lopez, et al. v. Kalama, et al.	\$ 550,000.00
30		Civil No. 09-1-2021-08, First Circuit	Settlement
31		Naki, et al. v. Kalama, et al.	
32		Civil No. 10-1-0616-03, First Circuit	
33			<hr/>
34		SUBTOTAL:	\$ 575,000.00
35			
36			

1			
2	6.	DEPARTMENT OF PUBLIC SAFETY:	
3		Butler v. Nouchi, et al.	\$ 15,000.00
4		Civil No. 08-00203, USDC	Settlement
5			
6		Naehu v. State of Hawaii, et al.	\$ 38,579.99
7		Civil No. 09-1-2604-11, First Circuit	Judgment
8			
9		SUBTOTAL:	<u>\$ 53,579.99</u>
10			
11	7.	MISCELLANEOUS CLAIMS:	
12		Susan C. Harrison	\$ 1,738.59
13		Debra Matthey	\$ 700.00
14			
15		SUBTOTAL:	<u>\$ 2,438.59</u>
16		Total (SECTION 1):	\$1,072,870.92

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 2012-2013 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:

1 JUDGMENTS AGAINST THE STATE	AMOUNT
2 AND SETTLEMENTS OF CLAIMS:	
3	
4 DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION:	
5	
6 Delouise v. Werner, et al.	\$ 275,000.00
7 Civil No. 07-1-0459(1), Second Circuit	Settlement
8	
9	
10	
11 SUBTOTAL:	\$ 275,000.00
12	
13 TOTAL (SECTION 2)	\$ 275,000.00
14	

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

18 PART III

19 SECTION 3. The following sums or so much thereof as may be  
 20 necessary for fiscal year 2012-2013 are appropriated out of the  
 21 state harbor fund for the purpose of satisfying claims for  
 22 legislative relief as to the following named persons, for claims  
 23 against the State or its officers or employees for payments of  
 24 judgments or settlements, or other liabilities, in the amount  
 25 set forth opposite their names:

26 JUDGMENTS AGAINST THE STATE	AMOUNT
27 AND SETTLEMENTS OF CLAIMS:	
28	
29 DEPARTMENT OF TRANSPORTATION, HARBORS DIVISION:	
30	
31 Andrade v. State of Hawaii, et al.	\$ 150,000.00
32 Civil No. 09-1-2959-12, First Circuit	Settlement
33	



H.B. NO. 775

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

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

8

9

INTRODUCED BY:



BY REQUEST

10

JAN 22 2013

# H.B. NO. 175

**Report Title:**

Appropriations; Claims Against State

**Description:**

Makes appropriations for claims against the State, its officers, and its employees.

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

JUSTIFICATION SHEET

DEPARTMENT: Attorney General

TITLE: A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES.

PURPOSE: Provide for the authorization and payment of claims against the State for refunds of taxes, for judgments and settlements, and for other miscellaneous payments as provided by chapters 37, 661, and 662, Hawaii Revised Statutes.

MEANS: Authorize and appropriate funds for the payment of such claims.

JUSTIFICATION: This bill serves as the vehicle by which claims against the State are transmitted to the Legislature for its consideration. The Legislature will be asked to authorize and fund the payment of such claims by an appropriation of general and special funds. Timely passage of this bill will serve to minimize interest on those amounts for which interest is accruing.

Impact on the public: There would be no direct impact on the public other than the persons whose claims are being paid.

Impact on the department and other agencies: Claims eligible for payment from a special fund will generally be charged to that special fund rather than the general fund. Certain claims will be paid from a department's appropriation as reflected in the budget bill. In such case, that department will be responsible for finding the moneys in its budget to pay for the judgments and settlements rendered against it.



GENERAL FUND:	\$1,072,870.92
OTHER FUNDS:	\$425,000.00
PPBS PROGRAM DESIGNATION:	Various.
OTHER AFFECTED AGENCIES:	None.
EFFECTIVE DATE:	Upon approval.