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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 ACCOUNTING AND GENERAL SERVICES:	
16		
17	Macy-McCrea v. State of Hawaii, et al.	\$ 30,000.00
18	Civil No. 10-1-0466-03, First Circuit	Settlement
19		
20		
21	SUBTOTAL:	\$ 30,000.00
22		



1	2.	DEPARTMENT OF THE ATTORNEY GENERAL:		
2				
3		Mitchell v. State of Hawaii	\$	95,000.00
4		FEPA No. 16448; EEOC No. 486-2011-00251		Settlement
5				
6				
7		SUBTOTAL:	\$	95,000.00
8				
9	3.	DEPARTMENT OF EDUCATION:		
10				
11		Basa v. State of Hawaii	\$	30,000.00
12		Civil No. 10-1-1374-06, First Circuit		Settlement
13				
14		Bitanga v. State of Hawaii	\$	18,000.00
15		Tort Claim		Settlement
16				
17		Cain, et al. v. State of Hawaii Academy of		
18		Arts & Science Charter School	\$	30,000.00
19		Civil No. 11-00501, USDC		Settlement
20				
21		Doe, et al. v. State of Hawaii, et al.	\$	5,000,000.00
22		Civil No. 11-00550, USDC		Settlement
23				
24		Garner, et al. v. Department of Education	\$15,091,122.33	
25		Civil No. 03-1-000305 KKS, First Circuit		Settlement
26				
27		Jackson v. State of Hawaii, et al.	\$	250,000.00
28		Civil No. 12-1-1004-04, First Circuit		Settlement
29				
30		Lopes v. Department of Education, et al.	\$	14,000.00
31		Civil No. 10-1-1886-08, First Circuit		Settlement
32				
33		Lum, et al. v. State of Hawaii, et al.	\$	155,000.00
34		Civil No. 11-1-1498-07, First Circuit		Settlement
35				
36		Manigo-Brown v. State of Hawaii, et al.	\$	23,396.66
37		Civil No. 11-1-1901-08, First Circuit		Settlement



1	Mark H., et al. v. Hamamoto, et al.	\$ 3,300,000.00
2	Civil No. 00-00282 LEK-RLP, USDC	Settlement
3		<hr/>
4		
5	SUBTOTAL:	\$23,911,518.99
6		
7	4. CAMPAIGN SPENDING COMMISSION:	
8		
9	Yamada v. Weaver	\$ 63,852.34
10	Civil No. 10-00497 JMS-RLP, USDC	Judgment
11		<hr/>
12		
13	SUBTOTAL:	\$ 63,852.34
14		
15	5. DEPARTMENT OF HEALTH:	
16		
17	Vendetti, et al. v. Abercrombie, et al.	\$ 84,000.00
18	Civil No. 10-1-2084-09, First Circuit	Settlement
19		
20	E.P., et al. v. State of Hawaii, et al.	\$ 40,000.00
21	Civil No. 10-1-1357-06, First Circuit	Settlement
22		<hr/>
23		
24	SUBTOTAL:	\$ 124,000.00
25		
26	6. DEPARTMENT OF HUMAN SERVICES:	
27		
28	J.B. and R.C. v. State of Hawaii, et al.	\$ 25,000.00
29	Civil No. 09-1-1157-05, First Circuit	Settlement
30		
31	Lopez, et al. v. Kalama, et al.	\$ 550,000.00
32	Civil No. 09-1-2021-08, First Circuit	Settlement
33	Naki, et al. v. Kalama, et al.	
34	Civil No. 10-1-0616-03, First Circuit	
35		<hr/>
36		
37	SUBTOTAL:	\$ 575,000.00



1	7.	DEPARTMENT OF LAND AND NATURAL RESOURCES:		
2				
3		Gentry v. Aila, et al.	\$	75,000.00
4		Civil No. 11-1-0008, Fifth Circuit		Settlement
5				
6				
7		SUBTOTAL:	\$	75,000.00
8				
9	8.	DEPARTMENT OF PUBLIC SAFETY:		
10				
11		Aliviado, et al. v. Kimoto, et al.	\$	86,871.21
12		Civil No. 12-00259 SOM-BMK, USDC		Settlement
13				
14		Butler v. Nouchi, et al.	\$	15,000.00
15		Civil No. 08-00203, USDC		Settlement
16				
17		Naehu v. State of Hawaii, et al.	\$	38,579.99
18		Civil No. 09-1-2604-11, First Circuit		Judgment
19				
20		Doe Parent, et al. v. State of Hawaii, et al.	\$	20,000.00
21		Civil No. 09-1-2773-11, First Circuit		Settlement
22				
23		Gilding v. State of Hawaii	\$	350,000.00
24		Civil No. 08-1-1852-09		Settlement
25				
26		Gilchrist v. Kimoto, et al.	\$	14,000.00
27		Civil No. 12-13-00147 SOM-BMK, USDC		
28				
29				
30		SUBTOTAL:	\$	524,451.20
31				
32	9.	MISCELLANEOUS CLAIMS:		
33				
34		Susan C. Harrison	\$	1,738.59
35				
36		Debra Matthey	\$	700.00
37				
38		Gwen Kubo	\$	3,337.75
39				
40		Hon Ying Yuen	\$	600.00



1	Evelyn Cho	\$	1,628.33
2			<hr/>
3			
4	SUBTOTAL:	\$	8,004.67
5			
6	Total (SECTION 1):	\$25,406,827.20	

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

9 PART II

10 SECTION 2. The following sums or so much thereof as may be  
11 necessary for fiscal year 2012-2013 are appropriated out of the  
12 state highway fund for the purpose of satisfying claims for  
13 legislative relief as to the following named persons, for claims  
14 against the State or its officers or employees for payments of  
15 judgments or settlements, or other liabilities, in the amount  
16 set forth opposite their names:

17	JUDGMENTS AGAINST THE STATE	AMOUNT
18	AND SETTLEMENTS OF CLAIMS:	
19		
20	DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION:	
21		
22	Callo, et al. v. State of Hawaii	\$ 2,100,000.00
23	Civil No. 05-19782, Second Circuit	Settlement
24	Douger, et al. v. State of Hawaii	(Consolidated
25	Civil No. 05-18339, Second Circuit	cases)
26		
27	Chang v. State of Hawaii, et al.	\$ 15,000.00
28	Civil No. 12-1-1408-05, First Circuit	Settlement
29		
30	Delouise v. Werner, et al.	\$ 275,000.00
31	Civil No. 07-1-0459(1), Second Circuit	Settlement



1	Dela Cruz v. State of Hawaii, et al.	\$	35,000.00
2	Civil No. 06-1-0258, Third Circuit		Settlement
3			
4	Eager v. State of Hawaii, et al.	\$	291,078.00
5	Civil No. 12-1-1408-05, First Circuit		Settlement
6			
7	Pleasanton v. State of Hawaii	\$	35,000.00
8	Civil No. 09-1-2836-12 KTN, First Circuit		Settlement
9			
10			
11	SUBTOTAL:	\$	2,751,078.00.
12			
13	TOTAL (SECTION 2)	\$	2,751,078.00
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 sum or so much thereof as may be  
 20 necessary for fiscal year 2012-2013 is appropriated out of the  
 21 harbor special fund for the purpose of satisfying a claim for  
 22 legislative relief as to the following named person, for a claim  
 23 against the State or its officers or employees for payment of a  
 24 judgment or settlement, or other liability, in the amount set  
 25 forth opposite the person's name:

	<b>JUDGMENTS AGAINST THE STATE</b>		<b>AMOUNT</b>
26	<b>AND SETTLEMENTS OF CLAIMS:</b>		
27			
28			
29	DEPARTMENT OF TRANSPORTATION, HARBORS DIVISION:		
30			
31	Andrade v. State of Hawaii, et al.	\$	150,000.00



1	Civil No. 09-1-2959-12, First Circuit	Settlement
2		
3		
4	SUBTOTAL:	\$ 150,000.00
5		
6	TOTAL (SECTION 3)	\$ 150,000.00
7		

8 The sum appropriated shall be expended by the department of  
9 transportation, harbors division, for the purposes of this Act.

10 PART IV

11 SECTION 4. 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 departments  
16 shall obtain the approval of the attorney general before payment  
17 of any claim can be made.

18 SECTION 5. 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 6. All unexpended and unencumbered balances of the  
2 appropriations made in this Act as of the close of business on  
3 June 30, 2014, shall lapse.

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





**Report Title:**

Appropriations; Claims Against the State

**Description:**

Makes appropriations for claims against the State, its officers, and its employees. (HB775 CD1)

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

