
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 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	Macy-McCrea v. State of Hawaii, et al.	\$ 30,000.00
17	Civil No. 10-1-0466-03, First Circuit	Settlement
18		<hr/>
19		
20	SUBTOTAL:	\$ 30,000.00



1	2.	DEPARTMENT OF THE ATTORNEY GENERAL:	
2		Mitchell v. State of Hawaii	\$ 95,000.00
3		FEPA No. 16448; EEOC No. 486-2011-00251	Settlement
4			<hr/>
5			
6		SUBTOTAL:	\$ 95,000.00
7			
8	3.	DEPARTMENT OF EDUCATION:	
9		Basa v. State of Hawaii	\$ 30,000.00
10		Civil No. 10-1-1374-06, First Circuit	Settlement
11			
12		Bitanga v. State of Hawaii	\$ 18,000.00
13		Tort Claim	Settlement
14			
15		Cain, et al. v. State of Hawaii Academy of	
16		Arts & Science Charter School	\$ 30,000.00
17		Civil No. 11-00501, USDC	Settlement
18			
19		Lopes v. Department of Education, et al.	\$ 14,000.00
20		Civil No. 10-1-1886-08, First Circuit	Settlement
21			
22		Lum, et al. v. State of Hawaii, et al.	\$ 155,000.00
23		Civil No. 11-1-1498-07, First Circuit	Settlement
24			
25		Manigo-Brown v. State of Hawaii, et al.	\$ 23,396.66
26		Civil No. 11-1-1901-08, First Circuit	Settlement
27			
28		Mark H., et al. v. Hamamoto, et al.	\$3,300,000.00
29		Civil No. 00-00282 LEK-RLP, USDC	Settlement
30			<hr/>
31			
32		SUBTOTAL:	\$3,570,396.66
33			
34	4.	CAMPAIGN SPENDING COMMISSION:	
35		Yamada v. Weaver	\$ 63,852.34
36		Civil No. 10-00497 JMS-RLP, USDC	Judgment
37			<hr/>
38			
39		SUBTOTAL:	\$ 63,852.34
40			



1	5.	DEPARTMENT OF HEALTH:	
2		Vendetti, et al. v. Abercrombie, et al.	\$ 84,000.00
3		Civil No. 10-1-2084-09, First Circuit	Settlement
4			
5		E.P., et al. v. State of Hawaii, et al.	\$ 40,000.00
6		Civil No. 10-1-1357-06, First Circuit	Settlement
7			
8		SUBTOTAL:	\$ 124,000.00
9	6.	DEPARTMENT OF HUMAN SERVICES:	
10		J.B. and R.C. v. State of Hawaii, et al.	\$ 25,000.00
11		Civil No. 09-1-1157-05, First Circuit	Settlement
12			
13		Lopez, et al. v. Kalama, et al.	\$ 550,000.00
14		Civil No. 09-1-2021-08, First Circuit	Settlement
15		Naki, et al. v. Kalama, et al.	
16		Civil No. 10-1-0616-03, First Circuit	
17			
18			
19		SUBTOTAL:	\$ 575,000.00
20			
21	7.	DEPARTMENT OF PUBLIC SAFETY:	
22		Butler v. Nouchi, et al.	\$ 15,000.00
23		Civil No. 08-00203, USDC	Settlement
24			
25		Naehu v. State of Hawaii, et al.	\$ 38,579.99
26		Civil No. 09-1-2604-11, First Circuit	Judgment
27			
28		Doe Parent, et al. v. State of Hawaii, et al.	\$ 20,000.00
29		Civil No. 09-1-2773-11, First Circuit	Settlement
30			
31		Gilding v. State of Hawaii	\$ 350,000.00
32		Civil No. 08-1-1852-09	Settlement
33			
34		SUBTOTAL:	\$ 423,579.99
35			



1	8.	MISCELLANEOUS CLAIMS:		
2				
3		Susan C. Harrison	\$	1,738.59
4		Debra Matthey	\$	700.00
5		Gwen Kubo	\$	3,337.75
6				
7		SUBTOTAL:	\$	5,776.34
8		Total (SECTION 1):	\$	4,887,605.33

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

11 PART II

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

19	JUDGMENTS AGAINST THE STATE	AMOUNT
20	AND SETTLEMENTS OF CLAIMS:	
21		
22	DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION:	
23		
24	Delouise v. Werner, et al.	\$ 275,000.00
25	Civil No. 07-1-0459(1), Second Circuit	Settlement
26		
27	Callo, et al. v State of Hawaii	\$ 2,100,000.00
28	Civil No. 05-19782, Second Circuit	Settlement



1	Douger, et al. v. State of Hawaii	(Consolidated
2	Civil No. 05-18339, Second Circuit	cases)
3		
4	Dela Cruz v. State of Hawaii, et al.	\$ 35,000.00
5	Civil No. 06-1-0258, Third Circuit	Settlement
6		
7		
8		
9	SUBTOTAL:	\$ 2,410,000.00
10		
11	TOTAL (SECTION 2)	\$ 2,410,000.00
12		

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

16 PART III

17 SECTION 3. The following sum or so much thereof as may be
18 necessary for fiscal year 2012-2013 is appropriated out of the
19 state harbor fund for the purpose of satisfying a claim for
20 legislative relief as to the following named person, for a claim
21 against the State or its officers or employees for payment of a
22 judgment or settlement, or other liability, in the amount set
23 forth opposite the person's name:

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



1 SUBTOTAL: \$ 150,000.00
2
3 TOTAL (SECTION 3) \$ 150,000.00
4

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

7 PART IV

8 SECTION 4. The sums hereinabove may be paid to the
9 respective persons, or for the satisfaction or settlement of the
10 respectively identified cases, and in several amounts
11 hereinabove set forth or in lesser amounts deemed appropriate,
12 upon checks issued by the comptroller; provided departments
13 shall obtain the approval of the attorney general before payment
14 of any claim can be made.

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

21 SECTION 6. All unexpended and unencumbered balances of the
22 appropriations made in this Act as of the close of business on
23 June 30, 2014, shall lapse.

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 affect 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.



Report Title:

Appropriations; Claims Against the State

Description:

Makes appropriations for claims against the State, its officers, and its employees. (HB775 HD2)

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

