
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		
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		
23	2. DEPARTMENT OF THE ATTORNEY GENERAL:	



1			
2	Mitchell v. State of Hawaii	\$	95,000.00
3	FEPA No. 16448; EEOC No. 486-2011-00251		Settlement
4			
5			
6	SUBTOTAL:	\$	95,000.00
7			
8	3. DEPARTMENT OF EDUCATION:		
9			
10	Basa v. State of Hawaii	\$	30,000.00
11	Civil No. 10-1-1374-06, First Circuit		Settlement
12			
13	Bitanga v. State of Hawaii	\$	18,000.00
14	Tort Claim		Settlement
15			
16	Cain, et al. v. State of Hawaii Academy of		
17	Arts & Science Charter School	\$	30,000.00
18	Civil No. 11-00501, USDC		Settlement
19			
20	Doe, et al. v. State of Hawaii, et al.	\$	5,000,000.00
21	Civil No. 11-00550, USDC		Settlement
22			
23	Garner, et al. v. Department of Education	\$15,091,122.33	
24	Civil No. 03-1-000305 KKS, First Circuit		Settlement
25			
26	Lopes v. Department of Education, et al.	\$	14,000.00
27	Civil No. 10-1-1886-08, First Circuit		Settlement
28			
29	Lum, et al. v. State of Hawaii, et al.	\$	155,000.00
30	Civil No. 11-1-1498-07, First Circuit		Settlement
31			
32	Manigo-Brown v. State of Hawaii, et al.	\$	23,396.66
33	Civil No. 11-1-1901-08, First Circuit		Settlement
34			
35	Mark H., et al. v. Hamamoto, et al.	\$	3,300,000.00
36	Civil No. 00-00282 LEK-RLP, USDC		Settlement
37			
38			
39	SUBTOTAL:	\$23,661,518.99	
40			
41	4. CAMPAIGN SPENDING COMMISSION:		
42			
43	Yamada v. Weaver	\$	63,852.34



		Judgment
1	Civil No. 10-00497 JMS-RLP, USDC	
2		
3		
4	SUBTOTAL:	\$ 63,852.34
5		
6	5. DEPARTMENT OF HEALTH:	
7		
8	Vendetti, et al. v. Abercrombie, et al.	\$ 84,000.00
9	Civil No. 10-1-2084-09, First Circuit	Settlement
10		
11	E.P., et al. v. State of Hawaii, et al.	\$ 40,000.00
12	Civil No. 10-1-1357-06, First Circuit	Settlement
13		
14		
15	SUBTOTAL:	\$ 124,000.00
16		
17	6. DEPARTMENT OF HUMAN SERVICES:	
18		
19	J.B. and R.C. v. State of Hawaii, et al.	\$ 25,000.00
20	Civil No. 09-1-1157-05, First Circuit	Settlement
21		
22	Lopez, et al. v. Kalama, et al.	\$ 550,000.00
23	Civil No. 09-1-2021-08, First Circuit	Settlement
24	Naki, et al. v. Kalama, et al.	
25	Civil No. 10-1-0616-03, First Circuit	
26		
27		
28	SUBTOTAL:	\$ 575,000.00
29		
30	7. DEPARTMENT OF LAND AND NATURAL RESOURCES:	
31		
32	Gentry v. Aila, et al.	\$ 75,000.00
33	Civil No. 11-1-0008, Fifth Circuit	Settlement
34		
35		
36	SUBTOTAL:	\$ 75,000.00
37		
38	8. DEPARTMENT OF PUBLIC SAFETY:	
39		
40	Aliviado, et al. v. Kimoto, et al.	\$ 86,871.21
41	Civil No. 12-00259 SOM-BMK, USDC	Settlement
42		
43	Butler v. Nouchi, et al.	\$ 15,000.00



1	Civil No. 08-00203, USDC		Settlement
2			
3	Naehu v. State of Hawaii, et al.	\$	38,579.99
4	Civil No. 09-1-2604-11, First Circuit		Judgment
5			
6	Doe Parent, et al. v. State of Hawaii, et al.	\$	20,000.00
7	Civil No. 09-1-2773-11, First Circuit		Settlement
8			
9	Gilding v. State of Hawaii	\$	350,000.00
10	Civil No. 08-1-1852-09		Settlement
11			
12			
13	SUBTOTAL:	\$	510,451.20
14			
15	9. MISCELLANEOUS CLAIMS:		
16			
17	Susan C. Harrison	\$	1,738.59
18			
19	Debra Matthey	\$	700.00
20			
21	Gwen Kubo	\$	3,337.75
22			
23	Hon Ying Yuen	\$	600.00
24			
25			
26	SUBTOTAL:	\$	6,376.34
27			
28	Total (SECTION 1):	\$	25,141,198.87

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

31 PART II

32 SECTION 2. The following sums or so much thereof as may be
33 necessary for fiscal year 2012-2013 are appropriated out of the
34 state highway fund for the purpose of satisfying claims for
35 legislative relief as to the following named persons, for claims



1 against the State or its officers or employees for payments of
2 judgments or settlements, or other liabilities, in the amount
3 set forth opposite their names:

4 JUDGMENTS AGAINST THE STATE	AMOUNT
5 AND SETTLEMENTS OF CLAIMS:	
6	
7 DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION:	
8	
9 Callo, et al. v State of Hawaii	\$ 2,100,000.00
10 Civil No. 05-19782, Second Circuit	Settlement
11 Douger, et al. v. State of Hawaii	(Consolidated
12 Civil No. 05-18339, Second Circuit	cases)
13	
14 Delouise v. Werner, et al.	\$ 275,000.00
15 Civil No. 07-1-0459(1), Second Circuit	Settlement
16	
17 Dela Cruz v. State of Hawaii, et al.	\$ 35,000.00
18 Civil No. 06-1-0258, Third Circuit	Settlement
19	
20 Pleasanton v. State of Hawaii	\$ 35,000.00
21 Civil No. 09-1-2836-12 KTN, First Circuit	Settlement
22	
23	
24	
25 SUBTOTAL:	\$ 2,445,000.00
26	
27 TOTAL (SECTION 2)	\$ 2,445,000.00
28	

29 The sums appropriated shall be expended by the department
30 of transportation, highways division, for the purposes of this
31 Act.

32 PART III

33 SECTION 3. The following sum or so much thereof as may be
34 necessary for fiscal year 2012-2013 is appropriated out of the



1 harbor special fund for the purpose of satisfying a claim for
2 legislative relief as to the following named person, for a claim
3 against the State or its officers or employees for payment of a
4 judgment or settlement, or other liability, in the amount set
5 forth opposite the person's name:

6 JUDGMENTS AGAINST THE STATE	AMOUNT
7 AND SETTLEMENTS OF CLAIMS:	
8	
9 DEPARTMENT OF TRANSPORTATION, HARBORS DIVISION:	
10	
11 Andrade v. State of Hawaii, et al.	\$ 150,000.00
12 Civil No. 09-1-2959-12, First Circuit	Settlement
13	
14	
15 SUBTOTAL:	\$ 150,000.00
16	
17 TOTAL (SECTION 3)	\$ 150,000.00
18	

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

21 PART IV

22 SECTION 4. The sums hereinabove may be paid to the
23 respective persons, or for the satisfaction or settlement of the
24 respectively identified cases, and in several amounts
25 hereinabove set forth or in lesser amounts deemed appropriate,
26 upon checks issued by the comptroller; provided departments
27 shall obtain the approval of the attorney general before payment
28 of any claim can be made.



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

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

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

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

17



Report Title:

Appropriations; Claims Against the State

Description:

Makes appropriations for claims against the State, its officers, and its employees. (SD1)

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

