



EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

GOV. MSG. NO. 1180

May 13, 2014

The Honorable Donna Mercado Kim,
President
and Members of the Senate
Twenty-Seventh State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

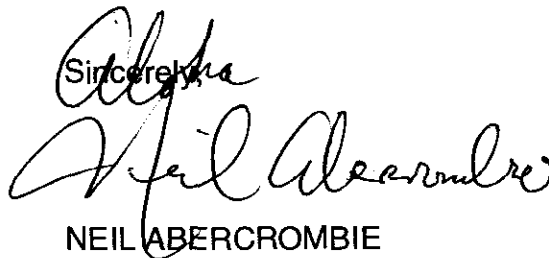
The Honorable Joseph M. Souki,
Speaker and Members of the
House of Representatives
Twenty-Seventh State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Kim, Speaker Souki, and Members of the Legislature:

This is to inform you that on May 13, 2014, the following bill was signed into law:

SB2246 SD2 HD2 CD1

MAKING APPROPRIATIONS FOR CLAIMS
AGAINST THE STATE, ITS OFFICERS, OR ITS
EMPLOYEES
ACT 080 (14)

Sincerely,


NEIL ABERCROMBIE
Governor, State of Hawaii

MAY 13 2014

on THE SENATE TWENTY-SEVENTH LEGISLATURE, 2014 STATE OF HAWAII

ACT 080 S.B. NO. 2246 S.D. 2 H.D. 2 C.D. 1

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

SECTION 1. The following sums or so much thereof as may be necessary for fiscal year 2013-2014 are appropriated out of the general revenues of the State of Hawaii to the department of the attorney general for the purpose of satisfying claims for legislative relief as to the following named persons, firms, corporations, and entities, for claims against the State or its officers or employees for the overpayment of taxes, or for refunds, reimbursements, payments of judgments or settlements, or other liabilities, in the amounts set forth opposite their names:

Table with 2 columns: JUDGMENTS AGAINST THE STATE AND SETTLEMENTS OF CLAIMS; AMOUNT. Row 1: ALOHA TOWER DEVELOPMENT CORPORATION; In the Matter of the Application of Honolulu Construction and Draying Company, Limited v. State of Hawaii, et al., Land Court Application No. 787, Hawaii Supreme Court No. SCWC-30484; \$ 165,929.42 Judgment



| | | |
|----|---|---------------|
| 1 | SUBTOTAL: | \$ 165,929.42 |
| 2 | | |
| 3 | 2. DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES: | |
| 4 | | |
| 5 | Claim by Estria Foundation | \$ 18,000.00 |
| 6 | | Settlement |
| 7 | | <hr/> |
| 8 | | |
| 9 | SUBTOTAL: | \$ 18,000.00 |
| 10 | | |
| 11 | 3. DEPARTMENT OF EDUCATION: | |
| 12 | | |
| 13 | Barnett v. State of Hawaii, et al. | \$ 41,511.54 |
| 14 | Civil No. 10-1-0236, Fifth Circuit | Judgment |
| 15 | | |
| 16 | Garner, et al. v. State of Hawaii, et al. | \$ 132,819.00 |
| 17 | Civil No. 03-1-000305, First Circuit | Settlement |
| 18 | | |
| 19 | In the Matter of the Arbitration | \$ 44,951.43 |
| 20 | Between Hawaii State Teachers Association | Judgment |
| 21 | and Na Wai Ola (Waters of Life) Public | |
| 22 | Charter School, State of Hawaii, | |
| 23 | Grievance of Ginger Krauss | |
| 24 | | |
| 25 | Javier, et al. v. State of Hawaii, et al. | \$ 124,169.60 |
| 26 | Civil No. 07-1-0160(1), Second Circuit | Settlement |
| 27 | | |
| 28 | Chang v. Matayoshi, et al. | \$ 63,333.34 |
| 29 | Civil No. 13-00004 JMS BMK, USDC | Settlement |
| 30 | | |
| 31 | Duvauchelle-Puu v. Matayoshi, et al. | \$ 63,333.33 |
| 32 | Civil No. 13-00073 JMS BMK, USDC | Settlement |
| 33 | | |
| 34 | Lopez v. Matayoshi, et al. | \$ 63,333.33 |
| 35 | Civil No. 13-00134 JMS BMK, USDC | Settlement |
| 36 | | <hr/> |
| 37 | | |
| 38 | SUBTOTAL: | \$ 533,451.57 |
| 39 | | |
| 40 | 4. DEPARTMENT OF HEALTH | |
| 41 | | |
| 42 | Johnson v. Rainbow Rehabilitation, et al. | \$ 221,080.66 |
| 43 | Civil No. 07-1-1855-10, First Circuit | Judgment |



| | | | |
|----|--|----|------------|
| 1 | | | |
| 2 | | | |
| 3 | SUBTOTAL: | \$ | 221,080.66 |
| 4 | | | |
| 5 | 5. DEPARTMENT OF HUMAN SERVICES: | | |
| 6 | | | |
| 7 | Louis, et al. v. State of Hawaii, et al. | \$ | 180,000.00 |
| 8 | Civil No. 05-1-0935-05, First Circuit | | Settlement |
| 9 | | | |
| 10 | Kolio, et al. v. State of Hawaii, et al. | \$ | 20,000.00 |
| 11 | Civil No. 11-00266 LEK RLP, USDC | | Settlement |
| 12 | | | |
| 13 | Rhodes v. State of Hawaii, et al. | \$ | 40,000.00 |
| 14 | Civil No. 09-1-2146-09, First Circuit | | Settlement |
| 15 | | | |
| 16 | | | |
| 17 | SUBTOTAL: | \$ | 240,000.00 |
| 18 | | | |
| 19 | 6. DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS: | | |
| 20 | | | |
| 21 | Hawaii Pacific Health, et al. v. Dwight | \$ | 89,645.15 |
| 22 | Takamine, Civil No. 11-00706 SOM/RLP, USDC | | Settlement |
| 23 | | | |
| 24 | | | |
| 25 | SUBTOTAL: | \$ | 89,645.15 |
| 26 | | | |
| 27 | 7. DEPARTMENT OF LAND AND NATURAL RESOURCES: | | |
| 28 | | | |
| 29 | Coziar v. State of Hawaii | \$ | 30,000.00 |
| 30 | Civil No. 13-1-0018(1), Second Circuit | | Settlement |
| 31 | | | |
| 32 | Imig v. State of Hawaii, et al. | \$ | 60,000.00 |
| 33 | Civil No. 13-1-2995-11 (ECN), First Circuit | | Settlement |
| 34 | | | |
| 35 | In the Matter of the Arbitration Between | \$ | 44,324.00 |
| 36 | Central Supply, Inc., et al. v. State of | | Settlement |
| 37 | Hawaii, et al., S.P. No. 12-1-0029, and | | |
| 38 | In the Matter of the Arbitration Between | | |
| 39 | State of Hawaii, et al. v. Yamada | | |
| 40 | Consolidated, Inc., et al., S.P. No. | | |
| 41 | 13-1-0035 | | |
| 42 | | | |
| 43 | | | |



| | | | |
|----|---|----|------------|
| 1 | SUBTOTAL: | \$ | 134,324.00 |
| 2 | | | |
| 3 | 8. DEPARTMENT OF PUBLIC SAFETY: | | |
| 4 | | | |
| 5 | Buan v. State of Hawaii, et al. | \$ | 50,000.00 |
| 6 | Civil No. 11-1-1222-06, First Circuit | | Settlement |
| 7 | | | |
| 8 | Fontanilla v. State of Hawaii, et al. | \$ | 35,000.00 |
| 9 | Civil No. 12-00641 BMK, USDC | | Settlement |
| 10 | | | |
| 11 | Kiyabu v. Frank, et al. | \$ | 80,000.00 |
| 12 | Civil No. 13-00582, USDC | | Settlement |
| 13 | | | |
| 14 | Steed v. State of Hawaii, et al. | \$ | 25,000.00 |
| 15 | Civil No. 11-1-1122-06, First Circuit | | Settlement |
| 16 | | | |
| 17 | | | |
| 18 | SUBTOTAL: | \$ | 190,000.00 |
| 19 | | | |
| 20 | 9. OFFICE OF THE GOVERNOR: | | |
| 21 | | | |
| 22 | Oahu Publications, Inc., dba Honolulu | \$ | 70,272.66 |
| 23 | Star-Advertiser v. Abercrombie, | | Judgment |
| 24 | Civil No. 11-1-1871-08 KKS, First Circuit | | |
| 25 | | | |
| 26 | | | |
| 27 | SUBTOTAL: | \$ | 70,272.66 |
| 28 | | | |
| 29 | 10. MISCELLANEOUS CLAIMS: | | |
| 30 | | | |
| 31 | Aimee Clay | \$ | 497.48 |
| 32 | | | |
| 33 | Thomas K. Nagano | \$ | 222.96 |
| 34 | | | |
| 35 | Yoshikatsu Asano | \$ | 1,939.00 |
| 36 | | | |
| 37 | Bruce A. Menin | \$ | 421,346.13 |
| 38 | | | |
| 39 | Marie-Gertrude N. Leopoldo | \$ | 417.00 |
| 40 | | | |
| 41 | Billing Dispute Between the Department of | \$ | 67,000.00 |
| 42 | Education and Automated Health Care | | |
| 43 | Solutions/Prescription Partners | | |



1
 2 SUBTOTAL: \$ 822,500.00
 3
 4 TOTAL (SECTION 2): \$ 822,500.00
 5

6 The sums appropriated shall be expended by the department
 7 of transportation, highways division, for the purposes of this
 8 Act.

9 **PART III**

10 SECTION 3. The sums hereinabove may be paid to the
 11 respective persons, or for the satisfaction or settlement of the
 12 respectively identified cases, and in several amounts
 13 hereinabove set forth or in lesser amounts deemed appropriate,
 14 upon checks issued by the comptroller; provided departments
 15 shall obtain the approval of the attorney general before payment
 16 of any claim can be made.

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

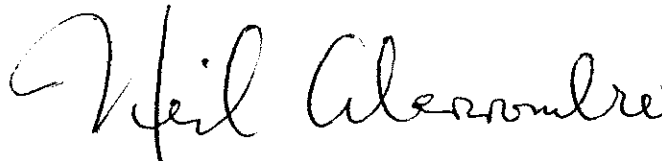


1 SECTION 5. All unexpended and unencumbered balances of the
2 appropriations made in this Act as of the close of business on
3 June 30, 2015, shall lapse.

4 SECTION 6. 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 7. This Act shall take effect upon its approval.

APPROVED this **13** day of **MAY**, 2014



GOVERNOR OF THE STATE OF HAWAII