

ACT 90

H.B. NO. 775

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 2012-2013 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:

JUDGMENTS AGAINST THE STATE AND SETTLEMENTS OF CLAIMS:

	AMOUNT
1. DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES:	
Macy-McCrea v. State of Hawaii, et al. Civil No. 10-1-0466-03, First Circuit	\$ 30,000.00 Settlement
SUBTOTAL:	\$ 30,000.00
2. DEPARTMENT OF THE ATTORNEY GENERAL:	
Mitchell v. State of Hawaii FEPA No. 16448; EEOC No. 486-2011-00251	\$ 95,000.00 Settlement
SUBTOTAL:	\$ 95,000.00
3. DEPARTMENT OF EDUCATION:	
Basa v. State of Hawaii Civil No. 10-1-1374-06, First Circuit	\$ 30,000.00 Settlement
Bitanga v. State of Hawaii Tort Claim	\$ 18,000.00 Settlement
Cain, et al. v. State of Hawaii Academy of Arts & Science Charter School Civil No. 11-00501, USDC	\$ 30,000.00 Settlement
Doe, et al. v. State of Hawaii, et al. Civil No. 11-00550, USDC	\$5,000,000.00 Settlement
Garner, et al. v. Department of Education Civil No. 03-1-000305 KKS, First Circuit	\$15,091,122.33 Settlement
Jackson v. State of Hawaii, et al. Civil No. 12-1-1004-04, First Circuit	\$ 250,000.00 Settlement
Lopes v. Department of Education, et al. Civil No. 10-1-1886-08, First Circuit	\$ 14,000.00 Settlement

Lum, et al. v. State of Hawaii, et al. Civil No. 11-1-1498-07, First Circuit	\$ 155,000.00 Settlement
Manigo-Brown v. State of Hawaii, et al. Civil No. 11-1-1901-08, First Circuit	\$ 23,396.66 Settlement
Mark H., et al. v. Hamamoto, et al. Civil No. 00-00282 LEK-RLP, USDC	\$3,300,000.00 Settlement
SUBTOTAL:	<u>\$23,911,518.99</u>
4. CAMPAIGN SPENDING COMMISSION:	
Yamada v. Weaver Civil No. 10-00497 JMS-RLP, USDC	\$ 63,852.34 Judgment
SUBTOTAL:	<u>\$ 63,852.34</u>
5. DEPARTMENT OF HEALTH:	
Vendetti, et al. v. Abercrombie, et al. Civil No. 10-1-2084-09, First Circuit	\$ 84,000.00 Settlement
E.P., et al. v. State of Hawaii, et al. Civil No. 10-1-1357-06, First Circuit	\$ 40,000.00 Settlement
SUBTOTAL:	<u>\$ 124,000.00</u>
6. DEPARTMENT OF HUMAN SERVICES:	
J.B. and R.C. v. State of Hawaii, et al. Civil No. 09-1-1157-05, First Circuit	\$ 25,000.00 Settlement
Lopez, et al. v. Kalama, et al. Civil No. 09-1-2021-08, First Circuit	\$ 550,000.00 Settlement
Naki, et al. v. Kalama, et al. Civil No. 10-1-0616-03, First Circuit	
SUBTOTAL:	<u>\$ 575,000.00</u>
7. DEPARTMENT OF LAND AND NATURAL RESOURCES:	
Gentry v. Aila, et al. Civil No. 11-1-0008, Fifth Circuit	\$ 75,000.00 Settlement
SUBTOTAL:	<u>\$ 75,000.00</u>
8. DEPARTMENT OF PUBLIC SAFETY:	
Aliviado, et al. v. Kimoto, et al. Civil No. 12-00259 SOM-BMK, USDC	\$ 86,871.21 Settlement
Butler v. Nouchi, et al. Civil No. 08-00203, USDC	\$ 15,000.00 Settlement
Naehu v. State of Hawaii, et al. Civil No. 09-1-2604-11, First Circuit	\$ 38,579.99 Judgment
Doe Parent, et al. v. State of Hawaii, et al. Civil No. 09-1-2773-11, First Circuit	\$ 20,000.00 Settlement
Gilding v. State of Hawaii Civil No. 08-1-1852-09	\$ 350,000.00 Settlement
Gilchrist v. Kimoto, et al. Civil No. 12-13-00147 SOM-BMK, USDC	\$ 14,000.00
SUBTOTAL:	<u>\$ 524,451.20</u>

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9. MISCELLANEOUS CLAIMS:

Susan C. Harrison	\$ 1,738.59
Debra Matthey	\$ 700.00
Gwen Kubo	\$ 3,337.75
Hon Ying Yuen	\$ 600.00
Evelyn Cho	\$ 1,628.33
SUBTOTAL:	\$ 8,004.67
TOTAL (SECTION 1):	\$25,406,827.20

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

PART II

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

**JUDGMENTS AGAINST THE STATE
AND SETTLEMENTS OF CLAIMS:**

AMOUNT

DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION:

Callo, et al. v. State of Hawaii	\$2,100,000.00
Civil No. 05-19782, Second Circuit	Settlement
Douger, et al. v. State of Hawaii	(Consolidated
Civil No. 05-18339, Second Circuit	cases)
Chang v. State of Hawaii, et al.	\$ 15,000.00
Civil No. 12-1-1408-05, First Circuit	Settlement
Delouise v. Werner, et al.	\$ 275,000.00
Civil No. 07-1-0459(1), Second Circuit	Settlement
Dela Cruz v. State of Hawaii, et al.	\$ 35,000.00
Civil No. 06-1-0258, Third Circuit	Settlement
Eager v. State of Hawaii, et al.	\$ 291,078.00
Civil No. 12-1-1408-05, First Circuit	Settlement
Pleasanton v. State of Hawaii	\$ 35,000.00
Civil No. 09-1-2836-12 KTN, First Circuit	Settlement
SUBTOTAL:	\$2,751,078.00
TOTAL (SECTION 2):	\$2,751,078.00

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

PART III

SECTION 3. The following sum or so much thereof as may be necessary for fiscal year 2012-2013 is appropriated out of the harbor special fund for the purpose of satisfying a claim for legislative relief as to the following named person, for a claim against the State or its officers or employees for payment of

a judgment or settlement, or other liability, in the amount set forth opposite the person's name:

JUDGMENTS AGAINST THE STATE AND SETTLEMENTS OF CLAIMS:	AMOUNT
DEPARTMENT OF TRANSPORTATION, HARBORS DIVISION:	
Andrade v. State of Hawaii, et al.	\$ 150,000.00
Civil No. 09-1-2959-12, First Circuit	<u>Settlement</u>
SUBTOTAL:	\$ 150,000.00
TOTAL (SECTION 3):	\$ 150,000.00

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

PART IV

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

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

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

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

SECTION 8. This Act shall take effect upon its approval.
(Approved May 31, 2013.)