



GOV. MSG. NO. 1218

EXECUTIVE CHAMBERS  
HONOLULU

NEIL ABERCROMBIE  
GOVERNOR

June 15, 2012

The Honorable Shan Tsutsui, President  
and Members of the Senate  
Twenty-Sixth State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

The Honorable Calvin Say, Speaker  
and Members of the House  
Twenty-Sixth State Legislature  
State Capitol, Room 431  
Honolulu, Hawaii 96813

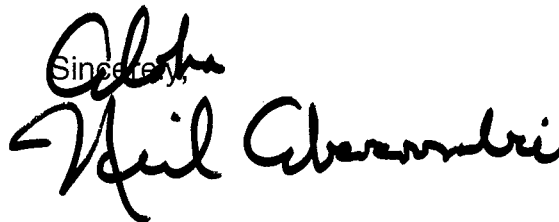
Dear President Tsutsui, Speaker Say and Members of the Legislature:

This is to inform you that on June 15, 2012, the following bill was signed into law:

HB2476 HD1 SD2 CD1

MAKING APPROPRIATIONS FOR CLAIMS  
AGAINST THE STATE, ITS OFFICERS, OR ITS  
EMPLOYEES.

**Act 116 (12)**

Sincerely,  


NEIL ABERCROMBIE  
Governor, State of Hawaii

JUN 15 2012

ACT 116

HOUSE OF REPRESENTATIVES  
TWENTY-SIXTH LEGISLATURE, 2012  
STATE OF HAWAII

H.B. NO. 2476  
H.D. 1  
S.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 2011-2012 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:	
Elections Systems & Software, Inc. v. Cronin, et al., CAAP-11-0000078	\$ 1,205,000.00 Settlement



1	Tanaka, et al. v. State of Hawaii, et al.	\$ 73,000.00
2	Civil No. 09-00579, USDC	Settlement
3		
4		
5		
6	SUBTOTAL:	\$ 1,278,000.00
7		
8	2. DEPARTMENT OF BUDGET AND FINANCE:	
9		
10	Matsumura v. Board of Trustees of the	\$ 120,000.00
11	Employees' Retirement System of the	Settlement
12	State of Hawaii, CAAP-11-0000106	
13		
14		
15	SUBTOTAL:	\$ 120,000.00
16		
17	3. DEPARTMENT OF EDUCATION:	
18		
19	Miljkovic v. State of Hawaii, et al.	\$ 7,500.00
20	Civil No. 09-00064 ACK-KSC, USDC	Settlement
21		
22		
23		
24	SUBTOTAL:	\$ 7,500.00
25		
26	4. DEPARTMENT OF LAND AND NATURAL RESOURCES:	
27		
28	Ah Loo v. State of Hawaii, et al.	\$ 40,000.00
29	Civil No. 11-1-0032, Fifth Circuit	Settlement
30		
31	Brem, et al. v. State of Hawaii	\$ 5,459,107.50
32	Civil No. 07-1-0176, Fifth Circuit	Settlement
33		
34	Weingartner v. State of Hawaii, et al.	\$ 90,000.00
35	Civil No. 09-1-1563-07, First Circuit	Settlement
36		
37		
38		
39	SUBTOTAL:	\$ 5,589,107.50



1	5.	DEPARTMENT OF PUBLIC SAFETY:	
2			
3		Gishi v. State of Hawaii, et al.	\$ 75,000.00
4		Civil No. 10-1-0198-01, First Circuit	Settlement
5			
6		Glessner v. State of Hawaii, et al.	\$ 30,000.00
7		MCCP No. 2010-066	Settlement
8			
9		Graff, et al. v. State of Hawaii, et al.	\$ 156,814.01
10		Civil No. 08-1-0975-05, First Circuit	Settlement
11			
12		Kahle, et al. v. Villaflor, et al.	\$ 100,000.00
13		Civil No. 10-00764 LEK-KSC, USDC	Settlement
14			
15		Timas v. State of Hawaii, et al.	\$ 60,000.00
16		Civil No. 10-00517, USDC	Settlement
17			
18		Tagaca v. State of Hawaii,	\$ 35,000.00
19		Civil No. 09-1-2098-09, First Circuit	Settlement
20			
21			
22			
23		SUBTOTAL:	\$ 456,814.01
24			
25	6.	OFFICE OF HAWAIIAN AFFAIRS:	
26			
27		Tsachev v. State of Hawaii, et al.	\$ 162,500.00
28		Civil No. 09-1-1207-05	Settlement
29			
30			
31			
32		SUBTOTAL:	\$ 162,500.00
33			
34		Total (SECTION 1):	\$ 7,613,921.51
35			
36		The sums appropriated shall be expended by the department	

37 of the attorney general for the purposes of this Act.



PART II

SECTION 2. The following sum or so much thereof as may be necessary for fiscal year 2011-2012 is 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:	
Kuahiwinui, et al. v. Zelo's, et al. Civil No. 08-1-0067, Fifth Circuit	\$ 210,000.00 Settlement
Ackerman v. Kuahiwinui, et al. Civil No. 08-1-0069, Fifth Circuit	
	<hr/>
SUBTOTAL:	\$ 210,000.00
TOTAL (SECTION 2)	\$ 210,000.00

The sum 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 2011-2012 is appropriated out of the airport revenue fund for the purpose of satisfying claims for



1 legislative relief as to the following named persons, for claims  
2 against the State or its officers or employees for payments of  
3 judgments or settlements, or other liabilities, in the amount  
4 set forth opposite their names:

5 JUDGMENTS AGAINST THE STATE	AMOUNT
6 AND SETTLEMENTS OF CLAIMS:	
7	
8 DEPARTMENT OF TRANSPORTATION, AIRPORTS DIVISION:	
9	
10 Wolfe v. State of Hawaii, et al.	\$ 60,000.00
11 Civil No. 10-1-1029-05, First Circuit	Settlement
12	<hr/>
13	
14 SUBTOTAL:	\$ 60,000.00
15	
16 TOTAL (SECTION 3)	\$ 60,000.00
17	

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

20 PART IV

21 SECTION 4. The sums hereinabove may be paid to the  
22 respective persons, or for the satisfaction or settlement of the  
23 respectively identified cases, and in several amounts  
24 hereinabove set forth or in lesser amounts deemed appropriate,  
25 upon checks issued by the comptroller; provided that departments  
26 shall obtain the approval of the attorney general before payment  
27 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, 2013, 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 PART V

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

APPROVED this 15 day of JUN , 2012

  
GOVERNOR OF THE STATE OF HAWAII

