



GOV. MSG. NO. 1149

EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

May 15, 2015

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Twenty-Eighth State Legislature
State Capitol, Room 210
Honolulu, Hawai'i 96813

The Honorable Joseph M. Souki,
Speaker and Members of the
House of Representatives
Twenty-Eighth State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

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

This is to inform you that on May 15, 2015, the following bill was signed into law:

HB896 HD1 SD2 CD1

**MAKING APPROPRIATIONS FOR CLAIMS
AGAINST THE STATE, ITS OFFICERS, OR ITS
EMPLOYEES
ACT 049 (15)**

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

Approved by the Governor

on MAY 15 2015
HOUSE OF REPRESENTATIVES
TWENTY-EIGHTH LEGISLATURE, 2015
STATE OF HAWAII

ACT 049
H.B. NO.

896
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:

1 PART I

2 SECTION 1. The following sums or so much thereof as may be
3 necessary for fiscal year 2014-2015 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 American Civil Liberties Union of Hawaii	\$ 12,401.00
18 and Pamela G. Lichty v. Dean H. Seki,	Settlement
19 Civil No. 14-00150 JMS-RLP, USDC	



1	Hookano v. State of Hawaii	\$	180,000.00
2	Civil No. 14-1-0875-04, First Circuit		Settlement
3			<hr/>
4			
5	SUBTOTAL:	\$	192,401.00
6			
7	2. DEPARTMENT OF THE ATTORNEY GENERAL:		
8			
9	Fotoudis v. City and County of Honolulu,	\$	7,250.00
10	et al., Civil No. 14-00333, USDC		Settlement
11			<hr/>
12	SUBTOTAL	\$	7,250.00
13			
14			
15	3. DEPARTMENT OF EDUCATION:		
16			
17	Kahiapo, et al. v. State of Hawaii, et al.	\$	30,000.00
18	Civil No. 11-1-2685-11, First Circuit		Settlement
19			
20	Lee-Vith, et al. v. Department of Education,	\$	13,500.00
21	et al., Civil No. 12-1-2443-09, First Circuit		Settlement
22			
23	Fukuda v. Department of Education, et al.	\$	80,000.00
24	Civil No. 12-1-200507, First Circuit		Settlement
25			
26	Nishi v. Board of Education, et al.	\$	325,000.00
27	Civil No. 14-1-1295-06, First Circuit		Settlement
28			
29	Hawaii Government Employees Association,	\$	382,000.00
30	et al. v. Abercrombie, et al.,		Settlement
31	Case No. CE-03-824, HLRB		
32			<hr/>
33			
34	SUBTOTAL:	\$	830,500.00



1	4.	HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND:		
2				
3		In the Matter of Dr. Morton Cotlar	\$	30,589.00
4		Case No. 2014-001		Settlement
5				
6		SUBTOTAL:	\$	30,589.00
7				
8	5.	HAWAII STATE PUBLIC CHARTER SCHOOL:		
9				
10		Dollnig v. Hawaii State Department of	\$	48,000.00
11		Education, et al. Civil No. 14-1-0025,		Settlement
12		Third Circuit		
13				
14		SUBTOTAL	\$	48,000.00
15				
16	6.	DEPARTMENT OF HEALTH:		
17				
18		Daligcon, et al. v. State of Hawaii, et al.	\$	96,701.54
19		Civil No. 12-1-1269-05, First Circuit		Settlement
20				
21		Rodriguez v. Onaka, et al.	\$	5,728.85
22		Civil No. 13-1-2207-08, First Circuit		Judgment
23				
24				
25		SUBTOTAL:	\$	102,430.39
26				
27	7.	DEPARTMENT OF HUMAN SERVICES:		
28				
29		Alexander, et al. v. State of Hawaii, et al.	\$	350,000.00
30		Civil No. 11-1-0795-04, First Circuit		Settlement
31				
32		Costales v. Rosete, et al.	\$	462,594.00
33		Civil No. 07-1-2360-12, First Circuit		Settlement
34				
35		Polm, et al. v. Department of Human	\$	135,469.79
36		Services, et al., Civil No.		Judgment
37		11-1-0548-03, First Circuit		
38				
39		SUBTOTAL:	\$	948,063.79



1	DEPARTMENT OF LAND AND NATURAL RESOURCES:	
2		
3	Tort Claim of Lisa M. Shamis	\$ 45,000.00
4		Settlement
5		<hr/>
6		
7	SUBTOTAL:	\$ 45,000.00
8		
9	9. DEPARTMENT OF PUBLIC SAFETY:	
10		
11	Slingluff v. State of Hawaii, et al.	\$ 1,036,395.94
12	Civil No. 06-1-1654-09, First Circuit	Judgment
13		
14	Waiolama, et al. v. State of Hawaii, et al.	\$ 69,094.33
15	Civil No. 09-1-0679-03, First Circuit	Judgment
16		
17	Lessary v. State of Hawaii, et al.	\$ 50,000.00
18	Civil No. 12-1-1897-07, First Circuit	Settlement
19		
20	Rosen Bien Galvan & Grunfeld, LLP, v.	\$ 25,598.78
21	Department of Public Safety, et al.,	Settlement
22	Civil No. 13-1-1078-04, First Circuit	
23		
24	Webster, et al. v. State of Hawaii, et al.	\$ 50,000.00
25	Civil No. 13-1-0145-01, First Circuit	Settlement
26		<hr/>
27		
28	SUBTOTAL:	\$ 1,231,089.05
29		
30	10. OFFICE OF THE GOVERNOR:	
31		
32	Oahu Publications, Inc., dba The Honolulu	\$ 45,000.00
33	Advertiser v. Abercrombie,	Settlement
34	SCWC-13-0000127, CAAP-13-0000127,	
35	Civil No. 11-1-1871-08, First Circuit	<hr/>
36		
37	SUBTOTAL:	\$ 45,000.00
38		
39	11. MISCELLANEOUS CLAIMS:	
40		
41	Raedrina A. Kealoha	\$ 51.12



1	Korean Airlines Co., Ltd.	\$	2,177.50
2			
3	Thomas K. Nagano	\$	199.80
4			
5	Mark Tamashiro	\$	4,347.36
6			
7	GE Capital Info Technology SOL	\$	3,248.47
8			
9	GTE Communication Systems Corp.	\$	3,421.56
10			
11	Kellogg Sales Company	\$	2,660.59
12			
13	Lehman Brothers, Inc.	\$	14,906.96
14			
15			
16	SUBTOTAL:	\$	31,013.36
17	Total (SECTION 1):	\$	3,511,336.59

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

20 PART II

21 SECTION 2. The following sums or so much thereof as may be
22 necessary for fiscal year 2014-2015 are appropriated out of the
23 state highway fund for the purpose of satisfying claims for
24 legislative relief as to the following named persons, for claims
25 against the State or its officers or employees for payments of
26 judgments or settlements, or other liabilities, in the amount
27 set forth opposite their names:



1	JUDGMENTS AGAINST THE STATE	AMOUNT
2	AND SETTLEMENTS OF CLAIMS:	
3		
4	DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION:	
5		
6	Eager v. State of Hawaii, et al.	\$ 2,804.56
7	Civil No. 12-1-1408-05, First Circuit	
8		
9	Higa v. State of Hawaii, et al.	\$ 72,000.00
10	Civil No. 14-1-0751 ECN, First Circuit	Settlement
11		
12	Hawaiian Telcom, Inc. v. Department of	\$ 20,000.00
13	Transportation, et al.,	Settlement
14	Civil No. 14-1-0427-02, First Circuit	
15		
16	Miles, et al. v. State of Hawaii, et al.	\$ 900,000.00
17	Civil No. 10-1-0977-05, First Circuit	Settlement
18		
19		
20	SUBTOTAL:	\$ 994,804.56
21		
22	TOTAL (SECTION 2)	\$ 994,804.56
23		

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

27 PART III

28 SECTION 3. The following sums or so much thereof as may be
 29 necessary for fiscal year 2014-2015 are appropriated out of the
 30 harbor special fund for the purpose of satisfying claims for
 31 legislative relief as to the following named persons, for claims
 32 against the State or its officers or employees for payments of



1 judgments or settlements, or other liabilities, in the amount
2 set forth opposite their names:

3 JUDGMENTS AGAINST THE STATE	AMOUNT
4 AND SETTLEMENTS OF CLAIMS:	
5	
6 DEPARTMENT OF TRANSPORTATION, HARBORS DIVISION:	
7	
8 Barnard v. State of Hawaii, et al.	\$ 93,734.77
9 Civil No. 12-1-2924-11, First Circuit	Settlement
10	<hr/>
11	
12 SUBTOTAL:	\$ 93,734.77
13	
14 TOTAL (SECTION 3)	\$ 93,734.77
15	

16 The sums appropriated shall be expended by the department
17 of transportation, harbors division, for the purposes of this
18 Act.

19 PART IV

20 SECTION 4. The sums hereinabove may be paid to the
21 respective persons, or for the satisfaction or settlement of the
22 respectively identified cases, and in several amounts
23 hereinabove set forth or in lesser amounts deemed appropriate,
24 upon checks issued by the comptroller; provided departments
25 shall obtain the approval of the attorney general before payment
26 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, 2016, 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.

APPROVED this 15 day of MAY, 2015



GOVERNOR OF THE STATE OF HAWAII

