
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		



1	2.	DEPARTMENT OF THE ATTORNEY GENERAL:	
2			
3		Mitchell v. State of Hawaii	\$ 95,000.00
4		FEPA No. 16448; EEOC No. 486-2011-00251	Settlement
5			
6			
7		SUBTOTAL:	\$ 95,000.00
8			
9	3.	DEPARTMENT OF EDUCATION:	
10			
11		Basa v. State of Hawaii	\$ 30,000.00
12		Civil No. 10-1-1374-06, First Circuit	Settlement
13			
14		Bitanga v. State of Hawaii	\$ 18,000.00
15		Tort Claim	Settlement
16			
17		Cain, et al. v. State of Hawaii Academy of	
18		Arts & Science Charter School	\$ 30,000.00
19		Civil No. 11-00501, USDC	Settlement
20			
21		Doe, et al. v. State of Hawaii, et al.	\$ 5,000,000.00
22		Civil No. 11-00550, USDC	Settlement
23			
24		Garner, et al. v. Department of Education	\$15,091,122.33
25		Civil No. 03-1-000305 KKS, First Circuit	Settlement
26			
27		Jackson v. State of Hawaii, et al.	\$ 250,000.00
28		Civil No. 12-1-1004-04, First Circuit	Settlement
29			
30		Lopes v. Department of Education, et al.	\$ 14,000.00
31		Civil No. 10-1-1886-08, First Circuit	Settlement
32			
33		Lum, et al. v. State of Hawaii, et al.	\$ 155,000.00
34		Civil No. 11-1-1498-07, First Circuit	Settlement
35			
36		Manigo-Brown v. State of Hawaii, et al.	\$ 23,396.66
37		Civil No. 11-1-1901-08, First Circuit	Settlement
38			
39		Mark H., et al. v. Hamamoto, et al.	\$ 3,300,000.00
40		Civil No. 00-00282 LEK-RLP, USDC	Settlement
41			
42			
43		SUBTOTAL:	\$23,911,518.99



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



1	8.	DEPARTMENT OF PUBLIC SAFETY:		
2				
3		Aliviado, et al. v. Kimoto, et al.	\$	86,871.21
4		Civil No. 12-00259 SOM-BMK, USDC		Settlement
5				
6		Butler v. Nouchi, et al.	\$	15,000.00
7		Civil No. 08-00203, USDC		Settlement
8				
9		Naehu v. State of Hawaii, et al.	\$	38,579.99
10		Civil No. 09-1-2604-11, First Circuit		Judgment
11				
12		Doe Parent, et al. v. State of Hawaii, et al.	\$	20,000.00
13		Civil No. 09-1-2773-11, First Circuit		Settlement
14				
15		Gilding v. State of Hawaii	\$	350,000.00
16		Civil No. 08-1-1852-09		Settlement
17				
18				
19		SUBTOTAL:	\$	510,451.20
20				
21	9.	MISCELLANEOUS CLAIMS:		
22				
23		Susan C. Harrison	\$	1,738.59
24				
25		Debra Matthey	\$	700.00
26				
27		Gwen Kubo	\$	3,337.75
28				
29		Hon Ying Yuen	\$	600.00
30				
31				
32		SUBTOTAL:	\$	6,376.34
33				
34		Total (SECTION 1):		\$25,391,198.87

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

1 PART II

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

9 JUDGMENTS AGAINST THE STATE	AMOUNT
10 AND SETTLEMENTS OF CLAIMS:	
11	
12 DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION:	
13	
14 Callo, et al. v State of Hawaii	\$ 2,100,000.00
15 Civil No. 05-19782, Second Circuit	Settlement
16 Douger, et al. v. State of Hawaii	(Consolidated
17 Civil No. 05-18339, Second Circuit	cases)
18	
19 Chang v. State of Hawaii, et al.	\$ 15,000.00
20 Civil No. 12-1-1408-05, First Circuit	Settlement
21	
22 Delouise v. Werner, et al.	\$ 275,000.00
23 Civil No. 07-1-0459(1), Second Circuit	Settlement
24	
25 Dela Cruz v. State of Hawaii, et al.	\$ 35,000.00
26 Civil No. 06-1-0258, Third Circuit	Settlement
27	
28 Eager v. State of Hawaii, et al.	\$ 291,078.00
29 Civil No. 12-1-1408-05, First Circuit	Settlement
30	
31 Pleasanton v. State of Hawaii	\$ 35,000.00
32 Civil No. 09-1-2836-12 KTN, First Circuit	Settlement
33	
34	
35 SUBTOTAL:	\$ 2,751,078.00



1
2 TOTAL (SECTION 2) \$ 2,751,078.00

3
4 The sums appropriated shall be expended by the department
5 of transportation, highways division, for the purposes of this
6 Act.

7 PART III

8 SECTION 3. The following sum or so much thereof as may be
9 necessary for fiscal year 2012-2013 is appropriated out of the
10 harbor special fund for the purpose of satisfying a claim for
11 legislative relief as to the following named person, for a claim
12 against the State or its officers or employees for payment of a
13 judgment or settlement, or other liability, in the amount set
14 forth opposite the person's name:

15 JUDGMENTS AGAINST THE STATE	AMOUNT
16 AND SETTLEMENTS OF CLAIMS:	
17	
18 DEPARTMENT OF TRANSPORTATION, HARBORS DIVISION:	
19	
20 Andrade v. State of Hawaii, et al.	\$ 150,000.00
21 Civil No. 09-1-2959-12, First Circuit	Settlement
22	<hr/>
23	
24 SUBTOTAL:	\$ 150,000.00
25	
26 TOTAL (SECTION 3)	\$ 150,000.00
27	

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



1 PART IV

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

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

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

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



1 invalid provision or application, and to this end the provisions
2 of this Act are severable.

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



Report Title:

Appropriations; Claims Against the State

Description:

Makes appropriations for claims against the State, its officers, and its employees. (SD2)

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

