

JAN 20 2012

S.B. NO. 2491

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, for refunds, reimbursements, payments of judgments or settlements, or for other liabilities, in the amounts set forth opposite their names:

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

AMOUNT

1. DEPARTMENT OF EDUCATION:

Arasato v. State of Hawaii, et al.	\$ 33,518.32
Civil No. 07-1-2107-11, First Circuit	Judgment
McCauley v. Inouye, et al.	\$ 136,350.00
Civil No. 07-01-206K, Third Circuit	Settlement



1 Jemwai v. Keau, et al. \$ 252,500.00
2 Civil No. 09-1-0095-01, First Circuit Settlement

3
4 In the Matter of the Arbitration \$ 12,420.98
5 Between Hawaii State Teachers Association, Settlement
6 AFSME Local 152, AFL-CIO and Kihei
7 Public Charter High School

8
9 Carvalho v. State of Hawaii, et al. \$ 15,150.00
10 Civil No. 10-00348, USDC Settlement

11
12
13
14 SUBTOTAL: \$ 449,939.30

15
16 2. HAWAII HEALTH SYSTEMS CORPORATION:

17
18 United Public Workers AFSCME, Local 646, \$ 18,851.12
19 AFL-CIO v. State of Hawaii, et al. Judgment
20 S.P. No. 09-1-0305, First Circuit

21
22
23 SUBTOTAL: \$ 18,851.12

24
25 3. DEPARTMENT OF PUBLIC SAFETY:

26
27 Tenney v. State of Hawaii, et al. \$ 150,995.00
28 Civil No. 09-1-0190-01, First Circuit Settlement

29
30 Botelho, et al. v. State of Hawaii, et al. \$ 277,750.00
31 Civil No. 06-00096 DAE-BMK, USDC Settlement

32
33 Itagaki v. Frank, et al. \$ 83,830.00
34 Civil No. 09-00110 SOM-RLP, USDC Settlement

35
36 Kuresa v. Frank, et al. \$ 25,250.00
37 Civil No. 09-1-0303-02 RAT, First Circuit Settlement

38
39 Maier v. State of Hawaii, et al. \$ 20,200.00
40 Civil No. 10-00449 JMS BMK, USDC Settlement



1	SUBTOTAL:	\$ 558,025.00
2		
3	4. DEPARTMENT OF HEALTH:	
4		
5	Segundo v. Frederick, et al.	\$ 328,250.00
6	Civil No. 08-1-0106, Third Circuit	Settlement
7		
8		
9		
10	SUBTOTAL:	\$ 328,250.00
11		
12	5. DEPARTMENT OF HUMAN SERVICES:	
13		
14	Robinson v. Tripler Army Medical	\$ 21,138.87
15	Center, et al.	Settlement
16	Civil No. 04-00672, USDC	
17		
18	Sound v. Koller, et al.	\$ 70,825.29
19	Civil No. 09-00409 JMS/KSC, USDC	Settlement
20		
21		
22	SUBTOTAL:	\$ 91,964.16
23		
24	6. DEPARTMENT OF LAND AND NATURAL RESOURCES:	
25		
26	Santiago v. County of Kauai, et al.	\$ 18,180.00
27	Civil No. 08-1-0210, Fifth Circuit	Settlement
28		
29	Kinney v. Department of Land and	\$ 52,240.96
30	Natural Resources, et al.	Settlement
31	Civil No. 03-1-0010, Fifth Circuit	
32		
33		
34	SUBTOTAL:	\$ 70,420.96
35		
36	7. MISCELLANEOUS CLAIMS:	
37		
38	Tom Ishigo	\$ 1,871.17
39		
40	Nicole T. Kelley	\$ 398.69
41		
42	Paulette Yoshida	\$ 468.64
43		



SUBTOTAL: \$ 2,738.50

Total (SECTION 1): \$1,520,189.04

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 2011-2012 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:	
Labinia v. State of Hawaii, et al. Civil No. 07-1-0075-01, First Circuit	\$ 909,000.00 Settlement
Requelman v. State of Hawaii, et al. Civil No. 06-1-0366, Third Circuit	\$ 232,300.00 Settlement
Barba v. State of Hawaii, et al. Civil No. 09-1-0470-02, First Circuit	\$ 35,350.00 Settlement
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SUBTOTAL:	\$1,176,650.00
TOTAL (SECTION 2)	\$1,176,650.00



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

5 **PART III**

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

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

19 SECTION 5. All unexpended and unencumbered balances of the
20 appropriations made in this Act as of the close of business on
21 June 30, 2013, shall lapse.



1 SECTION 6. If any provision of this Act, or the
2 application thereof to any person or circumstance is held
3 invalid, the invalidity does not affect other provisions or
4 applications of the Act, which can be given effect without the
5 invalid provision or application, and to this end the provisions
6 of this Act are severable.

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

8

INTRODUCED BY:

Cpm Hce



S.B. NO. 2491

Report Title:

Appropriations; Claims Against the State

Description:

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

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

