

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
Tanaka, et al. v. State of Hawaii, et al. Civil No. 09-00579, USDC	\$ 73,000.00 Settlement
SUBTOTAL:	<hr/> \$1,278,000.00
2. DEPARTMENT OF BUDGET AND FINANCE:	
Matsumura v. Board of Trustees of the Employees' Retirement System of the State of Hawaii, CAAP-11-0000106	\$ 120,000.00 Settlement
SUBTOTAL:	<hr/> \$ 120,000.00
3. DEPARTMENT OF EDUCATION:	
Miljkovic v. State of Hawaii, et al. Civil No. 09-00064 ACK-KSC, USDC	\$ 7,500.00 Settlement
SUBTOTAL:	<hr/> \$ 7,500.00
4. DEPARTMENT OF LAND AND NATURAL RESOURCES:	
Ah Loo v. State of Hawaii, et al. Civil No. 11-1-0032, Fifth Circuit	\$ 40,000.00 Settlement
Brem, et al. v. State of Hawaii Civil No. 07-1-0176, Fifth Circuit	\$5,459,107.50 Settlement
Weingartner v. State of Hawaii, et al. Civil No. 09-1-1563-07, First Circuit	\$ 90,000.00 Settlement
SUBTOTAL:	<hr/> \$5,589,107.50

5. DEPARTMENT OF PUBLIC SAFETY:

Gishi v. State of Hawaii, et al. Civil No. 10-1-0198-01, First Circuit	\$ 75,000.00 Settlement
Glessner v. State of Hawaii, et al. MCCP No. 2010-066	\$ 30,000.00 Settlement
Graff, et al. v. State of Hawaii, et al. Civil No. 08-1-0975-05, First Circuit	\$ 156,814.01 Settlement
Kahle, et al. v. Villaflor, et al. Civil No. 10-00764 LEK-KSC, USDC	\$ 100,000.00 Settlement
Timas v. State of Hawaii, et al. Civil No. 10-00517, USDC	\$ 60,000.00 Settlement
Tagaca v. State of Hawaii, Civil No. 09-1-2098-09, First Circuit	\$ 35,000.00 Settlement

SUBTOTAL:	\$ 456,814.01
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6. OFFICE OF HAWAIIAN AFFAIRS:

Tsachev v. State of Hawaii, et al. Civil No. 09-1-1207-05	\$ 162,500.00 Settlement
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SUBTOTAL:	\$ 162,500.00
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Total (SECTION 1):	\$7,613,921.51
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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 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
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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	

SUBTOTAL:	\$ 210,000.00
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TOTAL (SECTION 2)	\$ 210,000.00
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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 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 AMOUNT AND SETTLEMENTS OF CLAIMS:

DEPARTMENT OF TRANSPORTATION, AIRPORTS DIVISION:

Wolfe v. State of Hawaii, et al.	\$ 60,000.00
Civil No. 10-1-1029-05, First Circuit	Settlement

SUBTOTAL: \$ 60,000.00

TOTAL (SECTION 3) \$ 60,000.00

The sum appropriated shall be expended by the department of transportation, airports 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 that 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, 2013, 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.

PART V

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

(Approved June 15, 2012.)