

ACT 80

S.B. NO. 2246

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 2013-2014 are appropriated out of the general revenues of

ACT 80

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. ALOHA TOWER DEVELOPMENT CORPORATION	
In the Matter of the Application of Honolulu Construction and Draying Company, Limited v. State of Hawaii, et al., Land Court Application No. 787, Hawaii Supreme Court No. SCWC-30484	\$ 165,929.42 Judgment
SUBTOTAL:	\$ 165,929.42
2. DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES:	
Claim by Estria Foundation	\$ 18,000.00 Settlement
SUBTOTAL:	\$ 18,000.00
3. DEPARTMENT OF EDUCATION:	
Barnett v. State of Hawaii, et al. Civil No. 10-1-0236, Fifth Circuit	\$ 41,511.54 Judgment
Garner, et al. v. State of Hawaii, et al. Civil No. 03-1-000305, First Circuit	\$ 132,819.00 Settlement
In the Matter of the Arbitration Between Hawaii State Teachers Association and Na Wai Ola (Waters of Life) Public Charter School, State of Hawaii, Grievance of Ginger Krauss	\$ 44,951.43 Judgment
Javier, et al. v. State of Hawaii, et al. Civil No. 07-1-0160(1), Second Circuit	\$ 124,169.60 Settlement
Chang v. Matayoshi, et al. Civil No. 13-00004 JMS BMK, USDC	\$ 63,333.34 Settlement
Duvauchelle-Puu v. Matayoshi, et al. Civil No. 13-00073 JMS BMK, USDC	\$ 63,333.33 Settlement
Lopez v. Matayoshi, et al. Civil No. 13-00134 JMS BMK, USDC	\$ 63,333.33 Settlement
SUBTOTAL:	\$ 533,451.57
4. DEPARTMENT OF HEALTH	
Johnson v. Rainbow Rehabilitation, et al. Civil No. 07-1-1855-10, First Circuit	\$ 221,080.66 Judgment
SUBTOTAL:	\$ 221,080.66

5. DEPARTMENT OF HUMAN SERVICES:	
Louis, et al. v. State of Hawaii, et al. Civil No. 05-1-0935-05, First Circuit	\$ 180,000.00 Settlement
Kolio, et al. v. State of Hawaii, et al. Civil No. 11-00266 LEK RLP, USDC	\$ 20,000.00 Settlement
Rhodes v. State of Hawaii, et al. Civil No. 09-1-2146-09, First Circuit	\$ 40,000.00 Settlement
SUBTOTAL:	<u>\$ 240,000.00</u>
6. DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS:	
Hawaii Pacific Health, et al. v. Dwight Takamine, Civil No. 11-00706 SOM/RLP, USDC	\$ 89,645.15 Settlement
SUBTOTAL:	<u>\$ 89,645.15</u>
7. DEPARTMENT OF LAND AND NATURAL RESOURCES:	
Coziar v. State of Hawaii Civil No. 13-1-0018(1), Second Circuit	\$ 30,000.00 Settlement
Imig v. State of Hawaii, et al. Civil No. 13-1-2995-11 (ECN), First Circuit	\$ 60,000.00 Settlement
In the Matter of the Arbitration Between Central Supply, Inc., et al. v. State of Hawaii, et al., S.P. No. 12-1-0029, and In the Matter of the Arbitration Between State of Hawaii, et al. v. Yamada Consolidated, Inc., et al., S.P. No. 13-1-0035	\$ 44,324.00 Settlement
SUBTOTAL:	<u>\$ 134,324.00</u>
8. DEPARTMENT OF PUBLIC SAFETY:	
Buan v. State of Hawaii, et al. Civil No. 11-1-1222-06, First Circuit	\$ 50,000.00 Settlement
Fontanilla v. State of Hawaii, et al. Civil No. 12-00641 BMK, USDC	\$ 35,000.00 Settlement
Kiyabu v. Frank, et al. Civil No. 13-00582, USDC	\$ 80,000.00 Settlement
Steed v. State of Hawaii, et al. Civil No. 11-1-1122-06, First Circuit	\$ 25,000.00 Settlement
SUBTOTAL:	<u>\$ 190,000.00</u>
9. OFFICE OF THE GOVERNOR:	
Oahu Publications, Inc., dba Honolulu Star-Advertiser v. Abercrombie, Civil No. 11-1-1871-08 KKS, First Circuit	\$ 70,272.66 Judgment
SUBTOTAL:	<u>\$ 70,272.66</u>

ACT 80

10. MISCELLANEOUS CLAIMS:

Aimee Clay	\$ 497.48
Thomas K. Nagano	\$ 222.96
Yoshikatsu Asano	\$ 1,939.00
Bruce A. Menin	\$ 421,346.13
Marie-Gertrude N. Leopoldo	\$ 417.00
Billing Dispute Between the Department of Education and Automated Health Care Solutions/Prescription Partners	\$ 67,000.00
SUBTOTAL:	\$ 491,422.57
Total (SECTION 1):	\$ 2,154,126.03

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 2013-2014 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:	
Adams, et al. v. Yokooji, et al. Civil No. 07-1-1567, First Circuit	\$ 25,000.00 Settlement
Booth v. State of Hawaii, et al. Civil No. 12-1-0262, Fifth Circuit	\$ 65,000.00 Settlement
Nakandakare, et al. v. State of Hawaii, et al. Civil No. 11-1-1740-08, First Circuit	\$ 32,500.00 Settlement
Shaya, et al. v. Franco, et al. Civil No. 11-1-0551, Second Circuit	\$ 700,000.00 Settlement
SUBTOTAL:	\$ 822,500.00
TOTAL (SECTION 2):	\$ 822,500.00

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

PART III

SECTION 3. 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 departments shall obtain the approval of the attorney general before payment of any claim can be made.

SECTION 4. 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 5. All unexpended and unencumbered balances of the appropriations made in this Act as of the close of business on June 30, 2015, shall lapse.

SECTION 6. 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.

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

(Approved May 13, 2014.)