

ACT 49

H.B. NO. 896

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 2014-2015 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:	
American Civil Liberties Union of Hawaii and Pamela G. Lichty v. Dean H. Seki, Civil No. 14-00150 JMS-RLP, USDC	\$ 12,401.00 Settlement
Hookano v. State of Hawaii Civil No. 14-1-0875-04, First Circuit	\$ 180,000.00 Settlement
SUBTOTAL:	\$ 192,401.00
2. DEPARTMENT OF THE ATTORNEY GENERAL:	
Fotoudis v. City and County of Honolulu, et al., Civil No. 14-00333, USDC	\$ 7,250.00 Settlement
SUBTOTAL:	\$ 7,250.00

3. DEPARTMENT OF EDUCATION:	
Kahiapo, et al. v. State of Hawaii, et al. Civil No. 11-1-2685-11, First Circuit	\$ 30,000.00 Settlement
Lee-Vith, et al. v. Department of Education, et al., Civil No. 12-1-2443-09, First Circuit	\$ 13,500.00 Settlement
Fukuda v. Department of Education, et al. Civil No. 12-1-200507, First Circuit	\$ 80,000.00 Settlement
Nishi v. Board of Education, et al. Civil No. 14-1-1295-06, First Circuit	\$ 325,000.00 Settlement
Hawaii Government Employees Association, et al. v. Abercrombie, et al., Case No. CE-03-824, HLRB	\$ 382,000.00 Settlement
SUBTOTAL:	<hr/> \$ 830,500.00
4. HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND:	
In the Matter of Dr. Morton Cotlar Case No. 2014-001	\$ 30,589.00 Settlement
SUBTOTAL:	<hr/> \$ 30,589.00
5. HAWAII STATE PUBLIC CHARTER SCHOOL:	
Dollnig v. Hawaii State Department of Education, et al. Civil No. 14-1-0025, Third Circuit	\$ 48,000.00 Settlement
SUBTOTAL:	<hr/> \$ 48,000.00
6. DEPARTMENT OF HEALTH:	
Daligcon, et al. v. State of Hawaii, et al. Civil No. 12-1-1269-05, First Circuit	\$ 96,701.54 Settlement
Rodriguez v. Onaka, et al. Civil No. 13-1-2207-08, First Circuit	\$ 5,728.85 Judgment
SUBTOTAL:	<hr/> \$ 102,430.39
7. DEPARTMENT OF HUMAN SERVICES:	
Alexander, et al. v. State of Hawaii, et al. Civil No. 11-1-0795-04, First Circuit	\$ 350,000.00 Settlement
Costales v. Rosete, et al. Civil No. 07-1-2360-12, First Circuit	\$ 462,594.00 Settlement
Polm, et al. v. Department of Human Services, et al., Civil No. 11-1-0548-03, First Circuit	\$ 135,469.79 Judgment
SUBTOTAL:	<hr/> \$ 948,063.79
8. DEPARTMENT OF LAND AND NATURAL RESOURCES:	
Tort Claim of Lisa M. Shamis	\$ 45,000.00 Settlement
SUBTOTAL:	<hr/> \$ 45,000.00

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9. DEPARTMENT OF PUBLIC SAFETY:

Slingluff v. State of Hawaii, et al. Civil No. 06-1-1654-09, First Circuit	\$ 1,036,395.94 Judgment
Waiolama, et al. v. State of Hawaii, et al. Civil No. 09-1-0679-03, First Circuit	\$ 69,094.33 Judgment
Lessary v. State of Hawaii, et al. Civil No. 12-1-1897-07, First Circuit	\$ 50,000.00 Settlement
Rosen Bien Galvan & Grunfeld, LLP, v. Department of Public Safety, et al., Civil No. 13-1-1078-04, First Circuit	\$ 25,598.78 Settlement
Webster, et al. v. State of Hawaii, et al. Civil No. 13-1-0145-01, First Circuit	\$ 50,000.00 Settlement
SUBTOTAL:	\$ 1,231,089.05

10. OFFICE OF THE GOVERNOR:

Oahu Publications, Inc., dba The Honolulu Advertiser v. Abercrombie, SCWC-13-0000127, CAAP-13-0000127, Civil No. 11-1-1871-08, First Circuit	\$ 45,000.00 Settlement
SUBTOTAL:	\$ 45,000.00

11. MISCELLANEOUS CLAIMS:

Raedrina A. Kealoha	\$ 51.12
Korean Airlines Co., Ltd.	\$ 2,177.50
Thomas K. Nagano	\$ 199.80
Mark Tamashiro	\$ 4,347.36
GE Capital Info Technology SOL	\$ 3,248.47
GTE Communication Systems Corp.	\$ 3,421.56
Kellogg Sales Company	\$ 2,660.59
Lehman Brothers, Inc.	\$ 14,906.96
SUBTOTAL:	\$ 31,013.36
TOTAL (SECTION 1):	\$ 3,511,336.59

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 2014-2015 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:	
Eager v. State of Hawaii, et al. Civil No. 12-1-1408-05, First Circuit	\$ 2,804.56
Higa v. State of Hawaii, et al. Civil No. 14-1-0751 ECN, First Circuit	\$ 72,000.00 Settlement
Hawaiian Telcom, Inc. v. Department of Transportation, et al., Civil No. 14-1-0427-02, First Circuit	\$ 20,000.00 Settlement
Miles, et al. v. State of Hawaii, et al. Civil No. 10-1-0977-05, First Circuit	\$ 900,000.00 Settlement
SUBTOTAL:	\$ 994,804.56
TOTAL (SECTION 2)	\$ 994,804.56

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

PART III

SECTION 3. The following sums or so much thereof as may be necessary for fiscal year 2014-2015 are appropriated out of the harbor special 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, HARBORS DIVISION:	
Barnard v. State of Hawaii, et al. Civil No. 12-1-2924-11, First Circuit	\$ 93,734.77 Settlement
SUBTOTAL:	\$ 93,734.77
TOTAL (SECTION 3)	\$ 93,734.77

The sums appropriated shall be expended by the department of transportation, harbors 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 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.

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SECTION 6. All unexpended and unencumbered balances of the appropriations made in this Act as of the close of business on June 30, 2016, 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.

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

(Approved May 15, 2015.)