
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 2005-2006 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	Oceanic Companies, Inc. v. State of	\$ 130,800.00
18	Hawaii, Civil No. 04-1-0054,	Settlement
19	Fifth Circuit	
20		
21	SUBTOTAL:	<hr/> \$ 130,800.00



1	2.	DEPARTMENT OF EDUCATION:	
2			
3		Aldana, Cesar (Tort Claim)	\$ 137,500.00
4			Settlement
5			
6		Anova Science Education Corp. and	
7		Robert Landsman v. Halau Lokahi Public	
8		Charter School, et al.	\$ 20,000.00
9		Civil No. 05-1-1395-08, First Circuit	Settlement
10			
11		Cacho v. State of Hawaii, et al.	\$ 25,000.00
12		Civil No. 04-1-1091-06, First Circuit	Settlement
13			
14		Sula, Pamata (Tort Claim)	\$ 125,000.00
15			Settlement
16			
17		SUBTOTAL:	<u>\$ 307,500.00</u>
18			
19	3.	DEPARTMENT OF HUMAN SERVICES:	
20			
21		Doi v. State of Hawaii, et al.	\$ 2,000,000.00
22		Civil No. 97-4036-10, First Circuit	Settlement
23			
24		Hirata v. Chandler, et al.	\$ 90,000.00
25		Civil No. 02-1-2277-09, First Circuit	Settlement
26			
27		Ryan, et al. v. Kamaka, et al.	\$ 47,500.00
28		Civil No. 03-00384, USDC	Settlement
29			
30		SUBTOTAL:	<u>\$ 2,137,500.00</u>
31			
32	4.	DEPARTMENT OF LAND AND NATURAL RESOURCES:	
33			
34		Fielder v. Murphy	\$ 162,018.34
35		Civil No. 01-00608, USDC	Judgment
36			
37		SUBTOTAL:	<u>\$ 162,018.34</u>



1	5.	DEPARTMENT OF PUBLIC SAFETY:		
2				
3		Abiley v. State of Hawaii	\$	23,000.00
4		Civil No. 04-1-0725-04, First Circuit		Settlement
5				
6		SUBTOTAL:	\$	<u>23,000.00</u>
7				
8	6.	MISCELLANEOUS CLAIMS:		
9				
10		Boetcher, Barbara E.	\$	65.08
11				
12		SUBTOTAL:	\$	<u>65.08</u>
13				
14		TOTAL (SECTION 1):	\$	2,760,883.42

15
16 The sums appropriated shall be expended by the department
17 of the attorney general for the purposes of this Act.

18 PART II

19 SECTION 2. The following sums or so much thereof as may be
20 necessary for fiscal year 2005-2006 are appropriated out of the
21 state highway fund for the purpose of satisfying claims for
22 legislative relief as to the following named persons, for claims
23 against the State or its officers or employees for payments of
24 judgments or settlements, or other liabilities, in the amount
25 set forth opposite their names:

26	JUDGMENTS AGAINST THE STATE		AMOUNT
27	AND SETTLEMENTS OF CLAIMS:		
28			
29	DEPARTMENT OF TRANSPORTATION,		
30	HIGHWAYS DIVISION:		
31			
32	Benicta v. State of Hawaii	\$	15,000.00
33	Civil No. 05-1-1556-08, First Circuit		Settlement



1	Carvalho, et al. v. State of Hawaii, et al.	\$	25,000.00
2	Civil No. 04-1-118, Third Circuit		Settlement
3			
4	Fearon v. State of Hawaii	\$	65,000.00
5	Civil No. 03-1-1939-09, First Circuit		Settlement
6			
7	Fortuno v. Lee Loy, et al.	\$	15,000.00
8	Civil No. 04-1-0402, Third Circuit		Settlement
9			
10	Kamalu v. Paren, et al.	\$	1,273,945.21
11	Civil No. 97-4959-12, First Circuit		Judgment
12			
13	Moniz, et al. v. Keola, et al.	\$	75,000.00
14	Civil No. 02-1-2741-11, First Circuit		Settlement
15			
16	Nelson v. State of Hawaii, et al.	\$	40,000.00
17	Civil No. 03-1-0415(3), Second Circuit		Settlement
18			
19	Newhouse v. Buza, et al.	\$	200,000.00
20	Civil No. 04-1-0090, Fifth Circuit		Settlement
21			
22	SUBTOTAL:		<u>\$ 1,708,945.21</u>
23			
24	TOTAL (SECTION 2):		\$ 1,708,945.21
25			

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

29 SECTION 3. The sums hereinabove may be paid to the
 30 respective persons, or for the satisfaction or settlement of the
 31 respectively identified cases, and in several amounts
 32 hereinabove set forth or in lesser amounts deemed appropriate,
 33 upon checks issued by the comptroller; provided that the



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

3 SECTION 4. Notwithstanding the sums hereinabove stated as
4 interest upon judgments against the State, payment of interest
5 shall be limited to the period from the date of judgment, if
6 applicable, to thirty days after the effective date of this
7 part, as provided in section 662-8, Hawaii Revised Statutes, for
8 those cases to which the statute applies.

9 PART III

10 SECTION 5. All unexpended and unencumbered balances of the
11 appropriations made in this Act as of the close of business on
12 June 30, 2007, shall lapse.

13 SECTION 6. If any provision of this Act, or the
14 application thereof to any person or circumstance is held
15 invalid, the invalidity does not affect other provisions or
16 applications of the Act, which can be given effect without the
17 invalid provision or application, and to this end the provisions
18 of this Act are severable.

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



HB 2277
HD2

Report Title:

Claims against the State; appropriations

Description:

Provides for the authorization and payment of claims against the State for judgments, settlements, and other miscellaneous payments. (HB2277 HD2)

