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# 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		Aguinaldo, et al. v. De Costa, et al.	\$	16,500.00
4		Civil No. 05-1-0380(3), Second Circuit		Settlement
5				
6		Aldana, Cesar (Tort Claim)	\$	137,500.00
7				Settlement
8				
9		Anova Science Education Corp. and		
10		Robert Landsman v. Halau Lokahi Public		
11		Charter School, et al.	\$	20,000.00
12		Civil No. 05-1-1395-08, First Circuit		Settlement
13				
14		Cacho v. State of Hawaii, et al.	\$	25,000.00
15		Civil No. 04-1-1091-06, First Circuit		Settlement
16				
17		Hewett v. State of Hawaii	\$	37,000.00
18		Civil No. 05-1-0313, First Circuit		Settlement
19				
20		Sula, Pamata (Tort Claim)	\$	125,000.00
21				Settlement
22				
23		SUBTOTAL:	\$	361,000.00
24				
25	3.	DEPARTMENT OF HEALTH:		
26				
27		Hawaii Disability Rights Center, et al		
28		v. State of Hawaii, et al.	\$	121,169.17
29		Civil No. 03-00524, USDC		Judgment
30				
31		Tyler, et al v. State of Hawaii, et al.	\$	32,889.00
32		Civil No. 05-1-0037-01, First Circuit		Settlement
33				
34		SUBTOTAL:	\$	154,058.17
35				
36	4.	HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII:		
37				
38		Amone, et al. v. Aveiro, et al.		\$40,138.59
39		Civil No. 04-00508, USDC		Settlement
40				
41		SUBTOTAL:	\$	40,138.59
42				
43				



1			
2	5.	DEPARTMENT OF HUMAN SERVICES:	
3			
4		Doi v. State of Hawaii, et al.	\$ 2,000,000.00
5		Civil No. 97-4036-10, First Circuit	Settlement
6			
7		Hirata v. Chandler, et al.	\$ 90,000.00
8		Civil No. 02-1-2277-09, First Circuit	Settlement
9			
10		Kahoochanohano, et al. v. Department of Human	
11		Services, et al.	\$ 74,000.00
12		Civil No. 03-1-0012(2), Second Circuit	Settlement
13			
14		Rayford v. Omura, et al.	\$ 65,000.00
15		Civil No. 04-00565, USDC	Settlement
16			
17		R.G., et al., v. Koller, et al.	\$ 625,000.00
18		Civil No. 05-566, USDC	Settlement
19			
20		Ryan, et al. v. Kamaka, et al.	\$ 47,500.00
21		Civil No. 03-00384, USDC	Settlement
22			
23		SUBTOTAL:	<u>\$ 2,901,500.00</u>
24			
25	6.	DEPARTMENT OF LAND AND NATURAL RESOURCES:	
26			
27		Fielder v. Murphy	\$ 162,018.34
28		Civil No. 01-00608, USDC	Judgment
29			
30		Giltner v. State of Hawaii, et al.	\$ 79,469.52
31		Civil No. 02-1-0187, Fifth Circuit	Judgment
32			
33		Rumball, et al. v. State of Hawaii, et al.	\$ 100,000.00
34		Civil No. 04-1-0038K, Third Circuit	Settlement
35			
36		SUBTOTAL:	<u>\$ 341,487.86</u>
37			
38	7.	DEPARTMENT OF PUBLIC SAFETY:	
39			
40		Abiley v. State of Hawaii	\$ 23,000.00
41		Civil No. 04-1-0725-04, First Circuit	Settlement



1	Belle v. State of Hawaii, et al.	\$	225,000.00
2	Civil No. 04-1-1355-07, First Circuit		Settlement
3			
4	Fineman v. Maesaka, et al.		
5	Civil No. 04-1-1619-09, First Circuit		
6	And		
7	Allstate Insurance Company, et al. v.		
8	State of Hawaii, et al., Civil No.	\$	70,000.00
9	05-1-1049-06, First Circuit		Settlement
10			
11	Rodenhurst v. State of Hawaii, et al.	\$	31,342.71
12	Civil No. 04-1-0724-04, First Circuit		Judgment
13			
14	Roe v. Murashige, et al.	\$	95,000.00
15	Civil No. 05-1-0008(1), Second Circuit		Settlement
16			
17	Siuze v. Department of Public Safety, et al.	\$	36,238.80
18	Civil No. 05-1-0780-05, First Circuit		Settlement
19			
20	SUBTOTAL:	\$	480,581.51
21			
22	8. RESEARCH CORPORATION OF THE UNIVERSITY OF HAWAII:		
23			
24	Perreira v. Maloney, et al.	\$	22,500.00
25	Civil No. 04-1-1075, Third Circuit		Settlement
26			
27	SUBTOTAL:	\$	22,500.00
28			
29	9. MISCELLANEOUS CLAIMS:		
30			
31	Boetcher, Barbara E.	\$	65.08
32			
33	SUBTOTAL:	\$	65.08
34			
35	TOTAL (SECTION 1):	\$	4,432,131.21
36			

37 The sums appropriated shall be expended by the department  
 38 of the attorney general for the purposes of this Act.



1 PART II

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

9	JUDGMENTS AGAINST THE STATE	AMOUNT
10	AND SETTLEMENTS OF CLAIMS:	
11		
12	DEPARTMENT OF TRANSPORTATION,	
13	HIGHWAYS DIVISION:	
14		
15	Adams, et al. v. Lee Loy, et al.	
16	Civil No. 04-1-0413, Third Circuit	\$ 35,073.97
17		Settlement
18		
19	Benicta v. State of Hawaii	\$ 15,000.00
20	Civil No. 05-1-1556-08, First Circuit	Settlement
21		
22	Brzezowski, et al. v. State of Hawaii, et al.	\$ 150,000.00
23	Civil No. 04-1-0595-03, First Circuit	Settlement
24		
25	Carvalho, et al. v. State of Hawaii, et al.	\$ 25,000.00
26	Civil No. 04-1-118, Third Circuit	Settlement
27		
28	Fearon v. State of Hawaii	\$ 65,000.00
29	Civil No. 03-1-1939-09, First Circuit	Settlement
30		
31	Fortuno v. Lee Loy, et al.	\$ 15,000.00
32	Civil No. 04-1-0402, Third Circuit	Settlement
33		
34	Kamalu v. Paren, et al.	\$ 1,702,327.87
35	Civil No. 97-4959-12, First Circuit	Judgment



1	Kienker, et al. v. Bauer, et al.	\$ 1,135,188.72
2	Civil No. 98-033K, Third Circuit	Judgment
3		
4	Kramer v. Elliott, et al.	\$160,753.09
5	Civil No. 97-256, Third Circuit	Judgment
6		
7	Lewis, et al. v. State of Hawaii, et al.	\$ 318,467.62
8	Civil No. 02-1-0257, Second Circuit	Settlement
9		
10	Moniz, et al. v. Keola, et al.	\$ 75,000.00
11	Civil No. 02-1-2741-11, First Circuit	Settlement
12		
13	Nelson v. State of Hawaii, et al.	\$ 40,000.00
14	Civil No. 03-1-0415(3), Second Circuit	Settlement
15		
16	Newhouse v. Buza, et al.	\$ 200,000.00
17	Civil No. 04-1-0090, Fifth Circuit	Settlement
18		
19	Pregil v. State of Hawaii	\$ 15,000.00
20	Civil No. 06-1-0052-01 SSM, First Circuit	Settlement
21		
22	SUBTOTAL:	\$ 3,951,811.27
23		
24	TOTAL (SECTION 2):	\$ 3,951,811.27
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 legislature finds and declares that the  
 30 following claim for legislative relief recommended for approval  
 31 as to the following named person for claims against the State or  
 32 department of land and natural resources or its officers or  
 33 employees for the payment of judgments or settlements, or other



1 liabilities, in the amount set forth opposite their name, is  
2 approved for payment:

3 JUDGMENTS AGAINST THE STATE  
4 AND SETTLEMENT OF CLAIMS:

5  
6 DEPARTMENT OF LAND AND NATURAL RESOURCES.

7  
8 Allstate Insurance Company \$ 25,000.00  
9 (Tort Claim) Settlement

10  
11  
12 SUBTOTAL: \$ 25,000.00

13  
14 TOTAL (SECTION 3): \$ 25,000.00  
15

16 Provided that the legislative appropriation for the  
17 department of land and natural resources for fiscal year  
18 2006-2007 shall be expended from the special land and  
19 development fund S-07-318 by the department of land and natural  
20 resources for the purposes of this Act.

21 SECTION 4. There is appropriated out of the general  
22 revenues of the State of Hawaii the sum of \$2,300,000, for  
23 fiscal year 2006-2007, to the housing and community development  
24 corporation of Hawaii, for the purpose of the settlement of the  
25 case entitled, Smith, et al. v. Housing and Community  
26 Development Corporation of Hawaii, Civil No. 04-1-0096K, Third  
27 Circuit.

1 Funds appropriated under this section shall be subject to:

2 (1) Obtaining necessary approval of the settlement from  
3 the circuit court and the Department of Housing and  
4 Urban Development;

5 (2) Disbursement of settlement money to individual  
6 qualified resident households, with a set-off or rent  
7 credit for any delinquent amounts owed to the housing  
8 and community development corporation of Hawaii, and  
9 in the form of future rent credits, provided that the  
10 housing and community development corporation of  
11 Hawaii shall retain any amount of moneys for such rent  
12 credits, set-offs, or future rent credits; and

13 (3) Payment of any attorney's fees.

14 Funds appropriated under this section shall be allocated  
15 and expended by the housing and community development  
16 corporation of Hawaii for the purposes of and in accordance with  
17 this section, including but not limited to the terms and  
18 conditions of the applicable settlement agreement, and for any  
19 rent credit, set-off, or future rent credit.

20 SECTION 5. The sums hereinabove may be paid to the  
21 respective persons, or for the satisfaction or settlement of the  
22 respectively identified cases, and in several amounts



1 hereinabove set forth or in lesser amounts deemed appropriate,  
2 upon checks issued by the comptroller; provided that the  
3 departments shall obtain the approval of the attorney general  
4 before payment of any claim can be made.

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

11 PART III

12 SECTION 7. All unexpended and unencumbered balances of the  
13 appropriations made in this Act as of the close of business on  
14 June 30, 2007, shall lapse.

15 SECTION 8. If any provision of this Act, or the  
16 application thereof to any person or circumstance is held  
17 invalid, the invalidity does not affect other provisions or  
18 applications of the Act, which can be given effect without the  
19 invalid provision or application, and to this end the provisions  
20 of this Act are severable.

21 SECTION 9. This Act shall take effect upon its approval.

**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 CD1)

