
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		Aguinaldo, et al. v. De Costa, et al.	\$	16,500.00
18		Civil No. 05-1-0380(3), Second Circuit		Settlement
19				
20		SUBTOTAL:	\$	324,000.00
21				
22	3.	DEPARTMENT OF HUMAN SERVICES:		
23				
24		Doi v. State of Hawaii, et al.	\$	2,000,000.00
25		Civil No. 97-4036-10, First Circuit		Settlement
26				
27		Hirata v. Chandler, et al.	\$	90,000.00
28		Civil No. 02-1-2277-09, First Circuit		Settlement
29				
30		Ryan, et al. v. Kamaka, et al.	\$	47,500.00
31		Civil No. 03-00384, USDC		Settlement
32				
33		SUBTOTAL:	\$	2,137,500.00
34				
35	4.	DEPARTMENT OF LAND AND NATURAL RESOURCES:		
36				
37		Fielder v. Murphy	\$	162,018.34
38		Civil No. 01-00608, USDC		Judgment
39				
40		Giltner v. State of Hawaii, et al.	\$	79,469.52
41		Civil No. 02-1-0187, Fifth Circuit		Judgment
42				
43		Rumball, et al. v. State of Hawaii, et al.	\$	100,000.00



1	Civil No. 04-1-0038K, Third Circuit	Settlement
2		
3	SUBTOTAL:	\$ 341,487.86
4		
5	5. DEPARTMENT OF PUBLIC SAFETY:	
6		
7	Abiley v. State of Hawaii	\$ 23,000.00
8	Civil No. 04-1-0725-04, First Circuit	Settlement
9		
10	SUBTOTAL:	\$ 23,000.00
11		
12	6. RESEARCH CORPORATION OF THE UNIVERSITY OF HAWAII:	
13		
14	Perreira v. Maloney, et al.	\$ 22,500.00
15	Civil No. 04-1-1075, Third Circuit	Settlement
16		
17	SUBTOTAL:	\$ 22,500.00
18		
19	7. MISCELLANEOUS CLAIMS:	
20		
21	Boetcher, Barbara E.	\$ 65.08
22		
23	SUBTOTAL:	\$ 65.08
24		
25	TOTAL (SECTION 1):	\$ 2,979,352.94

26 The sums appropriated shall be expended by the department
 27
 28 of the attorney general for the purposes of this Act.

29 PART II

30 SECTION 2. The following sums or so much thereof as may be
 31 necessary for fiscal year 2005-2006 are appropriated out of the
 32 state highway fund for the purpose of satisfying claims for
 33 legislative relief as to the following named persons, for claims
 34 against the State or its officers or employees for payments of



1 judgments or settlements, or other liabilities, in the amount
2 set forth opposite their names:

3	JUDGMENTS AGAINST THE STATE	AMOUNT
4	AND SETTLEMENTS OF CLAIMS:	
5		
6	DEPARTMENT OF TRANSPORTATION,	
7	HIGHWAYS DIVISION:	
8		
9	Benicta v. State of Hawaii	\$ 15,000.00
10	Civil No. 05-1-1556-08, First Circuit	Settlement
11		
12	Carvalho, et al. v. State of Hawaii, et al.	\$ 25,000.00
13	Civil No. 04-1-118, Third Circuit	Settlement
14		
15	Fearon v. State of Hawaii	\$ 65,000.00
16	Civil No. 03-1-1939-09, First Circuit	Settlement
17		
18	Fortuno v. Lee Loy, et al.	\$ 15,000.00
19	Civil No. 04-1-0402, Third Circuit	Settlement
20		
21	Kamalu v. Paren, et al.	\$ 1,702,327.87
22	Civil No. 97-4959-12, First Circuit	Judgment
23		
24	Moniz, et al. v. Keola, et al.	\$ 75,000.00
25	Civil No. 02-1-2741-11, First Circuit	Settlement
26		
27	Nelson v. State of Hawaii, et al.	\$ 40,000.00
28	Civil No. 03-1-0415(3), Second Circuit	Settlement
29		
30	Newhouse v. Buza, et al.	\$ 200,000.00
31	Civil No. 04-1-0090, Fifth Circuit	Settlement
32		
33	Adams, et al. v. Lee Loy, et al.	\$ 35,073.97
34	Civil No. 04-1-0413, Third Circuit	Settlement
35		
36		
37	Brzezowski, et al. v. State of Hawaii, et al.	\$ 150,000.00
38	Civil No. 04-1-0595-03, First Circuit	Settlement
39		
40	Lewis, et al. v. State of Hawaii, et al.	\$ 318,467.62
41	Civil No. 02-1-0257, Second Circuit	Settlement



1			
2	Pregil v. State of Hawaii	\$	15,000.00
3	Civil No. 06-1-0052-01 SSM, First Circuit		Settlement
4			
5	SUBTOTAL:		<u>\$ 2,655,869.48</u>
6			
7	TOTAL (SECTION 2):	\$	2,655,869.48
8			

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

12 SECTION 3. The legislature finds and declares that the
13 following claim for legislative relief recommended for approval
14 as to the following named person for claims against the State or
15 department of land and natural resources or its officers or
16 employees for the payment of judgments or settlements, or other
17 liabilities, in the amount set forth opposite their name, is
18 approved for payment:

19 JUDGMENTS AGAINST THE STATE
20 AND SETTLEMENT OF CLAIMS:

21 DEPARTMENT OF LAND AND NATURAL RESOURCES.

22			
23			
24	Allstate Insurance Company	\$	25,000.00
25	(Tort Claim)		Settlement
26			
27			
28	SUBTOTAL:	\$	<u>25,000.00</u>
29			
30	TOTAL (SECTION 3):		\$25,00.00
31			



1 Provided that the legislative appropriation for the
2 department of land and natural resources for fiscal year
3 2006-2007 shall be expended from the special land and
4 development fund S-07-318 by the department of land and natural
5 resources for the purposes of this Act.

6 SECTION 4. There is appropriated out of the general
7 revenues of the State of Hawaii the sum of \$2,300,000, for
8 fiscal year 2006-2007, to the housing and community development
9 corporation of Hawaii, for the purpose of the settlement of the
10 case entitled, Smith, et al. v. Housing and Community
11 Development Corporation of Hawaii, Civil No. 04-1-0096K, Third
12 Circuit.

13 Funds appropriated under this section shall be subject to:

- 14 (1) Obtaining necessary approval of the settlement from
15 the circuit court and the Department of Housing and
16 Urban Development;
- 17 (2) Disbursement of settlement money to individual
18 qualified resident households, with a set-off or rent
19 credit for any delinquent amounts owed to the housing
20 and community development corporation of Hawaii, and
21 in the form of future rent credits, provided that the
22 housing and community development corporation of

1 Hawaii shall retain any amount of moneys for such rent
2 credits, set-offs, or future rent credits; and

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

4 Funds appropriated under this section shall be allocated
5 and expended by the housing and community development
6 corporation of Hawaii for the purposes of and in accordance with
7 this section, including but not limited to the terms and
8 conditions of the applicable settlement agreement, and for an
9 rent credit, set-off, or future rent credit.

10 SECTION 5. The sums hereinabove may be paid to the
11 respective persons, or for the satisfaction or settlement of the
12 respectively identified cases, and in several amounts
13 hereinabove set forth or in lesser amounts deemed appropriate,
14 upon checks issued by the comptroller; provided that the
15 departments shall obtain the approval of the attorney general
16 before payment of any claim can be made.

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



1 PART III

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

5 SECTION 8. If any provision of this Act, or the
6 application thereof to any person or circumstance is held
7 invalid, the invalidity does not affect other provisions or
8 applications of the Act, which can be given effect without the
9 invalid provision or application, and to this end the provisions
10 of this Act are severable.

11 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. (SD1)

