
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		Sula, Pamata (Tort Claim)	\$	125,000.00
18				Settlement
19				
20		SUBTOTAL:	\$	324,000.00
21				
22	3.	DEPARTMENT OF HEALTH:		
23				
24		Hawaii Disability Rights Center, et al		
25		v. State of Hawaii, et al.	\$	121,169.17
26		Civil No. 03-00524, USDC		Settlement
27				
28		Tyler, et al v. State of Hawaii, et al.	\$	32,889.00
29		Civil No. 05-1-0037-01, First Circuit		Settlement
30				
31		SUBTOTAL:	\$	154,058.17
32				
33	4.	DEPARTMENT OF HUMAN SERVICES:		
34				
35		Doi v. State of Hawaii, et al.	\$	2,000,000.00
36		Civil No. 97-4036-10, First Circuit		Settlement
37				
38		Hirata v. Chandler, et al.	\$	90,000.00
39		Civil No. 02-1-2277-09, First Circuit		Settlement
40				
41		Rayford v. Omura, et al.	\$	65,000.00
42		Civil No. 04-00565, USDC		Settlement
43				



1	Ryan, et al. v. Kamaka, et al.	\$	47,500.00
2	Civil No. 03-00384, USDC		Settlement
3			
4	SUBTOTAL:		\$ 2,202,500.00
5			
6	5. DEPARTMENT OF LAND AND NATURAL RESOURCES:		
7			
8	Fielder v. Murphy	\$	162,018.34
9	Civil No. 01-00608, USDC		Judgment
10			
11	Giltner v. State of Hawaii, et al.	\$	79,469.52
12	Civil No. 02-1-0187, Fifth Circuit		Judgment
13			
14	Rumball, et al. v. State of Hawaii, et al.	\$	100,000.00
15	Civil No. 04-1-0038K, Third Circuit		Settlement
16			
17	SUBTOTAL:		\$ 341,487.86
18			
19	6. DEPARTMENT OF PUBLIC SAFETY:		
20			
21	Abiley v. State of Hawaii	\$	23,000.00
22	Civil No. 04-1-0725-04, First Circuit		Settlement
23			
24	Belle v. State of Hawaii, et al.	\$	225,000.00
25	Civil No. 04-1-1355-07, First Circuit		Settlement
26			
27	Fineman v. Maesaka, et al.		
28	Civil No. 04-1-1619-09, First Circuit		
29	And		
30	Allstate Insurance Company, et al. v.		
31	State of Hawaii, et al., Civil No.	\$	70,000.00
32	05-1-1049-06, First Circuit		Settlement
33			
34	Rodenhurst v. State of Hawaii, et al.	\$	31,342.17
35	Civil No. 04-1-0724-04, First Circuit		Judgment
36			
37	Siuze v. Department of Public Safety, et al.	\$	36,238.80
38	Civil No. 05-1-0780-05, First Circuit		Settlement
39			
40	SUBTOTAL:		\$ 385,580.97
41			
42	7. RESEARCH CORPORATION OF THE UNIVERSITY OF HAWAII:		
43			



1	Perreira v. Maloney, et al.	\$ 22,500.00
2	Civil No. 04-1-1075, Third Circuit	Settlement
3		
4	SUBTOTAL:	\$ 22,500.00
5		
6	8. MISCELLANEOUS CLAIMS:	
7		
8	Boetcher, Barbara E.	\$ 65.08
9		
10	SUBTOTAL:	\$ 65.08
11		
12	TOTAL (SECTION 1):	\$ 3,560,992.08

13
14 The sums appropriated shall be expended by the department
15 of the attorney general for the purposes of this Act.

16 PART II

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

24	JUDGMENTS AGAINST THE STATE	AMOUNT
25	AND SETTLEMENTS OF CLAIMS:	
26		
27	DEPARTMENT OF TRANSPORTATION,	
28	HIGHWAYS DIVISION:	
29		
30	Adams, et al. v. Lee Loy, et al.	
31	Civil No. 04-1-0413, Third Circuit	\$ 35,073.97
32		Settlement
33		



1	Benicta v. State of Hawaii	\$	15,000.00
2	Civil No. 05-1-1556-08, First Circuit		Settlement
3			
4	Brzezowski, et al. v. State of Hawaii, et al.	\$	150,000.00
5	Civil No. 04-1-0595-03, First Circuit		Settlement
6			
7	Carvalho, et al. v. State of Hawaii, et al.	\$	25,000.00
8	Civil No. 04-1-118, Third Circuit		Settlement
9			
10	Fearon v. State of Hawaii	\$	65,000.00
11	Civil No. 03-1-1939-09, First Circuit		Settlement
12			
13	Fortuno v. Lee Loy, et al.	\$	15,000.00
14	Civil No. 04-1-0402, Third Circuit		Settlement
15			
16	Kamalu v. Paren, et al.	\$	1,702,327.87
17	Civil No. 97-4959-12, First Circuit		Judgment
18			
19	Kienker, et al. v. Bauer, et al.	\$	1,135,188.72
20	Civil No. 98-033K, Third Circuit		Judgment
21			
22	Kramer v. Elliott, et al.		\$160,753.09
23	Civil No. 97-256, Third Circuit		Judgment
24			
25	Lewis, et al. v. State of Hawaii, et al.	\$	318,467.62
26	Civil No. 02-1-0257, Second Circuit		Settlement
27			
28	Moniz, et al. v. Keola, et al.	\$	75,000.00
29	Civil No. 02-1-2741-11, First Circuit		Settlement
30			
31	Nelson v. State of Hawaii, et al.	\$	40,000.00
32	Civil No. 03-1-0415(3), Second Circuit		Settlement
33			
34	Newhouse v. Buza, et al.	\$	200,000.00
35	Civil No. 04-1-0090, Fifth Circuit		Settlement
36			
37	Pregil v. State of Hawaii	\$	15,000.00
38	Civil No. 06-1-0052-01 SSM, First Circuit		Settlement
39			
40	SUBTOTAL:	\$	3,951,811.27
41			
42	TOTAL (SECTION 2):	\$	3,951,811.27
43			



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

4 SECTION 3. The legislature finds and declares that the
5 following claim for legislative relief recommended for approval
6 as to the following named person for claims against the State or
7 department of land and natural resources or its officers or
8 employees for the payment of judgments or settlements, or other
9 liabilities, in the amount set forth opposite their name, is
10 approved for payment:

11 JUDGMENTS AGAINST THE STATE
12 AND SETTLEMENT OF CLAIMS:

13	DEPARTMENT OF LAND AND NATURAL RESOURCES.	
14		
15		
16	Allstate Insurance Company	\$ 25,000.00
17	(Tort Claim)	Settlement
18		
19		
20	SUBTOTAL:	\$ 25,000.00
21		
22	TOTAL (SECTION 3):	\$ 25,000.00
23		

24 Provided that the legislative appropriation for the
25 department of land and natural resources for fiscal year
26 2006-2007 shall be expended from the special land and
27 development fund S-07-318 by the department of land and natural
28 resources for the purposes of this Act.

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

8 Funds appropriated under this section shall be subject to:

- 9 (1) Obtaining necessary approval of the settlement from
10 the circuit court and the Department of Housing and
11 Urban Development;
- 12 (2) Disbursement of settlement money to individual
13 qualified resident households, with a set-off or rent
14 credit for any delinquent amounts owed to the housing
15 and community development corporation of Hawaii, and
16 in the form of future rent credits, provided that the
17 housing and community development corporation of
18 Hawaii shall retain any amount of moneys for such rent
19 credits, set-offs, or future rent credits; and
- 20 (3) Payment of any attorney's fees.

21 Funds appropriated under this section shall be allocated
22 and expended by the housing and community development



1 corporation of Hawaii for the purposes of and in accordance with
2 this section, including but not limited to the terms and
3 conditions of the applicable settlement agreement, and for an
4 rent credit, set-off, or future rent credit.

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

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

18 PART III

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



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

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

HB2277, SD2

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. (SD2)

