

PROPOSED

THE SENATE
TWENTY-THIRD LEGISLATURE, 2006
STATE OF HAWAII

S.B. NO. 2240
S.D. 1

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

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1	2.	DEPARTMENT OF EDUCATION:		
2				
3		Aldana, Cesar (Tort Claim)	\$	137,500.00
4				Settlement
5				
6		Cacho v. State of Hawaii, et al.	\$	25,000.00
7		Civil No. 04-1-1091-06, First Circuit		Settlement
8				
9		Sula, Pamata (Tort Claim)	\$	125,000.00
10				Settlement
11		Anova Science Education		
12		Corp. and Robert Landsman v.		
13		Halau Lokahi Public Charter		
14		School, et at.		
15		Civil No. 05-1-1395-08, First Circuit	\$	20,000.00
16				Settlement
17		Ilagan v. State of Hawaii, et al.		
18		Civil No. 03-00553, United States		
19		District Court	\$	12,000.00
20				Settlement
21				
22		SUBTOTAL:	\$	319,500.00
23				
24	3.	DEPARTMENT OF HUMAN SERVICES:		
25				
26		Hirata v. Chandler, et al.	\$	90,000.00
27		Civil No. 02-1-2277-09, First Circuit		Settlement
28				
29		Ryan, et al. v. Kamaka, et al.	\$	47,500.00
30		Civil No. 03-00384, USDC		Settlement
31				
32		Doi v. State of Hawaii, et al.		
33		Civil No. 97-4036-10, First Circuit	\$	2,000,000.00
34				Settlement
35				
36		SUBTOTAL:	\$	2,137,500.00
37				
38	4.	DEPARTMENT OF PUBLIC SAFETY:		
39				
40		Abiley v. State of Hawaii	\$	23,000.00
41		Civil No. 04-1-0725-04, First Circuit		Settlement
42				
43		SUBTOTAL:	\$	23,000.00



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1			
2	5.	MISCELLANEOUS CLAIMS:	
3			
4		Boetcher, Barbara E.	\$ 65.08
5			
6		SUBTOTAL:	\$ 65.08
7			
8		TOTAL (SECTION 1):	\$ 2,610,865.00
9			

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

12 PART II

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

20	JUDGMENTS AGAINST THE STATE		AMOUNT
21	AND SETTLEMENTS OF CLAIMS:		
22			
23	DEPARTMENT OF TRANSPORTATION,		
24	HIGHWAYS DIVISION:		
25			
26	Moniz, et al. v. Keola, et al.	\$	75,000.00
27	Civil No. 02-1-2741-11, First Circuit		Settlement
28			
29	Fearon v. State of Hawaii		
30	Civil No. 03-1-1939-09, First Circuit		\$65,000.00
31			Settlement
32			
33	SUBTOTAL:	\$	140,000.00



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1
2 TOTAL (SECTION 2): \$ 75,000.00
3

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

7 SECTION 3. The sums hereinabove may be paid to the
8 respective persons, or for the satisfaction or settlement of the
9 respectively identified cases, and in several amounts
10 hereinabove set forth or in lesser amounts deemed appropriate,
11 upon checks issued by the comptroller; provided departments must
12 obtain the approval of the attorney general before payment of
13 any claim can be made.

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

20 PART III

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

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1 SECTION 6. If any provision of this Act, or the
2 application thereof to any person or circumstance is held
3 invalid, the invalidity does not effect 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 7. This Act shall take effect upon its approval.



PROPOSED

Report Title:

Claims Against the State; Appropriations

Description:

Provides for the authorization and payment of claims against the State for refunds of taxes, for judgments and settlements, and for other miscellaneous payments. (SD1)

