
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:

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PART I

SECTION 1. In accordance with section 9 of Article VII, of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the general fund expenditure ceiling for fiscal year 2006-2007 (established at \$5,357,987,705 on November 8, 2006) has already been exceeded by \$90,137,694 or 1.68 per cent. The appropriations contained in this Act will cause the state general fund expenditure ceiling for fiscal year 2006-2007 to be exceeded by an additional \$1,351,843.07 or an additional .025 per cent. The calculation contained in the foregoing sentence relates only to the amount of general funds appropriated in this Act for fiscal year 2006-2007. The reasons for exceeding the general fund expenditure ceiling are that the appropriations made in this Act are necessary to serve the public interest and to meet the needs provided for by this Act.

1 PART II

2 SECTION 2. The following sums or so much thereof as may be
3 necessary for fiscal year 2006-2007 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 13 AND SETTLEMENTS OF CLAIMS:	AMOUNT
14 1. DEPARTMENT OF BUDGET AND FINANCE	
15 In re Katsumi Honda	\$ 65,000.00 Settlement
16 SUBTOTAL:	<hr/> \$ 65,000.00
17 2. DEPARTMENT OF EDUCATION:	
18 Ena v. State of Hawaii, et al. 19 Civil No. 04-1-2064-11, First Circuit	\$ 35,954.52 Judgment
20 Amount of judgment: \$ 35,168.29	
21 4% interest 22 from 9/13/06-7/31/07: \$ 786.23	



1	Fontaine v. Waialae Elementary School,	\$	28,126.92
2	et al., Civil No. 1RC05-1-1583,		Judgment
3	District Court of the First Circuit		
4	Amount of judgment:	\$	20,000.00
5	Fees and costs:	\$	6,760.31
6	4% interest		
7	from 4/22/06-7/31/07:	\$	1,366.61
8			
9	Grossman v. State of Hawaii, et al.	\$	11,916.40
10	Civil No. 03-1-0213(1), Second Circuit		Judgment
11	Amount of judgment:	\$	11,510.23
12	4% interest		
13	from 9/13/06-7/31/07:	\$	406.17
14			
15	Haines v. State of Hawaii, et al.	\$	25,000.00
16	Civil No. 05-1-0440(3), Second Circuit		Settlement
17			
18	Kwock v. State of Hawaii, et al.	\$	60,000.00
19	Civil No. 05-00241, United States District		Settlement
20	Court		
21			
22	Miyashiro, et al. v. State of Hawaii	\$	65,000.00
23	Civil No. 05-1-1339-07, First Circuit		Settlement
24			
25	Sherez v. State of Hawaii, et al.	\$	75,000.00
26	Civil No. 04-00390, United States District		Settlement
27	Court		
28	and		
29	Sherez v. State of Hawaii, et al.		
30	Civil No. 06-00367, United States		
31	District Court		
32			
33	Shipley v. State of Hawaii, Department	\$	30,000.00
34	of Education, et al.		Settlement
35	Civil No. 05-00145, United States District		
36	Court		
37			
38	SUBTOTAL:	\$	330,997.84



1	3. HAWAII PUBLIC HOUSING AUTHORITY:		
2			
3	Waters, et al. v. Housing and Community	\$	155,000.00
4	Development Corporation of Hawaii, et al.		Settlement
5	Civil No. 05-1-0815-05, First Circuit		
6			
7	SUBTOTAL:	\$	155,000.00
8			
9	4. DEPARTMENT OF HAWAIIAN HOME LANDS:		
10			
11	Kalima, et al. v. State of Hawaii, et al.	\$	166,979.38
12	Civil No. 99-4771-12, First Circuit		Judgment
13	S.Ct. No. 24784		
14			
15	SUBTOTAL:	\$	166,979.38
16			
17	5. DEPARTMENT OF HEALTH:		
18			
19	Vargas v. Johnson, et al.	\$	85,000.00
20	Civil No. 04-1-0317, Second Circuit		Settlement
21			
22	SUBTOTAL:	\$	85,000.00
23			
24	6. DEPARTMENT OF HUMAN SERVICES		
25			
26	Alsip v. Akau, et al.	\$	155,000.00
27	Civil No. 03-1-0499-03, First Circuit		Settlement
28			
29	In the Matter of the Adoption of a Female	\$	7,219.40
30	Child, born on December 21, 1994, by Roger		Settlement
31	Douglas Powell and Tequilla Lanier Ramsey		
32	Powell		
33	FC-A No. 04-10491, Family Court of the		
34	First Circuit		
35			
36	SUBTOTAL:	\$	162,219.40
37			
38	7. DEPARTMENT OF LAND AND NATURAL RESOURCES:		
39			
40	She v. State of Hawaii, et al.	\$	90,000.00
41	Civil No. 05-00578, United States District		Settlement
42	Court		
43			
44	SUBTOTAL:	\$	90,000.00



1	8.	DEPARTMENT OF PUBLIC SAFETY:		
2				
3		Branco v. State of Hawaii, et al.	\$	15,000.00
4		Civil No. 04-1-0250-02, First Circuit		Settlement
5				
6		Cummings v. State of Hawaii, et al.	\$	131,633.26
7		Civil No. 02-1-1831-08, First Circuit		Judgment
8		Amount of judgment:	\$	127,936.81
9		Costs:	\$	1,011.50
10		4% interest from		
11		12/29/06-7/31/07:	\$	2,684.95
12				
13		Ellis, et al. v. Lopes, et al.	\$	88,000.00
14		Civil No. 06-00231, United States District		Settlement
15		Court		
16				
17		Gealon v. State of Hawaii, et al.	\$	17,000.00
18		Civil No. 06-1-1283-07, First Circuit		Settlement
19				
20		Piko v. State of Hawaii	\$	18,613.19
21		Civil No. 04-1-1511-08, First Circuit		Judgment
22		Amount of Judgment:	\$	18,208.12
23		4% interest from		
24		1/10/07-7/31/07:	\$	405.07
25				
26		Wong v. State of Hawaii, et al.	\$	25,000.00
27		Civil No. 04-1-0399(1), Second Circuit		Settlement
28				
29				
30		SUBTOTAL:	\$	295,246.45
31				
32	9.	MISCELLANEOUS CLAIMS:		
33				
34		Koyama, Yoko	\$	40.00
35				
36		Nolls, Michael and Brigette	\$	1,360.00
37		Misplaced check		
38				
39		SUBTOTAL:	\$	1,400.00
40				
41		TOTAL (SECTION 2):	\$	1,351,843.07



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

3 PART III

4 SECTION 3. The following sums or so much thereof as may be
5 necessary for fiscal year 2006-2007 are appropriated out of the
6 state highway fund for the purpose of satisfying claims for
7 legislative relief as to the following named persons, for claims
8 against the State or its officers or employees for payments of
9 judgments or settlements, or other liabilities, in the amount
10 set forth opposite their names:

11	JUDGMENTS AGAINST THE STATE		AMOUNT
12	AND SETTLEMENTS OF CLAIMS:		
13			
14	DEPARTMENT OF TRANSPORTATION,		
15	HIGHWAYS DIVISION:		
16			
17	Benjamin v. Stevenson, et al.	\$	300,000.00
18	Civil No. 03-1-0040(3), Second Circuit		Settlement
19			
20	Clark v. State of Hawaii, et al.	\$	13,960.19
21	Civil No. 05-1-0363-03, First Circuit		Judgment
22	Amount of judgment:	\$	13,603.88
23	4% interest		
24	From 11/13/06-7/31/07:	\$	356.31
25			
26	Gillia v. State of Hawaii	\$	40,000.00
27	Civil No. 05-1-1322-07, First Circuit		Settlement
28			
29	Medeiros v. State of Hawaii, et al.	\$	36,784.03
30	Civil No. 04-1-1216-07, First Circuit		Judgment
31	Amount of judgment:	\$	35,975.81
32	4% interest from		
33	From 1/8/07-7/31/07:	\$	808.22
34			



1	Ramos v. State of Hawaii	\$	135,000.00
2	Civil No. 04-1-1498-08, First Circuit		Settlement
3			
4	Taniguchi v. State of Hawaii, et al.	\$	45,000.00
5	Civil No. 05-1-0500-03, First Circuit		Settlement
6			
7	Tradewind Insurance Company Limited	\$	15,000.00
8	and Wesley Wong		Settlement
9			
10	SUBTOTAL:	\$	<u>285,744.22</u>
11			
12	TOTAL (SECTION 3):	\$	585,744.22
13			

14 The sums appropriated shall be expended by the department
15 of transportation, highways division, for the purposes of this
16 Act.

17 SECTION 4. The sums hereinabove may be paid to the
18 respective persons, or for the satisfaction or settlement of the
19 respectively identified cases, and in several amounts
20 hereinabove set forth or in lesser amounts deemed appropriate,
21 upon checks issued by the comptroller; provided departments must
22 obtain the approval of the attorney general before payment of
23 any claim can be made.

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



1 PART IV

2 SECTION 6. All unexpended and unencumbered balances of the
3 appropriations made in this Act as of the close of business on
4 June 30, 2008, shall lapse.

5 SECTION 7. 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 8. This Act shall take effect upon its approval.



H.B. NO. 1231
H.D. 2
S.D. 2
C.D. 1

Report Title:

Appropriations; Claims Against the State

Description:

Provides for the authorization and payment of claims against the State for judgments and settlements. (HB1231 CD1)

HB1231 CD1 HMS 2007-4145

