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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 2007-2008 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 EDUCATION:	
16		
17	Grossman v. State of Hawaii, et al.	\$ 11,916.40
18	Civil No. 03-1-0213(1), Second Circuit	(Judgment)
19	Amount of judgment:	\$11,510.23
20	4% interest from 9/13/06-7/31/07:	\$ 406.17
21		<hr/>
22	Subtotal:	\$ 11,916.40
23		



1			
2	Ena v. State of Hawaii, et al.	\$	35,954.52
3	Civil No. 04-1-2064-11, First Circuit		(Judgment)
4	Amount of judgment:	\$	35,168.29
5	4% interest from 9/13/06-7/31/07:	\$	786.23
6			
7	Subtotal:	\$	35,954.52
8			
9	Fontaine v. Waiialae Elementary School,	\$	21,010.41
10	et al., Civil No. 1RC05-1-1583,		(Judgment)
11	District Court of the First Circuit		
12	Amount of judgment:	\$	20,000.00
13	4% interest from 4/22/06-7/31/07:	\$	1,010.41
14			
15	Subtotal:	\$	21,010.41
16			
17	Haines v. State of Hawaii, et al.	\$	25,000.00
18	Civil No. 05-1-0440(3), Second Circuit		(Settlement)
19			
20	Subtotal:	\$	25,000.00
21			
22	Kwock v. State of Hawaii, et al.		
23	Civil No. 05-00241, United States District	\$	60,000.00
24	Court		(Settlement)
25			
26	Subtotal:	\$	60,000.00
27			
28	Shipley v. State of Hawaii, Department	\$	50,000.00
29	of Education, et al.		
30	Civil No. 05-00145, United States District		
31	Court		
32			
33	Subtotal:	\$	50,000.00
34			
35	2. HAWAII PUBLIC HOUSING AUTHORITY:		
36			
37	Waters, et al. v. Housing and Community	\$	155,000.00
38	Development Corporation of Hawaii, et al.		(Settlement)
39	Civil No. 05-1-0815-05, First Circuit		
40			
41	Subtotal:	\$	155,000.00
42			



1	3.	DEPARTMENT OF PUBLIC SAFETY:	
2			
3		Wong v. State of Hawaii, et al.	\$ 25,000.00
4		Civil No. 04-1-0399(1), Second Circuit	(Settlement)
5			
6		Subtotal:	<u>\$ 25,000.00</u>
7			
8		Cummings v. State of Hawaii, et al.	\$ 131,633.26
9		Civil No. 02-1-1831-08, First Circuit	(Judgment)
10		Amount of judgment:	\$ 127,936.81
11		Costs: \$1,011.50	
12		4% interest from 12/29/06-7/31/07:	\$ 2,684.95
13			
14		Subtotal:	<u>\$ 131,633.26</u>
15			
16		Branco v. State of Hawaii, et al.	\$ 15,000.00
17		Civil No. 04-1-0250-02, First Circuit	(Settlement)
18			
19		Subtotal:	<u>\$ 15,000.00</u>
20			
21		Ellis, et al. v. Lopes, et al.	\$ 88,000.00
22		Civil No. 06-00231, United States District	(Settlement)
23		Court	
24			
25		Subtotal:	<u>\$ 88,000.00</u>
26			
27		Gealon v. State of Hawaii, et al.	\$ 17,000.00
28		Civil No. 06-1-1283-07, First Circuit	(Settlement)
29			
30		Subtotal:	<u>\$ 17,000.00</u>
31			
32		Piko v. State of Hawaii	\$ 18,613.19
33		Civil No. 04-1-1511-08, First Circuit	(Judgment)
34		Amount of Judgment:	\$ 18,208.12
35		4% interest from 1/10/07-7/31/07:	\$ 405.07
36			
37		Subtotal:	<u>\$ 18,613.19</u>
38			



1	4.	DEPARTMENT OF HAWAIIAN HOME LANDS:	
2			
3		Kalima, et al. v. State of Hawaii, et al.	\$ 166,979.38
4		Civil No. 99-4771-12, First Circuit	(Judgment)
5		S.Ct. No. 24784	
6			
7		Subtotal:	<u>\$ 166,979.38</u>
8			
9	5.	DEPARTMENT OF HEALTH:	
10			
11		Vargas v. Johnson, et al.	\$ 85,000.00
12		Civil No. 04-1-0317, Second Circuit	(Settlement)
13			
14		Subtotal:	<u>\$ 85,000.00</u>
15			
16	6.	DEPARTMENT OF LAND AND NATURAL RESOURCES:	
17			
18		She v. State of Hawaii, et al.	\$ 90,000.00
19		Civil No. 05-00578, United States District	
20		Court	(Settlement)
21			
22		Subtotal:	<u>\$ 90,000.00</u>
23			
24	7.	DEPARTMENT OF BUDGET AND FINANCE	
25			
26		In re Katsumi Honda	\$ 65,000.00
27			(Settlement)
28			
29		Subtotal:	<u>\$ 65,000.00</u>
30			
31	8.	DEPARTMENT OF HUMAN SERVICES	
32			
33		In the Matter of the Adoption of a Female	\$ 7,219.40
34		Child, born on December 21, 1994, by Roger	(Settlement)
35		Douglas Powell and Tequilla Lanier Ramsey Powell	
36		FC-A No. 04-10491, Family Court of the First Circuit	
37			
38		Subtotal:	<u>\$ 7,219.40</u>
39			
40		TOTAL (Section 1):	\$1,068,326.56
41			
42			



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

3 PART II

4 SECTION 2. 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	1. DEPARTMENT OF TRANSPORTATION,	
15	HIGHWAYS DIVISION:	
16		
17	Gillia v. State of Hawaii	\$ 40,000.00
18	Civil No. 05-1-1322-07, First Circuit	(Settlement)
19		
20	Subtotal:	<u>\$ 40,000.00</u>
21		
22	Ramos v. State of Hawaii	\$ 135,000.00
23	Civil No. 04-1-1498-08, First Circuit	(Settlement)
24		
25	Subtotal:	<u>\$ 135,000.00</u>
26		
27	Taniguchi v. State of Hawaii, et al.	\$ 45,000.00
28	Civil No. 05-1-0500-03, First Circuit	(Settlement)
29		
30	Subtotal:	<u>\$ 45,000.00</u>
31		
32	Medeiros v. State of Hawaii, et al.	\$ 36,784.03
33	Civil No. 04-1-1216-07, First Circuit	(Judgment)



1	Amount of judgment:	\$ 35,975.81
2	4% interest from 1/8/07-7/31/07:	\$ 808.22
3		
4	Subtotal:	\$ 36,784.03
5		
6	Tradewind Insurance Company Limited	\$ 15,000.00
7	and Wesley Wong	(Settlement)
8		
9	Subtotal:	\$ 15,000.00
10		
11	TOTAL (Section 2):	\$ 271,784.03
12		
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 3. 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 4. 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



1 part, as provided in section 662-8, Hawaii Revised Statutes, for  
2 those cases to which the statute applies.

3 PART III

4 SECTION 5. All unexpended and unencumbered balances of the  
5 appropriations made in this Act as of the close of business on  
6 June 30, 2008, shall lapse.

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

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



**Report Title:**

Appropriations; Claims Against the State.

**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. (HB1231 HD2)

