
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 ACCOUNTING AND GENERAL SERVICES:	
16		
17	Reale v. State of Hawaii, et al.	\$ 50,000.00
18	Civil No. 06-1-0928-05, First Circuit	Settlement
19		
20	SUBTOTAL:	<hr/> \$ 50,000.00



1	2.	DEPARTMENT OF EDUCATION:	
2			
3		In the Matter of the Arbitration	\$ 25,000.00
4		Between Hawaii State Teachers Association,	Settlement
5		AFSCME Local 152, AFL-CIO and	
6		Kihei Public Charter High School	
7		(Grievance of John Loomis), Case No. 03-18	
8			
9		Huddleston, et al. v. Kamaaina Care,	\$ 74,500.00
10		Inc., et al., Civil No. 06-1-0077,	Settlement
11		Third Circuit	
12			
13		SUBTOTAL:	\$ 99,500.00
14			
15	3.	DEPARTMENT OF HEALTH:	
16			
17		Enchanted Lakes Residential	\$ 4,800.00
18		Association v. Dept. of Health	
19		Medication Center of the Pacific	
20		No. 2007-0939	Settlement
21			
22		SUBTOTAL:	\$ 4,800.00
23			
24	4.	DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT:	
25			
26		Walsh, et al. v. City and County	
27		of Honolulu, et al.	\$ 50,000.00
28		Civil No. 05-00378DAE, USDC	Settlement
29			
30		SUBTOTAL:	\$ 50,000.00
31			
32	5.	DEPARTMENT OF HUMAN SERVICES:	
33			
34		Ruiz, et al. v. State of Hawaii, et al.	\$ 350,000.00
35		Civil No. 04-1-1739-09, First Circuit	Settlement
36			
37		Aihara v. Dept. of Human Services	\$ 45,000.00
38		Civil No. 05-1-0514-03, First Circuit	Settlement
39			
40			
41		SUBTOTAL:	\$ 395,000.00



1	6.	DEPARTMENT OF PUBLIC SAFETY:	
2			
3		Bateman, et al. v. State of Hawaii	\$ 56,873.17
4		Civil No. 06-1-1907-11, First Circuit	Judgment
5		Amount of judgment:	\$55,573.40
6		4% interest from 12/13/07:	\$ 1,299.77
7			
8		Branco v. State of Hawaii	\$ 12,357.46
9		Civil No. 06-1-0755-05, First Circuit	Settlement
10			
11		Gonsalves v. State of Hawaii	\$ 24,000.00
12		Civil No. 06-1-1843-10, First Circuit	Settlement
13			
14		Kimberly v. State of Hawaii, et al.	\$ 91,619.32
15		Civil No. 95-0718-03, First Circuit	Judgment
16		Amount of judgment:	\$87,245.88
17		4% interest from 5/1/07:	\$ 4,373.44
18			
19		Pregil v. State of Hawaii, et al.	\$ 10,092.80
20		Civil No. 06-1-0772-05, First Circuit	Judgment
21		Amount of Judgment:	\$10,038.47
22		4% interest from 4/11/07:	\$ 54.33
23			
24		Sampaio v. State of Hawaii	\$ 25,244.05
25		Civil No. 06-1-0751-05, First Circuit	Judgment
26		Amount of judgment:	\$24,770.30
27		4% interest from 2/22/08:	\$ 473.75
28			
29		Segawa v. State of Hawaii, et al.	\$ 50,000.00
30		Civil No. 05-1-1562-09, First Circuit	Settlement
31			
32		SUBTOTAL:	\$ 270,186.80
33		MISCELLANEOUS CLAIMS:	
34			
35		Estate of Audrey Marie Au	\$ 500.00
36			
37		Mitsue T. Kimata	\$ 131.40
38			
39		Dennis Donovan	\$ 2,975.20
40			
41		Cynthia C. Matsumura	\$ 125.00
42			



1	Karen Y. Nakamura	\$	484.00
2			
3	SUBTOTAL:	\$	4,215.60
4			
5	TOTAL (SECTION 1):	\$	873,702.40
6			

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

9 PART II

10 SECTION 2. The following sums or so much thereof as may be
11 necessary for fiscal year 2007-2008 are appropriated out of the
12 state highway fund for the purpose of satisfying claims for
13 legislative relief as to the following named persons, for claims
14 against the State or its officers or employees for payments of
15 judgments or settlements, or other liabilities, in the amount
16 set forth opposite their names:

17	JUDGMENTS AGAINST THE STATE		AMOUNT
18	AND SETTLEMENTS OF CLAIMS:		
19			
20	DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION:		
21			
22	Antonio v. State of Hawaii	\$	30,000.00
23	Civil No. 06-1-0131-01, First Circuit		Settlement
24			
25	Carvalho v. State of Hawaii	\$	30,000.00
26	Civil No. 05-1-2155-12, First Circuit		Settlement
27	and		
28	Carvalho v. State of Hawaii		
29	Civil No. 06-00667, USDC		
30			
31	Dunn, et al. v. Department of		
32	Transportation, et al.	\$	930,964.76
33	Civil No. 04-1-1330-07, First Circuit		Judgment



1	Amount of Judgment:	\$911,051.16	
2	4% interest from 1/14/08:	\$19,913.60	
3			
4	Hashimoto v. Liftee, et al.	\$ 250,000.00	
5	Civil No. 99-2462-06, First Circuit		Settlement
6			
7	Hoffelt, et al. v. Tesoro, et al.	\$ 150,000.00	
8	Civil No. 05-1-0480(3), Second Circuit		Settlement
9			
10	Madriaga, et al. v. Baldwin, et al.	\$ 25,000.00	
11	Civil No. 04-1-0327(3), Second Circuit		Settlement
12			
13	Scharsch v. State of Hawaii, et al.	\$ 20,000.00	
14	Civil No. 05-1-0435-03, First Circuit		Settlement
15	Schlosser v. Lat, et al.	\$ 40,000.00	
16	Civil No. 05-1-0474(3), Second Circuit		Settlement
17			
18	SUBTOTAL:	\$ 1,475,964.76	
19	TOTAL (SECTION 2)	\$ 1,475,964.76	

20 The sums appropriated shall be expended by the department
 21 of transportation, highways division, for the purposes of this
 22 Act.

23 SECTION 3. The sums hereinabove may be paid to the
 24 respective persons, or for the satisfaction or settlement of the
 25 respectively identified cases, and in several amounts
 26 hereinabove set forth or in lesser amounts deemed appropriate,
 27 upon checks issued by the comptroller; provided departments must
 28 obtain the approval of the attorney general before payment of
 29 any claim can be made.



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

7 PART III

8 SECTION 5. All unexpended and unencumbered balances of the
9 appropriations made in this Act as of the close of business on
10 June 30, 2009, shall lapse.

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

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



S.B. NO. 2961
S.D. 2
H.D. 1

Report Title:

Appropriations; Claims Against the State

Description:

Makes appropriations for claims against the State, its officers, and its employees. (SB2961 SD2 HD1)

SB2961 HD1 HMS 2008-3048

