
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 AGRICULTURE:		
2				
3		Viela v. State of Hawaii, et al	\$	60,000.00
4		Civil No. 06-1-0268-02, First Circuit		Settlement
5				
6		SUBTOTAL:	\$	60,000.00
7				
8	3.	DEPARTMENT OF EDUCATION:		
9				
10		In the Matter of the Arbitration	\$	25,000.00
11		Between Hawaii State Teachers Association,		Settlement
12		AFSCME Local 152, AFL-CIO and		
13		Kihei Public Charter High School		
14		(Grievance of John Loomis), Case No. 03-18		
15				
16		Huddleston, et al. v. Kamaaina Care,	\$	74,500.00
17		Inc., et al., Civil No. 06-1-0077,		Settlement
18		Third Circuit		
19				
20		SUBTOTAL:	\$	99,500.00
21				
22	4.	DEPARTMENT OF HEALTH:		
23				
24		Enchanted Lakes Residential	\$	4,800.00
25		Association v. Dept. of Health		
26		Medication Center of the Pacific		
27		No. 2007-0939		Settlement
28				
29		SUBTOTAL:	\$	4,800.00
30				
31	5.	DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT:		
32				
33		Walsh, et al. v. City and County		
34		of Honolulu, et al.	\$	50,000.00
35		Civil No. 05-00378DAE, USDC		Settlement
36				
37		SUBTOTAL:	\$	50,000.00



1	6.	DEPARTMENT OF HUMAN SERVICES:	
2			
3		Kahoochanohano, et al. v. Department	\$ 832,456.30
4		Human Services, et al.	Judgement
5		Civil No. 03-1-0012(1), Second Circuit	
6			
7		and	
8			
9		Kahoochanohano, et al. v. Drelich, et al.	
10		Civil No. 03-1-0257(1), Second Circuit	
11			
12		Ruiz, et al. v. State of Hawaii, et al.	\$ 350,000.00
13		Civil No. 04-1-1739-09, First Circuit	Settlement
14			
15		Aihara v. Dept. of Human Services	\$ 45,000.00
16		Civil No. 05-1-0514-03, First Circuit	Settlement
17			
18			
19		SUBTOTAL:	<u>\$1,227,456.30</u>
20			
21	7.	DEPARTMENT OF PUBLIC SAFETY:	
22			
23		Bateman, et al. v. State of Hawaii	\$ 56,873.17
24		Civil No. 06-1-1907-11, First Circuit	Judgment
25		Amount of judgment: \$55,573.40	
26		4% interest from 12/13/07: \$ 1,299.77	
27			
28		Branco v. State of Hawaii	\$ 12,357.46
29		Civil No. 06-1-0755-05, First Circuit	Settlement
30			
31		Gonsalves v. State of Hawaii	\$ 24,000.00
32		Civil No. 06-1-1843-10, First Circuit	Settlement
33			
34		Kimberly v. State of Hawaii, et al.	\$ 91,619.32
35		Civil No. 95-0718-03, First Circuit	Judgment
36		Amount of judgment: \$87,245.88	
37		4% interest from 5/1/07: \$ 4,373.44	
38			
39		Pregil v. State of Hawaii, et al.	\$ 10,092.80
40		Civil No. 06-1-0772-05, First Circuit	Judgment
41		Amount of Judgment: \$10,038.47	
42		4% interest from 4/11/07: \$ 54.33	



1	Sampaio v. State of Hawaii	\$ 25,244.05
2	Civil No. 06-1-0751-05, First Circuit	Judgment
3	Amount of judgment:	\$24,770.30
4	4% interest from 2/22/08:	\$ 473.75
5		
6	Segawa v. State of Hawaii, et al.	\$ 50,000.00
7	Civil No. 05-1-1562-09, First Circuit	Settlement
8		
9	SUBTOTAL:	<u>\$ 270,186.80</u>
10		
11	MISCELLANEOUS CLAIMS:	
12		
13	Estate of Audrey Marie Au	\$ 500.00
14		
15	Mitsue T. Kimata	\$ 131.40
16		
17	Dennis Donovan	\$ 2,975.20
18		
19	Cynthia C. Matsumura	\$ 125.00
20		
21	Karen Y. Nakamura	\$ 484.00
22		
23	SUBTOTAL:	<u>\$ 4,215.60</u>
24		
25	TOTAL (SECTION 1):	\$1,766,158.70

26 The sums appropriated shall be expended by the department
27
28 of the attorney general for the purposes of this Act.

29 PART II

30 SECTION 2. The following sums or so much thereof as may be
31 necessary for fiscal year 2007-2008 are appropriated out of the
32 state highway fund for the purpose of satisfying claims for
33 legislative relief as to the following named persons, for claims
34 against the State or its officers or employees for payments of



1 judgments or settlements, or other liabilities, in the amount
2 set forth opposite their names:

3 JUDGMENTS AGAINST THE STATE	AMOUNT
4 AND SETTLEMENTS OF CLAIMS:	
5	
6 DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION:	
7	
8 Antonio v. State of Hawaii	\$ 30,000.00
9 Civil No. 06-1-0131-01, First Circuit	Settlement
10	
11 Carvalho v. State of Hawaii	\$ 30,000.00
12 Civil No. 05-1-2155-12, First Circuit	Settlement
13 and	
14 Carvalho v. State of Hawaii	
15 Civil No. 06-00667, USDC	
16	
17 Dunn, et al. v. Department of	
18 Transportation, et al.	\$ 930,964.76
19 Civil No. 04-1-1330-07, First Circuit	Judgment
20 Amount of Judgment: \$911,051.16	
21 4% interest from 1/14/08: \$19,913.60	
22	
23 Hashimoto v. Liftee, et al.	\$ 250,000.00
24 Civil No. 99-2462-06, First Circuit	Settlement
25	
26 Hoffelt, et al. v. Tesoro, et al.	\$ 150,000.00
27 Civil No. 05-1-0480(3), Second Circuit	Settlement
28	
29 Madriaga, et al. v. Baldwin, et al.	\$ 25,000.00
30 Civil No. 04-1-0327(3), Second Circuit	Settlement
31	
32 Scharsch v. State of Hawaii, et al.	\$ 20,000.00
33 Civil No. 05-1-0435-03, First Circuit	Settlement
34	
35 Schlosser v. Lat, et al.	\$ 40,000.00
36 Civil No. 05-1-0474(3), Second Circuit	Settlement
37	
37 SUBTOTAL:	\$ 1,475,964.76
38	
38 TOTAL (SECTION 2)	\$ 1,475,964.76



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

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

17 PART III

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

21 SECTION 6. If any provision of this Act, or the
22 application thereof to any person or circumstance is held



1 invalid, the invalidity does not affect other provisions or
2 applications of the Act, which can be given effect without the
3 invalid provision or application, and to this end the provisions
4 of this Act are severable.

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



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

Report Title:

Appropriations; Claims Against the State

Description:

Makes appropriations for claims against the State, its officers, and its employees. (SB2961 SD2 HD2)

SB2961 HD2 HMS 2008-3381

