
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: | <u>\$ 50,000.00</u> |

21
22 2. DEPARTMENT OF HUMAN RESOURCES AND DEVELOPMENT:
23



| | | |
|----|---|---------------|
| 1 | Walsh, et al. v. City and County | |
| 2 | of Honolulu, et al. | \$ 50,000.00 |
| 3 | Civil No. 05-00378DAE, USDC | Settlement |
| 4 | | |
| 5 | SUBTOTAL: | \$ 50,000.00 |
| 6 | | |
| 7 | 3. DEPARTMENT OF HUMAN SERVICES: | |
| 8 | | |
| 9 | Ruiz, et al. v. State of Hawaii, et al. | \$ 350,000.00 |
| 10 | Civil No. 04-1-1739-09, First Circuit | Settlement |
| 11 | | |
| 12 | SUBTOTAL: | \$ 350,000.00 |
| 13 | | |
| 14 | 4. DEPARTMENT OF PUBLIC SAFETY: | |
| 15 | | |
| 16 | Bateman, et al. v. State of Hawaii | \$ 56,873.17 |
| 17 | Civil No. 06-1-1907-11, First Circuit | Judgment |
| 18 | Amount of Judgment: \$55,573.40 | |
| 19 | 4% interest from 12/13/07: \$1,299.77 | |
| 20 | | |
| 21 | Branco v. State of Hawaii | \$ 12,357.46 |
| 22 | Civil No. 06-1-0755-05, First Circuit | Settlement |
| 23 | | |
| 24 | Gonsalves v. State of Hawaii | \$ 24,000.00 |
| 25 | Civil No. 06-1-1843-10, First Circuit | Settlement |
| 26 | | |
| 27 | Pregil v. State of Hawaii, et al. | \$ 10,092.80 |
| 28 | Civil No. 06-1-0772-05, First Circuit | Judgment |
| 29 | Amount of Judgment: \$10,038.47 | |
| 30 | 4% interest from 4/11/07: \$54.33 | |
| 31 | | |
| 32 | Segawa v. State of Hawaii, et al. | \$ 50,000.00 |
| 33 | Civil No. 05-1-1562-09, First Circuit | Settlement |
| 34 | | |
| 35 | | |
| 36 | SUBTOTAL: | \$ 153,323.43 |
| 37 | | |
| 38 | 5. MISCELLANEOUS CLAIMS: | |
| 39 | | |
| 40 | Mitsue T. Kimata | \$ 131.40 |
| 41 | | |
| 42 | Dennis Donovan | \$ 2,975.20 |
| 43 | | |



1 SUBTOTAL: \$ 3,106.60
2
3 TOTAL (SECTION 1): \$ 606,430.03
4

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

7 **PART II**

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

| 15 JUDGMENTS AGAINST THE STATE 16 AND SETTLEMENTS OF CLAIMS: | AMOUNT |
|---|----------------------------|
| 18 DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION: | |
| 19 Antonio v. State of Hawaii 20 Civil No. 06-1-0131-01, First Circuit | \$ 30,000.00 Settlement |
| 21 22 Carvalho v. State of Hawaii 23 Civil No. 05-1-2155-12, First Circuit | \$ 30,000.00 Settlement |
| 24 and 25 Carvalho v. State of Hawaii 26 Civil No. 06-00667, USDC | |
| 27 28 29 Dunn, et al. v. Department of 30 Transportation, et al. 31 Civil No. 04-1-1330-07, First Circuit | \$ 930,964.85 Judgment |
| 32 Amount of Judgment: \$911,051.16 33 4% interest from 1/14/08: \$19,913.60 | |



| | | | |
|----|--|----|--------------|
| 1 | | | |
| 2 | Hashimoto v. Liftee, et al. | \$ | 250,000.00 |
| 3 | Civil No. 99-2462-06, First Circuit | | Settlement |
| 4 | | | |
| 5 | Hoffelt, et al. v. Tesoro, et al. | \$ | 150,000.00 |
| 6 | Civil No. 05-1-0480(3), Second Circuit | | Settlement |
| 7 | | | |
| 8 | Madriaga, et al. v. Baldwin, et al. | \$ | 25,000.00 |
| 9 | Civil No. 04-1-0327(3), Second Circuit | | Settlement |
| 10 | | | |
| 11 | Scharsch v. State of Hawaii, et al. | \$ | 20,000.00 |
| 12 | Civil No. 05-1-0435-03, First Circuit | | Settlement |
| 13 | Schlosser v. Lat, et al. | \$ | 40,000.00 |
| 14 | Civil No. 05-1-0474(3), Second Circuit | | Settlement |
| 15 | | | |
| 16 | SUBTOTAL: | \$ | 1,475,964.85 |
| 17 | TOTAL (SECTION 2) | \$ | 1,475,964.85 |

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

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



Report Title:

Appropriations; Claims Against the State

Description:

Makes appropriations for claims against the State, its officers, and its employees. (SD1)

