

**ACT 76**

H.B. NO. 1231

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:*

**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.

PART II

SECTION 2. The following sums or so much thereof as may be necessary for fiscal year 2006-2007 are appropriated out of the general revenues of the State of Hawaii to the department of the attorney general for the purpose of satisfying claims for legislative relief as to the following named persons, firms, corporations, and entities, for claims against the State or its officers or employees for the overpayment of taxes, or for refunds, reimbursements, payments of judgments or settlements, or other liabilities, in the amounts set forth opposite their names:

<b>JUDGMENTS AGAINST THE STATE AND SETTLEMENTS OF CLAIMS:</b>	<b>AMOUNT</b>
<b>1. DEPARTMENT OF BUDGET AND FINANCE</b>	
In re Katsumi Honda	\$ 65,000.00 Settlement
SUBTOTAL:	\$ 65,000.00
<b>2. DEPARTMENT OF EDUCATION:</b>	
Ena v. State of Hawaii, et al.	\$ 35,954.52 Judgment
Civil No. 04-1-2064-11, First Circuit	
Amount of judgment:	\$ 35,168.29
4% interest	
from 9/13/06-7/31/07:	\$ 786.23
Fontaine v. Waialae Elementary School, et al., Civil No. 1RC05-1-1583, District Court of the First Circuit	\$ 28,126.92 Judgment
Amount of judgment:	\$ 20,000.00
Fees and costs:	\$ 6,760.31
4% interest	
from 4/22/06-7/31/07:	\$ 1,366.61
Grossman v. State of Hawaii, et al.	\$ 11,916.40 Judgment
Civil No. 03-1-0213(1), Second Circuit	
Amount of judgment:	\$ 11,510.23
4% interest	
from 9/13/06-7/31/07:	\$ 406.17
Haines v. State of Hawaii, et al.	\$ 25,000.00 Settlement
Civil No. 05-1-0440(3), Second Circuit	
Kwock v. State of Hawaii, et al.	\$ 60,000.00 Settlement
Civil No. 05-00241, United States District Court	
Miyashiro, et al. v. State of Hawaii	\$ 65,000.00 Settlement
Civil No. 05-1-1339-07, First Circuit	
Sherez v. State of Hawaii, et al.	\$ 75,000.00 Settlement
Civil No. 04-00390, United States District Court and	
Sherez v. State of Hawaii, et al.	
Civil No. 06-00367, United States District Court	
Shipley v. State of Hawaii, Department of Education, et al.	\$ 30,000.00 Settlement
Civil No. 05-00145, United States District Court	
SUBTOTAL:	\$ 330,997.84

<b>JUDGMENTS AGAINST THE STATE AND SETTLEMENTS OF CLAIMS:</b>	<b>AMOUNT</b>
<b>3. HAWAII PUBLIC HOUSING AUTHORITY:</b>	
Waters, et al. v. Housing and Community Development Corporation of Hawaii, et al. Civil No. 05-1-0815-05, First Circuit	\$ 155,000.00 Settlement
<b>SUBTOTAL:</b>	<b>\$ 155,000.00</b>
<b>4. DEPARTMENT OF HAWAIIAN HOME LANDS:</b>	
Kalima, et al. v. State of Hawaii, et al. Civil No. 99-4771-12, First Circuit S.Ct. No. 24784	\$ 166,979.38 Judgment
<b>SUBTOTAL:</b>	<b>\$ 166,979.38</b>
<b>5. DEPARTMENT OF HEALTH:</b>	
Vargas v. Johnson, et al. Civil No. 04-1-0317, Second Circuit	\$ 85,000.00 Settlement
<b>SUBTOTAL:</b>	<b>\$ 85,000.00</b>
<b>6. DEPARTMENT OF HUMAN SERVICES</b>	
Alsip v. Akau, et al. Civil No. 03-1-0499-03, First Circuit	\$ 155,000.00 Settlement
In the Matter of the Adoption of a Female Child, born on December 21, 1994, by Roger Douglas Powell and Tequilla Lanier Ramsey Powell FC-A No. 04-10491, Family Court of the First Circuit	\$ 7,219.40 Settlement
<b>SUBTOTAL:</b>	<b>\$ 162,219.40</b>
<b>7. DEPARTMENT OF LAND AND NATURAL RESOURCES:</b>	
She v. State of Hawaii, et al. Civil No. 05-00578, United States District Court	\$ 90,000.00 Settlement
<b>SUBTOTAL:</b>	<b>\$ 90,000.00</b>
<b>8. DEPARTMENT OF PUBLIC SAFETY:</b>	
Branco v. State of Hawaii, et al. Civil No. 04-1-0250-02, First Circuit	\$ 15,000.00 Settlement
Cummings v. State of Hawaii, et al. Civil No. 02-1-1831-08, First Circuit	\$ 131,633.26 Judgment
Amount of judgment:	\$127,936.81
Costs:	\$ 1,011.50
4% interest from 12/29/06-7/31/07:	\$ 2,684.95
Ellis, et al. v. Lopes, et al. Civil No. 06-00231, United States District Court	\$ 88,000.00 Settlement
Gealon v. State of Hawaii, et al. Civil No. 06-1-1283-07, First Circuit	\$ 17,000.00 Settlement
Piko v. State of Hawaii Civil No. 04-1-1511-08, First Circuit	\$ 18,613.19 Judgment
Amount of Judgment:	\$ 18,208.12
4% interest from 1/10/07-7/31/07:	\$ 405.07

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<b>JUDGMENTS AGAINST THE STATE AND SETTLEMENTS OF CLAIMS:</b>	<b>AMOUNT</b>
Wong v. State of Hawaii, et al. Civil No. 04-1-0399(1), Second Circuit	\$ 25,000.00 Settlement
<b>SUBTOTAL:</b>	<u>\$ 295,246.45</u>
<b>9. MISCELLANEOUS CLAIMS:</b>	
Koyama, Yoko	\$ 40.00
Nolls, Michael and Brigitte Misplaced check	\$ 1,360.00
<b>SUBTOTAL:</b>	<u>\$ 1,400.00</u>
<b>TOTAL (SECTION 2):</b>	<u>\$1,351,843.07</u>

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

**PART III**

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

<b>JUDGMENTS AGAINST THE STATE AND SETTLEMENTS OF CLAIMS:</b>	<b>AMOUNT</b>
<b>DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION:</b>	
Benjamin v. Stevenson, et al. Civil No. 03-1-0040(3), Second Circuit	\$300,000.00 Settlement
Clark v. State of Hawaii, et al. Civil No. 05-1-0363-03, First Circuit	\$ 13,960.19 Judgment
Amount of judgment: \$13,603.88	
4% interest	
From 11/13/06-7/31/07: \$ 356.31	
Gillia v. State of Hawaii Civil No. 05-1-1322-07, First Circuit	\$ 40,000.00 Settlement
Medeiros v. State of Hawaii, et al. Civil No. 04-1-1216-07, First Circuit	\$ 36,784.03 Judgment
Amount of judgment: \$35,975.81	
4% interest	
From 1/8/07-7/31/07: \$ 808.22	
Ramos v. State of Hawaii Civil No. 04-1-1498-08, First Circuit	\$135,000.00 Settlement
Taniguchi v. State of Hawaii, et al. Civil No. 05-1-0500-03, First Circuit	\$ 45,000.00 Settlement
Tradewind Insurance Company Limited and Wesley Wong	\$ 15,000.00 Settlement
<b>SUBTOTAL:</b>	<u>\$285,744.22</u>
<b>TOTAL (SECTION 3):</b>	<u>\$585,744.22</u>

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

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

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

#### PART IV

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

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

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

(Approved May 18, 2007.)