
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:	\$ 50,000.00
21	
22 2. DEPARTMENT OF HEALTH:	
23 Enchanted Lakes Residential	\$ 4,800.00



1	Association v. Dept. of Health	
2	Medication Center of the Pacific	
3	No. 2007-0939	Settlement
4		
5	SUBTOTAL:	\$ 4,800.00
6		
7	3. DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT:	
8		
9	Walsh, et al. v. City and County	
10	of Honolulu, et al.	\$ 50,000.00
11	Civil No. 05-00378DAE, USDC	Settlement
12		
13	SUBTOTAL:	\$ 50,000.00
14		
15	4. DEPARTMENT OF HUMAN SERVICES:	
16		
17	Ruiz, et al. v. State of Hawaii, et al.	\$ 350,000.00
18	Civil No. 04-1-1739-09, First Circuit	Settlement
19		
20	Aihara v. Dept. of Human Services	\$ 45,000.00
21	Civil No. 05-1-0514-03, First Circuit	Settlement
22		
23		
24	SUBTOTAL:	\$ 395,000.00
25		
26	5. DEPARTMENT OF PUBLIC SAFETY:	
27		
28	Bateman, et al. v. State of Hawaii	\$ 56,873.17
29	Civil No. 06-1-1907-11, First Circuit	Judgment
30	Amount of Judgment: \$55,573.40	
31	4% interest from 12/13/07: \$1,299.77	
32		
33	Branco v. State of Hawaii	\$ 12,357.46
34	Civil No. 06-1-0755-05, First Circuit	Settlement
35		
36	Gonsalves v. State of Hawaii	\$ 24,000.00
37	Civil No. 06-1-1843-10, First Circuit	Settlement
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	
43		



1	Segawa v. State of Hawaii, et al.	\$ 50,000.00
2	Civil No. 05-1-1562-09, First Circuit	Settlement
3		
4	SUBTOTAL:	\$ 153,323.43
5		
6	6. MISCELLANEOUS CLAIMS:	
7		
8	Mitsue T. Kimata	\$ 131.40
9		
10	Dennis Donovan	\$ 2,975.20
11		
12	Karen Y. Nakamura	\$ 484.00
13		
14	SUBTOTAL:	\$ 3,590.60
15		
16	TOTAL (SECTION 1):	\$ 656,714.03

17
18 The sums appropriated shall be expended by the department
19 of the attorney general for the purposes of this Act.

20 **PART II**

21 SECTION 2. The following sums or so much thereof as may be
22 necessary for fiscal year 2007-2008 are appropriated out of the
23 state highway fund for the purpose of satisfying claims for
24 legislative relief as to the following named persons, for claims
25 against the State or its officers or employees for payments of
26 judgments or settlements, or other liabilities, in the amount
27 set forth opposite their names:

28	JUDGMENTS AGAINST THE STATE	AMOUNT
29	AND SETTLEMENTS OF CLAIMS:	
30		
31	DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION:	
32		
33	Antonio v. State of Hawaii	\$ 30,000.00



1	Civil No. 06-1-0131-01, First Circuit	Settlement
2		
3	Carvalho v. State of Hawaii	\$ 30,000.00
4	Civil No. 05-1-2155-12, First Circuit	Settlement
5	and	
6	Carvalho v. State of Hawaii	
7	Civil No. 06-00667, USDC	
8		
9	Dunn, et al. v. Department of	
10	Transportation, et al.	\$ 930,964.85
11	Civil No. 04-1-1330-07, First Circuit	Judgment
12	Amount of Judgment: \$911,051.16	
13	4% interest from 1/14/08: \$19,913.60	
14		
15	Hashimoto v. Liftee, et al.	\$ 250,000.00
16	Civil No. 99-2462-06, First Circuit	Settlement
17		
18	Hoffelt, et al. v. Tesoro, et al.	\$ 150,000.00
19	Civil No. 05-1-0480(3), Second Circuit	Settlement
20		
21	Madriaga, et al. v. Baldwin, et al.	\$ 25,000.00
22	Civil No. 04-1-0327(3), Second Circuit	Settlement
23		
24	Scharsch v. State of Hawaii, et al.	\$ 20,000.00
25	Civil No. 05-1-0435-03, First Circuit	Settlement
26		
27	Schlosser v. Lat, et al.	\$ 40,000.00
28	Civil No. 05-1-0474(3), Second Circuit	Settlement
29	SUBTOTAL:	\$ 1,475,964.85
30	TOTAL (SECTION 2)	\$ 1,475,964.85

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

34 SECTION 3. The sums hereinabove may be paid to the
35 respective persons, or for the satisfaction or settlement of the



1 respectively identified cases, and in several amounts
2 hereinabove set forth or in lesser amounts deemed appropriate,
3 upon checks issued by the comptroller; provided departments must
4 obtain the approval of the attorney general before payment of
5 any claim can be made.

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

12 **PART III**

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

16 SECTION 6. If any provision of this Act, or the
17 application thereof to any person or circumstance is held
18 invalid, the invalidity does not affect other provisions or
19 applications of the Act, which can be given effect without the
20 invalid provision or application, and to this end the provisions
21 of this Act are severable.

22 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. (SB2961 SD2)

