

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. The following sums or so much thereof as may be necessary for fiscal year 2004-2005 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:

**JUDGMENTS AGAINST THE STATE
AND SETTLEMENTS OF CLAIMS:** **AMOUNT**

1. DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES:

Election Systems & Software, Inc. v. State Procurement Office, State of Hawaii, Department of Commerce and Consumer Affairs, Office of Administrative Hearings, PCH-2004-14	\$ 132,860.59 Judgment
Eselu-Rumusod, et al. v. Clarin, et al. Civil No. 04-1-0290-02, First Circuit and DTRIC Insurance Company, et al. v. State of Hawaii, et al. Civil No. 04-1-0722-04, First Circuit	\$ 19,850.00 Settlement
Colleton v. State of Hawaii Civil No. 03-1-1657-08, First Circuit	\$ 37,595.44 Settlement
In the Matter of Department of Accounting and General Services, DOH Docket No. 03-HW-EZ-05	\$ 47,500.00 Settlement
SUBTOTAL:	<hr style="width: 100%; border: 0.5px solid black;"/> \$ 237,806.03

2. DEPARTMENT OF EDUCATION:

Brilhante v. State of Hawaii, et al. Civil No. 02-1-2713-11, First Circuit	\$ 250,000.00 Settlement
Craig v. State of Hawaii, Department of Education, et al. Civil No. 03-1-0071(2), Second Circuit	\$ 26,066.57 Settlement
Doe v. State of Hawaii, et al. Civil No. 02-1-0239K, Third Circuit	\$ 30,000.00 Settlement
Harnik v. State of Hawaii, et al. Civil No. 03-1-0015, Third Circuit	\$ 35,000.00 Settlement
Moniz v. County of Kauai, et al. Civil No. 03-1-0022, Fifth Circuit	\$ 50,000.00 Settlement

**JUDGMENTS AGAINST THE STATE
AND SETTLEMENTS OF CLAIMS:**

AMOUNT

Tort Claim of Jessica James	\$ 32,000.00 Settlement
SUBTOTAL:	\$ 423,066.57
3. DEPARTMENT OF HUMAN SERVICES	
Brown v. State of Hawaii, et al. Civil No. 01-1-0609(2), Second Circuit	\$ 34,200.81 Settlement
SUBTOTAL:	\$ 34,200.81
4. DEPARTMENT OF LAND AND NATURAL RESOURCES	
Brub v. State of Hawaii, et al. Civil No. 03-1-0500-03, First Circuit	\$ 70,000.00 Settlement
Graves v. Lowe, et al. Civil No. 04-1-0877-05, First Circuit	\$ 17,500.00 Settlement
SUBTOTAL:	\$ 87,500.00
5. DEPARTMENT OF PUBLIC SAFETY:	
Awong v. State of Hawaii, et al. Civil No. 03-00498, USDC	\$ 16,000.00 Settlement
Baker v. Maui Community Correctional Center, et al. Civil No. 04-1-0212(3), Second Circuit	\$ 29,000.00 Settlement
Bernard, et al. v. State of Hawaii, et al. Civil No. 02-00367 SPK-KSC, USDC	\$ 12,348.49 Judgment
Clark, et al. v. State of Hawaii, et al. Civil No. 99-00885BMK, USDC	\$ 54,660.00 Settlement
Hornberger v. State of Hawaii, et al. Civil No. 03-1-2257-11, First Circuit	\$ 14,000.00 Settlement
Koja v. State of Hawaii, et al. Civil No. 03-1-0274-02, First Circuit	\$ 25,000.00 Settlement
MacKenzie v. State of Hawaii, et al. Civil No. 02-1-2401-10, First Circuit	\$ 110,000.00 Settlement
Perez v. Ferris, et al. Civil No. 03-1-0034, Fifth Circuit	\$ 90,000.00 Settlement
Weir v. State of Hawaii, et al. Civil No. 98-0537(2), Second Circuit	\$ 15,645.63 Settlement
SUBTOTAL:	\$ 366,654.12
6. MISCELLANEOUS CLAIMS:	
Donna Baba & Associates	\$ 272.12
Gail Nakamoto	\$ 1,600.11
Romy Nochi	\$ 46.00
SUBTOTAL:	\$ 1,918.23
TOTAL (SECTION 1):	\$1,151,145.76

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

PART II

SECTION 2. The following sums or so much thereof as may be necessary for fiscal year 2004-2005 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:

JUDGMENTS AGAINST THE STATE AND SETTLEMENTS OF CLAIMS:

DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION:

Enterprise Rent-A-Car	\$ 23,000.00
	Settlement
Tort Claim of Scott Moura	\$ 15,812.60
	Settlement
Sakaguchi v. State of Hawaii, et al. Civil No. 98-1640, First Circuit	\$ 350,000.00
	Settlement
Bacani v. Uchida, et al. Civil No. 02-1-2099-09, First Circuit	\$ 500,000.00
	Settlement
Taylor, et al. v. State of Hawaii, et al. Civil No. 03-1-0073K, Third Circuit	\$ 450,000.00
	Settlement
SUBTOTAL:	<u>\$1,338,812.60</u>
TOTAL (SECTION 2):	\$1,338,812.60

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

SECTION 3. The legislature finds and declares that the following claim for legislative relief recommended for approval as to the following named person for claims against the State or the department of education or its officers or employees for the payment of judgments or settlements, or other liabilities, in the amount set forth opposite their name, is approved for payment:

JUDGMENTS AGAINST THE STATE AND SETTLEMENTS OF CLAIMS:

DEPARTMENT OF EDUCATION:

Doe v. State of Hawaii, et al. Civil No. 02-1-0239K, Third Circuit	\$ 10,000.00	<i>(EDN 100</i>
	Settlement	<i>Federal)</i>
SUBTOTAL:	<u>\$ 10,000.00</u>	
TOTAL (SECTION 3):	\$ 10,000.00	

Provided that of legislative appropriation item G-1 for the department of education for fiscal year 2004-2005 in section 3 of Act 200, Session Laws of Hawaii 2003, as amended by section 3 of Act 41, Session Laws of Hawaii 2004, the general fund sum of \$10,000 shall be expended from the 2004-2005 budget (EDN 100, federal funds) by the department of education 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

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issued by the comptroller; provided that the departments shall 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 III

SECTION 6. All unexpended and unencumbered balances of the appropriations made in this Act as of the close of business on June 30, 2006, 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 16, 2005.)