

## ACT 67

S.B. NO. 2961

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 2007-2008 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>
1. DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES:	
Reale v. State of Hawaii, et al.	\$ 50,000.00
Civil No. 06-1-0928-05, First Circuit	<u>Settlement</u>
SUBTOTAL:	\$ 50,000.00
2. DEPARTMENT OF AGRICULTURE:	
Viela v. State of Hawaii, et al.	\$ 60,000.00
Civil No. 06-1-0268-02, First Circuit	<u>Settlement</u>
SUBTOTAL:	\$ 60,000.00
3. DEPARTMENT OF EDUCATION:	
In the Matter of the Arbitration	\$ 25,000.00
Between Hawaii State Teachers Association,	Settlement
AFSCME Local 152, AFL-CIO and Kihei Public	
Charter High School (Grievance of John Loomis),	
Case No. 03-18	
Comeaux v. State of Hawaii, et al.	\$ 5,000.00

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Civil No. 06-00341, USDC	Settlement
Graham v. State of Hawaii, et al.	\$ 30,000.00
Civil No. 06-1-0013(3), Second Circuit	Settlement
Huddleston, et al. v. Kamaaina Care, Inc., et al., Civil No. 06-1-0077, Third Circuit	\$ 74,500.00
Kaleuati, et al. v. Tonda, et al.	\$ 185,000.00
Civil No. 07-00504, U.S.D.C.	<u>Settlement</u>
SUBTOTAL:	\$ 319,500.00
<b>4. DEPARTMENT OF HEALTH:</b>	
Enchanted Lakes Residential Association v. Dept. of Health	\$ 4,800.00
Mediation Center of the Pacific No. 2007-0939	<u>Settlement</u>
SUBTOTAL:	\$ 4,800.00
<b>5. DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT:</b>	
Walsh, et al. v. City and County of Honolulu, et al.	\$ 50,000.00
Civil No. 05-00378DAE, USDC	<u>Settlement</u>
SUBTOTAL:	\$ 50,000.00
<b>6. DEPARTMENT OF HUMAN SERVICES:</b>	
Aihara v. Dept. of Human Services	\$ 45,000.00
Civil No. 05-1-0514-03, First Circuit	Settlement
Kahoohanohano, et al. v. Department Human Services, et al.	\$ 833,153.80
Civil No. 03-1-0012(1), Second Circuit and	Judgment
Kahoohanohano, et al. v. Drelich, et al.	
Civil No. 03-1-0257(1), Second Circuit	
Ruiz, et al. v. State of Hawaii, et al.	\$ 350,000.00
Civil No. 04-1-1739-09, First Circuit	<u>Settlement</u>
SUBTOTAL:	\$ 1,228,153.80
<b>7. DEPARTMENT OF PUBLIC SAFETY:</b>	
Bateman, et al. v. State of Hawaii	\$ 56,873.17
Civil No. 06-1-1907-11, First Circuit	Judgment
Amount of judgment:	\$ 55,573.40
4% interest from 12/13/07:	\$ 1,299.77
Branco v. State of Hawaii	\$ 12,357.46
Civil No. 06-1-0755-05, First Circuit	Settlement
Gonsalves v. State of Hawaii	\$ 24,000.00
Civil No. 06-1-1843-10, First Circuit	Settlement
Johnson v. State of Hawaii	\$ 15,000.00
Civil No. 06-1-1430-08, First Circuit	Settlement
Jones v. State of Hawaii	\$ 15,220.18
Civil No. 06-1-0194-02, First Circuit	Judgment
Kimberly v. State of Hawaii, et al.	\$ 91,619.02
Civil No. 95-0718-03, First Circuit	Judgment

Amount of judgment:	\$ 87,245.58	
4% interest from 5/1/07:	\$ 4,373.44	
Kimberly v. State of Hawaii, et al. Civil No. 95-0718-03, First Circuit		\$ 225,000.00 Settlement
Lopez v. State of Hawaii Civil No. 05-1-0042(2), Second Circuit		\$ 22,500.00 Settlement
Pregil v. State of Hawaii, et al. Civil No. 06-1-0772-05, First Circuit		\$ 10,092.80 Judgment
Amount of judgment:	\$ 10,038.47	
4% interest from 4/11/07:	\$ 54.33	
Sampaio v. State of Hawaii Civil No. 06-1-0751-05, First Circuit		\$ 25,244.05 Judgment
Amount of judgment:	\$24,770.30	
4% interest from 2/22/08:	\$ 473.75	
Segawa v. State of Hawaii, et al. Civil No. 05-1-1562-09, First Circuit		\$ 50,000.00 <u>Settlement</u>
SUBTOTAL:		\$ 547,906.68
<b>MISCELLANEOUS CLAIMS:</b>		
Estate of Audrey Marie Au	\$	500.00
Mutsue T. Kimata	\$	131.40
Dennis Donovan	\$	2,975.20
Cynthia C. Matsumura	\$	125.00
Karen Y. Nakamura	\$	<u>484.00</u>
SUBTOTAL:	\$	4,215.60
TOTAL (SECTION 1):		\$ 2,264,576.08

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 2007-2008 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>	
Antonio v. State of Hawaii Civil No. 06-1-0131-01, First Circuit	\$ 30,000.00 Settlement
Carvalho v. State of Hawaii Civil No. 05-1-2155-12, First Circuit and	\$ 30,000.00 Settlement
Carvalho v. State of Hawaii Civil No. 06-00677, USDC	
Dunn, et al. v. Department of Transportation, et al.	\$ 930,964.76

Civil No. 04-1-1330-07, First Circuit	Judgment
Amount of Judgment: \$ 911,051.16	
4% interest from 1/14/08:\$ 19,913.60	
Filimoehala, et al. v. City and County of Honolulu, et al.	\$ 2,600,000.00
Civil No. 04-1-1880-10, First Circuit	Settlement
Hashimoto v. Liftee, et al.	\$ 250,000.00
Civil No. 99-2462-06, First Circuit	Settlement
Hoffelt, et al. v. Tesoro, et al.	\$ 150,000.00
Civil No. 05-1-0480(3), Second Circuit	Settlement
Klink, et al. v. State of Hawaii	\$ 816,658.58
Civil No. 98-039, Third Circuit	Judgment
Madriaga, et al. v. Baldwin, et al.	\$ 25,000.00
Civil No. 04-1-0327(3), Second Circuit	Settlement
Scharsch v. State of Hawaii, et al.	\$ 20,000.00
Civil No. 05-1-0435-03, First Circuit	Settlement
Schlosser v. Lat, et al.	\$ 40,000.00
Civil No. 05-1-0474(3), Second Circuit	<u>Settlement</u>
SUBTOTAL:	\$ 4,892,623.34
TOTAL (SECTION 2)	\$ 4,892,623.34

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

SECTION 3. 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 4. 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 5. All unexpended and unencumbered balances of the appropriations made in this Act as of the close of business on June 30, 2009, shall lapse.

SECTION 6. 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 7. This Act shall take effect upon its approval.

(Approved May 13, 2008.)