



GOV. MSG. NO. 709

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

May 13, 2008

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fourth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on May 13, 2008, the following bill was signed into law:

SB2961 SD2 HD2 CD1

A BILL FOR AN ACT MAKING APPROPRIATIONS
FOR CLAIMS AGAINST THE STATE, ITS OFFICERS,
OR ITS EMPLOYEES.
(ACT 67)

Sincerely,

JAMES R. AIONA, JR.
Acting Governor

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



1	2.	DEPARTMENT OF AGRICULTURE:		
2				
3		Viela v. State of Hawaii, et al.	\$	60,000.00
4		Civil No. 06-1-0268-02, First Circuit		Settlement
5				
6		SUBTOTAL:	\$	60,000.00
7				
8	3.	DEPARTMENT OF EDUCATION:		
9				
10		In the Matter of the Arbitration	\$	25,000.00
11		Between Hawaii State Teachers Association,		Settlement
12		AFSCME Local 152, AFL-CIO and		
13		Kihei Public Charter High School		
14		(Grievance of John Loomis), Case No. 03-18		
15				
16		Comeaux v. State of Hawaii, et al.	\$	5,000.00
17		Civil No. 06-00341, USDC		Settlement
18				
19		Graham v. State of Hawaii, et al.	\$	30,000.00
20		Civil No. 06-1-0013(3), Second Circuit		Settlement
21				
22		Huddleston, et al. v. Kamaaina Care,	\$	74,500.00
23		Inc., et al., Civil No. 06-1-0077,		Settlement
24		Third Circuit		
25				
26		Kaleuati, et al. v. Tonda, et al.	\$	185,000.00
27		Civil No. 07-00504, U.S.D.C.		Settlement
28				
29		SUBTOTAL:	\$	319,500.00
30				
31	4.	DEPARTMENT OF HEALTH:		
32				
33		Enchanted Lakes Residential	\$	4,800.00
34		Association v. Dept. of Health		
35		Mediation Center of the Pacific		
36		No. 2007-0939		Settlement
37				
38		SUBTOTAL:	\$	4,800.00
39				
40	5.	DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT:		
41				
42		Walsh, et al. v. City and County		
43		of Honolulu, et al.	\$	50,000.00



1	Civil No. 05-00378DAE, USDC	Settlement
2		
3	SUBTOTAL:	\$ 50,000.00
4	6. DEPARTMENT OF HUMAN SERVICES:	
5		
6	Aihara v. Dept. of Human Services	\$ 45,000.00
7	Civil No. 05-1-0514-03, First Circuit	Settlement
8		
9	Kahoochanohano, et al. v. Department	\$ 833,153.80
10	Human Services, et al.	Judgment
11	Civil No. 03-1-0012(1), Second Circuit	
12		
13	and	
14		
15	Kahoochanohano, et al. v. Drelich, et al.	
16	Civil No. 03-1-0257(1), Second Circuit	
17		
18	Ruiz, et al. v. State of Hawaii, et al.	\$ 350,000.00
19	Civil No. 04-1-1739-09, First Circuit	Settlement
20		
21		
22	SUBTOTAL:	\$1,228,153.80
23		
24	7. DEPARTMENT OF PUBLIC SAFETY:	
25		
26	Bateman, et al. v. State of Hawaii	\$ 56,873.17
27	Civil No. 06-1-1907-11, First Circuit	Judgment
28	Amount of judgment: \$55,573.40	
29	4% interest from 12/13/07: \$ 1,299.77	
30		
31	Branco v. State of Hawaii	\$ 12,357.46
32	Civil No. 06-1-0755-05, First Circuit	Settlement
33		
34	Gonsalves v. State of Hawaii	\$ 24,000.00
35	Civil No. 06-1-1843-10, First Circuit	Settlement
36		
37	Johnson v. State of Hawaii	\$ 15,000.00
38	Civil No. 06-1-1430-08, First Circuit	Settlement
39		
40	Jones v. State of Hawaii	\$ 15,220.18
41	Civil No. 06-1-0194-02, First Circuit	Judgment
42		



1	Kimberly v. State of Hawaii, et al.	\$ 91,619.02
2	Civil No. 95-0718-03, First Circuit	Judgment
3	Amount of judgment: \$87,245.58	
4	4% interest from 5/1/07: \$ 4,373.44	
5		
6	Kimberly v. State of Hawaii, et al.	\$ 225,000.00
7	Civil No. 95-0718-03, First Circuit	Settlement
8		
9	Lopez v. State of Hawaii	\$ 22,500.00
10	Civil No. 05-1-0042(2), Second Circuit	Settlement
11		
12	Pregil v. State of Hawaii, et al.	\$ 10,092.80
13	Civil No. 06-1-0772-05, First Circuit	Judgment
14	Amount of Judgment: \$10,038.47	
15	4% interest from 4/11/07: \$ 54.33	
16	Sampaio v. State of Hawaii	\$ 25,244.05
17	Civil No. 06-1-0751-05, First Circuit	Judgment
18	Amount of judgment: \$24,770.30	
19	4% interest from 2/22/08: \$ 473.75	
20		
21	Segawa v. State of Hawaii, et al.	\$ 50,000.00
22	Civil No. 05-1-1562-09, First Circuit	Settlement
23		
24	SUBTOTAL:	\$ 547,906.68
25		
26	MISCELLANEOUS CLAIMS:	
27		
28	Estate of Audrey Marie Au	\$ 500.00
29		
30	Mutsue T. Kimata	\$ 131.40
31		
32	Dennis Donovan	\$ 2,975.20
33		
34	Cynthia C. Matsumura	\$ 125.00
35		
36	Karen Y. Nakamura	\$ 484.00
37		
38	SUBTOTAL:	\$ 4,215.60
39		
40	TOTAL (SECTION 1):	\$2,264,576.08
41		



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

3 PART II

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

11 JUDGMENTS AGAINST THE STATE	AMOUNT
12 AND SETTLEMENTS OF CLAIMS:	
13	
14 DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION:	
15	
16 Antonio v. State of Hawaii	\$ 30,000.00
17 Civil No. 06-1-0131-01, First Circuit	Settlement
18	
19 Carvalho v. State of Hawaii	\$ 30,000.00
20 Civil No. 05-1-2155-12, First Circuit	Settlement
21 and	
22 Carvalho v. State of Hawaii	
23 Civil No. 06-00677, USDC	
24	
25 Dunn, et al. v. Department of	
26 Transportation, et al.	\$ 930,964.76
27 Civil No. 04-1-1330-07, First Circuit	Judgment
28 Amount of Judgment: \$911,051.16	
29 4% interest from 1/14/08: \$19,913.60	
30	
31 Filimoehala, et al. v. City and County of	
32 Honolulu, et al.	\$ 2,600,000.00
33 Civil No. 04-1-1880-10, First Circuit	Settlement



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	Klink, et al. v. State of Hawaii	\$	816,658.58
9	Civil No. 98-039, Third Circuit		Judgment
10			
11	Madriaga, et al. v. Baldwin, et al.	\$	25,000.00
12	Civil No. 04-1-0327(3), Second Circuit		Settlement
13			
14	Scharsch v. State of Hawaii, et al.	\$	20,000.00
15	Civil No. 05-1-0435-03, First Circuit		Settlement
16	Schlosser v. Lat, et al.	\$	40,000.00
17	Civil No. 05-1-0474(3), Second Circuit		Settlement
18			
19	SUBTOTAL:	\$	4,892,623.34
20	TOTAL (SECTION 2)	\$	4,892,623.34

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

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

APPROVED this 13 day of MAY, 2008
JAMES R. AIONA JR.

GOVERNOR OF THE STATE OF HAWAII ACTING GOVERNOR



