



GOV. MSG. NO. 834

EXECUTIVE CHAMBERS  
HONOLULU

LINDA LINGLE  
GOVERNOR

May 18, 2007

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 18, 2007, the following bill was signed into law:

HB1231 HD2 SD2 CD1

A BILL FOR AN ACT MAKING APPROPRIATIONS  
FOR CLAIMS AGAINST THE STATE, ITS OFFICERS,  
OR ITS EMPLOYEES.  
(ACT 076)

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle".

LINDA LINGLE

Approved by the Governor

on MAY 18 2007

HOUSE OF REPRESENTATIVES  
TWENTY-FOURTH LEGISLATURE, 2007  
STATE OF HAWAII

**ACT 076**

**H.B. NO.** 1231  
H.D. 2  
S.D. 2  
C.D. 1

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## 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. In accordance with section 9 of Article VII, of  
3 the Constitution of the State of Hawaii and sections 37-91 and  
4 37-93, Hawaii Revised Statutes, the legislature has determined  
5 that the general fund expenditure ceiling for fiscal year 2006-  
6 2007 (established at \$5,357,987,705 on November 8, 2006) has  
7 already been exceeded by \$90,137,694 or 1.68 per cent. The  
8 appropriations contained in this Act will cause the state  
9 general fund expenditure ceiling for fiscal year 2006-2007 to be  
10 exceeded by an additional \$1,351,843.07 or an additional .025  
11 per cent. The calculation contained in the foregoing sentence  
12 relates only to the amount of general funds appropriated in this  
13 Act for fiscal year 2006-2007. The reasons for exceeding the  
14 general fund expenditure ceiling are that the appropriations  
15 made in this Act are necessary to serve the public interest and  
16 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:

JUDGMENTS AGAINST THE STATE AND SETTLEMENTS OF CLAIMS:		AMOUNT
1. DEPARTMENT OF BUDGET AND FINANCE		
In re Katsumi Honda	\$	65,000.00 Settlement
SUBTOTAL:	\$	65,000.00
2. DEPARTMENT OF EDUCATION:		
Ena v. State of Hawaii, et al. Civil No. 04-1-2064-11, First Circuit	\$	35,954.52 Judgment
Amount of judgment:	\$	35,168.29
4% interest		
from 9/13/06-7/31/07:	\$	786.23



1	Fontaine v. Waialae Elementary School,	\$	28,126.92
2	et al., Civil No. 1RC05-1-1583,		Judgment
3	District Court of the First Circuit		
4	Amount of judgment:	\$	20,000.00
5	Fees and costs:	\$	6,760.31
6	4% interest		
7	from 4/22/06-7/31/07:	\$	1,366.61
8			
9	Grossman v. State of Hawaii, et al.	\$	11,916.40
10	Civil No. 03-1-0213(1), Second Circuit		Judgment
11	Amount of judgment:	\$	11,510.23
12	4% interest		
13	from 9/13/06-7/31/07:	\$	406.17
14			
15	Haines v. State of Hawaii, et al.	\$	25,000.00
16	Civil No. 05-1-0440(3), Second Circuit		Settlement
17			
18	Kwock v. State of Hawaii, et al.	\$	60,000.00
19	Civil No. 05-00241, United States District		Settlement
20	Court		
21			
22	Miyashiro, et al. v. State of Hawaii	\$	65,000.00
23	Civil No. 05-1-1339-07, First Circuit		Settlement
24			
25	Sherez v. State of Hawaii, et al.	\$	75,000.00
26	Civil No. 04-00390, United States District		Settlement
27	Court		
28	and		
29	Sherez v. State of Hawaii, et al.		
30	Civil No. 06-00367, United States		
31	District Court		
32			
33	Shipley v. State of Hawaii, Department	\$	30,000.00
34	of Education, et al.		Settlement
35	Civil No. 05-00145, United States District		
36	Court		
37			
38	SUBTOTAL:	\$	<u>330,997.84</u>



1	3.	HAWAII PUBLIC HOUSING AUTHORITY:		
2				
3		Waters, et al. v. Housing and Community	\$	155,000.00
4		Development Corporation of Hawaii, et al.		Settlement
5		Civil No. 05-1-0815-05, First Circuit		
6				
7		SUBTOTAL:	\$	155,000.00
8				
9	4.	DEPARTMENT OF HAWAIIAN HOME LANDS:		
10				
11		Kalima, et al. v. State of Hawaii, et al.	\$	166,979.38
12		Civil No. 99-4771-12, First Circuit		Judgment
13		S.Ct. No. 24784		
14				
15		SUBTOTAL:	\$	166,979.38
16				
17	5.	DEPARTMENT OF HEALTH:		
18				
19		Vargas v. Johnson, et al.	\$	85,000.00
20		Civil No. 04-1-0317, Second Circuit		Settlement
21				
22		SUBTOTAL:	\$	85,000.00
23				
24	6.	DEPARTMENT OF HUMAN SERVICES		
25				
26		Alsip v. Akau, et al.	\$	155,000.00
27		Civil No. 03-1-0499-03, First Circuit		Settlement
28				
29		In the Matter of the Adoption of a Female	\$	7,219.40
30		Child, born on December 21, 1994, by Roger		Settlement
31		Douglas Powell and Tequilla Lanier Ramsey		
32		Powell		
33		FC-A No. 04-10491, Family Court of the		
34		First Circuit		
35				
36		SUBTOTAL:	\$	162,219.40
37				
38	7.	DEPARTMENT OF LAND AND NATURAL RESOURCES:		
39				
40		She v. State of Hawaii, et al.	\$	90,000.00
41		Civil No. 05-00578, United States District		Settlement
42		Court		
43				
44		SUBTOTAL:	\$	90,000.00



1	8.	DEPARTMENT OF PUBLIC SAFETY:		
2				
3		Branco v. State of Hawaii, et al.	\$	15,000.00
4		Civil No. 04-1-0250-02, First Circuit		Settlement
5				
6		Cummings v. State of Hawaii, et al.	\$	131,633.26
7		Civil No. 02-1-1831-08, First Circuit		Judgment
8		Amount of judgment:	\$	127,936.81
9		Costs:	\$	1,011.50
10		4% interest from		
11		12/29/06-7/31/07:	\$	2,684.95
12				
13		Ellis, et al. v. Lopes, et al.	\$	88,000.00
14		Civil No. 06-00231, United States District		Settlement
15		Court		
16				
17		Gealon v. State of Hawaii, et al.	\$	17,000.00
18		Civil No. 06-1-1283-07, First Circuit		Settlement
19				
20		Piko v. State of Hawaii	\$	18,613.19
21		Civil No. 04-1-1511-08, First Circuit		Judgment
22		Amount of Judgment:	\$	18,208.12
23		4% interest from		
24		1/10/07-7/31/07:	\$	405.07
25				
26		Wong v. State of Hawaii, et al.	\$	25,000.00
27		Civil No. 04-1-0399(1), Second Circuit		Settlement
28				
29				
30		SUBTOTAL:	\$	<u>295,246.45</u>
31				
32	9.	MISCELLANEOUS CLAIMS:		
33				
34		Koyama, Yoko	\$	40.00
35				
36		Nolls, Michael and Brigette	\$	1,360.00
37		Misplaced check		
38				
39		SUBTOTAL:	\$	<u>1,400.00</u>
40				
41		TOTAL (SECTION 2):	\$	1,351,843.07



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

3 PART III

4 SECTION 3. The following sums or so much thereof as may be  
5 necessary for fiscal year 2006-2007 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,		
15	HIGHWAYS DIVISION:		
16			
17	Benjamin v. Stevenson, et al.	\$	300,000.00
18	Civil No. 03-1-0040(3), Second Circuit		Settlement
19			
20	Clark v. State of Hawaii, et al.	\$	13,960.19
21	Civil No. 05-1-0363-03, First Circuit		Judgment
22	Amount of judgment:	\$	13,603.88
23	4% interest		
24	From 11/13/06-7/31/07:	\$	356.31
25			
26	Gillia v. State of Hawaii	\$	40,000.00
27	Civil No. 05-1-1322-07, First Circuit		Settlement
28			
29	Medeiros v. State of Hawaii, et al.	\$	36,784.03
30	Civil No. 04-1-1216-07, First Circuit		Judgment
31	Amount of judgment:	\$	35,975.81
32	4% interest from		
33	From 1/8/07-7/31/07:	\$	808.22
34			



1	Ramos v. State of Hawaii	\$	135,000.00
2	Civil No. 04-1-1498-08, First Circuit		Settlement
3			
4	Taniguchi v. State of Hawaii, et al.	\$	45,000.00
5	Civil No. 05-1-0500-03, First Circuit		Settlement
6			
7	Tradewind Insurance Company Limited	\$	15,000.00
8	and Wesley Wong		Settlement
9			
10	SUBTOTAL:	<u>\$</u>	<u>285,744.22</u>
11			
12	TOTAL (SECTION 3):	\$	585,744.22
13			

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

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

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





1 PART IV

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

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

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

APPROVED this 18 day of MAY, 2007



GOVERNOR OF THE STATE OF HAWAII

