
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 2008-2009 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	Starr v. State of Hawaii, et al.	\$75,000.00
18	Civil No. 05-00665, USDC	
19		
20	SUBTOTAL:	\$75,000.00
21		



1	2.	DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS:	
2		Amarino, et al. v. Diego Mortuary,	\$142,592.80
3		Inc., et al., Civil No. 04-1-1582-08,	Settlement
4		First Circuit	
5			
6		SUBTOTAL:	<hr/> \$142,592.80
7	3.	DEPARTMENT OF EDUCATION:	
8			
9		Hoshijo v. State of Hawaii, et al.	\$35,000.00
10		HCRC No. 12617, EEOC No. 37B-A4-00211	Settlement
11			
12		Romero v. State of Hawaii, et al.	\$20,000.00
13		Civil No. 05-1-2112-11, First Circuit	Settlement
14			
15		Wiley, et al. v. State of Hawaii, et al.	\$175,000.00
16		Civil No. 04-1-1895-10, First Circuit	Settlement
17			
18		Tort claim of Dominic Quimbao	\$20,000.00
19			
20			<hr/>
21		SUBTOTAL:	\$250,000.00
22			
23	4.	DEPARTMENT OF HUMAN SERVICES:	
24		Martinez v. State of Hawaii, et al.	\$35,000.00
25		Civil No. 06-1-1658-09, First Circuit	Settlement
26			
27		Morris v. Kihara, et al.	\$39,617.28
28		Civil No. 06-1-0063, Fifth Circuit	Settlement
29			<hr/>
30		SUBTOTAL:	\$74,617.28
31			
32	5.	DEPARTMENT OF LAND AND NATURAL RESOURCES:	
33		Wiltz v. State of Hawaii, et al.	\$25,000.00
34		Civil No. 08-1-0806, Fifth Circuit	Settlement
35			<hr/>
36			
37		SUBTOTAL:	\$25,000.00



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2 6. DEPARTMENT OF PUBLIC SAFETY:

3 Ayala v. State of Hawaii, et al. \$50,000.00
4 Civil No. 06-1-0142-01, First Circuit Settlement
5

6 Becker v. State of Hawaii, et al. \$50,000.00
7 Civil No. 05-1-1485-08, First Circuit Settlement
8

9 Botelho, et al. v. State of Hawaii, et al. \$20,537.07
10 Civil No. 06-00096DAE-BMK, USDC Judgment
11

12 Hernandez v. State of Hawaii, et al. \$22,000.00
13 Civil No. 06-1-1628-09, First Circuit Settlement
14

15 Herbert v. State of Hawaii, et al. \$153,936.88
16 Civil No. 06-1-0818-05, First Circuit, Judgment
17 Appeal No. 28701, Intermediate Court of Appeals
18

19 Howard v. Kamita, et al. \$105,000.00
20 Civil No. 03-1-2513-12, First Circuit Settlement
21

22 Rosa v. State of Hawaii \$23,685.05
23 Civil No. 07-1-1143-06, First Circuit Judgment
24 Amount of judgment: \$22,675.00
25 4% interest from 6/19/08: \$ 1,010.05
26

27 SUBTOTAL \$425,159.00

28 7. DEPARTMENT OF TRANSPORTATION, AIRPORTS DIVISION:

29 Freitas, et al. v. State of Hawaii \$60,000.00
30 Civil No. 05-1-0514(1), Second Circuit Settlement
31

32 SUBTOTAL: \$60,000.00
33

34 8. MISCELLANEOUS CLAIMS:

35 Ejima, Inc. \$587.75



1	Gladys Hayashi	\$223.43
2	Kay Y. Kawatani	\$107.40
3	Georgia K. Char Lyman as Personal	\$9,114.42
4	Representative of the Estate of	
5	Keakealani L. Char	
6	Lottie L. Mar	\$22,895.25
7	Elaine Mock	\$353.62
8	Eleanor K. Ohnaga	\$450.00
9		
10	Karen M. Radius	\$1,853.15
11	Paul T. Sakuma	\$271.58
12		
13	Mary K. Texeira	\$871.18
14		
15	SUBTOTAL:	\$36,727.78
16	TOTAL (SECTION 1):	\$1,089,096.70

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

19 PART II

20 SECTION 2. There is appropriated out of the general
21 revenues of the State of Hawaii the sum of \$3,500,000 or so much
22 thereof as may be necessary for fiscal year 2009-2010, to
23 reimburse the compliance resolution fund of the department of
24 commerce and consumer affairs pursuant to Hawaii Insurers



1 Council v. Lingle, No. 27840, 2008 WL 5255926 (Hawaii
2 December 18, 2008).

3 **JUDGMENTS AGAINST THE STATE** **AMOUNT**
4 **AND SETTLEMENT OF CLAIMS:**

5 DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS:

6	Hawaii Insurers Council v. Lingle, et al.	\$3,500,000.00
7	Civil No. 02-1-2295-09	Judgment
8	First Circuit, S.Ct. No. 27840	
9		

10	SUBTOTAL	\$3,500,000.00
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11	TOTAL (SECTION 2)	\$3,500,000.00
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12 The sum appropriated shall be expended by the department of
13 budget and finance.

14 **PART III**

15 SECTION 3. The following sums or so much thereof as may be
16 necessary for fiscal year 2008-2009 are appropriated out of the
17 state highway fund for the purpose of satisfying claims for
18 legislative relief as to the following named persons, for claims
19 against the State or its officers or employees for payments of
20 judgments or settlements, or other liabilities, in the amount
21 set forth opposite their names:

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

24
25 DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION:



1	Cuson v. Department of Transportation	\$230,000.00
2	Civil No. 06-1-1855-10, First Circuit	Settlement
3		
4	Kim, et al. v. Rebujo, et al.	\$1,850,000.00
5	Civil No. 06-1-1771-10 and 07-1-1676-09	Settlement
6	First Circuit	
7		
8	Lang v. Prosniewski, et al.	\$325,000.00
9	Civil No. 05-1-0389(1), Second Circuit	Settlement
10		
11	Parel v. Kanui, et al.	\$25,000.00
12	Civil No. 07-1-0290, Third Circuit	Settlement
13		
14	Punsalan, et al. v. State of Hawaii, et al.	\$350,000.00
15	Civil No. 05-01-129K, Third Circuit	Settlement
16		
17	Roberson v. State of Hawaii	\$91,000.00
18	Civil No. 06-1-0248(1), Second Circuit	Settlement
19		
20	SUBTOTAL:	\$2,871,000.00
21	TOTAL (SECTION 3):	\$2,871,000.00
22		

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

26 SECTION 4. The following sums or so much thereof as may be
27 necessary for fiscal year 2008-2009 are appropriated out of the
28 state harbor fund for the purpose of satisfying claims for
29 legislative relief as to the following named persons, for claims
30 against the State or its officers or employees for payments of
31 judgments or settlements, or other liabilities, in the amount
32 set forth opposite their names:



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

AMOUNT

DEPARTMENT OF TRANSPORTATION, HARBORS DIVISION:

Haole v. State of Hawaii \$275,000.00

Civil No. 03-1-0876-04, First Circuit Settlement

SUBTOTAL: \$275,000.00

TOTAL (SECTION 4) \$275,000.00

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

PART IV

SECTION 5. 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 6. 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 Act,



1 as provided in section 662-8, Hawaii Revised Statutes, for those
2 cases to which the statute applies.

3 SECTION 7. All unexpended and unencumbered balances of the
4 appropriations made in this Act as of the close of business on
5 June 30, 2010, shall lapse.

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

12 SECTION 9. This Act shall take effect on July 1, 2009.



H.B. NO. 1016
H.D. 2
S.D. 1
C.D. 1

Report Title:

Appropriations; Claims Against the State

Description:

Makes appropriations for claims against the State, its officers, and its employees. Effective July 1, 2009. (HB1016 CD1)

