

ACT 64

H.B. NO. 1016

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 2008-2009 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:	
Starr v. State of Hawaii, et al. Civil No. 05-00665, USDC	\$ 75,000.00
SUBTOTAL:	<u>\$ 75,000.00</u>
2. DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS:	
Amarino, et al. v. Diego Mortuary, Inc., et al., Civil No. 04-1-1582-08, First Circuit	\$ 142,592.80 <u>Settlement</u>
SUBTOTAL:	\$ 142,592.80
3. DEPARTMENT OF EDUCATION:	
Hoshijo v. State of Hawaii, et al. HCRC No. 12617, EEOC No. 37B-A4-00211	\$ 35,000.00 Settlement
Romero v. State of Hawaii, et al. Civil No. 05-1-2112-11, First Circuit	\$ 20,000.00 Settlement
Wiley, et al. v. State of Hawaii, et al. Civil No. 04-1-1895-10, First Circuit	\$ 175,000.00 Settlement
Tort claim of Dominic Quimbao	<u>\$ 20,000.00</u>
SUBTOTAL:	\$ 250,000.00
4. DEPARTMENT OF HUMAN SERVICES:	
Martinez v. State of Hawaii, et al. Civil No. 06-1-1658-09, First Circuit	\$ 35,000.00 Settlement
Morris v. Kihara, et al. Civil No. 06-1-0063, Fifth Circuit	\$ 39,617.28 <u>Settlement</u>
SUBTOTAL:	\$ 74,617.28
5. DEPARTMENT OF LAND AND NATURAL RESOURCES:	
Wiltz v. State of Hawaii, et al. Civil No. 08-1-0806, Fifth Circuit	\$ 25,000.00 <u>Settlement</u>
SUBTOTAL:	\$ 25,000.00

6.	DEPARTMENT OF PUBLIC SAFETY:	
	Ayala v. State of Hawaii, et al.	\$ 50,000.00
	Civil No. 06-1-0142-01, First Circuit	Settlement
	Becker v. State of Hawaii, et al.	\$ 50,000.00
	Civil No. 05-1-1485-08, First Circuit	Settlement
	Botelho, et al. v. State of Hawaii, et al.	\$ 20,537.07
	Civil No. 06-00096DAE-BMK, USDC	Judgment
	Hernandez v. State of Hawaii, et al.	\$ 22,000.00
	Civil No. 06-1-1628-09, First Circuit	Settlement
	Herbert v. State of Hawaii, et al.	\$153,936.88
	Civil No. 06-1-0818-05, First Circuit,	Judgment
	Appeal No. 28701, Intermediate Court of Appeals	
	Howard v. Kamita, et al.	\$105,000.00
	Civil No. 03-1-2513-12, First Circuit	Settlement
	Rosa v. State of Hawaii	\$ 23,685.05
	Civil No. 07-1-1143-06, First Circuit	Judgment
	Amount of judgment:	\$22,675.00
	4% interest from 6/19/08:	\$ 1,010.05
	SUBTOTAL	\$425,159.00
7.	DEPARTMENT OF TRANSPORTATION, AIRPORTS DIVISION:	
	Freitas, et al. v. State of Hawaii	\$ 60,000.00
	Civil No. 05-1-0514(1), Second Circuit	<u>Settlement</u>
	SUBTOTAL:	\$ 60,000.00
8.	MISCELLANEOUS CLAIMS:	
	Ejima, Inc.	\$ 587.75
	Gladys Hayashi	\$ 223.43
	Kay Y. Kawatani	\$ 107.40
	Georgia K. Char Lyman as Personal	\$ 9,114.42
	Representative of the Estate of Keakealani L. Char	
	Lottie L. Mar	\$ 22,895.25
	Elaine Mock	\$ 353.62
	Eleanor K. Ohnaga	\$ 450.00
	Karen M. Radius	\$ 1,853.15
	Paul T. Sakuma	\$ 271.58
	Mary K. Texeira	\$ <u>871.18</u>
	SUBTOTAL:	\$ 36,727.78
	TOTAL (SECTION 1):	\$1,089,096.86

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

PART II

SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the sum of \$3,500,000 or so much thereof as may be necessary for fiscal year 2009-2010, to reimburse the compliance resolution fund of the department of commerce and consumer affairs pursuant to Hawaii Insurers Council v. Lingle, No. 27840, 2008 WL 5255926 (Hawaii December 18, 2008).

**JUDGMENTS AGAINST THE STATE
AND SETTLEMENT OF CLAIMS:****AMOUNT****DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS:**

Hawaii Insurers Council v. Lingle, et al.	\$ 3,500,000.00
Civil No. 02-1-2295-09	Judgment
First Circuit, S.Ct. No. 27840	
SUBTOTAL	\$ 3,500,000.00
TOTAL (SECTION 2)	\$ 3,500,000.00

The sum appropriated shall be expended by the department of budget and finance.

PART III

SECTION 3. The following sums or so much thereof as may be necessary for fiscal year 2008-2009 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:****AMOUNT****DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION:**

Cuson v. Department of Transportation	\$ 230,000.00
Civil No. 06-1-1855-10, First Circuit	Settlement
Kim, et al. v. Rebujo, et al.	\$ 1,850,000.00
Civil No. 06-1-1771-10 and 07-1-1676-09	Settlement
First Circuit	
Lang v. Prosniewski, et al.	\$ 325,000.00
Civil No. 05-1-0389(1), Second Circuit	Settlement
Parel v. Kanui, et al.	\$ 25,000.00
Civil No. 07-1-0290, Third Circuit	Settlement
Punsalan, et al. v. State of Hawaii, et al.	\$ 350,000.00
Civil No. 05-01-129K, Third Circuit	Settlement
Roberson v. State of Hawaii	\$ 91,000.00
Civil No. 06-1-0248(1), Second Circuit	Settlement
SUBTOTAL:	\$ 2,871,000.00
TOTAL (SECTION 3):	\$ 2,871,000.00

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

SECTION 4. The following sums or so much thereof as may be necessary for fiscal year 2008-2009 are appropriated out of the state harbor 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:**

AMOUNT

DEPARTMENT OF TRANSPORTATION, HARBORS DIVISION:

Haole v. State of Hawaii	\$275,000.00
Civil No. 03-1-0876-04, First Circuit	<u>Settlement</u>
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, as provided in section 662-8, Hawaii Revised Statutes, for those cases to which the statute applies.

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

SECTION 8. 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 9. This Act shall take effect upon its approval; provided that section 2 shall take effect on July 1, 2009.

(Approved May 18, 2009.)