
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 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		Wiley, et al. v. State of Hawaii, et al.	\$175,000.00
13		Civil No. 04-1-1895-10, First Circuit	Settlement
14			
15		Tort claim of Dominic Quimbao	\$20,000.00
16			
17			
18		SUBTOTAL:	<hr/> \$230,000.00
19	4.	DEPARTMENT OF HUMAN SERVICES:	
20		Martinez v. State of Hawaii, et al.	\$35,000.00
21		Civil No. 06-1-1658-09, First Circuit	Settlement
22			
23		Morris v. Kihara, et al.	\$39,617.28
24		Civil No. 06-1-0063, Fifth Circuit	Settlement
25			
26		SUBTOTAL:	<hr/> \$74,617.28
27			
28	5.	DEPARTMENT OF PUBLIC SAFETY:	
29		Ayala v. State of Hawaii, et al.	\$50,000.00
30		Civil No. 06-1-0142-01, First Circuit	Settlement
31			
32		Becker v. State of Hawaii, et al.	\$50,000.00
33		Civil No. 05-1-1485-08, First Circuit	Settlement
34			
35		Hernandez v. State of Hawaii, et al.	\$22,000.00
36		Civil No. 06-1-1628-09, First Circuit	Settlement

1		
2	Rosa v. State of Hawaii	\$23,685.05
3	Civil No. 07-1-1143-06, First Circuit	Judgment
4	Amount of judgment:	\$22,675.00
5	4% interest from 6/19/08:	\$ 1,010.05
6		<hr/>
7	SUBTOTAL	\$145,685.05
8	6. DEPARTMENT OF TRANSPORTATION, AIRPORTS DIVISION:	
9	Freitas, et al. v. State of Hawaii	\$60,000.00
10	Civil No. 05-1-0514(1), Second Circuit	Settlement
11		<hr/>
12	SUBTOTAL:	\$60,000.00
13		
14	7. MISCELLANEOUS CLAIMS:	
15	Ejima, Inc.	\$587.75
16	Gladys Hayashi	\$223.43
17	Kay Y. Kawatani	\$107.40
18	Georgia K. Char Lyman as Personal	\$9,114.42
19	Representative of the Estate of	
20	Keakealani L. Char	
21	Lottie L. Mar	\$22,895.25
22	Elaine Mock	\$353.62
23	Eleanor K. Ohnaga	\$450.00
24		
25	Karen M. Radius	\$1,853.15
26	Paul T. Sakuma	\$271.58
27		<hr/>
28	SUBTOTAL:	\$35,856.60
29	TOTAL (SECTION 1):	\$763,751.73

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

11 JUDGMENTS AGAINST THE STATE 12 AND SETTLEMENT OF CLAIMS:	AMOUNT
13 DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS:	
14 Hawaii Insurers Council v. Lingle, et al. 15 Civil No. 02-1-2295-09 16 First Circuit, S.Ct. No. 27840 17	\$3,500,000.00 Judgment
<hr/>	
18 SUBTOTAL	\$3,500,000.00
19 TOTAL (SECTION 2)	\$3,500,000.00

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

22 **PART III**

23 SECTION 3. The following sums or so much thereof as may be
24 necessary for fiscal year 2008-2009 are appropriated out of the

1 state highway fund for the purpose of satisfying claims for
 2 legislative relief as to the following named persons, for claims
 3 against the State or its officers or employees for payments of
 4 judgments or settlements, or other liabilities, in the amount
 5 set forth opposite their names:

6 JUDGMENTS AGAINST THE STATE	7 AMOUNT
8 AND SETTLEMENTS OF CLAIMS:	
9 DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION:	
10 Cuson v. Department of Transportation	\$230,000.00
11 Civil No. 06-1-1855-10, First Circuit	Settlement
12	
13 Kim, et al. v. Rebujio, et al.	\$1,850,000.00
14 Civil No. 06-1-1771-10 and 07-1-1676-09	Settlement
15 First Circuit	
16	
17 Lang v. Prosnowski, et al.	\$325,000.00
18 Civil No. 05-1-0389(1), Second Circuit	Settlement
19	
20 Parel v. Kanui, et al.	\$25,000.00
21 Civil No. 07-1-0290, Third Circuit	Settlement
22	
23 Punsalan, et al. v. State of Hawaii, et al.	\$350,000.00
24 Civil No. 05-01-129K, Third Circuit	Settlement
25	
26 Roberson v. State of Hawaii	\$91,000.00
27 Civil No. 06-1-0248(1), Second Circuit	Settlement
28	<hr/>
29 SUBTOTAL:	\$2,871,000.00
30 TOTAL (SECTION 3):	\$2,871,000.00
31	

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

4 SECTION 4. The following sums or so much thereof as may be
5 necessary for fiscal year 2008-2009 are appropriated out of the
6 state harbor 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	11 AMOUNT
12 AND SETTLEMENTS OF CLAIMS:	
13 DEPARTMENT OF TRANSPORTATION, HARBORS DIVISION:	
15 Haole v. State of Hawaii	\$275,000.00
16 Civil No. 03-1-0876-04, First Circuit	Settlement
17	<hr/>
18 SUBTOTAL:	\$275,000.00
19 TOTAL (SECTION 4)	\$275,000.00

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

23 **PART IV**

1 SECTION 5. The sums hereinabove may be paid to the
2 respective persons, or for the satisfaction or settlement of the
3 respectively identified cases, and in several amounts
4 hereinabove set forth or in lesser amounts deemed appropriate,
5 upon checks issued by the comptroller; provided departments must
6 obtain the approval of the attorney general before payment of
7 any claim can be made.

8 SECTION 6. Notwithstanding the sums hereinabove stated as
9 interest upon judgments against the State, payment of interest
10 shall be limited to the period from the date of judgment, if
11 applicable, to thirty days after the effective date of this
12 part, as provided in section 662-8, Hawaii Revised Statutes, for
13 those cases to which the statute applies.

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

17 SECTION 8. If any provision of this Act, or the
18 application thereof to any person or circumstance is held
19 invalid, the invalidity does not affect other provisions or
20 applications of the Act, which can be given effect without the
21 invalid provision or application, and to this end the provisions
22 of this Act are severable.

1 SECTION 9. This Act shall take effect on July 1, 2050.

Report Title:

Appropriations; Claims Against the State

Description:

Makes appropriations for claims against the State, its officers, and its employees. Effective 7/1/2050. (SD1)