



GOV. MSG. NO. 681

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

May 18, 2009

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fifth 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, 2009, the following bill was signed into law:

HB1016 HD2 SD1 CD2

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

ACT 064 (09)

Sincerely,



LINDA LINGLE

Approved by the Governor

on MAY 18 2009

HOUSE OF REPRESENTATIVES
TWENTY-FIFTH LEGISLATURE, 2009
STATE OF HAWAII

ACT 064

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

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			
21		SUBTOTAL:	<hr/> \$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			
30		SUBTOTAL:	<hr/> \$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			
36			
37		SUBTOTAL:	<hr/> \$25,000.00



1			
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):	\$1,089,096.86

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

11 TOTAL (SECTION 2) \$3,500,000.00

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:



1 JUDGMENTS AGAINST THE STATE	AMOUNT
2 AND SETTLEMENTS OF CLAIMS:	
3	
4 DEPARTMENT OF TRANSPORTATION, HARBORS DIVISION:	
5 Haole v. State of Hawaii	\$275,000.00
6 Civil No. 03-1-0876-04, First Circuit	Settlement
7	<hr/>
8 SUBTOTAL:	\$275,000.00
9 TOTAL (SECTION 4)	\$275,000.00

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

13 PART IV

14 SECTION 5. The sums hereinabove may be paid to the
15 respective persons, or for the satisfaction or settlement of the
16 respectively identified cases, and in several amounts
17 hereinabove set forth or in lesser amounts deemed appropriate,
18 upon checks issued by the comptroller; provided departments must
19 obtain the approval of the attorney general before payment of
20 any claim can be made.

21 SECTION 6. Notwithstanding the sums hereinabove stated as
22 interest upon judgments against the State, payment of interest
23 shall be limited to the period from the date of judgment, if
24 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 upon its approval;
13 provided that section 2 shall take effect on July 1, 2009.

APPROVED this 18 day of MAY, 2009



GOVERNOR OF THE STATE OF HAWAII

