

# H.B. NO. 1016

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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. 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	<b>JUDGMENTS AGAINST THE STATE</b>	<b>AMOUNT</b>
13	<b>AND SETTLEMENTS OF CLAIMS:</b>	
14		
15	1. DEPARTMENT OF EDUCATION:	
16	Wiley, et al. v. State of Hawaii, et al.	\$ 175,000.00
17	Civil No. 04-1-1895-10, First Circuit	Settlement
18		<hr/>
19	SUBTOTAL:	\$ 175,000.00

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1	2.	DEPARTMENT OF HUMAN SERVICES:	
2		Martinez v. State of Hawaii, et al.	\$ 35,000.00
3		Civil No. 06-1-1658-09, First Circuit	Settlement
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5		SUBTOTAL:	\$ 35,000.00
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7	3.	DEPARTMENT OF PUBLIC SAFETY:	
8		Becker v. State of Hawaii, et al.	\$ 50,000.00
9		Civil No. 05-1-1485-08, First Circuit	Settlement
10			
11		Hernandez v. State of Hawaii, et al.	\$ 22,000.00
12		Civil No. 06-1-1628-09, First Circuit	Settlement
13			
14		Rosa v. State of Hawaii	\$ 23,685.05
15		Civil No. 07-1-1143-06, First Circuit	Judgment
16		Amount of judgment: \$22,675.00	
17		4% interest from 6/19/08: \$ 1,010.05	
18			<hr/>
19		SUBTOTAL:	\$ 95,685.05
20	4.	MISCELLANEOUS CLAIMS:	
21		Ejima, Inc.	\$ 587.75
22		Gladys Hayashi	\$ 223.43
23		Kay Y. Kawatani	\$ 107.40
24		Georgia K. Char Lyman as Personal	\$ 9,114.42
25		Representative of the Estate of	
26		Keakealani L. Char	
27		Lottie L. Mar	\$ 22,895.25
28		Elaine Mock	\$ 353.62
29		Karen M. Radius	\$ 1,853.15
30		Paul T. Sakuma	\$ 271.58
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H.B. NO. 1016

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

7 SECTION 7. This Act shall take effect upon its approval.

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INTRODUCED BY:

Calvin K. Jay

BY REQUEST

JAN 26 2009

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**Report Title:**

Appropriations; Claims Against State

**Description:**

Makes appropriations for claims against the State, its officers, and its employees.

HB 1016

JUSTIFICATION SHEET

DEPARTMENT: Attorney General

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

PURPOSE: Provide for the authorization and payment of claims against the State for refunds of taxes, for judgments and settlements, and for other miscellaneous payments as provided by chapters 37, 661, and 662, Hawaii Revised Statutes.

MEANS: Authorize and appropriate funds for the payment of such claims.

JUSTIFICATION: This bill serves as the vehicle by which claims against the State are transmitted to the Legislature for its consideration. The Legislature will be asked to authorize and fund the payment of such claims by an appropriation of general and special funds. Timely passage of this bill will serve to minimize interest on those amounts for which interest is accruing.

Impact on the public: There would be no direct impact on the public other than the persons whose claims are being paid.

Impact on the department and other agencies: Claims eligible for payment from a special fund will generally be charged to that special fund rather than the general fund. Certain claims will be paid from a department's appropriation as reflected in the budget bill. In such case, that department will be responsible for finding the moneys in its budget to pay for the judgments and settlements rendered against it.

GENERAL FUND: \$341,091.65 to date, and additional funds ultimately expected.

HB 1016

OTHER FUNDS: \$700,000.00 from Department of  
Transportation, Highways Division.

PPBS PROGRAM Various.  
DESIGNATION:

OTHER AFFECTED None.  
AGENCIES:

EFFECTIVE DATE: Upon approval.