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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	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:	\$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:	\$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:	\$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:	\$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		<hr/>
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. Rebujio, 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 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.





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

**Report Title:**

Appropriations; Claims Against the State

**Description:**

Makes appropriations for claims against the State, its officers, and its employees. (HB1016 CD2)

HB1016 CD2 HMS 2009-4148

