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

H.B. NO. ¹⁰¹⁶ H.D. 1

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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 13 14	JUDGMENTS AGAINST THE STATE AMOUNT AND SETTLEMENTS OF CLAIMS:				
15 16	1. DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES:				
17 18 19	Starr v. State of Hawaii, et al. \$75,000.00 Civil No. 05-00665, USDC				
20	SUBTOTAL: \$75,000.00				

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1 2	2.	DEPARTMENT OF EDUCATION:				
2 3 4 5		Hoshijo v. State of Hawaii, et al. HCRC No. 12617, EEOC No. 37B-A4-00211	\$35,000.00 Settlement			
5 6 7 8		Wiley, et al. v. State of Hawaii, et al. Civil No. 04-1-1895-10, First Circuit	\$175,000.00 Settlement			
9		SUBTOTAL:	\$210,000.00			
10	3.	DEPARTMENT OF HUMAN SERVICES:				
11 12 13		Martinez v. State of Hawaii, et al. Civil No. 06-1-1658-09, First Circuit	\$35,000.00 Settlement			
14 15		SUBTOTAL:	\$35,000.00			
16	4.	DEPARTMENT OF PUBLIC SAFETY:				
17 18 19		Ayala v. State of Hawaii, et al. Civil No. 06-1-0142-01, First Circuit	\$50,000,00 Settlement			
20 21 22		Becker v. State of Hawaii, et al. Civil No. 05-1-1485-08, First Circuit	\$50,000.00 Settlement			
23 24 25		Hernandez v. State of Hawaii, et al. Civil No. 06-1-1628-09, First Circuit	\$22,000.00 Settlement			
26 27 28 29 30		Rosa v. State of Hawaii Civil No. 07-1-1143-06, First Circuit Amount of judgment: \$22,675.00 4% interest from 6/19/08: \$ 1,010.05	\$23,685.05 Judgment			
31		SUBTOTAL:	\$145,685.05			
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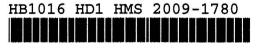
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1	5.	DEPARTMENT OF TRANSPORTATION, AIRPORTS DIVISION:		
2 3 4		Freitas, et al. v. State of Hawaii Civil No. 05-1-0514(1), Second Circuit	\$30,000.00 Settlement	
5		SUBTOTAL:	\$30,000.00	
6 7	6.	MISCELLANEOUS CLAIMS:		
8		Ejima, Inc.	\$587.75	
9		Gladys Hayashi	\$223.43	
10		Kay Y. Kawatani	\$107.40	
11 12 13		Georgia K. Char Lyman as Personal Representative of the Estate of Keakealani L. Char	\$9,114.42	
14		Lottie L. Mar	\$22,895.25	
15		Elaine Mock	\$353.62	
16		Karen M. Radius	\$1,853.15	
17 18		Paul T. Sakuma	\$271.58	
19		SUBTOTAL:	\$35,406.60	
20		TOTAL (SECTION 1):	\$531,091.65	
21	The sums appropriated shall be expended by the department			
22	of t	he attorney general for the purposes of this Act.		
23		PART II		
24		SECTION 2. The following sums or so much thereo	f as may be	
25	nece	ssary for fiscal year 2008-2009 are appropriated	out of the	



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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 AMOUNT 7 AND SETTLEMENTS OF CLAIMS: 8 9 DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION: 10 Parel v. Kanui, et al. \$25,000.00 11 Civil No. 07-1-0290, Third Circuit Settlement 12 13 Lang v. Prosniewski, et al. \$325,000.00 14 Civil No. 05-1-0389(1), Second Circuit Settlement 15 16 Punsalan, et al. v. State of Hawaii, et al. \$350,000.00 17 Civil No. 05-01-129K, Third Circuit Settlement 18 19 SUBTOTAL: \$700,000.00 20 TOTAL (SECTION 2): \$700,000.00 21 22 The sums appropriated shall be expended by the department 23 of transportation, highways division, for the purposes of this 24 Act. 25 PART III 26 The sums hereinabove may be paid to the SECTION 3. 27 respective persons, or for the satisfaction or settlement of the 28 respectively identified cases, and in several amounts



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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.

5 SECTION 4. Notwithstanding the sums hereinabove stated as 6 interest upon judgments against the State, payment of interest 7 shall be limited to the period from the date of judgment, if 8 applicable, to thirty days after the effective date of this 9 part, as provided in section 662-8, Hawaii Revised Statutes, for 10 those cases to which the statute applies.

SECTION 5. 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 6. 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.

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



Report Title:

Appropriations; Claims Against the State

Description:

Makes appropriations for claims against the State, its officers, and its employees. (HB1016 HD1)

