
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:

PART I

1
2 SECTION 1. The following sums or so much thereof as may be
3 necessary for fiscal year 2016-2017 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	1. MISCELLANEOUS CLAIMS:		
13			
14	Eaton Arakaki	\$	557.99
15			
16	Paquito and Natividad Dimaya	\$	1,001.00
17			
18	Ronald Martinez, Jr.	\$	92.00
19			
20	Kan Shimada	\$	250.00
21			
22	Shigeko Kiyojima	\$	697.00
23			



1	Kiyomi Young	\$	399.60
2			
3	Jocelyn Valdez	\$	837.00
4			
5			
6	SUBTOTAL:	\$	3,834.59
7			
8	Total (SECTION 1):		\$ 3,843.59

9 The sums appropriated shall be expended by the department
10 of the attorney general for the purposes of this Act.

11 **PART II**

12 SECTION 2. The following sums or so much thereof as may be
13 necessary for fiscal year 2016-2017 are appropriated out of the
14 state highway fund for the purpose of satisfying claims for
15 legislative relief as to the following named persons, for claims
16 against the State or its officers or employees for payments of
17 judgments or settlements, or other liabilities, in the amount
18 set forth opposite their names:

19	JUDGMENTS AGAINST THE STATE		AMOUNT
20	AND SETTLEMENTS OF CLAIMS:		
21			
22	DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION:		
23			
24	Burley v. State of Hawaii	\$	85,000.00
25	Civil No. 14-1-2102-10, First Circuit		Settlement
26			
27	Lee, et al. v. Tavai, et al.	\$	1,565,154.00
28	Civil No. 14-1-1659-07, First Circuit		Settlement
29			
30	Lopez, et al. v. State of Hawaii	\$	3,901,866.44



1	Civil No. 13-1-0885(2), Second Circuit	Settlement
2		
3	Kawamura, et al. v. State of Hawaii, et al.	\$ 95,000.00
4	Civil No. 11-1-0311, Fifth Circuit	Settlement
5		
6		
7	SUBTOTAL:	\$ 5,647,020.44
8		
9	TOTAL (SECTION 2)	\$ 5,647,020.44

10 The sums appropriated shall be expended by the department
 11 of transportation, highways division, for the purposes of this
 12 Act.
 13

14 **PART III**

15 SECTION 3. The following sums or so much thereof as may be
 16 necessary for fiscal year 2016-2017 are appropriated out of the
 17 harbor special 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:

	JUDGMENTS AGAINST THE STATE AND SETTLEMENTS OF CLAIMS:	AMOUNT
22		
23		
24	DEPARTMENT OF TRANSPORTATION, HARBORS DIVISION:	
25		
26		
27	Smith v. State of Hawaii, et al.	\$ 116,000.00
28	Civil No. 15-1-0549-03, First Circuit	Settlement
29		
30	SUBTOTAL:	\$ 116,000.00



1 TOTAL (SECTION 3) \$ 116,000.00

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

5 PART IV

6 SECTION 4. The following sums or so much thereof as may be
7 necessary for fiscal year 2016-2017 are appropriated out of the
8 airport revenue fund for the purpose of satisfying claims for
9 legislative relief in the following case, to be paid exclusively
10 to those subcontractors and suppliers for work and supplies that
11 have been provided and accepted as reasonable and appropriate by
12 the department of transportation, airports division, for claims
13 against the State or its officers or employees for payments of
14 judgments or settlements, or other liabilities, in the amount
15 set forth below:

16 JUDGMENTS AGAINST THE STATE	AMOUNT
17 AND SETTLEMENTS OF CLAIMS:	
18	
19 DEPARTMENT OF TRANSPORTATION, AIRPORTS DIVISION:	
20	
21 Helix Electric, Inc. v. DCK Pacific	
22 Construction, LLC, et al.,	\$ 10,080,000.00
23 Civil No. 16-1-1090-06, First Circuit	Settlement
24	<hr/>
25	
26 SUBTOTAL:	\$ 10,080,000.00



1 TOTAL (SECTION 4) \$ 10,080,000.00

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

5 PART V

6 SECTION 5. The legislature finds and declares that the
7 following claim for legislative relief recommended for approval
8 as to the following named person for claims against the State or
9 the department of education or its officers or employees for the
10 payment of judgments or settlements, or other liabilities, in
11 the amount set forth opposite their name, is approved for
12 payment:

13 JUDGMENTS AGAINST THE STATE 14 AND SETTLEMENTS OF CLAIMS:	AMOUNT
16 1. DEPARTMENT OF EDUCATION:	
18 Westbrook, et al. v. State of Hawaii, et al. 19 Civil No. 12-1-1596-06, First Circuit	\$ 21,000.00 Settlement
22 SUBTOTAL:	\$ 21,000.00
24 TOTAL (SECTION 5):	\$ 21,000.00

26 Provided that of legislative appropriation item G-1 for the
27 department of education for fiscal year 2016-2017 in section 3



1 of Act 119, Session Laws of Hawaii 2015, as amended by section 3
2 of Act 124, Session Laws of Hawaii 2016, the general fund sum of
3 \$21,000 shall be expended from the 2016-2017 budget (EDN 100,
4 weighted student formula funds) by the department of education
5 for the purposes of this Act.

6 PART VI

7 SECTION 6. The legislature finds and declares that the
8 following claim for legislative relief recommended for approval
9 as to the following named person for claims against the State or
10 the Hawaii state public charter school or its officers or
11 employees for the payment of judgments or settlements, or other
12 liabilities, in the amount set forth opposite their name, is
13 approved for payment:

14 JUDGMENTS AGAINST THE STATE	AMOUNT
15 AND SETTLEMENTS OF CLAIMS:	
16	
17 1. HAWAII STATE PUBLIC CHARTER SCHOOL:	
18	
19 Grievance of Dr. Ardith Renteria	\$ 30,000.00
20 Civil No. 12-1-1596-06, First Circuit	Settlement
21	
22	
23 SUBTOTAL:	\$ 30,000.00
24	
25 TOTAL (SECTION 6):	\$ 30,000.00
26	



1 Provided that of legislative appropriation item G-7 for the
2 department of education for fiscal year 2016-2017 in section 3
3 of Act 119, Session Laws of Hawaii 2015, as amended by section 3
4 of Act 124, Session Laws of Hawaii 2016, the general fund sum of
5 \$30,000 shall be expended from the 2016-2017 budget (EDN 600,
6 general funds) by the Hawaii state public charter school for the
7 purposes of this Act.

8 PART VII

9 SECTION 7. The legislature finds and declares that the
10 following claim for legislative relief recommended for approval
11 as to the following named person for claims against the State or
12 the campaign spending commission or its officers or employees
13 for the payment of judgments or settlements, or other
14 liabilities, in the amount set forth opposite their name, is
15 approved for payment:

16 JUDGMENTS AGAINST THE STATE 17 AND SETTLEMENTS OF CLAIMS:	AMOUNT
18 19 1. HAWAII CAMPAIGN SPENDING COMMISSION:	
20 21 Yamada, et al. v. Snipes, et al.	\$ 66,701.10
22 Civil No. 10-00497, USDC	Judgment
23 Ninth Circuit No. 12-17845	
24 The Committee to Elect Julia Allen, et al. v.	
25 Campaign Spending Commission, et al.	\$ 2,415.00



1	Civil No. 15-1-1147-06, First Circuit	Settlement
2		
3		
4	SUBTOTAL:	\$ 69,116.10
5		
6	TOTAL (SECTION 7):	\$ 69,116.10
7		

8 Provided that of legislative appropriation item K-9 for the
9 department of education for fiscal year 2016-2017 in section 3
10 of Act 119, Session Laws of Hawaii 2015, as amended by section 3
11 of Act 124, Session Laws of Hawaii 2016, the general fund sum of
12 \$69,116.10 shall be expended from the 2016-2017 budget (AGS 871,
13 trust funds) by the campaign spending commission for the
14 purposes of this Act.

15 **PART VIII**

16 SECTION 8. The legislature finds and declares that the
17 following claim for legislative relief recommended for approval
18 as to the following named person for claims against the State or
19 the department of land and natural resources or its officers or
20 employees for the payment of judgments or settlements, or other
21 liabilities, in the amount set forth opposite their name, is
22 approved for payment:

23	JUDGMENTS AGAINST THE STATE	AMOUNT
24	AND SETTLEMENTS OF CLAIMS:	
25		



1	1	DEPARTMENT OF LAND AND NATURAL RESOURCES:	
2			
3		Claim of First Insurance Company	
4		of Hawaii, Inc.	\$ 18,000.00
5			Settlement
6			
7		Silva v. State of Hawaii, et al.	\$ 75,000.00
8		Civil No. 15-1-269K, Third Circuit	Settlement
9			
10			<hr/>
11		SUBTOTAL:	\$ 93,000.00
12			
13		TOTAL (SECTION 8):	\$ 93,000.00

14 Provided that of legislative appropriation item D-9 for the
15
16 department of land and natural resources for fiscal year 2016-
17 2017 in section 3 of Act 119, Session Laws of Hawaii 2015, as
18 amended by section 3 of Act 124, Session Laws of Hawaii 2016,
19 the general fund sum of \$93,000.00 shall be expended from the
20 2016-2017 budget (LNR 906, general funds) by the department of
21 land and natural resources for the purposes of this Act.

22 **PART IX**

23 SECTION 9. The legislature finds and declares that the
24 following claim for legislative relief recommended for approval
25 as to the following named person for claims against the State or
26 the department of public safety or its officers or employees for
27 the payment of judgments or settlements, or other liabilities,



1 in the amount set forth opposite their name, is approved for
2 payment:

3 JUDGMENTS AGAINST THE STATE	AMOUNT
4 AND SETTLEMENTS OF CLAIMS:	
5	
6 1. DEPARTMENT OF PUBLIC SAFETY:	
7	
8 Antoque v. State of Hawaii, et al.	\$ 35,000.00
9 Civil No. 15-1-0262, Third Circuit	Settlement
10	<hr/>
11	
12 SUBTOTAL:	\$ 35,000.00
13	
14 TOTAL (SECTION 9):	\$ 35,000.00
15	

16 Provided that of legislative appropriation item I-4 for the
17 department of public safety for fiscal year 2016-2017 in section
18 3 of Act 119, Session Laws of Hawaii 2015, as amended by section
19 3 of Act 124, Session Laws of Hawaii 2016, the general fund sum
20 of \$35,000 shall be expended from the 2016-2017 budget (PSD 405,
21 general funds) by the department of public safety for the
22 purposes of this Act.

23 **PART X**

24 SECTION 10. The legislature finds and declares that the
25 following claim for legislative relief recommended for approval
26 as to the following named person for claims against the State or
27 the department of public safety or its officers or employees for



1 the payment of judgments or settlements, or other liabilities,
2 in the amount set forth opposite their name, is approved for
3 payment:

4 JUDGMENTS AGAINST THE STATE	AMOUNT
5 AND SETTLEMENTS OF CLAIMS:	
6	
7 1. DEPARTMENT OF PUBLIC SAFETY:	
8	
9 Freitas, et al. v. Gillespie, et al.	\$ 400,000.00
10 Civil No. 13-1-0365, Fifth Circuit	Settlement
11	<hr/>
12	
13 SUBTOTAL:	\$ 400,000.00
14	
15 TOTAL (SECTION 10):	\$ 400,000.00
16	

17 Provided that of legislative appropriation item I-19 for
18 the department of public safety for fiscal year 2016-2017 in
19 section 3 of Act 119, Session Laws of Hawaii 2015, as amended by
20 section 3 of Act 124, Session Laws of Hawaii 2016, the general
21 fund sum of \$400,000 shall be expended from the 2016-2017 budget
22 (PSD 900, general funds) by the department of public safety for
23 the purposes of this Act.

24 **PART XI**

25 SECTION 11. The legislature finds and declares that the
26 following claim for legislative relief recommended for approval
27 as to the following named person for claims against the State or



1 the department of public safety or its officers or employees for
2 the payment of judgments or settlements, or other liabilities,
3 in the amount set forth opposite their name, is approved for
4 payment:

5 JUDGMENTS AGAINST THE STATE	AMOUNT
6 AND SETTLEMENTS OF CLAIMS:	
7	
8 1. DEPARTMENT OF PUBLIC SAFETY:	
9	
10 Leolao, et al. v. State of Hawaii, et al.	\$ 60,000.00
11 Civil No. 13-1-3038-11, First Circuit	Settlement
12	<hr/>
13	
14 SUBTOTAL:	\$ 60,000.00
15	
16 TOTAL (SECTION 11):	\$ 60,000.00
17	

18 Provided that of legislative appropriation item I-1 for the
19 department of public safety for fiscal year 2016-2017 in section
20 3 of Act 119, Session Laws of Hawaii 2015, as amended by section
21 3 of Act 124, Session Laws of Hawaii 2016, the general fund sum
22 of \$60,000 shall be expended from the 2016-2017 budget (PSD 402,
23 general funds) by the department of public safety for the
24 purposes of this Act.



1 **PART XII**

2 SECTION 12. The legislature finds and declares that the
3 following claim for legislative relief recommended for approval
4 as to the following named person for claims against the State or
5 the department of public safety or its officers or employees for
6 the payment of judgments or settlements, or other liabilities,
7 in the amount set forth opposite their name, is approved for
8 payment:

9	JUDGMENTS AGAINST THE STATE	AMOUNT
10	AND SETTLEMENTS OF CLAIMS:	
11		
12	1. DEPARTMENT OF PUBLIC SAFETY:	
13		
14	Obata v. State of Hawaii, et al.	\$ 20,000.00
15	Civil No. 14-1-1660-07 KTN, First Circuit	Settlement
16		
17	Muller v. State of Hawaii, et al.	\$ 80,000.00
18	Civil No. 14-1-2133-10, First Circuit	Settlement
19		
20		<hr/>
21	SUBTOTAL:	\$ 100,000.00
22		
23	TOTAL (SECTION 12):	\$ 100,000.00
24		

25 Provided that of legislative appropriation item I-11 for
26 the department of public safety for fiscal year 2016-2017 in
27 section 3 of Act 119, Session Laws of Hawaii 2015, as amended by
28 section 3 of Act 124, Session Laws of Hawaii 2016, the general
29 fund sum of \$100,000 shall be expended from the 2016-2017 budget



1 (PSD 421, general funds) by the department of public safety for
2 the purposes of this Act.

3 **PART XII**

4 SECTION 5. The legislature finds and declares that the
5 following claim for legislative relief recommended for approval
6 as to the following named person for claims against the State or
7 the department of public safety or its officers or employees for
8 the payment of judgments or settlements, or other liabilities,
9 in the amount set forth opposite their name, is approved for
10 payment:

11 JUDGMENTS AGAINST THE STATE 12 AND SETTLEMENTS OF CLAIMS:	AMOUNT
14 1. DEPARTMENT OF PUBLIC SAFETY:	
16 Sullivan, et al. v. State of Hawaii, et al. 17 Civil No. 15-1-2429-12 VLC, First Circuit	\$ 48,000.00 Settlement
20 SUBTOTAL:	\$ 48,000.00
22 TOTAL (SECTION 13):	\$ 48,000.00

23
24 Provided that of legislative appropriation item I-8 for the
25 department of public safety for fiscal year 2016-2017 in section
26 3 of Act 119, Session Laws of Hawaii 2015, as amended by section
27 3 of Act 124, Session Laws of Hawaii 2016, the general fund sum



1 of \$48,000 shall be expended from the 2016-2017 budget (PSD 409,
2 general funds) by the department of public safety for the
3 purposes of this Act.

4

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PART XIV

6 SECTION 14. The legislature finds and declares that the
7 following claim for legislative relief recommended for approval
8 as to the following named person for claims against the State or
9 the department of human services or its officers or employees
10 for the payment of judgments or settlements, or other
11 liabilities, in the amount set forth opposite their name, is
12 approved for payment:

13 JUDGMENTS AGAINST THE STATE	AMOUNT
14 AND SETTLEMENTS OF CLAIMS:	
15	
16 1. DEPARTMENT OF HUMAN SERVICES:	
17	
18 Rooney, et al. v. State of Hawaii, et al.	\$ 875,000.00
19 Civil No. 14-0323(2), Second Circuit	Settlement
20	<hr/>
21	
22 SUBTOTAL:	\$ 875,000.00
23	
24 TOTAL (SECTION 14):	\$ 875,000.00
25	

26 Provided that of legislative appropriation item F-1 for the
27 department of human services for fiscal year 2016-2017 in



1 section 3 of Act 119, Session Laws of Hawaii 2015, as amended by
2 section 3 of Act 124, Session Laws of Hawaii 2016, the general
3 fund sum of \$875,000 shall be expended from the 2016-2017 budget
4 (HMS 301, general funds) by the department of human services for
5 the purposes of this Act.

6 **PART XV**

7 SECTION 15. The legislature finds and declares that the
8 following claim for legislative relief recommended for approval
9 as to the following named person for claims against the State or
10 the department of human services or its officers or employees
11 for the payment of judgments or settlements, or other
12 liabilities, in the amount set forth opposite their name, is
13 approved for payment:

14 JUDGMENTS AGAINST THE STATE	AMOUNT
15 AND SETTLEMENTS OF CLAIMS:	
16	
17 1. DEPARTMENT OF HUMAN SERVICES:	
18	
19 Carroll, et al. v. Camit, et al.	\$ 18,500.00
20 Civil No. 12-1-0622(2), Second Circuit	Settlement
21	<hr/>
22	
23 SUBTOTAL:	\$ 18,500.00
24	
25 TOTAL (SECTION 15):	\$ 18,500.00
26	



1 Provided that of legislative appropriation item F-8 for the
2 department of human services for fiscal year 2016-2017 in
3 section 3 of Act 119, Session Laws of Hawaii 2015, as amended by
4 section 3 of Act 124, Session Laws of Hawaii 2016, the general
5 fund sum of \$18,500 shall be expended from the 2016-2017 budget
6 (HMS 601, general funds) by the department of human services for
7 the purposes of this Act.

8 PART XVI

9 SECTION 16. The legislature finds and declares that the
10 following claim for legislative relief recommended for approval
11 as to the following named person for claims against the State or
12 the department of human services or its officers or employees
13 for the payment of judgments or settlements, or other
14 liabilities, in the amount set forth opposite their name, is
15 approved for payment:

16 JUDGMENTS AGAINST THE STATE	AMOUNT
17 AND SETTLEMENTS OF CLAIMS:	
18	
19 1. DEPARTMENT OF HUMAN SERVICES:	
20	
21 J.E., et al. v. Wong, et al.	\$ 396,858.00
22 Civil No. 14-00399 HG-KJM, USDC	Settlement
23	
24	<hr/>
25 SUBTOTAL:	\$ 396,858.00
26	



1 TOTAL (SECTION 16): \$ 396,858.00
2

3 Provided that of legislative appropriation item F-18 for
4 the department of human services for fiscal year 2016-2017 in
5 section 3 of Act 119, Session Laws of Hawaii 2015, as amended by
6 section 3 of Act 124, Session Laws of Hawaii 2016, the general
7 fund sum of \$396,858.00 shall be expended from the 2016-2017
8 budget (HMS 401, general funds) by the department of human
9 services for the purposes of this Act.

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PART XVII

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

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SECTION 18. Notwithstanding the sums hereinabove stated as
interest upon judgments against the State, payment of interest
shall be limited to the period from the date of judgment, if



1 applicable, to thirty days after the effective date of this Act,
2 as provided in section 662-8, Hawaii Revised Statutes, for those
3 cases to which the statute applies.

4 SECTION 19. All unexpended and unencumbered balances of
5 the appropriations made in this Act as of the close of business
6 on June 30, 2018, shall lapse.

7 SECTION 20. If any provision of this Act, or the
8 application thereof to any person or circumstance is held
9 invalid, the invalidity does not affect other provisions or
10 applications of the Act, which can be given effect without the
11 invalid provision or application, and to this end the provisions
12 of this Act are severable.

13 SECTION 21. This Act shall take effect upon its approval.



Report Title:

Claims Against the State; Appropriations

Description:

Makes appropriations for claims against the State, its officers, and its employees. (HB1022 CD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

