



EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

June 7, 2018

GOV. MSG. NO. 1124

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Twenty-Ninth State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,
Speaker and Members of the
House of Representatives
Twenty-Ninth State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on June 7, 2018, the following bill was signed into law:

SB2740 SD1 HD2 CD1

MAKING APPROPRIATIONS FOR CLAIMS
AGAINST THE STATE, ITS OFFICERS, OR ITS
EMPLOYEES
ACT 024 (18)

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

1 year 2017-2018 in section 3 of Act 49, Session Laws of Hawaii
2 2017, the general fund sum of \$52,500 shall be expended from the
3 2017-2018 budget (AGS 232, general funds) by the department of
4 accounting and general services for the purposes of this Act.

5 PART II

6 SECTION 2. 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	AMOUNT
14 AND SETTLEMENTS OF CLAIMS:	
16 2. DEPARTMENT OF EDUCATION:	
18 Clark, et al. v. Department of Education, 19 et al., Civil No. 15-1-2486-12, First Circuit	\$ 35,000.00 Settlement
22 SUBTOTAL:	<hr/> \$ 35,000.00
24 TOTAL (SECTION 2):	\$ 35,000.00

25 Provided that of legislative appropriation item G-6 for the
26 department of education for fiscal year 2017-2018 in section 3
27



1 of Act 49, Session Laws of Hawaii 2017, the general fund sum of
 2 \$35,000 shall be expended from the 2017-2018 budget (EDN 500,
 3 general funds) by the department of education for the purposes
 4 of this Act.

5 PART III

6 SECTION 3. 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 Hawaiian home lands or its officers or
 10 employees 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 3. DEPARTMENT OF HAWAIIAN HOME LANDS:	
17	
18 Arthur, et al. v. State of Hawaii, et al.	\$ 200,000.00
19 Civil No. 05-1-1981-11, First Circuit	Settlement
20	
21	
22 SUBTOTAL:	\$ 200,000.00
23	
24 TOTAL (SECTION 3):	\$ 200,000.00

25 Provided that of legislative appropriation item F-24 for
 26
 27 the department of Hawaiian home lands for fiscal year 2017-2018



1 in section 3 of Act 49, Session Laws of Hawaii 2017, the general
2 fund sum of \$200,000 shall be expended from the 2017-2018 budget
3 (HHL 625, general funds) by the department of Hawaiian home
4 lands for the purposes of this Act.

5 PART IV

6 SECTION 4. 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 health 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:	15 AMOUNT
16 4. DEPARTMENT OF HEALTH:	
17 18 Johnson v. Rainbow Rehabilitation Services, 19 Inc., et al., Civil No. 07-1-1855-10, 20 First Circuit	\$ 1,601,536.97 Judgment
	<hr/>
21 22 SUBTOTAL:	\$ 1,601,536.97
23 24 TOTAL (SECTION 4):	\$ 1,601,536.97
25 26	



1 Provided that of legislative appropriation item E-16 for
2 the department of health for fiscal year 2017-2018 in section 3
3 of Act 49, Session Laws of Hawaii 2017, the general fund sum of
4 \$1,601,536.97 shall be expended from the 2017-2018 budget (HTH
5 460, general funds) by the department of health for the purposes
6 of this Act.

7 PART V

8 SECTION 5. The legislature finds and declares that the
9 following claims for legislative relief recommended for approval
10 as to the following named persons for claims against the State
11 or the department of human services or its officers or employees
12 for the payment of judgments or settlements, or other
13 liabilities, in the amounts set forth opposite their names, are
14 approved for payment:

15 JUDGMENTS AGAINST THE STATE	AMOUNT
16 AND SETTLEMENTS OF CLAIMS:	
17 18 5. DEPARTMENT OF HUMAN SERVICES:	
19 20 Ah Chong, et al. v. McManaman \$ 850,000.00 21 Civil No. 13-00663 LEK-KSC, USDC Settlement	
22 23 Kalili v. Department of Human Services, \$ 115,000.00 24 et al., Civil No. 13-1-0171, Third Circuit Settlement	
25 26 Lahti, et al. v. State of Hawaii, et al. \$ 500,000.00 27 Civil No. 08-1-0132(3), Second Circuit Settlement	



1		
2	Sheehey, et al. v. State of Hawaii	\$ 2,341,103.10
3	Civil No. 14-1-1709-08 VLC, First Circuit	Settlement
4		<hr/>
5		
6	SUBTOTAL:	\$ 3,806,103.10
7		
8	TOTAL (SECTION 5):	\$ 3,806,103.10
9		

10 Provided that of legislative appropriation item F-1 for the
11 department of human services for fiscal year 2017-2018 in
12 section 3 of Act 49, Session Laws of Hawaii 2017, the general
13 fund sum of \$3,806,103.10 shall be expended from the 2017-2018
14 budget (HMS 301, general funds) by the department of human
15 services for the purposes of this Act.

PART VI

17 SECTION 6. The legislature finds and declares that the
18 following claims for legislative relief recommended for approval
19 as to the following named persons for claims against the State
20 or the department of land and natural resources or its officers
21 or employees for the payment of judgments or settlements, or
22 other liabilities, in the amounts set forth opposite their
23 names, are approved for payment:



1	JUDGMENTS AGAINST THE STATE	AMOUNT
2	AND SETTLEMENTS OF CLAIMS:	
3		
4	6. DEPARTMENT OF LAND AND NATURAL RESOURCES:	
5		
6	Claim of Sandra Lee Atkinson	\$ 20,212.30
7	Civil No. 13-00663 LEK-KSC, USDC	Settlement
8		
9	Umberger, et al. v. Department of Land	\$ 74,491.81
10	and Natural Resources,	Judgment
11	Civil No. 12-1-2626-10, Third Circuit	
12		
13	Corbett v. Kyo-Ya Hotels & Resorts, LP,	\$ 75,000.00
14	et al.	Settlement
15	Civil No. 17-1-0371-03, First Circuit	
16		
17		-----
18		
19	SUBTOTAL:	\$ 169,704.11
20		
21	TOTAL (SECTION 6):	\$ 169,704.11

22
23 Provided that of legislative appropriation item A-23 for
24 the department of land and natural resources for fiscal year
25 2017-2018 in section 3 of Act 49, Session Laws of Hawaii 2017,
26 the general fund sum of \$169,704.11 shall be expended from the
27 2017-2018 budget (LNR 141, general funds) by the department of
28 land and natural resources for the purposes of this Act.

29 PART VII

30 SECTION 7. The legislature finds and declares that the
31 following claims for legislative relief recommended for approval
32 as to the following named persons for claims against the State



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

5 **JUDGMENTS AGAINST THE STATE** **AMOUNT**
6 **AND SETTLEMENTS OF CLAIMS:**

7
8 7. DEPARTMENT OF PUBLIC SAFETY:

9			
10	Hopfe v. State of Hawaii, et al.	\$	20,000.00
11	Civil No. 16-1-0645-04, First Circuit		Settlement
12			
13	Smith v. State of Hawaii, et al.	\$	50,000.00
14	Civil No. 14-00432 LEK-KSC, USDC		Settlement
15			
16	Castro v. Melchor, et al.	\$	634,465.45
17	Civil No. 08-1-0901-05, First Circuit		Judgment
18	SCWC No. 12-0000753		
19			
20			
21	SUBTOTAL:	\$	704,465.45
22			
23	TOTAL (SECTION 7):	\$	704,465.45

24
25 Provided that of legislative appropriation item I-11 for
26 the department of public safety for fiscal year 2017-2018 in
27 section 3 of Act 49, Session Laws of Hawaii 2017, the general
28 fund sum of \$704,465.45 shall be expended from the 2017-2018
29 budget (PSD 421, general funds) by the department of public
30 safety for the purposes of this Act.



PART VIII

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

JUDGMENTS AGAINST THE STATE AND SETTLEMENTS OF CLAIMS:	AMOUNT
8. HAWAII STATE PUBLIC LIBRARY SYSTEM:	
Woolpert v. State of Hawaii, et al. Civil No. 15-1-0923-05, First Circuit	\$ 155,000.00 Settlement
	<hr/>
SUBTOTAL:	\$ 155,000.00
TOTAL (SECTION 8):	\$ 155,000.00

Provided that of legislative appropriation item G-14 for the Hawaii state public library system for fiscal year 2017-2018 in section 3 of Act 49, Session Laws of Hawaii 2017, the general fund sum of \$155,000 shall be expended from the 2017-2018 budget (EDN 407, general funds) by the Hawaii state public library system for the purposes of this Act.



1 PART IX

2 SECTION 9. The following sums or so much thereof as may be
3 necessary for fiscal year 2017-2018 are appropriated out of the
4 state highway fund for the purpose of satisfying claims for
5 legislative relief as to the following named persons, for claims
6 against the State or its officers or employees for payments of
7 judgments or settlements, or other liabilities, in the amount
8 set forth opposite their names:

9 JUDGMENTS AGAINST THE STATE AMOUNT
10 AND SETTLEMENTS OF CLAIMS:

11 DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION:

14	Van Vleet v. Costales, et al.	\$	70,000.00
15	Civil No. 17-1-0951-06, First Circuit		Settlement
17	Claim of Garrison Property and Casualty	\$	19,312.84
18	Insurance Company USAA		Settlement
21	Imada v. State of Hawaii, et al.		
22	Civil No. 14-1-0401K, Third Circuit		
22	and		
23	Ocampo v. State of Hawaii, et al.	\$	1,300,000.00
24	Civil No. 16-1-234K, Third Circuit		Settlement
26	Amina v. State of Hawaii, et. al.	\$	45,000.00
27	Civil No. 16-1-1080-06, First Circuit		Settlement
30	SUBTOTAL:	\$	1,434,312.84
32	TOTAL (SECTION 9):	\$	1,434,312.84



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

4 PART X

5 SECTION 10. The sums hereinabove may be paid to the
6 respective persons, or for the satisfaction or settlement of the
7 respectively identified cases, and in several amounts
8 hereinabove set forth or in lesser amounts deemed appropriate,
9 upon checks issued by the comptroller; provided that departments
10 shall obtain the approval of the attorney general before payment
11 of any claim can be made.

12 SECTION 11. Notwithstanding the sums hereinabove stated as
13 interest upon judgments against the State, payment of interest
14 shall be limited to the period from the date of judgment, if
15 applicable, to thirty days after the effective date of this Act,
16 as provided in section 662-8, Hawaii Revised Statutes, for those
17 cases to which that section applies.

18 SECTION 12. All unexpended and unencumbered balances of
19 the appropriations made in this Act as of the close of business
20 on June 30, 2019, shall lapse.

APPROVED this 07 day of JUN, 2018

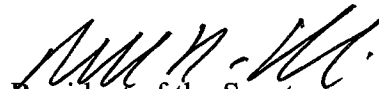



GOVERNOR OF THE STATE OF HAWAII

THE SENATE OF THE STATE OF HAWAI'I

Date: May 1, 2018
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the
Senate of the Twenty-ninth Legislature of the State of Hawai'i, Regular Session of 2018.


President of the Senate


Clerk of the Senate

SB No. 2740, SD 1, HD 2, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 1, 2018
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Twenty-Ninth Legislature of the State of Hawaii, Regular Session of 2018.



Scott K. Saiki
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives