



EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

June 7, 2019

GOV. MSG. NO. 1200

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

The Honorable Scott K. Saiki,
Speaker and Members of the
House of Representatives
Thirtieth 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, 2019, the following bill was signed into law:

HB942 HD2 SD2 CD1

**MAKING APPROPRIATIONS FOR CLAIMS
AGAINST THE STATE, ITS OFFICERS, OR ITS
EMPLOYEES.
ACT 099 (19)**

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

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 2018-2019 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	Asset Mortgage of Hawaii LLC	\$	2,466.84
15	c/o Sandy Knapp		
16			
17	BG Kauai Holdings LLC	\$	12,283.57
18			
19	Michael Bradley	\$	2,332.00
20			
21	Shim Ching	\$	40,600.00
22			
23	Jean A. Lee and Nancy Adachi	\$	20,238.55



1	Designated beneficiaries of		
2	Linda G. Lee, Deceased		
3			
4	James McIntosh	\$	92,764.00
5			
6	Monessa Miranda	\$	10,200.00
7			
8	Raquel B. Nakahara	\$	76.62
9			
10	Joseph Novotny	\$	12,110.24
11			
12	Dustin S. Payne	\$	54,378.95
13			
14			
15			
16	SUBTOTAL	\$	247,450.77
17			
18	TOTAL (SECTION 1)	\$	247,450.77

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

21 PART II

22 SECTION 2. The following sums or so much thereof as may be
23 necessary for fiscal year 2018-2019 are appropriated out of the
24 state highway fund for the purpose of satisfying claims for
25 legislative relief as to the following named persons, for claims
26 against the State or its officers or employees for payments of
27 judgments or settlements, or other liabilities, in the amount
28 set forth opposite their names:

29	JUDGMENTS AGAINST THE STATE	AMOUNT
30	AND SETTLEMENTS OF CLAIMS:	



1	DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION:		
2			
3	1.	Bowles v. Hawaiian Electric Company, et al.	\$ 12,166.45
4		Civil No. 17-1-0259-02 VLC, First Circuit	Settlement
5			
6	2.	Acosta, et al. v. State of Hawaii, et al.	\$ 115,440.87
7		Civil No. 18-1-1507-90, First Circuit	Settlement
8			
9	3.	Huynh, et al. v. City and County of	\$ 900,000.00
10		Honolulu, et al.	Settlement
11		Civil No. 15-1-1640-08, First Circuit	
12			
13	4.	O'Grady, et al. v. State of Hawaii, et al.	\$ 2,891,721.86
14		Civil No. 07-1-0372, Third Circuit	Settlement
15			
16	5.	Sybounmy, et al. v. State of Hawaii, et al.	\$ 15,000.00
17		Civil No. 16-1-1078-06, First Circuit	Settlement
18			
19			
20		SUBTOTAL	\$ 3,934,329.18
21			
22		TOTAL (SECTION 2)	\$ 3,934,329.18

23 The sums appropriated shall be expended by the department
24 of transportation, highways division, for the purposes of this
25 Act.

26 PART III

27 SECTION 3. The legislature finds and declares that the
28 following claim for legislative relief recommended for approval
29 as to the following named persons for claims against the State
30 or the department of the attorney general or its officers or
31 employees for the payment of judgments or settlements, or other



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

3 JUDGMENTS AGAINST THE STATE	AMOUNT
4 AND SETTLEMENTS OF CLAIMS:	
5	
6 1. DEPARTMENT OF THE ATTORNEY GENERAL:	
7	
8 Aloha Pregnancy Care and Counseling	\$ 20,344.50
9 Center, Inc. v. Suzuki, et al.	Settlement
10 Civil No. 17-00343, USDC	
11	
12 Calvary Chapel Pearl Harbor, d/b/a	\$ 40,000.00
13 A Place for Women in Waipio, et al.	Settlement
14 v. Suzuki, et al.	
15 Civil No. 17-00326, USDC	
16	
17	
18 SUBTOTAL	\$ 60,344.50
19	
20 TOTAL (SECTION 3)	\$ 60,344.50

21 Provided that of legislative appropriation item K-20 for
 22 the department of the attorney general for fiscal year 2018-2019
 23 in section 3 of Act 49, Session Laws of Hawaii 2017, as amended
 24 by section 3 of Act 53, Session Laws of Hawaii 2018, the general
 25 fund sum of \$60,344.50 shall be expended from the fiscal year
 26 2018-2019 budget (ATG 100, general funds) by the department of
 27 the attorney general for the purposes of this Act.



PART IV

SECTION 4. 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 charter school 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
1. HAWAII STATE PUBLIC CHARTER SCHOOL:	
Miller-Potter v. State of Hawaii, et al. Civil No. 16-1-0385K, Third Circuit	\$ 75,000.00 Settlement

SUBTOTAL	\$ 75,000.00
TOTAL (SECTION 4)	\$ 75,000.00

Provided that of legislative appropriation item G-7 for the department of education for fiscal year 2018-2019 in section 3 of Act 49, Session Laws of Hawaii 2017, as amended by section 3 of Act 53, Session Laws of Hawaii 2018, the general fund sum of \$75,000 shall be expended from the fiscal year 2018-2019 budget



1 (EDN 600, general funds) by the Hawaii state public charter
2 school for the purposes of this Act.

3 PART V

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 health or its officers or employees for the
8 payment of judgments or settlements, or other liabilities, in
9 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 HEALTH:	
16 Kawamoto, et al. v. Ige, et al. 17 Civil No. 16-00362, USDC	\$ 27,500.00 Settlement
20 SUBTOTAL	<hr/> \$ 27,500.00
22 TOTAL (SECTION 5)	\$ 27,500.00

23 Provided that of legislative appropriation item E-25 for
24 the department of health for fiscal year 2018-2019 in section 3
25 of Act 49, Session Laws of Hawaii 2017, as amended by section 3
26 of Act 53, Session Laws of Hawaii 2018, the general fund sum of



1 \$27,500 shall be expended from the fiscal year 2018-2019 budget
2 (HTH 907, general funds) by the department of health for the
3 purposes of this Act.

4 PART VI

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

12 JUDGMENTS AGAINST THE STATE 13 AND SETTLEMENTS OF CLAIMS:	AMOUNT
14 1. DEPARTMENT OF HUMAN SERVICES:	
15 Doe 1, John, et al. v. Department of 16 Human Services, et al. 17 Civil No. 14-1-0554(2), Second Circuit	\$ 585,000.00 Settlement
21 SUBTOTAL	\$ 585,000.00
22 TOTAL (SECTION 6)	\$ 585,000.00

23
24
25 Provided that of legislative appropriation item F-1 for the
26 department of human services for fiscal year 2018-2019 in
27 section 3 of Act 49, Session Laws of Hawaii 2017, as amended by



1 section 3 of Act 53, Session Laws of Hawaii 2018, the general
2 fund sum of \$585,000 shall be expended from the fiscal year
3 2018-2019 budget (HMS 301, general funds) by the department of
4 human services for the purposes of this Act.

5 PART VII

6 SECTION 7. 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 14 AND SETTLEMENTS OF CLAIMS:	AMOUNT
15 16 1. DEPARTMENT OF HUMAN SERVICES:	
17 18 Kawamoto, et al. v. Ige, et al. 19 Civil No. 16-00362, USDC	\$ 27,500.00 Settlement
20 21 22 SUBTOTAL	<hr/> \$ 27,500.00
23 24 TOTAL (SECTION 7)	\$ 27,500.00

25 Provided that of legislative appropriation item F-29 for
26 the department of human services for fiscal year 2018-2019 in



1 section 3 of Act 49, Session Laws of Hawaii 2017, as amended by
2 section 3 of Act 53, Session Laws of Hawaii 2018, the general
3 fund sum of \$27,500 shall be expended from the fiscal year
4 2018-2019 budget (HMS 904, general funds) by the department of
5 human services for the purposes of this Act.

6 PART VIII

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

14 JUDGMENTS AGAINST THE STATE 15 AND SETTLEMENTS OF CLAIMS:	AMOUNT
16 17 1. DEPARTMENT OF LAND AND NATURAL RESOURCES:	
18 Boucher v. Vitousek, et al. 19 Civil No. 16-1-155K, Third Circuit	\$ 70,000.00 Settlement
20 Umberger, et al. v. Department of Land 21 and Natural Resources, State of Hawaii 22 Civil No. 12-1-2625-10, First Circuit	\$ 160,645.29 Judgment
23 24 25 26 27 SUBTOTAL	<hr/> \$ 230,645.29



1 TOTAL (SECTION 8) \$ 230,645.29

2 Provided that of legislative appropriation item D-9 for the
3 department of land and natural resources for fiscal year 2018-
4 2019 in section 3 of Act 49, Session Laws of Hawaii 2017, as
5 amended by section 3 of Act 53, Session Laws of Hawaii 2018, the
6 general fund sum of \$230,645.29 shall be expended from the
7 fiscal year 2018-2019 budget (LNR 906, general funds) or from
8 the fiscal year 2019-2020 budget by the department of land and
9 natural resources for the purposes of this Act.

10 PART IX

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

18 JUDGMENTS AGAINST THE STATE 19 AND SETTLEMENTS OF CLAIMS:	AMOUNT
20 21 1. DEPARTMENT OF PUBLIC SAFETY:	



1	Fraser v. Lingle, et al.	\$	25,000.00
2	Civil No. 08-1-0709(1), Second Circuit		Settlement
3			
4			
5	SUBTOTAL	\$	25,000.00
6			
7	TOTAL (SECTION 9)	\$	25,000.00

8 Provided that of legislative appropriation item I-5 for the
9 department of public safety for fiscal year 2018-2019 in section
10 3 of Act 49, Session Laws of Hawaii 2017, as amended by section
11 3 of Act 53, Session Laws of Hawaii 2018, the general fund sum
12 of \$25,000 shall be expended from the fiscal year 2018-2019
13 budget (PSD 406, general funds) by the department of public
14 safety for the purposes of this Act.

PART X

16 SECTION 10. The legislature finds and declares that the
17 following claims for legislative relief recommended for approval
18 as to the following named persons for claims against the State
19 or the department of public safety or its officers or employees
20 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:	



1	1. DEPARTMENT OF PUBLIC SAFETY:		
2			
3	Luong v. Sequeira, et al.	\$	27,500.00
4	Civil No. 16-00613, USDC		Settlement
5			
6	Johnson v. Department of Public Safety,	\$	18,000.00
7	et al.		Settlement
8	Civil No. 15-1-0609-04, First Circuit		
9			
10			
11	SUBTOTAL	\$	45,500.00
12			
13	TOTAL (SECTION 10)	\$	45,500.00

14 Provided that of legislative appropriation item I-6 for the
15 department of public safety for fiscal year 2018-2019 in section
16 3 of Act 49, Session Laws of Hawaii 2017, as amended by section
17 3 of Act 53, Session Laws of Hawaii 2018, the general fund sum
18 of \$45,500 shall be expended from the fiscal year 2018-2019
19 budget (PSD 407, general funds) by the department of public
20 safety for the purposes of this Act.

21 PART XI

22 SECTION 11. The legislature finds and declares that the
23 following claim for legislative relief recommended for approval
24 as to the following named person for claims against the State or
25 the department of public safety or its officers or employees for
26 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 Coma, et al. v. State of Hawaii v. Global	\$ 74,900.00
9 Medical Staffing, Inc.	Settlement
10 Civil No. 15-1-0437-03, First Circuit	
11	<hr/>
12	
13 SUBTOTAL	\$ 74,900.00
14	
15 TOTAL (SECTION 11)	\$ 74,900.00

16 Provided that of legislative appropriation item I-1 for the
17 department of public safety for fiscal year 2018-2019 in section
18 3 of Act 49, Session Laws of Hawaii 2017, as amended by section
19 3 of Act 53, Session Laws of Hawaii 2018, the general fund sum
20 of \$74,900.00 shall be expended from the fiscal year 2018-2019
21 budget (PSD 402, general funds) by the department of public
22 safety for the purposes of this Act.

23 PART XII

24 SECTION 12. 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 United States Department of Justice	\$ 45,000.00
10 Investigation on State of Hawaii	Settlement
11 Department of Public Safety for Americans	
12 With Disabilities Act Violations	
13	
14	
15 SUBTOTAL	\$ 45,000.00
16	
17 TOTAL (SECTION 12)	\$ 45,000.00

18 Provided that of legislative appropriation item I-19 for
19 the department of public safety for fiscal year 2018-2019 in
20 section 3 of Act 49, Session Laws of Hawaii 2017, as amended by
21 section 3 of Act 53, Session Laws of Hawaii 2018, the general
22 fund sum of \$45,000.00 shall be expended from the fiscal year
23 2018-2019 budget (PSD 900, general funds) by the department of
24 public safety for the purposes of this Act.

25 PART XIII

26 SECTION 13. The legislature finds and declares that the
27 following claim for legislative relief recommended for approval



1 as to the following named person for claims against the State or
2 the department of education or its officers or employees for the
3 payment of judgments or settlements, or other liabilities, in
4 the amount set forth opposite their name, is approved for
5 payment:

6 JUDGMENTS AGAINST THE STATE	AMOUNT
7 AND SETTLEMENTS OF CLAIMS:	
8	
9 1. DEPARTMENT OF EDUCATION:	
10	
11 Kauhako, et al. v. State of Hawaii,	\$ 783,391.13
12 et al.	Judgment
13 Civil No. 13-00567, USDC	
14	
15	_____
16	
17 SUBTOTAL	\$ 783,391.13
18	
19 TOTAL (SECTION 13)	\$ 783,391.13

20 Provided that of legislative appropriation item G-2 for the
21 department of education for fiscal year 2018-2019 in section 3
22 of Act 49, Session Laws of Hawaii 2017, as amended by section 3
23 of Act 53, Session Laws of Hawaii 2018, the general fund sum of
24 \$783,391.13 shall be expended from the fiscal year 2018-2019
25 budget (EDN 150, general funds) by the department of education
26 for the purposes of this Act.



PART XIV

SECTION 14. 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 department of education 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
1. DEPARTMENT OF EDUCATION:	
Wong v. State of Hawaii, et al. Civil No. 14-1-0281, Third Circuit	\$ 50,000.00 Settlement
	\$ 50,000.00
SUBTOTAL	\$ 50,000.00
TOTAL (SECTION 14)	\$ 50,000.00

Provided that of legislative appropriation item G-4 for the department of education for fiscal year 2018-2019 in section 3 of Act 49, Session Laws of Hawaii 2017, as amended by section 3 of Act 53, Session Laws of Hawaii 2018, the general fund sum of \$50,000.00 shall be expended from the fiscal year 2018-2019



1 budget (EDN 300, general funds) by the department of education
2 for the purposes of this Act.

3 PART XV

4 SECTION 15. 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	AMOUNT
12 AND SETTLEMENTS OF CLAIMS:	
13	
14 1. DEPARTMENT OF PUBLIC SAFETY:	
15	
16 Smith v. Chong, et al.	\$ 125,000.00
17 Civil No. 16-00519, USDC	Settlement
18	
19	<hr/>
20	
21 SUBTOTAL	\$ 125,000.00
22	
23 TOTAL (SECTION 15)	\$ 125,000.00

24 Provided that of legislative appropriation item I-4 for the
25 department of public safety for fiscal year 2018-2019 in section
26 3 of Act 49, Session Laws of Hawaii 2017, as amended by section
27 3 of Act 53, Session Laws of Hawaii 2018, the general fund sum



1 of \$125,000.00 shall be expended from the fiscal year 2018-2019
2 budget (PSD 405, general funds) by the department of public
3 safety for the purposes of this Act.

4 PART XVI

5 SECTION 16. The sums provided in sections 1 through 15 of
6 this Act may be paid to the respective persons, or for the
7 satisfaction or settlement of the respectively identified cases,
8 and in several amounts hereinabove set forth or in lesser
9 amounts deemed appropriate, upon checks issued by the
10 comptroller; provided departments shall obtain the approval of
11 the attorney general before payment of any claim can be made.

12 SECTION 17. Notwithstanding the sums provided in sections
13 1 through 15 of this Act stated as interest upon judgments
14 against the State, payment of interest shall be limited to the
15 period from the date of judgment, if applicable, to thirty days
16 after the effective date of this Act, as provided in section
17 662-8, Hawaii Revised Statutes, for those cases to which the
18 statute applies.

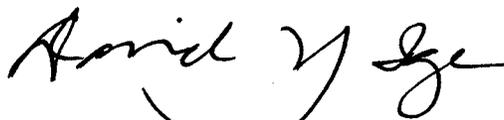
19 SECTION 18. All unexpended and unencumbered balances of
20 the appropriations made in this Act as of the close of business
21 on June 30, 2020, shall lapse.



1 SECTION 19. If any provision of this Act, or the
2 application thereof to any person or circumstance is held
3 invalid, the invalidity does not affect 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 20. This Act shall take effect upon its approval.

APPROVED this 7 day of JUN, 2019



GOVERNOR OF THE STATE OF HAWAII



HB No. 942, HD 2, SD 2, CD 1

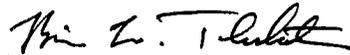
THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: April 30, 2019
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirtieth Legislature of the State of Hawaii, Regular Session of 2019.



Scott K. Saiki
Speaker
House of Representatives

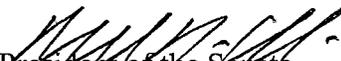


Brian L. Takeshita
Chief Clerk
House of Representatives

THE SENATE OF THE STATE OF HAWAI'I

Date: April 30, 2019
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirtieth Legislature of the State of Hawai'i, Regular Session of 2019.


President of the Senate


Clerk of the Senate