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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 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	Asset Mortgage of Hawaii LLC	\$	2,466.84
14	c/o Sandy Knapp		
15			
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	<hr/>
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.



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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	AMOUNT
12 AND SETTLEMENTS OF CLAIMS:	
13	
14 1. DEPARTMENT OF HEALTH:	
15	
16 Kawamoto, et al. v. Ige, et al.	\$ 27,500.00
17 Civil No. 16-00362, USDC	Settlement
18	<hr/>
19	
20 SUBTOTAL	\$ 27,500.00
21	
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	AMOUNT
13 AND SETTLEMENTS OF CLAIMS:	
14	
15 1. DEPARTMENT OF HUMAN SERVICES:	
16	
17 Doe 1, John, et al. v. Department of	\$ 585,000.00
18 Human Services, et al.	Settlement
19 Civil No. 14-1-0554(2), Second Circuit	
20	_____
21	
22 SUBTOTAL	\$ 585,000.00
23	
24 TOTAL (SECTION 6)	\$ 585,000.00

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	AMOUNT
14 AND SETTLEMENTS OF CLAIMS:	
15	
16 1. DEPARTMENT OF HUMAN SERVICES:	
17	
18 Kawamoto, et al. v. Ige, et al.	\$ 27,500.00
19 Civil No. 16-00362, USDC	Settlement
20	<hr/>
21	
22 SUBTOTAL	\$ 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 19 Boucher v. Vitousek, et al. 20 Civil No. 16-1-155K, Third Circuit	\$ 70,000.00 Settlement
21 22 Umberger, et al. v. Department of Land 23 and Natural Resources, State of Hawaii 24 Civil No. 12-1-2625-10, First Circuit	\$ 160,645.29 Judgment
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 AMOUNT  
19 AND SETTLEMENTS OF CLAIMS:

20  
21 1. DEPARTMENT OF PUBLIC SAFETY:







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	<hr/>
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.



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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	_____
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.



**Report Title:**

Claims Against the State

**Description:**

Makes appropriations for claims against the State, its officers, and its employees. (HB942 CD1)

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

