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

SECTION 1. The following sums or so much thereof as may be necessary for fiscal year 2018-2019 are appropriated out of the general revenues of the State of Hawaii to the department of the attorney general for the purpose of satisfying claims for legislative relief as to the following named persons, firms, corporations, and entities, for claims against the State or its officers or employees for the overpayment of taxes, or for refunds, reimbursements, payments of judgments or settlements, or other liabilities, in the amounts set forth opposite their names:

1. MISCELLANEOUS CLAIMS:

14 Asset Mortgage of Hawaii LLC c/o Sandy Knapp
15
16 BG Kauai Holdings LLC
17
18 Michael Bradley
19
20 Shim Ching
21
22 Jean A. Lee and Nancy Adachi
23

|$ 2,466.84
|$ 12,283.57
|$ 2,332.00
|$ 40,600.00
|$ 20,238.55
Designated beneficiaries of
Linda G. Lee, Deceased

<table>
<thead>
<tr>
<th>Name</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>James McIntosh</td>
<td>$92,764.00</td>
</tr>
<tr>
<td>Monessa Miranda</td>
<td>$10,200.00</td>
</tr>
<tr>
<td>Raquel B. Nakahara</td>
<td>$76.62</td>
</tr>
<tr>
<td>Joseph Novotny</td>
<td>$12,110.24</td>
</tr>
<tr>
<td>Dustin S. Payne</td>
<td>$54,378.95</td>
</tr>
</tbody>
</table>

**Subtotal** $247,450.77

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

**PART II**

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

**Judgments Against the State**

**Amount**

<table>
<thead>
<tr>
<th>Name</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>
DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION:

   Civil No. 17-1-0259-02 VLC, First Circuit Settlement

   Civil No. 18-1-1507-90, First Circuit Settlement

3. Huynh, et al. v. City and County of Honolulu, et al. $900,000.00
   Civil No. 15-1-1640-08, First Circuit Settlement

   Civil No. 07-1-0372, Third Circuit Settlement

   Civil No. 16-1-1078-06, First Circuit Settlement

SUBTOTAL $3,934,329.18

TOTAL (SECTION 2) $3,934,329.18

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

PART III

SECTION 3. The legislature finds and declares that the following claim for legislative relief recommended for approval as to the following named persons for claims against the State or the department of the attorney general 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:**

1. **DEPARTMENT OF THE ATTORNEY GENERAL:**

   8. Aloha Pregnancy Care and Counseling Center, Inc. v. Suzuki, et al. $ 20,344.50 Settlement
   9. Civil No. 17-00343, USDC

   12. Calvary Chapel Pearl Harbor, d/b/a A Place for Women in Waipio, et al. $ 40,000.00 Settlement
   14. Civil No. 17-00326, USDC

   **SUBTOTAL** $ 60,344.50

21. Provided that of legislative appropriation item K-20 for the department of the attorney general 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 $60,344.50 shall be expended from the fiscal year 2018-2019 budget (ATG 100, general funds) by the department of 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:

<table>
<thead>
<tr>
<th>JUDGMENTS AGAINST THE STATE AND SETTLEMENTS OF CLAIMS:</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. HAWAII STATE PUBLIC CHARTER SCHOOL:</td>
<td></td>
</tr>
<tr>
<td>Miller-Potter v. State of Hawaii, et al.</td>
<td>$ 75,000.00</td>
</tr>
<tr>
<td>Civil No. 16-1-0385K, Third Circuit</td>
<td>Settlement</td>
</tr>
</tbody>
</table>

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

PART V

SECTION 5. 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 health 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:

<table>
<thead>
<tr>
<th></th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>DEPARTMENT OF HEALTH:</td>
<td></td>
</tr>
<tr>
<td>Kawamoto, et al. v. Ige, et al. Civil No. 16-00362, USDC</td>
<td>$ 27,500.00 Settlement</td>
</tr>
<tr>
<td>SUBTOTAL</td>
<td>$ 27,500.00</td>
</tr>
<tr>
<td>TOTAL (SECTION 5)</td>
<td>$ 27,500.00</td>
</tr>
</tbody>
</table>

Provided that of legislative appropriation item E-25 for the department of health 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
$27,500 shall be expended from the fiscal year 2018-2019 budget (HTH 907, general funds) by the department of health for the purposes of this Act.

PART VI

SECTION 6. 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 human services 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:

<table>
<thead>
<tr>
<th>NAME OF PERSON</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Doe 1, John, et al. v. Department of Human Services, et al.</td>
<td>$585,000.00 Settlement</td>
</tr>
<tr>
<td>Civil No. 14-1-0554(2), Second Circuit</td>
<td></td>
</tr>
<tr>
<td>SUBTOTAL</td>
<td>$585,000.00</td>
</tr>
<tr>
<td>TOTAL (SECTION 6)</td>
<td>$585,000.00</td>
</tr>
</tbody>
</table>

Provided that of legislative appropriation item F-1 for the department of human services 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 $585,000 shall be expended from the fiscal year 2018-2019 budget (HMS 301, general funds) by the department of human services for the purposes of this Act.

PART VII

SECTION 7. 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 human services 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:

<table>
<thead>
<tr>
<th>JUDGMENTS AGAINST THE STATE</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>AND SETTLEMENTS OF CLAIMS:</td>
<td></td>
</tr>
<tr>
<td>1. DEPARTMENT OF HUMAN SERVICES:</td>
<td></td>
</tr>
<tr>
<td>Kawamoto, et al. v. Ige, et al.</td>
<td>$27,500.00</td>
</tr>
<tr>
<td>Civil No. 16-00362, USDC</td>
<td>Settlement</td>
</tr>
<tr>
<td>SUBTOTAL</td>
<td>$27,500.00</td>
</tr>
<tr>
<td>TOTAL (SECTION 7)</td>
<td>$27,500.00</td>
</tr>
</tbody>
</table>

Provided that of legislative appropriation item F-29 for the department of human services 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 $27,500 shall be expended from the fiscal year
2018-2019 budget (HMS 904, general funds) by the department of
human services for the purposes of this Act.

PART VIII

SECTION 8. The legislature finds and declares that the
following claims for legislative relief recommended for approval
as to the following named persons for claims against the State
or the department of land and natural resources 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:

<table>
<thead>
<tr>
<th>JUDGMENTS AGAINST THE STATE</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. DEPARTMENT OF LAND AND NATURAL RESOURCES:</td>
<td></td>
</tr>
<tr>
<td>Boucher v. Vitousek, et al. Civil No. 16-1-155K, Third Circuit</td>
<td>$ 70,000.00 Settlement</td>
</tr>
<tr>
<td>SUBTOTAL</td>
<td>$ 230,645.29</td>
</tr>
</tbody>
</table>
TOTAL (SECTION 8)  $ 230,645.29

Provided that of legislative appropriation item D-9 for the department of land and natural resources 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 $230,645.29 shall be expended from the fiscal year 2018-2019 budget (LNR 906, general funds) or from the fiscal year 2019-2020 budget by the department of land and natural resources for the purposes of this Act.

PART IX

SECTION 9. 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 public safety 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:

<table>
<thead>
<tr>
<th>JUDGMENTS AGAINST THE STATE</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>AND SETTLEMENTS OF CLAIMS:</td>
<td></td>
</tr>
<tr>
<td>1. DEPARTMENT OF PUBLIC SAFETY:</td>
<td></td>
</tr>
</tbody>
</table>
Fraser v. Lingle, et al. $ 25,000.00
Civil No. 08-1-0709(1), Second Circuit Settlement

SUBTOTAL $ 25,000.00
TOTAL (SECTION 9) $ 25,000.00

Provided that of legislative appropriation item I-S for the department of public safety 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 $25,000 shall be expended from the fiscal year 2018-2019 budget (PSD 406, general funds) by the department of public safety for the purposes of this Act.

PART X

SECTION 10. The legislature finds and declares that the following claims for legislative relief recommended for approval as to the following named persons for claims against the State or the department of public safety 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 AMOUNT
AND SETTLEMENTS OF CLAIMS:
1. DEPARTMENT OF PUBLIC SAFETY:

   Luong v. Sequeira, et al.  
   Civil No. 16-00613, USDC  
   $ 27,500.00  
   Settlement

   Johnson v. Department of Public Safety, 
   et al.  
   Civil No. 15-1-0609-04, First Circuit  
   $ 18,000.00  
   Settlement

   SUBTOTAL  
   $ 45,500.00

   TOTAL (SECTION 10)  
   $ 45,500.00

Provided that of legislative appropriation item I-6 for the 
department of public safety 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 $45,500 shall be expended from the fiscal year 2018-2019 
budget (PSD 407, general funds) by the department of public 
safety for the purposes of this Act.

PART XI

SECTION 11. 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 public safety 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:

1. DEPARTMENT OF PUBLIC SAFETY:

<table>
<thead>
<tr>
<th></th>
<th>AMOUNT</th>
</tr>
</thead>
</table>

SUBTOTAL $74,900.00

TOTAL (SECTION 11) $74,900.00

Provided that of legislative appropriation item I-1 for the department of public safety 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 $74,900.00 shall be expended from the fiscal year 2018-2019 budget (PSD 402, general funds) by the department of public safety for the purposes of this Act.

PART XII

SECTION 12. 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 public safety or its officers or employees for

HB942 CD1 HMS 2019-3995
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:

1. DEPARTMENT OF PUBLIC SAFETY:

- United States Department of Justice Investigation on State of Hawaii Department of Public Safety for Americans With Disabilities Act Violations

<table>
<thead>
<tr>
<th></th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>United States Department of</td>
<td>$ 45,000.00</td>
</tr>
<tr>
<td>Justice Investigation on</td>
<td>Settlement</td>
</tr>
<tr>
<td>State of Hawaii Department</td>
<td></td>
</tr>
<tr>
<td>of Public Safety for</td>
<td></td>
</tr>
<tr>
<td>Americans With Disabilities</td>
<td></td>
</tr>
<tr>
<td>Act Violations</td>
<td></td>
</tr>
</tbody>
</table>

SUBTOTAL $ 45,000.00

TOTAL (SECTION 12) $ 45,000.00

Provided that of legislative appropriation item I-19 for the department of public safety 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 $45,000.00 shall be expended from the fiscal year 2018-2019 budget (PSD 900, general funds) by the department of public safety for the purposes of this Act.

PART XIII

SECTION 13. 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:

<table>
<thead>
<tr>
<th>JUDGMENTS AGAINST THE STATE AND SETTLEMENTS OF CLAIMS:</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. DEPARTMENT OF EDUCATION:</td>
<td></td>
</tr>
<tr>
<td>Civil No. 13-00567, USDC</td>
<td>Judgment</td>
</tr>
<tr>
<td>SUBTOTAL</td>
<td>$ 783,391.13</td>
</tr>
<tr>
<td>TOTAL (SECTION 13)</td>
<td>$ 783,391.13</td>
</tr>
</tbody>
</table>

Provided that of legislative appropriation item G-2 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 
$783,391.13 shall be expended from the fiscal year 2018-2019 
budget (EDN 150, general funds) by the department of education 
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:

<table>
<thead>
<tr>
<th>JUDGMENTS AGAINST THE STATE AND SETTLEMENTS OF CLAIMS:</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. DEPARTMENT OF EDUCATION:</td>
<td></td>
</tr>
<tr>
<td>Wong v. State of Hawaii, et al.</td>
<td>$ 50,000.00</td>
</tr>
<tr>
<td>Civil No. 14-1-0281, Third Circuit</td>
<td>Settlement</td>
</tr>
<tr>
<td>SUBTOTAL</td>
<td>$ 50,000.00</td>
</tr>
<tr>
<td>TOTAL (SECTION 14)</td>
<td>$ 50,000.00</td>
</tr>
</tbody>
</table>

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

PART XV

SECTION 15. 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 public safety 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:

<table>
<thead>
<tr>
<th></th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Smith v. Chong, et al.</td>
<td>$125,000.00 Settlement</td>
</tr>
<tr>
<td>Civil No. 16-00519, USDC</td>
<td></td>
</tr>
</tbody>
</table>

SUBTOTAL $125,000.00

TOTAL (SECTION 15) $125,000.00

Provided that of legislative appropriation item 1-4 for the department of public safety 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 $125,000.00 shall be expended from the fiscal year 2018-2019 budget (PSD 405, general funds) by the department of public safety for the purposes of this Act.

PART XVI

SECTION 16. The sums provided in sections 1 through 15 of this Act 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.

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

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

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.