
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	Shim Ching	\$	40,600.00
18			
19			
20	SUBTOTAL	\$	43,066.84



1 TOTAL (SECTION 1) \$ 43,066.84

2
3 The sums appropriated shall be expended by the department
4 of the attorney general for the purposes of this Act.

5 PART II

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

13 JUDGMENTS AGAINST THE STATE	AMOUNT
14 AND SETTLEMENTS OF CLAIMS:	
15 16 DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION:	
17 18 1. Bowles v. Hawaiian Electric Company, et al. 19 Civil No. 17-1-0259-02 VLC, First Circuit	\$ 12,166.45 Settlement
20 21 22 SUBTOTAL	<hr/> \$ 12,166.45
23 24 TOTAL (SECTION 2)	\$ 12,166.45

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



1 PART III

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

9	JUDGMENTS AGAINST THE STATE	AMOUNT
10	AND SETTLEMENTS OF CLAIMS:	
11		
12	1. DEPARTMENT OF THE ATTORNEY GENERAL:	
13		
14	Aloha Pregnancy Care and Counseling	\$ 20,344.50
15	Center, Inc. v. Suzuki, et al.	Settlement
16	Civil No. 17-00343, USDC	
17		
18	Calvary Chapel Pearl Harbor, d/b/a	\$ 40,000.00
19	A Place for Women in Waipio, et al.	Settlement
20	v. Suzuki, et al.	
21	Civil No. 17-00326, USDC	
22		
23		
24	SUBTOTAL	\$ 60,344.50
25		
26	TOTAL (SECTION 3)	\$ 60,344.50

27
28 Provided that of legislative appropriation item K-20 for
29 the department of the attorney general for fiscal year 2018-2019
30 in section 3 of Act 49, Session Laws of Hawaii 2017, as amended



1 by section 3 of Act 53, Session Laws of Hawaii 2018, the general
2 fund sum of \$60,344.50 shall be expended from the fiscal year
3 2018-2019 budget (ATG 100, general funds) by the department of
4 the attorney general 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 Hawaii state public charter school 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:	
16 1. HAWAII STATE PUBLIC CHARTER SCHOOL:	
18 Miller-Potter v. State of Hawaii, et al. 19 Civil No. 16-1-0385K, Third Circuit	\$ 75,000.00 Settlement
22 SUBTOTAL	<hr/> \$ 75,000.00
24 TOTAL (SECTION 4)	\$ 75,000.00

25
26 Provided that of legislative appropriation item G-7 for the
27 department of education for fiscal year 2018-2019 in section 3



1 of Act 49, Session Laws of Hawaii 2017, as amended by section 3
 2 of Act 53, Session Laws of Hawaii 2018, the general fund sum of
 3 \$75,000 shall be expended from the fiscal year 2018-2019 budget
 4 (EDN 600, general funds) by the Hawaii state public charter
 5 school for the purposes of this Act.

6 PART V

7 SECTION 5. 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 health or its officers or employees for the
 11 payment of judgments or settlements, or other liabilities, in
 12 the amount set forth opposite their name, is approved for
 13 payment:

14 JUDGMENTS AGAINST THE STATE	AMOUNT
15 AND SETTLEMENTS OF CLAIMS:	
16	
17 1. DEPARTMENT OF HEALTH:	
18	
19 Kawamoto, et al. v. Ige, et al.	\$ 27,500.00
20 Civil No. 16-00362, USDC	Settlement
21	<hr/>
22	
23 SUBTOTAL	\$ 27,500.00
24	
25 TOTAL (SECTION 5)	\$ 27,500.00



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2 TOTAL (SECTION 6) \$ 585,000.00

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4 Provided that of legislative appropriation item F-1 for the
5 department of human services for fiscal year 2018-2019 in
6 section 3 of Act 49, Session Laws of Hawaii 2017, as amended by
7 section 3 of Act 53, Session Laws of Hawaii 2018, the general
8 fund sum of \$585,000 shall be expended from the fiscal year
9 2018-2019 budget (HMS 301, general funds) by the department of
10 human services for the purposes of this Act.

11 PART VII

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

19 JUDGMENTS AGAINST THE STATE 20 AND SETTLEMENTS OF CLAIMS:	AMOUNT
21 22 1. DEPARTMENT OF HUMAN SERVICES:	
23 24 Kawamoto, et al. v. Ige, et al. 25 Civil No. 16-00362, USDC	\$ 27,500.00 Settlement
26	<hr/>



1	Boucher v. Vitousek, et al.	\$	70,000.00
2	Civil No. 16-1-155K, Third Circuit		Settlement
3			
4	Umberger, et al. v. Department of Land	\$	160,645.29
5	and Natural Resources, State of Hawaii		Settlement
6	Civil No. 12-1-2625-10, First Circuit		
7			
8			<hr/>
9	SUBTOTAL	\$	230,645.29
10			
11	TOTAL (SECTION 8)	\$	230,645.29
12			

13 Provided that of legislative appropriation item D-9 for the
14 department of land and natural resources for fiscal year 2018-
15 2019 in section 3 of Act 49, Session Laws of Hawaii 2017, as
16 amended by section 3 of Act 53, Session Laws of Hawaii 2018, the
17 general fund sum of \$230,645.29 shall be expended from the
18 fiscal year 2018-2019 budget (LNR 906, general funds) by the
19 department of land and natural resources for the purposes of
20 this Act.

21 PART IX

22 SECTION 9. 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 Fraser v. Lingle, et al.	\$ 25,000.00
9 Civil No. 08-1-0709(1), Second Circuit	Settlement
10	<hr/>
11	
12 SUBTOTAL	\$ 25,000.00
13	
14 TOTAL (SECTION 9)	\$ 25,000.00

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16 Provided that of legislative appropriation item I-5 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 \$25,000 shall be expended from the fiscal year 2018-2019
21 budget (PSD 406, general funds) by the department of public
22 safety for the 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 persons for claims against the State
27 or the department of public safety or its officers or employees



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

4 JUDGMENTS AGAINST THE STATE	AMOUNT
5 AND SETTLEMENTS OF CLAIMS:	
6	
7 1. DEPARTMENT OF PUBLIC SAFETY:	
8	
9 Luong v. Sequeira, et al.	\$ 27,500.00
10 Civil No. 16-00613, USDC	Settlement
11	
12 Johnson v. Department of Public Safety,	\$ 18,000.00
13 et al.	Settlement
14 Civil No. 15-1-0609-04, First Circuit	
15	<hr/>
16	
17 SUBTOTAL	\$ 45,500.00
18	
19 TOTAL (SECTION 10)	\$ 45,500.00
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21 Provided that of legislative appropriation item I-6 for the
22 department of public safety for fiscal year 2018-2019 in section
23 3 of Act 49, Session Laws of Hawaii 2017, as amended by section
24 3 of Act 53, Session Laws of Hawaii 2018, the general fund sum
25 of \$45,500 shall be expended from the fiscal year 2018-2019
26 budget (PSD 407, general funds) by the department of public
27 safety for the purposes of this Act.



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PART XI

SECTION 11. 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.

SECTION 12. 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 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 13. 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 14. 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



1 invalid provision or application, and to this end the provisions
2 of this Act are severable.

3 SECTION 15. 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 HD2)

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

