
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	Jean A. Lee and Nancy Adachi	\$	20,238.55
20	Designated beneficiaries of		
21	Linda G. Lee, Deceased		



1			
2	James McIntosh	\$	92,764.00
3			
4	Monessa Miranda	\$	10,200.00
5			
6	Dustin S. Payne	\$	54,378.95
7			
8			
9			
10	SUBTOTAL	\$	220,648.34
11			
12	TOTAL (SECTION 1)	\$	220,648.34
13			

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

16 PART II

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

24	JUDGMENTS AGAINST THE STATE		AMOUNT
25	AND SETTLEMENTS OF CLAIMS:		
26			
27	DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION:		
28			
29	1. Bowles v. Hawaiian Electric Company, et al.	\$	12,166.45
30	Civil No. 17-1-0259-02 VLC, First Circuit		Settlement
31			



1	2.	Acosta, et al. v. State of Hawaii, et al.	\$	115,440.87
2		Civil No. 18-1-1507-90, First Circuit		Settlement
3				
4	3.	Huynh, et al. v. City and County of	\$	900,000.00
5		Honolulu, et al.		Settlement
6		Civil No. 15-1-1640-08, First Circuit		
7				
8	4.	O'Grady, et al. v. State of Hawaii, et al.	\$	3,000,000.00
9		Civil No. 07-1-0372, Third Circuit		Settlement
10				
11	5.	Sybounmy, et al. v. State of Hawaii, et al.	\$	15,000.00
12		Civil No. 16-1-1078-06, First Circuit		Settlement
13				
14				
15		SUBTOTAL	\$	4,042,607.32
16				
17		TOTAL (SECTION 2)	\$	4,042,607.32

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

22 PART III

23 SECTION 3. The legislature finds and declares that the
24 following claim for legislative relief recommended for approval
25 as to the following named persons for claims against the State
26 or the department of the attorney general or its officers or
27 employees for the payment of judgments or settlements, or other
28 liabilities, in the amount set forth opposite their name, is
29 approved for payment:



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

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

27 PART IV

28 SECTION 4. The legislature finds and declares that the
29 following claim for legislative relief recommended for approval
30 as to the following named person for claims against the State or



1 the Hawaii state public charter school or its officers or
2 employees for the payment of judgments or settlements, or other
3 liabilities, in the amount set forth opposite their name, is
4 approved for payment:

5 JUDGMENTS AGAINST THE STATE	AMOUNT
6 AND SETTLEMENTS OF CLAIMS:	
7	
8 1. HAWAII STATE PUBLIC CHARTER SCHOOL:	
9	
10 Miller-Potter v. State of Hawaii, et al.	\$ 75,000.00
11 Civil No. 16-1-0385K, Third Circuit	Settlement
12	<hr/>
13	
14 SUBTOTAL	\$ 75,000.00
15	
16 TOTAL (SECTION 4)	\$ 75,000.00
17	

18 Provided that of legislative appropriation item G-7 for the
19 department of education for fiscal year 2018-2019 in section 3
20 of Act 49, Session Laws of Hawaii 2017, as amended by section 3
21 of Act 53, Session Laws of Hawaii 2018, the general fund sum of
22 \$75,000 shall be expended from the fiscal year 2018-2019 budget
23 (EDN 600, general funds) by the Hawaii state public charter
24 school for the purposes of this Act.

25 PART V

26 SECTION 5. 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 health 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 HEALTH:	
10	
11 Kawamoto, et al. v. Ige, et al.	\$ 27,500.00
12 Civil No. 16-00362, USDC	Settlement
13	<hr/>
14	
15 SUBTOTAL	\$ 27,500.00
16	
17 TOTAL (SECTION 5)	\$ 27,500.00
18	

19 Provided that of legislative appropriation item E-25 for
20 the department of health for fiscal year 2018-2019 in section 3
21 of Act 49, Session Laws of Hawaii 2017, as amended by section 3
22 of Act 53, Session Laws of Hawaii 2018, the general fund sum of
23 \$27,500 shall be expended from the fiscal year 2018-2019 budget
24 (HTH 907, general funds) by the department of health for the
25 purposes of this Act.

26 PART VI



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

8 JUDGMENTS AGAINST THE STATE	AMOUNT
9 AND SETTLEMENTS OF CLAIMS:	
10	
11 1. DEPARTMENT OF HUMAN SERVICES:	
12	
13 Doe 1, John, et al. v. Department of	\$ 585,000.00
14 Human Services, et al.	Settlement
15 Civil No. 14-1-0554(2), Second Circuit	
16	<hr/>
17	
18 SUBTOTAL	\$ 585,000.00
19	
20 TOTAL (SECTION 6)	\$ 585,000.00
21	

22 Provided that of legislative appropriation item F-1 for the
 23 department of human services for fiscal year 2018-2019 in
 24 section 3 of Act 49, Session Laws of Hawaii 2017, as amended by
 25 section 3 of Act 53, Session Laws of Hawaii 2018, the general
 26 fund sum of \$585,000 shall be expended from the fiscal year
 27 2018-2019 budget (HMS 301, general funds) by the department of
 28 human services for the purposes of this Act.



1 PART VII

2 SECTION 7. The legislature finds and declares that the
3 following claim for legislative relief recommended for approval
4 as to the following named person for claims against the State or
5 the department of human services or its officers or employees
6 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 10 AND SETTLEMENTS OF CLAIMS:	AMOUNT
11 1. DEPARTMENT OF HUMAN SERVICES:	
12 Kawamoto, et al. v. Ige, et al. 13 Civil No. 16-00362, USDC	\$ 27,500.00 Settlement
14 SUBTOTAL	\$ 27,500.00
15 TOTAL (SECTION 7)	\$ 27,500.00

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21 Provided that of legislative appropriation item F-29 for
22 the department of human services for fiscal year 2018-2019 in
23 section 3 of Act 49, Session Laws of Hawaii 2017, as amended by
24 section 3 of Act 53, Session Laws of Hawaii 2018, the general
25 fund sum of \$27,500 shall be expended from the fiscal year
26



1 2018-2019 budget (HMS 904, general funds) by the department of
2 human services for the purposes of this Act.

3 PART VIII

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

11 JUDGMENTS AGAINST THE STATE	AMOUNT
12 AND SETTLEMENTS OF CLAIMS:	
13	
14 1. DEPARTMENT OF LAND AND NATURAL RESOURCES:	
15	
16 Boucher v. Vitousek, et al.	\$ 70,000.00
17 Civil No. 16-1-155K, Third Circuit	Settlement
18	
19 Umberger, et al. v. Department of Land	\$ 160,645.29
20 and Natural Resources, State of Hawaii	Judgment
21 Civil No. 12-1-2625-10, First Circuit	
22	<hr/>
23	
24 SUBTOTAL	\$ 230,645.29
25	
26 TOTAL (SECTION 8)	\$ 230,645.29
27	

28 Provided that of legislative appropriation item D-9 for the
29 department of land and natural resources for fiscal year 2018-



1 2019 in section 3 of Act 49, Session Laws of Hawaii 2017, as
 2 amended by section 3 of Act 53, Session Laws of Hawaii 2018, the
 3 general fund sum of \$230,645.29 shall be expended from the
 4 fiscal year 2018-2019 budget (LNR 906, general funds) or from
 5 the fiscal year 2019-2020 budget by the department of land and
 6 natural resources for the purposes of this Act.

7 PART IX

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

15 JUDGMENTS AGAINST THE STATE	AMOUNT
16 AND SETTLEMENTS OF CLAIMS:	
17	
18 1. DEPARTMENT OF PUBLIC SAFETY:	
19	
20 Fraser v. Lingle, et al.	\$ 25,000.00
21 Civil No. 08-1-0709(1), Second Circuit	Settlement
22	<hr/>
23	
24 SUBTOTAL	\$ 25,000.00
25	
26 TOTAL (SECTION 9)	\$ 25,000.00
27	



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2		<hr/>
3	SUBTOTAL	\$ 45,500.00
4		
5	TOTAL (SECTION 10)	\$ 45,500.00
6		

7 Provided that of legislative appropriation item I-6 for the
8 department of public safety for fiscal year 2018-2019 in section
9 3 of Act 49, Session Laws of Hawaii 2017, as amended by section
10 3 of Act 53, Session Laws of Hawaii 2018, the general fund sum
11 of \$45,500 shall be expended from the fiscal year 2018-2019
12 budget (PSD 407, general funds) by the department of public
13 safety for the purposes of this Act.

14 PART XI

15 SECTION 11. The following sums or so much thereof as may
16 be necessary for fiscal year 2018-2019 are appropriated out of
17 the general revenues of the State of Hawaii to the department of
18 public safety for the purpose of satisfying claims for
19 legislative relief as to the following named persons, firms,
20 corporations, and entities, for claims against the State or the
21 department of public safety or its officers or employees for the
22 payment of judgments or settlements, or other liabilities, in
23 the amount set forth opposite their names:

24	JUDGMENTS AGAINST THE STATE	AMOUNT
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1 AND SETTLEMENTS OF CLAIMS:

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1. DEPARTMENT OF PUBLIC SAFETY:

Coma, et al. v. State of Hawaii v. Global Medical Staffing, Inc. Civil No. 15-1-0437-03, First Circuit	\$ 74,900.00 Settlement
United States Department of Justice Investigation on State of Hawaii Department of Public Safety for Americans With Disabilities Act Violations	\$ 45,000.00 Settlement
	<hr/>
SUBTOTAL	\$ 119,900.00
TOTAL (SECTION 11)	\$ 119,900.00

20 Provided that of legislative appropriation item for
21 the department of public safety for fiscal year 2018-2019 in
22 section 3 of Act 49, Session Laws of Hawaii 2017, as amended by
23 section 3 of Act 53, Session Laws of Hawaii 2018, the general
24 fund sum of \$119,900.00 shall be expended from the fiscal year
25 2018-2019 budget (, general funds) by the department of
26 public safety for the purposes of this Act.

26 PART XII

27 SECTION 12. The following sums or so much thereof as may
28 be necessary for fiscal year 2018-2019 are appropriated out of
29 the general revenues of the State of Hawaii to the department of
30 education for the purpose of satisfying claims for legislative



1 relief as to the following named persons, firms, corporations,
2 and entities, for claims against the State or the department of
3 education or its officers or employees for the payment of
4 judgments or settlements, or other liabilities, in the amount
5 set forth opposite their names:

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 Wong v. State of Hawaii, et al.	\$ 50,000.00
16 Civil No. 14-1-0281, Third Circuit	Settlement
17	<hr/>
18	
19 SUBTOTAL	\$ 833,391.13
20	
21 TOTAL (SECTION 12)	\$ 833,391.13
22	

23 Provided that of legislative appropriation item for
24 the department of public safety for fiscal year 2018-2019 in
25 section 3 of Act 49, Session Laws of Hawaii 2017, as amended by
26 section 3 of Act 53, Session Laws of Hawaii 2018, the general
27 fund sum of \$833,391.13 shall be expended from the fiscal year
28 2018-2019 budget (, general funds) by the department of
29 education for the purposes of this Act.



1 PART XIII

2 SECTION 13. The sums provided in sections 1 through 12 of
3 this Act may be paid to the respective persons, or for the
4 satisfaction or settlement of the respectively identified cases,
5 and in several amounts hereinabove set forth or in lesser
6 amounts deemed appropriate, upon checks issued by the
7 comptroller; provided departments shall obtain the approval of
8 the attorney general before payment of any claim can be made.

9 SECTION 14. Notwithstanding the sums provided in sections
10 1 through 12 of this Act stated as interest upon judgments
11 against the State, payment of interest shall be limited to the
12 period from the date of judgment, if applicable, to thirty days
13 after the effective date of this Act, as provided in section
14 662-8, Hawaii Revised Statutes, for those cases to which the
15 statute applies.

16 SECTION 15. All unexpended and unencumbered balances of
17 the appropriations made in this Act as of the close of business
18 on June 30, 2020, shall lapse.

19 SECTION 16. If any provision of this Act, or the
20 application thereof to any person or circumstance is held
21 invalid, the invalidity does not affect other provisions or



1 applications of the Act, which can be given effect without the
2 invalid provision or application, and to this end the provisions
3 of this Act are severable.

4 SECTION 17. 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. (SD1)

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

