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

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

15 PART II

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

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





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		

20 Provided that of legislative appropriation item K-20 for  
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.

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.



1 PART VI

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

22  
23 Provided that of legislative appropriation item F-1 for the  
24 department of human services 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 \$585,000 shall be expended from the fiscal year



1 2018-2019 budget (HMS 301, general funds) by the department of  
2 human services for the purposes of this Act.

3 PART VII

4 SECTION 7. 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 human services or its officers or employees  
8 for the payment of judgments or settlements, or other  
9 liabilities, in the amount set forth opposite their name, is  
10 approved for payment:

11 JUDGMENTS AGAINST THE STATE	AMOUNT
12 AND SETTLEMENTS OF CLAIMS:	
13	
14 1. DEPARTMENT OF HUMAN SERVICES:	
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 7)	\$ 27,500.00
23	

24 Provided that of legislative appropriation item F-29 for  
25 the department of human services for fiscal year 2018-2019 in  
26 section 3 of Act 49, Session Laws of Hawaii 2017, as amended by  
27 section 3 of Act 53, Session Laws of Hawaii 2018, the general





1 fund sum of \$27,500 shall be expended from the fiscal year  
2 2018-2019 budget (HMS 904, general funds) by the department of  
3 human services for the purposes of this Act.

4 PART VIII

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

12 JUDGMENTS AGAINST THE STATE	AMOUNT
13 AND SETTLEMENTS OF CLAIMS:	
14	
15 1. DEPARTMENT OF LAND AND NATURAL RESOURCES:	
16	
17 Boucher v. Vitousek, et al.	\$ 70,000.00
18 Civil No. 16-1-155K, Third Circuit	Settlement
19	
20 Umberger, et al. v. Department of Land	\$ 160,645.29
21 and Natural Resources, State of Hawaii	Judgment
22 Civil No. 12-1-2625-10, First Circuit	
23	<hr/>
24	
25 SUBTOTAL	\$ 230,645.29
26	
27 TOTAL (SECTION 8)	\$ 230,645.29
28	





1	SUBTOTAL	\$	25,000.00
2			
3	TOTAL (SECTION 9)	\$	25,000.00
4			

5 Provided that of legislative appropriation item I-5 for the  
6 department of public safety for fiscal year 2018-2019 in section  
7 3 of Act 49, Session Laws of Hawaii 2017, as amended by section  
8 3 of Act 53, Session Laws of Hawaii 2018, the general fund sum  
9 of \$25,000 shall be expended from the fiscal year 2018-2019  
10 budget (PSD 406, general funds) by the department of public  
11 safety for the purposes of this Act.

PART X

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

20	JUDGMENTS AGAINST THE STATE		AMOUNT
21	AND SETTLEMENTS OF CLAIMS:		
22			
23	1. DEPARTMENT OF PUBLIC SAFETY:		
24			
25	Luong v. Sequeira, et al.	\$	27,500.00
26	Civil No. 16-00613, USDC		Settlement



1			
2	Johnson v. Department of Public Safety,	\$	18,000.00
3	et al.		Settlement
4	Civil No. 15-1-0609-04, First Circuit		
5			<hr/>
6			
7	SUBTOTAL	\$	45,500.00
8			
9	TOTAL (SECTION 10)	\$	45,500.00
10			

11 Provided that of legislative appropriation item I-6 for the  
12 department of public safety for fiscal year 2018-2019 in section  
13 3 of Act 49, Session Laws of Hawaii 2017, as amended by section  
14 3 of Act 53, Session Laws of Hawaii 2018, the general fund sum  
15 of \$45,500 shall be expended from the fiscal year 2018-2019  
16 budget (PSD 407, general funds) by the department of public  
17 safety for the purposes of this Act.

18 PART XI

19 SECTION 11. The following sums or so much thereof as may  
20 be necessary for fiscal year 2018-2019 are appropriated out of  
21 the general revenues of the State of Hawaii to the department of  
22 public safety for the purpose of satisfying claims for  
23 legislative relief as to the following named persons, firms,  
24 corporations, and entities, for claims against the State or the  
25 department of public safety or its officers or employees for the



1 payment of judgments or settlements, or other liabilities, in  
2 the amount set forth opposite their names:

3 <b>JUDGMENTS AGAINST THE STATE</b>	4 <b>AMOUNT</b>
5 <b>AND SETTLEMENTS OF CLAIMS:</b>	
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	
12 United States Department of Justice	\$ 45,000.00
13 Investigation on State of Hawaii	Settlement
14 Department of Public Safety for Americans	
15 With Disabilities Act Violations	
16	<hr/>
17	
18 SUBTOTAL	\$ 119,900.00
19	
20 TOTAL (SECTION 11)	\$ 119,900.00
21	

22 Provided that of legislative appropriation item for  
23 the department of public safety 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 \$119,900.00 shall be expended from the fiscal year  
27 2018-2019 budget ( , general funds) by the department of  
28 public safety for the purposes of this Act.



PART XII

1  
2 SECTION 12. The following sums or so much thereof as may  
3 be necessary for fiscal year 2018-2019 are appropriated out of  
4 the general revenues of the State of Hawaii to the department of  
5 education for the purpose of satisfying claims for legislative  
6 relief as to the following named persons, firms, corporations,  
7 and entities, for claims against the State or the department of  
8 education or its officers or employees for the payment of  
9 judgments or settlements, or other liabilities, in the amount  
10 set forth opposite their names:

11 JUDGMENTS AGAINST THE STATE	AMOUNT
12 AND SETTLEMENTS OF CLAIMS:	
13	
14 1. DEPARTMENT OF EDUCATION:	
15	
16 Kauhako, et al. v. State of Hawaii,	\$ 783,391.13
17 et al.	Judgment
18 Civil No. 13-00567, USDC	
19	
20 Wong v. State of Hawaii, et al.	\$ 50,000.00
21 Civil No. 14-1-0281, Third Circuit	Settlement
22	
23	
24 SUBTOTAL	\$ 833,391.13
25	
26 TOTAL (SECTION 12)	\$ 833,391.13
27	

28 Provided that of legislative appropriation item for  
29 the department of public safety 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 \$833,391.13 shall be expended from the fiscal year  
4 2018-2019 budget ( , general funds) by the department of  
5 education for the purposes of this Act.

6 PART XIII

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

14 SECTION 14. Notwithstanding the sums provided in sections  
15 1 through 12 of this Act stated as interest upon judgments  
16 against the State, payment of interest shall be limited to the  
17 period from the date of judgment, if applicable, to thirty days  
18 after the effective date of this Act, as provided in section  
19 662-8, Hawaii Revised Statutes, for those cases to which the  
20 statute applies.



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

4 SECTION 16. If any provision of this Act, or the  
5 application thereof to any person or circumstance is held  
6 invalid, the invalidity does not affect other provisions or  
7 applications of the Act, which can be given effect without the  
8 invalid provision or application, and to this end the provisions  
9 of this Act are severable.

10 SECTION 17. This Act shall take effect on July 1, 2050.





**Report Title:**

Claims Against the State

**Description:**

Makes appropriations for claims against the State, its officers, and its employees. Effective 7/1/2050. (SD2)

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

