
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 2015-2016 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	JUDGMENTS AGAINST THE STATE		AMOUNT
13	AND SETTLEMENTS OF CLAIMS:		
14			
15	1. DEPARTMENT OF EDUCATION:		
16			
17	Toguchi v. Matayoshi, et al.	\$	82,500.00
18	Civil No. 13-00380 DKW-KSC, USDC		Settlement
19			
20	Hawaii Gov't Empl. Assoc., et al. v.	\$	100,000.00
21	State of Hawaii, et al.		
22	Civil No. 09-1-1430-06 SSM, First Circuit		Settlement
23			



1	Waiakamilo Properties, LLC	\$ 58,286.00
2		Settlement
3		
4	Garner, et al. v. State of Hawaii, et al.	\$ 3,025,942.99
5	Civil No. 03-1-000305, First Circuit	
6	Klitternick, et al. v. Matayoshi, et al.	
7	Civil No. 05-1-00031, First Circuit	
8	Kawashima v. State of Hawaii, et al.	
9	Civil No. 06-1-0244-02, First Circuit	Settlement
10		
11	Grimm, et al. v. Esibill, et al.	\$ 1,250,000.00
12	Civil No. 14-1-0452-02, First Circuit	Settlement
13		
14	Valeho-Novikoff v. State of Hawaii, et al.	\$ 10,000.00
15	Civil No. 11-1-2616-10 VLC, First Circuit	Settlement
16		
17	E.R.K., et al. v. Department of Education	\$ 100,000.00
18	Civil No. 10-00436 SOM-KSC, USDC	Order
19		
20		
21	SUBTOTAL:	\$ 4,626,728.99
22		
23	2. DEPARTMENT OF HAWAIIAN HOME LANDS:	
24		
25	Darnell v. County of Hawaii, et al.	\$ 200,000.00
26	Civil No. 09-1-0146, Third Circuit	Settlement
27		
28	Nelson, et al. v. Hawaiian Homes	\$ 11,942.96
29	Commission, et al.	
30	Civil No. 07-1-1663-08 JHC, First Circuit	Order
31		
32		
33	SUBTOTAL:	\$ 211,942.96
34		
35	3. DEPARTMENT OF HEALTH:	
36		
37	Mahi v. Department of Health, et al.	\$ 20,000.00
38	Civil No. 13-1-0250, Fifth Circuit	Settlement
39		
40		
41	SUBTOTAL:	\$ 20,000.00



1	4.	DEPARTMENT OF LAND AND NATURAL RESOURCES:		
2				
3		EPA Notice of Violation of Safe Drinking	\$	50,000.00
4		Water Act to Dept. of Land and Nat. Res.		Settlement
5				
6		Isele-DeVita, et al. v.	\$	135,000.00
7		State of Hawaii, et al.		
8		Civil No. 13-1-548K, Third Circuit		Settlement
9				
10		Andronaco v. City and County of	\$	162,500.00
11		Honolulu, et al.		
12		Civil No. 15-1-1732-09, First Circuit		Settlement
13				
14				
15		SUBTOTAL:	\$	347,500.00
16				
17	5.	DEPARTMENT OF HUMAN SERVICES:		
18				
19		Booth v. Wong	\$	165,527.60
20		Civil No. 10-00680, USDC		Judgment
21				
22		SUBTOTAL:	\$	165,527.60
23				
24	6.	DEPARTMENT OF PUBLIC SAFETY:		
25				
26		Persin v. State of Hawaii, et al.	\$	4,000,000.00
27		Civil No. 13-1-1571-05, First Circuit		Settlement
28				
29		Subia, et al. v. State of Hawaii, et al.	\$	625,000.00
30		Civil No. 14-1-1443-06 GWBC, First Circuit		Settlement
31				
32		Avila v. State of Hawaii, et al.	\$	35,000.00
33		Civil No. 13-1-3149-12 ECN, First Circuit		Settlement
34				
35		Tui v. Department of Public Safety	\$	20,000.00
36		Civil No. 11-1-0871-05 VLC, First Circuit		Settlement
37				
38		SUBTOTAL:	\$	4,680,000.00



1	7. MISCELLANEOUS CLAIMS:		
2			
3	Kasey M. Dowling	\$	600.00
4			
5	Judy M. Takano	\$	736.20
6			
7	Phillips-Van Heusen Corp.	\$	207,127.99
8			
9			
10	SUBTOTAL:	\$	208,464.19
11	Total (PART 1):	\$	10,260,163.74

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

14 **PART II**

15 SECTION 2. The following sums or so much thereof as may be
 16 necessary for fiscal year 2015-2016 are appropriated out of the
 17 state highway fund for the purpose of satisfying claims for
 18 legislative relief as to the following named persons, for claims
 19 against the State or its officers or employees for payments of
 20 judgments or settlements, or other liabilities, in the amount
 21 set forth opposite their names:

22	JUDGMENTS AGAINST THE STATE		AMOUNT
23	AND SETTLEMENTS OF CLAIMS:		
24			
25	DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION:		
26			
27	8. Le v. Turtle Bay Resort, LLC, et al.	\$	650,000.00
28	Civil No. 13-1-1885-17, First Circuit		Settlement



1	Faith Action for Comm. Equity, et al. v.	\$	50,000.00
2	Hawaii Dept. of Trans., et al.		
3	Civil No. 13-00450 SOM RLP, USDC		Settlement
4			
5			
6			<hr/>
7	TOTAL (PART 2)	\$	700,000.00

8
9 The sums appropriated shall be expended by the department
10 of transportation, highways division, for the purposes of this
11 part.

12 PART III

13 SECTION 3. The sums hereinabove may be paid to the
14 respective persons, or for the satisfaction or settlement of the
15 respectively identified cases, and in several amounts
16 hereinabove set forth or in lesser amounts deemed appropriate,
17 upon checks issued by the comptroller; provided that the
18 departments shall obtain the approval of the attorney general
19 before payment of any claim can be made.

20 SECTION 4. Notwithstanding the sums hereinabove stated as
21 interest upon judgments against the State, payment of interest
22 shall be limited to the period from the date of judgment, if
23 applicable, to thirty days after the effective date of this Act,
24 as provided in section 662-8, Hawaii Revised Statutes, for those
25 cases to which the statute applies.



1 SECTION 5. All unexpended and unencumbered balances of the
2 appropriations made in this Act as of the close of business on
3 June 30, 2017, shall lapse.

4 SECTION 6. 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 7. This Act shall take effect upon its approval.



Report Title:

Appropriations; Claims Against the State

Description:

Makes appropriations for claims against the State, its officers, and its employees. (HB2279 CD1)

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

