
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.	



1	Civil No. 09-1-1430-06 SSM, First Circuit	Settlement
2		
3	Waiakamilo Properties, LLC	\$ 58,286.00
4		Settlement
5		<hr/>
6		
7	SUBTOTAL:	\$ 240,786.00
8		
9	2. DEPARTMENT OF HAWAIIAN HOME LANDS:	
10		
11	Darnell v. County of Hawaii, et al.	\$ 200,000.00
12	Civil No. 09-1-0146, Third Circuit	Settlement
13		<hr/>
14		
15	SUBTOTAL:	\$ 200,000.00
16		
17	3. DEPARTMENT OF HEALTH:	
18		
19	Mahi v. Department of Health, et al.	\$ 20,000.00
20	Civil No. 13-1-0250, Fifth Circuit	Settlement
21		<hr/>
22		
23	SUBTOTAL:	\$ 20,000.00
24		
25	4. DEPARTMENT OF LAND AND NATURAL RESOURCES:	
26		
27	EPA Notice of Violation of Safe Drinking	\$ 50,000.00
28	Water Act to Dept. of Land and Nat. Res.	Settlement
29		
30	Isele-DeVita, et al. v.	\$ 135,000.00
31	State of Hawaii, et al.	
32	Civil No. 13-1-548K, Third Circuit	Settlement
33		<hr/>
34		
35	SUBTOTAL:	\$ 185,000.00
36		
37	5. DEPARTMENT OF PUBLIC SAFETY:	
38		
39	Persin v. State of Hawaii, et al.	\$ 4,000,000.00
40	Civil No. 13-1-1571-05, First Circuit	Settlement
41		<hr/>



1	SUBTOTAL:	\$ 4,000,000.00
2		
3	6. MISCELLANEOUS CLAIMS:	
4		
5	Kasey M. Dowling	\$ 600.00
6		
7	Judy M. Takano	\$ 736.20
8		
9		<hr/>
10	SUBTOTAL:	\$ 1,336.20
11	Total (SECTION 1):	\$ 4,647,122.20

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

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	7. Le v. Turtle Bay Resort, LLC, et al.	\$ 650,000.00
28	Civil No. 13-1-1885-07, 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			<hr/>
5			
6	TOTAL (SECTION 2)	\$	700,000.00

7
8 The sums appropriated shall be expended by the department
9 of transportation, highways division, for the purposes of this
10 Act.

11 PART III

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

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

Description:

Makes appropriations for claims against the State, its officers, and its employees. (HB2279 HD2)

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

