
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 2016-2017 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	Westbrook, et al. v. State of Hawaii, et al.	\$	21,000.00
18	Civil No. 12-1-1596-06, First Circuit		Settlement
19			
20			
21	SUBTOTAL:	\$	21,000.00
22			
23	2. HAWAII CAMPAIGN SPENDING COMMISSION:		



1			
2	Yamada, et al. v. Snipes, et al.	\$	66,701.10
3	Civil No. 10-00497, USDC		Judgment
4	Ninth Circuit No. 12-17845		
5			
6	SUBTOTAL:	\$	66,701.10
7			
8	3. DEPARTMENT OF HUMAN SERVICES:		
9			
10	Carroll, et al. v. Camit, et al.	\$	18,500.00
11	Civil No. 12-1-0622(2), Second Circuit		Settlement
12			
13			
14	SUBTOTAL:	\$	18,500.00
15			
16	4. DEPARTMENT OF PUBLIC SAFETY:		
17			
18	Antoque v. State of Hawaii, et al.	\$	35,000.00
19	Civil No. 15-1-0262, Third Circuit		Settlement
20			
21	Freitas, et al. v. Gillespie, et al.	\$	400,000.00
22	Civil No. 13-1-0365, Fifth Circuit		Settlement
23			
24	Leolao, et al. v. State of Hawaii, et al.	\$	60,000.00
25	Civil No. 13-1-3038-11, First Circuit		Settlement
26			
27	Obata v. State of Hawaii, et al.	\$	20,000.00
28	Civil No. 14-1-1660-07 KTN,		Settlement
29			
30	Sullivan, et al. v. State of Hawaii, et al.	\$	48,000.00
31	Civil No. 15-1-2429-12 VLC, First Circuit		Settlement
32			
33			
34	SUBTOTAL:	\$	563,000.00
35			
36	5. LAND USE COMMISSION:		
37			
38	Bridge Aina Le'a, LLC v. State of Hawaii		
39	Land Use Commission	\$	1,000,000.00
40	Civil No. 11-00414 SOM KJM, USDC		Settlement
41			



1		
2	SUBTOTAL:	\$ 1,000,000.00
3		
4	6. MISCELLANEOUS CLAIMS:	
5		
6	Eaton Arakaki	\$ 557.99
7		
8	Paquito and Natividad Dimaya	\$ 1,001.00
9		
10	Ronald Martinez, Jr.	\$ 92.00
11		
12	Kan Shimada	\$ 250.00
13		<hr/>
14		
15	SUBTOTAL:	\$ 1,900.99
16		
17	Total (SECTION 1):	\$ 1,671,102.09

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

20 **PART II**

21 SECTION 2. The following sums or so much thereof as may be
22 necessary for fiscal year 2016-2017 are appropriated out of the
23 state highway fund for the purpose of satisfying claims for
24 legislative relief as to the following named persons, for claims
25 against the State or its officers or employees for payments of
26 judgments or settlements, or other liabilities, in the amount
27 set forth opposite their names:

28	JUDGMENTS AGAINST THE STATE	AMOUNT
29	AND SETTLEMENTS OF CLAIMS:	
30		



1	DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION:	
2		
3	Burley v. State of Hawaii	\$ 85,000.00
4	Civil No. 14-1-2102-10, First Circuit	Settlement
5		
6	Lee, et al. v. Tavai, et al.	\$ 1,565,154.00
7	Civil No. 14-1-1659-07, First Circuit	Settlement
8		
9	Lopez, et al. v. State of Hawaii	\$ 3,901,866.44
10	Civil No. 13-1-0885(2), Second Circuit	Settlement
11		<hr/>
12		
13	SUBTOTAL:	\$ 5,552,020.44
14		
15	TOTAL (SECTION 2)	\$ 5,552,020.44

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

20 **PART III**

21 SECTION 3. The following sums or so much thereof as may be
 22 necessary for fiscal year 2016-2017 are appropriated out of the
 23 harbor special fund for the purpose of satisfying claims for
 24 legislative relief as to the following named persons, for claims
 25 against the State or its officers or employees for payments of
 26 judgments or settlements, or other liabilities, in the amount
 27 set forth opposite their names:

28	JUDGMENTS AGAINST THE STATE	AMOUNT
29	AND SETTLEMENTS OF CLAIMS:	
30		



1	DEPARTMENT OF TRANSPORTATION, HARBORS DIVISION:		
2			
3	Smith v. State of Hawaii, et al.	\$	116,000.00
4	Civil No. 15-1-0549-03, First Circuit		Settlement
5			
6			
7	SUBTOTAL:	\$	116,000.00
8			
9	TOTAL (SECTION 3)	\$	116,000.00

10 The sums appropriated shall be expended by the department
 11 of transportation, harbors division, for the purposes of this
 12 Act.

13 **PART IV**

14 SECTION 4. The sums hereinabove may be paid to the
 15 respective persons, or for the satisfaction or settlement of the
 16 respectively identified cases, and in several amounts
 17 hereinabove set forth or in lesser amounts deemed appropriate,
 18 upon checks issued by the comptroller; provided departments
 19 shall obtain the approval of the attorney general before payment
 20 of any claim can be made.

21 SECTION 5. Notwithstanding the sums hereinabove stated as
 22 interest upon judgments against the State, payment of interest
 23 shall be limited to the period from the date of judgment, if
 24 applicable, to thirty days after the effective date of this Act,



1 as provided in section 662-8, Hawaii Revised Statutes, for those
2 cases to which the statute applies.

3 SECTION 6. All unexpended and unencumbered balances of the
4 appropriations made in this Act as of the close of business on
5 June 30, 2018, shall lapse.

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

12 SECTION 8. This Act shall take effect on January 7, 2059.

13



Report Title:

Claims Against the State

Description:

Makes appropriations for claims against the State, its officers, and its employees. Takes effect on 1/7/2059. (SD1)

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

