
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



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



	Settlement
1 Civil No. 11-00414 SOM KJM, USDC	
2	
3	
4 SUBTOTAL:	\$ 1,000,000.00
5	
6 6. MISCELLANEOUS CLAIMS:	
7	
8 Eaton Arakaki	\$ 557.99
9	
10 Paquito and Natividad Dimaya	\$ 1,001.00
11	
12 Ronald Martinez, Jr.	\$ 92.00
13	
14 Kan Shimada	\$ 250.00
15	
16 Jocelyn Valdez	\$ 837.00
17	
18	
19 SUBTOTAL:	\$ 2,737.99
20	
21 Total (SECTION 1):	\$ 1,671,939.09

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

24 **PART II**

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



1 JUDGMENTS AGAINST THE STATE	AMOUNT
2 AND SETTLEMENTS OF CLAIMS:	
3	
4 DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION:	
5	
6 Burley v. State of Hawaii	\$ 85,000.00
7 Civil No. 14-1-2102-10, First Circuit	Settlement
8	
9 Kawamura, et al. v. State of Hawaii, et al.	\$ 95,000.00
10 Civil No. 11-1-0311, Fifth Circuit	Settlement
11	
12 Lee, et al. v. Tavai, et al.	\$ 1,565,154.00
13 Civil No. 14-1-1659-07, First Circuit	Settlement
14	
15 Lopez, et al. v. State of Hawaii	\$ 3,901,866.44
16 Civil No. 13-1-0885(2), Second Circuit	Settlement
17	
18	
19 SUBTOTAL:	\$ 5,647,020.44
20	
21 TOTAL (SECTION 2)	\$ 5,647,020.44
22	

23 The sums appropriated shall be expended by the department
 24 of transportation, highways division, for the purposes of this
 25 Act.

26 PART III

27 SECTION 3. The following sums or so much thereof as may be
 28 necessary for fiscal year 2016-2017 are appropriated out of the
 29 harbor special fund for the purpose of satisfying claims for
 30 legislative relief as to the following named persons, for claims
 31 against the State or its officers or employees for payments of



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

3 JUDGMENTS AGAINST THE STATE	AMOUNT
4 AND SETTLEMENTS OF CLAIMS:	
5	
6 DEPARTMENT OF TRANSPORTATION, HARBORS DIVISION:	
7	
8 Smith v. State of Hawaii, et al.	\$ 116,000.00
9 Civil No. 15-1-0549-03, First Circuit	Settlement
10	
11	
12 SUBTOTAL:	\$ 116,000.00
13	
14 TOTAL (SECTION 3)	\$ 116,000.00

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

18 PART IV

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



1 SECTION 5. Notwithstanding the sums hereinabove stated as
2 interest upon judgments against the State, payment of interest
3 shall be limited to the period from the date of judgment, if
4 applicable, to thirty days after the effective date of this Act,
5 as provided in section 662-8, Hawaii Revised Statutes, for those
6 cases to which the statute applies.

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

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

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



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. (SD2)

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

