

JAN 24 2019

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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 JUDGMENTS AGAINST THE STATE	AMOUNT
13 AND SETTLEMENTS OF CLAIMS:	
14	
15 1. DEPARTMENT OF THE ATTORNEY GENERAL:	
16	
17 Aloha Pregnancy Care and Counseling	\$ 20,344.50
18 Center, Inc. v. Suzuki, et al.	Settlement
19 Civil No. 17-00343, USDC	
20	
21 2. DEPARTMENT OF EDUCATION:	
22	
23 Miller-Potter v. State of Hawaii, et al.	\$ 75,000.00

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1	Civil No. 16-1-0385K, Third Circuit	Settlement
2		
3	3. DEPARTMENT OF HEALTH:	
4		
5	Kawamoto, et al. v. Ige, et al.	\$ 27,500.00
6	Civil No. 16-00362, USDC	Settlement
7		
8	4. DEPARTMENT OF HUMAN SERVICES:	
9		
10	Doe 1, John, et al. v. Department of	\$ 585,000.00
11	Human Services, et al.,	Settlement
12	Civil No. 14-1-0554(2), Second Circuit	
13		
14	Kawamoto, et al. v. Ige, et al.	\$ 27,500.00
15	Civil No. 16-00362, USDC	Settlement
16		
17	5. DEPARTMENT OF LAND AND NATURAL RESOURCES:	
18		
19	Boucher v. Vitousek, et al.	\$ 70,000.00
20	Civil No. 16-1-155K, Third Circuit	Settlement
21		
22	6. DEPARTMENT OF PUBLIC SAFETY:	
23		
24	Fraser v. Lingle, et al.	\$ 25,000.00
25	Civil No. 08-1-0709(1), Second Circuit	Settlement
26		
27	Luong v. Sequeira, et al.	\$ 27,500.00
28	Civil No. 16-00613, USDC	Settlement
29		
30	Johnson v. Department of Public Safety,	\$ 18,000.00
31	et al., Civil No. 15-1-0609-04, First Circuit	Settlement
32		
33		
34	SUBTOTAL	\$ 875,844.50
35		
36	TOTAL (SECTION 1)	\$ 875,844.50

37  
38 The sums appropriated shall be expended by the department  
39 of the attorney general for the purposes of this Act.

40 PART II

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

8 JUDGMENTS AGAINST THE STATE	AMOUNT
9 AND SETTLEMENTS OF CLAIMS:	
10	
11 DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION:	
12	
13 1. Bowles v. Hawaiian Electric Company, et al.	\$ 12,166.45
14 Civil No. 17-1-0259-02 VLC, First Circuit	Settlement
15	<hr/>
16	
17 SUBTOTAL	\$ 12,166.45
18	
19 TOTAL (SECTION 2)	\$ 12,166.45
20	

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

PART III

25 SECTION 3. The sums hereinabove may be paid to the  
 26 respective persons, or for the satisfaction or settlement of the  
 27 respectively identified cases, and in several amounts  
 28 hereinabove set forth or in lesser amounts deemed appropriate,  
 29 upon checks issued by the comptroller; provided departments

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1 shall obtain the approval of the attorney general before payment  
2 of any claim can be made.

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

9 SECTION 5. All unexpended and unencumbered balances of the  
10 appropriations made in this Act as of the close of business on  
11 June 30, 2020, shall lapse.

12 SECTION 6. If any provision of this Act, or the  
13 application thereof to any person or circumstance is held  
14 invalid, the invalidity does not affect other provisions or  
15 applications of the Act, which can be given effect without the  
16 invalid provision or application, and to this end the provisions  
17 of this Act are severable.

18 SECTION 7. This Act shall take effect upon its approval.

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INTRODUCED BY:   
BY REQUEST

S.B. NO. 1169

**Report Title:**

Claims Against the State

**Description:**

Makes appropriations for claims against the State, its officers, and its employees.

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

## JUSTIFICATION SHEET

DEPARTMENT: Attorney General

TITLE: A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES.

PURPOSE: Provide for the authorization and payment of claims against the State for refunds of taxes, for judgments and settlements, and for other miscellaneous payments as provided by chapters 37, 661, and 662, Hawaii Revised Statutes.

MEANS: Authorize and appropriate funds for the payment of such claims.

JUSTIFICATION: This bill serves as the vehicle by which claims against the State are transmitted to the Legislature for its consideration. The Legislature will be asked to authorize and fund the payment of such claims by an appropriation of general and special funds. Timely passage of this bill will serve to minimize interest on those amounts for which interest is accruing.

Impact on the public: There would be no direct impact on the public other than the persons whose claims are being paid.

Impact on the department and other agencies: Claims eligible for payment from a special fund will generally be charged to that special fund rather than the general fund. Certain claims will be paid from a department's appropriation as reflected in the budget bill. In such case, that department will be responsible for finding the moneys in its budget to pay for the judgments and settlements rendered against it.

GENERAL FUND: \$875,844.50  
OTHER FUNDS: \$12,166.45  
PPBS PROGRAM  
DESIGNATION: Various.  
OTHER AFFECTED  
AGENCIES: None.  
EFFECTIVE DATE: Upon approval.