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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 2019-2020 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. MISCELLANEOUS CLAIMS:		
16			
17	Loretta Beralas	\$	2.01
18			
19	Grace Blevins	\$	400.28
20			
21	BVT-CAM Private Equity Global Fund II	\$	16,000.00



1	Beteiligungs GmbH		
2			
3	CAM Private Equity Verwaltungs GmbH	\$	51,300.00
4			
5	CAM Select I Beteiligungs GmbH	\$	42,500.00
6			
7	Kathleen A. Kehlor Harper	\$	809.11
8			
9	Amanda Jamieson	\$	23,125.00
10			
11	Margaret Jamieson	\$	23,125.00
12			
13	John and Deborah Mar	\$	866.75
14			
15	Nanci J. Merck	\$	93.93
16			
17	Betty Y. Ohigashi	\$	1,023.99
18			
19	The Estate of Calvin C. Ontai	\$	578.40
20			
21	Judith Ross	\$	578.40
22			
23	Elaine S. Tanigawa	\$	1,000.00
24			
25	Barbara H. Ursal	\$	289.20
26			
27	Christine Woods	\$	388.19
28			
29			
30	SUBTOTAL:	\$	162,080.26
31			
32	TOTAL (SECTION 1):	\$	162,080.26

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

35 PART II



1 SECTION 2. The following sums or so much thereof as may be  
 2 necessary for fiscal year 2019-2020 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 amounts  
 7 set forth opposite their names:

8 JUDGMENTS AGAINST THE STATE	AMOUNT
9 AND SETTLEMENTS OF CLAIMS:	
10	
11 1. DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION:	
12	
13 Hayselden, et al. v. State of Hawaii, et al. \$	300,000.00
14 Civil No. 17-1-0204, Third Circuit	Settlement
15	
16 Vares, et al. v. State of Hawaii, et al. \$	650,000.00
17 Civil No. 16-1-0512-03, First Circuit	Settlement
18	<hr/>
19	
20 SUBTOTAL:	\$ 950,000.00
21	
22 TOTAL (SECTION 2)	\$ 950,000.00

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

25 PART III

26 SECTION 3. The legislature finds and declares that the  
 27 following claim for legislative relief recommended for approval



1 as to the following named person for claims against the State or  
2 the department of education or its officers or employees for the  
3 payment of judgments or settlements, or other liabilities, in  
4 the amount set forth opposite their name, is approved for  
5 payment:

6 JUDGMENTS AGAINST THE STATE	AMOUNT
7 AND SETTLEMENTS OF CLAIMS:	
8	
9 1. DEPARTMENT OF EDUCATION:	
10	
11 Zhang v. State of Hawaii, et al.	\$ 130,000.00
12 Civil No. 19-1-0824-05, First Circuit	Settlement
13	<hr/>
14	
15 SUBTOTAL	\$ 130,000.00
16	
17 TOTAL (SECTION 3)	\$ 130,000.00

18 Provided that of legislative appropriation item G-2 for the  
19 department of education for fiscal year 2019-2020 in section 3  
20 of Act 5, Session Laws of Hawaii 2019, the general fund sum of  
21 \$130,000 shall be expended from the fiscal year 2019-2020 budget  
22 (EDN 150, general funds) by the department of education for the  
23 purposes of this Act.

24 PART IV

25 SECTION 4. The legislature finds and declares that the  
26 following claim for legislative relief recommended for approval



1 as to the following named person for claims against the State or  
2 the department of education or its officers or employees for the  
3 payment of judgments or settlements, or other liabilities, in  
4 the amount set forth opposite their name, is approved for  
5 payment:

6 JUDGMENTS AGAINST THE STATE	AMOUNT
7 AND SETTLEMENTS OF CLAIMS:	
8	
9 1. DEPARTMENT OF EDUCATION:	
10	
11 Lau, et al. v. Kenui, et al.	\$ 40,000.00
12 Civil No. 17-1-0209, Third Circuit	Settlement
13	<hr/>
14	
15 SUBTOTAL	\$ 40,000.00
16	
17 TOTAL (SECTION 4)	\$ 40,000.00

18 Provided that of legislative appropriation item G-1 for the  
19 department of education for fiscal year 2019-2020 in section 3  
20 of Act 5, Session Laws of Hawaii 2019, the general fund sum of  
21 \$40,000 shall be expended from the fiscal year 2019-2020 budget  
22 (EDN 100, general funds) by the department of education for the  
23 purposes of this Act.

24 PART V

25 SECTION 5. The legislature finds and declares that the  
26 following claims for legislative relief recommended for approval



1 as to the following named persons for claims against the State  
2 or the department of land and natural resources or its officers  
3 or employees for the payment of judgments or settlements, or  
4 other liabilities, in the amount set forth opposite their name,  
5 is approved for payment:

6 JUDGMENTS AGAINST THE STATE	AMOUNT
7 AND SETTLEMENTS OF CLAIMS:	
8	
9 1. DEPARTMENT OF LAND AND NATURAL RESOURCES:	
10	
11 Ching, et al. v. Case, et al.	\$ 9,514.99
12 Civil No. 14-1-1085-04, First Circuit	Judgment
13	
14 Gold Coast Neighborhood Association v.	\$ 13,160.94
15 State of Hawaii, et al.	Judgment
16 Civil No. 07-1-1122-06, First Circuit	
17	
18 Keauhou Canoe Club v. Department of Land	\$ 9,918.58
19 and Natural Resources, et al.	Judgment
20 Civil No. 13-1-678K, Third Circuit	
21	
22	<hr/>
23 SUBTOTAL	\$ 32,594.51
24	
25 TOTAL (SECTION 5)	\$ 32,594.51

26 Provided that of legislative appropriation item D-9 for the  
27 department of land and natural resources for fiscal year  
28 2019-2020 in section 3 of Act 5, Session Laws of Hawaii 2019,  
29 the general fund sum of \$32,594.51 shall be expended from the  
30 fiscal year 2019-2020 budget (LNR 906, general funds) by the



1 department of land and natural resources for the purposes of  
2 this Act.

3 PART VI

4 SECTION 6. The legislature finds and declares that the  
5 following claim for legislative relief recommended for approval  
6 as to the following named person for claims against the State or  
7 the department of public safety or its officers or employees for  
8 the payment of judgments or settlements, or other liabilities,  
9 in the amount set forth opposite their name, is approved for  
10 payment:

11 JUDGMENTS AGAINST THE STATE	AMOUNT
12 AND SETTLEMENTS OF CLAIMS:	
13	
14 1. DEPARTMENT OF PUBLIC SAFETY:	
15	
16 Shiira v. State of Hawaii, et al.	\$ 44,946.75
17 Civil No. 13-1-0331, Fifth Circuit	Judgment
18	<hr/>
19	
20 SUBTOTAL	\$ 44,946.75
21	
22 TOTAL (SECTION 6)	\$ 44,946.75

23 Provided that of legislative appropriation item I-7 for the  
24 department of public safety for fiscal year 2019-2020 in section  
25 3 of Act 5, Session Laws of Hawaii 2019, the general fund sum of  
26 \$44,946.75 shall be expended from the fiscal year 2019-2020



1 budget (PSD 408, general funds) by the department of public  
2 safety for the purposes of this Act.

3 PART VII

4 SECTION 7. The legislature finds and declares that the  
5 following claim for legislative relief recommended for approval  
6 as to the following named person for claims against the State or  
7 the department of public safety or its officers or employees for  
8 the payment of judgments or settlements, or other liabilities,  
9 in the amount set forth opposite their name, is approved for  
10 payment:

11 JUDGMENTS AGAINST THE STATE	AMOUNT
12 AND SETTLEMENTS OF CLAIMS:	
13	
14 1. DEPARTMENT OF PUBLIC SAFETY:	
15	
16 Firth, et al. v. County of Maui, et al.	\$ 350,000.00
17 Civil No. 18-1-0234(4), Second Circuit	Settlement
18	<hr/>
19	
20 SUBTOTAL	\$ 350,000.00
21	
22 TOTAL (SECTION 7)	\$ 350,000.00

23 Provided that of legislative appropriation item I-15 for  
24 the department of public safety for fiscal year 2019-2020 in  
25 section 3 of Act 5, Session Laws of Hawaii 2019, the general  
26 fund sum of \$350,000 shall be expended from the fiscal year





1 2019-2020 budget (PSD 503, general funds) by the department of  
2 public safety for the purposes of this Act.

3 PART VIII

4 SECTION 8. The legislature finds and declares that the  
5 following claim for legislative relief recommended for approval  
6 as to the following named person for claims against the State or  
7 the Hawaii community development authority or its officers or  
8 employees for the payment of judgments or settlements, or other  
9 liabilities, in the amount set forth opposite their name, is  
10 approved for payment:

11 JUDGMENTS AGAINST THE STATE	AMOUNT
12 AND SETTLEMENTS OF CLAIMS:	
13	
14 1. HAWAII COMMUNITY DEVELOPMENT AUTHORITY:	
15	
16 Carolyn Ward Aki v. City and County of	\$ 55,000.00
17 Honolulu, et al.	Settlement
18 Civil No. 17-1-1861-11 GWBC, First Circuit	
19	<hr/>
20	
21 SUBTOTAL	\$ 55,000.00
22	
23 TOTAL (SECTION 8)	\$ 55,000.00

24 Provided that of legislative appropriation item A-24 for  
25 the Hawaii community development authority for fiscal year  
26 2019-2020 in section 3 of Act 5, Session Laws of Hawaii 2019,  
27 the general fund sum of \$55,000 shall be expended from the



1 fiscal year 2019-2020 budget (BED 150, general funds) by the  
2 Hawaii community development authority for the purposes of this  
3 Act.

4 PART IX

5 SECTION 9. The legislature finds and declares that the  
6 following claim for legislative relief recommended for approval  
7 as to the following named person for claims against the State or  
8 the Hawaii state public library system or its officers or  
9 employees for the payment of judgments or settlements, or other  
10 liabilities, in the amount set forth opposite their name, is  
11 approved for payment:

12 JUDGMENTS AGAINST THE STATE	AMOUNT
13 AND SETTLEMENTS OF CLAIMS:	
14	
15 1. HAWAII STATE PUBLIC LIBRARY SYSTEM:	
16	
17 United States Environmental Protection	\$ 143,990.00
18 Agency, Region 9 - Hawaii State Public	Settlement
19 Library System	
20	-----
21	
22 SUBTOTAL	\$ 143,990.00
23	
24 TOTAL (SECTION 9)	\$ 143,990.00

25 Provided that of legislative appropriation item G-14 for  
26 the Hawaii state public library system for fiscal year 2019-2020  
27 in section 3 of Act 5, Session Laws of Hawaii 2019, the general



1 fund sum of \$143,990 shall be expended from the fiscal year  
2 2019-2020 budget (EDN 407, general funds) by the Hawaii state  
3 public library system for the purposes of this Act.

4 PART X

5 SECTION 10. The legislature finds and declares that the  
6 following claim for legislative relief recommended for approval  
7 as to the following named person for claims against the State or  
8 the state public charter school commission or its officers or  
9 employees for the payment of judgments or settlements, or other  
10 liabilities, in the amount set forth opposite their name, is  
11 approved for payment:

12 JUDGMENTS AGAINST THE STATE	AMOUNT
13 AND SETTLEMENTS OF CLAIMS:	
14	
15 1. STATE PUBLIC CHARTER SCHOOL COMMISSION:	
16	
17 HGEA/AFSCME on Behalf of Ardith Renteria,	\$ 71,594.18
18 and Charter Volcano School of Arts and	Judgment
19 Sciences	
20	_____
21	
22 SUBTOTAL	\$ 71,594.18
23	
24 TOTAL (SECTION 10)	\$ 71,594.18

25 Provided that of legislative appropriation item G-7 for the  
26 state public charter school commission for fiscal year 2019-2020  
27 in section 3 of Act 5, Session Laws of Hawaii 2019, the general



1 fund sum of \$71,594.18 shall be expended from the fiscal year  
2 2019-2020 budget (EDN 600, general funds) by the state public  
3 charter school commission for the purposes of this Act.

4 PART XI

5 SECTION 11. The sums hereinabove may be paid to the  
6 respective persons, or for the satisfaction or settlement of the  
7 respectively identified cases, and in several amounts  
8 hereinabove set forth or in lesser amounts deemed appropriate,  
9 upon checks issued by the comptroller; provided that departments  
10 shall obtain the approval of the attorney general before payment  
11 of any claim can be made.

12 SECTION 12. Notwithstanding the sums hereinabove stated as  
13 interest upon judgments against the State, payment of interest  
14 shall be limited to the period from the date of judgment, if  
15 applicable, to thirty days after the effective date of this Act,  
16 as provided in section 662-8, Hawaii Revised Statutes, for those  
17 cases to which the statute applies.

18 SECTION 13. All unexpended and unencumbered balances of  
19 the appropriations made in this Act as of the close of business  
20 on June 30, 2021, shall lapse.



1           SECTION 14. If any provision of this Act, or the  
2 application thereof to any person or circumstance is held  
3 invalid, the invalidity does not affect other provisions or  
4 applications of the Act, which can be given effect without the  
5 invalid provision or application, and to this end the provisions  
6 of this Act are severable.

7           SECTION 15. This Act shall take effect upon its approval.



S.B. NO. 2844  
S.D. 2  
H.D. 1

**Report Title:**

Claims Against the State

**Description:**

Makes appropriations and approves payments for claims against the State, its officers, and its employees. (HD1)

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

SB2844 HD1 HMS 2020-2112

