

ACT 24

S.B. NO. 2740

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:

PART I

SECTION 1. The legislature finds and declares that the following claim for legislative relief recommended for approval as to the following named person

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for claims against the State or the department of accounting and general services or its officers or employees for the payment of judgments or settlements, or other liabilities, in the amount set forth opposite their name, is approved for payment:

**JUDGMENTS AGAINST THE STATE
AND SETTLEMENTS OF CLAIMS:**

AMOUNT

1. DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES:

Carrancho, et al. v. City and County of Honolulu, et al., Civil No. 16-1-0246-02, First Circuit	\$ 52,500.00	Settlement
SUBTOTAL:	\$ 52,500.00	
TOTAL (SECTION 1):	\$ 52,500.00	

Provided that of legislative appropriation item K-37 for the department of accounting and general services for fiscal year 2017-2018 in section 3 of Act 49, Session Laws of Hawaii 2017, the general fund sum of \$52,500 shall be expended from the 2017-2018 budget (AGS 232, general funds) by the department of accounting and general services for the purposes of this Act.

PART II

SECTION 2. The legislature finds and declares that the following claim for legislative relief recommended for approval as to the following named person for claims against the State or the department of education or its officers or employees for the payment of judgments or settlements, or other liabilities, in the amount set forth opposite their name, is approved for payment:

**JUDGMENTS AGAINST THE STATE
AND SETTLEMENTS OF CLAIMS:**

AMOUNT

2. DEPARTMENT OF EDUCATION:

Clark, et al. v. Department of Education, et al., Civil No. 15-1-2486-12, First Circuit	\$ 35,000.00	Settlement
SUBTOTAL:	\$ 35,000.00	
TOTAL (SECTION 2):	\$ 35,000.00	

Provided that of legislative appropriation item G-6 for the department of education for fiscal year 2017-2018 in section 3 of Act 49, Session Laws of Hawaii 2017, the general fund sum of \$35,000 shall be expended from the 2017-2018 budget (EDN 500, general funds) by the department of education for the purposes of this Act.

PART III

SECTION 3. The legislature finds and declares that the following claim for legislative relief recommended for approval as to the following named person for claims against the State or the department of Hawaiian home lands or its officers or employees for the payment of judgments or settlements, or other liabilities, in the amount set forth opposite their name, is approved for payment:

**JUDGMENTS AGAINST THE STATE
AND SETTLEMENTS OF CLAIMS:**

AMOUNT

3. DEPARTMENT OF HAWAIIAN HOME LANDS:

Arthur, et al. v. State of Hawaii, et al. Civil No. 05-1-1981-11, First Circuit	\$ 200,000.00 Settlement
SUBTOTAL:	\$ 200,000.00
TOTAL (SECTION 3):	\$ 200,000.00

Provided that of legislative appropriation item F-24 for the department of Hawaiian home lands for fiscal year 2017-2018 in section 3 of Act 49, Session Laws of Hawaii 2017, the general fund sum of \$200,000 shall be expended from the 2017-2018 budget (HHL 625, general funds) by the department of Hawaiian home lands for the purposes of this Act.

PART IV

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

**JUDGMENTS AGAINST THE STATE
AND SETTLEMENTS OF CLAIMS:**

AMOUNT

4. DEPARTMENT OF HEALTH:

Johnson v. Rainbow Rehabilitation Services, Inc., et al., Civil No. 07-1-1855-10, First Circuit	\$ 1,601,536.97 Judgment
SUBTOTAL:	\$ 1,601,536.97
TOTAL (SECTION 4):	\$ 1,601,536.97

Provided that of legislative appropriation item E-16 for the department of health for fiscal year 2017-2018 in section 3 of Act 49, Session Laws of Hawaii 2017, the general fund sum of \$1,601,536.97 shall be expended from the 2017-2018 budget (HTH 460, general funds) by the department of health for the purposes of this Act.

PART V

SECTION 5. The legislature finds and declares that the following claims for legislative relief recommended for approval as to the following named persons for claims against the State or the department of human services or its officers or employees for the payment of judgments or settlements, or other liabilities, in the amounts set forth opposite their names, are approved for payment:

**JUDGMENTS AGAINST THE STATE
AND SETTLEMENTS OF CLAIMS:**

AMOUNT

5. DEPARTMENT OF HUMAN SERVICES:

Ah Chong, et al. v. McManaman Civil No. 13-00663 LEK-KSC, USDC	\$ 850,000.00 Settlement
Kalili v. Department of Human Services, et al., Civil No. 13-1-0171, Third Circuit	\$ 115,000.00 Settlement

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Lahti, et al. v. State of Hawaii, et al. Civil No. 08-1-0132(3), Second Circuit	\$ 500,000.00 Settlement
Sheehy, et al. v. State of Hawaii Civil No. 14-1-1709-08 VLC, First Circuit	\$ 2,341,103.10 Settlement
SUBTOTAL:	\$ 3,806,103.10
TOTAL (SECTION 5):	\$ 3,806,103.10

Provided that of legislative appropriation item F-1 for the department of human services for fiscal year 2017-2018 in section 3 of Act 49, Session Laws of Hawaii 2017, the general fund sum of \$3,806,103.10 shall be expended from the 2017-2018 budget (HMS 301, general funds) by the department of human services for the purposes of this Act.

PART VI

SECTION 6. The legislature finds and declares that the following claims for legislative relief recommended for approval as to the following named persons for claims against the State or the department of land and natural resources or its officers or employees for the payment of judgments or settlements, or other liabilities, in the amounts set forth opposite their names, are approved for payment:

**JUDGMENTS AGAINST THE STATE
AND SETTLEMENTS OF CLAIMS:**

	AMOUNT
6. DEPARTMENT OF LAND AND NATURAL RESOURCES:	
Claim of Sandra Lee Atkinson Civil No. 13-00663 LEK-KSC, USDC	\$ 20,212.30 Settlement
Umberger, et al. v. Department of Land and Natural Resources, Civil No. 12-1-2626-10, Third Circuit	\$ 74,491.81 Judgment
Corbett v. Kyo-Ya Hotels & Resorts, LP, et al. Civil No. 17-1-0371-03, First Circuit	\$ 75,000.00 Settlement
SUBTOTAL:	\$ 169,704.11
TOTAL (SECTION 6):	\$ 169,704.11

Provided that of legislative appropriation item A-23 for the department of land and natural resources for fiscal year 2017-2018 in section 3 of Act 49, Session Laws of Hawaii 2017, the general fund sum of \$169,704.11 shall be expended from the 2017-2018 budget (LNR 141, general funds) by the department of land and natural resources for the purposes of this Act.

PART VII

SECTION 7. The legislature finds and declares that the following claims for legislative relief recommended for approval as to the following named persons for claims against the State or the department of public safety or its officers or employees for the payment of judgments or settlements, or other liabilities, in the amounts set forth opposite their names, are approved for payment:

**JUDGMENTS AGAINST THE STATE
AND SETTLEMENTS OF CLAIMS:**

7. DEPARTMENT OF PUBLIC SAFETY:

	AMOUNT
Hopfe v. State of Hawaii, et al. Civil No. 16-1-0645-04, First Circuit	\$ 20,000.00 Settlement
Smith v. State of Hawaii, et al. Civil No. 14-00432 LEK-KSC, USDC	\$ 50,000.00 Settlement
Castro v. Melchor, et al. Civil No. 08-1-0901-05, First Circuit SCWC No. 12-0000753	\$ 634,465.45 Judgment
SUBTOTAL:	\$ 704,465.45
TOTAL (SECTION 7):	\$ 704,465.45

Provided that of legislative appropriation item I-11 for the department of public safety for fiscal year 2017-2018 in section 3 of Act 49, Session Laws of Hawaii 2017, the general fund sum of \$704,465.45 shall be expended from the 2017-2018 budget (PSD 421, general funds) by the department of public safety for the purposes of this Act.

PART VIII

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

**JUDGMENTS AGAINST THE STATE
AND SETTLEMENTS OF CLAIMS:**

8. HAWAII STATE PUBLIC LIBRARY SYSTEM:

	AMOUNT
Woolpert v. State of Hawaii, et al. Civil No. 15-1-0923-05, First Circuit	\$ 155,000.00 Settlement
SUBTOTAL:	\$ 155,000.00
TOTAL (SECTION 8):	\$ 155,000.00

Provided that of legislative appropriation item G-14 for the Hawaii state public library system for fiscal year 2017-2018 in section 3 of Act 49, Session Laws of Hawaii 2017, the general fund sum of \$155,000 shall be expended from the 2017-2018 budget (EDN 407, general funds) by the Hawaii state public library system for the purposes of this Act.

PART IX

SECTION 9. The following sums or so much thereof as may be necessary for fiscal year 2017-2018 are appropriated out of the state highway fund for the purpose of satisfying claims for legislative relief as to the following named persons, for claims against the State or its officers or employees for payments of judgments or settlements, or other liabilities, in the amount set forth opposite their names:

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JUDGMENTS AGAINST THE STATE AND SETTLEMENTS OF CLAIMS:

AMOUNT

DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION:

Van Vleet v. Costales, et al. Civil No. 17-1-0951-06, First Circuit	\$ 70,000.00 Settlement
Claim of Garrison Property and Casualty Insurance Company USAA	\$ 19,312.84 Settlement
Imada v. State of Hawaii, et al. Civil No. 14-1-0401K, Third Circuit and	
Ocampo v. State of Hawaii, et al. Civil No. 16-1-234K, Third Circuit	\$ 1,300,000.00 Settlement
Amina v. State of Hawaii, et. al. Civil No. 16-1-1080-06, First Circuit	\$ 45,000.00 Settlement
SUBTOTAL:	\$ 1,434,312.84
TOTAL (SECTION 9):	\$ 1,434,312.84

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

PART X

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

SECTION 11. Notwithstanding the sums hereinabove stated as interest upon judgments against the State, payment of interest shall be limited to the period from the date of judgment, if applicable, to thirty days after the effective date of this Act, as provided in section 662-8, Hawaii Revised Statutes, for those cases to which that section applies.

SECTION 12. All unexpended and unencumbered balances of the appropriations made in this Act as of the close of business on June 30, 2019, shall lapse.¹

(Approved June 7, 2018.)

Note

1. Act printed as enacted.