

**ACT 99**

H.B. NO. 942

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 following sums or so much thereof as may be necessary for fiscal year 2018-2019 are appropriated out of the general revenues of the State of Hawaii to the department of the attorney general for the purpose of satisfying claims for legislative relief as to the following named persons, firms, corporations, and entities, for claims against the State or its officers or employees for the overpayment of taxes, or for refunds, reimbursements, payments of judgments or settlements, or other liabilities, in the amounts set forth opposite their names:

1. MISCELLANEOUS CLAIMS:

Asset Mortgage of Hawaii LLC c/o Sandy Knapp	\$ 2,466.84
BG Kauai Holdings LLC	\$ 12,283.57
Michael Bradley	\$ 2,332.00
Shim Ching	\$ 40,600.00
Jean A. Lee and Nancy Adachi Designated beneficiaries of Linda G. Lee, Deceased	\$ 20,238.55
James McIntosh	\$ 92,764.00
Monessa Miranda	\$ 10,200.00
Raquel B. Nakahara	\$ 76.62
Joseph Novotny	\$ 12,110.24
Dustin S. Payne	\$ 54,378.95
SUBTOTAL	\$ 247,450.77
TOTAL (SECTION 1)	\$ 247,450.77

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

PART II

SECTION 2. The following sums or so much thereof as may be necessary for fiscal year 2018-2019 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:

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

**AMOUNT**

DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION:

1. Bowles v. Hawaiian Electric Company, et al. Civil No. 17-1-0259-02 VLC, First Circuit	\$ 12,166.45 Settlement
2. Acosta, et al. v. State of Hawaii, et al. Civil No. 18-1-1507-90, First Circuit	\$ 115,440.87 Settlement
3. Huynh, et al. v. City and County of Honolulu, et al. Civil No. 15-1-1640-08, First Circuit	\$ 900,000.00 Settlement
4. O'Grady, et al. v. State of Hawaii, et al. Civil No. 07-1-0372, Third Circuit	\$ 2,891,721.86 Settlement
5. Sybounmy, et al. v. State of Hawaii, et al. Civil No. 16-1-1078-06, First Circuit	\$ 15,000.00 Settlement
SUBTOTAL	\$ 3,934,329.18
TOTAL (SECTION 2)	\$ 3,934,329.18

The sums appropriated shall be expended by the department of transportation, highways division, 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 persons for claims against the State or the department of the attorney general 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:

<b>JUDGMENTS AGAINST THE STATE AND SETTLEMENTS OF CLAIMS:</b>	<b>AMOUNT</b>
<b>1. DEPARTMENT OF THE ATTORNEY GENERAL:</b>	
Aloha Pregnancy Care and Counseling Center, Inc. v. Suzuki, et al. Civil No. 17-00343, USDC	\$ 20,344.50 Settlement
Calvary Chapel Pearl Harbor, d/b/a A Place for Women in Waipio, et al. v. Suzuki, et al. Civil No. 17-00326, USDC	\$ 40,000.00 Settlement
<b>SUBTOTAL</b>	<hr/> \$ 60,344.50
<b>TOTAL (SECTION 3)</b>	\$ 60,344.50

Provided that of legislative appropriation item K-20 for the department of the attorney general for fiscal year 2018-2019 in section 3 of Act 49, Session Laws of Hawaii 2017, as amended by section 3 of Act 53, Session Laws of Hawaii 2018, the general fund sum of \$60,344.50 shall be expended from the fiscal year 2018-2019 budget (ATG 100, general funds) by the department of the attorney general 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 Hawaii state public charter school 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:

<b>JUDGMENTS AGAINST THE STATE AND SETTLEMENTS OF CLAIMS:</b>	<b>AMOUNT</b>
<b>1. HAWAII STATE PUBLIC CHARTER SCHOOL:</b>	
Miller-Potter v. State of Hawaii, et al. Civil No. 16-1-0385K, Third Circuit	\$ 75,000.00 Settlement
<b>SUBTOTAL</b>	<hr/> \$ 75,000.00
<b>TOTAL (SECTION 4)</b>	\$ 75,000.00

Provided that of legislative appropriation item G-7 for the department of education for fiscal year 2018-2019 in section 3 of Act 49, Session Laws of Hawaii 2017, as amended by section 3 of Act 53, Session Laws of Hawaii 2018, the general fund sum of \$75,000 shall be expended from the fiscal year 2018-2019 budget (EDN 600, general funds) by the Hawaii state public charter school for the purposes of this Act.

## PART V

SECTION 5. 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**

## 1. DEPARTMENT OF HEALTH:

Kawamoto, et al. v. Ige, et al.	\$ 27,500.00
Civil No. 16-00362, USDC	Settlement
SUBTOTAL	\$ 27,500.00
TOTAL (SECTION 5)	\$ 27,500.00

Provided that of legislative appropriation item E-25 for the department of health for fiscal year 2018-2019 in section 3 of Act 49, Session Laws of Hawaii 2017, as amended by section 3 of Act 53, Session Laws of Hawaii 2018, the general fund sum of \$27,500 shall be expended from the fiscal year 2018-2019 budget (HTH 907, general funds) by the department of health for the purposes of this Act.

## PART VI

SECTION 6. 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 human 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 HUMAN SERVICES:

Doe 1, John, et al. v. Department of Human Services, et al.	\$ 585,000.00
Civil No. 14-1-0554(2), Second Circuit	Settlement
SUBTOTAL	\$ 585,000.00
TOTAL (SECTION 6)	\$ 585,000.00

Provided that of legislative appropriation item F-1 for the department of human services for fiscal year 2018-2019 in section 3 of Act 49, Session Laws of Hawaii 2017, as amended by section 3 of Act 53, Session Laws of Hawaii 2018, the general fund sum of \$585,000 shall be expended from the fiscal year 2018-2019 budget (HMS 301, general funds) by the department of human services for the purposes of this Act.

## PART VII

SECTION 7. 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 human services or its officers

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or employees for the payment of judgments or settlements, or other liabilities, in the amount set forth opposite their name, is approved for payment:

<b>JUDGMENTS AGAINST THE STATE AND SETTLEMENTS OF CLAIMS:</b>		<b>AMOUNT</b>
<b>1. DEPARTMENT OF HUMAN SERVICES:</b>		
Kawamoto, et al. v. Ige, et al.	\$	27,500.00
Civil No. 16-00362, USDC		<u>Settlement</u>
SUBTOTAL	\$	27,500.00
TOTAL (SECTION 7)	\$	27,500.00

Provided that of legislative appropriation item F-29 for the department of human services for fiscal year 2018-2019 in section 3 of Act 49, Session Laws of Hawaii 2017, as amended by section 3 of Act 53, Session Laws of Hawaii 2018, the general fund sum of \$27,500 shall be expended from the fiscal year 2018-2019 budget (HMS 904, general funds) by the department of human services for the purposes of this Act.

**PART VIII**

**SECTION 8.** 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 amount set forth opposite their name, is approved for payment:

<b>JUDGMENTS AGAINST THE STATE AND SETTLEMENTS OF CLAIMS:</b>		<b>AMOUNT</b>
<b>1. DEPARTMENT OF LAND AND NATURAL RESOURCES:</b>		
Boucher v. Vitousek, et al.	\$	70,000.00
Civil No. 16-1-155K, Third Circuit		<u>Settlement</u>
Umberger, et al. v. Department of Land and Natural Resources, State of Hawaii	\$	160,645.29
Civil No. 12-1-2625-10, First Circuit		<u>Judgment</u>
SUBTOTAL	\$	230,645.29
TOTAL (SECTION 8)	\$	230,645.29

Provided that of legislative appropriation item D-9 for the department of land and natural resources for fiscal year 2018-2019 in section 3 of Act 49, Session Laws of Hawaii 2017, as amended by section 3 of Act 53, Session Laws of Hawaii 2018, the general fund sum of \$230,645.29 shall be expended from the fiscal year 2018-2019 budget (LNR 906, general funds) or from the fiscal year 2019-2020 budget by the department of land and natural resources for the purposes of this Act.

**PART IX**

**SECTION 9.** 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 public safety 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 PUBLIC SAFETY:**

Fraser v. Lingle, et al.	\$ 25,000.00
Civil No. 08-1-0709(1), Second Circuit	Settlement
SUBTOTAL	\$ 25,000.00
TOTAL (SECTION 9)	\$ 25,000.00

Provided that of legislative appropriation item I-5 for the department of public safety for fiscal year 2018-2019 in section 3 of Act 49, Session Laws of Hawaii 2017, as amended by section 3 of Act 53, Session Laws of Hawaii 2018, the general fund sum of \$25,000 shall be expended from the fiscal year 2018-2019 budget (PSD 406, general funds) by the department of public safety for the purposes of this Act.

**PART X**

**SECTION 10.** 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 amount set forth opposite their name, is approved for payment:

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

**AMOUNT**

**1. DEPARTMENT OF PUBLIC SAFETY:**

Luong v. Sequeira, et al.	\$ 27,500.00
Civil No. 16-00613, USDC	Settlement
Johnson v. Department of Public Safety, et al.	\$ 18,000.00
Civil No. 15-1-0609-04, First Circuit	Settlement
SUBTOTAL	\$ 45,500.00
TOTAL (SECTION 10)	\$ 45,500.00

Provided that of legislative appropriation item I-6 for the department of public safety for fiscal year 2018-2019 in section 3 of Act 49, Session Laws of Hawaii 2017, as amended by section 3 of Act 53, Session Laws of Hawaii 2018, the general fund sum of \$45,500 shall be expended from the fiscal year 2018-2019 budget (PSD 407, general funds) by the department of public safety for the purposes of this Act.

**PART XI**

**SECTION 11.** 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 public safety 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:

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<b>JUDGMENTS AGAINST THE STATE AND SETTLEMENTS OF CLAIMS:</b>		<b>AMOUNT</b>
<b>1. DEPARTMENT OF PUBLIC SAFETY:</b>		
Coma, et al. v. State of Hawaii v. Global Medical Staffing, Inc. Civil No. 15-1-0437-03, First Circuit	\$	74,900.00 Settlement
SUBTOTAL	\$	74,900.00
TOTAL (SECTION 11)	\$	74,900.00

Provided that of legislative appropriation item I-1 for the department of public safety for fiscal year 2018-2019 in section 3 of Act 49, Session Laws of Hawaii 2017, as amended by section 3 of Act 53, Session Laws of Hawaii 2018, the general fund sum of \$74,900.00 shall be expended from the fiscal year 2018-2019 budget (PSD 402, general funds) by the department of public safety for the purposes of this Act.

**PART XII**

SECTION 12. 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 public safety 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:

<b>JUDGMENTS AGAINST THE STATE AND SETTLEMENTS OF CLAIMS:</b>		<b>AMOUNT</b>
<b>1. DEPARTMENT OF PUBLIC SAFETY:</b>		
United States Department of Justice Investigation on State of Hawaii Department of Public Safety for Americans With Disabilities Act Violations	\$	45,000.00 Settlement
SUBTOTAL	\$	45,000.00
TOTAL (SECTION 12)	\$	45,000.00

Provided that of legislative appropriation item I-19 for the department of public safety for fiscal year 2018-2019 in section 3 of Act 49, Session Laws of Hawaii 2017, as amended by section 3 of Act 53, Session Laws of Hawaii 2018, the general fund sum of \$45,000.00 shall be expended from the fiscal year 2018-2019 budget (PSD 900, general funds) by the department of public safety for the purposes of this Act.

**PART XIII**

SECTION 13. 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**

1. DEPARTMENT OF EDUCATION:

Kauhako, et al. v. State of Hawaii, et al.	\$ 783,391.13
Civil No. 13-00567, USDC	Judgment
SUBTOTAL	\$ 783,391.13
TOTAL (SECTION 13)	\$ 783,391.13

Provided that of legislative appropriation item G-2 for the department of education for fiscal year 2018-2019 in section 3 of Act 49, Session Laws of Hawaii 2017, as amended by section 3 of Act 53, Session Laws of Hawaii 2018, the general fund sum of \$783,391.13 shall be expended from the fiscal year 2018-2019 budget (EDN 150, general funds) by the department of education for the purposes of this Act.

**PART XIV**

SECTION 14. 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**

1. DEPARTMENT OF EDUCATION:

Wong v. State of Hawaii, et al.	\$ 50,000.00
Civil No. 14-1-0281, Third Circuit	Settlement
SUBTOTAL	\$ 50,000.00
TOTAL (SECTION 14)	\$ 50,000.00

Provided that of legislative appropriation item G-4 for the department of education for fiscal year 2018-2019 in section 3 of Act 49, Session Laws of Hawaii 2017, as amended by section 3 of Act 53, Session Laws of Hawaii 2018, the general fund sum of \$50,000.00 shall be expended from the fiscal year 2018-2019 budget (EDN 300, general funds) by the department of education for the purposes of this Act.

**PART XV**

SECTION 15. 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 public safety 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:



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

**1. DEPARTMENT OF PUBLIC SAFETY:**

Smith v. Chong, et al.	\$ 125,000.00
Civil No. 16-00519, USDC	Settlement
SUBTOTAL	\$ 125,000.00
TOTAL (SECTION 15)	\$ 125,000.00

Provided that of legislative appropriation item I-4 for the department of public safety for fiscal year 2018-2019 in section 3 of Act 49, Session Laws of Hawaii 2017, as amended by section 3 of Act 53, Session Laws of Hawaii 2018, the general fund sum of \$125,000.00 shall be expended from the fiscal year 2018-2019 budget (PSD 405, general funds) by the department of public safety for the purposes of this Act.

**PART XVI**

**SECTION 16.** The sums provided in sections 1 through 15 of this Act 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 departments shall obtain the approval of the attorney general before payment of any claim can be made.

**SECTION 17.** Notwithstanding the sums provided in sections 1 through 15 of this Act 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 the statute applies.

**SECTION 18.** All unexpended and unencumbered balances of the appropriations made in this Act as of the close of business on June 30, 2020, shall lapse.

**SECTION 19.** If any provision of this Act, or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Act, which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

**SECTION 20.** This Act shall take effect upon its approval.  
(Approved June 7, 2019.)