

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 2019-2020 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:

JUDGMENTS AGAINST THE STATE AND SETTLEMENTS OF CLAIMS:	AMOUNT
1. MISCELLANEOUS CLAIMS:	
Loretta Beralas	\$ 2.01
Grace Blevins	\$ 400.28
BVT-CAM Private Equity Global Fund II Beteiligungs GmbH	\$ 16,000.00
CAM Private Equity Verwaltungs GmbH	\$ 51,300.00
CAM Select I Beteiligungs GmbH	\$ 42,500.00
Kathleen A. Kehler Harper	\$ 809.11
Amanda Jamieson	\$ 23,125.00
Margaret Jamieson	\$ 23,125.00
John and Deborah Mar	\$ 866.75
Nanci J. Merck	\$ 93.93
Betty Y. Ohigashi	\$ 1,023.99
The Estate of Calvin C. Ontai	\$ 578.40
Judith Ross	\$ 578.40
Elaine S. Tanigawa	\$ 1,000.00
Barbara H. Ursal	\$ 289.20
Christine Woods	\$ 388.19
SUBTOTAL:	\$ 162,080.26
TOTAL (SECTION 1):	\$ 162,080.26

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 2019-2020 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 amounts set forth opposite their names:

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

AMOUNT

1. DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION:

Hayselden, et al. v. State of Hawaii, et al. Civil No. 17-1-0204, Third Circuit	\$ 300,000.00 Settlement
Vares, et al. v. State of Hawaii, et al. Civil No. 16-1-0512-03, First Circuit	\$ 650,000.00 Settlement
SUBTOTAL:	\$ 950,000.00
TOTAL (SECTION 2)	\$ 950,000.00

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 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:

Zhang v. State of Hawaii, et al. Civil No. 19-1-0824-05, First Circuit	\$ 130,000.00 Settlement
SUBTOTAL	\$ 130,000.00
TOTAL (SECTION 3)	\$ 130,000.00

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

Lau, et al. v. Kenui, et al. Civil No. 17-1-0209, Third Circuit	\$ 40,000.00 Settlement
SUBTOTAL	\$ 40,000.00
TOTAL (SECTION 4)	\$ 40,000.00

ACT 11

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

JUDGMENTS AGAINST THE STATE AND SETTLEMENTS OF CLAIMS:	AMOUNT
1. DEPARTMENT OF LAND AND NATURAL RESOURCES:	
Ching, et al. v. Case, et al. Civil No. 14-1-1085-04, First Circuit	\$ 9,514.99 Judgment
Gold Coast Neighborhood Association v. State of Hawaii, et al. Civil No. 07-1-1122-06, First Circuit	\$ 13,160.94 Judgment
Keauhou Canoe Club v. Department of Land and Natural Resources, et al. Civil No. 13-1-678K, Third Circuit	\$ 9,918.58 Judgment
SUBTOTAL	\$ 32,594.51
TOTAL (SECTION 5)	\$ 32,594.51

Provided that of legislative appropriation item D-9 for the department of land and natural resources for fiscal year 2019-2020 in section 3 of Act 5, Session Laws of Hawaii 2019, the general fund sum of \$32,594.51 shall be expended from the fiscal year 2019-2020 budget (LNR 906, general funds) by the department of land and natural resources 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 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:	
Shiira v. State of Hawaii, et al. Civil No. 13-1-0331, Fifth Circuit	\$ 44,946.75 Judgment
SUBTOTAL	\$ 44,946.75
TOTAL (SECTION 6)	\$ 44,946.75

Provided that of legislative appropriation item I-7 for the department of public safety for fiscal year 2019-2020 in section 3 of Act 5, Session Laws of Hawaii 2019, the general fund sum of \$44,946.75 shall be expended from the fiscal year 2019-2020 budget (PSD 408, general funds) by the department of public safety 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 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:	
Lana v. State of Hawaii, et al.	\$ 40,000.00
Civil No. 13-1-2365-08, First Circuit	Settlement
SUBTOTAL	\$ 40,000.00
TOTAL (SECTION 7)	\$ 40,000.00

Provided that of legislative appropriation item I-6 for the department of public safety for fiscal year 2019-2020 in section 3 of Act 5, Session Laws of Hawaii 2019, the general fund sum of \$40,000.00 shall be expended from the fiscal year 2019-2020 budget (PSD 407, 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 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:	
Firth, et al. v. County of Maui, et al.	\$ 350,000.00
Civil No. 18-1-0234(4), Second Circuit	Settlement
SUBTOTAL	\$ 350,000.00
TOTAL (SECTION 8)	\$ 350,000.00

Provided that of legislative appropriation item I-15 for the department of public safety for fiscal year 2019-2020 in section 3 of Act 5, Session Laws of Hawaii 2019, the general fund sum of \$350,000 shall be expended from the fiscal year 2019-2020 budget (PSD 503, general funds) by the department of public safety 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 Hawaii community development authority 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:

ACT 11

JUDGMENTS AGAINST THE STATE AND SETTLEMENTS OF CLAIMS:

AMOUNT

1. HAWAII COMMUNITY DEVELOPMENT AUTHORITY:

Carolyn Ward Aki v. City and County of Honolulu, et al. Civil No. 17-1-1861-11 GWBC, First Circuit	\$ 55,000.00
	<u>Settlement</u>
SUBTOTAL	\$ 55,000.00
TOTAL (SECTION 9)	\$ 55,000.00

Provided that of legislative appropriation item A-24 for the Hawaii community development authority for fiscal year 2019-2020 in section 3 of Act 5, Session Laws of Hawaii 2019, the general fund sum of \$55,000 shall be expended from the fiscal year 2019-2020 budget (BED 150, general funds) by the Hawaii community development authority for the purposes of this Act.

PART X

SECTION 10. 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:

AMOUNT

1. HAWAII STATE PUBLIC LIBRARY SYSTEM:

United States Environmental Protection Agency, Region 9 - Hawaii State Public Library System	\$ 143,990.00
	<u>Settlement</u>
SUBTOTAL	\$ 143,990.00
TOTAL (SECTION 10)	\$ 143,990.00

Provided that of legislative appropriation item G-14 for the Hawaii state public library system for fiscal year 2019-2020 in section 3 of Act 5, Session Laws of Hawaii 2019, the general fund sum of \$143,990 shall be expended from the fiscal year 2019-2020 budget (EDN 407, general funds) by the Hawaii state public library system 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 state public charter school commission 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. STATE PUBLIC CHARTER SCHOOL COMMISSION:

HGEA/AFSCME on Behalf of Ardith Renteria, and Charter Volcano School of Arts and Sciences	\$ 71,594.18
	<u>Judgment</u>
Miller-Potter v. State of Hawaii, et al. Civil No 16-1-0385K, Third Circuit	\$ 75,000.00
	<u>Settlement</u>
SUBTOTAL	\$ 146,594.18
TOTAL (SECTION 11)	\$ 146,594.18

Provided that of legislative appropriation item G-7 for the state public charter school commission for fiscal year 2019-2020 in section 3 of Act 5, Session Laws of Hawaii 2019, the general fund sum of \$146,594.18 shall be expended from the fiscal year 2019-2020 budget (EDN 600, general funds) by the state public charter school commission for the purposes of this Act.

PART XII

SECTION 12. 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 13. 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 the statute applies.

SECTION 14. All unexpended and unencumbered balances of the appropriations made in this Act as of the close of business on June 30, 2021, shall lapse; provided that any funds appropriated for fiscal year 2019-2020 by Act 5, Session Laws of Hawaii 2019, to the programs referenced in this Act that are not expended or encumbered for the specific purposes described in this Act as of the close of business on June 30, 2021, shall also lapse.

SECTION 15. 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 16. This Act, upon its approval, shall take effect retroactive to June 30, 2020.

(Approved August 7, 2020.)