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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:

PART I

SECTION 1. The following sums or so much thereof as may be necessary for fiscal year 2015-2016 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. DEPARTMENT OF EDUCATION:	
Toguchi v. Matayoshi, et al. Civil No. 13-00380 DKW-KSC, USDC	\$ 82,500.00 Settlement
Hawaii Gov't Empl. Assoc., et al. v. State of Hawaii, et al. Civil No. 09-1-1430-06 SSM, First Circuit	\$ 100,000.00 Settlement



1	Waiakamilo Properties, LLC	\$ 58,286.00
2		Settlement
3		
4	Garner, et al. v. State of Hawaii, et al.	\$ 3,025,942.99
5	Civil No. 03-1-000305, First Circuit	
6	Klitternick, et al. v. Matayoshi, et al.	
7	Civil No. 05-1-00031, First Circuit	
8	Kawashima v. State of Hawaii, et al.	
9	Civil No. 06-1-0244-02, First Circuit	Settlement
10		
11	Grimm, et al. v. Esibill, et al.	\$ 1,250,000.00
12	Civil No. 14-1-0452-02, First Circuit	Settlement
13		
14		
15	SUBTOTAL:	\$ 4,516,728.99
16		
17	2. DEPARTMENT OF HAWAIIAN HOME LANDS:	
18		
19	Darnell v. County of Hawaii, et al.	\$ 200,000.00
20	Civil No. 09-1-0146, Third Circuit	Settlement
21		
22		
23	SUBTOTAL:	\$ 200,000.00
24		
25	3. DEPARTMENT OF HEALTH:	
26		
27	Mahi v. Department of Health, et al.	\$ 20,000.00
28	Civil No. 13-1-0250, Fifth Circuit	Settlement
29		
30		
31	SUBTOTAL:	\$ 20,000.00
32		
33	4. DEPARTMENT OF LAND AND NATURAL RESOURCES:	
34		
35	EPA Notice of Violation of Safe Drinking	\$ 50,000.00
36	Water Act to Dept. of Land and Nat. Res.	Settlement
37		
38	Isele-DeVita, et al. v.	\$ 135,000.00
39	State of Hawaii, et al.	
40	Civil No. 13-1-548K, Third Circuit	Settlement
41		



1  
2 SUBTOTAL: \$ 185,000.00  
3

4 5. DEPARTMENT OF HUMAN SERVICES:  
5

6 Booth v. Wong \$ 165,527.60  
7 Civil No. 10-00680, USDC Judgment  
8

9  
10 SUBTOTAL: \$ 165,527.60  
11

12 6. DEPARTMENT OF PUBLIC SAFETY:  
13

14 Persin v. State of Hawaii, et al. \$ 4,000,000.00  
15 Civil No. 13-1-1571-05, First Circuit Settlement  
16

17 Subia, et al. v. State of Hawaii, et al. \$ 625,000.00  
18 Civil No. 14-1-1443-06 GWBC, First Circuit Settlement  
19

20 SUBTOTAL: \$ 4,625,000.00  
21

22 7. MISCELLANEOUS CLAIMS:  
23

24 Kasey M. Dowling \$ 600.00  
25

26 Judy M. Takano \$ 736.20  
27

28 Phillips-Van Heusen Corp. \$ 207,127.99  
29

30  
31 SUBTOTAL: \$ 208,464.19

32 Total (PART 1): \$ 9,920,720.78

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

35 PART II



SECTION 2. The following sums or so much thereof as may be necessary for fiscal year 2015-2016 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	AMOUNT
AND SETTLEMENTS OF CLAIMS:	
DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION:	
8. Le v. Turtle Bay Resort, LLC, et al.	\$ 650,000.00
Civil No. 13-1-1885-17, First Circuit	Settlement
Faith Action for Comm. Equity, et al. v.	\$ 50,000.00
Hawaii Dept. of Trans., et al.	
Civil No. 13-00450 SOM RLP, USDC	Settlement
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TOTAL (PART 2)	\$ 700,000.00

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

### PART III

SECTION 3. The sums hereinabove may be paid to the respective persons, or for the satisfaction or settlement of the



1 respectively identified cases, and in several amounts  
2 hereinabove set forth or in lesser amounts deemed appropriate,  
3 upon checks issued by the comptroller; provided that the  
4 departments shall obtain the approval of the attorney general  
5 before payment of any claim can be made.

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

12 SECTION 5. All unexpended and unencumbered balances of the  
13 appropriations made in this Act, as of the close of business on  
14 June 30, 2017, shall lapse.

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

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



**Report Title:**

Appropriations; Claims Against the State

**Description:**

Makes appropriations for claims against the State, its officers,  
and its employees. (SD1)

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

