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 legislature finds and declares that the		
3	following claim for legislative relief recommended for approval		
4	as to the following named person for claims agains	st t]	he State or
5	the department of accounting and general services or its		
6	officers or employees for the payment of judgments or		
7	settlements, or other liabilities, in the amount set forth		
8	opposite their name, is approved for payment:		
9 10 11 12	JUDGMENTS AGAINST THE STATE AND SETTLEMENTS OF CLAIMS: 1. DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES	:	AMOUNT
13 14 15 16 17 18	Carrancho, et al. v. City and County of Honolulu, et al., Civil No. 16-1-0246-02, First Circuit	\$	Settlement
19 20	SUBTOTAL:	\$	52,500.00
21 22	TOTAL (SECTION 1):	\$	52,500.00
23	Provided that of legislative appropriation it	em 1	K-37 for
24	the department of accounting and general services	for	fiscal
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year 2017-2018 in section 3 of Act 49, Session Laws of Hawaii
 2
    2017, the general fund sum of $52,500 shall be expended from the
 3
    2017-2018 budget (AGS 232, general funds) by the department of
 4
    accounting and general services for the purposes of this Act.
 5
                                  PART II
 6
         SECTION 2. The legislature finds and declares that the
 7
    following claim for legislative relief recommended for approval
 8
    as to the following named person for claims against the State or
 9
    the department of education or its officers or employees for the
10
    payment of judgments or settlements, or other liabilities, in
11
    the amount set forth opposite their name, is approved for
12
    payment:
13
    JUDGMENTS AGAINST THE STATE
                                                            AMOUNT
14
    AND SETTLEMENTS OF CLAIMS:
15
16
    2.
         DEPARTMENT OF EDUCATION:
17
         Clark, et al. v. Department of Education, $
18
                                                           35,000.00
19
         et al., Civil No. 15-1-2486-12, First Circuit
                                                           Settlement
20
21
22
         SUBTOTAL:
                                                            35,000.00
23
24
         TOTAL (SECTION 2):
                                                            35,000.00
25
26
         Provided that of legislative appropriation item G-6 for the
27
    department of education for fiscal year 2017-2018 in section 3
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S.B. NO. S.D. 1 H.D. 2

1	of Act 49, Session Laws of Hawaii 2017, the gene:	ral :	fund sum of
2	\$35,000 shall be expended from the 2017-2018 bude	get	(EDN 500,
3	general funds) by the department of education for	r the	e purposes
4	of this Act.		
5	PART III		
6	SECTION 3. The legislature finds and decla	res t	that the
7	following claim for legislative relief recommende	ed fo	or approval
8	as to the following named person for claims again	nst 1	the State or
9	the department of Hawaiian home lands or its off:	icers	s or
10	employees for the payment of judgments or settler	ments	s, or other
11	liabilities, in the amount set forth opposite the	eir r	name, is
12	approved for payment:		
13 14 15	JUDGMENTS AGAINST THE STATE AND SETTLEMENTS OF CLAIMS:		AMOUNT
16 17	3. DEPARTMENT OF HAWAIIAN HOME LANDS:		
18 19 20	Arthur, et al. v. State of Hawaii, et al. Civil No. 05-1-1981-11, First Circuit	\$	200,000.00 Settlement
21 22 23	SUBTOTAL:	\$	200,000.00
24 25	TOTAL (SECTION 3):	\$	200,000.00
26 26	Provided that of legislative appropriation :	item	F-24 for
27	the department of Hawaiian home lands for fiscal	year	r 2017-2018

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

2	fund sum of \$200,000 shall be expended from the 2	017-2018 budget
3	(HHL 625, general funds) by the department of Haw	aiian home
4	lands for the purposes of this Act.	
5	PART IV	
6	SECTION 4. The legislature finds and declar	es that the
7	following claim for legislative relief recommende	d for approval
8	as to the following named person for claims again	st the State or
9	the department of health or its officers or emplo	yees for the
10	payment of judgments or settlements, or other lia	bilities, in
11	the amount set forth opposite their name, is appr	oved for
12	payment:	•
13 14 15	JUDGMENTS AGAINST THE STATE AND SETTLEMENTS OF CLAIMS:	AMOUNT
16 17	4. DEPARTMENT OF HEALTH:	
18 19 20 21	Johnson v. Rainbow Rehabilitation Services, Inc., et al., Civil No. 07-1-1855-10, First Circuit	\$ 1,601,536.97 Judgment
22 23 24	SUBTOTAL:	\$ 1,601,536.97
25	TOTAL (SECTION 4):	\$ 1,601,536.97

in section 3 of Act 49, Session Laws of Hawaii 2017, the general

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1	Provided that of legislative appropriation i	tem	E-16 for
2	the department of health for fiscal year 2017-201	8 ir	n section 3
3	of Act 49, Session Laws of Hawaii 2017, the gener	al f	Eund sum of
4	\$1,601,536.97 shall be expended from the 2017-201	8 bi	ıdget (HTH
5	460, general funds) by the department of health f	or t	the purposes
6	of this Act.		
7	PART V		
8	SECTION 5. The legislature finds and declar	es t	that the
9	following claims for legislative relief recommend	ed f	for approval
10	as to the following named persons for claims agai	nst	the State
11	or the department of human services or its office	rs (or employees
12	for the payment of judgments or settlements, or o	ther	2
13	liabilities, in the amounts set forth opposite th	eir	names, are
14	approved for payment:		
15 16 17	JUDGMENTS AGAINST THE STATE AND SETTLEMENTS OF CLAIMS:		AMOUNT
18 19	5. DEPARTMENT OF HUMAN SERVICES:		
20 21 22	Ah Chong, et al. v. McManaman Civil No. 13-00663 LEK-KSC, USDC	\$	850,000.00 Settlement
23 24 25	Kalili v. Department of Human Services, et al., Civil No. 13-1-0171, Third Circuit	\$	115,000.00 Settlement
26 27	Lahti, et al. v. State of Hawaii, et al. Civil No. 08-1-0132(3), Second Circuit	\$	500,000.00 Settlement

2 3 4	Sheehey, et al. v. State of Hawaii \$ 2,341,103.10 Civil No. 14-1-1709-08 VLC, First Circuit Settlement
5 6 7	SUBTOTAL: \$ 3,806,103.10
8 9	TOTAL (SECTION 5): \$ 3,806,103.10
10	Provided that of legislative appropriation item F-1 for the
11	department of human services for fiscal year 2017-2018 in
12	section 3 of Act 49, Session Laws of Hawaii 2017, the general
13	fund sum of \$3,806,103.10 shall be expended from the 2017-2018
14	budget (HMS 301, general funds) by the department of human
15	services for the purposes of this Act.
16	PART VI
17	SECTION 6. The legislature finds and declares that the
18	following claims for legislative relief recommended for approval
19	as to the following named persons for claims against the State
20	or the department of land and natural resources or its officers
21	or employees for the payment of judgments or settlements, or
22	other liabilities, in the amounts set forth opposite their
23	names, are approved for payment:

1 2	JUDGMENTS AGAINST THE STATE AND SETTLEMENTS OF CLAIMS:		AMOUNT
3 4 5	6. DEPARTMENT OF LAND AND NATURAL RESOU	RCES:	
6 7 8	Claim of Sandra Lee Atkinson Civil No. 13-00663 LEK-KSC, USDC	\$	20,212.30 Settlement
9 10 11	Umberger, et al. v. Department of La and Natural Resources, Civil No. 12-1-2626-10, Third Circui		74,491.81 Judgment
12 13 14 15	Corbett v. Kyo-Ya Hotels & Resorts, et al. Civil No. 17-1-0371-03, First Circui		75,000.00 Settlement
16 17 18 19	SUBTOTAL:	\$	169,704.11
20 21	TOTAL (SECTION 6):	\$	169,704.11
22 23	Provided that of legislative appropr	iation item	A-23 for
24	the department of land and natural resour	ces for fis	cal year
25	2017-2018 in section 3 of Act 49, Session	. Laws of Ha	waii 2017,
26	the general fund sum of \$169,704.11 shall	be expende	d from the
27	2017-2018 budget (LNR 141, general funds)	by the dep	artment of
28	land and natural resources for the purpos	es of this	Act.
29	PART VII		
30	SECTION 7. The legislature finds an	d declares	that the
31	following claims for legislative relief r	ecommended	for approval
32	as to the following named persons for cla	ims against	the State

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- 1 or the department of public safety or its officers or employees
- 2 for the payment of judgments or settlements, or other
- 3 liabilities, in the amounts set forth opposite their names, are
- 4 approved for payment:

5 6 7	JUDGMENTS AGAINST THE STATE AND SETTLEMENTS OF CLAIMS:		AMOUNT
8 9	7. DEPARTMENT OF PUBLIC SAFETY:		
10 11 12	Hopfe v. State of Hawaii, et al. Civil No. 16-1-0645-04, First Circuit	\$	20,000.00 Settlement
13 14 15	Smith v. State of Hawaii, et al. Civil No. 14-00432 LEK-KSC, USDC	\$	50,000.00 Settlement
16 17 18 19	Castro v. Melchor, et al. Civil No. 08-1-0901-05, First Circuit SCWC No. 12-0000753	\$	634,465.45 Judgment
20 21 22	SUBTOTAL:	\$	704,465.45
23 24	TOTAL (SECTION 7):	\$	704,465.45
25	Provided that of legislative appropriation is	tem [°]	I-11 for
26	the department of public safety for fiscal year 2	017-	-2018 in
27	section 3 of Act 49, Session Laws of Hawaii 2017,	the	e general
28	fund sum of \$704,465.45 shall be expended from the	e 20)17-2018
29	budget (PSD 421, general funds) by the department	of	public

safety for the purposes of this Act.

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2	SECTION 8. The legislature finds and declar	res t	that the
3	following claim for legislative relief recommende	ed fo	or approval
4	as to the following named person for claims again	ıst t	he State or
5	the Hawaii state public library system or its off	icer	s or
6	employees for the payment of judgments or settlem	nents	, or other
7	liabilities, in the amount set forth opposite the	eir n	name, is
8	approved for payment:		
9 10 11	JUDGMENTS AGAINST THE STATE AND SETTLEMENTS OF CLAIMS:		AMOUNT
12 13	8. HAWAII STATE PUBLIC LIBRARY SYSTEM:		
14 15 16	Woolpert v. State of Hawaii, et al. Civil No. 15-1-0923-05, First Circuit	\$	155,000.00 Settlement
17 18 19	SUBTOTAL:	\$	155,000.00
20 21	TOTAL (SECTION 8):	\$	155,000.00
22	Provided that of legislative appropriation i	tem	G-14 for
23	the Hawaii state public library system for fiscal	. уеа	r 2017-2018
24	in section 3 of Act 49, Session Laws of Hawaii 20	17,	the general
25	fund sum of \$155,000 shall be expended from the 2	017-	2018 budget
26	(EDN 407, general funds) by the Hawaii state publ	ic l	ibrary
27	system for the purposes of this Act.		

S.B. NO. S.D. 1

1	PART IX		
2	SECTION 9. The following sums or so much th	er.	eof as may be
3	necessary for fiscal year 2017-2018 are appropriated out of the		
4	state highway fund for the purpose of satisfying	cla	aims for
5	legislative relief as to the following named pers	ons	s, for claims
6	against the State or its officers or employees fo	rı	payments of
7	judgments or settlements, or other liabilities, i	n t	the amount
8	set forth opposite their names:		
9 10	JUDGMENTS AGAINST THE STATE AND SETTLEMENTS OF CLAIMS:		AMOUNT
11 12 13	DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION:		
14 15	Van Vleet v. Costales, et al. Civil No. 17-1-0951-06, First Circuit	\$	70,000.00 Settlement
16 17 18 19	Claim of Garrison Property and Casualty Insurance Company USAA	\$	19,312.84 Settlement
20 21 22	Imada v. State of Hawaii, et al. Civil No. 14-1-0401K, Third Circuit and		
23 24 25	Ocampo v. State of Hawaii, et al. Civil No. 16-1-234K, Third Circuit	\$	1,300,000.00 Settlement
26 27 28	Amina v. State of Hawaii, et. al. Civil No. 16-1-1080-06, First Circuit	\$	45,000.00 Settlement
29 30	SUBTOTAL:	\$	1,434,312.84
31 32	TOTAL (SECTION 9):	\$	1,434,312.84

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- 1 The sums appropriated shall be expended by the department
- 2 of transportation, highways division, for the purposes of this
- 3 Act.
- 4 PART X
- 5 SECTION 10. 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 11. 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 that section applies.
- 18 SECTION 12. All unexpended and unencumbered balances of
- 19 the appropriations made in this Act as of the close of business
- 20 on June 30, 2019, shall lapse.

- 1 SECTION 13. 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 that 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 14. This Act shall take effect upon its approval.

Report Title:

Claims Against the State; Appropriation

Description:

Appropriates funds to satisfy several claims against the State, its officers, or its employees. (CD1)

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