

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 2016-2017 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:

Eaton Arakaki	\$ 557.99
Paquito and Natividad Dimaya	\$ 1,001.00
Ronald Martinez, Jr.	\$ 92.00
Kan Shimada	\$ 250.00
Shigeko Kiyojima	\$ 697.00
Kiyomi Young	\$ 399.60
Jocelyn Valdez	\$ 837.00
SUBTOTAL:	<u>\$ 3,834.59</u>
Total (SECTION 1):	\$ 3,843.59 <sup>1</sup>

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 2016-2017 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:

Burley v. State of Hawaii	\$ 85,000.00
Civil No. 14-1-2102-10, First Circuit	Settlement
Lee, et al. v. Tavai, et al.	\$ 1,565,154.00
Civil No. 14-1-1659-07, First Circuit	Settlement
Lopez, et al. v. State of Hawaii	\$ 3,901,866.44
Civil No. 13-1-0885(2), Second Circuit	Settlement
Kawamura, et al. v. State of Hawaii, et al.	\$ 95,000.00
Civil No. 11-1-0311, Fifth Circuit	Settlement
SUBTOTAL:	<u>\$ 5,647,020.44</u>
TOTAL (SECTION 2)	\$ 5,647,020.44

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

**PART III**

SECTION 3. The following sums or so much thereof as may be necessary for fiscal year 2016-2017 are appropriated out of the harbor special 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, HARBORS DIVISION:

Smith v. State of Hawaii, et al.	\$ 116,000.00
Civil No. 15-1-0549-03, First Circuit	Settlement
SUBTOTAL:	<u>\$ 116,000.00</u>
TOTAL (SECTION 3)	\$ 116,000.00

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

**PART IV**

SECTION 4. The following sums or so much thereof as may be necessary for fiscal year 2016-2017 are appropriated out of the airport revenue fund for the purpose of satisfying claims for legislative relief in the following case, to be paid exclusively to those subcontractors and suppliers for work and supplies that have been provided and accepted as reasonable and appropriate by the department of transportation, airports division, for claims against the State or its officers or employees for payments of judgments or settlements, or other liabilities, in the amount set forth below:

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

AMOUNT

#### DEPARTMENT OF TRANSPORTATION, AIRPORTS DIVISION:

Helix Electric, Inc. v. DCK Pacific Construction, LLC, et al., Civil No. 16-1-1090-06, First Circuit	\$ 10,080,000.00 <u>Settlement</u>
SUBTOTAL:	\$ 10,080,000.00
TOTAL (SECTION 4)	\$ 10,080,000.00

The sums appropriated shall be expended by the department of transportation, airports division, 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 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:

Westbrook, et al. v. State of Hawaii, et al. Civil No. 12-1-1596-06, First Circuit	\$ 21,000.00 <u>Settlement</u>
SUBTOTAL:	\$ 21,000.00
TOTAL (SECTION 5):	\$ 21,000.00

Provided that of legislative appropriation item G-1 for the department of education for fiscal year 2016-2017 in section 3 of Act 119, Session Laws of Hawaii 2015, as amended by section 3 of Act 124, Session Laws of Hawaii 2016, the general fund sum of \$21,000 shall be expended from the 2016-2017 budget (EDN 100, weighted student formula funds) by the department of education 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 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:

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

AMOUNT

#### 1. HAWAII STATE PUBLIC CHARTER SCHOOL:

Grievance of Dr. Ardith Renteria Civil No. 12-1-1596-06, First Circuit	\$ 30,000.00 <u>Settlement</u>
SUBTOTAL:	\$ 30,000.00
TOTAL (SECTION 6):	\$ 30,000.00

Provided that of legislative appropriation item G-7 for the department of education for fiscal year 2016-2017 in section 3 of Act 119, Session Laws of Hawaii 2015, as amended by section 3 of Act 124, Session Laws of Hawaii 2016, the general fund sum of \$30,000 shall be expended from the 2016-2017 budget (EDN 600, general funds) by the Hawaii state public charter school 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 campaign spending 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:

<b>JUDGMENTS AGAINST THE STATE AND SETTLEMENTS OF CLAIMS:</b>	<b>AMOUNT</b>
<b>1. HAWAII CAMPAIGN SPENDING COMMISSION:</b>	
Yamada, et al. v. Snipes, et al. Civil No. 10-00497, USDC Ninth Circuit No. 12-17845	\$ 66,701.10 Judgment
The Committee to Elect Julia Allen, et al. v. Campaign Spending Commission, et al. Civil No. 15-1-1147-06, First Circuit	\$ 2,415.00 Settlement
<b>SUBTOTAL:</b>	<u>\$ 69,116.10</u>
<b>TOTAL (SECTION 7):</b>	<b>\$ 69,116.10</b>

Provided that of legislative appropriation item K-9 for the department of education for fiscal year 2016-2017 in section 3 of Act 119, Session Laws of Hawaii 2015, as amended by section 3 of Act 124, Session Laws of Hawaii 2016, the general fund sum of \$69,116.10 shall be expended from the 2016-2017 budget (AGS 871, trust funds) by the campaign spending commission 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 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>	
Claim of First Insurance Company of Hawaii, Inc.	\$ 18,000.00 Settlement
Silva v. State of Hawaii, et al. Civil No. 15-1-269K, Third Circuit	\$ 75,000.00 Settlement
<b>SUBTOTAL:</b>	<u>\$ 93,000.00</u>
<b>TOTAL (SECTION 8):</b>	<b>\$ 93,000.00</b>

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Provided that of legislative appropriation item D-9 for the department of land and natural resources for fiscal year 2016-2017 in section 3 of Act 119, Session Laws of Hawaii 2015, as amended by section 3 of Act 124, Session Laws of Hawaii 2016, the general fund sum of \$93,000.00 shall be expended from the 2016-2017 budget (LNR 906, general funds) 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:**

	<b>AMOUNT</b>
<b>I. DEPARTMENT OF PUBLIC SAFETY:</b>	
Antoque v. State of Hawaii, et al.	\$ 35,000.00
Civil No. 15-1-0262, Third Circuit	<u>Settlement</u>
<b>SUBTOTAL:</b>	<b>\$ 35,000.00</b>
<b>TOTAL (SECTION 9):</b>	<b>\$ 35,000.00</b>

Provided that of legislative appropriation item I-4 for the department of public safety for fiscal year 2016-2017 in section 3 of Act 119, Session Laws of Hawaii 2015, as amended by section 3 of Act 124, Session Laws of Hawaii 2016, the general fund sum of \$35,000 shall be expended from the 2016-2017 budget (PSD 405, 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 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:**

	<b>AMOUNT</b>
<b>I. DEPARTMENT OF PUBLIC SAFETY:</b>	
Freitas, et al. v. Gillespie, et al.	\$ 400,000.00
Civil No. 13-1-0365, Fifth Circuit	<u>Settlement</u>
<b>SUBTOTAL:</b>	<b>\$ 400,000.00</b>
<b>TOTAL (SECTION 10):</b>	<b>\$ 400,000.00</b>

Provided that of legislative appropriation item I-19 for the department of public safety for fiscal year 2016-2017 in section 3 of Act 119, Session Laws of Hawaii 2015, as amended by section 3 of Act 124, Session Laws of Hawaii 2016, the general fund sum of \$400,000 shall be expended from the 2016-2017 budget (PSD 900, 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:

<b>JUDGMENTS AGAINST THE STATE AND SETTLEMENTS OF CLAIMS:</b>	<b>AMOUNT</b>
<b>1. DEPARTMENT OF PUBLIC SAFETY:</b>	
Leolao, et al. v. State of Hawaii, et al.	\$ 60,000.00
Civil No. 13-1-3038-11, First Circuit	Settlement
<b>SUBTOTAL:</b>	<u>\$ 60,000.00</u>
<b>TOTAL (SECTION 11):</b>	<b>\$ 60,000.00</b>

Provided that of legislative appropriation item I-1 for the department of public safety for fiscal year 2016-2017 in section 3 of Act 119, Session Laws of Hawaii 2015, as amended by section 3 of Act 124, Session Laws of Hawaii 2016, the general fund sum of \$60,000 shall be expended from the 2016-2017 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>	
Obata v. State of Hawaii, et al.	\$ 20,000.00
Civil No. 14-1-1660-07 KTN, First Circuit	Settlement
Muller v. State of Hawaii, et al.	\$ 80,000.00
Civil No. 14-1-2133-10, First Circuit	Settlement
<b>SUBTOTAL:</b>	<u>\$ 100,000.00</u>
<b>TOTAL (SECTION 12):</b>	<b>\$ 100,000.00</b>

Provided that of legislative appropriation item I-11 for the department of public safety for fiscal year 2016-2017 in section 3 of Act 119, Session Laws of Hawaii 2015, as amended by section 3 of Act 124, Session Laws of Hawaii 2016, the general fund sum of \$100,000 shall be expended from the 2016-2017 budget (PSD 421, general funds) by the department of public safety for the purposes of this Act.

**PART XIII<sup>1</sup>**

SECTION 5.<sup>1</sup> 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 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:	
Sullivan, et al. v. State of Hawaii, et al.	\$ 48,000.00
Civil No. 15-1-2429-12 VLC, First Circuit	<u>Settlement</u>
SUBTOTAL:	\$ 48,000.00
TOTAL (SECTION 13):	\$ 48,000.00

Provided that of legislative appropriation item I-8 for the department of public safety for fiscal year 2016-2017 in section 3 of Act 119, Session Laws of Hawaii 2015, as amended by section 3 of Act 124, Session Laws of Hawaii 2016, the general fund sum of \$48,000 shall be expended from the 2016-2017 budget (PSD 409, general funds) by the department of public safety 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 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:	
Rooney, et al. v. State of Hawaii, et al.	\$ 875,000.00
Civil No. 14-0323(2), Second Circuit	<u>Settlement</u>
SUBTOTAL:	\$ 875,000.00
TOTAL (SECTION 14):	\$ 875,000.00

Provided that of legislative appropriation item F-1 for the department of human services for fiscal year 2016-2017 in section 3 of Act 119, Session Laws of Hawaii 2015, as amended by section 3 of Act 124, Session Laws of Hawaii 2016, the general fund sum of \$875,000 shall be expended from the 2016-2017 budget (HMS 301, general funds) by the department of human services 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 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:

Carroll, et al. v. Camit, et al.	\$ 18,500.00
Civil No. 12-1-0622(2), Second Circuit	Settlement
<b>SUBTOTAL:</b>	<b>\$ 18,500.00</b>
<b>TOTAL (SECTION 15):</b>	<b>\$ 18,500.00</b>

Provided that of legislative appropriation item F-8 for the department of human services for fiscal year 2016-2017 in section 3 of Act 119, Session Laws of Hawaii 2015, as amended by section 3 of Act 124, Session Laws of Hawaii 2016, the general fund sum of \$18,500 shall be expended from the 2016-2017 budget (HMS 601, general funds) by the department of human services for the purposes of this Act.

**PART XVI**

SECTION 16. 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:

J.E., et al. v. Wong, et al.	\$ 396,858.00
Civil No. 14-00399 HG-KJM, USDC	Settlement
<b>SUBTOTAL:</b>	<b>\$ 396,858.00</b>
<b>TOTAL (SECTION 16):</b>	<b>\$ 396,858.00</b>

Provided that of legislative appropriation item F-18 for the department of human services for fiscal year 2016-2017 in section 3 of Act 119, Session Laws of Hawaii 2015, as amended by section 3 of Act 124, Session Laws of Hawaii 2016, the general fund sum of \$396,858.00 shall be expended from the 2016-2017 budget (HMS 401, general funds) by the department of human services for the purposes of this Act.

**PART XVII**

SECTION 17. 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 departments shall obtain the approval of the attorney general before payment of any claim can be made.

SECTION 18. 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.



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**SECTION 19.** All unexpended and unencumbered balances of the appropriations made in this Act as of the close of business on June 30, 2018, shall lapse.

**SECTION 20.** 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 21.** This Act shall take effect upon its approval.

(Approved May 18, 2017.)

### **Note**

1. So in original.