
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. In accordance with section 9 of article VII, of
3 the Hawaii State Constitution and sections 37-91 and 37-93,
4 Hawaii Revised Statutes, the legislature has determined that the
5 general fund expenditure ceiling for fiscal year 2022-2023 has
6 already been exceeded by \$ or per cent. The
7 appropriation contained in section 2 of this Act will cause the
8 state general fund expenditure ceiling for fiscal year 2022-2023
9 to be exceeded by \$ or per cent. This current
10 declaration takes into account additional general fund
11 appropriations authorized for fiscal year 2022-2023 in this Act
12 only. The reasons for exceeding the general fund expenditure
13 ceiling are that:

14 (1) The appropriations made in this Act are necessary to
15 serve the public interest; and



1 (2) The appropriations made in this Act meet the needs
2 addressed by this Act.

3 PART II

4 SECTION 2. The following sums or so much thereof as may be
5 necessary for fiscal year 2022-2023 are appropriated out of the
6 general revenues of the State of Hawaii to the department of the
7 attorney general for the purpose of satisfying claims for
8 legislative relief as to the following named persons, firms,
9 corporations, and entities, for claims against the State or its
10 officers or employees, for the overpayment of taxes, or for
11 refunds, reimbursements, payments of judgments or settlements,
12 or other liabilities, in the amounts set forth opposite their
13 names:

14 JUDGMENTS AGAINST THE STATE	AMOUNT
15 AND SETTLEMENTS OF CLAIMS:	
16 MISCELLANEOUS CLAIMS:	
17	
18	
19 1. Kelly and Robert Armstrong	\$ 100,333.33
20	
21 2. Community Empowerment Resources	\$ 153,110.25
22	
23 3. Garry A. Harsanyi and Kimberly M. Harsanyi	\$ 406.00
24	
25 4. Interval International Inc.	\$3,078,145.74
26	
27 5. Ding Jing	\$ 118,524.00
28	



1	6.	Kailua Local Cab Inc.	\$	2,019.71
2				
3	7.	Michael Shiira	\$	902.00
4				
5	8.	Morgan Stanley Smith Barney Holdings LLC	\$	239,927.00
6				
7	9.	Mercedes Nakaza	\$	94.46
8				
9	10.	Jyron Salamanca	\$	1,992.30
10				
11	11.	Saltchuk Resources, Inc.	\$	550,000.00
12				
13	12.	Tamura Enterprises, Inc.	\$	1,464.22
14				
15	13.	The Estate of Take Yamashiro	\$	4,777.03
16				
17				
18		SUBTOTAL:	\$	4,251,696.04
19				
20		TOTAL: (SECTION 2)	\$	4,251,696.04

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

23
 24 PART III
 25

26 SECTION 3. The legislature finds and declares that the
 27 following claims for legislative relief recommended for approval
 28 as to the following named persons for claims against the State
 29 or the department of accounting and general services or its
 30 officers or employees for the payment of judgments or
 31 settlements, or other liabilities, in the amount set forth
 32 opposite their names, is approved for payment:



1 JUDGMENTS AGAINST THE STATE	AMOUNT
2 AND SETTLEMENTS OF CLAIMS:	
3	
4 DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES:	
5	
6 1. Claim of Allison D. Wong Daniel	\$ 55,000.00
7	Settlement
8	
9 2. Frances Kaluhiwa v. State of Hawaii	\$ 275,000.00
10 Civil No. 1CCV-20-0000638, First Circuit	Settlement
11	<hr/>
12	
13 SUBTOTAL:	\$ 330,000.00
14	
15 TOTAL (SECTION 3):	\$ 330,000.00
16	

17 Provided that of legislative appropriation item for
18 the department of accounting and general services for fiscal
19 year 2022-2023 in section 3 of Act 88, Session Laws of Hawaii
20 2021, as amended by section 3 of Act 248, Session Laws of Hawaii
21 2022, the general fund sum of \$330,000 shall be expended from
22 the fiscal year 2022-2023 budget (AGS , general funds) by
23 the department of accounting and general services for the
24 purposes of this Act.

25
26 PART IV

27
28 SECTION 4. The legislature finds and declares that the
29 following claim for legislative relief recommended for approval
30 as to the following named person for claims against the State or



1 the department of the attorney general or its officers or
2 employees for the payment of judgments or settlements, or other
3 liabilities, in the amount set forth opposite their name, is
4 approved for payment:

5 JUDGMENTS AGAINST THE STATE	AMOUNT
6 AND SETTLEMENTS OF CLAIMS:	
7	
8 DEPARTMENT OF THE ATTORNEY GENERAL:	
9	
10 1. Honolulu Civil Beat Inc. v. Department	\$ 79,199.38
11 of the Attorney General,	Judgment
12 SCAP-21-0000057;	
13 Civil No. 1CC-16-1-001743, First Circuit	
14	<hr/>
15	
16 SUBTOTAL:	\$ 79,199.38
17 TOTAL (SECTION 4):	\$ 79,199.38
18	

19 Provided that of legislative appropriation item for
20 the department of the attorney general for fiscal year 2022-2023
21 in section 3 of Act 88, Session Laws of Hawaii 2021, as amended
22 by section 3 of Act 248, Session Laws of Hawaii 2022, the
23 general fund sum of \$79,199.38 shall be expended from the fiscal
24 year 2022-2023 budget (ATG , general funds) by the
25 department of the attorney general for the purposes of this Act.

26
27 PART V
28



1 SECTION 5. The legislature finds and declares that the
 2 following claims for legislative relief recommended for approval
 3 as to the following named persons for claims against the State
 4 or the department of education or its officers or employees for
 5 the payment of judgments or settlements, or other liabilities,
 6 in the amount set forth opposite their names, is approved for
 7 payment:

8 JUDGMENTS AGAINST THE STATE	AMOUNT
9 AND SETTLEMENTS OF CLAIMS:	
10 DEPARTMENT OF EDUCATION:	
11	
12	
13 1. Kristen Kam, et al. v. State of Hawaii	\$ 250,000.00
14 Board of Education, et al.	Settlement
15 Civil No. 21-00211 JAO-KJM, USDC	
16	
17 2. Cipriano Millano, et al. v.	\$ 750,000.00
18 State of Hawaii, et al.	Settlement
19 Civil No. 2CC-13-1-000031, Second Circuit	
20	
21 3. Roe No. 113 v. State of Hawaii	\$ 450,000.00
22 Civil No. 1CC-19-1-000460, First Circuit	Settlement
23	
24	<hr/>
25 SUBTOTAL:	\$1,450,000.00
26 TOTAL (SECTION 5):	\$1,450,000.00

27

28 Provided that of legislative appropriation item for

29 the department of education for fiscal year 2022-2023 in section

30 3 of Act 88, Session Laws of Hawaii 2021, as amended by section

31 3 of Act 248, Session Laws of Hawaii 2022, the general fund sum



1 of \$1,450,000 shall be expended from the fiscal year 2022-2023
2 budget (EDN , general funds) by the department of education
3 for the purposes of this Act.

4 PART VI

5
6 SECTION 6. 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 human services or its officers or employees
10 for the payment of judgments or settlements, or other
11 liabilities, in the amount set forth opposite their name, is
12 approved for payment:

13 JUDGMENTS AGAINST THE STATE	AMOUNT
14 AND SETTLEMENTS OF CLAIMS:	
15 DEPARTMENT OF HUMAN SERVICES	
16	
17	
18 1. E.F. v. State of Hawaii, Department of	\$ 35,000.00
19 Human Services, et al.	Settlement
20 Civil No. 1CCV-20-0000497, First Circuit	
21	-----
22	
23 SUBTOTAL:	\$ 35,000.00
24 TOTAL (SECTION 6):	\$ 35,000.00

25
26 Provided that of legislative appropriation item for
27 the department of human services for fiscal year 2022-2023 in
28 section 3 of Act 88, Session Laws of Hawaii 2021, as amended by



1 section 3 of Act 248, Session Laws of Hawaii 2022, the general
2 fund sum of \$35,000 shall be expended from the fiscal year 2022-
3 2023 budget (HMS , general funds) by the department of human
4 services for the purposes of this Act.

5
6
7

PART VII

8 SECTION 7. The legislature finds and declares that the
9 following claims for legislative relief recommended for approval
10 as to the following named persons for claims against the State
11 or the department of land and natural resources or its officers
12 or employees for the payment of judgments or settlements, or
13 other liabilities, in the amount set forth opposite their names,
14 is approved for payment:

15 JUDGMENTS AGAINST THE STATE	15 AMOUNT
16 AND SETTLEMENTS OF CLAIMS:	
17	
18 DEPARTMENT OF LAND AND NATURAL RESOURCES	
19	
20 1. Mary Chang, et al. v.	\$ 830,000.00
21 State of Hawaii, et al.	Settlement
22 Civil No. 1CCV-21-0000913, First Circuit	
23	
24 2. Healoha Carmicheal, et al. v.	\$ 49,394.67
25 Board of Land and Natural Resources,	Judgment
26 SCWC-16-0000071	
27	
28	
29 SUBTOTAL:	\$ 879,394.67
30 TOTAL (SECTION 7):	\$ 879,394.67



1 Provided that of legislative appropriation item for
2 the department of land and natural resources for fiscal year
3 2022-2023 in section 3 of Act 88, Session Laws of Hawaii 2021,
4 as amended by section 3 of Act 248, Session Laws of Hawaii 2022,
5 the general fund sum of \$879,394.67 shall be expended from the
6 fiscal year 2022-2023 budget (LNR , general funds) by the
7 department of land and natural resources for the purposes of
8 this Act.

PART VIII

9
10
11 SECTION 8. The legislature finds and declares that the
12 following claims for legislative relief recommended for approval
13 as to the following named persons for claims against the State
14 or the department of public safety or its officers or employees
15 for the payment of judgments or settlements, or other
16 liabilities, in the amount set forth opposite their name, is
17 approved for payment:

18 JUDGMENTS AGAINST THE STATE	18 AMOUNT
19 AND SETTLEMENTS OF CLAIMS:	
20 DEPARTMENT OF PUBLIC SAFETY	
21 DEPARTMENT OF PUBLIC SAFETY	
22	
23 1. Eric Yoshioka v. State of Hawaii	\$ 37,500.00
24 Civil No. 1CC-17-1-001435, First Circuit	Settlement
25	
26 2. Cheyenne K. Chong, Individually and	\$ 200,000.00



1	As Personal Representative of	Settlement
2	Wesley Chong v. State of Hawaii, Department	
3	Of Public Safety, et el.	
4	Civil No. 1CC-20-0000089, First Circuit	
5		
6	3. Janet Salas v. State of Hawaii,	\$700,000.00
7	Department of Public Safety, et al.	Settlement
8	Civil No. 1CCV-21-0001541, First Circuit	

9		
10		<hr/>
11	SUBTOTAL:	\$ 937,500.00
12		
13	TOTAL (SECTION 8):	\$ 937,500.00

14 Provided that of legislative appropriation item for
15
16 the department of the public safety for fiscal year 2022-2023 in
17 section 3 of Act 88, Session Laws of Hawaii 2021, as amended by
18 section 3 of Act 248, Session Laws of Hawaii 2022, the general
19 fund sum of \$937,500 shall be expended from the fiscal year
20 2022-2023 budget (PSD , general funds) by the department of
21 the public safety for the purposes of this Act.

22 PART IX

23
24 SECTION 9. The legislature finds and declares that the
25 following claim for legislative relief recommended for approval
26 as to the following named person for claims against the State or
27 the state public charter school commission or its officers or
28 employees for the payment of judgments or settlements, or other



1 liabilities, in the amount set forth opposite their name, is
2 approved for payment:

3 JUDGMENTS AGAINST THE STATE	AMOUNT
4 AND SETTLEMENTS OF CLAIMS:	
5	
6 STATE PUBLIC CHARTER SCHOOL COMMISSION	
7	
8 Beth Bulgeron v. The Hawaii State Public	\$ 58,000.00
9 Charter School Commission, et al.	Settlement
10 Civil No. 1CCV-20-0001620, First Circuit	
11	<hr/>
12	
13 SUBTOTAL:	\$ 58,000.00
14	
15 TOTAL (SECTION 9):	\$ 58,000.00
16	
17	

18 Provided that of legislative appropriation item for
19 the state public charter school commission for fiscal year 2022-
20 2023 in section 3 of Act 88, Session Laws of Hawaii 2021, as
21 amended by section 3 of Act 248, Session Laws of Hawaii 2022,
22 the general fund sum of \$58,000 shall be expended from the
23 fiscal year 2022-2023 budget (EDN , general funds) by the
24 state public charter school commission for the purposes of this
25 Act.

26 PART X

27 SECTION 10. The following sums or so much thereof as may
28 be necessary for fiscal year 2022-2023 are appropriated out of



1 the state highway fund for the purpose of satisfying claims for
2 legislative relief as to the following named persons, for claims
3 against the State or its officers or employees for payments of
4 judgments or settlements, or other liabilities, in the amount
5 set forth opposite their names:

6 JUDGMENTS AGAINST THE STATE	7 AMOUNT
8 AND SETTLEMENTS OF CLAIMS:	
9 DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION:	
10	
11 1. Satya Simmons, et al. v.	\$ 500,000.00
12 State of Hawaii, et al.	Settlement
13 Civil No. 2CC-17-1-000224, Second Circuit	
14	
15 2. James Braddock, et al. v.	\$17,000,000.00
16 Misty Mitchell, et al.	Settlement
17 Civil. No. 19-1-0994-06, First Circuit	
18	_____
19	
20 SUBTOTAL:	\$17,500,000.00
21	
22 TOTAL (SECTION 10):	\$17,500,000.00

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

26 PART XI

27 SECTION 11. The sums provided in sections 2 through 10 of
28 this Act may be paid to the respective persons, firms,
29 corporations, or entities for the satisfaction or settlement of



1 the 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 departments
4 shall obtain the approval of the attorney general before payment
5 of any claim may be made.

6 SECTION 12. 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 the 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 13. All unexpended and unencumbered balances of
13 the appropriations made in this Act as of the close of business
14 on June 30, 2024, shall lapse.

15 SECTION 14. 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 that can be given effect without the
19 invalid provision or application, and to this end the provisions
20 of this Act are severable.



1 SECTION 15. This Act shall take effect on June 30, 3000.



Report Title:

Claims Against the State

Description:

Makes appropriations and approves payments for claims against the State, its officers, and its employees. Effective 6/30/3000. (HD2)

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

