
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 Constitution of the State of Hawaii and sections 37-91 and
4 37-93, Hawaii Revised Statutes, the legislature has determined
5 that the general fund expenditure ceiling for fiscal year 2023-
6 2024 has already been exceeded by \$1,005,342,735 or 9.4 per
7 cent. The appropriations contained in this Act will cause the
8 state general fund expenditure ceiling for fiscal year 2023-2024
9 to be further exceeded by \$ or per cent. This
10 declaration takes into account the additional general fund
11 appropriation authorized for fiscal year 2023-2024 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 2023-2024 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 15 AND SETTLEMENTS OF CLAIMS:	AMOUNT
16 17 1. MISCELLANEOUS CLAIMS:	
18 19 Amy Chang	\$ 27.00
20 21 County of Hawaii, Hawaii Fire Department	\$ 360,000.00
22 23 Employers Insurance Company of Wausau	\$ 147,657.77
24 25 The Estate of Morris A. Inasaki	\$ 550.00
26 27 James X He and Yue-Chuen C. Lin	\$ 559.00
28	



1	Laura Ishii	\$	120.00
2			
3	Merrill Lynch Pierce Fenner & Smith	\$	13,824.40
4			
5	Matthew W. Payne	\$	445.00
6			
7	Chaniel Ramo	\$	167.00
8			
9	Two Spirits, Inc.	\$	358,413.97
10			
11	Wallace K. Yashima	\$	3,916.04
12			
13	Wallace Yashima and Hyang-Suk Yashima	\$	746.00
14			
15	Lien T. Nguyen	\$	110.00
16			
17	Sedring Bulda and Katherine Bulda	\$	1,236.00
18			
19	Shirokiya Cosmetics Inc.	\$	7,259.00
20			
21	SUBTOTAL:	\$	895,031.18
22			
23	2. AGRIBUSINESS DEVELOPMENT CORP:		
24			
25	Ohana Best LLC v. State of Hawaii, et al.	\$	1,250,000.00
26	Civil No. 1CC-19-1001640, First Circuit		(Settlement)
27			
28	SUBTOTAL:	\$	1,250,000.00
29			
30	3. DEPARTMENT OF THE ATTORNEY GENERAL:		
31			
32	Rodney Pagba v. Anne E. Lopez, et al.	\$	5,707.00
33	Civil No. 22-cv-00521 JMS-KJM, USDC		(Settlement)
34			
35	Michael Santucci v. City and County	\$	28,000.00
36	of Honolulu, et al.		(Judgment)
37	Civil No. 22-cv-00142 DKW-KJM, USDC		
38			
39	Smith and Wesson v. Hawaii State	\$	70,468.07
40	Department of the Attorney General		(Judgment)
41	Civil No. 1CCV-22-000353, First Circuit		



1			
2	Todd Yukutake, et al. v. Anne E. Lopez	\$	50,000.00
3	Civil No. 22-cv-00323 JAO-WRP, USDC		(Judgment)
4			
5	SUBTOTAL:	\$	154,175.07
6			
7	4. DEPARTMENT OF EDUCATION:		
8			
9	Amanda Kelly v. Debra Farmer, et al.	\$	50,000.00
10	Civil No. 1CCV-20-0000825, First Circuit		(Settlement)
11			
12	John Roe No. 122 v. State of Hawaii, et al.	\$	450,000.00
13	Civil No. 1CCV-19-0002046, First Circuit		(Settlement)
14			
15	Ralphielyn L.M. Gaston-Lovell v. State of	\$	550,000.00
16	Hawaii, Department of Education		(Settlement)
17	Civil No. 3CCV-22-0000163, Third Circuit		
18			
19	SUBTOTAL:	\$	1,050,000.00
20			
21	5. DEPARTMENT OF LAND AND NATURAL RESOURCES:		
22			
23	Courtney Ledford v. Ethan Ferguson, et al.	\$	750,000.00
24	Civil No. 17-1-0416, Third Circuit		(Settlement)
25			
26	Pamela Ann Flanagan (Personal Representative)	\$	300,000.00
27	v. State of Hawaii		(Settlement)
28	Civil No. 1CC191000173, First Circuit		
29			
30	SUBTOTAL:	\$	1,050,000.00
31			
32	6. DEPARTMENT OF PUBLIC SAFETY:		
33			
34	Civil Beat Law Center for the Public Interest	\$	401.00
35	v. Department of Public Safety		(Settlement)
36	Civil No. 1CCV-23-0000943, First Circuit		
37			
38	Kevin A. Lifoifo v. State of Hawaii,	\$	60,000.00
39	Department of Public Safety		(Settlement)
40	Civil No. 2CCV-21-0000067(2), Second Circuit		
41			



1	Leinette Reyes, et al. v. Eric Tanaka	\$ 1,200,000.00
2	Civil No. 17-cv-00143 JAO-KJM, USDC	(Settlement)
3		
4	SUBTOTAL:	<u>\$ 1,260,401.00</u>
5		
6	7. HAWAII PUBLIC HOUSING AUTHORITY:	
7		
8	Edwin Kalamau, Sr. v.	\$ 107,695.12
9	State of Hawaii, et al.	(Judgment)
10	Civil No. 1CCV-22-0000701, First Circuit	
11		
12	SUBTOTAL:	<u>\$ 107,695.12</u>
13		
14	8. DEPARTMENT OF HUMAN SERVICES:	
15		
16	Sherri-Ann Garrett v. State of Hawaii,	\$ 750,000.00
17	Department of Human Services	(Settlement)
18	Civil No. 19-1-008K, Third Circuit	
19		
20	SUBTOTAL:	<u>\$ 750,000.00</u>
21		
22	TOTAL (SECTION 2):	\$ 6,517,302.37
23		

24 The sums appropriated shall be expended by the department
 25 of the attorney general for the purposes of this Act; provided
 26 that:

27 (1) No moneys shall be expended by the attorney general to
 28 satisfy the settlement for Courtney Ledford v. Ethan
 29 Ferguson, et al., Civil No. 17-1-0416, Third Circuit,
 30 unless:

31 (A) The department of human resources development
 32 expends the sum of \$250,000 from the available



1 general funds appropriated to the department of
2 human resources development for fiscal year
3 2023-2024 by section 3 of Act 164, Session Laws
4 of Hawaii 2023, to satisfy a portion of the
5 settlement for Courtney Ledford v. Ethan
6 Ferguson, et al., Civil No. 17-1-0416, Third
7 Circuit; and

8 (B) The department of land and natural resources
9 expends the sum of \$250,000 from the available
10 general funds appropriated to the department of
11 land and natural resources for fiscal year
12 2023-2024 by section 3 of Act 164, Session Laws
13 of Hawaii 2023, to satisfy a portion of the
14 settlement for Courtney Ledford v. Ethan
15 Ferguson, et al., Civil No. 17-1-0416, Third
16 Circuit; and

17 (2) No moneys shall be expended by the attorney general to
18 satisfy the settlement for Leinette Reyes, et al. v.
19 Eric Tanaka, Civil No. 17-cv-00143 JAO-KJM, USDC,
20 unless the department of corrections and
21 rehabilitation expends the sum of \$800,000 from the



1 available general funds appropriated to the department
2 of public safety/corrections and rehabilitation for
3 fiscal year 2023-2024 by section 3 of Act 164, Session
4 Laws of Hawaii 2023, to satisfy a portion of the
5 settlement for Leinette Reyes, et al. v. Eric Tanaka,
6 Civil No. 17-cv-00143 JAO-KJM, USDC.

7 PART III

8 SECTION 3. The following sums or so much thereof as may be
9 necessary for fiscal year 2023-2024 are appropriated out of the
10 state highway fund for the purpose of satisfying claims for
11 legislative relief as to the following named persons, for claims
12 against the State or its officers or employees for payments of
13 judgments or settlements, or other liabilities, in the amount
14 set forth opposite their names:

15 JUDGMENTS AGAINST THE STATE	15 AMOUNT
16 AND SETTLEMENTS OF CLAIMS:	
17	
18 DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION:	
19	
20 Michelle Banks, et al. v.	\$ 3,900,000.00
21 State of Hawaii, et al.,	(Settlement)
22 Civil No. 1CCV-22-0000089, First Circuit	
23	
24 Bianca Chavez v. Department of	\$ 125,000.00
25 Transportation, et al.,	(Settlement)
26 Civil No. 1CC191001542, First Circuit	
27	



1	David Lawrence, et al. v. State of Hawaii	\$ 2,950,000.00
2	Civil No. 2CCV-22-0000273, Second Circuit	(Settlement)
3		
4	Patrick Mitchell, et al. v.	\$ 125,000.00
5	State of Hawaii, et al.,	(Settlement)
6	Civil No. 3CCV-20-0000024, Third Circuit	
7		
8	Charles David Yandell, et al. v. State of	\$ 100,000.00
9	Hawaii Department of Transportation, et al.,	(Settlement)
10	Civil No. 5CCV-21-0000100, Fifth Circuit	
11		
12	Violet Fontes-Ringor v. State of	\$ 150,000.00
13	Hawaii Department of Transportation, et al.,	(Settlement)
14	Civil No. 1CCV-23-0000768, First Circuit	
15		
16	SUBTOTAL:	<u>\$ 7,350,000.00</u>
17		
18	TOTAL (SECTION 3):	\$ 7,350,000.00
19		

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

23 PART IV

24 SECTION 4. The sums hereinabove may be paid to the
 25 respective persons, firms, corporations, or entities for the
 26 satisfaction or settlement of the respectively identified cases,
 27 and in several amounts hereinabove set forth or in lesser
 28 amounts deemed appropriate, upon checks issued by the
 29 comptroller; provided that departments shall obtain the approval
 30 of the attorney general before payment of any claim may be made.



1 SECTION 5. Notwithstanding the sums hereinabove stated as
2 interest upon judgments against the State, payment of interest
3 shall be limited to the period from the date of the judgment, if
4 applicable, to thirty days after the effective date of this Act,
5 as provided in section 662-8, Hawaii Revised Statutes, for those
6 cases to which the statute applies.

7 SECTION 6. All unexpended and unencumbered balances of the
8 appropriations made in this Act as of the close of business on
9 June 30, 2025, shall lapse.

10 SECTION 7. If any provision of this Act, or the
11 application thereof to any person or circumstance, is held
12 invalid, the invalidity does not affect other provisions or
13 applications of the Act that can be given effect without the
14 invalid provision or application, and to this end the provisions
15 of this Act are severable.

16 SECTION 8. This Act shall take effect on July 1, 2024.



Report Title:

Claims Against the State

Description:

Makes appropriations and approves payments 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.

