

**ACT 280**

S.B. NO. 3041

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 2021-2022 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:

**ACT 280****JUDGMENTS AGAINST THE STATE  
AND SETTLEMENTS OF CLAIMS:****AMOUNT****1. MISCELLANEOUS CLAIMS:**

Sang Chol Bang	\$ 40.65
Rodney Baculpo	\$ 1,283.01
Darlene Vicente f/k/a Darlene Baculpo	\$ 1,283.00
Princeville Hotel, LP	\$ 383,119.65
Chad Q. Iwamoto	\$ 33,003.00
Robert Iwamoto QTIP Trust	\$ 4,605.24
BG Kauai Holdings, LLC	\$ 1,397.86
Foster Kern, LLC	\$ 8,500.00
Roger R. Cawagas	\$ 126.96
Michael S. Vincent	\$ 85.12
<b>SUBTOTAL:</b>	<b>\$ 433,444.49</b>

**2. AGRIBUSINESS DEVELOPMENT CORPORATION:**

Nā Kia'i Kai v. Nakatani, et al.	\$ 132,611.78
Civil No. 18-00005, USDC	Settlement
<b>SUBTOTAL:</b>	<b>\$132,611.78</b>

**3. DEPARTMENT OF LAND AND NATURAL RESOURCES:**

Kaupiko, et al. v. Dept. of Land and Natural Resources, State of Hawaii	\$ 145,736.28
Civil No. 20-0000125, First Circuit	Settlement
Civil No. CAAP-21-0000374, Intermediate Court of Appeals	
Carol Gallagher, et al. v. Lanihuli Community Development Corporation, et al.	\$ 225,000.00
Civil No. 16-1-1767-09 JPC, First Circuit	Settlement
<b>SUBTOTAL:</b>	<b>\$ 370,736.28</b>

**4. DEPARTMENT OF PUBLIC SAFETY:**

Anthony Chatman, et al. v. Max N. Otani	\$ 250,540.00
Civil No. 21-00268 JAO KJM, USDC	Settlement
Curt K.K. Tokunaga, et al. v. Dept. of Public Safety, State of Hawaii	\$ 150,000.00
Civil No. 18-1-0982-06, First Circuit	Settlement
Faatalale Auelua v. State of Hawaii	\$ 40,000.00
Civil No. 17-1-0802-05 GWBC, First Circuit	Settlement
HELG Administrative Services, LLC, as Special Administrator of the Estate of Daisy L. Kasitani, deceased, et al. v. Dept. of Public Safety, State of Hawaii	\$ 550,000.00
Civil No. 19-1-0348(2), Second Circuit	Settlement
Elizabeth Mueller v. Department of Public Safety, et al.	\$ 4,000,000.00
Civil No. 17-00571 HG WRP, USDC	Settlement
Michael J. O'Malley, et al. v. State of Hawaii, et al.	\$ 1,375,000.00
Civil No. 19-1-1021-06, First Circuit	Judgment
<b>SUBTOTAL:</b>	<b>\$6,365,540.00</b>

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

**AMOUNT**

5. STATE PUBLIC CHARTER SCHOOL COMMISSION:

UPW on behalf of James Ah Sing v. Christina Kishimoto, et al. Case No. CE-01-539, Hawaii Labor Relations Board	\$ 125,275.38 Judgment
SUBTOTAL:	<u>\$ 125,275.38</u>

6. DEPARTMENT OF EDUCATION:

Jane Roe Parent, et al. v. State of Hawaii, et al. Civil No. 12-1-0474, Third Circuit	\$ 150,000.00 Judgment
SUBTOTAL:	<u>\$ 150,000.00</u>

7. DEPARTMENT OF HAWAIIAN HOME LANDS

Kalima, et al. v. State of Hawaii, et al. Civil No. 99-4771-12 LWC, First Circuit	\$ 328,000,000.00 Settlement
SUBTOTAL:	<u>\$ 328,000,000.00</u>
TOTAL (SECTION 1)	\$ 335,577,607.93

**PART II**

SECTION 2. Provided that of the legislative appropriation for the department of transportation for fiscal year 2021-2022 in section 3 of Act 88, Session Laws of Hawaii 2021, the following sum shall be expended from the fiscal year 2021-2022 budget (TRN 595, state highway funds) by the department of transportation for the purpose of satisfying claims for legislative relief as to the following named entity, for claims against the State or its officers or employees for payment of a settlement in the amount set forth opposite its name:

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

**AMOUNT**

DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION:

Markel American Insurance Company (Maui Oil Company)	\$ 138,000.00 Settlement
SUBTOTAL:	<u>\$ 138,000.00</u>
TOTAL (SECTION 2)	\$ 138,000.00

**PART III**

SECTION 3. The sums hereinabove may be paid to the respective persons, firms, corporations, or entities 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 that departments shall obtain the approval of the attorney general before payment of any claim may be made.

SECTION 4. 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.

## **ACT 280**

**SECTION 5.** All unexpended and unencumbered balances of the appropriations made in this Act as of the close of business on June 30, 2023, shall lapse.

**SECTION 6.** 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 that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

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

(Approved July 11, 2022.)