

**ACT 39**

S.B. NO. 1277

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.** In accordance with section 9 of article VII of the Hawaii State Constitution and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the general fund expenditure ceiling for fiscal year 2022-2023 has already been exceeded by \$866,542,963 or 8.41 per cent. The appropriation contained in this Act will cause the state general fund expenditure ceiling to be exceeded by an additional \$9,000,000 or 1.0 per cent for fiscal year 2022-2023. This current declaration takes into account the additional general fund appropriation authorized for fiscal year 2022-2023 in this Act only. The reasons for exceeding the general fund expenditure ceiling are that:

- (1) The appropriations made in this Act are necessary to serve the public interest; and
- (2) The appropriations made in this Act meet the needs addressed by this Act.

PART II

SECTION 2. The following sums or so much thereof as may be necessary for fiscal year 2022-2023 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:

JUDGMENTS AGAINST THE STATE AND SETTLEMENTS OF CLAIMS:	AMOUNT
MISCELLANEOUS CLAIMS:	
1. Kelly and Robert Armstrong	\$ 100,333.33
2. Community Empowerment Resources	\$ 153,110.25
3. Garry A. Harsanyi and Kimberly M. Harsanyi	\$ 406.00
4. Interval International Inc.	\$ 3,078,145.74
5. Ding Jing	\$ 118,524.00
6. Kailua Local Cab Inc.	\$ 2,019.71
7. Michael Shiira	\$ 902.00
8. Morgan Stanley Smith Barney Holdings LLC	\$ 239,927.00
9. Mercedes Nakaza	\$ 94.46
10. Jyron Salamanca	\$ 1,992.30
11. Saltchuk Resources, Inc.	\$ 550,000.00
12. Tamura Enterprises, Inc.	\$ 1,464.22
13. The Estate of Take Yamashiro	\$ 4,777.03
14. Eric A Abella	\$ 46.68
15. Alexander & Baldwin, LLC	\$ 36,080.96
16. David W. Clausen	\$ 75,000.00
17. Moana Swan Inc.	\$ 5,066.67
18. Ruth Y. Shirai	\$ 45.00
SUBTOTAL:	\$ 4,367,935.35
TOTAL: (SECTION 2)	\$ 4,367,935.35

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

PART III

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

**ACT 39**

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

**AMOUNT**

**DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES:**

1. Claim of Allison D. Wong Daniel	\$ 55,000.00
	Settlement
2. Frances Kaluhiwa v. State of Hawaii	\$ 275,000.00
Civil No. ICCV-20-0000638, First Circuit	Settlement
<b>SUBTOTAL:</b>	<b>\$ 330,000.00</b>
<b>TOTAL (SECTION 3):</b>	<b>\$ 330,000.00</b>

Provided that of legislative appropriation for the department of accounting and general services for fiscal year 2022-2023 in section 3 of Act 88, Session Laws of Hawaii 2021, as amended by section 3 of Act 248, Session Laws of Hawaii 2022, the general fund sum of \$55,000 shall be expended from the fiscal year 2022-2023 budget (AGS881, general funds) and the general fund sum of \$275,000 shall be expended from the fiscal year 2022-2023 budget (AGS232, general funds), by the department of accounting and general services for the purposes of this Act.

**PART IV**

**SECTION 4.** 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 the attorney general 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**

**DEPARTMENT OF THE ATTORNEY GENERAL:**

1. Honolulu Civil Beat Inc. v. Department of the Attorney General, SCAP-21-0000057; Civil No. ICC-16-1-001743, First Circuit	\$ 79,199.38
	Judgment
<b>SUBTOTAL:</b>	<b>\$ 79,199.38</b>
<b>TOTAL (SECTION 4):</b>	<b>\$ 79,199.38</b>

Provided that of legislative appropriation for the department of the attorney general for fiscal year 2022-2023 in section 3 of Act 88, Session Laws of Hawaii 2021, as amended by section 3 of Act 248, Session Laws of Hawaii 2022, the general fund sum of \$79,199.38 shall be expended from the fiscal year 2022-2023 budget (ATG100, general funds) by the department of the attorney general for the purposes of this Act.

**PART V**

**SECTION 5.** The legislature finds and declares that the following claims for legislative relief recommended for approval as to the following named persons 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 names, is approved for payment:

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

**AMOUNT**

**DEPARTMENT OF EDUCATION:**

- |   |                             |
|---|-----------------------------|
| 1. Kristen Kam, et al. v. State of Hawaii<br>Board of Education, et al.<br>Civil No. 21-00211 JAO-KJM, USDC | \$ 250,000.00<br>Settlement |
| 2. Cipriano Millano, et al. v.<br>State of Hawaii, et al.<br>Civil No. 2CC-13-1-000031, Second Circuit      | \$ 750,000.00<br>Settlement |
| 3. Roe No. 113 v. State of Hawaii<br>Civil No. ICC-19-1-000460, First Circuit                               | \$ 450,000.00<br>Settlement |

SUBTOTAL:	\$1,450,000.00
TOTAL (SECTION 5):	\$1,450,000.00

Provided that of legislative appropriation for the department of education for fiscal year 2022-2023 in section 3 of Act 88, Session Laws of Hawaii 2021, as amended by section 3 of Act 248, Session Laws of Hawaii 2022, the general fund sum of \$1,450,000 shall be expended from the fiscal year 2022-2023 budget (EDN100, general 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 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**

**DEPARTMENT OF HUMAN SERVICES**

- |   |                            |
|---|----------------------------|
| 1. E.F. v. State of Hawaii, Department of<br>Human Services, et al.<br>Civil No. ICCV-20-0000497, First Circuit | \$ 35,000.00<br>Settlement |
|---|----------------------------|

SUBTOTAL:	\$ 35,000.00
TOTAL (SECTION 6):	\$ 35,000.00

Provided that of legislative appropriation for the department of human services for fiscal year 2022-2023 in section 3 of Act 88, Session Laws of Hawaii 2021, as amended by section 3 of Act 248, Session Laws of Hawaii 2022, the general fund sum of \$35,000 shall be expended from the fiscal year 2022-2023 budget (HMS301, general funds) by the department of human services for the purposes of this Act.

**PART VII**

**SECTION 7.** The legislature finds and declares that the following claims for legislative relief recommended for approval as to the following named persons 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 names, is approved for payment:

# ACT 39

## JUDGMENTS AGAINST THE STATE AND SETTLEMENTS OF CLAIMS:

AMOUNT

### DEPARTMENT OF LAND AND NATURAL RESOURCES

1. Mary Chang, et al. v. State of Hawaii, et al. Civil No. 1CCV-21-0000913, First Circuit	\$ 830,000.00 Settlement
2. Healoha Carmicheal, et al. v. Board of Land and Natural Resources, SCWC-16-0000071	\$ 49,394.67 Judgment
SUBTOTAL:	\$ 879,394.67
TOTAL (SECTION 7):	\$ 879,394.67

Provided that of legislative appropriation for the department of land and natural resources for fiscal year 2022-2023 in section 3 of Act 88, Session Laws of Hawaii 2021, as amended by section 3 of Act 248, Session Laws of Hawaii 2022, the general fund sum of \$879,394.67 shall be expended from the fiscal year 2022-2023 budget (LNR906, general funds) by the department of land and natural resources for the purposes of this Act.

## PART VIII

SECTION 8. The legislature finds and declares that the following claims for legislative relief recommended for approval as to the following named persons 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

### DEPARTMENT OF PUBLIC SAFETY

1. Eric Yoshioka v. State of Hawaii Civil No. ICC-17-1-001435, First Circuit	\$ 37,500.00 Settlement
2. Cheyenne K. Chong, Individually and As Personal Representative of Wesley Chong v. State of Hawaii, Department Of Public Safety, et al. <sup>1</sup> Civil No. ICC-20-0000089, First Circuit	\$ 200,000.00 Settlement
3. Janet Salas v. State of Hawaii, Department of Public Safety, et al. Civil No. 1CCV-21-0001541, First Circuit	\$ 700,000.00 Settlement
4. Civil Beat Law Center for the Public Interest v. Department of Public Safety Civil No. 1CCV-22-735, First Circuit	\$ 12,672.49 Judgment
5. Honolulu Civil Beat Inc. v. Department of Public Safety Civil No. 1CCV-21-0001329, First Circuit	\$ 19,730.75 Judgment
SUBTOTAL:	\$ 969,903.24
TOTAL (SECTION 8):	\$ 969,903.24

Provided that of legislative appropriation for the department of the public safety for fiscal year 2022-2023 in section 3 of Act 88, Session Laws of Hawaii 2021,

as amended by section 3 of Act 248, Session Laws of Hawaii 2022, the general fund sum of \$969,903.24 shall be expended from the fiscal year 2022-2023 budget (PSD900, general funds) by the department of the public safety 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 state public charter school 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>STATE PUBLIC CHARTER SCHOOL COMMISSION</b>	
Beth Bulgeron v. The Hawaii State Public Charter School Commission, et al. Civil No. 1CCV-20-0001620, First Circuit	\$ 58,000.00 Settlement
<b>SUBTOTAL:</b>	<hr style="width: 100%; border: 0.5px solid black;"/> <b>\$ 58,000.00</b>
<b>TOTAL (SECTION 9):</b>	<b>\$ 58,000.00</b>

Provided that of legislative appropriation for the state public charter school commission for fiscal year 2022-2023 in section 3 of Act 88, Session Laws of Hawaii 2021, as amended by section 3 of Act 248, Session Laws of Hawaii 2022, the general fund sum of \$58,000 shall be expended from the fiscal year 2022-2023 budget (EDN612, general funds) by the state public charter school commission for the purposes of this Act.

**PART X**

**SECTION 10.** The following sums or so much thereof as may be necessary for fiscal year 2022-2023 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:

<b>JUDGMENTS AGAINST THE STATE AND SETTLEMENTS OF CLAIMS:</b>	<b>AMOUNT</b>
<b>DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION:</b>	
1. Satya Simmons, et al. v. State of Hawaii, et al. Civil No. 2CC-17-1-000224, Second Circuit	\$ 500,000.00 Settlement
2. James Braddock, et al. v. Misty Mitchell, et al. Civil.1 No. 19-1-0994-06, First Circuit	\$17,000,000.00 Settlement
<b>SUBTOTAL:</b>	<hr style="width: 100%; border: 0.5px solid black;"/> <b>\$17,500,000.00</b>
<b>TOTAL (SECTION 10):</b>	<b>\$17,500,000.00</b>

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

PART XI

SECTION 11. The sums provided in sections 2 through 10 of this Act 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 12. 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 the 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.

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

SECTION 14. 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 15. This Act shall take effect upon its approval.

(Approved June 1, 2023.)

**Note**

1. So in original.