

ACT 48

H.B. NO. 2340

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 Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the general fund expenditure ceiling for fiscal year 2023-2024 has already been exceeded by \$1,033,914,854.42 or 10 per cent. The appropriations contained in this Act will cause the state general fund expenditure ceiling for fiscal year 2023-2024 to be further exceeded by \$10,652,567.37 or 0.5 per cent. This declaration takes into account the additional general fund appropriation(s) authorized for fiscal year 2023-2024 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 2023-2024 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

1. MISCELLANEOUS CLAIMS:

Sedring Bulda and Katherine Bulda	\$ 1,236.00
Amy Chang	\$ 27.00
County of Hawaii, Hawaii Fire Department	\$ 360,000.00
Employers Insurance Company of Wausau	\$ 147,657.77
The Estate of Morris A. Inasaki	\$ 550.00
James X He and Yue-Chuen C. Lin	\$ 559.00
Laura Ishii	\$ 120.00
Jessie J. McMorrow and Kevin B. McMorrow	\$ 265.00
Merrill Lynch Pierce Fenner & Smith	\$ 13,824.40
Lien T. Nguyen	\$ 110.00
Matthew W. Payne	\$ 445.00
Chaniel Ramo	\$ 167.00
Shirokiya Cosmetics Inc.	\$ 7,259.00
Two Spirits, Inc.	\$ 358,413.97
Wallace K. Yashima	\$ 3,916.04
Wallace Yashima and Hyang-Suk Yashima	\$ 746.00
SUBTOTAL:	\$ 895,296.18

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2. AGRIBUSINESS DEVELOPMENT CORP:

Ohana Best LLC v. State of Hawaii, et al.	\$ 1,250,000.00
Civil No. 1CC-19-1001640, First Circuit	(Settlement)
SUBTOTAL:	<u>\$ 1,250,000.00</u>

3. DEPARTMENT OF THE ATTORNEY GENERAL:

Rodney Pagba v. Anne E. Lopez, et al.	\$ 5,707.00
Civil No. 22-cv-00521 JMS-KJM, USDC	(Settlement)
Michael Santucci v. City and County of Honolulu, et al.	\$ 28,000.00
Civil No. 22-cv-00142 DKW-KJM, USDC	(Judgment)
Smith and Wesson v. Hawaii State Department of the Attorney General	\$ 70,468.07
Civil No. 1CCV-22-000353, First Circuit	(Judgment)
Todd Yukutake, et al. v. Anne E. Lopez	\$ 50,000.00
Civil No. 22-cv-00323 JAO-WRP, USDC	(Judgment)
SUBTOTAL:	<u>\$ 154,175.07</u>

4. DEPARTMENT OF CORRECTIONS AND REHABILITATION
(fka DEPARTMENT OF PUBLIC SAFETY):

Civil Beat Law Center for the Public Interest v. Department of Public Safety	\$ 401.00
Civil No. 1CCV-23-0000943, First Circuit	(Settlement)
Ralph Fukumoto v. State of Hawaii, Department of Public Safety	\$ 35,000.00
Civil No. 1CCV-19-0002153, First Circuit	(Settlement)
Kevin A. Lifofoi v. State of Hawaii, Department of Public Safety	\$ 60,000.00
Civil No. 2CCV-21-0000067(2), Second Circuit	(Settlement)
Leinette Reyes, et al. v. Eric Tanaka	\$ 2,000,000.00
Civil No. 17-cv-00143 JAO-KJM, USDC	(Settlement)
SUBTOTAL:	<u>\$ 2,095,401.00</u>

5. DEPARTMENT OF EDUCATION:

A.B. v. Department of Education	\$ 1,000,000.00
Civil No. 18-00477 LEK-RT, USDC	(Settlement)
Ralphielyn L.M. Gaston-Lovell v. State of Hawaii, Department of Education	\$ 550,000.00
Civil No. 3CCV-22-0000163, Third Circuit	(Settlement)
Amanda Kelly v. Debra Farmer, et al.	\$ 50,000.00
Civil No. 1CCV-20-0000825, First Circuit	(Settlement)
John Roe No. 122 v. State of Hawaii, et al.	\$ 450,000.00
Civil No. 1CCV-19-0002046, First Circuit	(Settlement)
SUBTOTAL:	<u>\$ 2,050,000.00</u>

6. DEPARTMENT OF HUMAN SERVICES:

C.K., J.M., and T.M. v. Department of Human Services	\$ 1,800,000.00
Civil No. 1ccv-20-0000641, First Circuit	(Settlement)
Sherri-Ann Garrett v. State of Hawaii, Department of Human Services	\$ 750,000.00
Civil No. 19-1-008K, Third Circuit	(Settlement)
SUBTOTAL:	<u>\$ 2,550,000.00</u>

7. DEPARTMENT OF LAND AND NATURAL RESOURCES:

Courtney Ledford v. Ethan Ferguson, et al. Civil No. 17-1-0416, Third Circuit	\$ 1,250,000.00 (Settlement)
Pamela Ann Flanagan (Personal Representative) v. State of Hawaii Civil No. 1CC191000173, First Circuit	\$ 300,000.00 (Settlement)
SUBTOTAL:	\$ 1,550,000.00

8. HAWAII PUBLIC HOUSING AUTHORITY:

Edwin Kalamau, Sr. v. State of Hawaii, et al. Civil No. 1CCV-22-0000701, First Circuit	\$ 107,695.12 (Judgment)
SUBTOTAL:	\$ 107,695.12
TOTAL (SECTION 2):	\$10,652,567.37

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

PART III

SECTION 3. The following sums or so much thereof as may be necessary for fiscal year 2023-2024 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:

Allstate Insurance Company v. State of Hawaii Department of Transportation Civil No. 1CCV-23-0000397, First Circuit	\$ 35,961.64 (Settlement)
Michelle Banks, et al. v. State of Hawaii, et al. Civil No. 1CCV-22-0000089, First Circuit	\$ 3,900,000.00 (Settlement)
Bianca Chavez v. Department of Transportation, et al. Civil No. 1CC191001542, First Circuit	\$ 125,000.00 (Settlement)
Violet Fontes-Ringor v. State of Hawaii Department of Transportation, et al. Civil No. 1CCV-23-0000768, First Circuit	\$ 150,000.00 (Settlement)
David Lawrence, et al. v. State of Hawaii Civil No. 2CCV-22-0000273, Second Circuit	\$ 2,950,000.00 (Settlement)
Patrick Mitchell, et al. v. State of Hawaii, et al. Civil No. 3CCV-20-0000024, Third Circuit	\$ 125,000.00 (Settlement)
Charles David Yandell, et al. v. State of Hawaii, Department of Transportation, et al. Civil No. 5CCV-21-0000100, Fifth Circuit	\$ 100,000.00 (Settlement)
SUBTOTAL:	\$ 7,385,961.64
TOTAL (SECTION 3):	\$ 7,385,961.64

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The sums appropriated shall be expended by the department of transportation, highways division, 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 ATTORNEY GENERAL:

State of Hawaii v. The Honorable Jeffrey P. Crabtree and the Sierra Club Civil No. SCPW-23-0000471, Hawaii Supreme Court	\$ 36,536.06 (Settlement)
SUBTOTAL:	\$ 36,536.06
TOTAL (SECTION 4):	\$ 36,536.06

Provided that of legislative appropriation for the department of the attorney general for fiscal year 2023-2024 in section 3 of Act 164, Session Laws of Hawaii 2023, the general fund sum of \$36,536.06 shall be expended from the fiscal year 2023-2024 budget (ATG100, general funds) by the department of the attorney general for the purposes of this Act.

PART V

SECTION 5. 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 6. 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 7. All unexpended and unencumbered balances of the appropriations made in this Act as of the close of business on June 30, 2025, shall lapse.

SECTION 8. 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 9. This Act shall take effect upon its approval.

(Approved June 19, 2024.)