



# GOV. MSG. NO. 1148

EXECUTIVE CHAMBERS  
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA

June 19, 2024

The Honorable Ronald D. Kouchi  
President of the Senate,  
and Members of the Senate  
Thirty-Second State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki  
Speaker, and Members of the  
House of Representatives  
Thirty-Second State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on June 19, 2024, the following bill was signed into law:

HB2340 HD2 SD2 CD1

MAKING APPROPRIATIONS FOR CLAIMS  
AGAINST THE STATE, ITS OFFICERS, OR  
ITS EMPLOYEES.

**ACT 048**

Sincerely,

Josh Green, M.D.  
Governor, State of Hawai'i

HOUSE OF REPRESENTATIVES  
THIRTY-SECOND LEGISLATURE, 2024  
STATE OF HAWAII

**H.B. NO.** 2340  
H.D. 2  
S.D. 2  
C.D. 1

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# 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 \$1,033,914,854.42 or 10 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 \$10,652,567.37 or 0.5 per cent. This  
10 declaration takes into account the additional general fund  
11 appropriation(s) authorized for fiscal year 2023-2024 in this  
12 Act only. The reasons for exceeding the general fund  
13 expenditure ceiling are that:

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



1 PART II

2 SECTION 2. The following sums or so much thereof as may be  
3 necessary for fiscal year 2023-2024 are appropriated out of the  
4 general revenues of the State of Hawaii to the department of the  
5 attorney general for the purpose of satisfying claims for  
6 legislative relief as to the following named persons, firms,  
7 corporations, and entities, for claims against the State or its  
8 officers or employees, for the overpayment of taxes, or for  
9 refunds, reimbursements, payments of judgments or settlements,  
10 or other liabilities, in the amounts set forth opposite their  
11 names:

12 JUDGMENTS AGAINST THE STATE 13 AND SETTLEMENTS OF CLAIMS:	AMOUNT
14 15 1. MISCELLANEOUS CLAIMS:	
16 17 Sedring Bulda and Katherine Bulda	\$ 1,236.00
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 29 Laura Ishii	\$ 120.00
30	



1	Jessie J. McMorrow and Kevin B. McMorrow	\$	265.00
2			
3	Merrill Lynch Pierce Fenner & Smith	\$	13,824.40
4			
5	Lien T. Nguyen	\$	110.00
6			
7	Matthew W. Payne	\$	445.00
8			
9	Chaniel Ramo	\$	167.00
10			
11	Shirokiya Cosmetics Inc.	\$	7,259.00
12			
13	Two Spirits, Inc.	\$	358,413.97
14			
15	Wallace K. Yashima	\$	3,916.04
16			
17	Wallace Yashima and Hyang-Suk Yashima	\$	746.00
18			
19	SUBTOTAL:	\$	<u>895,296.18</u>
20			
21	2. AGRIBUSINESS DEVELOPMENT CORP:		
22			
23	Ohana Best LLC v. State of Hawaii, et al.	\$	1,250,000.00
24	Civil No. 1CC-19-1001640, First Circuit		(Settlement)
25			
26	SUBTOTAL:	\$	<u>1,250,000.00</u>
27			
28	3. DEPARTMENT OF THE ATTORNEY GENERAL:		
29			
30	Rodney Pagba v. Anne E. Lopez, et al.	\$	5,707.00
31	Civil No. 22-cv-00521 JMS-KJM, USDC		(Settlement)
32			
33	Michael Santucci v. City and County	\$	28,000.00
34	of Honolulu, et al.		(Judgment)
35	Civil No. 22-cv-00142 DKW-KJM, USDC		
36			
37	Smith and Wesson v. Hawaii State	\$	70,468.07
38	Department of the Attorney General		(Judgment)
39	Civil No. 1CCV-22-000353, First Circuit		
40			
41	Todd Yukutake, et al. v. Anne E. Lopez	\$	50,000.00



1	Civil No. 22-cv-00323 JAO-WRP, USDC	(Judgment)
2		
3	SUBTOTAL:	\$ 154,175.07
4		
5	4. DEPARTMENT OF CORRECTIONS AND REHABILITATION	
6	(fka DEPARTMENT OF PUBLIC SAFETY):	
7		
8	Civil Beat Law Center for the Public Interest	\$ 401.00
9	v. Department of Public Safety	(Settlement)
10	Civil No. 1CCV-23-0000943, First Circuit	
11		
12	Ralph Fukumoto v. State of Hawaii,	\$ 35,000.00
13	Department of Public Safety	(Settlement)
14	Civil No. 1CCV-19-0002153, First Circuit	
15		
16	Kevin A. Lifoifoi v. State of Hawaii,	\$ 60,000.00
17	Department of Public Safety	(Settlement)
18	Civil No. 2CCV-21-0000067(2), Second Circuit	
19		
20	Leinette Reyes, et al. v. Eric Tanaka	\$ 2,000,000.00
21	Civil No. 17-cv-00143 JAO-KJM, USDC	(Settlement)
22		
23	SUBTOTAL:	\$ 2,095,401.00
24		
25	5. DEPARTMENT OF EDUCATION:	
26		
27	A.B. v. Department of Education	\$ 1,000,000.00
28	Civil No. 18-00477 LEK-RT, USDC	(Settlement)
29		
30	Ralphielyn L.M. Gaston-Lovell v. State of	\$ 550,000.00
31	Hawaii, Department of Education	(Settlement)
32	Civil No. 3CCV-22-0000163, Third Circuit	
33		
34	Amanda Kelly v. Debra Farmer, et al.	\$ 50,000.00
35	Civil No. 1CCV-20-0000825, First Circuit	(Settlement)
36		
37	John Roe No. 122 v. State of Hawaii, et al.	\$ 450,000.00
38	Civil No. 1CCV-19-0002046, First Circuit	(Settlement)
39		
40		
41	SUBTOTAL:	\$ 2,050,000.00



1	6.	DEPARTMENT OF HUMAN SERVICES:	
2			
3		C.K., J.M., and T.M. v. Department of	\$ 1,800,000.00
4		Human Services	(Settlement)
5		Civil No. lccv-20-0000641, First Circuit	
6			
7		Sherri-Ann Garrett v. State of Hawaii,	\$ 750,000.00
8		Department of Human Services	(Settlement)
9		Civil No. 19-1-008K, Third Circuit	
10			
11		SUBTOTAL:	<u>\$ 2,550,000.00</u>
12			
13	7.	DEPARTMENT OF LAND AND NATURAL RESOURCES:	
14			
15		Courtney Ledford v. Ethan Ferguson, et al.	\$ 1,250,000.00
16		Civil No. 17-1-0416, Third Circuit	(Settlement)
17			
18		Pamela Ann Flanagan (Personal Representative)	\$ 300,000.00
19		v. State of Hawaii	(Settlement)
20		Civil No. 1CC191000173, First Circuit	
21			
22		SUBTOTAL:	<u>\$ 1,550,000.00</u>
23			
24	8.	HAWAII PUBLIC HOUSING AUTHORITY:	
25			
26		Edwin Kalamau, Sr. v.	\$ 107,695.12
27		State of Hawaii, et al.	(Judgment)
28		Civil No. 1CCV-22-0000701, First Circuit	
29			
30		SUBTOTAL:	<u>\$ 107,695.12</u>
31			
32		TOTAL (SECTION 2):	\$10,652,567.37
33			
34		The sums appropriated shall be expended by the department	
35		of the attorney general for the purposes of this Act.	





1	Patrick Mitchell, et al. v.	\$ 125,000.00
2	State of Hawaii, et al.	(Settlement)
3	Civil No. 3CCV-20-0000024, Third Circuit	
4		
5	Charles David Yandell, et al. v. State of	\$ 100,000.00
6	Hawaii, Department of Transportation, et al.	(Settlement)
7	Civil No. 5CCV-21-0000100, Fifth Circuit	
8		
9	SUBTOTAL:	\$ 7,385,961.64
10		
11	TOTAL (SECTION 3):	\$ 7,385,961.64
12		

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

16 PART IV

17 SECTION 4. The legislature finds and declares that the  
 18 following claim for legislative relief recommended for approval  
 19 as to the following named person for claims against the State or  
 20 the department of the attorney general or its officers or  
 21 employees for the payment of judgments or settlements, or other  
 22 liabilities, in the amount set forth opposite their name, is  
 23 approved for payment:

		AMOUNT
24	<b>JUDGMENTS AGAINST THE STATE</b>	
25	<b>AND SETTLEMENTS OF CLAIMS:</b>	
26		
27	DEPARTMENT OF ATTORNEY GENERAL:	
28		
29	State of Hawaii v. The Honorable Jeffrey P.	\$ 36,536.06
30	Crabtree and the Sierra Club	(Settlement)



1 Civil No. SCPW-23-0000471, Hawaii Supreme Court  
 2  
 3 SUBTOTAL: \$ 36,536.06  
 4  
 5 TOTAL (SECTION 4): \$ 36,536.06  
 6

7 Provided that of legislative appropriation for the  
 8 department of the attorney general for fiscal year 2023-2024 in  
 9 section 3 of Act 164, Session Laws of Hawaii 2023, the general  
 10 fund sum of \$36,536.06 shall be expended from the fiscal year  
 11 2023-2024 budget (ATG100, general funds) by the department of  
 12 the attorney general for the purposes of this Act.

13 PART V

14 SECTION 5. The sums hereinabove may be paid to the  
 15 respective persons, firms, corporations, or entities for the  
 16 satisfaction or settlement of the respectively identified cases,  
 17 and in several amounts hereinabove set forth or in lesser  
 18 amounts deemed appropriate, upon checks issued by the  
 19 comptroller; provided that departments shall obtain the approval  
 20 of the attorney general before payment of any claim may be made.

21 SECTION 6. Notwithstanding the sums hereinabove stated as  
 22 interest upon judgments against the State, payment of interest  
 23 shall be limited to the period from the date of the judgment, if  
 24 applicable, to thirty days after the effective date of this Act,



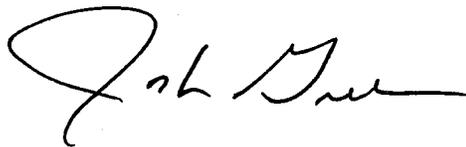
1 as provided in section 662-8, Hawaii Revised Statutes, for those  
2 cases to which the statute applies.

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

6 SECTION 8. If any provision of this Act, or the  
7 application thereof to any person or circumstance, is held  
8 invalid, the invalidity does not affect other provisions or  
9 applications of the Act that can be given effect without the  
10 invalid provision or application, and to this end the provisions  
11 of this Act are severable.

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

APPROVED this 19th day of June , 2024



GOVERNOR OF THE STATE OF HAWAII



HB No. 2340, HD 2, SD 2, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 1, 2024  
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2024.



Scott K. Saiki  
Speaker  
House of Representatives



Brian L. Takeshita  
Chief Clerk  
House of Representatives

**THE SENATE OF THE STATE OF HAWAI'I**

Date: May 1, 2024  
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-Second Legislature of the State of Hawai'i, Regular Session of 2024.

  
President of the Senate

  
Clerk of the Senate