
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 Hawaii State Constitution and sections 37-91 and 37-93,
4 Hawaii Revised Statutes, the legislature has determined that the
5 general fund expenditure ceiling for fiscal year 2022-2023 has
6 already been exceeded by \$866,542,963 or 8.41 per cent. The
7 appropriation contained in this Act will cause the state general
8 fund expenditure ceiling to be exceeded by an additional
9 \$9,000,000 or 1.0 per cent for fiscal year 2022-2023. This
10 current declaration takes into account the additional general
11 fund appropriation authorized for fiscal year 2022-2023 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 2022-2023 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	AMOUNT
13 AND SETTLEMENTS OF CLAIMS:	
14	
15 MISCELLANEOUS CLAIMS:	
16	
17 1. Kelly and Robert Armstrong	\$ 100,333.33
18 2. Community Empowerment Resources	\$ 153,110.25
19 3. Garry A. Harsanyi and Kimberly M. Harsanyi	\$ 406.00
20 4. Interval International Inc.	\$3,078,145.74
21 5. Ding Jing	\$ 118,524.00
22 6. Kailua Local Cab Inc.	\$ 2,019.71
23 7. Michael Shiira	\$ 902.00
24	
25	
26	
27	
28	
29	
30	



1	8.	Morgan Stanley Smith Barney Holdings LLC	\$	239,927.00
2				
3	9.	Mercedes Nakaza	\$	94.46
4				
5	10.	Jyron Salamanca	\$	1,992.30
6				
7	11.	Saltchuk Resources, Inc.	\$	550,000.00
8				
9	12.	Tamura Enterprises, Inc.	\$	1,464.22
10				
11	13.	The Estate of Take Yamashiro	\$	4,777.03
12				
13	14.	Eric A Abella	\$	46.68
14				
15	15.	Alexander & Baldwin, LLC	\$	36,080.96
16				
17	16.	David W. Clausen	\$	75,000.00
18				
19	17.	Moana Swan Inc.	\$	5,066.67
20				
21	18.	Ruth Y. Shirai	\$	45.00
22				
23				
24		SUBTOTAL:	\$	4,367,935.35
25				
26		TOTAL: (SECTION 2)	\$	4,367,935.35

27
28 The sums appropriated shall be expended by the department
29 of the attorney general for the purposes of this Act.

30 PART III

31
32 SECTION 3. The legislature finds and declares that the
33 following claims for legislative relief recommended for approval
34 as to the following named persons for claims against the State
35 or the department of accounting and general services or its



1 officers or employees for the payment of judgments or
2 settlements, or other liabilities, in the amount set forth
3 opposite their names, is approved for payment:

4 JUDGMENTS AGAINST THE STATE	AMOUNT
5 AND SETTLEMENTS OF CLAIMS:	
6	
7 DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES:	
8	
9 1. Claim of Allison D. Wong Daniel	\$ 55,000.00
10	Settlement
11	
12 2. Frances Kaluhiwa v. State of Hawaii	\$ 275,000.00
13 Civil No. 1CCV-20-0000638, First Circuit	Settlement
14	<hr/>
15	
16 SUBTOTAL:	\$ 330,000.00
17	
18 TOTAL (SECTION 3):	\$ 330,000.00
19	

20 Provided that of legislative appropriation for the
21 department of accounting and general services for fiscal year
22 2022-2023 in section 3 of Act 88, Session Laws of Hawaii 2021,
23 as amended by section 3 of Act 248, Session Laws of Hawaii 2022,
24 the general fund sum of \$55,000 shall be expended from the
25 fiscal year 2022-2023 budget (AGS881, general funds) and the
26 general fund sum of \$275,000 shall be expended from the fiscal
27 year 2022-2023 budget (AGS232, general funds), by the department
28 of accounting and general services for the purposes of this Act.
29



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. 1CC-16-1-001743, First Circuit	\$ 79,199.38 Judgment
<hr/>	
SUBTOTAL:	\$ 79,199.38
TOTAL (SECTION 4):	\$ 79,199.38

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



1 2022-2023 budget (ATG100, general funds) by the department of
2 the attorney general for the purposes of this Act.

3
4 PART V

5 SECTION 5. The legislature finds and declares that the
6 following claims for legislative relief recommended for approval
7 as to the following named persons for claims against the State
8 or the department of education or its officers or employees for
9 the payment of judgments or settlements, or other liabilities,
10 in the amount set forth opposite their names, is approved for
11 payment:
12

13 JUDGMENTS AGAINST THE STATE	AMOUNT
14 AND SETTLEMENTS OF CLAIMS:	
15 DEPARTMENT OF EDUCATION:	
16	
17	
18 1. Kristen Kam, et al. v. State of Hawaii	\$ 250,000.00
19 Board of Education, et al.	Settlement
20 Civil No. 21-00211 JAO-KJM, USDC	
21	
22 2. Cipriano Millano, et al. v.	\$ 750,000.00
23 State of Hawaii, et al.	Settlement
24 Civil No. 2CC-13-1-000031, Second Circuit	
25	
26 3. Roe No. 113 v. State of Hawaii	\$ 450,000.00
27 Civil No. 1CC-19-1-000460, First Circuit	Settlement
28	
29	
30 SUBTOTAL:	\$1,450,000.00
31 TOTAL (SECTION 5):	\$1,450,000.00
32	



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

2
3 Provided that of legislative appropriation for the
4 department of human services for fiscal year 2022-2023 in
5 section 3 of Act 88, Session Laws of Hawaii 2021, as amended by
6 section 3 of Act 248, Session Laws of Hawaii 2022, the general
7 fund sum of \$35,000 shall be expended from the fiscal year 2022-
8 2023 budget (HMS301, general funds) by the department of human
9 services for the purposes of this Act.

10
11 PART VII

12
13 SECTION 7. The legislature finds and declares that the
14 following claims for legislative relief recommended for approval
15 as to the following named persons for claims against the State
16 or the department of land and natural resources or its officers
17 or employees for the payment of judgments or settlements, or
18 other liabilities, in the amount set forth opposite their names,
19 is approved for payment:

20 JUDGMENTS AGAINST THE STATE 21 AND SETTLEMENTS OF CLAIMS:	AMOUNT
22 DEPARTMENT OF LAND AND NATURAL RESOURCES	
23 1. Mary Chang, et al. v. 24 State of Hawaii, et al. 25 Civil No. 1CCV-21-0000913, First Circuit	\$ 830,000.00 Settlement



1			
2	2.	Healoha Carmicheal, et al. v.	\$ 49,394.67
3		Board of Land and Natural Resources,	Judgment
4		SCWC-16-0000071	
5			
6			
7		SUBTOTAL:	\$ 879,394.67
8		TOTAL (SECTION 7):	\$ 879,394.67
9			

10 Provided that of legislative appropriation for the
11 department of land and natural resources for fiscal year 2022-
12 2023 in section 3 of Act 88, Session Laws of Hawaii 2021, as
13 amended by section 3 of Act 248, Session Laws of Hawaii 2022,
14 the general fund sum of \$879,394.67 shall be expended from the
15 fiscal year 2022-2023 budget (LNR906, general funds) by the
16 department of land and natural resources for the purposes of
17 this Act.

18 PART VIII

19 SECTION 8. The legislature finds and declares that the
20 following claims for legislative relief recommended for approval
21 as to the following named persons for claims against the State
22 or the department of public safety or its officers or employees
23 for the payment of judgments or settlements, or other
24 liabilities, in the amount set forth opposite their name, is
25 approved for payment:
26



1	JUDGMENTS AGAINST THE STATE	AMOUNT
2	AND SETTLEMENTS OF CLAIMS:	
3		
4	DEPARTMENT OF PUBLIC SAFETY	
5		
6	1. Eric Yoshioka v. State of Hawaii	\$ 37,500.00
7	Civil No. 1CC-17-1-001435, First Circuit	Settlement
8		
9	2. Cheyenne K. Chong, Individually and	\$ 200,000.00
10	As Personal Representative of	Settlement
11	Wesley Chong v. State of Hawaii, Department	
12	Of Public Safety, et el.	
13	Civil No. 1CC-20-0000089, First Circuit	
14		
15	3. Janet Salas v. State of Hawaii,	\$ 700,000.00
16	Department of Public Safety, et al.	Settlement
17	Civil No. 1CCV-21-0001541, First Circuit	
18		
19	4. Civil Beat Law Center for the Public	\$ 12,672.49
20	Interest v. Department of Public Safety	Judgment
21	Civil No. 1CCV-22-735, First Circuit	
22		
23	5. Honolulu Civil Beat Inc. v. Department of	\$ 19,730.75
24	Public Safety	Judgment
25	Civil No. 1CCV-21-0001329, First Circuit	
26		
27		
28	SUBTOTAL:	\$ 969,903.24
29		
30	TOTAL (SECTION 8):	\$ 969,903.24
31		

32 Provided that of legislative appropriation for the

33 department of the public safety for fiscal year 2022-2023 in

34 section 3 of Act 88, Session Laws of Hawaii 2021, as amended by

35 section 3 of Act 248, Session Laws of Hawaii 2022, the general

36 fund sum of \$969,903.24 shall be expended from the fiscal year



1 2022-2023 budget (PSD900, general funds) by the department of
2 the public safety for the purposes of this Act.

3 PART IX
4

5 SECTION 9. The legislature finds and declares that the
6 following claim for legislative relief recommended for approval
7 as to the following named person for claims against the State or
8 the state public charter school commission or its officers or
9 employees for the payment of judgments or settlements, or other
10 liabilities, in the amount set forth opposite their name, is
11 approved for payment:

12 JUDGMENTS AGAINST THE STATE	AMOUNT
13 AND SETTLEMENTS OF CLAIMS:	
14	
15 STATE PUBLIC CHARTER SCHOOL COMMISSION	
16	
17 Beth Bulgeron v. The Hawaii State Public	\$ 58,000.00
18 Charter School Commission, et al.	Settlement
19 Civil No. 1CCV-20-0001620, First Circuit	
20	
21	
22 SUBTOTAL:	\$ 58,000.00
23	
24 TOTAL (SECTION 9):	\$ 58,000.00
25	

26
27 Provided that of legislative appropriation for the state
28 public charter school commission for fiscal year 2022-2023 in
29 section 3 of Act 88, Session Laws of Hawaii 2021, as amended by



1 section 3 of Act 248, Session Laws of Hawaii 2022, the general
2 fund sum of \$58,000 shall be expended from the fiscal year 2022-
3 2023 budget (EDN612, general funds) by the state public charter
4 school commission for the purposes of this Act.

5 PART X

6 SECTION 10. The following sums or so much thereof as may
7 be necessary for fiscal year 2022-2023 are appropriated out of
8 the state highway fund for the purpose of satisfying claims for
9 legislative relief as to the following named persons, for claims
10 against the State or its officers or employees for payments of
11 judgments or settlements, or other liabilities, in the amount
12 set forth opposite their names:

13 JUDGMENTS AGAINST THE STATE 14 AND SETTLEMENTS OF CLAIMS:	AMOUNT
15 DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION:	
16 1. Satya Simmons, et al. v. 17 State of Hawaii, et al. 18 Civil No. 2CC-17-1-000224, Second Circuit	\$ 500,000.00 Settlement
19 2. James Braddock, et al. v. 20 Misty Mitchell, et al. 21 Civil. No. 19-1-0994-06, First Circuit	\$17,000,000.00 Settlement
22 SUBTOTAL:	_____
23 TOTAL (SECTION 10):	\$17,500,000.00



1 SECTION 14. If any provision of this Act, or the
2 application thereof to any person or circumstance, is held
3 invalid, the invalidity does not affect other provisions or
4 applications of the Act that can be given effect without the
5 invalid provision or application, and to this end the provisions
6 of this Act are severable.

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



S.B. NO. 1277
S.D. 2
H.D. 2
C.D. 1

Report Title:

Claims Against the State; Appropriations; Expenditure Ceiling

Description:

Makes appropriations and approves payments for claims against the State, its officers, and its employees. (CD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

