



GOV. MSG. NO. 1139

EXECUTIVE CHAMBERS  
KE KE'ENA O KE KIA'ĀINA

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

June 1, 2023

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 1, 2023, the following bill was signed into law:

SB1277 SD2 HD2 CD1

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

**ACT 039**

Sincerely,

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

on JUN 1 2023

THE SENATE  
THIRTY-SECOND LEGISLATURE, 2023  
STATE OF HAWAII

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

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.



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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



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



1 PART IV

2  
3 SECTION 4. The legislature finds and declares that the  
4 following claim for legislative relief recommended for approval  
5 as to the following named person for claims against the State or  
6 the department of the attorney general or its officers or  
7 employees for the payment of judgments or settlements, or other  
8 liabilities, in the amount set forth opposite their name, is  
9 approved for payment:

10 JUDGMENTS AGAINST THE STATE	AMOUNT
11 AND SETTLEMENTS OF CLAIMS:	
12 DEPARTMENT OF THE ATTORNEY GENERAL:	
13	
14	
15 1. Honolulu Civil Beat Inc. v. Department	\$ 79,199.38
16 of the Attorney General,	Judgment
17 SCAP-21-0000057;	
18 Civil No. 1CC-16-1-001743, First Circuit	
19	
20	
21 SUBTOTAL:	\$ 79,199.38
22 TOTAL (SECTION 4):	\$ 79,199.38
23	

24 Provided that of legislative appropriation for the  
25 department of the attorney general for fiscal year 2022-2023 in  
26 section 3 of Act 88, Session Laws of Hawaii 2021, as amended by  
27 section 3 of Act 248, Session Laws of Hawaii 2022, the general  
28 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 Provided that of legislative appropriation for the  
2 department of education for fiscal year 2022-2023 in section 3  
3 of Act 88, Session Laws of Hawaii 2021, as amended by section 3  
4 of Act 248, Session Laws of Hawaii 2022, the general fund sum of  
5 \$1,450,000 shall be expended from the fiscal year 2022-2023  
6 budget (EDN100, general funds) by the department of education  
7 for the purposes of this Act.

8 PART VI  
9

10 SECTION 6. The legislature finds and declares that the  
11 following claim for legislative relief recommended for approval  
12 as to the following named person for claims against the State or  
13 the department of human services or its officers or employees  
14 for the payment of judgments or settlements, or other  
15 liabilities, in the amount set forth opposite their name, is  
16 approved for payment:

17 JUDGMENTS AGAINST THE STATE 18 AND SETTLEMENTS OF CLAIMS:	AMOUNT
19 20 DEPARTMENT OF HUMAN SERVICES	
21 22 1. E.F. v. State of Hawaii, Department of 23 Human Services, et al. 24 Civil No. 1CCV-20-0000497, First Circuit	\$ 35,000.00 Settlement
25 26 27 SUBTOTAL:	<hr/> \$ 35,000.00





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

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

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PART VII

14 SECTION 7. The legislature finds and declares that the  
15 following claims for legislative relief recommended for approval  
16 as to the following named persons for claims against the State  
17 or the department of land and natural resources or its officers  
18 or employees for the payment of judgments or settlements, or  
19 other liabilities, in the amount set forth opposite their names,  
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 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
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30 TOTAL (SECTION 8):	\$ 969,903.24
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32	

33 Provided that of legislative appropriation for the  
34 department of the public safety for fiscal year 2022-2023 in  
35 section 3 of Act 88, Session Laws of Hawaii 2021, as amended by  
36 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



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

3 PART IX  
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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
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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	AMOUNT
14 AND SETTLEMENTS OF CLAIMS:	
15	
16 DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION:	
17	
18 1. Satya Simmons, et al. v.	\$ 500,000.00
19 State of Hawaii, et al.	Settlement
20 Civil No. 2CC-17-1-000224, Second Circuit	
21	
22 2. James Braddock, et al. v.	\$17,000,000.00
23 Misty Mitchell, et al.	Settlement
24 Civil. No. 19-1-0994-06, First Circuit	
25	
26	
27 SUBTOTAL:	\$17,500,000.00
28	
29 TOTAL (SECTION 10):	\$17,500,000.00



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

4 PART XI

5 SECTION 11. The sums provided in sections 2 through 10 of  
6 this Act may be paid to the respective persons, firms,  
7 corporations, or entities for the satisfaction or settlement of  
8 the respectively identified cases, and in several amounts  
9 hereinabove set forth or in lesser amounts deemed appropriate,  
10 upon checks issued by the comptroller; provided that departments  
11 shall obtain the approval of the attorney general before payment  
12 of any claim may be made.

13 SECTION 12. Notwithstanding the sums hereinabove stated as  
14 interest upon judgments against the State, payment of interest  
15 shall be limited to the period from the date of the judgment, if  
16 applicable, to thirty days after the effective date of this Act,  
17 as provided in section 662-8, Hawaii Revised Statutes, for those  
18 cases to which the statute applies.

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



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.

APPROVED this   **1st**   day of   **June**   , 2023



GOVERNOR OF THE STATE OF HAWAII




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

Date: May 4, 2023  
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 2023.

  
President of the Senate

  
Clerk of the Senate



SB No. 1277, SD 2, HD 2, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 4, 2023  
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 2023.



Scott K. Saiki  
Speaker  
House of Representatives



Brian L. Takeshita  
Chief Clerk  
House of Representatives