

---

---

# 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  
6 2023-2024 has already been exceeded by \$1,005,342,735 or 9.4 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 \_\_\_\_\_ or \_\_\_\_ per cent. This  
10 declaration takes into account the additional general fund  
11 appropriation authorized for fiscal year 2023-2024 in this Act  
12 only. The reasons for exceeding the general fund expenditure  
13 ceiling are that:

14 (1) The appropriations made in this Act are necessary to  
15 serve the public interest; and



1 (2) The appropriations made in this Act meet the needs  
2 addressed by this Act.

3 PART II

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

14 JUDGMENTS AGAINST THE STATE	AMOUNT
15 AND SETTLEMENTS OF CLAIMS:	
16	
17 1. MISCELLANEOUS CLAIMS:	
18	
19 Employers Insurance Company of Wausau	\$ 147,657.77
20	
21 Merrill Lynch Pierce Fenner & Smith	\$ 13,824.40
22	
23 Amy Chang	\$ 27.00
24	
25 County of Hawaii, Hawaii Fire Department	\$ 360,000.00
26	
27 James X He and Yue-Chuen C. Lin	\$ 559.00
28	



1	The Estate of Morris A. Inasaki	\$	550.00
2			
3	Laura Ishii	\$	120.00
4			
5	Matthew W. Payne	\$	445.00
6			
7	Chaniel Ramo	\$	167.00
8			
9	Two Spirits, Inc.	\$	358,413.97
10			
11	Wallace K. Yashima	\$	3,916.04
12			
13	Wallace Yashima & Hyang-Suk Yashima	\$	746.00
14			
15	SUBTOTAL:		<u>\$ 886,426.18</u>
16			
17	2. AGRIBUSINESS DEVELOPMENT CORP:		
18			
19	Ohana Best LLC v. State of Hawaii, et al.	\$	1,250,000.00
20	Civil No. 1CC-19-1001640, First Circuit		(Settlement)
21			
22	SUBTOTAL:		<u>\$ 1,250,000.00</u>
23			
24	3. DEPARTMENT OF THE ATTORNEY GENERAL:		
25			
26	Rodney Pagba v. Anne E. Lopez, et al.	\$	5,707.00
27	Civil No. 22-cv-00521 JMS-KJM USDC		(Settlement)
28			
29	Michael Santucci v. City and County	\$	28,000.00
30	of Honolulu, et al.		(Judgment)
31	Civil No. 22-cv-00142 DKW-KJM, USDC		
32			
33	Todd Yukutake, et al. v. Anne E. Lopez	\$	50,000.00
34	Civil No. 22-cv-00323 JAO-WRP, USDC		(Judgment)
35			
36	SUBTOTAL:		<u>\$ 83,707.00</u>
37			



1	4.	DEPARTMENT OF EDUCATION:	
2			
3		John Roe No. 122 v. State of Hawaii, et al.	\$ 450,000.00
4		Civil No. 1CCV-19-0002046, First Circuit	(Settlement)
5			
6		Amanda Kelly v. Debra Farmer, et al.	\$ 50,000.00
7		Civil No. 1CCV-20-0000825, First Circuit	(Settlement)
8			
9		SUBTOTAL:	<u>\$ 500,000.00</u>
10			
11	5.	DEPARTMENT OF LAND AND NATURAL RESOURCES:	
12			
13		Courtney Ledford v. Ethan Feguson, et al.	\$ 750,000.00
14		Civil No. 17-1-0416, Third Circuit	(Settlement)
15			
16		SUBTOTAL:	<u>\$ 750,000.00</u>
17			
18	6.	DEPARTMENT OF PUBLIC SAFETY:	
19			
20		Leinette Reyes, et al. v. Eric Tanaka	\$ 1,200,000.00
21		Civil No. 17-cv-00143 JAO-KJM, USDC	(Settlement)
22			
23		SUBTOTAL:	<u>\$ 1,200,000.00</u>
24			
25	7.	HAWAII PUBLIC HOUSING AUTHORITY:	
26			
27		Edwin Kalamau, Sr. v.	\$ 107,695.12
28		State of Hawaii, et al.	(Judgment)
29		Civil No. 1CCV-22-0000701, First Circuit	
30			
31		SUBTOTAL:	<u>\$ 107,695.12</u>
32			
33		TOTAL (SECTION 2):	\$ 4,777,828.30

34 The sums appropriated shall be expended by the department  
35 of the attorney general for the purposes of this Act; provided  
36 that:



1 (1) No moneys shall be expended by the attorney general to  
2 satisfy the settlement for Courtney Ledford v. Ethan  
3 Feguson, et al., Civil No. 17-1-0416, Third Circuit,  
4 unless:

5 (A) The department of human resources development  
6 expends the sum of \$250,000 from the available  
7 general funds appropriated to the department of  
8 human resources development for fiscal year  
9 2023-2024 by section 3 of Act 164, Session Laws  
10 of Hawaii 2023, to satisfy a portion of the  
11 settlement for Courtney Ledford v. Ethan Feguson,  
12 et al., Civil No. 17-1-0416, Third Circuit; and

13 (B) The department of land and natural resources  
14 expends the sum of \$250,000 from the available  
15 general funds appropriated to the department of  
16 land and natural resources for fiscal year  
17 2023-2024 by section 3 of Act 164, Session Laws  
18 of Hawaii 2023, to satisfy a portion of the  
19 settlement for Courtney Ledford v. Ethan Feguson,  
20 et al., Civil No. 17-1-0416, Third Circuit; and

1           (2) No moneys shall be expended by the attorney general to  
2           satisfy the settlement for Leinette Reyes, et al. v.  
3           Eric Tanaka, Civil No. 17-cv-00143 JAO-KJM, USDC,  
4           unless the department of corrections and  
5           rehabilitation expends the sum of \$800,000 from the  
6           available general funds appropriated to the department  
7           of public safety/corrections and rehabilitation for  
8           fiscal year 2023-2024 by section 3 of Act 164, Session  
9           Laws of Hawaii 2023, to satisfy a portion of the  
10          settlement for Leinette Reyes, et al. v. Eric Tanaka,  
11          Civil No. 17-cv-00143 JAO-KJM, USDC.

PART III

13          SECTION 3. The following sums or so much thereof as may be  
14          necessary for fiscal year 2023-2024 are appropriated out of the  
15          state highway fund for the purpose of satisfying claims for  
16          legislative relief as to the following named persons, for claims  
17          against the State or its officers or employees for payments of  
18          judgments or settlements, or other liabilities, in the amount  
19          set forth opposite their names:



1	JUDGMENTS AGAINST THE STATE	AMOUNT
2	AND SETTLEMENTS OF CLAIMS:	
3		
4	DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION:	
5		
6	Michelle Banks, et al. v.	\$ 3,900,000.00
7	State of Hawaii, et al.,	(Settlement)
8	Civil No. 1CCV-22-0000089, First Circuit	
9		
10	Bianca Chavez v. Department of	\$ 125,000.00
11	Transportation, et al.,	(Settlement)
12	Civil No. 1CC191001542, First Circuit	
13		
14	David Lawrence, et al. v. State of Hawaii	\$ 2,950,000.00
15	Civil No. 2CCV-22-0000273, Second Circuit	(Settlement)
16		
17	Patrick Mitchell, et al. v.	\$ 125,000.00
18	State of Hawaii, et al.,	(Settlement)
19	Civil No. 3CCV-20-0000024, Third Circuit	
20		
21	Charles David Yandell, et al. v. State of	\$ 100,000.00
22	Hawaii Department of Transportation, et al.,	(Settlement)
23	Civil No. 5CCV-21-0000100, Fifth Circuit	
24		
25	SUBTOTAL:	<u>\$ 7,200,000.00</u>
26		
27	TOTAL (SECTION 3):	\$ 7,200,000.00
28		

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

32 PART IV

33 SECTION 4. The sums hereinabove may be paid to the  
34 respective persons, firms, corporations, or entities for the  
35 satisfaction or settlement of the respectively identified cases,



1 and in several amounts hereinabove set forth or in lesser  
2 amounts deemed appropriate, upon checks issued by the  
3 comptroller; provided that departments shall obtain the approval  
4 of the attorney general before payment of any claim may be made.

5 SECTION 5. Notwithstanding the sums hereinabove stated as  
6 interest upon judgments against the State, payment of interest  
7 shall be limited to the period from the date of the judgment, if  
8 applicable, to thirty days after the effective date of this Act,  
9 as provided in section 662-8, Hawaii Revised Statutes, for those  
10 cases to which the statute applies.

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

14 SECTION 7. If any provision of this Act, or the  
15 application thereof to any person or circumstance, is held  
16 invalid, the invalidity does not affect other provisions or  
17 applications of the Act that can be given effect without the  
18 invalid provision or application, and to this end the provisions  
19 of this Act are severable.

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





**Report Title:**

Claims Against the State; Appropriations; General Fund  
Expenditure Ceiling Exceeded

**Description:**

Makes appropriations and approves payments for claims against the State, its officers, and its employees. Declares that the appropriation exceeds the state general fund expenditure ceiling for 2023-2024. (SD1)

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

