

# S.B. NO. 2661

JAN 25 2010

## 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. The following sums or so much thereof as may be  
3 necessary for fiscal year 2009-2010 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	1. DEPARTMENT OF PUBLIC SAFETY:		
16	Botelho, et al. v. State of Hawaii, et al.	\$	30,454.33
17	Civil No. 06-00096 DAE-BMK, USDC		Judgment
18			<hr/>
19	SUBTOTAL:	\$	30,454.33

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1	2.	DEPARTMENT OF LAND AND NATURAL RESOURCES:	
2		Consolidated Cases:	
3		Fehring, et al. v. Pflueger, et al.	\$1,500,000.00
4		Civil No. 06-1-0082, Fifth Circuit	Settlement
5			
6		Midler, et al. v. Pflueger, et al.	
7		Civil No. 06-1-0110, Fifth Circuit	
8			
9		Pflueger, et al. v. State of Hawaii	
10		Civil No. 07-1-0117, Fifth Circuit	
11			
12		Calisher, et al. v. Pflueger, et al.	
13		Civil No. 07-1-0106, Fifth Circuit	
14			
15		Fehring, et al. v. Pflueger, et al.	
16		Civil No. 08-1-0050, Fifth Circuit	
17			
18		Fehring, et al. v. Pflueger, et al.	
19		Civil No. 08-1-0051, Fifth Circuit	
20			
21		Bosma, et al. v. Pflueger, et al.	
22		Civil No. 08-1-0052, Fifth Circuit	
23			
24		Midler, et al. v. Pflueger, et al.	
25		Civil No. 08-1-0053, Fifth Circuit	
26			
27		SUBTOTAL:	\$1,500,000.00
28	3.	DEPARTMENT OF HUMAN SERVICES:	
29		Manalo v. Wells, et al.	\$ 32,478.37
30		Civil No. 08-1-2212-10, First Circuit	Judgment
31		Amount of judgment:	\$31,501.39
32		4% interest from 10/21/09	976.98
33			
34		SUBTOTAL:	\$ 32,478.37
35	4.	MISCELLANEOUS CLAIMS:	
36		Kathleen M. Gillett	\$ 1,379.31

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1	June S. Hashizaki	\$	150.00
2			_____
3	SUBTOTAL:	\$	1,529.31
4	Total (SECTION 1):		\$1,564,462.01

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

7 PART II

8 SECTION 2. All unexpended and unencumbered balances of the  
9 appropriations made in this Act as of the close of business on  
10 June 30, 2011, shall lapse.

11 SECTION 3. If any provision of this Act, or the  
12 application thereof to any person or circumstance is held  
13 invalid, the invalidity does not effect other provisions or  
14 applications of the Act, which can be given effect without the  
15 invalid provision or application, and to this end the provisions  
16 of this Act are severable.

17 SECTION 4. This Act shall take effect upon its approval.

18  
19 INTRODUCED BY: \_\_\_\_\_

20 BY REQUEST

**Report Title:**

Appropriations; Claims Against State

**Description:**

Makes appropriations for claims against the State, its officers, and its employees.

JUSTIFICATION SHEET

DEPARTMENT: Attorney General

TITLE: A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES.

PURPOSE: Provide for the authorization and payment of claims against the State for refunds of taxes, for judgments and settlements, and for other miscellaneous payments as provided by chapters 37, 661, and 662, Hawaii Revised Statutes.

MEANS: Authorize and appropriate funds for the payment of such claims.

JUSTIFICATION: This bill serves as the vehicle by which claims against the State are transmitted to the Legislature for its consideration. The Legislature will be asked to authorize and fund the payment of such claims by an appropriation of general and special funds. Timely passage of this bill will serve to minimize interest on those amounts for which interest is accruing.

Impact on the public: There would be no direct impact on the public other than the persons whose claims are being paid.

Impact on the department and other agencies: Claims eligible for payment from a special fund will generally be charged to that special fund rather than the general fund. Certain claims will be paid from a department's appropriation as reflected in the budget bill. In such case, that department will be responsible for finding the moneys in its budget to pay for the judgments and settlements rendered against it.

GENERAL FUND: \$1,564,462.01 to date, and additional claims ultimately expected.

OTHER FUNDS: None to date, additional funds ultimately expected.

PPBS PROGRAM DESIGNATION: Various.

OTHER AFFECTED AGENCIES: None.

EFFECTIVE DATE: Upon approval.