
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



1	DeJesus, et al. v. State of Hawaii,	\$80,000.00
2	et al., Civil No. 06-1-1070-06,	Settlement
3	First Circuit	
4		<hr/>
5	SUBTOTAL:	\$110,454.33
6	2. DEPARTMENT OF LAND AND NATURAL RESOURCES:	
7	Consolidated Cases:	
8	Fehring, et al. v. Pflueger, et al.	\$1,500,000.00
9	Civil No. 06-1-0082, Fifth Circuit	Settlement
10		
11	Midler, et al. v. Pflueger, et al.	
12	Civil No. 06-1-0110, Fifth Circuit	
13		
14	Pflueger, et al. v. State of Hawaii	
15	Civil No. 07-1-0117, Fifth Circuit	
16		
17	Calisher, et al. v. Pflueger, et al.	
18	Civil No. 07-1-0106, Fifth Circuit	
19		
20	Fehring, et al. v. Pflueger, et al.	
21	Civil No. 08-1-0050, Fifth Circuit	
22		
23	Fehring, et al. v. Pflueger, et al.	
24	Civil No. 08-1-0051, Fifth Circuit	
25		
26	Bosma, et al. v. Pflueger, et al.	
27	Civil No. 08-1-0052, Fifth Circuit	
28		
29	Midler, et al. v. Pflueger, et al.	
30	Civil No. 08-1-0053, Fifth Circuit	
31		
32	Roque v. Dickman, et al.	\$93,850.00
33	Civil No. 07-1-0497-03, First Circuit	Settlement
34		<hr/>
35	SUBTOTAL:	\$1,593,850.00



1	3.	DEPARTMENT OF HUMAN SERVICES:	
2		Manalo v. Wells, et al.	\$32,478.37
3		Civil No. 08-1-2212-10, First Circuit	Judgment
4		Amount of judgment:	
5		4% interest from 10/21/09	
6		Hensen v. State of Hawaii	\$ 30,000.00
7		Civil No. 06-1-0794, First Circuit	Settlement
8			<hr/>
9		SUBTOTAL:	\$ 62,478.37
10	4.	DEPARTMENT OF EDUCATION:	
11		Cabanting, et al. v. Poouahi,	\$3,485,815.38
12		et al., Civil No. 07-1-0038,	Settlement
13		Third Circuit	
14		SUBTOTAL:	\$3,485,815.38
15	5.	MISCELLANEOUS CLAIMS:	
16		Kathleen M. Gillett	\$1,379.31
17		June S. Hashizaki	\$150.00
18		DB Structured Products, Inc.	\$499,999.91
19			<hr/>
20		SUBTOTAL:	\$501,529.22
21		Total (SECTION 1):	\$5,754,127.30

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



1 PART II

2 SECTION 2. The following sums or so much thereof as may be
3 necessary for fiscal year 2009-2010 are appropriated out of the
4 state harbor fund for the purpose of satisfying claims for
5 legislative relief as to the following named persons, for claims
6 against the State or its officers or employees for payments of
7 judgments or settlements, or other liabilities, in the amount
8 set forth opposite their names:

9 JUDGMENTS AGAINST THE STATE 10 AND SETTLEMENTS OF CLAIMS:	AMOUNT
11 DEPARTMENT OF TRANSPORTATION, HARBORS DIVISION:	
13 Flores, et al. v. Department of 14 Transportation, et al., 15 Civil No. 07-1-0204, Fifth Circuit	\$23,225.34 Judgment
17 SUBTOTAL:	\$23,225.34
18 Total (SECTION 2):	\$23,225.34

19 The sums appropriated shall be expended by the department
20 of transportation, harbors division, for the purposes of this
21 Act.

22 SECTION 3. The following sums or so much thereof as may be
23 necessary for fiscal year 2009-2010 are appropriated out of the
24 state highway fund for the purpose of satisfying claims for
25 legislative relief as to the following named persons, for claims

1 against the State or its officers or employees for payments of
2 judgments or settlements, or other liabilities, in the amount
3 set forth opposite their names:

4 JUDGMENTS AGAINST THE STATE AMOUNT
5 AND SETTLEMENTS OF CLAIMS:

6
7 DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION:

8	Cabrera, et al. v. State of	\$75,000.00
9	Hawaii, et al., Civil No. 06-1-0317-02,	Settlement
10	First Circuit	
11		
12	D&J Ocean Farms, Inc. v. Pedro,	\$25,000.00
13	et al., Civil No. 06-1-0373(3),	Settlement
14	Second Circuit	
15		
16	Morales v. Department of	\$25,000.00
17	Transportation, et al.,	Settlement
18	Civil No. 06-1-2206-12,	
19	First Circuit	
20		
21	SUBTOTAL:	\$125,000.00
22	TOTAL (SECTION 3)	\$125,000.00

23 The sums appropriated shall be expended by the department
24 of transportation, highways division, for the purposes of this
25 Act.

26 PART III

27 SECTION 4. The sums hereinabove may be paid to the
28 respective persons, or for the satisfaction or settlement of the
29 respectively identified cases, and in several amounts
30 hereinabove set forth or in lesser amounts deemed appropriate,



1 upon checks issued by the comptroller; provided departments
2 shall obtain the approval of the attorney general before payment
3 of any claim can be made.

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

10 SECTION 6. All unexpended and unencumbered balances of the
11 appropriations made in this Act as of the close of business on
12 June 30, 2011, shall lapse.

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

19 SECTION 8. This Act shall take effect on July 1, 2050.



Report Title:

Appropriations; Claims Against State

Description:

Makes appropriations for claims against the State, its officers, or its employees. Effective July 1, 2050. (SB2661 HD1)

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

