
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		
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	Rogue v. Dickman, et al.	\$93,850.00
33	Civil No. 07-1-0497-03, First Circuit	Settlement
34		
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		Henson v. State of Hawaii	\$ 30,000.00
7		Civil No. 06-1-0794, First Circuit	Settlement
8			
9		Ayala, et al. v. Wilson, et al.	\$ 50,000.00
10		Civil No. 04-1-0250, Third Circuit	Settlement
11			
12		McMillon, et al. v. State of Hawaii,	\$610,000.00
13		et al., Civil No. 08-00578, USDC	Settlement
14		and	
15		Faletogo, et al., v. State of Hawaii,	
16		et al., Civil No. 08-1-2608-12,	
17		First Circuit	
18			
19		Kong-Guillermo v. Hefferman, et al.	\$110,000.00
20		Civil No. 07-1-2406-12, First Circuit	Settlement
21			
22		Perez v. Karr, et al.	\$213,333.00
23		Civil No. 07-1-2418-12, First Circuit	Settlement
24			
25		Wolters v. Carroll, et al.	\$213,333.00
26		Civil No. 07-1-2358-12, First Circuit	Settlement
27			
28		Toomey v. Karr, et al.	\$213,333.00
29		Civil No. 07-1-2407-12, First Circuit	Settlement
30			
31		Ra v. State of Hawaii	\$ 39,500.00
32		Civil No. 08-1-2111-10, First Circuit	Settlement
33			
34		SUBTOTAL:	\$1,511,977.37
35	4.	DEPARTMENT OF EDUCATION:	
36		Cabanting, et al. v. Poouahi,	\$3,485,815.38
37		et al., Civil No. 07-1-0038,	Settlement
38		Third Circuit	



1	SUBTOTAL:	\$3,485,815.38
2	5. MISCELLANEOUS CLAIMS:	
3	Kathleen M. Gillett	\$1,379.31
4	June S. Hashizaki	\$150.00
5	DB Structured Products, Inc.	\$499,999.91
6		<hr/>
7	SUBTOTAL:	\$501,529.22
8	Total (SECTION 1):	\$7,203,626.30

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

11 PART II

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



1 JUDGMENTS AGAINST THE STATE	AMOUNT
2 AND SETTLEMENTS OF CLAIMS:	
3	
4 DEPARTMENT OF TRANSPORTATION, HARBORS DIVISION:	
5 Flores, et al. v. Department of	
6 Transportation, et al.,	\$23,225.34
7 Civil No. 07-1-0204, Fifth Circuit	Judgment
8	<hr/>
9 SUBTOTAL:	\$23,225.34
10 Total (SECTION 2):	\$23,225.34
11 The sums appropriated shall be expended by the department	
12 of transportation, harbors division, for the purposes of this	
13 Act.	
14 SECTION 3. The following sums or so much thereof as may be	
15 necessary for fiscal year 2009-2010 are appropriated out of the	
16 state highway fund for the purpose of satisfying claims for	
17 legislative relief as to the following named persons, for claims	
18 against the State or its officers or employees for payments of	
19 judgments or settlements, or other liabilities, in the amount	
20 set forth opposite their names:	
21 JUDGMENTS AGAINST THE STATE	
22 AND SETTLEMENTS OF CLAIMS:	
23	
24 DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION:	
25 Cabrera, et al. v. State of	
26 Hawaii, et al., Civil No. 06-1-0317-02,	\$75,000.00
27 First Circuit	Settlement



1	D&J Ocean Farms, Inc. v. Pedro,	\$25,000.00
2	et al., Civil No. 06-1-0373(3),	Settlement
3	Second Circuit	
4		
5	Morales v. Department of	\$25,000.00
6	Transportation, et al.,	Settlement
7	Civil No. 06-1-2206-12,	
8	First Circuit	
9		
10	SUBTOTAL:	\$125,000.00
11	TOTAL (SECTION 3)	\$125,000.00

12 The sums appropriated shall be expended by the department
 13 of transportation, highways division, for the purposes of this
 14 Act.

15 PART III

16 SECTION 4. The sums hereinabove may be paid to the
 17 respective persons, or for the satisfaction or settlement of the
 18 respectively identified cases, and in several amounts
 19 hereinabove set forth or in lesser amounts deemed appropriate,
 20 upon checks issued by the comptroller; provided departments
 21 shall obtain the approval of the attorney general before payment
 22 of any claim can be made.

23 SECTION 5. Notwithstanding the sums hereinabove stated as
 24 interest upon judgments against the State, payment of interest
 25 shall be limited to the period from the date of judgment, if
 26 applicable, to thirty days after the effective date of this Act,



1 as provided in section 662-8, Hawaii Revised Statutes, for those
2 cases to which the statute applies.

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

6 SECTION 7. If any provision of this Act, or the
7 application thereof to any person or circumstance is held
8 invalid, the invalidity does not affect other provisions or
9 applications of the Act, which can be given effect without the
10 invalid provision or application, and to this end the provisions
11 of this Act are severable.

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



Report Title:

Appropriations; Claims Against State

Description:

Makes appropriations for claims against the State, its officers, or its employees. Effective upon its approval. (SB2661 HD2)

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

