
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, et al.	\$80,000.00
2	Civil No. 06-1-1070-06, First Circuit	Settlement
3		<hr/>
4	SUBTOTAL:	\$110,454.33
5	2. DEPARTMENT OF LAND AND NATURAL RESOURCES:	
6	Rogue v. Dickman, et al.	\$ 93,850.00
7	Civil No. 07-1-0497-03 First Circuit	Settlement
8		
9	Consolidated Cases:	
10	Fehring, et al. v. Pflueger, et al.	\$1,500,000.00
11	Civil No. 06-1-0082, Fifth Circuit	Settlement
12		
13	Midler, et al. v. Pflueger, et al.	
14	Civil No. 06-1-0110, Fifth Circuit	
15		
16	Pflueger, et al. v. State of Hawaii	
17	Civil No. 07-1-0117, Fifth Circuit	
18		
19	Calisher, et al. v. Pflueger, et al.	
20	Civil No. 07-1-0106, Fifth Circuit	
21		
22	Fehring, et al. v. Pflueger, et al.	
23	Civil No. 08-1-0050, Fifth Circuit	
24		
25	Fehring, et al. v. Pflueger, et al.	
26	Civil No. 08-1-0051, Fifth Circuit	
27		
28	Bosma, et al. v. Pflueger, et al.	
29	Civil No. 08-1-0052, Fifth Circuit	
30		
31	Midler, et al. v. Pflueger, et al.	
32	Civil No. 08-1-0053, Fifth Circuit	
33		<hr/>
34	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:	\$31,501.39	
5		4% interest from 10/21/09	976.98	
6		Hanson 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 TRANSPORTATION,		
11		HARBORS DIVISION:		
12		Flores, et al. v. Department of Transportation,		
13		et al.,	\$23,225.34	
14		Civil No. 07-1-0204, Fifth Circuit		Judgment
15		SUBTOTAL:	\$23,225.34	
16	5.	MISCELLANEOUS CLAIMS:		
17		Kathleen M. Gillett	\$	1,379.31
18		June S. Hashizaki	\$	150.00
19				<hr/>
20		SUBTOTAL:	\$	1,529.31
21		TOTAL (SECTION 1):	\$1,791,537.35	

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:	
12 Flores v. State of Hawaii 13 Civil No. 03-1-0876-04, Fifth Circuit	\$23,225.34 Judgment
14 SUBTOTAL:	<hr/> \$23,225.34
15 TOTAL (SECTION 2):	\$23,225.34

16 The sum appropriated shall be expended by the department of
17 transportation, harbors division, for the purposes of this Act.

18 SECTION 3. The following sums or so much thereof as may be
19 necessary for fiscal year 2009-2010 are appropriated out of the
20 state highway fund for the purpose of satisfying claims for
21 legislative relief as to the following named persons, for claims
22 against the State, its officers, or its employees for payments



1 of judgments or settlements, or other liabilities, in the amount
2 set forth opposite their names:

3	JUDGMENTS AGAINST THE STATE	AMOUNT
4	AND SETTLEMENTS OF CLAIMS:	
5		
6	DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION:	
7	D&J Ocean Farms, Inc. v. Pedro, et al.,	\$25,000.00
8	Civil No. 06-1-0373(3), Second Circuit	Settlement
9		<hr/>
10	SUBTOTAL:	\$25,000.00
11	TOTAL (SECTION 2):	\$25,000.00

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

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

21 SECTION 5. Notwithstanding the sums hereinabove stated as
22 interests upon judgments against the State, payment of interest
23 shall be limited to the period from the date of judgment, if
24 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. (HB2508 HD2)

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

