

ACT 98

S.B. NO. 2661

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:

PART I

SECTION 1. The following sums or so much thereof as may be necessary for fiscal year 2009-2010 are appropriated out of the general revenues of the State of Hawaii to the department of the attorney general for the purpose of satisfying claims for legislative relief as to the following named persons, firms, corporations, and entities for claims against the State or its officers or employees for the overpayment of taxes, or for refunds, reimbursements, payments of judgments or settlements, or other liabilities, in the amounts set forth opposite their names:

JUDGMENTS AGAINST THE STATE AND SETTLEMENTS OF CLAIMS:	AMOUNT
1. DEPARTMENT OF PUBLIC SAFETY:	
Botelho, et al. v. State of Hawaii, et al. Civil No. 06-00096 DAE-BMK, USDC	\$30,454.33 Judgment
DeJesus, et al. v. State of Hawaii, et al., Civil No. 06-1-1070-06, First Circuit	\$80,000.00 Settlement
SUBTOTAL:	\$110,454.33
2. DEPARTMENT OF LAND AND NATURAL RESOURCES:	
Consolidated Cases:	
Fehring, et al. v. Pflueger, et al. Civil No. 06-1-0082, Fifth Circuit	\$1,500,000.00 Settlement
Midler, et al. v. Pflueger, et al. Civil No. 06-1-0110, Fifth Circuit	
Pflueger, et al. v. State of Hawaii Civil No. 07-1-0117, Fifth Circuit	

Calisher, et al. v. Pflueger, et al. Civil No. 07-1-0106, Fifth Circuit	
Fehring, et al. v. Pflueger, et al. Civil No. 08-1-0050, Fifth Circuit	
Fehring, et al. v. Pflueger, et al. Civil No. 08-1-0051, Fifth Circuit	
Bosma, et al. v. Pflueger, et al. Civil No. 08-1-0052, Fifth Circuit	
Midler, et al. v. Pflueger, et al. Civil No. 08-1-0053, Fifth Circuit	
Roque v. Dickman, et al. Civil No. 07-1-0497-03, First Circuit	\$93,850.00 Settlement
SUBTOTAL:	<hr/> \$1,593,850.00

3. DEPARTMENT OF HUMAN SERVICES:

Manalo v. Wells, et al. Civil No. 08-1-2212-10, First Circuit Amount of judgment: 4% interest from 10/21/09	\$32,478.37 Judgment
Henson v. State of Hawaii Civil No. 06-1-0794, First Circuit	\$ 30,000.00 Settlement
Ayala, et al. v. Wilson, et al. Civil No. 04-1-0250, Third Circuit	\$ 50,000.00 Settlement
McMillon, et al. v. State of Hawaii, et al., Civil No. 08-00578, USDC and Faletogo, et al., v. State of Hawaii, et al., Civil No. 08-1-2608-12, First Circuit	\$610,000.00 Settlement
Kong-Guillermo v. Hefferman, et al. Civil No. 07-1-2406-12, First Circuit	\$110,000.00 Settlement
Perez v. Karr, et al. Civil No. 07-1-2418-12, First Circuit	\$213,333.00 Settlement
Wolters v. Carroll, et al. Civil No. 07-1-2358-12, First Circuit	\$213,333.00 Settlement
Toomey v. Karr, et al. Civil No. 07-1-2407-12, First Circuit	\$213,333.00 Settlement
Ra v. State of Hawaii Civil No. 08-1-2111-10, First Circuit	\$ 39,500.00 Settlement
Hadley v. Torney, et al. Civil No. 08-1-1074-05 KKS, First Circuit	\$100,000.00 Settlement
Robinson v. Tripler Army Medical Center, et al. Civil No. 04-00672 DAE-KSC, USDC	\$ 12,000.00 Settlement
SUBTOTAL:	<hr/> \$1,623,977.37

ACT 98

4.	DEPARTMENT OF EDUCATION:	
	Cabanting, et al. v. Poouahi, et al., Civil No. 07-1-0038, Third Circuit	\$3,485,815.38 Settlement
	Clark v. State of Hawaii, et al. Civil No. 07-1-2124, First Circuit	\$ 30,000.00 Settlement
	Conley v. Mahuna, et al. Civil No. 06-1-0112, Third Circuit	\$ 15,000.00 Settlement
	T.N. v. Department of Education, et al. Civil No. 10-00159 DAE-LEK, USDC	\$ 75,000.00 Settlement
	SUBTOTAL:	<hr/> \$3,605,815.38
5.	DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM:	
	Brandt v. Department of Business, Economic Development & Tourism ICA Appeal No. 30072, AB 2006-131	\$ 80,000.00 Settlement
	SUBTOTAL:	\$ 80,000.00
6.	MISCELLANEOUS CLAIMS:	
	Kathleen M. Gillett	\$1,379.31
	June S. Hashizaki	\$150.00
	DB Structured Products, Inc.	\$499,999.91
	SUBTOTAL:	<hr/> \$501,529.22
	Total (SECTION 1):	\$7,515,626.30

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

PART II

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

JUDGMENTS AGAINST THE STATE AND SETTLEMENTS OF CLAIMS:	AMOUNT
DEPARTMENT OF TRANSPORTATION, HARBORS DIVISION:	
Flores, et al. v. Department of Transportation, et al., Civil No. 07-1-0204, Fifth Circuit	\$ 23,225.34 Judgment
SUBTOTAL:	<hr/> \$ 23,225.34
Total (SECTION 2):	\$ 23,225.34

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

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

JUDGMENTS AGAINST THE STATE AND SETTLEMENTS OF CLAIMS:	AMOUNT
DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION:	
Cabrera, et al. v. State of Hawaii, et al., Civil No. 06-1-0317-02, First Circuit	\$ 75,000.00 Settlement
D&J Ocean Farms, Inc. v. Pedro, et al., Civil No. 06-1-0373(3), Second Circuit	\$ 25,000.00 Settlement
Morales v. Department of Transportation, et al., Civil No. 06-1-2206-12, First Circuit	\$ 25,000.00 Settlement
Bartolome v. Tagalicod, et al. Civil No. 08-1-0086K, Third Circuit	\$500,000.00 Settlement
Farris v. State of Hawaii Civil No. 06-1-0249-02, First Circuit	\$475,000.00 Settlement
Pinion v. State of Hawaii, et al. Civil No. 08-1-0460(1), Second Circuit	\$475,000.00 Settlement
SUBTOTAL:	\$1,575,000.00
TOTAL (SECTION 3)	\$1,575,000.00

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

PART III

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

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

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

SECTION 7. If any provision of this Act, or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other

ACT 98

provisions or applications of the Act, which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

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

(Approved May 12, 2010.)