

ACT 103

H.B. NO. 2871

A Bill for an Act Relating to the Relief of Certain Persons' Claims Against the State and Providing Appropriations Therefor.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriations contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1989-1990 to be exceeded by \$12,159,436, or 0.52 per cent. The reasons for exceeding the general fund expenditure ceiling are that the appropriations made in this Act are necessary to serve the public interest and to meet the needs provided for by this Act.

SECTION 2. The following sums of money are appropriated out of the general revenues of the State of Hawaii for the purpose of satisfying claims for legislative relief as to the following named persons, firms, corporations, others, and cases for overpayment of taxes, or on account of other claims for refunds, reimbursements, payments of judgments or settlements, or other payments, against the State in the amount set forth opposite their names:

REFUND OF TAXES:	Amount
In Re MTL, Inc.	
Case Nos. 2486 and 2497	
Tax Appeal Court	
Amount of judgment:	\$ 957,891.71

JUDGMENTS AGAINST THE STATE
AND SETTLEMENT OF CLAIMS:

Abreu v. State	
Civil No. 88-0073, Second Circuit	
Amount of settlement:	\$ 15,000.00
No interest	

Agustin v. State	
Civil No. 87-2603-08, First Circuit	
Amount of judgment:	\$ 42,788.43
Costs:	\$40,143.69
Interest at 4% from 7-5-89:	\$ 1,016.39
	\$ 1,628.35

Ako v. Office of Hawaiian Affairs, State of Hawaii	
Civil No. 87-0325-01, First Circuit	
Amount of settlement:	\$ 80,000.00
No interest	

Christian v. County of Kauai, et al.	
Civil No. 85-0176, Fifth Circuit	
Amount of settlement:	\$ 25,000.00
No interest	

ACT 103

Doe v. Department of the Attorney General Civil No. 86-4304, First Circuit		\$ 23,303.83
Amount of judgment:	\$22,500.00	
Interest at 4% from 8-9-89	\$ 803.83	
Dunaway v. State of Hawaii, et al. Civil No. 87-2225-07, First Circuit		\$ 25,000.00
Amount of settlement:		
No interest		
Enos v. State of Hawaii Civil No. 87-3212-10, First Circuit		\$ 135,000.00
Amount of settlement:		
No interest		
Espino v. State, Septimo v. State Civil Nos. 88-0056(2) and 88-0103(2) Second Circuit		\$ 630,000.00
Amount of settlement:		
No interest		
Evertts v. State of Hawaii Civil No. 85-4418, First Circuit		\$ 20,000.00
Amount of settlement:		
No interest		
Fernandez v. Bodkin Civil No. 88-1703-06, First Circuit		\$ 50,000.00
Amount of settlement:		
No interest		
Fowler v. State of Hawaii Civil No. 88-2581-08, First Circuit		\$ 31,458.08
Amount of judgment:	\$30,000.00	
Costs:	\$ 156.00	
Interest at 4% from 6-2-89	\$ 1,302.08	
Fruge v. State of Hawaii Civil No. 89-0012-01, First Circuit		\$ 38,227.40
Amount of judgment:	\$37,500.00	
Interest at 4% from 1-5-90	\$ 727.40	
Gaut v. Sunn Civil No. 83-050, U.S.D.C.		\$ 15,783.04
Amount of settlement:	\$14,500.00	
Interest at 8.16% from 7-1-89:	\$ 1,283.04	
Gouveia v. State of Hawaii Civil No. 88-1876-06, First Circuit		\$ 30,000.00
Amount of settlement:		
No interest		
Hamamoto v. State Civil No. 87-3130-09, First Circuit		

Amount of settlement:	\$1,300,000.00
No interest	
Howes v. State of Hawaii	
Civil No. 90-0708-03, First Circuit	
Amount of settlement:	\$ 28,000.00
No interest	
Industrial Indemnity, et al. v. State of Hawaii	
Civil No. 87-2487-08, First Circuit	
Amount of settlement:	\$ 22,203.80
No interest	
Kamai v. State	
Civil No. 89-2905-09, First Circuit	
Amount of settlement:	\$ 15,000.00
No interest	
Koyanagi v. State	
Civil No. 89-0959-04, First Circuit	
Amount of settlement:	\$ 45,000.00
No interest	
Martin v. State	
Civil No. 89-011, Third Circuit	
Amount of judgment:	\$14,772.16
Interest at 4% from 2-20-90:	\$ 212.07
McClaran v. State of Hawaii	
Civil No. 87-0400(3), First Circuit	
Amount of settlement:	\$ 19,000.00
No interest	
Okahara v. Gottman, et al.	
Civil No. 87-3254-10, First Circuit	
Amount of settlement:	\$ 22,500.00
No interest	
Robinson v. Ariyoshi, et al.	
Civil No. 74-32, U.S.D.C.	
Amount of settlement:	\$ 400,000.00
No interest	
San Miguel v. State of Hawaii	
Civil No. 88-3530-11, Second Circuit	
Amount of settlement:	\$ 850,000.00
No interest	
Schilling v. State of Hawaii, et al.	
Civil No. 89-3532-11, First Circuit	
Amount of settlement:	\$ 28,000.00
No interest	

ACT 103

Siangco v. State of Hawaii
Civil No. 88-2089, First Circuit
Arbitration No. 88-471
Amount of judgment: \$ 26,016.44
4% interest from 6-25-89: \$25,000.00
\$ 1,016.44

Simpson v. Sakuma, et al.
Civil No. 87-1155-04, First Circuit
Amount of settlement: \$ 25,000.00
No interest

In re Stadium Authority
U.S.E.P.A. Region 9, #TSCA-09-90-0004
Amount of settlement: \$ 45,000.00
No interest

Ward v. Bishop Estate, et al.
Civil No. 85-0013, Fifth Circuit
Amount of settlement: \$ 50,000.00
No interest

Warren v. Kaiser, et al.
Civil No. 89-0356(2), Second Circuit
Amount of settlement: \$ 140,000.00
No interest

MISCELLANEOUS

Kauhale Aupuni O’Kuliouou
Amount of settlement: \$6,987,300.00

City and County of Honolulu
Amount of settlement: \$ 20,800.00

SECTION 3. The sums hereinabove appropriated shall be paid to the respective persons, or for the satisfaction or settlement of the respectively identified cases, and in the several amounts hereinabove set forth upon warrants issued by the comptroller of the State: (1) upon vouchers approved by the director of taxation as to claims for overpayment of taxes or related taxes, and (2) upon vouchers approved by the attorney general as to all other claims.

SECTION 4. Notwithstanding the sums hereinabove appropriated as interest upon judgments against the State and settlements of claims, payment of interest, at any rate stated above, shall be limited to the period from the date of judgment or settlement, if applicable, to thirty days after the effective date of this Act, as provided in section 662-8, Hawaii Revised Statutes, for those cases where judgment or settlement was based on chapter 662, Hawaii Revised Statutes.

SECTION 5. All unexpended and unencumbered balances of the appropriations made by section 2 of this Act as of the close of business on June 30, 1991, shall lapse into the general fund of the State.

SECTION 6. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other

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 7. This Act shall take effect upon its approval.

(Approved May 31, 1990.)