

ACT 221

H.B. NO. 1007

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 1990-1991 to be exceeded by \$3,183,109.45 or 0.12 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, and entities, such claims being against the State for overpayment of taxes, or for refunds, reimbursements, payments of judgments or settlements, or other liabilities, in the amount set forth opposite their names:

REFUND OF TAXES: Amount

None

JUDGMENTS AGAINST THE STATE
AND SETTLEMENTS OF CLAIMS:

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Ahnee v. State of Hawaii Civil No. 88-0401(1), Second Circuit Amount of Settlement: No interest	\$150,000.00
Auyong v. State of Hawaii Civil No. 89-0988-04, First Circuit Amount of Settlement: No interest	\$ 18,000.00
Cuizon v. State of Hawaii Civil No. 2658, Fifth Circuit Amount of Settlement: No interest	\$ 82,500.00
Dagger v. State of Hawaii, et al. Civil No. 86-322, Third Circuit Amount of Settlement: No interest	\$300,000.00
Duldulao v. Hilo Hospital, et al. Civil No. 89-185, Third Circuit Amount of Settlement: No interest	\$ 55,000.00
Elliott v. State of Hawaii Civil No. 89-0933-03, First Circuit Amount of Settlement: No interest	\$ 95,000.00
Espino v. State of Hawaii Civil No. 88-0056(2)/88-0103(2), Second Circuit Amount of Settlement: No interest	\$168,930.00
Flazer v. State of Hawaii Civil No. 90-1010-04, First Circuit Amount of Judgment: Interest at 4% from 12/24/90:	\$ 29,019.71 \$ 28,430.84 \$ 588.87
Fogarty v. State of Hawaii Civil No. 78424, First Circuit Amount of Settlement: No interest	\$ 31,462.36
Galloway v. State of Hawaii Civil No. 88-3158-10, First Circuit Amount of Settlement: No interest	\$ 80,000.00

Gellar v. Shimoda, et al. Civil No. 88-2861-09, First Circuit Amount of Settlement: No interest	\$125,000.00
Hardy v. State of Hawaii Department of Taxation Civil No. 88-1579-05, First Circuit Amount of Settlement: Interest at 4% from 9/1/90:	\$ 71,856.44 \$ 70,000.00 \$ 1,856.44
Hosaki v. Danielson, et al. Civil No. 86-3545, First Circuit Amount of Settlement: No interest	\$300,000.00
Kamaka v. Gomes, et al. Civil No. 89-0168-01, First Circuit Amount of Settlement: No interest	\$ 85,000.00
Kayser v. Yacapin, et al. Civil No. 84-2002, First Circuit Amount of Settlement: No interest	\$ 25,000.00
Kupihea v. State of Hawaii, et al. Civil No. 90-1494-05, First Circuit Amount of Settlement: No interest	\$ 45,000.00
Lindsey v. State of Hawaii Civil No. 89-403, Third Circuit Amount of Settlement: No interest	\$ 45,000.00
Loa v. State of Hawaii, et al. Civil No. 89-3946-12, First Circuit Amount of Settlement: No interest	\$ 25,000.00
Makue, et al. v. Reid, et al. Civil No. 86-3311, First Circuit Amount of Settlement: No interest	\$200,000.00
Reid v. General Motors Corp., et al. Civil No. 88-2002-07, First Circuit Amount of Settlement: No Interest (Consolidated case)	\$ 50,000.00

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Nagao v. State of Hawaii Civil No. 89-167, Fifth Circuit Amount of Judgment: Interest at 4% from 9/4/90:	\$ 23,756.16 \$ 23,000.00 \$ 756.16
Nakamoto v. State of Hawaii, et al. Civil No. 88-0882-03, First Circuit Amount of Settlement: No interest	\$ 35,000.00
Pierce v. State of Hawaii, et al. Civil No. 85-3973, First Circuit Amount of Settlement: No interest	\$100,000.00
Redmyer v. State of Hawaii Civil No. 87-0123, Fifth Circuit Amount of Settlement: No interest	\$ 35,000.00
Smith v. Uohara, et al. Civil No. 86-057(H), Third Circuit Amount of Settlement: No interest	\$ 75,000.00
Tafoya v. State of Hawaii Civil No. 88-0204, Fifth Circuit Amount of Settlement: No interest	\$ 90,000.00
Tualo, et al. v. Solmirin, et al. Civil No. 88-0418-02, First Circuit Amount of Settlement: No interest	\$ 25,000.00
Von Blohn v. Stein, et al. Civil No. 89-00244-HMF, U.S.D.C. Amount of Settlement: No interest	\$ 50,000.00
Wiggins v. State of Hawaii Civil No. 90-1339-05, First Circuit Amount of Settlement: No interest	\$ 90,000.00
Young v. University of Hawaii, et al. Civil No. 88-3121-10, First Circuit No. AB 87-319, Labor and Industrial Relations Appeals Board Civil No. 89-1349-05, First Circuit Amount of Settlement: No interest	\$ 20,000.00

Yuen v. Deem, et al. Civil No. 88-105K and Yeaman v. Deem, et al. Civil No. 88-193K, Third Circuit Amount of Settlement:		\$625,000.00
No interest		
Zimmerman v. Nakatani Civil No. 88-00488 ACK, U.S.D.C. Amount of Settlement:		\$ 32,402.86
Interest at 7.88%	\$ 30,000.00	
from 7/1/90 to 7/31/91:	\$ 2,402.86	

MISCELLANEOUS CLAIMS:

Florence M. Hayslip Amount of Claim:		\$ 181.92
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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 refunds of 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 1 of this Act as of the close of business on June 30, 1992, 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 entity 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 June 6, 1991.)