

**ACT 142**

H.B. NO. 3002

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 1991-

1992 to be exceeded by \$2,521,611, or 0.089 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:		Amount
Akuna v. State of Hawaii Civil No. 89-2481-08, First Circuit		\$409,311.48 Judgment
Amount of Judgment:	\$400,000.00	
Interest at 4% from 2/7/92:	\$ 9,311.48	
Amundson v. State, et al. Civ. No. 90-3257-10, First Circuit		\$120,107.37 Judgment
Amount of Judgment:	\$115,180.38	
Interest at 4% from 8/6/91:	\$ 4,926.99	
Andrade v. Hilo Hospital, et al. Civil No. 90-220, Third Circuit		\$30,000.00 Settlement
William Clough v. Tom Okuda Civ. No. 87-1199, First Circuit		\$140,000.00 Settlement
Virginia Corey v. Ann Marie D'Attilio Civ. No. 89-0092, Fifth Circuit		\$20,000.00 Settlement
Elyse Douglas v. State of Hawaii, et al. Civ. No. 90-270K, Third Circuit		\$20,000.00 Settlement
Florentina Ibana, et al. v. Lawrence Cannon, et al. Civ. No. 91-3724-10, First Circuit		\$30,000.00 Settlement
James and Heiki Fujita dba Olena Farms		\$25,000.00 Settlement
Hawaii Blind Vendor Assn. v. DHS Civ. No. 90-3744-011, First Circuit		\$76,631.15 Judgment
Amount of Judgment:	\$75,000.00	
Interest at 4% from 2/1/91:	\$ 1,631.15	

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Interior Showplace, Inc. v. State of Hawaii Civil No. 91-1889-06, First Circuit	\$65,000.00 Settlement
Kaalekahi v. Kam, et al. Civ. No. 87-083, Third Circuit	\$20,000.00 Settlement
Kaholokula v. Maui Memorial Hospital Civil No. 90-0303(1), Second Circuit	\$60,000.00 Settlement
Kekuewa v. State of Hawaii Civil No. 89-3990-12, First Circuit	\$80,000.00 Settlement
Teri M. Kimura v. State of Hawaii Civ. No. 88-124, Third Circuit	\$125,000.00 Settlement
Licht v. State of Hawaii Civil No. 87-0147(2), Second Circuit	\$50,000.00 Settlement
Tereise Malepeai v. State of Hawaii Civ. No. 90-3980-12, First Circuit	\$220,603.07 Judgment
Amount of Judgment:	\$213,256.89
Interest at 4% from 10/22/91:	\$ 7,346.18
Manoharan v. Michael Civil No. 89-3000-09, First Circuit	\$15,000.00 Settlement
Albert Moniz, Jr. v. State of Hawaii, et al. Civ. No. 90-00517ACK, U.S.D.C.	\$56,009.84 Settlement
Amount of Judgment:	\$55,000.00
Interest at 4% from 10/22/91	\$ 1,009.84
Moore v. State of Hawaii Civ. No. 91-0885-03, First Circuit	\$35,000.00 Settlement
Nakahira v. Bell, et al. Civ. No. 82430, First Circuit	\$750,000.00 Settlement
Vonda Preston	\$12,530.65 Settlement
Singer v. Grove Farm, et al. Civ. No. 90-0155, Fifth Circuit	\$32,000.00 Settlement
Smith v. Elkin, et al. Civ. No. 90-15610	\$12,337.50 Attorney fees
Snyder v. Joseph, et al. Civ. No. 88-2514-08, First Circuit	\$20,000.00 Settlement
Tabios v. State of Hawaii, et al. Civ. No. 87-0211-01, First Circuit	\$50,000.00 Settlement

Tayaba, et al. v. Kautzky, et al.	\$15,000.00
Civil No. 91-1313-04, First Circuit	Settlement

Utu v. Falk	\$19,261.55
Civil No. 88-0577-HMF, U.S.D.C.	Judgment

Amount of Judgment:	\$16,000.00
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Interest at 4% from 1/3/90	\$ 3,261.55
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MISCELLANEOUS CLAIMS:

Gerald T. Endo	
Amount of Claim:	\$ 18.40

City and County of Honolulu	
Amount of Claim:	\$12,799.76

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 to which that statute applies.

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, 1993, 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 circumstance 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 4, 1992.)