

ACT 293

H.B. NO. 1589

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 1992-1993 to be exceeded by \$1,943,659.99 or 0.062 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, or against the office of Hawaiian affairs, for overpayment of taxes, or for refunds, reimbursements, payments of judgments or settlements, or other liabilities, in the amount set forth opposite their names:

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REFUND OF TAXES:

None.

Amount

JUDGMENTS AGAINST THE STATE AND SETTLEMENTS OF CLAIMS:

Amount

Rowena Akana v. Board of Trustees of the Office of Hawaiian Affairs, et al. Civ. No. 92-0685-02, First Circuit	\$ 10,781.68 Order for attorney fees & costs
Fernando G. Caday, et al. v. Henry Rivera, et al. Civ. No. 90-0502-02, First Circuit	\$150,000.00 Settlement
Agnes L. Carroll and James L. Carroll v. State of Hawaii, et al. Civ. No. 91-3540-10, First Circuit	\$ 50,000.00 Settlement
Mary Caseres Tort Claim: \$25,000.00 Attorneys' fees: \$ 9,272.50	\$ 34,272.50 Settlement
George Clark Tort Claim	\$ 39,928.63 Settlement
Renee Coester v. Harold Falk, et al. Civ. No. 89-00350 DAE, U.S.D.C. Renee Coester v. George Sumner, et al. Civ. No. 90-00801 DAE, U.S.D.C. (Consolidated cases)	\$135,000.00 Settlement
Mary L. Gueble v. State of Hawaii, et al. Civ. No. 90-00713 DAE, U.S.D.C.	\$ 24,000.00 Settlement
Douglas A. Hirano v. Glenn Kakuda, Civ. No. 92-15854 & 92-16398, Ninth Circuit Court of Appeals	\$125,000.00 Judgment
Hawaii Helicopter Operators Association, et al. v. State of Hawaii, et al. Civ. No. 90-00369 ACK, U.S.D.C.	\$ 20,000.00 Settlement
Marilyn Jardine v. State of Hawaii, et al. Civ. No. 89-3907-12, First Circuit	\$ 15,000.00 Settlement
La France Kaneholani, et al. v. State of Hawaii, et al. Civ. No. 91-0031, Fifth Circuit	\$ 20,000.00 Settlement
Calvin K. Kuahiwinui v. Glen Hisashima Civ. No. 91-266, Third Circuit Amount of Judgment: \$17,196.37 Interest at 4% from 5/11/92: \$ 843.07	\$ 18,039.44 Judgment
Ernez Ling Wo Leong, et al. v. Kaiser Foundation Hospitals, et al. Civ. No. 88-0280(1), Second Circuit	\$100,000.00 Settlement
Lopez v. Akana, et al. Civil No. 91-0329-01, First Circuit Civil No. 91-0186-01, First Circuit	\$ 75,000.00 Settlement

John K. Moniz, et al. v. State of Hawaii, et al. Civ. No. 90-241K, Third Circuit	\$ 40,000.00 Settlement
Hoolehua Naone & George Naone v. State of Hawaii Civ. No. 55105, First Circuit	\$ 15,000.00 Settlement
Henry R. Reese, Jr. Tort Claim	\$ 17,690.12 Settlement
Arthur Ritchie, et al. v. Sheena Baniaga, et al. Civ. No. 88-114K, Third Circuit	\$170,000.00 Settlement
Darrel A. Smith v. Charles Toguchi, et al. Civil No. 91-559 HMF, U.S.D.C.	\$ 46,063.29 Settlement
Amount of Judgment:	\$45,000.00
Interest at 3.67% from 1/9/93:	\$ 1,063.29
Kenneth B. Smith, et al. v. Charlene T. Goo, et al. Civil No. 88-083(K), Third Circuit	\$150,000.00 Settlement
Carl Spear v. State of Hawaii, et al. Civ. No. 91-0141-01, First Circuit	\$290,000.00 Settlement
Spear v. Waihee Civ. No. 84-1104	\$196,144.00 Conditional settlement for attorney fees
Lyle Steven, et al. v. State of Hawaii, et al. Civ. No. 91-3742-11, First Circuit	\$ 49,441.08 Judgment
Amount of Judgment:	\$47,273.33
Interest at 4% from 6/8/92:	\$ 2,167.75
William E.H. Tagupa v. Office of Hawaii Affairs, et al. Civ. No. 88-616, First Circuit	\$ 55,192.52 Judgment
Manuel Valin, et al. v. State of Hawaii, et al. Civ. No. 89-4015-12, First Circuit	\$ 20,000.00 Settlement
Claim of Wendy Wilson	\$ 66,000.00 Settlement
MISCELLANEOUS CLAIMS:	
City & County of Honolulu Amount of Claim:	\$ 8,277.60
Joseph Kwong-Yue Cheng Amount of Claim:	\$ 338.27
Gerald Louis Kaaa Amount of Claim:	\$ 44.65
Carolyn K.W. Lim Amount of Claim:	\$ 30.72
Craig T. Nakaishi Amount of Claim:	\$ 18.61
Susan Segawa Amount of Claim:	\$ 2,396.88

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SECTION 3. The sums hereinabove appropriated may 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.

The attorney general may use the sums appropriated for the Hirano v. Kakuda claim to achieve a stay of the adverse judgment and further may, in the attorney general's discretion, pay less than the entire \$125,000 to satisfy any final adverse judgment or settlement agreement.

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, 1994, 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 21, 1993.)