

**ACT 61**

H.B. NO. 3133

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. 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
Anglophile Ltd., et al. v. State of Hawaii Civil No. 90-3716-11, First Circuit	\$ 25,000.00 Settlement
Linda Fern Barney-Campbell v. The University of Hawaii, et al. Civil No. 92-4226-11, First Circuit	\$ 62,138.88 Judgment
Amount of Judgment:	\$59,604.47
Interest at 4% from 7/9/93:	\$ 2,534.41
Claim of Rosemarie Cavanaugh	\$ 30,000.00 Settlement
Margaret Dancel v. State of Hawaii, et al. Civil No. 92-627, Third Circuit	\$ 22,203.74 Judgment
Amount of Judgment:	\$21,671.77
Interest at 4% from 12/20/93:	\$ 531.97
John A. Duncan, et al. v. Department of Education, et al. Civil No. 91-0741-03, First Circuit	\$ 12,000.00 Settlement
Eugenio Echevarria, et al. v. Department of Transportation, et al. Civil No. 92-0114-01, First Circuit	\$ 25,000.00 Settlement
Claim of Rae-Jean Chun Fat	\$120,000.00 Settlement
Alex Fiaseu, et al. v. State of Hawaii, et al. Civil No. 91-2825-08, First Circuit	\$775,000.00 Settlement
Jeffrey L. Franklin v. State of Hawaii Civil No. 92-4284-11, First Circuit	\$115,000.00 Judgment
Vea Lynn Green v. State of Hawaii Civil No. 92-4474-12, First Circuit	\$125,000.00 Settlement
Gail Kealoha, et al. v. The Department of Education of the State of Hawaii Civil No. 92-518, Third Circuit	\$ 25,000.00 Settlement

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Joseph Kealoha v. State of Hawaii Civil No. 93-1243-03, First Circuit	\$ 42,500.00 Settlement
John K. Kingsley v. Dept. of Human Services OFCCP I 920187	\$ 75,000.00 Settlement
Thomas S. Litsey v. State of Hawaii Civil No. 93-3371-08, First Circuit	\$ 20,000.00 Settlement
Sidney Lum v. State of Hawaii, et al. Civil No. 93-1842-05, First Circuit	\$ 65,000.00 Settlement
Lisa Merlin v. Randolph Y. Kobayashi, et al. Civil No. 91-00567 DAE, U.S.D.C.	\$ 56,250.00 Settlement
Glenn W. Molina v. State of Hawaii Civil No. 93-1244-03, First Circuit	\$ 30,000.00 Judgment
Tom Orlando v. State of Hawaii, et al. Civil No. 92-321, Third Circuit Amount of Judgment: \$25,720.31 Interest at 4% from 5/24/93: \$ 1,223.30	\$ 26,943.61 Judgment
Anthony Palabay v. State of Hawaii, et al. Civil No. 92-4640-12, First Circuit Amount of Judgment: \$75,000.00 Interest at 4% from 1/19/94: \$ 1,594.52	\$ 76,594.52 Judgment
Ronald Peters, et al. v. Gerald Lum, et al. Civil No. 92-0760(1), Second Circuit	\$ 18,000.00 Settlement
Claim of John Mullen & Co.	\$ 20,000.00 Settlement
Donald Santiago v. Cleveland King, et al. Civil No. 87-0039-01, First Circuit	\$175,000.00 Settlement
Barry Schnabel v. State of Hawaii Civil No. 90-2402-08, First Circuit Amount of Judgment: \$47,526.42 Interest at 4% from 8/31/93: \$ 1,744.81	\$ 49,271.23 Judgment
Marlene J. Silva v. State of Hawaii, et al. Civil No. 92-0032, Fifth Circuit	\$ 25,000.00 Settlement
Ok Ji Wang v. State of Hawaii Civil No. 90-0647-03, First Circuit Amount of Settlement: \$175,000.00 Interest at 4% from 6/17/93: \$ 7,882.19	\$182,882.19 Settlement
Roy T. Yamamoto v. Roxana Padro, et al. Civil No. 92-3848-10, First Circuit	\$ 53,000.00 Settlement

Zhi-Nan Zheng v. University of Hawaii, et al. Civil No. 91-3377-10, First Circuit	\$485,000.00 Settlement
Irineo Eder, et al. v. Department of Education, et al. Civil No. 92-0250, Fifth Circuit	\$600,000.00 Settlement
Tofatu L. Saole v. State of Hawaii, et al. Civil No. 93-0412-02, First Circuit Amount of Settlement: \$40,693.09 Interest at 4% from 2/23/94: \$ 709.06	\$ 41,402.15 Judgment
Linda C. Tseu (Hawaii Civil Rights Commission), et al. v. University of Hawaii, et al. Civil No. 92-038, Third Circuit Noelie M. Rodriguez v. University of Hawaii, et al. Civil No. 93-027, Third Circuit Noelie M. Rodriguez v. University of Hawaii, et al. Civil No. 93-00105 DAE, U.S.D.C.	\$250,000.00 Global Settlement
Claim of Shereen Balles	\$ 68,500.00 Settlement
Joseph Kailiwai v. Kalaupapa Settlement, et al. Civil No. 93-0512(1), Second Circuit	\$ 25,000.00 Settlement
Bruce Lagareta v. Department of Land and Natural Resources Civil No. 93-2704-07, First Circuit	\$125,000.00 Settlement
Jocelyn C. Maximo, et al. v. State of Hawaii, et al. Civil No. 92-1017-03, First Circuit	\$470,000.00 Settlement
James McHugh v. Torben Neilsen, et al. No. C 92 5080 BAC-ARB U.S.D.C. N.D. Cal. Amount of Settlement: \$20,000.00 Interest at 3.54% from 7/13/93: \$ 773.95	\$ 20,773.95 Settlement
R.M. Builders, Inc. v. FHB Inc., et al. Arb. No. 78-110-0075-92 Amount of Settlement: \$16,500.00 Interest at 5% from 5/19/93: \$ 5,201.84	\$ 21,701.84 Settlement
Lynn Shaffer, et al. v. John Waihee, et al. Civil No. 90-00745 ACK-BMK, U.S.D.C.	\$ 30,000.00 Settlement
Daniel K. Tote v. State of Hawaii Civil Nos. 91-3922; 92-0162, First Circuit	\$125,000.00 Settlement

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### MISCELLANEOUS CLAIMS:

Claim of Joseph Johns	\$	25.00
Louise R. Kimura	\$	64.00
Claim of Wanda Lehano	\$	250.00
Estate of Yoshiko Uemura	\$	35.00

SECTION 2. 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.

SECTION 3. 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 4. All unexpended and unencumbered balances of the appropriations made by section 1 of this Act as of the close of business on June 30, 1995, shall lapse into the general fund of the State.

SECTION 5. 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 6. This Act shall take effect upon its approval.

(Approved May 23, 1994.)