

**ACT 112**

S.B. NO. 2782

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, for claims against the State or its officers or employees 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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JUDGMENTS AGAINST THE STATE AND SETTLEMENTS OF CLAIMS:	AMOUNT
Amay v. State of Hawaii Civil No. 95-335, Third Circuit	\$ 27,500.00 Settlement
Aoki v. State of Hawaii Civil No. 96-4322-10, First Circuit	\$ 200,000.00 Settlement
Barrios v. Dept. of Transportation, et al. Civil No. 95-0678-02, First Circuit	\$ 70,000.00 Settlement
Ben v. Citizens Utilities, et al. Civil No. 95-0054, Fifth Circuit	\$1,500,000.00 Settlement
Bruno v. City & County of Honolulu, et al. Civil No. 96-5055-12, First Circuit	\$ 22,500.00 Settlement
Bush, et al. v. Watson Civil No. 94-0305(3), Second Circuit	\$ 80,369.05 Settlement
Crowder v. Nakatani Civil No. 93-00213, DAE, USDC	\$ 165,000.00 Settlement
Does v. United Cerebral Palsy, et al. Civil No. 95-3542-10, First Circuit	\$ 16,972.28 Settlement
Amount of Settlement:	\$16,666.67
Interest at 4% from 2/6/98:	\$ 305.61
Edrado v. State of Hawaii Civil No. 96-1659-04, First Circuit	\$ 25,000.00 Settlement
Farnung v. State of Hawaii Civil No. 96-4540-11, First Circuit	\$ 12,825.04 Judgment
Amount of Judgment:	\$12,418.40
Interest at 4% from 10/6/97	\$ 406.64
Fernandez v. State of Hawaii, et al. Civil No. 96-0950-03, First Circuit	\$ 70,000.00 Settlement
Gannett Pacific Corporation dba The Honolulu Advertiser, et al. v. Convention Center Authority Civil No. 97-1293-04, First Circuit	\$ 34,468.36 Settlement
Grenier, et al. v. Wilson, et al. Civil No. 96-071K, Third Circuit	\$ 25,000.00 Settlement
Hawaii Meat Co., Ltd. v. State of Hawaii, et al. Civil No. 97-3519-08, First Circuit	\$ 25,000.00 Settlement
Hodge v. University of Hawaii, et al. Civil No. 95-1935-06, First Circuit	\$ 200,000.00 Settlement
Hose v. Thorburn, et al. Civil No. 94-000751 FIY, USDC	\$ 22,879.65 Settlement
Island Insurance Company, Ltd. v. State of Hawaii Civil No. 96-0922-03, First Circuit	\$ 22,500.00 Settlement

Keohuloa v. Akau, et al. Civil No. 96-028, Third Circuit	\$ 100,000.00 Settlement
King v. Faitau, et al. Civil No. 93-3771-09, First Circuit	\$ 172,500.00 Settlement
Lopes v. Kegley, et al. Civil No. 95-0415(2), Second Circuit	\$ 262,500.00 Settlement
Claim of Blaine Lum	\$ 20,000.00 Settlement
Maestro, et al. v. State of Hawaii, et al. Civil No. 96-0050-01, First Circuit	\$ 25,000.00 Settlement
Malo v. State of Hawaii, et al. Civil No. 95-2098-06, First Circuit	\$ 175,000.00 Settlement
Manning v. State of Hawaii Civil No. 95-2200-06, First Circuit Civil No. 97-01092 ACK, USDC	\$ 175,000.00 Settlement
Medina v. State of Hawaii, et al. Civil No. 95-4705-12, First Circuit	\$ 25,000.00 Settlement
Motu v. State of Hawaii, et al. Civil No. 94-3531-09, First Circuit	\$ 173,509.57 Judgment
Amount of Judgment:	\$169,715.17
Interest at 4% from 1/9/98:	\$ 3,794.40
Nagatani v. West, et al. Civil No. 95-0727-03, First Circuit	\$ 95,000.00 Settlement
Nhieu v. Lamoureux, et al. Civil No. 96-2338-06, First Circuit and	\$ 23,653.00 Settlement
Doan v. Lamoureux, et al. Civil No. 96-2338-06, First Circuit	\$ 22,497.00 Settlement
Olivares v. State, et al. Civil No. 95-3277-09, First Circuit	\$ 25,000.00 Settlement
Orenstein v. State, et al. Civil No. 95-4478-12, First Circuit	\$ 48,445.04 Judgment
Amount of Judgment:	\$45,799.50
Interest at 4% from 2/20/97:	\$ 2,645.54
Paoao v. State of Hawaii Civil No. 96-267, Third Circuit	\$ 27,714.13 Judgment
Amount of Judgment:	\$26,347.16
Interest at 4% from 4/14/97	\$ 1,366.97
Paver v. State, et al. Civil No. 94-4832-12, First Circuit	\$ 30,000.00 Settlement
Sato v. State, et al. Civil No. 95-00951, USDC	\$ 83,201.05 Settlement
Starr v. State of Hawaii Civil No. 97-00228 DAE, USDC	\$ 14,575.60 Settlement

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State of Hawaii v. W. H. McVay, et al. Civil No. 91-4097-12, First Circuit	\$ 500,000.00 Settlement
Techno Engineering & Construction v. State of Hawaii Civil No. 94-2603-07, First Circuit	\$ 631,000.00 Settlement
Travaso v. University of Hawaii-Hilo Civil No. 96-520, Third Circuit	\$ 25,000.00 Settlement
Wagner v. Kanemitsu, et al. Civil No. 96-226, Third Circuit	\$ 80,993.48 Judgment
Amount of Judgment:	\$76,850.84
Interest at 4% from 4/10/97	\$ 4,142.64
Williams v. Akita, et al. Civil No. 96-4946-12, First Circuit	\$ 335,000.00 Settlement
Yallouz v. State of Hawaii Civil No. 96-3305-08, First Circuit	\$ 100,000.00 Settlement
Yi v. State of Hawaii Civil No. 96-0448(1), Second Circuit	\$ 25,000.00 Settlement
Hale Opio Kauai, Inc. v. State of Hawaii Civil No. 96-0161, Fifth Circuit	\$ 250,000.75 Settlement

### MISCELLANEOUS CLAIMS:

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 or checks 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, payment of interest shall be limited to the period from the date of judgment, 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, 1999, 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 June 12, 1998.)