

ACT 168

H.B. NO. 2410

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:

JUDGMENTS AGAINST THE STATE AND SETTLEMENTS OF CLAIMS:	AMOUNT
1. DEPARTMENT OF LAND AND NATURAL RESOURCES:	
Alalem v. State of Hawaii Civil No. 98-00411HG/EK, U.S.D.C.	\$ 22,000.00 Settlement
Lindholm v. State of Hawaii, et al. Civil No. 98-141K, Third Circuit	20,000.00 Settlement
Wolfe v. State of Hawaii, et al. Civil No. 98-092K, Third Circuit	\$ 20,966.58 Judgment
Amount of Judgment:	\$ 20,000.00
Interest at 4% from 5/18/99:	\$ 966.58
Palama v. State of Hawaii, et al. Civil No. 99-0052, Fifth Circuit	\$ 36,707.38 Judgment
Amount of Judgment	\$ 36,275.74
Interest at 4% from 4/3/00	\$ 431.64
Palila v. Hawaii Department of Land and Natural Resources, Civil No. 78-0030 SPK, U.S.D.C.	\$ 12,378.50
Harold Masumoto	\$ 19,702.26
SUBTOTAL:	\$ 131,754.72

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**JUDGMENTS AGAINST THE STATE
AND SETTLEMENTS OF CLAIMS:**

AMOUNT

2. DEPARTMENT OF PUBLIC SAFETY:

Allen v. Iranon, et al. Civil No. 97-00175ACK-FIY, U.S.D.C.	\$ 750,654.00
Domingo v. State of Hawaii, et al. Civil No. 94-3753-10, First Circuit	\$ 37,500.00 Settlement
Larson v. Luczon, et al. Civil No. 97-0234-01, First Circuit	\$ 20,000.00 Settlement
Lindley v. State of Hawaii, et al. Civil No. 98-4638-10, First Circuit	\$ 25,000.00 Settlement
Manding v. State of Hawaii, et al. Civil No. 98-01004HG, U.S.D.C.	\$ 40,000.00 Settlement
Naeole v. D'enbeau, et al. Civil No. 97-0096(1), Second Circuit	\$ 62,155.77 Judgment
Parnell v. State of Hawaii, et al. Civil No. 98-0493-02, First Circuit	\$ 65,000.00 Settlement
Punohu v. State of Hawaii Civil No. 97-4289-10, First Circuit	\$ 40,000.00 Settlement
Reyes v. Kaneshiro, et al. Civil No. 98-00367 SOM-FIY, U.S.D.C.	\$ 47,500.00 Settlement
Timm v. State of Hawaii, et al. Civil No. 97-0380, Fifth Circuit	\$ 25,000.00 Settlement
Tupuola v. Penarosa, et al. Civil No. 97-00647HG, U.S.D.C., and Civil No. 97-2163-05, First Circuit	\$ 100,000.00 Settlement
Fernandez v. State of Hawaii, et al. Civil No. 97-01548HG-BMK, USDC	\$ 85,653.55 Settlement
Olson v. State of Hawaii, et al. Civil No. 98-0214-01(GCN), First Circuit	\$ 75,000.00 Settlement
SUBTOTAL:	<u>\$1,373,463.32</u>

3. DEPARTMENT OF HEALTH:

Bartlett v. State of Hawaii Civil No. 97-01608 ACK, U.S.D.C.	\$ 57,787.95 Settlement
Amount of Settlement:	\$ 55,489.33
Interest at 4% from 7/20/99:	\$ 2,298.62
Freeman v. Espinda, et al. Civil No. 98-00244 DAE, U.S.D.C.	\$ 40,000.00 Settlement
Li v. State of Hawaii, et al. Civil No. 95-2307-06, First Circuit	\$ 32,500.00 Settlement
Thompson v. State of Hawaii, et al. Civil No. 98-1612-04, First Circuit	\$ 50,000.00 Settlement
SUBTOTAL:	<u>\$ 180,287.95</u>

4. DEPARTMENT OF EDUCATION:

Brandon v. State of Hawaii Civil No. 96-0865-03, First Circuit	\$ 25,000.00 Settlement
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JUDGMENTS AGAINST THE STATE AND SETTLEMENTS OF CLAIMS:	AMOUNT
CARL Corporation v. State of Hawaii, et al. PCH No. 96-4, Office of Administrative Hearings	\$ 654,409.29 Judgment
Downs v. State of Hawaii Civil No. 98-69, Third Circuit	\$ 38,000.00 Settlement
Franca v. Schmidt, et al. Civil No. 98-0-001225 (CKH), First Circuit	\$1,500,000.00 Settlement
Hoshijo v. State of Hawaii, Department of Education, et al., Case No. FEP H-7807, EEOC No. 37B-96-0322	\$ 75,000.00 Settlement
Koki v. State of Hawaii Civil No. 98-2230-05, First Circuit	\$ 111,000.00 Settlement
Lichter v. State of Hawaii, et al. Civil No. 97-01036ACK, USDC	\$ 18,897.00 Settlement
Tuuefiawe v. State of Hawaii Civil No. 97-1834-05, First Circuit	\$ 24,000.00 Settlement
Giltner v. State of Hawaii Civil No. 98-0-003938(CKH), First Circuit	\$ 49,306.60 Settlement
SUBTOTAL:	<u>\$2,495,612.89</u>
5. DEPARTMENT OF BUSINESS, ECO- NOMIC DEVELOPMENT, AND TOURISM:	
Deese v. State of Hawaii Civil No. 99-0049 HG/FIY, U.S.D.C.	\$ 10,500.00 Settlement
Larobis v. State of Hawaii Civil No. 98-00088 ACK, USDC	\$ 250,000.00 Settlement
Suntera v. Quinn, et al. Civil No. 96-3580-08, First Circuit	\$ 75,000.00 Settlement
SUBTOTAL:	<u>\$ 335,500.00</u>
6. HAWAII HOUSING AUTHORITY:	
Elliot V. Hawaii Housing Authority, et al. Civil No. 98-2886-06, First Circuit	\$ 12,195.41 Judgment
Amount of Judgment:	\$ 11,660.41
Interest at 4% from 6/10/99:	\$ 535.00
SUBTOTAL:	<u>\$ 12,195.41</u>
7. DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES:	
Claim of General Graphics Exhibits	\$ 12,236.30
G. W. Murphy Construction Co./State Capitol Renovation Project	\$ 300,000.00 Settlement

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JUDGMENTS AGAINST THE STATE AND SETTLEMENTS OF CLAIMS:	AMOUNT
Griffin, et al. v. Aloha Stadium Authority, et al., Civil No. 97-00315SPK, USDC	\$ 41,200.23 Settlement
SUBTOTAL:	\$ 353,436.53
8. DEPARTMENT OF HUMAN SERVICES:	
Burns-Vidlak v. Chandler Civil No. 95-00892 BMK, U.S.D.C.	\$ 134,933.79 Judgment
Slaton v. State of Hawaii, et al. Civil No. 96-1384-04, First Circuit	\$ 20,000.00 Judgment
SUBTOTAL:	\$ 154,933.79
9. MISCELLANEOUS CLAIMS (Escheated Warrants):	
Mere Foster-Cabaret	\$ 347.38
Mae Nagaue	\$ 426.97
Erlinda J. Quidilla	\$ 417.28
Anna C. Tienter	\$ 140.42
Setsu Okubo	\$ 725.40
Catherine Bratt	\$ 12,975.11
SUBTOTAL:	\$ 15,032.56
TOTAL (SECTION 1):	\$5,052,217.17

SECTION 2. The following sums of money are appropriated out of the state highway fund for the purpose of satisfying claims for legislative relief as to the following named persons, for claims against the State or its officers or employees for payments of judgments or settlements, or other liabilities, in the amount set forth opposite their names:

JUDGMENTS AGAINST THE STATE AND SETTLEMENTS OF CLAIMS:	AMOUNT
DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION:	
Haraguchi v. State of Hawaii Civil No. 98-3166-07, First Circuit	\$ 75,000.00 Settlement
Estate of Erik Kolomitz, et al. v. State of Hawaii, Civil No. 96-0108(1), Second Circuit	\$ 835,493.68 Judgment
Amount of Judgment:	\$ 822,283.23
Interest at 4% from 3/7/00:	\$ 13,210.45
Taylor-Rice v. Leigh, et al. Civil No. 94-0173, Fifth Circuit	\$1,658,635.20 Judgment
Amount of Judgment:	\$1,592,213.10
Interest of 4% from 3/5/98:	\$ 66,422.10
TOTAL (SECTION 2):	\$2,569,128.88
GRAND TOTAL (SECTIONS 1 AND 2):	\$7,621,346.05

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 or in lesser amounts deemed appropriate, 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 4. 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 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, 2001, shall lapse into the general fund of the State.

SECTION 6. The amount appropriated in section 2¹ for Allen v. Iranon, et al., shall be reduced or eliminated if and to the extent that the amount awarded is reduced or overturned if the State of Hawaii prevails in its appeal of that judgment.

SECTION 7. 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 8. This Act shall take effect on July 1, 2000.

(Approved June 6, 2000.)

Note

1. So in original.