

JAN 17 2025

A BILL FOR AN ACT

RELATING TO CLAIMS AGAINST THE STATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 37-77, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§37-77 Claims for legislative relief. All claims for
4 refunds, reimbursements, or other payments, authorization for
5 which is sought from the legislature, shall, as a condition to
6 their being considered by the legislature, be filed with the
7 attorney general together with all data and documents in support
8 thereof within six years from the date on which the claim for
9 payment matured. Claims that have exceeded the time limitations
10 of section 40-68 may not be presented under this section. In
11 the absence of a showing of sufficient reason therefor, failure
12 to comply with this paragraph shall be deemed sufficient cause
13 for refusal of the legislature to consider the claims.

14 The attorney general shall, immediately upon receipt
15 thereof, refer any claim and data so received by the attorney
16 general to the agency concerned or the comptroller, and the
17 agency to which the reference is made or the comptroller shall



1 immediately investigate the claim, secure all available data and
2 documents bearing thereon, and refer the same back to the
3 attorney general with its recommendations thereon. The attorney
4 general shall review the claim and make a recommendation to the
5 legislature as to the disposition of the claim.

6 The attorney general shall, within five days after the
7 opening of the session, transmit to the legislature the claims
8 which are then recommended for approval in an appropriate
9 legislative bill form, together with an explanation for each
10 claim[-] and a list of possible claims against the State that
11 have not yet settled. Additional recommendations for approval
12 may be transmitted later in the session. All claims for which
13 there is a recommendation of denial shall also be reported to
14 the legislature with an explanation. The data and documents
15 submitted by claimants shall be available for inspection by the
16 legislature.

17 The attorney general shall consult with the governor prior
18 to entering into any settlement agreement for awards exceeding
19 \$75,000 that are subject to legislative approval."

20 SECTION 2. Section 37-77.5, Hawaii Revised Statutes, is
21 amended by amending subsection (b) to read as follows:



1 "(b) The attorney general shall submit a report to the
2 speaker of the house of representatives, the president of the
3 senate, and the chairs of the house and senate judiciary
4 committees no later than twenty days prior to the convening of
5 each regular legislative session describing the claims and the
6 attendant circumstances therein and containing the advice for
7 corrective action rendered to the agency. The report shall also
8 contain ~~[the remedial measures which the attorney general shall~~
9 ~~take or recommended that the legislature take if an agency fails~~
10 ~~to take corrective action within a reasonable period of time.]~~,
11 for each settled claim for which payment is sought, the
12 following information:

- 13 (1) The action taken by the employee or department that
14 lead to the claim;
15 (2) The attorney general's recommended action to prevent
16 similar types of claims from occurring in the future
17 and a timeline for the action to be implemented;
18 (3) Whether the department implemented the recommended
19 action in a timely fashion and any responses from the
20 agency to the attorney general's recommended action;
21 and



1 (4) The remedial measures that the attorney general takes
2 or recommends the legislature take if an agency fails
3 to take corrective action within a reasonable period
4 of time.

5 The attorney general shall submit a report to the speaker
6 of the house of representatives, the president of the senate,
7 and the chairs of the house and senate judiciary committees no
8 later than twenty days prior to the convening of the regular
9 session of 2026, and prior to each regular session every five
10 years thereafter, on whether there were any further incidents
11 that occurred in an agency that led to a claim after the actions
12 were implemented and why recommended actions were inadequate to
13 prevent the incident.

14 The [~~report~~] reports shall be deemed a confidential and
15 privileged communication to the legislature and shall not be
16 disclosed pursuant to sections 92F-13 and 92F-19(b)."

17 SECTION 3. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 4. This Act shall take effect upon its approval.

20

INTRODUCED BY: Kal Thakur



S.B. NO. 796

Report Title:

Claims Against the State; Attorney General; Report

Description:

Prohibits claims for refunds, reimbursements, or other payments, authorization for which is sought from the Legislature that exceed the time limitations of section 40-68, Hawaii Revised Statutes, from being claimed. Requires the Attorney General to include in the Attorney General's annual report of claims recommended for approval a list of possible claims against the State that have not yet settled. Requires the Attorney General's report to the Legislature describing the claims against the state to include additional information. Requires the Attorney General to submit a report every five years to the Legislature containing further incidents that occurred in an agency that led to a claim.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

