
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. Additional recommendations for approval may be
11 transmitted later in the session. All claims for which there is
12 a recommendation of denial shall also be reported to the
13 legislature with an explanation. The data and documents
14 submitted by claimants shall be available for inspection by the
15 legislature.

16 The attorney general shall, within five days after the
17 opening of the session, transmit to the speaker of the house of
18 representatives, president of the senate, and chairs of the
19 house and senate judiciary committees a report that provides a
20 good faith estimate of each possible judgment against the State
21 that has not yet settled. The report shall be deemed



1 confidential and privileged communication to the legislature and
2 shall not be disclosed pursuant to sections 92F-13 and
3 92F-19) (b) .

4 The attorney general shall consult with the governor prior
5 to entering into any settlement agreement for awards exceeding
6 \$75,000 that are subject to legislative approval."

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

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

- 1 (1) The action taken by the employee or department that
2 led to the claim;
- 3 (2) The attorney general's recommended action to prevent
4 similar types of claims from occurring in the future;
- 5 (3) After consulting with the department, the attorney
6 general's recommended timeline to complete the
7 recommended action;
- 8 (4) Whether the department implemented the recommended
9 action in a timely fashion and any responses from the
10 agency to the attorney general's recommended action;
11 and
- 12 (5) The remedial measures that the attorney general takes
13 or recommends the legislature take if an agency fails
14 to take corrective action within a reasonable period
15 of time.

16 The attorney general shall submit a report to the speaker
17 of the house of representatives, the president of the senate,
18 and the chairs of the house and senate judiciary committees no
19 later than forty days prior to the convening of the regular
20 session of 2027, and prior to each regular session every five
21 years thereafter, on whether there were any further incidents



1 that occurred in an agency that led to a claim after the actions
2 were implemented and why recommended actions were inadequate to
3 prevent the incident.

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

7 SECTION 3. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

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



Report Title:

Claims Against the State; Attorney General; Reports

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 submit a confidential report within five days after the opening of a Regular Session to the Speaker of the House of Representatives, President of the Senate, Chairs of the House and Senate Judiciary Committees that provides a good faith estimate of each possible judgment against the State that has not yet settled. 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. (SD1)

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