

---

---

# 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 41D-3, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "§41D-3 Adjustment of claims against the State. (a) The  
4 attorney general may review any claim. The attorney general may  
5 refer claims to the comptroller for informal resolution.

6 (b) All claims against the State that are within the  
7 purview of section 41D-8 shall be reviewed in the first instance  
8 by the comptroller for informal resolution as provided in this  
9 section[-]; provided that:

10 [~~e~~] (1) The comptroller may compromise or settle a claim  
11 within the purview of section 41D-8 for an amount not  
12 exceeding [~~\$15,000,~~] \$25,000 and the comptroller may  
13 pay the claim without review by the attorney  
14 general[-]; and

15 [~~d~~] (2) The comptroller may compromise or settle and pay  
16 a tort claim not within the purview of section 41D-8  
17 for [~~\$10,000 or less~~] an amount not exceeding \$25,000



1 without the necessity of court approval~~[, and the~~  
2 ~~comptroller may pay the claim]~~.

3 [~~(e)~~] (c) Upon referral by the comptroller, the attorney  
4 general, in the attorney general's discretion, shall make  
5 determinations of whether a claim would or would not be within  
6 the purview of section 41D-8 for purposes of [~~subsections (e)~~  
7 ~~and (d)~~]. subsection (b).

8 [~~(f)~~] (d) If the tort claim cannot be resolved informally  
9 as set forth in [~~subsections (e) and (d)~~], subsection (b), the  
10 comptroller promptly shall inform the attorney general.

11 [~~(g)~~] (e) All of the efforts of the comptroller or the  
12 comptroller's delegate under this section shall be "compromise  
13 negotiations" within the meaning of rule 408, Hawaii Rules of  
14 Evidence, as set forth in section 626-1.

15 [~~(h)~~] (f) Claims compromised or settled under this section  
16 shall be paid from the state risk management revolving fund."

17 SECTION 2. Section 41D-4, Hawaii Revised Statutes, is  
18 amended by amending subsection (f) to read as follows:

19 "(f) The comptroller shall prepare, for each fiscal year,  
20 a report of all claims arbitrated, compromised, or settled [~~for~~  
21 ~~\$10,000 or less]~~ and paid from the state risk management



1 revolving fund[-] as provided in section 41D-3. The report  
2 shall be submitted to the legislature twenty days prior to the  
3 commencement of the regular session next succeeding the year for  
4 which the report is made."

5 SECTION 3. Section 662-11, Hawaii Revised Statutes, is  
6 amended by amending subsection (b) to read as follows:

7 "(b) Claims arbitrated, compromised, or settled by the  
8 attorney general for [~~\$10,000 or less~~] an amount not exceeding  
9 \$25,000, shall be paid from the state risk management revolving  
10 fund. Claims arbitrated, compromised, or settled by the  
11 attorney general for more than [~~\$10,000~~] \$25,000 shall be paid  
12 only after funds are appropriated by the legislature for the  
13 payment of those claims."

14 SECTION 4. Statutory material to be repealed is bracketed  
15 and stricken. New statutory material is underscored.

16 SECTION 5. This Act shall take effect on July 1, 2019.



**Report Title:**

Claims Against the State; Risk Management Fund

**Description:**

Increases the Comptroller's settlement authority for tort and automobile claims to \$25,000. (SD1)

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

