
A BILL FOR AN ACT

RELATING TO STATUTE OF LIMITATIONS.

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

1 SECTION 1. The legislature finds that the explicit
2 creation of a statute of limitations applicable to inverse
3 condemnation actions against the State is warranted in light of
4 the Hawaii Supreme Court's decision in *DW Aina Le'a Dev.,*
5 *LLC v. State Land Use Comm'n*, 148 Haw. 396 (2020). Setting this
6 limitation by statute will bring certainty and predictability to
7 the time within which a plaintiff shall file this type of claim
8 against the State or be barred from pursuing the claim.

9 Accordingly, the purpose of this Act is to clarify that the
10 statute of limitations for an inverse-condemnation claim brought
11 against the State founded upon article I, section 20, of the
12 Hawaii State Constitution is two years, pursuant to section 661-
13 5, Hawaii Revised Statutes, by amending the jurisdiction of the
14 state circuit and district courts under section 661-1, Hawaii
15 Revised Statutes, to expressly include claims against the State
16 founded upon article I, section 20, of the Hawaii State
17 Constitution.



1 SECTION 2. Section 661-1, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§661-1 Jurisdiction. The several circuit courts of the
4 State and, except as otherwise provided by statute or rule, the
5 several state district courts, subject to appeal as provided by
6 law, shall have original jurisdiction to hear and determine the
7 following matters, and, unless otherwise provided by law, shall
8 determine all questions of fact involved without the
9 intervention of a jury:

- 10 (1) All claims against the State founded upon any statute
11 of the State; upon any rule of an executive
12 department; upon article I, section 20, of the Hawaii
13 State Constitution; or upon any contract, expressed or
14 implied, with the State, and all claims [~~which~~] that
15 may be referred to any such court by the legislature;
16 provided that no action shall be maintained, nor shall
17 any process issue against the State, based on any
18 contract or any act of any state officer that the
19 officer is not authorized to make or do by the laws of
20 the State, nor upon any other cause of action than as
21 herein set forth; and



1 (2) All counterclaims, whether liquidated or unliquidated,
2 or other demands whatsoever on the part of the State
3 against any person making claim against the State
4 under this part."

5 SECTION 3. This Act does not affect rights and duties that
6 matured, penalties that were incurred, and proceedings that were
7 begun before its effective date.

8 SECTION 4. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 5. This Act shall take effect upon its approval.



Report Title:

Statute of Limitations; Inverse Condemnation; Constitutional Claim

Description:

Clarifies that the statute of limitations for an inverse-condemnation claim brought pursuant to article I, section 20, of the Hawaii State Constitution is two years, pursuant to section 661-5, Hawaii Revised Statutes, by amending section 661-1, Hawaii Revised Statutes, and making the claim cognizable under chapter 661, Hawaii Revised Statutes. (SD1)

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

