

ACT 156

H.B. NO. 1881-78

A Bill for an Act Relating to Suits by and Against the State and Conferring Jurisdiction Upon District Courts in Said Suits.

*Be It Enacted by the Legislature of the State of Hawaii:*

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

**“Sec. 661-1 Jurisdiction.** The several circuit courts and, except as otherwise provided by statute or rule, the several district courts shall, subject to appeal as provided by law, have original jurisdiction to hear and determine the following matters, and shall determine all questions of fact involved without the intervention of a jury.

(1) All claims against the State founded upon any statute of the State; or upon any regulation of an executive department; or upon any contract, expressed or implied, with the State, and all claims which may be referred to any such court by the legislature; provided, that no action shall be maintained, nor shall any process issue against the State, based on any contract or any act of any state officer which the officer is not authorized to make or do by the laws of the State, nor upon any other cause of action than as herein set forth.

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

SECTION 2. Section 662-3, Hawaii Revised Statutes, is amended to read:

**“Sec. 662-3 Jurisdiction.** The circuit courts of the State and, except as

otherwise provided by statute or rule, the district courts shall have original jurisdiction of all tort actions on claims against the State, for money damages, accruing on and after July 1, 1957 for injury or loss of property, or personal injury or death caused by the negligent or wrongful act or omission of any employee of the State while acting within the scope of his office or employment.”

SECTION 3. Section 662-6, Hawaii Revised Statutes, is amended to read:

“**Sec. 662-6 Pleadings, trial and appeal.** The Hawaii Rules of Civil Procedure and the District Court Rules of Civil Procedure as applicable shall be followed in any action under this chapter. A certified copy of all pleadings shall be duly served on the attorney general.

Sections 661-2 and 661-9 shall apply to actions under this chapter.”

SECTION 4. Material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 5. This Act shall become effective upon its approval.

(Approved June 1, 1978.)

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\*Edited accordingly.