

ACT 16

H.B. NO. 357

A Bill for an Act Relating to Statute of Limitations.

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

SECTION 1. The legislature finds that the explicit creation of a statute of limitations applicable to inverse condemnation actions against the State is warranted in light of the Hawaii supreme court's decision in *DW Aina Le'a Dev., LLC v. State Land Use Comm'n*, 148 Haw. 396 (2020). Setting this limitation by statute will bring certainty and predictability to the time within which a plain-

ACT 16

tiff must file this type of claim against the State or be barred from pursuing the claim.

Accordingly, the purpose of this Act is to establish a two-year statute of limitations for an inverse condemnation claim brought against the State, including a claim brought under article I, section 20, of the Hawaii State Constitution, pursuant to section 661-5, Hawaii Revised Statutes, by amending the jurisdiction of the state circuit and district courts under section 661-1, Hawaii Revised Statutes, to expressly include claims against the State founded upon article I, section 20, of the Hawaii State Constitution.

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

“§661-1 Jurisdiction. The several circuit courts of the State and, except as otherwise provided by statute or rule, the several state district courts, subject to appeal as provided by law, shall have original jurisdiction to hear and determine the following matters, and, unless otherwise provided by law, 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; upon any rule of an executive department; upon article I, section 20, of the Hawaii State Constitution; or upon any contract, expressed or implied, with the State, and all claims ~~[which]~~ that 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 that 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; and
- (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 part.”

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

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 Statutory material to be repealed is bracketed and stricken.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

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

(Approved May 20, 2021.)