

STAND. COM. REP. NO.

1581

Honolulu, Hawaii

APR 09 2021

RE: H.B. No. 357
H.D. 1
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Ways and Means, to which was referred H.B. No. 357, H.D. 1, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO STATUTE OF LIMITATIONS,"

begs leave to report as follows:

The purpose and intent of this measure is to include any claim against the State founded upon article I, section 20, of the Hawaii State Constitution among other claims that are subject to the two-year statute of limitations.

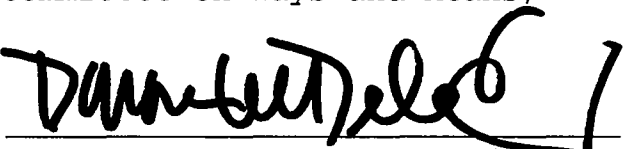
Your Committee received written comments in support of this measure from the Department of Transportation, Department of the Attorney General, Department of Land and Natural Resources, and one individual.

Your Committee recognizes that in *DW Aina Le'a Dev., LLC v. State Land Use Comm'n*, 148 Haw. 396, 477 P.3d 836, 837 (2020), the Hawaii Supreme Court ruled that the statute of limitations for a regulatory taking is six years, pursuant to the State's "catch-all" statute of limitations under section 657-1(4), Hawaii Revised Statutes. Your Committee finds that the explicit establishment of a two-year statute of limitations applicable to all inverse condemnation actions against the State will clarify the timeframe within which a plaintiff is required to file a claim for this type of action against the State.



As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 357, H.D. 1, S.D. 1, and recommends that it pass Third Reading.

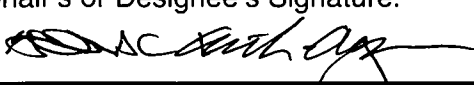
Respectfully submitted on
behalf of the members of the
Committee on Ways and Means,


DONOVAN M. DELA CRUZ, Chair



The Senate
Thirty-First Legislature
State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:*	Committee Referral:	Date:		
<i>HB 357, HD 1, SD 1</i>	<i>JDC, WAM</i>	<i>4/1/21</i>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input checked="" type="checkbox"/> Pass, unamended 2312 <input type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
DELA CRUZ, Donovan M. (C)	X			
KEITH-AGARAN, Gilbert S.C. (VC)	X			
ENGLISH, J. Kalani	X			
INOUYE, Lorraine R.	X			
KANUHA, Dru Mamo	X			
KIDANI, Michelle N.	X			
MORIWAKI, Sharon Y.	X			
SHIMABUKURO, Maile S.L.	X			
TANIGUCHI, Brian T.	X			
WAKAI, Glenn	X			
FEVELLA, Kurt			X	
TOTAL	<i>10</i>		<i>1</i>	
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes