

ACT 54

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A Bill for an Act Waiving the State Immunity to Suit, Statute of Limitations Against the State of Hawaii and the City and County of Honolulu and Requirement of Notice of Injuries to the City and County of Honolulu for the Claims of Sanford Blessing Saito, Deceased, and of Stanley Seiji

Saito and Helen Kepiki Saito, for Personal Injuries to and Death of Sanford Blessing Saito.

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

SECTION 1. The immunity of the State of Hawaii to suit, the statute of limitations against the State and the City and County of Honolulu and the requirement of notice of injuries against the City and County of Honolulu are waived on the claims of Sanford Blessing Saito, deceased, and of his parents, Stanley Seiji Saito and Helen Kepiki Saito, for personal injuries sustained by said Sanford Blessing Saito on January 21, 1960, for the alleged negligence of the officers and employees of the State and the City and County of Honolulu at the McCully Recreation Center (formerly the McCully Japanese Language School) and for the subsequent death of said Sanford Blessing Saito.

SECTION 2. No claim presented by the legal representative of said Sanford Blessing Saito or by Stanley Seiji Saito and Helen Kepiki Saito shall be deemed a legally adjudicated claim within the contemplation of Section 1, unless it shall be found to be a valid legal claim by a court of competent jurisdiction in a final judgment against the State of Hawaii or the City and County of Honolulu; provided, stipulations of fact, or of amicable compromise, or both, may be entered into by the parties involved in any action mentioned in this Act, and, if sufficient for that purpose, may be accepted by the court as the basis for the judgment required by this Act. Each government unit is authorized to pay its respective obligation as ordered by the court.

SECTION 3. The claimants shall commence action or suit in the appropriate circuit court of the State of Hawaii within two (2) years of the effective date of this Act.

SECTION 4. Nothing contained herein shall be construed as an admission of liability on the part of the State of Hawaii or the City and County of Honolulu.

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

(Approved May 16, 1961.) **H.B. 1165.**