

Honolulu, Hawaii

APR - 3 2006

RE: H.B. No. 2208
H.D. 1

Honorable Robert Bunda
President of the Senate
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Sir:

Your Committee on Judiciary and Hawaiian Affairs, to which was referred H.B. No. 2208, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO COUNTIES,"

begs leave to report as follows:

The purpose of this measure is to extend the statute of limitation for actions against a county for damage or injury from six months to two years, and to permit the counties to identify by charter which person a claimant should give notice of claim for injuries or damage sustained on public property or as a result of the negligence of a county official or employee.

Your Committee received testimony in support of this measure from the Consumer Lawyers of Hawaii. Testimony in opposition was received from the Honolulu Corporation Counsel.

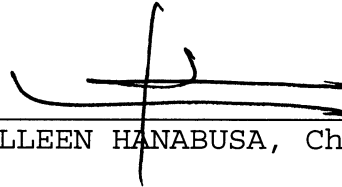
According to the Consumer Lawyers of Hawaii, the Hawaii Supreme Court ruled in *Kahale v. City and County of Honolulu*, 104 Hawaii 341 (2004), that section 46-72, Hawaii Revised Statutes, is the statute of limitations applicable to actions against the counties. This decision overruled an earlier decision of the court that had previously determined the applicable statute of limitations to be two years. *Kahale* found that the applicable statute of limitations for actions against the counties is six months. Prior to the recent court decision, the counties were subject to the same limitation as the state and federal governments, which is two years.



Your Committee finds that there is no cogent reason that a county should have a different time limitation than the other levels of government. All levels of government should operate under the same two-year statute of limitation.

As affirmed by the record of votes of the members of your Committee on Judiciary and Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2208, H.D. 1, and recommends that it pass Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Hawaiian Affairs,



COLLEEN HANABUSA, Chair



