

STAND. COM. REP. NO.

276

Honolulu, Hawaii

FEB 14 2007

RE: S.B. No. 1641

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Madam:

Your Committee on Intergovernmental and Military Affairs, to which was referred S.B. No. 1641 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.

The measure permits the counties to identify, by charter, the person to whom claimants should give notice of a claim for injuries or damages sustained on public property, or as a result of the negligence of a county official or employee.

Testimony in support of this measure was submitted by the Consumer Lawyers of Hawaii and by one individual. Testimony in opposition to this measure was submitted by the Department of the Attorney General and by the City and County of Honolulu, Department of the Corporation Counsel.

Your Committee finds that, until recently, claims against all levels of government have been subject to a two-year statute of limitations. In May 2004, the Hawaii Supreme Court ruled that there was a six-month limitation for claims against a county in its *Kahale* decision. The *Kahale* decision was based on a six-month notice requirement in section 46-72, Hawaii Revised Statutes. This measure amends section 46-72, Hawaii Revised Statutes, to provide for a two-year limitation consistent with federal and state law. The Hawaii Supreme Court ruled in 1973 that counties

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were subject to the same, two-year limitation as the state and federal governments in its *Salavea* decision. For the next thirty-one years, all levels of government operated under the same two-year limitation, until the *Kahale* decision. This measure will bring county claims in conformity with all other government and private sector claims and the reasonable expectations of the public.

It is the intent of your Committee that this measure should extend the statute of limitation for actions against a county for damage or injury from six months to two years.

As affirmed by the record of votes of the members of your Committee on Intergovernmental and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1641 and recommends that it pass Second Reading and be referred to the Committee on Judiciary and Labor.

Respectfully submitted on
behalf of the members of the
Committee on Intergovernmental
and Military Affairs,


LORRAINE R. INOUE, Chair



