STAND. COM. REP. NO. 3216

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

## The Senate Twenty-Third Legislature State of Hawaii

## Record of Votes of the Committee on Judiciary and Hawaiian Affairs (Bills and Resolutions)

Measure:*	Committee Referral:		Date:			
HB 2208 HD1	IGA, JHW			3-30-06		
The committee is reconsidering its previous decision on this measure.						
If so, then the previous decision was to:						
The Recommendation is to:						
Pass, unamended Pass, with amendments Hold Recommit (2312) (2311) (2310) (2313)						and the second of the second o
Members		Ayes	Aye	s(WR)	Nays	Excused
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TOTAL		V		0	0	0
Recommendation:  Adopted  Not Adopted						
Chair's or Designee's Signature:						
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<sup>\*</sup>Do <u>not</u> list more than one measure per Record of Votes.