

EXECUTIVE CHAMBERS

HONOLULU

April 26, 2006

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2208

Honorable Members  
Twenty-Third Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2208, entitled "A Bill for an Act Relating to Counties."

The stated purpose of this bill is to extend the statute of limitations for actions against the counties for damage or injury from six month to two years.

This bill is objectionable because it is inconsistent with the intended purpose of section 46-72, Hawaii Revised Statutes, which was to create a claims procedure as a prerequisite to the filing of a lawsuit, not to establish a limitations period for filing a lawsuit. Notification of a claim within six months of the occurrence of the incident giving rise to the claim is to allow for a prompt investigation while facts and circumstances are still fresh, witnesses are still available, and conditions remain substantially the same. An early review of claims would minimize unnecessary litigation, because a determination can be made whether the claim is frivolous or should be settled before a lawsuit is filed. If the claim is denied, the claimant still has the option to file a lawsuit within the two-year statute of limitations set forth in section 657-7, Hawaii Revised Statutes.

The claims procedure provided by section 46-72 will become a nullity if the time to submit a written notice of a claim were identical to the time to file a lawsuit.

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For the foregoing reasons, I am returning House Bill  
No. 2208 without my approval.

Respectfully,

LINDA LINGLE  
Governor of Hawaii