

JAN 25 2006

A BILL FOR AN ACT

RELATING TO STATE AND COUNTY LIABILITY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. State agencies frequently lease or rent county
2 facilities for events such as high school graduations and high
3 school athletic competitions when state facilities are either
4 inadequate or unavailable for such activities. Litigation may
5 occasionally arise out of the activities or the use of the
6 facilities.

7 The purpose of this Act is to facilitate the use of county
8 property for state functions and to provide authority for the
9 State to enter into a contract with the counties for the lease
10 of their property that delineates their respective
11 responsibilities.

12 SECTION 2. Chapter 46, Hawaii Revised Statutes, is amended
13 by adding a new section to part V to be appropriately designated
14 and to read as follows:

15 "§46- Use of county facilities by state agencies. (a)
16 When entering into a contract with a county to lease or rent a
17 county facility, the State may include a provision in the
18 contract to defend the county if the county, without any fault



1 on its part, is named in any litigation arising from the State's
 2 use of the county facility; provided that the contract shall
 3 contain a similar provision whereby the county will defend the
 4 State if the State, without any fault on its part, is named in
 5 any litigation arising from the State's use of the county
 6 facility.

7 (b) In the event of a dispute between the State and the
 8 county as to which is responsible for defending under such a
 9 contract provision, the only relief allowed will be the costs
 10 and expenses incurred in defending against the litigation.

11 (c) This section shall not be construed to expand the
 12 State's waiver of its sovereign immunity."

13 SECTION 3. New statutory material is underscored.

14 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: 

By Request



Report Title:

State and County Liability

Description:

Requires the State to include provisions in contracts when leasing or renting facilities from counties delineating responsibilities in the event of litigation.

