

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 these activities. Litigation may
5 occasionally arise out of the activities or the use of the
6 facilities. The purpose of this Act is to facilitate the use of
7 county property for state functions, provide the authority for
8 the State to enter into a contract with the counties for the
9 lease of their property, and to delineate the respective
10 responsibilities of the State and counties.

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

14 "§46- Use of county facilities by state agencies. When
15 entering into contracts with the counties to lease or rent
16 county facilities, the State may include a provision in the
17 contract to defend the county if the county, without any fault
18 on its part, is named in any suit arising from the State's use



1 of the county facility; provided that the contract contains a
2 similar provision whereby the county will defend the State if
3 the State, without any fault on its part, is named in any
4 litigation arising from the State's use of the county facility.
5 If there is any dispute between the State and the county as to
6 which is responsible for providing defense under the contract,
7 the only relief allowed shall be the costs and expenses incurred
8 in defending against the suit. This section does not expand in
9 any way the State's waiver of its sovereign immunity."

10 SECTION 3. New statutory material is underscored.

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

12

INTRODUCED BY:

A handwritten signature in black ink, appearing to read "Robert H. ...", is written over a horizontal line.



SB. NO. 2832

Report Title:

Liability; County Facilities

Description:

Allows State to contract to defend the county and the county to contract to defend the State against liability arising from State use of county facilities.

