

JAN 22 2007

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# A BILL FOR AN ACT

RELATING TO COUNTIES.

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

1           SECTION 1. Chapter 46, Hawaii Revised Statutes, is amended  
2 by adding a new section to be appropriately designated and to  
3 read as follows:

4           "§46-       Indemnification of counties. (a) A state agency  
5 may enter into an indemnity agreement with a county. An  
6 indemnity agreement between a state agency and a county may  
7 provide that the State:

8           (1) Defend the county and its officers and employees from  
9           claims made by public users; or

10          (2) Indemnify the county and its officers and employees  
11          for losses incurred as a direct result of the public  
12          use.

13          (b) To receive county assistance, services, rights, or  
14 permission to use county property, or to provide services or  
15 otherwise act as a vendor to county agencies, a state agency  
16 shall agree in writing to an indemnity provision to:



1        (1) Defend the county and its officers and employees from  
2        claims made by public users; or

3        (2) Indemnify the county and its officers and employees  
4        for losses incurred as a direct result of the public  
5        use.

6        (c) Except as otherwise provided by law, an indemnity  
7        provision not in strict compliance with this section shall not  
8        give rise to a claim against the State under chapter 661 or  
9        otherwise waive the State's sovereign immunity."

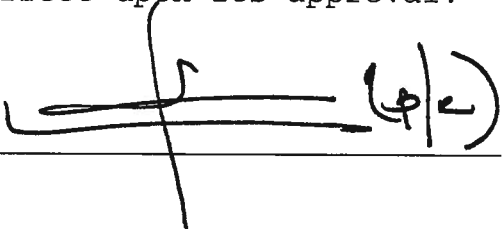
10       SECTION 2. This Act does not affect rights and duties that  
11       matured, penalties that were incurred, and proceedings that were  
12       begun, before its effective date.

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:





**Report Title:**

Counties; State Indemnification

**Description:**

Requires any state agency that receives county assistance, services, or permission to use county property, to indemnify the county.

