
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) To receive
5 county aid, assistance, support, benefits, services, and
6 interests in or rights to use county property, a state agency
7 may agree in writing to an indemnity provision by which the
8 state agrees to indemnify, defend, and hold harmless a county,
9 its officers, agents, and employees when all of the following
10 conditions are satisfied:

11 (1) The governor, following a favorable review by the
12 department of the attorney general, approves the
13 State's proposed indemnification; and

14 (2) The comptroller, pursuant to chapter 41D, has obtained
15 an insurance policy or policies or is able to self
16 insure in an amount sufficient to cover the liability
17 of the State that reasonably may be anticipated to



1 arise under the indemnity provision, or has determined
2 that it is not in the best interest of the State to
3 obtain insurance, or to self insure.

4 (b) An indemnity provision not in strict compliance with
5 this section shall not give rise to a claim against the State
6 under chapter 661 or otherwise waive the State's sovereign
7 immunity."

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

11 SECTION 3. New statutory material is underscored.

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



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. (SD1)

