

JAN 22 2008

S.B. NO. 2796

A BILL FOR AN ACT

RELATING TO GOVERNMENT LIABILITY.

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

1 SECTION 1. Section 46-71.5, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "~~§~~**46-71.5**~~§~~ **Indemnification of county agencies.** (a)
4 To receive county aid, assistance, support, benefits, services,
5 and interests in or rights to use county property, a state
6 agency may agree in writing to an indemnity provision by which
7 the State agrees to indemnify, defend, and hold harmless a
8 county agency, its officers, agents, and employees when:

- 9 (1) The governor approves the State's proposed
10 indemnification; and
11 (2) The comptroller, pursuant to section 41D-8.5, has
12 obtained an insurance policy or policies in an amount
13 sufficient to cover the liability of the State that
14 reasonably may be anticipated to arise under the
15 indemnity provision, or has determined that it is not
16 in the best interest of the State to obtain insurance.

17 (b) To receive county aid, assistance, support, benefits,
18 services, and interests in or rights to use county parks and



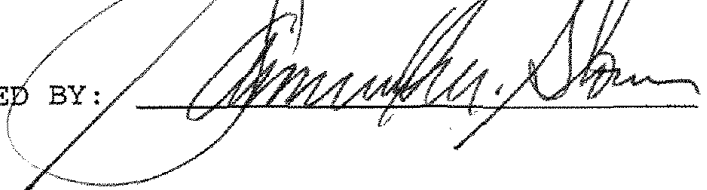
1 recreation facilities for the purpose of interscholastic
2 athletic activities involving students in public schools, the
3 superintendent of education may agree in writing to an indemnity
4 provision by which the State agrees to indemnify, defend, and
5 hold harmless a county agency, its officers, agents, and
6 employees.

7 [~~(b)~~] (c) An indemnity provision not in strict compliance
8 with this section shall not give rise to a claim against the
9 State under chapter 661 or otherwise waive the State's sovereign
10 immunity."

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

14 SECTION 3. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

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

17
INTRODUCED BY: 

Report Title:

Government Liability

Description:

Authorizes the superintendent of education to agree to indemnify the counties whenever the department of education uses county facilities for the purpose of interscholastic athletic activities.

