

Honolulu, Hawaii

APR 23 2010 , 2010

RE: S.B. No. 2116
S.D. 2
H.D. 2
C.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2010
State of Hawaii

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2010
State of Hawaii

Madam and Sir:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 2116, S.D. 2, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO INDEMNIFICATION OF COUNTY AGENCIES,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to facilitate the process by which the Department of Education obtains approval for the State to indemnify, defend, and hold harmless a county agency and its officers, agents, and employees for public school purposes and functions on or in county facilities.

Your Committee on Conference finds that the intent of this measure is to streamline the process for public schools to get permission to use county parks and other facilities for school purposes. In addition to use of space and facilities for special school events, there are a number of schools which regularly use



adjacent county parks for their playgrounds and other physical education facilities. A process that can ease the continued use of county property would be helpful to the schools.

Your Committee on Conference notes two concerns with the measure as received. First, the measure as received gives the Superintendent of Education or the Deputy Superintendent the authority to indemnify, defend, and hold harmless a county agency. Your Committee on Conference believes that the Governor should instead have the ability to delegate this authority. Second, the measure provides that, once the Governor approves the indemnity provision to be used by the Superintendent of Education or the Deputy Superintendent, the provision *shall* serve as approval for all public school purposes or functions on county properties for the remainder of the same school year. Your Committee on Conference believes that a more flexible approach is to provide that the indemnity provision, once agreed to by the Governor, *may* serve as the approval for all public school purposes or functions on county properties for the remainder of the same school year.

Accordingly, your Committee on Conference has amended this measure by:

- (1) Authorizing the Governor to delegate the authority to indemnify, defend, and hold harmless a county agency to the Superintendent of Education or the Deputy Superintendent of Education, rather than statutorily authorizing this ability;
- (2) Indicating that once agreed to by the Governor, the indemnity provision to be used by the Superintendent of Education or the Deputy Superintendent of Education may serve as the approval for the remainder of the school year; and
- (3) Providing that the measure shall take effect upon approval.

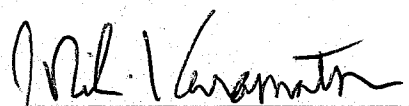
As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 2116, S.D. 2, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 2116, S.D. 2, H.D. 2, C.D. 1.



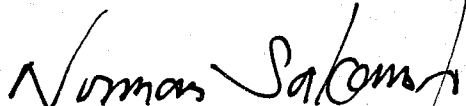
Respectfully submitted on behalf
of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE




JON RIKI KARAMATSU, Co-Chair



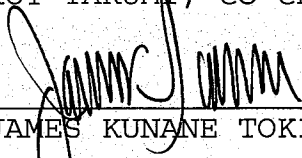
NORMAN SAKAMOTO, Chair



ROY TAKUMI, Co-Chair



J. KALANI ENGLISH, Co-Chair



JAMES KUNANE TOKIOKA, Co-Chair



BRIAN T. TANIGUCHI, Co-Chair



Hawaii State Legislature
 Record of Votes of a
 Conference Committee

104-10

Bill / Concurrent Resolution No.: SB 2116, SD 2, HD 2	Date/Time: 4/22/10 2:20 pm
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The recommendation of the House and Senate managers is to pass with amendments (CD).

The Committee is reconsidering its previous decision.

<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure	<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.
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Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
SAKAMOTO, Norman, Chr.	✓				KARAMATSU, Jon Riki, Co-Chr.	✓			
ENGLISH, J. Kalani, Co-Chr.	✓				TAKUMI, Roy M., Co-Chr.	✓			
TANIGUCHI, Brian T., Co-Chr.	✓				TOKIOKA, James Kunane, Co-Chr.	✓			
KIDANI, Michelle	✓				THIELEN, Cynthia				✓
SLOM, Sam				✓					
TOTAL	4	-	-	1	TOTAL	3	-	-	1

A = Aye WR = Aye with Reservations N = Nay E = Excused

Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted	House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted
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Senate Lead Chair's or Designee's Signature: 	House Lead Chair's or Designee's Signature:
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