

STAND. COM. REP. NO

2160

Honolulu, Hawaii

FEB 10 2010

RE: S.B. No. 2116  
S.D. 1

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

Madam:

Your Committees on Education and Housing and Transportation, International and Intergovernmental Affairs, to which was referred S.B. No. 2116 entitled:

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

beg leave to report as follows:

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, its officers, agents, and employees for public school purposes and functions on county facilities.

Testimony in support of this measure was submitted by one county agency and two individuals. Testimony in support of the intent of this measure was submitted by two state agencies. Written testimony presented to the Committees may be reviewed on the Legislature's website.

Your Committees find that this measure streamlines an approval process that the Department of Education is required to complete several times every year for the same activities under existing law. Your Committees have amended this measure by adopting the following proposed amendments:

- (1) Changing the authority to agree to indemnify, defend, and hold harmless a county agency, its officers, agents, and employees from the Department of Education to the



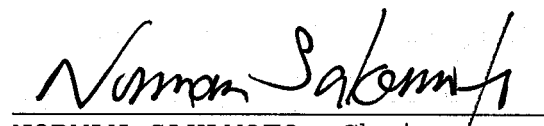
Governor, and specifying that the Governor may delegate this authority to the Superintendent of Education or the Deputy Superintendent, if so designated by the Superintendent of Education;

- (2) Providing that the indemnity provision to be used by the Superintendent of Education or the Deputy Superintendent, upon approval by the Governor, may serve as approval by the Governor for some or all public school purposes or functions on county properties for the remainder of that school year; and
- (3) Providing, as an additional condition to the Governor's delegation of authority to indemnify the counties, that the Comptroller has obtained an insurance policy in an amount sufficient to cover the State's liability that reasonably may be anticipated to arise under the indemnity provision, or has determined that it is not in the best interest of the State to obtain insurance.

As affirmed by the records of votes of the members of your Committees on Education and Housing and Transportation, International and Intergovernmental Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2116, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2116, S.D. 1, and be referred to the Committee on Judiciary and Government Operations.

Respectfully submitted on  
behalf of the members of the  
Committees on Education and  
Housing and Transportation,  
International and  
Intergovernmental Affairs,

  
J. KALANI ENGLISH, Chair

  
NORMAN SAKAMOTO, Chair



The Senate  
Twenty-Fifth Legislature  
State of Hawaii

**Record of Votes**  
**Committee on Education and Housing**  
**EDH**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 2116	EDH/TIA, JGD	2-8-2010		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
SAKAMOTO, Norman (C)	✓			
KIDANI, Michelle N. (VC)	✓			
CHUN OAKLAND, Suzanne	✓			
GALUTERIA, Brickwood	✓			
TSUTSUI, Shan S.				✓
HEMMINGS, Fred	✓			
<b>TOTAL</b>	5			1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; font-family: cursive; font-size: 1.2em;">Michelle N. Kidani</div>				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes

The Senate  
 Twenty-Fifth Legislature  
 State of Hawaii

**Record of Votes**  
**Committee on Transportation, International and Intergovernmental Affairs**  
**TIA**

Bill / Resolution No.:* <b>SB 2116</b>	Committee Referral: <b>EDH/TIA, JGO</b>	Date: <b>2/18/10</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
ENGLISH, J. Kalani (C)	✓			
GABBARD, Mike (VC)				✓
ESPERO, Will	✓			
NISHIHARA, Clarence K.	✓			
SLOM, Sam	✓			
<b>TOTAL</b>	<b>4</b>	<b>—</b>	<b>—</b>	<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Clarence K. Nishihara</i>				
<b>Distribution:</b> Original    Yellow    Pink    Goldenrod File with Committee Report    Clerk's Office    Drafting Agency    Committee File Copy				

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