

Date: 03/16/2010

Committee: House Judiciary

Department: Education

Person Testifying: Kathryn Matayoshi, Interim Superintendent of Education

Title of Bill: SB 2116, SD2 (SSCR 2542) RELATING TO INDEMNIFICATION OF COUNTY AGENCIES

Purpose of Bill: Authorizes the governor to delegate to the superintendent of education the authority to agree to indemnify, defend, and hold harmless a county agency, its officers, agents, and employees, under certain circumstances, when the use of county property will be for a school purpose or function.
(SD2)

Department's Position: The Department of Education supports S.B. 2116 SD2 which streamlines 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.
Thank you for this opportunity to offer testimony.

Testimony of

OFFICE OF THE COUNTY ATTORNEY
COUNTY OF KAUAI

Before the
House Committee on Judiciary

DATE: Tuesday , March 16, 2010

TIME: 2:15 p.m.

PLACE: Conference Room 325
State Capitol
415 South Beretania Street

In consideration of
SB 2116

Honorable Chair person Jon Riki Karamatsu and Members of the Committee:

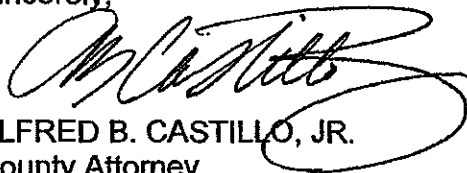
Thank you for this opportunity to testify on SB 2116.

My name is Alfred B. Castillo, Jr., County Attorney for the County of Kauai, and I support SB 2116, which authorizes the governor to delegate to the superintendent of education the authority to agree to indemnify, defend, and hold harmless a county agency, its officers, agents, and employees when county property will be used for public school purpose or function.

As you are probably aware, Kaua'i public schools have held and continue to hold many school functions, such as football games, graduation ceremonies, on county property. Indemnification of the County for injuries or property damages that may arise out of public school functions on County property has been a challenge and sticking point for both parties. The standard response of the State has been that there is no statutory authority for the State to indemnify the County. This bill provides Statutory authority and much needed clarity to allow for the continuance of public school functions on County property.

We humbly ask that you support SB No. 2116. Again, thank you for this opportunity to testify.

Sincerely,

A handwritten signature in black ink, appearing to read 'Alfred B. Castillo, Jr.', written in a cursive style. The signature is positioned above the printed name and title.

ALFRED B. CASTILLO, JR.
County Attorney