

HOUSE RESEARCH

Bill Summary

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Subject: Local governments; indemnification for household hazardous waste programs

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Overview

The bill provides for the state to indemnify local units of government for certain claims rising from transport, management, or disposal of hazardous household waste under a contract with the Pollution Control Agency. "Indemnify" means to pay legal fees and damages on behalf of the local government.

Section

- 1 **Definitions.** Adds a definition of "municipality" to the Waste Management Act. Uses the definition found in the local government tort statute, which covers all units of local government.
- 2 **Indemnification; local government unit.** Makes a local government unit an employee of the state for purposes of state tort law indemnification, if the local government is under contract to the Pollution Control Agency (PCA) to operate or participate in a household hazardous waste program. Indemnification applies (1) from and after the time the waste permanently leaves the local government's possession and comes into the possession of the PCA's authorized transporter, and (2) during the time the waste is transported between local government units by the PCA's authorized transporter.
Provides that the state need not defend or indemnify a local government unit to the extent of the local government's liability insurance. Provides that the right to indemnity is not a waiver of limitations, defenses, and immunities available to either the local government or the state.
- 3 **Effective date.** Immediate.