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**STATEMENT OF THE ISSUES**

The certified question is:

**Does a county's purchase of liability insurance or participation in a risk sharing pool, pursuant to SDCL § 21-32A-1, waive the county's and its employees' immunity granted by SDCL §§ 3-21-8 and 3-21-9 to the extent of such insurance or participation in a risk-sharing pool?**

Judge Piersol concluded that "there is no controlling precedent in the decisions of the South Dakota Supreme Court" to this "important question of state law that affects every county government or other public entity to the extent they are operating a jail and participating in a risk-sharing pool or purchasing liability insurance."