

**ASSEMBLY BILL**

**No. 2411**

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**Introduced by Assembly Member Donnelly**

February 24, 2012

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An act to amend Section 895 of the Government Code, relating to governmental liability.

LEGISLATIVE COUNSEL'S DIGEST

AB 2411, as introduced, Donnelly. Governmental tort liability: agreements between public entities.

Existing law governs the tort liability and immunity of, and claims and actions against, public entities and their officers and employees. Existing law provides that public entities that enter into an agreement are jointly and severally liable for injury caused by a negligent or wrongful act or omission occurring in the performance of that agreement. Existing law defines “agreement” for purposes of these provisions.

This bill would make technical, nonsubstantive changes to that provision.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 895 of the Government Code is amended
- 2 to read:
- 3 895. As used in this chapter “agreement” means a joint powers
- 4 agreement entered into pursuant to Chapter 5 (commencing with
- 5 Section 6500) of Division 7 of Title 1 of the Government Code,

1 an agreement to transfer the functions of a public entity or an  
2 employee thereof to another public entity pursuant to Part 2  
3 (commencing with Section 51300) of Division 1 of Title 5 of the  
4 Government Code, and any other agreement under which a public  
5 entity undertakes to perform any function, service, or act with, or  
6 for, any other public entity or employee thereof with its consent,  
7 whether ~~such~~ *the* agreement is expressed by resolution, contract,  
8 ordinance, or in any other manner provided by law; ~~but~~  
9 ~~“agreement”~~. “*Agreement*” does not include an agreement between  
10 public entities ~~which~~ *that* is designed to implement the  
11 disbursement or subvention of public funds from one of the public  
12 entities to the other, whether or not it provides standards or controls  
13 governing the expenditure of ~~such~~ *those* funds.