

AMENDED IN ASSEMBLY APRIL 2, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 817

Introduced by Assembly Member Nestande

February 26, 2009

An act to amend the heading of Article 5 (commencing with Section 827) of Chapter 1 of Part 2 of Division 3.6 of Title 1 of, and to add Sections 828 and 12511.6 to, the Government Code, relating to government liability.

LEGISLATIVE COUNSEL'S DIGEST

AB 817, as amended, Nestande. Government liability: special districts: indemnification.

Existing law governs the tort liability and immunity of public entities and their officers and employees, claims and actions against public entities and their officers and employees, insurance indemnification, and the defense and indemnification of public officers and employees.

Existing law authorizes the Attorney General to defend a public or private provider of health care, as defined, and its officers, employees, agents, and subcontractors, against any claim that the civil rights of a person in state custody were violated in the provision of health care services. Existing law provides for the indemnification of any provider of health care, and its officers, employees, agents, and subcontractors, who are defended pursuant to that provision by the Attorney General, or other legal counsel provided by the state, as specified.

This bill would require the ~~state to indemnify, and the~~ Attorney General to defend; a special district, and its officers, employees, agents, and subcontractors, against any claim for damages arising from any authorized *recreational* use of public lands of the special district, *and*

would require the state to indemnify a claim for damages arising therefrom, except as specified.

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

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

SECTION 1. The heading of Article 5 (commencing with Section 827) of Chapter 1 of Part 2 of Division 3.6 of Title 1 of the Government Code is amended to read:

Article 5. Indemnification of Certain ~~Public Entities~~ State
Agents and Special Districts

SEC. 2. Section 828 is added to the Government Code, to read:

828. (a) The state shall indemnify any special district against any claim for damages arising from any authorized *recreational* use of public lands of the special district, *except if liability is based upon any of the facts described in paragraphs (1) to (5), inclusive, of subdivision (c) of Section 831.7.*

(b) Officers, employees, agents, and subcontractors of a special district who are defended by the Attorney General pursuant to Section 12511.6, or other legal counsel provided by the state, shall be indemnified in accordance with Section 825, subject to the same conditions and limitations applicable to state employees.

(c) For purposes of this section and Section 12511.6, “special district” means an agency of the state, formed pursuant to general law or a special act, for the local performance of governmental or proprietary functions within limited geographic boundaries.

SEC. 3. Section 12511.6 is added to the Government Code, to read:

12511.6. The Attorney General shall defend a special district, as defined in Section 828, and its officers, employees, agents, and subcontractors, against any claim for damages arising from any authorized *recreational* use of public lands of the special district.

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2	CORRECTIONS:	
3	Text—Page 2 Line 10.	
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