

First Supplement to Memorandum No. 69(1962)

Subject: Study No. 52(L) - Sovereign Immunity (Claims, Actions and Judgments)

On page 13 of Memorandum No. 69(1962), we suggested that we repeal or amend at least 148 sections that contain specific references to the old claims statute. These amendments and repeals would delete specific references to the old claims statute. We have given this matter further consideration.

We now recommend that we merely substitute a reference to Parts 3 and 4 of the new division 3.6 for the references to the existing claims statute.

We make this recommendation for two reasons. First, we do not wish to take Commission time to discuss--as a policy matter--whether we should delete the specific references that now appear in these 148 sections. Moreover, a number of these sections present rather complex problems as to how they could be amended to delete the specific references to the claims statute and at the same time preserve the meaning of the section. Merely substituting a correct reference to the new claims statutes for the old references will eliminate the need for devoting Commission time to a consideration of the problems that would arise if we attempted to delete the specific references. Accordingly, we propose merely to substitute references to the new claims statute for the references to the old one.

The Commission will have an opportunity to review these substitutions at the December meeting when the preprinted bill relating to claims, actions and judgments will be available in printed form.

Respectfully submitted,

John H. DeMouilly
Executive Secretary