

file

12/5/62

Memorandum No. 79(1962)

Subject: Study No. 52(L) - Sovereign Immunity (Senate Preprint Bill No. 9)

Attached is a copy of Senate Preprint Bill No. 9. Please read the bill to determine whether you believe any changes should be made in it.

We will send you (this week) a set of galley proofs for the recommendation relating to claims, actions and judgments. These galleys will contain the bill as set out in Senate Preprint No. 9, together with the comments we will print under each section and the text of the recommendation. Please read the galley proofs to determine whether you believe any changes should be made in the recommendation or the comments that will be set out under the proposed sections.

We recommend no changes in this bill (although we will have to go over the bill carefully before we include it in our report to determine that there are no technical errors in it).

Please note that the bill does not apply to the University of California or to the Regents of the University of California. Mr. John Landon of the office of the counsel for the University of California has advised us that the counsel for the University of California does not believe that the claims statute should be made applicable to the University. Moreover, we are advised that two trial court decisions have held that the University of California is not under either of the existing claims statutes. For these reasons we have included Sections 905.6, 943 and 970(b) in the bill.

State agencies still are convinced that there is no need for Section 930.

We hope that you will be able to read pages 1 through 25 of the bill prior to the meeting.

Respectfully submitted,

John H. DeMouilly
Executive Secretary