

mtg

Place of Meeting

State Bar Building  
1230 West Third Street  
Los Angeles

FINAL AGENDA

for meeting of

CALIFORNIA LAW REVISION COMMISSION

Los Angeles

November 15, 16, 17, 1962

Thursday evening, November 15 (7:00 p.m.)

- 1. Minutes of October 1962 Meeting (sent 10/30/62)
- 2. Study No. 36(L) - Condemnation
  - \*Memorandum No. 72(1962)(Pretrial Conferences and Discovery)(sent 10/30/62)

Friday, November 16, 1962 (9:00 a.m. - we will work Friday evening if necessary to complete agenda for Friday)

- 3. Study No. 52(L) - Sovereign Immunity

Approval for printing - Recommendation relating to Tort Liability of Public Entities and Public Employees

- \* Memorandum No. 76(1962)(Tort Liability of Public Entities and Public Employees)(enclosed)
- \* Revised Recommendation relating to Tort Liability of Public Entities and Public Employees (sent 10/12/62)
- \* Memorandum No. 65(1962)(Tort Liability Under Agreements Between Public Entities)(sent 10/13/62)
- \* Memorandum No. 66(1962)(Fire Protection)(sent 10/13/62)
- \* Memorandum No. 67(1962)(Police and Correctional Activities) (sent 10/13/62)
- Commissioner Keatinge's letter concerning Mob and Riot Damage (sent 10/11/62)
- \* Memorandum No. 77(1962)(Retroactive Application of Tort Liability Legislation)(enclosed)
- \* Research Study (Problems of Constitutionality of Legislative Solution)(enclosed)

Saturday, November 17, 1962 (9:00 a.m. until 5:00 p.m.)

4. Study No. 52(L) - Sovereign Immunity

Claims, Actions and Judgments Against Public Entities and Public Employees

\* Bring to meeting: Revised Tentative Recommendation relating to Claims, Actions and Judgments Against Public Entities and Public Employees (sent 11/7/62)

Pocket Part to Volume 1 of Government Code (take out of your set of West's Codes)

\* Memorandum No. 69(1962)(Claims, Actions and Judgments)(sent 10/13/62)

\* First Supplement to Memorandum No. 69(1962)(enclosed)

\* Revised Memorandum No. 51(1962)(Payment of Tort Judgments)(enclosed)

\* Memorandum No. 73(1962)(Funding Tort Judgments with Bonds)(sent 10/13/62)

MINUTES OF MEETING

of

November 15, 16 and 17, 1962

Los Angeles

A regular meeting of the Law Revision Commission was held in Los Angeles on November 15, 16 and 17, 1962.

Present: Herman F. Selvin, Chairman  
John R. McDonough, Vice Chairman  
Hon. James A. Cobey (16th and 17th)  
Hon. Clark L. Bradley  
Joseph A. Ball (15th and 17th)  
James R. Edwards  
Richard H. Keatinge  
Sho Sato  
Thomas E. Stanton, Jr.  
Angus C. Morrison

Messrs. John H. DeMouilly, Joseph B. Harvey and Jon D. Smock of the Commission's staff were also present. Messrs. Robert Nibley and Stanley Tobin of the firm of Hill, Farrer and Burrill, the Commission's research consultant on the subject of condemnation law and procedure, were present on November 15. Professor Arvo Van Alstyne, the Commission's research consultant on the subject of sovereign immunity, and Mr. Benton A. Sifford, special research consultant to the Senate Fact Finding Committee on Judiciary, were present on November 16 and 17.

Also present were:

Jack Brady, Department of Finance (17th)  
Robert F. Carlson, Department of Public Works  
Norval C. Fairman, Jr., Department of Public Works (15th)  
Joan D. Gross, Office of Attorney General (16th and 17th)  
George C. Hadley, Department of Public Works (15th)  
Robert Lynch, Office of Los Angeles County Counsel

Minutes of October meeting. The bracketed note on page 4 was deleted.

The minutes were then approved.

Minutes - Regular Meeting  
November 15, 16 and 17, 1962

ADMINISTRATIVE MATTERS

Publication of consultants' studies. On motion of Commissioner Keatinge, seconded by Commissioner Stanton, the Commission granted permission to Professor Van Alstyne to publish his study on sovereign immunity as a law review article or series of articles and to Professor Chadbourne to publish his study on hearsay evidence as a law review article or series of articles.

Future meetings. The December meeting is in San Francisco on December 14-15. The January meeting is in Sacramento on January 18-19.

STUDY NO. 36(L) - CONDEMNATION LAW AND PROCEDURE

The Commission considered Memorandum No. 72(1962), the tentative recommendation relating to pretrial conferences and discovery, and the comments of interested persons upon the tentative recommendation. The following actions were taken:

General principles. The Commission, after consideration of the comments on the tentative recommendation, approved the general principle of the statute--a compulsory exchange of valuation data a specified number of days before trial.

The Commission also approved the principle that the exchange should take place 20 days prior to trial. This time period is unrelated to pretrial. In view of the nature of the recommendation, the staff was directed to change the title of the recommendation to refer to discovery only and not to pretrial.

Location of statute. The Commission approved the location of the proposed statute in the Code of Civil Procedure, thus approving the renumbering of the existing Section 1246.1 in order to make room for the new discovery statute.

Section 1246.1. The staff was directed (1) to add a provision to Section 1246.1 permitting any party upon whom a demand to exchange valuation data is served to file a cross demand upon any other party within five days and (2) to revise subdivision (a) of Section 1246.1 to provide that the service of a demand may be made not later than 45 (instead of 40) days prior to trial. These changes were made so that

Minutes - Regular Meeting  
November 15, 16 and 17, 1962

a named defendant who has little interest in the valuation issues will not be able to serve a demand on the condemner and thus require the production of the condemner's evidence while giving nothing of value in return. The new procedure will permit the condemner, within five days, to serve a cross demand on any other party.

Section 1246.2. At the end of subdivision (a) the word "substantial" was added immediately preceding the word "part" in the last line. The purpose of this change was to make it unnecessary for a party to list every person that his appraiser has talked to. The staff was then directed to revise the section to require the listing of all persons intended by the party to be called as experts. It was believed that there is as much need to receive notice of the other experts who will testify as it is to receive notice of the valuation experts who will testify. Insofar as the other expert witnesses are concerned the nonvaluation experts--the statute is not to require the exchange of the names of persons upon whose statements they have relied; this requirement is to be retained only for the Valuation experts.

Subdivision (b)(2) was modified by deleting the requirement that the statement include "any information indicating" a possible change of zoning. In lieu of this requirement subdivision (b)(2) is to require that the statement include the expert witness' contention or opinion as to probable change of zoning.

In the second line of subdivision (c) the reference to "subdivision (b)" was changed to "subdivision (b)(3)".

Minutes - Regular Meeting  
November 15, 16 & 17, 1962

In subdivision (c)(5) the words "and circumstances" were deleted from the first line. The Commission believed that requiring a statement of the circumstances of each transaction would require a statement of too much detail and would be difficult to enforce.

Subdivision (d) was deleted from Section 1246.2.

Section 1246.3. Section 1246.3 was deleted from the statute in connection with the deletion of subdivision (d) of Section 1246.2. The Commission felt that it was too onerous to require the listing of illustrative materials; and a right to look at the exhibits can be secured through a motion to inspect.

Section 1246.4. The staff was directed to revise subdivision (b) to require the notice to be given in writing except where the notice is given after the commencement of the trial. The writing requirement was added in order to avoid questions of whether the notice was given at all and, if given, whether the notice was adequate.

Section 1246.5. The staff was asked to revise subdivision (a) so that its sanction would apply only to direct examination during the case in chief. The Commission felt that it was desirable for a party to be able to call a new valuation witness upon rebuttal even though his statement did not list such witness.

Section 1247(b). The section was left unchanged but the staff was directed to add a provision to Section 1246.2(b) requiring a party to set forth the description of the larger parcel in those cases where it is contended that only a portion of a larger parcel is being taken.

Minutes - Regular Meeting  
November 15, 16 and 17, 1962

Recommendation. The staff was directed to add to the recommendation language indicating that the need for broadened discovery in eminent domain cases flows in part from the decision in the Faus case, under which decision sales data are now introduced on direct examination in the trial of eminent domain cases.

STUDY NO. 52(L) - SOVEREIGN IMMUNITY

The Commission considered revised Memorandum No. 51(1962) (Payment of Tort Judgments by Local Public Entities), Memorandum No. 65(1962) (Liability Under Joint Powers Agreements), Memorandum No. 66(1962) (Fire Protection), Memorandum No. 67(1962) (Police and Correctional Activities), Memorandum No. 69(1962) (Claims, Actions and Judgments Against Public Entities and Public Employees), Memorandum No. 73(1962) (Funding Judgments With Bonds), Memorandum No. 76(1962) (Liability of Public Entities and Public Employees) and Memorandum No. 77(1962) (Retroactive Application of Proposed Statute).

Liability of Public Entities and Public Employees.

The Commission considered the tentative recommendation relating to liability of public entities and public employees and Memorandum No. 65(1962), Memorandum No. 66(1962), Memorandum No. 67(1962), Memorandum No. 76(1962) and Memorandum 77(1962). The Commission also considered the comments received on the proposed statute and made the changes in the statute that are indicated below.

Letter from Attorney General. The Commission considered a letter received from the Attorney General relating to the liability statute generally and particularly to Section 815.2. The Chairman and Commissioner Ball were designated a subcommittee to request a meeting with the Attorney General to discuss his letter.

Section 810.6. The comment is to be revised so that it does not indicate that the word "statute" includes only State statutes.

Section 810.8. The staff reported on the meaning of the word "tort".  
Section 810.8 was then approved as it was presented.

Section 811. The word "local" was deleted. The staff was then asked to include within the definition of "public entity" all governmental agencies in the State, including the State and the University of California by specific reference. It was determined that a separate definition of "local public entity" was not required for the purposes of the liability statute. The reference to "local authority" in the definition was changed to "public authority".

Section 811.6. The latter portion of the section, beginning with the words "or to govern the procedure", was deleted. The reference to "internal management" was too uncertain in meaning and hence was removed by this deletion. A motion to delete the reference to the United States was defeated. Commissioner Bradley was recorded as voting "Aye". The reference to the United States was retained so that safety regulations adopted by various officers and agencies of the United States directly governing activities of public entities within California such as the operations of the State Belt Railroad would provide a standard of care for liability purposes.

Additional definitions. The staff was directed to define "law" and "statute" in separate sections.

Use of the word "enactment". In Sections 815, 815.2(b), 820, 820.8, and 821.8 the word "enactment" is to be used in the preliminary phrase "except as otherwise provided by enactment". This is to permit local entities and administrative agencies, when authorized to do so, to impose liability by charter, ordinance or regulation.

Sections 815, 826, 829. In Section 826, the last four lines were deleted. These lines restricted liability for specific or preventive relief to that which existed under the judicial decisions of the courts of California prior to January 1, 1961. The staff was then instructed to combine Section 829 and the remaining portion of Section 826 into one section to be located at the beginning of the part dealing with the liability of public entities. In the comments, the staff was asked to mention that the Muskopf decision had no effect on the right to specific or preventive relief or on contractual liability.

Section 815.2. The portion of the last two lines following the words "immune from liability" was deleted. The deleted language was omitted to make clear that all immunities of public employees--not just the discretionary immunity--inure to the benefit of their employers unless otherwise provided by enactment.

In the comment, the phrase "their employees' judgments" was changed to "judgments against their employees".

Section 818.2. The comment to Section 818.2 is to be revised to indicate that the section is not needed but for possible implications that might be drawn from Section 815.6.

Section 820.2. The staff was instructed to add language to this section to make clear that it does immunize an employee from liability for false arrest or false imprisonment.

Section 820.6. The staff was asked to substitute "except to the extent that" for the word "unless".

Section 820.8. The staff was directed to revise this section to make clear that it immunizes employees from liability for the act of another but does not immunize an employee from liability for his own act or omission. The staff was directed to use language similar to that appearing in several Water Code sections (such as § 35750) to accomplish this result. [Water Code § 35750: No officer shall be personally liable for any damage resulting from the operation of the district or from the negligence or misconduct of any of its officers or employees unless the damage was proximately caused by the officer's own negligence, misconduct or wilful violation of official duty.]

Section 821.2. The staff was asked to delete "negligent or wrongful" from this section and from all other sections in the statute where the words are similarly used unless the words are essential to the meaning of the section.

Section 830.4. The immunity from liability for injuries resulting from plan or design was made an absolute liability by deleting the last five lines of the section. The Commission indicated that it is as undesirable for a judge to second-guess policy making officials on questions of policy as it is to have a jury second-guess the officials.

Section 830.6. In subdivision (a), the word "install" was changed to "provide".

The staff was asked to redraft subdivision (c). The effect on the use of streets and highways by weather conditions is to be spelled out in a separate sentence.

The staff was asked to revise the preliminary language of subdivision (d) so that the immunity applies only to natural conditions and only when the property is not being used for a purpose for which the public entity intends or holds out the property to be used.

The preliminary language of subdivision (e) was revised to read:

A condition of any unpaved road which is not a state or federal highway and which provides access to fishing, hunting or primitive camping, recreational or scenic areas and which is never or only rarely used by the general public for other purposes, or of any hiking, riding, fishing or hunting trail . . . .

Section 830.8. Subdivision (a) was revised to read:

The ungranted tidelands and submerged lands, and the beds of navigable rivers, streams, lakes, bays, estuaries, inlets, and straits, owned by the State.

Section 835.4. The references to "not unreasonable" were changed to "reasonable".

Police activities. The staff was asked to add a section specifically providing that there is no liability for failure to make an arrest.

Section 845.8. The staff was directed to modify the section so that its construction is parallel to the similar statute in the medical chapter. The reference to negligence is to be removed. The comment is to be revised to include more discussion of the immunity for granting or denying parole.

Mob and riot damage. The Commission rejected motions to retain the existing mob and riot damage statute or some modified version thereof.

Section 850.8. The staff was directed to revise the section so that it will include an authorization for the personnel listed in Government Code Section 1957 to transport or arrange for the transportation of persons injured by fire. At the end of Section 850.8, the words "in transporting the injured person or arranging for such transportation" are to be added. These added words are to make clear that a public employee's liability is only for his wilful misconduct in connection with the transportation of the injured person and not in connection with the fighting of the fire.

Use of "unless". The staff was asked to revise Section 850.8 and all other sections in the statute that state that an employee is immune from liability unless certain facts appear. The staff was directed to revise these sections to affirmatively state that the employee is liable. The sections were drafted against the general background of common law employee liability (Civil Code Section 1714) except to the extent that immunities are created by statutes. The "unless" clauses of the immunity sections were drafted to indicate the limit of particular immunity involved. In the area not covered by the particular immunity the liability of the employee was to be determined by reference to the general common law and by the statutory immunities that appear elsewhere in the statute. Under the revision, these sections are to state that an employee is liable, but in order to retain the statutory scheme, the statement of employee liability is to be subject to other statutory immunities that appear in the statute.

Minutes - Regular Meeting  
November 15, 16 and 17, 1962

The Commission was afraid that a negative implication would arise from the "unless" clauses of the immunity sections to the effect that there is liability in the areas described in these clauses. To avoid the uncertainty arising from such negative implication, the staff was directed to express the appropriate liability directly.

Reference to "public entity". The reference to "public entity" was deleted from Section 850.8 as unnecessary. The staff was asked to review all of the sections of the statute to determine whether similar references to "public entity" may be deleted or whether they are necessary in light of the mandatory duty section, Section 815.6.

Section 855.4. Section 855.4 was deleted inasmuch as the question of liability for admitting or refusing to admit patients to public hospitals is covered by the mandatory duty section, Section 815.6, and the discretionary immunity section, Section 820.

Section 855.6. The defined term in subdivision (a) was changed from "mental illness or addiction" to "mental illness". The terms "epilepsy, habit forming drug addiction, narcotic drug addiction, dipsomania or inebriety, sexual psychopathy, or such mental abnormality as to evidence utter lack of power to control sexual impulses" were deleted from the definition in subdivision (a) so that the immunity created by the section would not apply to these conditions.

In subdivision (b), "diagnosing that a person is afflicted . . ." was changed to "diagnosing that a person is or is not afflicted . . ." Similar changes are to be made in other similar places in the section.

The staff was asked to revise subdivision (c) to indicate that a public employee may be liable for failing to carry out determinations or to administer treatment only if the determinations or prescriptions were made by a person authorized to do so. For negligent or wrongful acts in carrying out determinations or in administering treatment, the statute should not require that the determination or prescription be made by a person authorized to do so.

Section 856. The word "health" was changed to "mental" in both places where it appears in the fourth line of the section. A comma was added after "examination" in the fifth line of the section.

Repeals and Amendments. The Commission directed the staff to remove the repeals and amendments relating to sections of particular application to one agency in the Agricultural Code, Business and Professions Code, other codes and the uncodified acts, leaving only the adjustments and repeals of the sections of general application (to more than one district or State

department) in the Government Code, Education Code, Streets and Highways Code and Water Code. The recommendation should indicate that adjustment of the special statutes should be deferred until the final shape of the tort liability legislation to be enacted becomes apparent.

Retroactive application of statute. The staff was asked to add a section to the liability statute expressing the following principles:

1. The liability statute applies retroactively to the extent that it is possible to so apply it constitutionally. To the extent constitutionally possible, such retroactive effect is to create causes of action where none existed under former law and to abolish causes of action that existed under former law.
2. Causes of action barred by failure to comply with an applicable claims statute or statute of limitations are not revived or reinstated by this legislation. Moreover, where this statute creates a new cause of action that did not exist under the former law, such cause of action will be considered barred if there was no compliance with the claims statute or statute of limitations that would have been applicable if there had been a recognized cause of action at the time of the injury.
3. Causes of action recognized by the liability statute that accrued prior to the effective date of the statute that have not been barred by claims requirements or statutes of limitation will continue to be governed by the claims statute or statute of limitations applicable to them.
4. Preexisting causes of action, not barred by claims or limitations requirements, that are not recognized under the liability statute and cannot be

constitutionally wiped out by the retroactive application of the statute, will be barred if a claim is not filed within the time prescribed by the applicable claims statute or January 1, 1964, whichever is earlier, or if an action is not commenced within the time prescribed by the applicable statute of limitations or July 1, 1964, whichever is earlier. If the applicable claims statute requires rejection of the claim before an action can be commenced, then the claimant may bring his action within six months after the date of rejection.

Letter of transmittal. On the third line of the second paragraph, "the State and other" was inserted between "protect" and "public entities". Similar changes are to be made elsewhere where this expression is used.

On page ii of the letter, in the fifth line of the second full paragraph, "have" was deleted immediately before "expressed". In the seventh line of the same paragraph, "relating to sovereign immunity" was deleted. In the tenth line of the same paragraph, "organizations" was deleted and "persons" was inserted in lieu thereof. In the fourth line from the bottom of page ii, "all of" was inserted before "its aspects". In the last line of the page, "Other" was added before "problems" and "may" was deleted following "problems".

On page iii of the letter, "these" was changed to "the" in the last line.

Recommendation. The title to the section beginning on page 6 was changed to "Drawing Standards for Governmental Liability".

The staff was directed to add a footnote on page 1 to define "public entity" to include the State and all other public entities. References to "servants", "personnel", etc. are to be changed uniformly to "employees".

"Governmental" is to be changed to "public" where it is used to modify "entity".

In the second line of page 3, the word "pressing" was substituted for "great". In the third paragraph on page 3, the jurisdictions referred to that have waived immunity are to be mentioned in a footnote.

On page 4, the last two lines, language is to be added indicating that insurance may not be available at prices a public entity can afford to pay.

On page 5, "the" was deleted before "New York" in the fifth line and "governments" was made singular in the sixth line.

On page 6, "than" was changed to "from" in the fourth line.

On page 8, "type of liability statute" was deleted from the next to the last line.

On page 9, changes are to be made so that the use of plurals and singulars in the same sentence is consistent.

On page 10, "provides" was changed to "is" at the beginning of the second line. The last sentence of the first paragraph on page 10 is to be revised in order to simplify it.

In the second sentence of the second paragraph on 10, either all singular or all plural references are to be used.

In the last line of page 10, "limits" was changed to "scope".

On page 11, the singular and plural references to employees and entities are to be harmonized.

Paragraph No. 4 on page 15 was revised by deleting the last sentence and revising the first sentence to read:

Public entities should be liable for the tortious acts of independent contractors to the same extent as private persons, for they should not be able to escape their legal responsibilities by contracting for the performance of work that is likely to lead to injury.

On page 16, "that have been" was deleted from the fourth line. "Statute or regulation" was substituted for varying phraseology appearing in the paragraph. In the last line of Paragraph No. 5, "fail" was substituted for "refuse".

On page 17, the second sentence of Paragraph No. 7 was deleted.

On page 19, the first line, the words "These activities" and "the government has undertaken" were transposed.

On page 19, the portion at the top of the page is to be revised to indicate a reason for no liability to the person who is denied a license or whose license is revoked.

Commissioners with comments on the remaining portions of the recommendation or the comments under the sections were asked to submit them personally to the staff.

The staff was asked to make changes throughout the recommendation to reflect the changes made by the Commission in the statute--such as the fact that many statutes will not be repealed.

Claims, Actions and Judgments Against Public Entities and Public Employees

The Commission considered the tentative recommendation relating to claims, actions and judgments against public entities and public employees and Memorandum No. 69(1962), the First Supplement to Memorandum No. 69(1962), Revised Memorandum No. 51(1962) and Memorandum No. 73(1962).

General comments.

The Commission considered a comment from the Department of Finance and determined to retain the statutory scheme that provides one general statutory scheme covering claims against the State and against local public entities.

Specific comments.

The Commission considered the specific comments received on the proposed statute. Unless noted below, no change was made in the statute.

Section 900. It was noted that a definition of "local public entity" is necessary in this recommended legislation since such definition was deleted from the general definition part which applies to the entire article.

The Commission determined that the terms "local public entity" and "State" should be defined, and that both definitions should be based on the test used in the 1959 legislation. The staff is to report on what treatment should be given to the University of California under the claims statute. For example, the University of California could be excepted from the statute. Or it might be included as the State or as a local public entity. It was suggested that the staff contact the general counsel of the University of California in connection with this matter to determine the existing law applicable to the University of California.

Section 901. The Commission considered the comments of the State Bar Committee. It was noted that under our recommendation the cause of action does not accrue until the claim is rejected. Section 901 was revised in part to read:

. . . the date upon which the cause of action would be deemed to have accrued within the meaning of the statute of limitations which would be applicable thereto [~~if the claim were being asserted against a defendant other than a public entity~~] if there were no requirement that a claim be presented to and be acted upon by the public entity before an action could be commenced thereon.

Section 905.2. Paragraph (2) of subdivision (c) was revised to read:  
"(2) for an injury for which the State is liable".

Section 905.4. This section was deleted. The deletion of this section does not affect Section 950.4. Under the indemnity provision in the general liability statute, the public entity would have to pay the judgment against the employee where a judgment results because of Section 950.4.

Section 910. The Commission discussed subdivision (e) of Section 910 but determined to make no change in the language of this subdivision.

Sections 901.6 and 910.8. The last sentence of Section 910.8 was deleted. A new provision (to be a separate section or added as a new paragraph to Section 910.6) was approved to read as follows:

A failure or refusal to amend a claim, whether or not notice of insufficiency is given under Section 910.8, shall not constitute a defense to any action brought upon the cause of action for which the claim was presented if the court finds that the claim as presented complied substantially with Sections 910 and 910.2 or a form provided under Section 910.4.

Section 911.2. After considerable discussion, the Commission approved this section as written. It was recognized that the 100-day limit will apply to claims arising under Sections 17000 to 17003, inclusive, of the Vehicle Code.

Section 911.6. Subdivision (b)(3) was revised to read: "The claimant was physically or mentally incapacitated during all of the time specified in Section 911.2 for the presentation of the claim and by reason of such disability failed to present a claim during such time; or".

Section 912. The last line of the introductory clause of subdivision (b) was revised by inserting "and was denied by the board" before "and" at the end of the line.

Paragraph (3) of subdivision (b) was revised to read: "The claimant was physically or mentally incapacitated during all of the time specified in Section 911.2 for the presentation of the claim and by reason of such disability failed to present the claim during such time; or".

In subdivision (c)(2) the language was revised to read "the reason for the failure to present the claim."

Section 912.4. After considerable discussion, the 45-day period provided for action on a claim was retained as drafted.

Section 912.8. The words "act on" were substituted for "examine and adjust" in the second line of the section.

The section is also to be revised to include a provision authorizing the board to delegate to a state employee such functions of the board

under this part as are prescribed by the board; but, subject to Sections 960.4 and 960.6, may not authorize such employee to allow, compromise or settle a claim.

Section 913. This section was deleted as unnecessary in view of the provisions of Section 912.8.

Section 915.2. The Commission considered the objections from the State Bar Committee concerning this section. The staff was directed to revise the section to eliminate the cross reference to Section 1013 of the Code of Civil Procedure and to include in the section the pertinent provisions of Section 1013 describing the manner of mailing, but the time for action by the public entity on the claim or notice is not to be extended because it was presented or served by mail.

Section 930. After the word "claims" in the fourth line of this section the words "which are required to be presented to the board." were inserted.

The words "the agreement may not require a shorter time for presentation of claims than the time provided by Section 911.2, and that" in the last four lines of the section were deleted.

Section 930.2. The words "that the agreement may not require a shorter time for presentation of claims than the time provided in Section 911.2, and" were deleted in the last three lines of the section.

Section 935.4. The amount that a public employee may be authorized to compromise was increased from \$1,000 to \$5,000.

Sections 947 and 947.2. These sections should not apply to actions commenced in small claims courts.

Section 950.2 and 950.4. These sections should be revised to delete "negligent or wrongful."

Section 955.4. In paragraph (a), the words "Governor and" were deleted.

Section 955.6. This section was revised to permit service on the Attorney General or the Director of Public Works.

Section 955.8. This section was revised to permit service on either the Director of Water Resources or the Attorney General.

Sections 960.2, 960.4, 960.6 and 960.8. These sections were approved as drafted.

Section 970.6. At the end of subdivision (b), the words "or any part of an instalment" were added.

Section 970.8. It was suggested that this section may be inconsistent with the provisions of the general liability statute relating to liability under joint powers agreements and similar agreements.

Section 904 of the Education Code. At the end of this section the following was added: "except that the board, in its discretion, may provide for the prepayment of any one or more instalments or any part of an instalment."

Section 975.8. The words "At the conclusion of the hearing" were deleted and the word "Thereafter" was inserted.

Section 976. The word "general" was deleted and the words "any other" were inserted. Consistent changes should be made in

other sections where such changes are appropriate.

Amendments of existing statutes. A staff recommendation that references to the pertinent provisions of the new claims statute be substituted for references in existing statutes was adopted.