

1 shared powers concept of the local government section,
2 is it not true that a local unit of government, let us
3 confine it to a county, would have been able with or with-
4 out this particular provision in the Constitution to waive
5 or abrogate the doctrine of sovereign immunity?

6 DELEGATE CLAGETT: Yes.

7 DELEGATE CASE: Is it not also true as the
8 Committee report now reads without the Clagett-Wagandt
9 amendment the same thing would be true?

10 DELEGATE CLAGETT: No. I don't think the same
11 thing would be true because here you have a conflict
12 between what is judicial and what is legislative and because
13 of that conflict, I think that public general qualifies
14 the situation, but if you find that there is no conflict
15 between judicial and legislative function, then the answer
16 would be yes.

17 DELEGATE CLARK: Delegate Case.

18 DELEGATE CASE: So that the answer to that
19 question is yes, so the Committee can follow this, let me
20 state what I am getting at. If there was nothing in the
21 Constitution and the shared powers concept is adopted,