

this schedule of transitional provisions was prepared, but is now in Article 8. However, it reads, "Sovereign immunity may not be pleaded as a defense in suits against the State or any units of local government, or any of their departments or agencies, except to the extent and in the manner prescribed by law."

I take it that means that the General Assembly determines the extent to which you may or may not plead sovereign immunity. I would think that the provision with respect to jury trial would be applicable, in any case, as to when sovereign immunity could not be pleaded.

Delegate Gilchrist.

DELEGATE GILCHRIST: Mr. Chairman, ladies and gentlemen, I should like to urge the delegates to vote against this amendment, for two very good reasons. One of them is that the provision itself requires the legislature to stipulate the conditions under which sovereign immunity may be pleaded. You put this provision into effect on July 1, 1968. It would allow the legislature from May 14 until July 1 to establish standards. There are twenty-four counties in this State; there are 152 municipalities; and there are countless agencies and boards operating either on a governmental or quasi-governmental basis who need to be able to protect themselves against suits arising because of the abolition of the doctrine of sovereign immunity.

It has been 190 years since this doctrine started its existence in Maryland law. To abolish it and to say that all of the governmental agencies in the State of Maryland have six weeks in order to find an opportunity to protect themselves is ridiculous.

I suggest strongly that you would be doing an extreme disservice to all of the agencies of local government and state government if you pass this amendment.

THE CHAIRMAN: Delegate Johnson.

DELEGATE JOHNSON: Mr. Chairman, I just want to say this in rebuttal to what Delegate Gilchrist has said. The General Assembly and the subdivisions of this State do not have six weeks, Delegate Gilchrist and fellow delegates. They have six months. They have from the time we draft this constitution to prepare for this particular provision. I suggest and submit that they will do so if you act accordingly.

THE CHAIRMAN: Are you ready for the question?

Delegate Hardwicke?

DELEGATE HARDWICKE: Mr. Chairman, I would just like to state very briefly that in general it has been our policy that where the legislature must do something or is permitted by this Convention to do something before a given section can be implemented, we have delayed the effect of that implementation, and I think that we mean what we say when we adopt the language in the sovereign immunity section. You simply have to defer the effective date of this section. I do not see how you can consistently do anything except put off that effective date and vote this amendment down.

THE CHAIRMAN: Are you ready for the question?

*(Call for the question.)*

The question arises upon the adoption of Amendment No. 3 to Committee Recommendation GP-13.

A vote Aye is a vote in favor of Amendment No. 3. A vote No is a vote against.

Cast your votes.

*(Whereupon, a roll call vote was taken.)*

Has every delegate voted? Does any delegate desire to change his vote?

*(There was no response.)*

The Clerk will record the vote.

There being 20 votes in the affirmative, and 83 in the negative, the motion is lost. The amendment is rejected.

Will you please, on your blue copy of the amendment, correct the typographical error in the caption at the top of page 3. It is, of course, not "suffrage." Strike out the "E".

Are there any amendment to section 4? The Chair hears none.

Amendment to section 5?

Delegate Marion, do you desire to offer your Amendment K?

DELEGATE MARION: I do, Mr. Chairman.

THE CHAIRMAN: Pages please distribute Amendment K.

Delegate Hargrove, Delegate Hardwicke has called the attention of the Chair to the fact that the Chair's answer to your earlier question as to jury trial in connection with section 3-C, if not entirely inaccurate, was