

1 that the word "state" is a word which has been interpreted
2 because of the 14th Amendment language and has resulted
3 in a tremendous body of case law interpreting what state
4 action is.

5 THE CHAIRMAN: Delegate Hostetter.

6 DELEGATE HOSTETTER: And discrimination by
7 the state, getting back to Delegate Sollins' question as
8 to whether or not it covers all of the instrumentalities
9 of the state, could also mean the same thing as other
10 governmental action. Is this not correct?

11 THE CHAIRMAN: Delegate Mitchell.

12 DELEGATE MITCHELL: Yes, but in the area of the
13 phrase "governmental action" per se, it does not have the
14 body of case law. The courts have said that this is
15 governmental action when it has a case before it, involving
16 denial of the equal protection of laws by the state, and
17 have used governmental action in some instances with the
18 word "state", but it is our opinion that the word "state"
19 as it is interpreted now, and as it will be interpreted
20 by the courts of this state and the General Assembly and
21 by the Federal courts and the Supreme Court, will involve