

like to also extend our usual warm welcome to thirty-nine students from the Sparrow's Point Senior High School who are accompanied by their teacher, Mr. James Walters.

(Applause.)

THE CHAIRMAN: The Chair recognizes Delegate Dukes to speak in opposition to the amendment.

DELEGATE DUKES: Those of you who are or have been around children know that occasionally if you put a small child in a dark room, he becomes very frightened. That principle is essentially why the Maryland legislature will be a long time doing anything about the doctrine of sovereign immunity. Every time we go before the legislature, the attorney generals will start crying like rabbits followed by a hound.

I suggest to you that the Maryland legislature has not done anything of any substance in this area. You have heard about the insurance. Judge Henderson tells you that the insurance has been taken care of.

That is the voice of sagacity and the voice of conservatism.

I would like you to hear about a ten-year old girl. She is at school. The teacher pushes the child and she falls on the icy steps and hurts her back. The mother attempts to sue the Prince George's School Board which says, "We do not carry insurance. Our counsel advises us if we do not carry insurance, we are not liable." That is the way the legislature set it up. Insurance companies were not paying the claims. They passed that law for one reason, to make insurance companies pay claims when they have collected premiums. If your child is knocked over by a state vehicle, you pay for it.

There is a direct relationship between the people and the government. The purpose of the constitution is to set forth certain obligations of the government and certain rights of the people.

If you enter into a contract with someone, you would have a hard time if one of the terms of the contract was that you could not sue the party. He and you have obligations and you have got rights and he has. If he breaches his part, you cannot do anything about it. You just sit there and wait until maybe the legislature passes a special bill just for you, and then maybe on the other hand they will not.

I think you will hear a lot of talk about this being a bad doctrine because this will

cost a lot of money. Listen carefully about the people from whom you hear it. Listen to see if they are concerned about the City of Baltimore or whether they are concerned about the people of the State who are injured by the State and will have to bear that injury solely by themselves no matter how much involved the state was.

THE CHAIRMAN: For what purpose does Delegate Clagett rise?

DELEGATE CLAGETT: For a point of personal privilege.

THE CHAIRMAN: State the privilege.

DELEGATE CLAGETT: Merely to state that Prince George's does have insurance companies.

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: Mr. Chairman and ladies and gentlemen of the Committee, there is such a mountain of misinformation being thrown about this morning that I think it demonstrates our inability to take care of the problem.

I concur that the doctrine of sovereign immunity and the office of charitable immunity should be put aside. We are taking a broad swipe at the problem and in so doing are merely hacking away at it.

As a member of the Board of Commissioners of the Baltimore City Hospitals and its past Chairman, I just called the Executive Director and it was determined that all Baltimore City Hospitals do carry Workmen's Compensation.

If we did some checking I would suspect it would take a long time to get the kind of information together to really exercise proper judgment on this particular problem.

I submit that what we are doing is going about a problem without sufficient facts, and I do not think the constitution is the place to take care of it.

There has been gradual attrition of the doctrine of charitable immunity in the General Assembly, as you may know. Hospitals were required to carry up to \$100,000 insurance and if they did, they were not liable beyond that.

I think it is a step in the right direction.

I say we are making a real hit and miss attempt at the problem. We do not have the facts, rather we have a fountain of misinformation.

THE CHAIRMAN: Does any other delegate desire to speak in opposition?