

portunity to provide restrictions and qualifications upon that right. It is our proposal, at least the Committee's proposal, that the legislature ought to have one session in which to act in this matter.

If they do not, then we take it that the General Assembly has decided they do not want to put in any restrictions or qualifications.

DELEGATE JAMES (presiding): Delegate Rybczynski.

DELEGATE RYBCZYNSKI: Following your thought further as you suggested last evening, the people who will be damaged between July 1, 1968, and July 1, 1969, will have no recourse. Is this true?

DELEGATE HARDWICKE: That is true, but that is the way it has been from 1776 to 1968.

DELEGATE JAMES (presiding): Delegate Rybczynski.

DELEGATE RYBCZYNSKI: If you will, down to the section C, I am even less clear as to why there should be a date there since the reversal of the sovereign immunity places no direct imposition on the General Assembly about making any changes whatsoever. It merely reverses the doctrine as it now exists.

Why should there be a year and a half delay an, again, the people suffering damages in that year and a half? Why should they be denied the benefit of what we are trying to do here?

DELEGATE HARDWICKE: We have the same principle here, I think, that the legislature ought to have an opportunity to act in the area. On July 1, 1968, it will not have had an opportunity to act, and it ought to have at least one full term in which to act.

Now, let me divert briefly from your question and my answer because I want to explain something with regard to this January 1, 1970 date. It was our feeling that the legislature would probably act in this area with regard to sovereign immunity by July 1, 1969. It was then our intention to defer for an additional six month, in order to permit municipalities and so forth to get insurance which would be sufficient to protect them with regard to the act of the legislature.

Here is the way we put it through. 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 ex-

tent and in the manner provided by law. Now, Delegate Rybczynski, we felt that since this Convention said except to the extent and in the manner provided by law, the legislature ought to have an opportunity to provide the exception that we set forth in here and to provide the manner that we said they could provide.

Otherwise, you will have a period from July 1 coming until the time that the legislature meets that they could not have acted. We do not think that is the intention of this Convention. We postponed the effective date for one year to give the legislature time to act and for an additional five or six months in order to give the municipalities time to obtain proper insurance.

DELEGATE JAMES (presiding): Delegate Rybczynski.

DELEGATE RYBCZYNSKI: Once again, Delegate Hardwicke, I just want to comment I still do not understand how we can possibly overlook the fact that in that year and a half many persons will suffer damages and will not be in a position to take advantage of this. If you will, go to section 16 under the judicial branch.

DELEGATE JAMES (presiding): Delegate Rybczynski, let me make a statement for the purpose of clarification. It has been suggested to the Chair and the Chair agrees that for the purpose of keeping a clear record it will be better to confine our questions or to take our sections in seriatim for the purpose of clarification.

Since you referred to section 2, we are right in line with that. Is there a reference to section 16 for the purpose of clarifying section 3?

DELEGATE RYBCZYNSKI: No.

DELEGATE JAMES (presiding): Well, the Chair would like to follow the procedure subject to the approval of the Convention to take up each section seriatim for the purpose of clarification so that if you have finished your questions on section 3, we will ask for any further questions on section 3 and then we will go to section 4 and read section 16 in order.

DELEGATE RYBCZYNSKI: You recall that I asked you that additional —

DELEGATE JAMES (presiding): Yes, I understand that. I think the Chair was in error in its approach. I think we covered section 1 last night. The recollection is that we covered 1 and 2 last evening. We are now on section 3. Are there any