

lute right of suit in every respect without any curtailment by the legislature. We feel that the legislature should have at least one session within which to make whatever adjustments it wants. This is only fair. There has never been any question about this as far as the Committee on Personal Rights was concerned and I think there was some recommendation, maybe in an ancillary report, where the suggestion was made that it be put off even longer.

Maybe Delegate Willoner will recall that, but I believe the Committee was quite firm in its feelings that the legislature should have some chance to take some kind of definitive action on this.

I would therefore urge that you reject this amendment.

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

Delegate Churchill Murray?

DELEGATE E. C. MURRAY: Mr. Chairman, ladies and gentlemen, I felt it necessary to oppose Delegate Johnson's first amendment, not because it was not fair, not because it should not have been supported, but for the practical reason that I do think that you have to give the legislature some time in which to make inquiry, to establish guidelines, and to make this into a working thing.

As you all know from the number of times that I have spoken on this subject, I feel there is a moral obligation here, and the sooner we can start discharging it the better. However, this amendment does deal largely with personal injuries. It does deal with injury and damage done and more easily determinable. I cannot think of any good right, and I do not recall — perhaps I should, but I do not — any discussion within our Committee which led to or would lead to a deferment of the acceptance of this responsibility. If it is a right, and I believe that it is a right, then I believe we should accept it immediately.

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

*(There was no response.)*

Does any other delegate desire to speak in opposition? Delegate Groh?

DELEGATE GROH: Ladies and gentlemen, I would just like to point out that we had some opposition on the part of municipalities and other units that would be affected by this. We felt it necessary to give a short period of time for them to obtain

the necessary insurance, and also for the legislature to define this without opening it up completely. I feel that to avoid serious opposition on the part of units of government to this, we should give this concession, as set forth in the transitional provisions.

Thank you.

THE CHAIRMAN: Does any other delegate desire to speak in favor? Delegate Willoner?

DELEGATE WILLONER: I just wish to clear the record up. I do not really want to speak in favor of it. May I make comment?

THE CHAIRMAN: You may.

DELEGATE WILLONER: I believe it was the intent of the Committee that the right of sovereign immunity should be eliminated, and if the legislature had problems with it, they could protect those areas. The sentiment was not to allow the legislature to define sovereign immunity but just to protect certain areas if they develop problems in those areas.

THE CHAIRMAN: Does any other delegate desire to speak in favor of the amendment? Delegate Hargrove?

DELEGATE HARGROVE: I have a question I would like to ask. I might ask the Chair, because it does not relate directly to the amendment.

THE CHAIRMAN: Very well. State the question.

DELEGATE HARGROVE: Would the sovereign immunity provisions encompass the possibility that the General Assembly might deprive the person of a jury trial in this area, in view of section 1.13?

As we all know, in the federal tort claims act there is a similar thing. There is prohibition against jury trial by a plaintiff.

THE CHAIRMAN: I am not sure I follow your question, Delegate Hargrove.

DELEGATE HARGROVE: I will put it this way, Mr. Chairman. Would section 1.13 prevent the General Assembly from setting up as a part of the sovereign immunity provision, or some legislation setting out the areas in which suits can be had, a prohibition of the right to a jury trial?

THE CHAIRMAN: I follow you. I would not think so myself. The section on sovereign immunity on second reading is not before you simply because the original section was in the declaration of rights when