

*(The amendment was duly seconded.)*

THE CHAIRMAN: The Clerk will read the amendment.

READING CLERK: Amendment No. 10 to Committee Recommendation R&P-2 by Delegate Kiefer: On page 3, section 7, Right to Sue State and Local Governments strike out all of lines 4 through 9, inclusive, and insert in lieu thereof the following:

“The State, its instrumentalities and political subdivisions may be sued in the courts of the State to the extent and in the manner as may be provided by the General Assembly.”

THE CHAIRMAN: Delegate Bennett, for what purpose did you rise a few moments ago?

DELEGATE BENNETT: I rise to speak to the amendment.

THE CHAIRMAN: I think we better let the sponsor speak to it and then you will be recognized.

DELEGATE KIEFER: Mr. Chairman and ladies and gentlemen of this Committee: I will be very brief because I think enough has been said on the whole question and it has been well said. I want to call to your attention that when families fight among themselves and this committee had its moments, that is one thing. But when we get attacked from the outside, we stand together.

The Committee went a little too far in section 7. It opens the door completely and requires the legislature to close it. In the twenty-six states that have done this, all of the states as far as I know, and I have not checked each individual constitution, but in our check on this, all of the states do about what my amendment would do and do not open the floodgates as proposed in section 7.

Therefore I urge the adoption of this amendment.

THE CHAIRMAN: The Chair recognizes Delegate Case.

DELEGATE CASE: Will the Chairman yield to a question?

THE CHAIRMAN: Delegate Kiefer.

DELEGATE KIEFER: Yes.

THE CHAIRMAN: Delegate Case.

DELEGATE CASE: Chairman Kiefer, what confuses me about the subject, is that

I understand your amendment to be declaratory of the laws that now exist. Is this not true?

THE CHAIRMAN: Delegate Kiefer.

DELEGATE KIEFER: I suppose it does except that it states, as I pointed out before, the concept of sovereign immunity will be diminished by legislative action.

This has not been stated in our Constitution prior to this time. It has been important enough to have been included in some twenty-six other state constitutions.

THE CHAIRMAN: Delegate Case.

DELEGATE CASE: There are a lot of things that are the law of the land that are not stated in the Constitution. I ask you this. What earthly good could these three or four lines serve since all they do in my judgment, and I now take it in yours, is to declare what the law is today?

THE CHAIRMAN: Delegate Kiefer.

DELEGATE KIEFER: Delegate Case, in the preface to my remarks originally, this Committee considered many matters that were sent to it on proposals.

This was one that came to us by two or three different proposals. It was obvious to us that many of the concepts sent to this Committee on Personal Rights and the Preamble dealt with governmental policies rather than just personal rights and that is why this Recommendation No. 2 contains this concept of governmental policy.

A sufficient number of people in this Convention had sent us this concept and had appeared before us, and since our research indicated that it was important enough to be in other constitutions that we include this concept as a statement of policy in this constitution.

This is why I urge the adoption of this amendment.

*(First Vice-President James Clark assumed the Chair.)*

DELEGATE J. CLARK (presiding): Delegate Hanson, do you desire to speak against the amendment?

DELEGATE HANSON: At the proper time, but I would like to ask Delegate Kiefer a question.

DELEGATE CLARK: Delegate Kiefer, do you yield to a question?

DELEGATE KIEFER: Yes.