

be and if he errs on the side of 15 or 20 or 100 or 200, why he has made the best guess he can, but he is usually going to guess on the conservative side.

Now, you multiply that 24 times, and you get that estimate. What happens if they guess two or three hundred or a thousand children more than actually are in school? Nothing. The money goes right back to the State. It is the state's money. It cannot be spent. It cannot be thrown down the drain. It goes right back to the State of Maryland, so literally it is a bookkeeping arrangement.

Now, if you do not like the figure of \$370 per year per child per county, then all you have to do is change the law. The legislature may do so, only it cannot change it right at the time when you are in the midst of this gigantic enterprise of putting all these figures together.

In the simplest way, this is what is meant by the mandatory provision. It likewise relates to something that is much too complicated to discuss at this point, but it deals with the equalization formula.

I used to say at the time of the Commission Report which bears my name that there were only seven people in the State who understood the meaning of the equalization formula. I think now that they have complicated it to such an extent that several have forgotten its meaning, but new ones have learned it so it is about the same.

But in any event, the equalization formula as well as other matters relating to the schools are what is meant by the appropriations as provided by law.

It goes to other programs relating to the children. But bear this in mind, that there is not one single dollar of these appropriations to the school funds of the various counties which, if over-estimated in any way, deprives the State of money when not expended. It goes right back into the state's surplus.

Sometimes the budget director has felt that there was an over-estimate. Sometimes he has been right. Under an attorney general's opinion, it is made clear that the school authorities have every right to have these estimates of theirs and their budgets scrutinized by the governor and by his staff, and I assure you they not only scrutinize it but they go through a terrific hassle in order to make sure that their money is accurately estimated within the bounds of human endeavor in the light of

the facilities and the facts that are then available. So it is not to be assumed that this is some kind of an untouchable sacred cow provision in the constitution. It is just that we have, from the moment we obtained our executive budget, said that the school system shall be fully and completely protected by law.

If you want to change the law, do it, except that the school system will have that one year of leeway and in that leeway, they can adjust to whatever the change of the law will be.

All the budget requires is what the law says shall be in it. And not all of the school provisions are mandatory, just as I have related to you. We have provided what they shall be.

Really what it amounts to is that the school officials have that one year leeway in making all these estimates and as I repeat, if these are wrong, the money goes back to the State.

Now, the Committee has voted to retain this provision in the budget, and we hope no successful effort will be made to change this. I will, of course, if one is made, debate this much more fully.

Now, on the subject of the judiciary as I stated a few minutes ago and of the judge of the superior court — because under the draft provision at that time there was an indication that the chief judge of the superior court would be the chief administrative official — we would say let us pass it as it is with a recommendation to the Committee on Style.

At the moment I would say it should be the chief judge of the Court of Appeals, or as delegated, or in some way cover it by giving the authority to the chief judge, and whoever his chief administrative officer is would be the one who would submit it.

Of course with respect to the legislature we have already spoken. Now comes the big problem. I do not know of anything that the legislature does that is as important as its scrutiny of the budget, and I do not know of anything that is more frustrating to the members of the General Assembly than its examination of the budget.

We spent hours and days with them over and over again discussing this matter. We are hopeful that with the new era that we hope is dawning, the legislature will have adequate staff, that there will be interim work done without waiting for the