

DELEGATE J. CLARK (presiding):  
The Chair recognizes Delegate Mudd.

DELEGATE MUDD: Judge Sherbow, in your explanation you referred to the fact in section 6.05, mandatory appropriations, that you had used the term "certification by the chief judge in the superior court" pursuant to the draft provision in that regard.

Is it your view that the Committee on Style and Drafting can change the Chief Judge of the Superior Court to the Chief Judge of the Court of Appeals?

DELEGATE J. CLARK (presiding):  
Delegate Sherbow.

DELEGATE SHERBOW: Delegate Mudd, since you have raised the point, in order not to have any problem, I would like to ask for unanimous consent for us to modify that particular section which is in section 6.05, on page 2, line 24, and strike out the two words "Superior Court" and insert in their place "Court of Appeals".

DELEGATE J. CLARK (presiding):  
Delegate Mudd.

DELEGATE MUDD: Before we suggest such an amendment, Judge Sherbow, would you inform me whether such an amendment would require that the Chief Judge of the Court of Appeals only would be the person required to appear before the legislature to defend the judicial budget?

DELEGATE J. CLARK (presiding):  
Delegate Sherbow.

DELEGATE SHERBOW: I think that when the dust settles here, we might be able to work out a provision vesting the responsibility in the Chief Judge of the Court of Appeals, and providing the machinery in the chief administrative officer in the Court of Appeals. To do that, however, there has to be in our judgment a specific constitutional designation of who that shall be. Rather than have this come back knowing we have designated the wrong official, I would like to get unanimous consent to make it the Chief Judge of the Court of Appeals, and then when your Committee on the Judicial Branch has worked out some more of the details, perhaps you may have the more practical answer to it.

DELEGATE J. CLARK (presiding):  
Delegate Mudd.

DELEGATE MUDD: Rather than ask unanimous consent at this time for that amendment, could it be deferred until I can

discuss it with members of the Judicial Branch Committee? We feel it may be inadvisable to have the responsibility evolve upon the Chairman only.

My problem is that I would like to know from the Presiding Officer or perhaps from the Parliamentarian whether or not having passed it in our Committee as Superior Court judge which both of us know is incorrect at this time in the light of your committee's action, whether we ought to make this amendment now.

I do not know. We are both seeking the same end. May I ask the Chairman —

DELEGATE J. CLARK (presiding):  
The parliamentarian is not here right now. I would think that we could come back to it later today.

DELEGATE SHERBOW: Let me make this suggestion, Mr. Chairman. I think, Delegate Mudd and Mr. Chairman, that the answer lies in this: our memorandum anticipates this, because we say at the bottom of page 4, whatever the designation is, it should conform to the provision adopted by the judicial branch.

I will withdraw my request and just leave it to practical developments in order to get it right after the Committee has acted.

DELEGATE J. CLARK (presiding):  
Delegate Kathleen Robie.

DELEGATE ROBIE: Mr. Chairman, may I ask Mr. Sherbow a question?

DELEGATE J. CLARK (presiding):  
Proceed.

DELEGATE ROBIE: Is it not true that every child in the State of Maryland has the right to a good public school education and if he desires to take this education he will be counted in the state's formula for the budget?

DELEGATE J. CLARK (presiding):  
Delegate Sherbow.

DELEGATE SHERBOW: Yes, that is what I said.

DELEGATE J. CLARK (presiding):  
Delegate Robie.

DELEGATE ROBIE: Then if he decides that he does not want to avail himself of this education and would like his own particular brand of education, then he is not counted and would not come under this formula?

DELEGATE J. CLARK (presiding):  
Delegate Sherbow.