

under the governor is subject to this requirement.

DELEGATE J. CLARK (presiding): Delegate Gallagher.

DELEGATE GALLAGHER: Judge, you have stated that in section 6.04 on the third Wednesday of January in each year (except in the case of a newly elected governor and then not later than 12 days after the convening of the General Assembly into regular session) unless such time be extended by the General Assembly, the governor shall submit a budget for the ensuing fiscal year.

Under the provisions of the legislative article we have given the General Assembly the power to fix a date for the commencement of the regular session different from that of the third Wednesday in January.

If it did set a different time, would you interpret the language on the top of page 2 "unless such time be extended by the General Assembly" to encompass that situation, so that let us say, they met on the second Wednesday in February? Would that be an extension in your point of view?

DELEGATE J. CLARK (presiding): Delegate Sherbow.

DELEGATE SHERBOW: Yes. I would rather see it spelled out. I do not think there ought to be that kind of a doubt, Delegate Gallagher.

This is something that the Committee on Style must address itself to. If it is not cured, we ought to do it in the form of proper amendments, either to the legislative or this budget section. There ought not to be any doubt about it. It is too big an item to be left to interpretation.

DELEGATE J. CLARK (presiding): Delegate Gallagher.

DELEGATE GALLAGHER: It would be your interpretation that the mere fixing of the General Assembly of a different time other than the third Wednesday in January would not be sufficient to operate under this language but that in addition to that, if the time be moved for the commencement of the regular session, a specific act or part of an act should be made into law which says that the budget shall come in on such and such a day in that session?

DELEGATE J. CLARK (presiding): Delegate Sherbow.

DELEGATE SHERBOW: We are both thinking of the same thing. We are not wedded to the language we used. We de-

liberately got over that hurdle by saying we cannot do any differently until your legislative article can be determined and we say this is something that really has to be spelled out so that there will not be any question of leaving it to somebody's idea of what the words mean.

DELEGATE J. CLARK (presiding): Delegate Gallagher.

DELEGATE GALLAGHER: I have one last question, Judge, and pardon me, it is something by way of a statement.

But I heard the exchange between Delegate Vecera and yourself about the mandatory school budget and the history of the act, and he made certain inquiries to you about school children generally; without in any way disagreeing with you, you do not intend to indicate by your answer that there are federal acts such as the Elementary and Secondary Education Act which count all the school children rather than only public school children, this would be totally different?

DELEGATE J. CLARK (presiding): Delegate Sherbow.

DELEGATE SHERBOW: Totally different. I did not want to open it up. Because it opens up the heartbreaker of handicapped children. I was addressing myself only to the \$370 item, how you count it and how is it done. That is all I was trying to limit myself to.

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

DELEGATE BENNETT: Judge Sherbow, would you indulge me a little by discussing further section 6.07? I am accustomed to the federal budget where the Congress may raise any item in the budget or lower it; under the Maryland budget, as I understand it, the General Assembly cannot do that and as you pointed out, that is very frustrating to them, but it must be even more frustrating to a state officer who has a program or is responsible for a program to which the governor perhaps may be hostile, or some particular group may have a program to which the governor may be hostile.

Now, is there not some way other than this supplementary appropriation business, which is very awkward it seems to me, by which the legislature can mandate an appropriation?

DELEGATE J. CLARK (presiding): Delegate Sherbow.

DELEGATE SHERBOW: All you have to do is pass a law and you have to get that