

spect to the appointment and removal, if my memory serves me correctly, with respect to appointment, removal and tenure. We used the term "judge" and did not further define it to judge of the superior court, Court of Appeals, district court, et cetera. I think that would take care of the problem.

THE CHAIRMAN: Delegate L. Taylor.

DELEGATE L. TAYLOR: Delegate Johnson, you made a statement about labor courts. Do you feel there might be a need for a labor court in the State of Maryland?

DELEGATE JOHNSON: I think that is possible, but that certainly is alone not the reason why we propose this. The truth of the matter is we think it possible for a number of other special courts that may need to be created in the future. We cannot predict. We have indicated some other special courts, I believe labor court was one, because that was a suggestion given to us.

DELEGATE L. TAYLOR: You said that special courts like the labor court or family court or combination of landlord-tenant court would not be created under this committee recommendation; is that correct?

DELEGATE JOHNSON: No, we think any administrative or quasi-judicial court such as housing court or tax court as we have it now, or Workmen's Compensation Commission, in our view could probably be continued.

However, we cannot predict future needs wherein it may be that some of the quasi-judicial courts or administrative courts as we know them today, may need to become courts of record, actually part of our judicial system. The only thing we suggest, and as provided in thirty other state constitutions, is that the legislature in its wisdom and to promote flexibility should be permitted to create other courts, if any, as needed.

THE CHAIRMAN: Delegate Taylor.

DELEGATE L. TAYLOR: You were saying the committee recommendation is not geared to the future court needs of the people of the State.

DELEGATE JOHNSON: No, I would not put it in that term. I think that it is just not flexible enough. I think the majority members feel that by providing for functional differentials they will take care of whatever problem may develop. The minority feels this may or may not be the

case and just by adding a couple words we could provide for future generations for the creation of other special courts.

THE CHAIRMAN: Delegate Cicone.

DELEGATE CICONE: Mr. Johnson, would the judiciary not be in a much better position to know what courts are needed by their functional divisions than the legislature? Could the legislature not be pressured by certain areas to create certain courts. We might get into the area we have already with various courts being created perhaps where they are not needed or needed in a smaller degree. Could this not be taken care of by the functional divisions instead?

DELEGATE JOHNSON: I will try to answer your question this way: Functional divisions will certainly take care of any problem wherein the jurisdiction is the same.

I might comment a bit on this because there was a lot of discussion concerning the functional divisions of the superior court and the district court. I might say that the reason that we provided for functional divisions was to permit some flexibility in particularly urban areas where it would be important in the Committee's view to have a civil jurisdiction and a criminal jurisdiction. As you know as a member of our Committee this amendment was submitted by a member of the minority.

You can do that in Baltimore City and some other urban areas but you need not do that perhaps in Talbot County or some other small county.

DELEGATE JOHNSON: So although you can answer part of the problem by functional division, in our view you could not take care of the possibility of the need for creation of a tax court unless you provided for tax court jurisdiction in every district court or superior court in the State. That would be the same way with the court of claims. It would be the same way with a labor court, because if you are going to have a uniform judicial court system, then the jurisdiction has to be uniform.

We are in favor of that, but we think that these special courts ought to be provided for if they are needed and that we should not tie the legislature's hands in creating them if the need arises.

THE CHAIRMAN: Delegate Hargrove.

DELEGATE HARGROVE: Delegate Johnson, by removing the word "exclusively" from section 5.01, can you tell me