

budget, but the legislature or the governor could determine the form of the budget bill.

Now, with that further statement, could you amplify your previous statement?

DELEGATE SHERBOW: I accept that. I think that was the understanding of our Committee. I was thinking in terms of a different meaning of the words "form" and "detail". But I think as you expressed it that is what the Committee intended.

THE CHAIRMAN: Delegate Penniman, have you got the result of the colloquy?

DELEGATE PENNIMAN: Yes, sir, I do have the results, I think, at the present time.

THE CHAIRMAN: Delegate Hanson.

DELEGATE HANSON: Mr. Chairman, I was sitting here in sublime complacency until I heard this explained.

One thing still troubles me. In budgeting there is not very much distinction, I think, that can be made between form and substance, because the form in which a budget is presented very often discloses or fails to disclose the substance of matters contained therein. I would hope that as the Committee interprets section 8.04 as to the power of the General Assembly to compel information to be contained within the budget, that this would permit within this word "information" the General Assembly to prescribe that the information be listed by program, or if the General Assembly should decide we should have an accrual budget, that it would permit the General Assembly the power to require the governor to present that kind of information in the form that the General Assembly needs to see it to understand what it is that the governor is doing in the budget.

I do not think that form and substance relate to the sequence in which you present the data.

THE CHAIRMAN: I would anticipate what the legislature would do would be to provide that the information be furnished and not varied, and that would satisfy you, is that correct?

DELEGATE HANSON: If that is perfectly clear that is what we mean by the term "information".

THE CHAIRMAN: Very well.

Delegate Willoner.

DELEGATE WILLONER: While we are clearing up these matters, perhaps my amendment became unnecessary.

THE CHAIRMAN: If we can dispose of the amendments with short colloquies, we will keep it going.

DELEGATE WILLONER: You referred to line 29 in section 6.05, "as required by law", as meaning prescribed by the legislature. If that is what you mean, then my amendment becomes unnecessary.

THE CHAIRMAN: When I said "prescribed by the legislature," I meant by the legislature by law, and that means an act passed by the legislature and signed by the governor, or passed by the legislature and vetoed by the governor, but not a resolution of the legislature.

DELEGATE WILLONER: If that is the meaning of "required by law" on line 29, and it does not include the rule making power of the court, then my amendment is not necessary.

THE CHAIRMAN: The Chair could not conceive that there could be any other meaning.

Is there any possible intent that the words in line 29, "required by law", could possibly be intended to include "required by rule of the Court of Appeals of Maryland"?

DELEGATE SHERBOW: The question was raised when it was asked earlier if the Court of Appeals by its rule-making power were to pass a rule which would require that, for example, some method be found for the payment of fees for lawyers defending indigent persons, and that, in my judgment, would have the effect of a law.

I said if the legislature then chose to overrule that situation, they could do so. But if they did not, that was a rule which had the effect of law.

THE CHAIRMAN: I must confess that the Chair is a little disturbed at that interpretation, because we have certainly not used the expression "required by law" anywhere else in the Constitution to have that meaning, and, if so, if it is the intent of the Committee that this means what I thought it meant, it might be desirable to say "required by the General Assembly by law."

DELEGATE SHERBOW: This was never discussed by the Committee. The matter has only come up as it was expressed today. I was giving my opinion individually, stating that if this occurred, and it was a matter that I had not contemplated or dreamed of occurring, but if it did, there were six or seven meanings of law before