

all right, but we think, also, that this requires the utmost care on their part so that when it comes back, the executive department area and the budget area will mesh, concerning the presentation of the budget by the governor after his election for a first term.

Now, the budget has certain very careful, rigid restrictions and requirements. We recommend in our very first section the change of one word, but in this particular instance, I do not think it will provoke the comment that we have had with respect to that word heretofore.

We are asking that the word "shall" be substituted for the word "may" in the requirement that the General Assembly shall not appropriate any money out of the treasury except by a budget bill for a supplementary appropriation bill. This ties it down. I think the word "may" really has the same meaning as "shall".

Now, we come to the budget. We provide here that on the third Wednesday in January, the governor shall submit the budget. If he is a newly elected governor, then not later than twelve days after the General Assembly convenes unless that time is extended by the General Assembly.

Now he submits his budget and he has got an advantage over the governors in the years past. He only has to submit a budget for one year under our present system which has been in effect now for the last ten or fifteen years.

The budget shows the estimated surplus or deficit of revenues at the end of the preceding year. Then it contains for the fiscal year an estimate of revenues, a complete plan of proposed expenditures by program, including all appropriations required by the constitution or by law, and any additional information that is required by law, all in such form and detail as the governor shall determine.

Then the total shall be limited to the funds available as shown in the budget. Now, you will find here that we have added the word "program", because, as recommended by the Sobeloff Commission many years ago and as recommended by all who are knowledgeable in this field, this line by line determination while it may serve a useful purpose is not the way to go over a billion dollar budget.

It ought to be by program, so that you can see really what the State is aiming for, what it is striving to do, and how much money it is willing to appropriate.

Then you can compare this if you will on a line by line basis with what has heretofore been done.

Now, there are certain things that the governor must do and each of these has a fundamental reason for existence. The estimate of appropriations for the legislative branch, which is certified by the presiding officer of each branch, and for the judicial branch, certified by the chief judge, shall be transmitted to the governor in such form and at such time as he shall direct to the extent that the appropriations for the legislative and judicial branches and for state support of public school systems are required by law; the estimates therefor shall be included in the budget without revision.

What we are saying here is simply this. These mandatory provisions fall into three classes. First they relate to the legislative branch, secondly to the judicial branch, and third for state support of our school system.

But I hope you will understand that this is not an open end. It is an appropriation only to the extent required by law. These appropriations are in the budget, I repeat, only to the extent required by law. If the legislature wants to change the law, it may do so. That law goes into effect the following June and then for the next budget that law will be carried out.

Now, we know from the moment we met here that we separated the legislative and the judicial branches from the executive branch. But in the budget, as you know, the power of the purse is really the ultimate power within the State. You could not give the governor the opportunity, if he so chose and none ever has in this State, to obliterate the judiciary or to downgrade the legislative by simply taking all of their funds away from them.

This cannot be done in Maryland. Whatever the law says, it says the salary of the legislature shall be whatever the law says shall be the requirements for the maintenance of the legislative branch; whatever the law says, shall be the judicial salary, whatever the law says the maintenance of the judicial system shall require; to that extent as required by law, the governor must insert those provisions in the budget.

He does not have any opportunity on his part to reduce them. He cannot. The reason he cannot is because he could simply take complete power by reducing them to whatever he chose to, even as low as one dollar, and we would have no legislative branch