

DELEGATE SHERBOW: That is what I said, yes.

DELEGATE J. CLARK (presiding): Delegate Robie.

DELEGATE ROBIE: Thank you.

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

DELEGATE SICKLES: Delegate Sherbow, with respect again to mandatory appropriations for the state support of public school systems, I do not believe that you said we are not talking about the expenses of the State Board of Education, that that budget as proposed could be modified first by the governor and the General Assembly?

DELEGATE J. CLARK (presiding): Delegate Sherbow.

DELEGATE SHERBOW: Yes. That is not one of the mandatory provisions and I think we so state in our memorandum.

DELEGATE J. CLARK (presiding): Delegate Sickles.

DELEGATE SICKLES: One further question.

I support the general proposition of what we are trying to do here so that the local school boards will know and can estimate what amount of money is going to be available to them. Would we, though, by putting this language which includes the words "estimates therefor" in it, and your interpretation is that the estimates cannot be questioned at least in advance or they could be questioned in the post-audit in the actual history, would we create any problem providing the method of estimating? Could the legislature not set up procedures for a uniform method of estimating to the extent that this becomes an art? Are there not percentage figures that can be used to be put in the basic delegation?

DELEGATE SHERBOW: Let me go back.

When you say they may not be questioned, this is not so because the estimates are questioned. They are put through the wringer, so to speak, by the Director of the Budget, who does not accept the figures. He gets his own estimates and out of it sometimes the governor has to shake a couple of heads together to make the figure acceptable, so it is not one that is without question and accepted in blanket form.

Actually under one attorney general's opinion the Director of the Budget was advised that he had a perfect right to question the source of these estimates.

The legislature has a perfect right to enact legislation and provide the manner by which calculations shall be made, and they shall be binding on all the parties, even for example, in this area of the number of pupils per county for the public school system. This does not deprive the legislature of that power except that the law would go into effect on July 1st of the following year.

DELEGATE J. CLARK (presiding): Delegate Sickles.

DELEGATE SICKLES: Delegate Sherbow, you answered my question but raised another one.

When you say that the estimates can be questioned, it is just that. They can only be questioned. As a matter of fact, neither the governor nor the legislature could change the estimates.

DELEGATE J. CLARK (presiding): Delegate Sherbow.

DELEGATE SHERBOW: As of now, there is no great problem except in the attitude of two officials, the director of the budget, and whoever the school officials may be.

The one says "look, I have twenty-four county superintendents, here is how they have come up with all of their figures." The director of the budget says "That is all right, but look at what I have, and we think you have overestimated it by a certain number of pupils."

Out of this comes an answer. But if the chips are down and the director of the school program says "look, we estimate so many pupils and we think you are wrong", I think when that occurs, they are going to have to take his estimate.

There has been no great to-do about it except in conversation because in the end every dollar that is over-estimated goes back to the State. It is not shifted around into other budget appropriations or, being available, spent. This is not so. It goes back.

DELEGATE J. CLARK (presiding): Delegate Claggett, do you still wish the floor?

DELEGATE CLAGETT: Delegate Sherbow, with reference to section 6.07 where the General Assembly may amend the budget bill by increasing any item or reducing or striking with certain exceptions, but may not otherwise amend the budget bill or change the estimate of revenues,