

out of the section that you have now referred to and put it into the section that was before the Committee last week, so the result is that they are exactly the same. They mean exactly the same thing.

DELEGATE J. CLARK (presiding): Delegate Sherbow.

DELEGATE SHERBOW: And it is no longer required that they be for a single work, purpose or object in one separate bill.

That may account for the impossible situation that developed in the last case.

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

DELEGATE PULLEN: Mr. Chairman, as this is the required hour of questioning, to make my question legal, I will ask Judge Sherbow if he does not agree, first, that all appropriations in his estimates go to the counties to provide education for the children of those counties and, further, to provide education in both public and private schools for handicapped children; second, that these provisions do not apply to the colleges, to the State Department of Education or anything else; third, that the law spells out specifically the purpose for which appropriations are made and that the State Department of Education does not have the right to put anything in the budget that the law does not provide? In other words, it cannot put in, nor can the governor, put any funds in the budget that are not provided for by the law.

Also, four, that the legislature in its wisdom from time to time may change the law and change thereby the estimates. I forget the numbers now, but the last one is this, that the real difference of the whole matter is concerned primarily with money, and the differences are created mainly by the mistakes in the estimates of the assessments and the income, and that is not the province of the State Department of Education? It has nothing whatever to do with it. It does work out the mathematics on the basis of figures given to it, but they can be changed at any time. The whole appropriation can be changed at any time by the governor and the budget director and the legislature by changing the estimates of the income.

DELEGATE J. CLARK (presiding): Delegate Sherbow.

DELEGATE SHERBOW: Delegate Pullen, if that is a question, the answer is yes.

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

DELEGATE BAMBERGER: Section 6.04, lines 11 and 12 on page 2 of the Committee Recommendation describes the budget and says it shall be in such form and detail as the governor shall determine. Then in section 6.06, it says at the end of the first sentence, that the governor shall deliver a budget in such form and detail as he shall determine or as may be prescribed by law.

DELEGATE SHERBOW: Let us go back to lines 9 and 10, where it says, "a complete plan of proposed expenditures by program including all appropriations required by this constitution or by law, and any additional information prescribed by law, all in such form and detail as the governor shall determine."

Now, in the presentation of it, it simply, as I see it, says he delivers the budget in a bill, classified in such form and detail as he shall determine, and as may be prescribed by law.

DELEGATE J. CLARK (presiding): Delegate Bamberger.

DELEGATE BAMBERGER: There was no conflict intended and if there is, the Committee on Style can take note of it?

DELEGATE J. CLARK (presiding): Delegate Sherbow.

DELEGATE SHERBOW: Yes. I note that it has been complained that the legislature adds some things on the budget bill but they manage to get along with it all right.

DELEGATE BAMBERGER: May I direct your attention to section 6.07, the last sentence beginning on line 18, "The compensation of a public officer may not be decreased during his term of office".

Does that apply to public officers of governmental units other than the State? Does it apply to public officers of the City of Baltimore or another municipality or a county?

DELEGATE J. CLARK (presiding): Delegate Sherbow.

DELEGATE SHERBOW: No. This is the state's budget and this simply provides that the compensation of a public officer in connection with this budget shall not or may not be increased.

I do not think this would make any law for the local subdivisions under the guise of an appropriations bill dealing with the whole State. If that is so, it should be