

officials or those who are not involved at the state level, then we believe this is one of the open end matters that may well be referred to the Local Government Committee or whoever the Chair may feel is the proper group to handle it.

DELEGATE J. CLARK (presiding): For what purpose does Delegate Bard rise?

DELEGATE BARD: I have a question related to the one that Delegate Bamberger asked. May I ask it of Delegate Sherbow?

DELEGATE J. CLARK (presiding): Go ahead.

DELEGATE BARD: How about those local public officers who receive a portion of their salaries from the State and within the frame of reference of that portion, they then fit under the category of the state budget? Would they be embraced in this statement?

DELEGATE J. CLARK (presiding): Delegate Sherbow.

DELEGATE SHERBOW: I do not know. It all depends on who they get their salary check from, but if the salary check comes from the State, that payment cannot be decreased during their term of office.

DELEGATE J. CLARK (presiding): Delegate Bard.

DELEGATE BARD: What if their salary check comes from the county but the major portion of it in some cases as would hold true for example of county superintendents, comes from the state? Would they fit within this embracement?

DELEGATE J. CLARK (presiding): Delegate Sherbow.

DELEGATE SHERBOW: No, for this reason. You get paid by the county. You do not inquire legally, I am now saying, where the county got that money. If the county got that money partly from the State, partly from the federal government and partly from taxes, this is at that moment not your problem.

If you are employed by the county, you are paid by the county and you are a county servant.

DELEGATE J. CLARK (presiding): Delegate Bard.

DELEGATE BARD: Would it help some if we inserted the word "state public officer"?

DELEGATE J. CLARK (presiding): Delegate Sherbow.

DELEGATE SHERBOW: No, we feel that the words "public officer" are broad enough to have the meaning that we intended them to have.

There are all kinds of problems that could arise. We think most of them are solved by what we have done, saying that the salaries shall not be decreased. We did not say anything about increasing them because we feel that this is a futile effort to try to accomplish what cannot be done.

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

DELEGATE MARION: May I return to the question about the certification of the judicial branch budget in section 6.05?

I have drafted two alternative amendments and I have discussed them with Chairman Mudd, and I think it would help us to have the answer from you to the question, whether or not in your judgment, or whether it is the Committee's intention, that whichever person is designated in the constitution to certify the judicial budget would be required to appear before the legislature to testify with respect to that budget, or if the constitution were to designate certification by the Chief Judge of the Court of Appeals, whether that certification is sufficient under the constitution and the testimony in support of that budget could be done by an administrative judge or some other judge under the direction of the Chief Judge of the Court of Appeals?

DELEGATE J. CLARK (presiding): Delegate Sherbow.

DELEGATE SHERBOW: I do not have the words of your amendment, of course, but what we say in the section on testimony is that "either house may require any person in any branch or agency of the state government other than the governor to appear and testify with respect to the budget bill or supplementary appropriation bill."

We have nothing in here that says that the legislature could not require the Chief Judge of the Court of Appeals to appear before them, but the Chief Judge of the Court of Appeals could only, in my judgment, be required to testify with respect to administrative details. I think it would be silly to do it when the administrative officers were there.

When you jump between the two departments of government, you could not call on the Chief Judge of the Court of Appeals