

to testify before the legislature in any other aspect of the work of the court.

Whatever your amendment would say, I hope it would provide for an official who could be specifically named or a finger put on him so that the legislature would know to whom to look as the chief administrative officer, and, indeed, if the event ever occurred and any mandamus proceedings were involved, you would know where you could find the person to be required to act.

Now, whether or not it is the Chief Judge of the Court of Appeals or the chief administrative officer of our court system as determined by the Chief Judge of the Court of Appeals, I would leave this for discussion of the Committee on the Judicial Branch and we will be glad to cooperate with you so that what comes out would be the distillation of the thinking of both groups.

DELEGATE J. CLARK (presiding): Delegate Marion.

DELEGATE MARION: I think the preference would be to provide certification by the Chief Judge of the Court of Appeals. There would be some reluctance to do that if in your considered judgment he would be expected to appear and testify and could not in the normal course of the budget proceedings send his administrative officer who would probably have done all the work on that budget anyway.

DELEGATE SHERBOW: My only answer would be that I would expect likewise that the chief administrative officer would be the one who would be called over. But I would not say that the legislature would not have the power to subpoena or ask the Chief Judge to come over.

Now, in Baltimore City where you have this kind of situation, the clerk goes over to the City Council, the director of the budget, but I know from time to time the Chief Judges come over to discuss it with the City Council. I do not think it is the best way to run the two separate departments of government, but I do not know how to say to you, name the Chief Judge as a man, but then say to the legislature "You cannot ask the Chief Judge."

I think you will have to find language which will give you the chief administrative officer as designated by the Chief Judge of the Court of Appeals.

DELEGATE J. CLARK (presiding): Delegate Marion.

DELEGATE MARION: What you are saying is whether the Chief Judge is desig-

nated as the person to certify the judicial budget or not, he could still be required as could anybody in government, to appear under the language of section 6.09 to give testimony before the legislative branch on that budget?

DELEGATE J. CLARK (presiding): Delegate Sherbow.

DELEGATE SHERBOW: Other than the governor?

DELEGATE MARION: Other than the governor.

DELEGATE J. CLARK (presiding): Delegate Sherbow.

DELEGATE SHERBOW: That is right.

DELEGATE J. CLARK (presiding): Delegate Gallagher has been trying to get the floor for quite a while.

DELEGATE GALLAGHER: Judge, in the section on the legislative branch, we did not make any exceptions with respect to the powers of the General Assembly to compel the attendance of witnesses.

DELEGATE J. CLARK (presiding): Delegate Sherbow.

DELEGATE SHERBOW: All I can say is that this is a matter of conflict that ought to be straightened out. I think it also involves the matter of philosophy. I am not sure that the governor ought to be required to go before the General Assembly and testify with regard to his budget.

I think this is the provision which ought to remain in. I do not think it is in conflict with yours, is it, Delegate Gallagher?

DELEGATE GALLAGHER: No.

DELEGATE J. CLARK (presiding): Delegate Sherbow.

DELEGATE SHERBOW: It is just that we have exempted one person who is present from the requirement of testifying.

DELEGATE J. CLARK (presiding): Delegate Gallagher.

DELEGATE GALLAGHER: I would agree that the two can be read consistent with each other, so long as we understand that all you seem to do is to exclude the governor as a witness with respect to testimony on the budget bill.

DELEGATE J. CLARK (presiding): Delegate Sherbow.

DELEGATE SHERBOW: Yes, then we do what you normally expect. Everybody