

DELEGATE SHERBOW: Yes, we are saying that the legislature may not decrease any salary of any public officer.

I have no fear of the legislature decreasing its own salary. The safeguard we are seeking is to keep the legislature from decreasing the salary of any other public officer.

DELEGATE J. CLARK (presiding): Delegate Chabot.

DELEGATE CHABOT: As I had understood some of the discussions in the Legislative Branch Committee, the Committee did have or did give consideration to a real fear that the current legislature might be quite a bit nervous about excepting its own; the salary that we are going to recommend, if it had the power to decrease it, there might be a force in the legislature attempting to decrease it.

The current constitutional provision that this provision related to had no effect upon the legislature because there the salary was set by the Constitution. So the legislature could in no event either increase or decrease salaries. This sentence, therefore, has a different effect in the constitution that we are proposing, and I wondered if you intended this effect?

DELEGATE J. CLARK (presiding): Delegate Sherbow.

DELEGATE SHERBOW: All I can say is in the legislative article you would provide that the legislature may not increase except as you have got it there. You can add to it that they may not decrease it, if you get the assemblage to so provide. It would just simply mean a separate provision for the legislature.

DELEGATE J. CLARK (presiding): Delegate Chabot.

DELEGATE CHABOT: In section 6.08, let us suppose that we are coming to, say, about the 85th day of a regular session. The budget bill has not yet been passed, but the General Assembly may take this action to extend itself at the very last moment during the 90 days. What would happen if the governor makes the proclamation that he is authorized by this provision to make? Does it mean that until the budget bill is completed the General Assembly cannot do these various other actions?

DELEGATE J. CLARK (presiding): Delegate Sherbow.

DELEGATE SHERBOW: The 85th day is really incorrect. The governor would have to act before the 80th day.

Assuming it is a 90 day session, the action has to be ten days before. In that ten-day period, the legislature grinds to a halt. Nothing can go through, only the budget. It goes into the next session.

This is even stronger than in the present Constitution, and in the present Constitution, in spite of the provisions there which do not have quite the strength and force of this, they have gotten the budget bill through before the session has ended.

DELEGATE J. CLARK (presiding): Delegate Chabot.

DELEGATE CHABOT: One last question with regard to section 6.10, the last sentence of it. It would appear to require that additional revenue that the legislature might provide for any additional appropriation must come only from a tax. Is there any reason why the legislature is prohibited from providing additional revenue in any other way, such as perhaps sale of property or the charging of a fee for a service that is now rendered without fee?

DELEGATE J. CLARK (presiding): Delegate Sherbow.

DELEGATE SHERBOW: We were not thinking of the items you mentioned. If we were, we would have excluded them, I am pretty sure.

What we were really thinking of is if you are going to have this, you have to provide the means of paying for it. You cannot slash the governor to provide a surplus, and then take that surplus to use it for whatever these appropriations are.

We say, keep our eye on the ball. We want a balanced budget. If you want the additional appropriation, you have to provide a tax with which to take care of it as set out in these provisions.

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

DELEGATE RALEY: Judge Sherbow, following along the question directed to you by Delegate Bennett and in regard to section 6.10, supplementary appropriations, I think we ought to get into the record that this does not prohibit the legislature from, say, passing a program for, say, mental health, without a tax, and its not going in effect in this coming budget year, but the next fiscal year the governor would then have to fund it?

DELEGATE SHERBOW: Yes. What would happen would be if you provide it go into effect in the next fiscal year, it would