

which, as I read them, say that the budget shall be in such form and detail as the governor shall determine.

It seems to me that there is a contradiction between the two which, if we cannot resolve it as I thought it was resolved in the questioning period, may require some amendment.

THE CHAIRMAN: Delegate Sherbow, did you understand the question?

DELEGATE SHERBOW: Yes, sir. I think the governor has to present the budget, and in the form and detail as he determines.

The legislature, in their wisdom, may prescribe by law how that should be done. If it does not, then it is in the form and detail that the governor presents; and further, as the governor may determine, or as may be prescribed by law.

THE CHAIRMAN: Delegate Bamberger points out that if that is the case, there may be an inconsistency in that section 6.04, and particularly in the last phrase on lines 11 and 12 of page 2, which seems to indicate that only the governor shall prescribe the form of the budget.

Delegate Sherbow.

DELEGATE SHERBOW: I will say what I said in the questioning period. The intent, we thought, was clear. If there was any misunderstanding about it, we thought that the Committee on Style could very easily correct it to make the two carry the same meaning.

THE CHAIRMAN: Does the Chair understand, then, that it is the intent of the Committee that section 6.04, and particularly lines 10 and 11, should indicate that the governor and/or the General Assembly, by law, may prescribe the form of the budget?

DELEGATE SHERBOW: Yes.

THE CHAIRMAN: Delegate Case.

DELEGATE CASE: Mr. Chairman, I am sorry to report to you that I think I have contributed to this confusion. Let me say that these words are exactly the same words. They are the end result of the Committee on State Finance and Taxation and the Commission which you chaired, and when we wrote those words, what Delegate Sherbow said was not the intent. If the intent has changed it was changed without my knowledge.

Let me tell you what the words meant when they were originally written.

What the two sections mean is that the General Assembly can, of course, prescribe what goes into the budget, the budget being the thick book, not the bill, not the legislative piece of paper. But that the governor, it is his budget, who determines what the form of the book shall be, that is to say, whether the budget message shall be in the front of the book or the middle of the book or the back of the book, or a separate piece of paper that is submitted along with the book. These are administrative details that certainly my Committee did not think the General Assembly would want to get involved in.

So the form of the budget — not the content, but the form in which it is presented — is determined by the governor.

Now, the budget bill, on the other hand, is the beginning of the legislative process, and the General Assembly may want very well from time to time to change the form of that.

So the intention here was that the budget bill's form as well as content would be determined, or could be determined, by law.

Do you follow what I am trying to say?

THE CHAIRMAN: Yes, indeed.

Delegate Sherbow, if the Chair may make a comment, it seems to me that the organization of the section is such as to indicate the intent as indicated in section 6.04 deals with the budget. That is, its caption indicates it is that. Section 6.04 only incidentally appears to concern the budget. If I understand Delegate Case's suggestion, it is that the budget prepared by the governor pursuant to section 6.04 should contain such information as may be prescribed by law, that is, by the General Assembly by law, but that it should be in such form as determined by the governor; and that in section 6.06 the intent would be as though it had read: The governor shall deliver to the presiding officer of each house the budget in the form referred to in section 6.04, and a bill for all the proposed appropriations of the budget classified in such form and detail as he shall determine, or as may be prescribed by law, which would mean that the legislature would have control under this section only as to the form of the budget bill.

To state it more simply another way, under this interpretation, the legislature would determine what information goes in both the budget and the budget bill. The Governor would determine the form of the