

At that time the majority of the Committee believed that the principal manner in which the legislative branch's control over fiscal affairs could be strengthened was by placing a post-audit function in the legislative branch.

The specific question with respect to legislative authority to deal with the budget was asked by our Committee of the witnesses who appeared before it. These witnesses were in large part present and former members of the legislature. They were offered by our Committee the suggestion that it would be desirable to permit just such actions as are proposed by this amendment.

By a wide majority the present and past legislators of Maryland rejected the proffer that was made by our Committee. They rejected it on the basis that this would put them in a position of log-rolling and pork-barrelling, in which they thought the General Assembly should not be.

I respectfully suggest the legislature itself does not want this authority, and that we should go along with them and reject the amendment.

THE CHAIRMAN: Delegate Hanson, do you yield to a question from Delegate Willis?

DELEGATE HANSON: Yes.

THE CHAIRMAN: Delegate Willis.

DELEGATE WILLIS: I have several questions, Delegate Hanson.

In 6.07, if I read it correctly, I see that you have kept the protection of the schools language which I appreciate, but you said nothing about the judicial protection. Of course, the legislature would maintain its protection under this, but what about the protection of the judicial budget? We all might need a little justice some day.

DELEGATE HANSON: I believe that under the committee recommendation the General Assembly may amend the budget bill by increasing any item relating to legislative or judicial branches by reducing or striking any item, and the section follows the same as in the proposed amendment, so that I would interpret this to say that as far as the judicial branch is concerned, the same situation would pertain either under the Committee Recommendation or under the amendment.

THE CHAIRMAN: Delegate Willis.

DELEGATE WILLIS: It is not written in yours, though.

THE CHAIRMAN: Delegate Hanson.

DELEGATE HANSON: No, and the reason it is not written in ours is that in the Committee Recommendation it pertains only to increases, and this is covered in ours under the general increases. There is no provision in the Committee Recommendation that would forbid the General Assembly from decreasing the judicial budget.

THE CHAIRMAN: Delegate Willis.

DELEGATE WILLIS: I believe there is, but let me ask you another question.

Under 6.08 of the Committee Recommendation, we have a guaranty of ten days after the passage of the budget for the consideration of other legislation that may be piled up behind the budget. Does this proposal continue that ten day guaranty for other legislation?

THE CHAIRMAN: Delegate Hanson.

DELEGATE HANSON: Its practical effect would be to do that and more, because what it says is, first that the General Assembly must remain in session until the budget has been adopted. Then, it says that if the budget has not been enacted by the 80th day of the regular session, the General Assembly shall finally enact no other legislation until the budget bill has been enacted. It is conceivable that legislation would pile up during this period of time, and under the legislative article as adopted by this Committee it is possible on a simple majority vote for the General Assembly to extend its session for 30 days, in addition to the regular 90 day session, so that any additional legislation which the General Assembly felt it was imperative that it take care of could be taken care of.

It seems to me what we have recommended in this amendment actually should be preferable just on those terms in this section to what is in section 6.08 of the Committee Report.

THE CHAIRMAN: Delegate Willis.

DELEGATE WILLIS: Does this, however, not guarantee that? They can pass the budget and go home under this. All that legislation could die. Is that not correct?

DELEGATE HANSON: That is correct.

On the other hand, I believe the legislative article which we adopted is sufficiently flexible that that legislation need not die, if