

DELEGATE SHERBOW: The proposed amendment makes no reference whatever to the judicial budget as such. When the General Assembly makes its change in a budget hearing which in effect changes that which has been prescribed by law theretofore passed, its budget enactment has the effect of law.

So that what the General Assembly may then be doing under the proposed amendment would be changing the law by the budget action which it takes, and by so doing it may change, if that amendment were passed, the judicial provisions.

It is entirely possible that in the present system when a proposal is made, provided it is not a salary proposal relating to a public officer, where the judicial system is concerned the General Assembly could change it.

THE CHAIRMAN: Delegate Bamberger, I think Delegate Sherbow has made clear, although he did not directly answer your question, that the answer is that Amendment No. 2, does not change the committee recommendation in this regard. That will be the answer to Delegate Willis' question.

Is there any further discussion of Amendment No. 2 or Amendment No. 2A?

Delegate Morgan.

DELEGATE MORGAN: Mr. Chairman, speaking for myself alone, as Chairman of the Committee on the Executive Branch I was greatly in favor of increasing the power of the executive. But I was not in favor of increasing the power of the executive at the expense of the legislative. It seems to me that the legislature ought to have the power to legislate.

I suggest that what Judge Sherbow was saying in opposition to this amendment is that it would be just catastrophic if the legislature were given the power to legislate. I personally do not believe that. I think if that is what is to be adopted by this convention, I think we might just as well say, "Well, Governor, you go ahead and present your budget. It will become law, and," as Delegate Gilchrist suggested, "we will just check up on it through our post-audit authority."

I certainly urge the adoption of this amendment.

THE CHAIRMAN: Does any other delegate desire to speak in opposition?

Delegate James.

DELEGATE JAMES: Mr. Chairman, are we arguing on the total proposition or

simply the amendment? I would like to argue the total proposition.

THE CHAIRMAN: I was permitting debate on the total proposition of Amendment No. 2.

DELEGATE JAMES: Mr. Chairman, fellow delegates, I would like to say that I have been in the General Assembly 21 years, and I have yet to talk to a responsible legislative leader, I have yet to talk to a legislator, who is not satisfied with the present executive budget system which limits the power of the General Assembly to cutting items.

The legislature is certainly not helpless. If there is a public program which demands attention, the legislature studies this program, sometimes by itself, sometimes in cooperation with the governor; then plans are laid to adopt a program which expresses the legislative feeling in the matter, and if the program is adopted it is implemented in the executive budget. Let's face it. This is a proposal to implement expanding programs in a disorderly manner.

I am confident the General Assembly and its members, by an overwhelming majority, are opposed to this, and I urge you to adopt the conservative approach, the present system, which is orderly and does not lead us into the chaos that exists in the federal government and in many states which do not have Maryland's beneficial and orderly system of handling finances.

THE CHAIRMAN: Does any other delegate desire to speak in favor?

Delegate Grumbacher.

DELEGATE GRUMBACHER: I just wanted to thank the previous speaker for his compliments.

THE CHAIRMAN: Delegate Burdette, did you desire to speak in favor of the amendment?

DELEGATE BURDETTE: Yes, sir.

THE CHAIRMAN: Speak.

DELEGATE BURDETTE: Mr. Chairman, many years ago the British political philosopher, John Stuart Mill, predicted that the ultimate role of legislatures would become the power to say yes or no to executive proposals.

This amendment moves in the opposite direction, in the direction of strengthening the legislative body to work in cooperation with a strong executive. I should like to