

DELEGATE J. CLARK (presiding):
Judge Sherbow.

DELEGATE SHERBOW: No, we certainly intend that the General Assembly cannot reduce the budget of the judiciary, nor reduce the budget of the General Assembly as that budget is provided by law. They could reduce our judicial system out of existence. They could just provide a dollar for all judges and nothing for anything else. You would have no judicial system.

I think we have to get back into the style committee again and clarify it, either by a semi-colon, or separate that from the rest.

DELEGATE J. CLARK (presiding):
Delegate Willoner.

DELEGATE WILLONER: Then I was correct earlier in assuming that once the chief judicial official, or whoever, proposes the budget, and once that budget goes to General Assembly, it cannot be changed in any way by the General Assembly except for being increased?

DELEGATE SHERBOW: Not if it is a budget that is not as provided by law. The judicial officer cannot just pick out of a hat \$100,000 for some items and put that into the judicial budget, no. It is a budget which is as provided by our law. It includes the salaries and it will include such other things as will be either in the transitory provisions or in the law relating to our judicial system. But he could not put in there, for example, \$100,000 to make a study to find out in the future what we can do to take care of some situation that some people may think is a good idea to study. This is not what is contemplated at all.

It is for our judicial system as provided by law.

DELEGATE J. CLARK (presiding):
Delegate Willoner.

DELEGATE WILLONER: I am not sure this question applies to your section or to the judicial section, but under the rule-making power, would I assume it is a procedural matter to establish filing fees and matters such as that, costs for a proceeding in, well, jury courts, things like that? Would those costs be returned to the general funds of the State, or would they be within the judiciary itself to expend as it saw fit?

DELEGATE J. CLARK (presiding):
Judge Sherbow.

DELEGATE SHERBOW: I do not know, because in the statutory language, and the

language that will carry us over, two things happen. First, you pay out money for your judicial system. Secondly, you collect money from fines and from other receipts relating to the judicial system.

I assume in the provisions, statutory or transitory, some relationship between them will be struck so as to provide that, since the State is paying for the judicial system, what comes in the State will get.

As to those details, I am not cognizant of what the Committee on the Judicial Branch intends to do.

DELEGATE J. CLARK (presiding):
Delegate Willoner.

DELEGATE WILLONER: That is all.
Thank you.

DELEGATE J. CLARK (presiding):
Delegate Grant.

DELEGATE GRANT: Continuing along the same line of questioning there is some indication the judicial system may eventually include the Department of Correction and other services like that.

Would it be within the contemplation of your Committee that if the judiciary decided they needed a new penitentiary, or new incarceration facility or new court house or new court room, et cetera, they could be included as line items in the budget submitted by the judiciary which could not be changed by the General Assembly; or would they have to be first previously authorized by law and then the amount set by the judiciary?

DELEGATE SHERBOW: They would have to be first authorized by law.

DELEGATE J. CLARK (presiding):
Delegate Grant.

DELEGATE GRANT: Then carrying that analogy back, could the General Assembly by law seek to destroy the judiciary system by repealing and, in other words, cutting their functions down, first by law, and then, since there would be no law to support the judicial action, the effect would be achieved that you said could not be achieved by the General Assembly, namely, destroying the judiciary?

DELEGATE J. CLARK (presiding):
Delegate Sherbow.

DELEGATE SHERBOW: That could not be done, because the maintenance of the courts is established by the constitution. You can talk about matters that move out from the courts themselves. If the legisla-