

ture decides in its wisdom that the Department of Corrections and Parole and all of its various facets shall be put into the judicial system, if it should make such decision and decide that it shall have a budget, then by law it is going to determine what it shall be.

If later it changes its mind, having found it made a grievous error, it could eliminate those particular items, as I gather it.

Frankly, I hope the day will never come when the judicial department, meaning the judges, will ever be asked to handle that kind of a development in what maybe some people think is good, but I can only see it as a bad administrative picture.

DELEGATE J. CLARK (presiding): Delegate Grant.

DELEGATE GRANT: I follow you completely on the ancillary activities, which would include the Department of Corrections. What I was concerned about was whether the General Assembly could control the judiciary by expanding or contracting by law the functions of the courts, speaking of the courts proper.

DELEGATE J. CLARK (presiding): Delegate Sherbow.

DELEGATE SHERBOW: No, because this constitution has set up what are the functions of the court. Then once the salaries are set, they cannot be decreased. They can only be increased.

There would be no way short of a revolution to change the judicial system in that respect.

DELEGATE J. CLARK (presiding): Delegate Grant.

DELEGATE GRANT: I realize that the salaries of the judges would be beyond possibly anyone once they are established, but under the decrease of compensation what I am worrying about is provision of additional clerks and bailiffs and other functionaries of the court, and the facilities of the court, which would be necessary for the administration of the judicial system. That still would be within the purview of the General Assembly first acting by law.

DELEGATE J. CLARK (presiding): Delegate Sherbow.

DELEGATE SHERBOW: Yes. The General Assembly could provide for law clerks and for bailiffs, and I assume if the General Assembly at a later time decided there should be no law clerks and no bailiffs, unless by that time we reached the conclusion

that this hampers the administration of justice in such a way as to make it violate the inherent provisions of the constitution, they might have that power.

DELEGATE GRANT: Thank you.

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

DELEGATE SOLLINS: Delegate Sherbow, I understand in response to a question of Delegate Hanson before, you said the philosophy of the executive budget was that the legislature was not really to be a part of this, really not to be co-author of the budget.

If this is so, I ask you, why should the legislature be given the right to decrease the budget and potentially alter the governor's budget?

DELEGATE J. CLARK (presiding): Delegate Sherbow.

DELEGATE SHERBOW: First, those are not my statements. I should say they should have no part of it. I do not like the words "not to be co-author of it," but that is the fact. They are not co-author of it, except if you go back you find they are really the fathers of it, because it is the legislature that conceived every item by the form of one law or another which went into the budget.

The actual production of the budget itself is by the governor. This is a responsibility which the constitution and people of Maryland place on the executive head of the government, and the philosophy of it is that this being his responsibility, he must keep it in balance. The legislature has the right to decrease it. If it intends to come along with anything new in the form of a supplementary appropriation, it may do so, but it does so in the form of an additional tax which it must specifically provide.

They are two co-equal branches of government. The governor does not have the power to make a new law. The legislature knows that, the governor knows it. Each still stands on his pedestal where we place them, and each is a separate but coordinate branch of government, in its own sphere.

DELEGATE J. CLARK (presiding): Delegate Sollins.

DELEGATE SOLLINS: Delegate Sherbow, if you agree the legislature is a co-equal branch of government and it is the chief policy making body of the State, why should they not have the right to increase the budget, providing there is a line item veto provided for the governor?