

Where is that so indicated, if I might ask?

THE CHAIRMAN: Delegate Sherbow.

DELEGATE SHERBOW: Up until this point the mandatory provisions are set out in 6.05. The governor certifies to the presiding officer for the judicial branch as it is certified by the court in such manner and at such time as he shall direct. To the extent that appropriations for the legislative and the judicial branches and the state's board of public school systems are required by law, the estimates therefor shall be included in the budget without revision.

When it comes to the legislature, the General Assembly may amend the budget bill by increasing any item relating to the legislative or judicial branches. It would be implicit that they could not reduce items. Obviously the legislature they would not, but insofar as the judicial branch is concerned they could increase it.

Now, they may reduce or strike out any item except that which is for the public school support, but it may not change the budget bill or change the estimate of revenue. The compensation of a public officer may not be decreased.

What you are asking me is in either event can they wipe out everything in the judicial picture except the salaries of the judges?

I would say that it is implicit in our section that they cannot do it. I do not know if it is or is not in the amendment proposed because there is no reference to it.

THE CHAIRMAN: Delegate Marion.

DELEGATE MARION: Delegate Sherbow, I do not know quite how to phrase the next question, because I did not read the language that way. It was my understanding—and am I not correct—that the word "budget" on line 30 in section 6.05, where it says that the estimates for various things, including the legislative and judicial branches, shall be included in the budget without revision, refers to the budget which Delegate Case described some time ago as the document which the governor prepares?

THE CHAIRMAN: Delegate Marion, would you mind if the Chair interrupted you?

DELEGATE MARION: Not at all, Mr. Chairman.

THE CHAIRMAN: Delegate Sherbow, your last answer was not entirely clear to the Chair, and if I understand part of it, I am not at all clear that the language means this.

I had understood from a reading of the recommendation that mandated items, that is, items prescribed by law for the judicial budget, could not be changed by the governor. He had to include them in the budget, because the legislature had said so.

However, once the budget got into the budget bill, which would include the mandated items, since they had been prescribed by the legislature they could be reduced by the legislature, except mandated items for the public school system.

Is that what you were saying a moment ago?

DELEGATE SHERBOW: Yes, that is correct. Provided when the legislature made its change it was by the enactment of the budget bill, changing the law as it then existed.

THE CHAIRMAN: Yes. In other words, I think what Delegate Sherbow was saying, which, of course, is true, is that the legislature cannot change the budget. It can reduce the appropriations in the budget bill, except that the provisions in section 6.07 would prevent an amendment to change the appropriation for state-supported public school systems.

Does that answer your question, Delegate Marion?

DELEGATE MARION: I think so, Mr. Chairman.

THE CHAIRMAN: Delegate Bamberger.

DELEGATE BAMBERGER: Would the Chairman of the Committee yield to a question?

THE CHAIRMAN: Delegate Sherbow.

DELEGATE SHERBOW: Yes, indeed.

DELEGATE BAMBERGER: I think we are addressing ourselves to the question which was originally asked by Delegate Willis. I take it from your answer and the Chair's explanation that the answer to his question is that the proposed amendment does not give the General Assembly any power to reduce the appropriations for the judicial branch which it did not have under the Committee's proposal?

THE CHAIRMAN: Delegate Sherbow.