

DELEGATE WILLONER: Assuming that the Court of Appeals established a rule that all defendants who established their indigency are required to have an attorney, and that the attorney would be required to be paid \$25 an hour for court appearances and \$15 an hour for research, could appropriations to support that rule be made to be included in the budget of the court?

DELEGATE J. CLARK (presiding): Delegate Sherbow.

DELEGATE SHERBOW: If that is a valid rule. If it is within the constitutional rule-making power that we give to the Court of Appeals, then to that extent it would be required to be put into the budget.

If the legislature felt that this were improper, that they would not go along with such a program, then the legislature has the power to act to repeal that rule having the force of law.

DELEGATE J. CLARK (presiding): Delegate Willoner.

DELEGATE WILLONER: Then I assume the legislative check you refer to in the school appropriations has not existed in the judicial appropriations?

DELEGATE J. CLARK (presiding): Delegate Sherbow.

DELEGATE SHERBOW: On the contrary, I think the check in the judicial program is as strong except for one thing. If the legislature decides it does not agree with the rule, they may by enactment change it and let the Court of Appeals come back and re-enact it.

I can tell you I sat on that Rules Committee. I have never seen any problem like this exist except in one instance and a couple of us were designated to go over and talk to the legislative leaders, and when we came back there was no problem.

DELEGATE J. CLARK (presiding): Delegate Willoner.

DELEGATE WILLONER: In section 6.10 you describe supplementary appropriations; under the executive article there is also the use of the word "supplementary appropriations".

Is the intent of your description of supplementary appropriations that it be the description that we used for supplementary appropriations throughout the constitution?

DELEGATE J. CLARK (presiding): Delegate Sherbow.

DELEGATE SHERBOW: Well, our intent is to say that any other appropriation is a supplementary appropriation. We have defined it in these broad terms.

If there is a difference between what we have and what the executive branch has, then once again I say to Professor Penniman, highlight it and let us see what difference if any exists and we will attempt to eliminate that difference.

DELEGATE J. CLARK (presiding): Delegate Willoner.

DELEGATE WILLONER: I was told when we were debating the executive section that you would solve this problem for me, because in describing supplementary appropriations in that section, they referred to the present Constitution and all the details that are required to establish the supplementary appropriation bill. And I was told, "don't worry about it". I was told Judge Sherbow will straighten it out in the state finance section.

Now, I want you to straighten it out.

DELEGATE J. CLARK (presiding): Delegate Sherbow.

DELEGATE SHERBOW: I am sorry I misunderstood you. I thought you were asking for something else. What they were talking about at that time was the situation which had developed as a result of a case which went to the Court of Appeals involving the last large tax bill where we had the provision in the Constitution providing that the appropriations shall relate to a single purpose, and so on.

When they said we would straighten it out, they were right. I think we have. At least I hope we have, because we have said instead of that archaic language limited to some single work, object or purpose, that it shall be embodied in a separate bill called a supplementary appropriation bill, the purpose or purposes of which shall be clearly defined therein.

DELEGATE J. CLARK (presiding): For what purpose does Delegate Case arise?

DELEGATE CASE: Perhaps I can help Chairman Sherbow in answering Delegate Willoner's question.

Actually what happened, Delegate Willoner, is that when the executive part was going through the Committee last week, if you will recall, we amended it and used certain language different from what the Committee had used.

I prepared the amendment myself and what we did was to take the language right