

EXECUTIVE FISCAL RESPONSIBILITY¹

A substantial part of Maryland's fiscal responsibility is discharged by the state auditor and the Board of Public Works, composed of the governor, the comptroller, and the treasurer. Because vast executive authority resides in these officers, the Constitutional Convention

Commission directed that position papers be prepared on each so that delegates to the 1967 Convention might have available to them facts about the broad power and authority vested in them.

THE BOARD OF PUBLIC WORKS

The Maryland Board of Public Works is created by Article XII of the Maryland Constitution. The members of the Board are the governor, the comptroller, and the treasurer. The general duties of the Board are to oversee the fiscal affairs of the State and to perform any duties which the General Assembly may direct.

CONSTITUTIONAL PROVISIONS

Article XII, Sections 2 and 3 of the Maryland Constitution authorize the Board to appoint directors and to sell the State's interest in public improvement companies, such as the Chesapeake and Ohio Canal Co. Section 2 provides that the Board shall supervise all public works in which the State may be interested as either stockholder or creditor, and where it has the legal powers, it appoints the directors in railroad and canal companies. The Board is required to report to the General Assembly at

each regular session and recommend necessary legislation to promote the before mentioned public works. The Board shall perform such other duties as are prescribed by law, and a majority of its members are authorized to act for the Board. Section 3 provides that the Board may sell the State's interest in all works of internal improvement and in any banking corporation.

The history of the present constitutional provisions discloses that in the years immediately preceding the adoption of the Constitution of 1851, the State had invested heavily in internal development ventures such as railroads, turnpikes, and canals. Few of these investments were profitable and the Board had tremendous responsibilities in managing them. Responsibility ended, however, when the investments were sold, and today these constitutional provisions have little application.²

Article III, Section 34 of the MARYLAND CONSTITUTION is the present constitutional source of the power which the Board now exercises. Section 34 provides that the General Assembly may authorize the Board to direct the treasurer to borrow, in anticipation of collecting taxes, any funds needed to meet temporary deficiencies in the treasury to aid the State and its agencies. Another

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² A. NILES, MARYLAND CONSTITUTIONAL LAW 327-28 (1915).