without being in the form of a budget bill or a supplementary appropriation bill. The opinion indicates that were it not for Article XV, Section 1 of the Constitution, which required the surplus fees to be paid into the state treasury, it would have been permissible for the legislature to provide that surplus fees in the hands of certain officials be "diverted," before they reached the treasury, to pay deficiencies of other officials.

Dorsey v. Petrott, 178 Md. 230 (1940), involved an act of the General Assembly creating an agency to be supported by revenues held in a special fund, and providing for a source of such revenues and the manner in which certain disbursements were to be made. The narrow question before the court was whether the act which established the Commission of Fisheries and empowered the Commission to regulate and administer the laws relating to the seafood resources of Tidewater Maryland constituted a "law making an appropriation." If so, the act could not properly be submitted to referendum under Article XVI, Section 2, for laws making an appropriation for maintenance of such State agencies are not subject to referendum.

The court held that the act did not make an appropriation. Revenues accruing to the treasury from fines and inspection fees were not disbursed by any provision of the act. The act contemplated that for any disbursement from the treasury to be made, an appropriation or supplementary appropriation was necessary. The provision for salaries of the members and employees of the Commission of Fisheries merely fixed the maximum allowable salaries, and an appropriation bill was required to authorize payment of such salaries.[5] Finally, even if the act provided for a disbursement of certain funds which had been paid into the treasury, nevertheless, it would not be a law making an appropriation. A bill proposing an act of general legislation is not converted into an appropriation bill simply because it has had engrafted upon it a section making an appropriation. To be an appropriation bill the primary purpose of the bill must be to make an appropriation from the treasury.[6]

Bickel v. Nice, 173 Md. 1 (1937), stands for the proposition that a supplementary appropriation bill may be "considered," but may not be put to a vote before final action is taken on the budget bill. A bill authorizing a bond issue was challenged on the grounds that it was read and referred to the Committee on Finance of the Senate two days before final action was taken on the budget bill. Paragraph (8) of the Budget Amendment provides that:

> "Neither House shall consider other appropriations until the Budget Bill has been finally acted upon by both Houses."

The court found the bill to be valid. The purpose of the above provision was merely to prevent submission of another appropriation bill to a vote before final action on the budget bill.

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[5] There is some inconsistency between the principles enunciated in *McKeldin v. Steedman* and *Dorsey v. Petrott.* The court held in *McKeldin* that the Budget Amendment prevents the General Assembly from making an appropriation without shouldering the responsibility of imposing the necessary tax. Under the court's decision in *Dorsey* a general law may provide that certain sums are to be expended for a particular purpose. It then becomes incumbent upon the governor to provide in his budget the appropriation to pay the cost of the general law.

[6] Although in relation to the Referendum Amendment this proposition may be sound, the clear language of the Budget Amendment indicates that no funds may be authorized to be withdrawn from the treasury unless that authorization is embodied in the executive budget or a supplementary bill accompanied by a revenue measure.