

EXECUTIVE BUDGETARY CONTROLS¹

GENERALLY

Subject to constitutional restrictions, the legislature is supreme in matters concerning appropriations.² The legislative branch may not delegate the power to appropriate—it may not give the governor such a power. However, the legislature may appropriate a specific sum and give the governor the power to reduce, transfer or eliminate items therefrom.³ Without statutory or constitutional authority, though, the executive branch cannot make, alter or exceed appropriations.⁴

Some state constitutions establish budget systems, under which it may be provided that appropriation bills shall originate with the governor and that the legislature may be restricted to reducing, striking, or adding items to a bill submitted by the governor.

IN MARYLAND

The legislative power to make appropriations is controlled by the Constitution. The so-called budget amendment⁵ directs the General Assembly not to appropriate any money except in accordance with its provisions. All authorizations for the disbursement of state funds must be made by either a budget bill or a supplementary appropriation

bill, and a law which constitutes neither will violate the constitutional requirements and will be void.⁶

Maryland has a budget system similar to those mentioned above.⁷ Under the system, the governor must submit a budget which shall contain a complete plan of proposed expenditures and estimated revenues for the fiscal year to which it relates. The General Assembly may make additional appropriations in the form of supplementary bills which, to be valid, must provide the necessary revenue to pay the appropriation thereby made by a direct or indirect tax. As stated in 20 MARYLAND LAW ENCYCLOPEDIA, *State Government*, Section 84:

“The heart of the budget system is to impose upon the Governor the sole responsibility of presenting to the Legislature a complete and comprehensive statement of the need and resources of the State, to make it impossible for the Legislature so to change the terms proposed by the Governor as to produce a deficit, but to permit the Legislature to make provision for any purpose not included in the Governor’s plan on the condition that it provide for the revenue which the accomplishment of its purpose necessitates. . . .”⁸

The Court of Appeals has pointed out that the governor’s budget bill is to be

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² See generally 81 C.J.S. *States* §§ 160-61 (1953).

³ C.J.S. *supra* nn. 71-74.

⁴ C.J.S. *supra* n. 79.

⁵ MD. CONST. art. III, §52, as amended 1964.

⁶ See generally 20 MARYLAND LAW ENCYCLOPEDIA *State Government* § 84 (1962), and the following cases: *Dorsey v. Petrott*, 178 Md. 230, 13A.2d 630 (1940); *City of Baltimore v. O’Conor*, 147 Md. 639, 128 A. 759, (1925); *McKeldin v. Steedman*, 203 Md. 89, 98 A.2d 561 (1953).

⁷ See MD. CONST. art. III, § 52.

⁸ 20 MARYLAND LAW ENCYCLOPEDIA, *State Government* § 84, at 324-325 (1962).