

EXECUTIVE BUDGETS¹

Fifteen states, in addition to Maryland, have provisions for an "executive budget" in their constitutions. The outline which follows contains information relevant to the so-called "executive budget": its use in other states, its self-contained limitations on the legislature, and its applicability to budget requests for the judiciary and for educational purposes.

The governor in each of these fifteen states must present to the legislature at beginning of each regular session estimates of the amount of revenue which is required to be raised by taxation for all purposes.²

West Virginia's Constitution suggests a limitation upon the legislature in regard to the judicial budget:

"Legislature not to amend budget bill so as to create deficit; may increase or diminish items relating to legislature and increase items relating to judiciary, but may not otherwise alter except to strike out or reduce items; compensation of public officers not to be increased or diminished during their terms; upon passage by both

¹ This article was prepared for the Commission by Kenneth L. Lasson, a research assistant for the Commission and at present Assistant to the Dean at the University of Maryland School of Law; B.A., 1963, The Johns Hopkins University; LL.B., 1966, University of Maryland; M.A., 1967, The Johns Hopkins University.

² ALA. CONST. art. V, § 123; ALAS. CONST. art. IX, § 12; CAL. CONST. art. IV, § 34; COLO. CONST. art. IV, § 8; GA. CONST. art. VII, § IX (1); HAWAII CONST. art. VI, § 4; IDAHO CONST. art. IV, § 8; ILL. CONST. art. V, § 7; MASS. CONST. Am. LXIII, § 2; MO. CONST. art. IV, § 24; MONT. CONST. art. VII, § 10; NEB. CONST. art. IV, § 7; N.Y. CONST. art. VII, § 2; TEX. CONST. art. IV, § 9; W. VA. CONST. art. VI, § 51, art. VI, § 51B, art. VIII, § 6.

houses, bill becomes law without further action by governor."³

The essential clauses in the constitutions of the other fourteen states which prescribe executive budget systems are listed below.⁴

ALABAMA:

Art. IV, § 70—governor transmits revenue bills to house of representatives, to be used or dealt with as that house may elect; senate may propose amendments to revenue bills.

Art. IV, § 71—general appropriation bill embraces nothing but appropriations for ordinary expenses of the three branches, for interest on the public debt, and for public schools.

Art. V, § 123—governor presents estimates of amount of money required to be raised by taxation (for all purposes) at commencement of each regular session.

ALASKA:

Art. IX, § 12; Art. IX—governor submits to legislature proposed expenditures, anticipated income of all departments and agencies of the state.

CALIFORNIA:

Art. IV, § 34—governor submits to legislature proposed expenditures, anticipated income of all departments and agencies of the state.

Art. IV, § 34—until the governor's "budget bill" is enacted, neither house can place upon a final passage any other appropriation bill.

Art. IV, § 34—governor may reduce or eliminate any item(s) of appropriation while approving other portions of the bill.

Art. IV, § 34—items of appropriation subject to referendum.

Art. IV, § 34a—public school system appropriations from "General Fund" may exceed five per cent of such fund.

COLORADO:

Art. IV, § 8—presentation of executive budget by governor.

³ W. VA. CONST. art. VI, § 51B.

⁴ Cf. MD. CONST. art. III, § 52.