

other employee of any such board or agency which the Board of Public Works may determine to be unnecessary because of the carrying out of the provisions hereof, shall be and stand abolished.”

Although the obligation to review and determine the location requirements of the various agencies was nonrecurring—an obligation that was more or less completed by August 1923—the budgetary and accounting function was annual. And until the system was changed in 1939, the board continued to discharge that responsibility. For the most part, the fees collected by these agencies more or less matched their expenses, and there was little in the way of actual budget cutting done by the board. But the work did require annual review of the budgets, and that took some time.

The next ten years were relatively uneventful for the board. It met regularly and performed routinely its various statutory duties. As late as 1931 it limped along with but minimal staff assistance; its budget in that year for its own operations was \$2,300—for one secretary and a stenographer.¹⁷

The 1930s were, of course, the years of the Great Depression. The economic catastrophe that broke upon the nation in 1931-32 and the social upheavals attendant to it hit the state with a double-barreled blow. At the same time that it was asked to step into the breach and expand human needs programs its revenues were shrinking dramatically. All that spelled an end to the routineness of the board's work and spawned, instead, a spate of new duties for it to handle.

The fountainhead of this new round of delegated authority to the board was the 1933 budget bill, which included a number of new provisions designed to meet the economic crisis and in particular the dramatic reduction in state revenues resulting from it.¹⁸ A number of these provisions have remained in the law in one form or another ever since and have thus shifted from emergency measures, as was their original intent, to a settled part of state governmental apparatus and procedure.

Section 10 of the budget bill of 1933, which has since been codified, authorized the board to borrow up to \$50,000 to meet temporary deficits in the treasury and up to \$1 million in anticipation of taxes. This authority was apparently not actually needed or utilized until 1935, when, for the first time since 1915, the state teetered on the brink of temporary insolvency. In February of that year the board was faced with the immediate prospect of being unable to meet a \$3.5 million debt service payment due 15 February. On 11 February the board authorized the treasurer to borrow \$1 million in anticipation of calendar year 1935 taxes and add the proceeds to the annuity bond fund in order to meet the debt service obligation. The constitutionality of this practice—of the legislative authorization—had never been tested, and the board was forced by the circumstances to rely upon an opinion of Attorney General Herbert R. O'Connor rendered two days before the meeting. O'Connor concluded that a borrowing in anticipation of taxes “does not create a debt within the meaning of Constitutional or statutory provisions, requiring that provision for payment must be made contemporaneously with the incurring of a debt.”¹⁹

17. Acts of 1931, ch. 150, sec. 10.

18. Acts of 1933, ch. 597.

19. See 20 *Op. Att'y Gen.* 257, 259 (1935). The problem, of course, was article 3, section 34 of the Maryland Constitution, which, among other things, prohibited the General Assembly from contracting a debt “unless such debt shall be authorized by a Law, providing for the collection of an annual tax, or taxes, sufficient to pay the interest on such debt, as it falls due; and also, to discharge the principal thereof, within fifteen years from the time of contracting the same.” By Acts of 1982, ch. 601, the legislature greatly expanded the statutory authority, permitting the treasurer, at the direction of the board, to borrow up to \$100 million in anticipation of (1) tax receipts shown in the revenue estimates as supporting an enacted budget or (2) receipts from a completed sale of bonds. To date this statutory authorization has not been considered by an appellate court of the state.