

As is evident from the foregoing discussion, the board, over the years, was being inundated by the legislature with piecemeal additions to its duties. Its meetings grew longer, its agenda more varied and complex, as it delved ever deeper into the inner workings of state government. Although most of its new authority was statutory, not all of it was codified. As noted, a good bit of the board's responsibility emanated from language included in the biennial budget bills.

Despite this broad expansion of jurisdiction, the board continued to limp along with a minimal staff. Indeed, the state budget for fiscal years 1938 and 1939 shows only one employee—a stenographer.⁴⁵ The board did have a secretary (although any appropriation for his compensation was buried elsewhere in the budget), but mostly it relied on the state purchasing agent and the budget director, a new position in the governor's office, to assist it with the detail work.

In 1939 the General Assembly attempted to centralize and formalize some of these "control" functions in a single new executive agency. In the first statutory implementation of the 1916 "budget amendment" to the Constitution, it created a Department of Budget and Procurement and vested in it much of the day-to-day responsibility for budget preparation and control and for purchasing. In the same act the legislature restated some of the board's general authority over state debt, property, finance, and general operations, permanently codifying in the process a number of provisions formerly enacted periodically as part of the budget bills. Some of the new statutory material was included in new sections added to article 78A of the code (Public Works); some of it was placed in the new article 15A (Budget and Procurement) created by the act.⁴⁶

The new sections added to article 78A confirmed the board's authority with respect to the sale of state debt, including the broad power to approve "all contracts for expenditure of the proceeds of any loan authorized by the General Assembly . . . before the same are executed" (section 1), the power to borrow money in anticipation of taxes or to meet temporary deficits (section 4), and the power to approve all state leases (section 3), including the somewhat expanded authority to "designate the location of any State agency."⁴⁷ Section 1 empowered the board to supervise the expenditure of all sums appropriated for the acquisition or construction of state property, except state roads, bridges, and highways. New section 5 of article 78A was a broad catchall. Upon the recommendation of the comptroller, the board was authorized to adopt rules and regulations "covering matters of business administration in the various departments, institutions and agencies of the State," which would be binding upon the affected agencies. Read literally, that one statute gave the board a most pervasive superintending role over state operations and programs.

As noted, much of the board's authority relating to budget administration was included in the new article 15A. Section 9 of that article, for example, though taking away the direct power of the board to impound agency funds and placing that authority in the governor, still required board approval of any such impoundment. Section 10 retained board prerogatives over lump-sum appropriations; it required the recipient agency to submit a detailed budget schedule to the board and precluded the agency from spending the appropriation until the board approved that budget.

As the dismal decade of the 1930s ended, the board emerged as the most powerful unit of state government, excepting only the legislature and possibly the governor. Very few matters of real significance were, by then, outside its purview. For the most

45. Acts of 1937, ch. 515.

46. Acts of 1939, ch. 64. The "budget amendment" was Acts of 1916, ch. 159.

47. The 1922 Reorganization Act (Acts of 1922, ch. 29), it will be recalled, granted that authority only with respect to the regulatory boards included within the Department of State Employment and Registration. This new authority was much broader and was held to apply to "all agencies, regardless of whether they enjoy an independent status, or operate under the supervision of a particular department." That included the University of Maryland. 24 *Op. Att'y Gen.* 324 (1939).