

Beginning in 1951, however, the General Assembly backed away from this approach and left it to the board to determine how much revenue was needed to meet debt service obligations. Uniformly thereafter, in each bond bill the legislature directed the subdivisions to levy and collect a state property tax at the rate certified by the Board of Public Works and empowered the board, in turn, to compute the rate required to produce the necessary revenue.⁶²

The actual power to substitute surplus and other tax revenues for the property tax, delegated for a two-year period in 1941, was renewed in 1945 but does not appear to have been repeated since.⁶³ In 1953 the legislature attempted to achieve that end in another way—by requiring the governor to include funds for debt service in his annual budget—but the Court of Appeals declared the method an unconstitutional infringement of the governor's discretionary authority in preparing the state budget.⁶⁴

The board's role in setting the state property tax rate is not entirely ministerial. Its authority over the timing of bond sales and the approval of construction contracts, coupled with the reversion of unexpended capital appropriations to the annuity bond funds, gives it some flexibility in managing debt service requirements. No doubt the most significant determinants in establishing the property tax rate, however, are the absolute level of debt service and the extent to which, by grace of the governor and the General Assembly, appropriations are made to the annuity bond fund through the state budget.⁶⁵

By 1943 the panic that had led the board to consider moving the state archives to abandoned mines had dissipated, and planning commenced for postwar construction. In that year the General Assembly created a Commission on Post-War Reconstruction and Development, charging it with formulating "a program of public work projects to be commenced on the cessation of the present war" and making "definite recommendations" to the Board of Public Works for the allocation of funds for postwar construction.⁶⁶

It is implicit from the 1943 act that the legislature was envisioning a major program embodying both state and local projects. Its focus, according to the act, was not only on the need for the improvements themselves but also on the need to assure an orderly transition to civilian employment for the men and women who would be released from the armed services. Although the board was empowered to monitor the workings of the commission in some respects—to approve expenditures and select all architects and engineers employed to do preliminary planning work for the commission, for example—its major role would be to receive, consider, and act upon the commission's ultimate recommendations.

The board was affected in two major ways by this program. Its sheer magnitude—ultimately well over a quarter billion dollars—obviously placed a considerable burden on the board merely to keep up with the routine superintendence of the projects.

62. Acts of 1951, ch. 412. This procedure was approved by the attorney general in an opinion letter to Sen. Louis L. Goldstein. 39 *Op. Att'y Gen.* 272 (1954).

63. The revenue picture was especially good in 1945. The legislature reduced the personal and corporate income tax for 1944 and 1945 by one-third (Acts of 1945, ch. 794) and authorized the board to apply any surplus revenues that exceeded appropriations by more than \$2 million either to a reduction in the real property tax or to a further credit against the income tax (Acts of 1945, ch. 762). The board opted for both and thus effected a 50 percent reduction in income taxes and a 1 cent (10 percent) reduction in the property tax. See BPW Minutes, 17 October 1945, 6:453.

64. *McKeldin v. Steedman*, 203 Md. 89 (1953).

65. In fiscal year 1981, \$58 million was appropriated to debt service through the state budget. The state property tax produced just under \$89 million. See "Statement of the Revenues and Expenditures of Public Money for the Year Ending 30 June 1981," printed as an appendix to Acts of 1982.

66. Acts of 1943, ch. 981.