appropriations proposed by the Governor nor add to the Budget Bill items of appropriation not proposed by the Governor. § 52(6). Finally, the Budget Bill as passed by the General Assembly must be balanced, i.e., the figure for the total proposed appropriations may not exceed the total estimated revenues. § 52(5a). If the General Assembly desires to make other appropriations, it must do so in accordance with § 52(8), which requires that it levy a tax to pay for the supplementary appropriation. Maryland Action for Foster Children v. State, 279 Md. 133, 142 (1977).

Thus, "[t]he constitutional objective, as revealed by these provisions, is two-fold: first, to prevent the possible disturbance of the balanced budget which the plan contemplated, and, second, to allow legislative additions to the executive budget if, and only if, the legislature is willing to assume the burden and responsibility of sponsoring the necessary taxes to finance its proposals for additional expenditures." McKeldin v. Steedman, 203 Md. at 98.

Given the well-established language, background, and intent of the Budget Amendment of the Constitution, if the question presented by House Bill 134 were entirely one of first impression, we would not hesitate to conclude that the diversion of State tax dollars from the general revenues of the State would so seriously undermine the Executive Budget system as to be clearly unconstitutional; for such diversions would preempt the Governor's ability to develop the complete and balanced plan of proposed expenditures and estimated revenues required by § 52. However, we do not write upon an entirely clean slate.

In 1921, only five years after the adoption of the Budget Amendment, Attorney General Armstrong advised the Secretary of the Board of Motion Picture Censors;

> In my judgment, the Budget Amendment applies only to appropriations made out of the Treasury and was not intended to prevent the Legislature from designating the manner of use of monies received by various agents of the State prior to the time when these monies find their way into the State Treasury. In the case presented by you, the fees earned by your Board are paid directly to you, and while Section 3 [of the Budget Bill] places a lien upon these fees to the extent of your Budget appropriation out of the Treasury, and thereby compels you to return to the Treasury out of your fees the full amount of your appropriation, your excess earnings remain in the hands of the Board, and if the General Assembly sanctions their use with the consent of the Governor, I do not believe that it has exceeded its constitutional authority or violated the limitations of the Budget Amendment, because its action does not constitute an appropriation of monies out of the Treasury of the State.

6 Opinions of the Attorney General 345, 346 (1921) (emphasis in original). See also 6 Opinions of the Attorney General 263, 265–66 (1921) (similar conclusion regarding University of Maryland's use of funds from sources other than the Treasury).

Of even greater cause for concern is the decision of the Court of Appeals in Baltimore v. O'Conor, 147 Md. 639 91925). In that case, the Court struck down a statute that would have authorized the diversion of surplus funds specifically required by Article XV, § 1 of the Constitution to be deposited in the State Treasury. The Court did