

Senate Bill No. 738—Restoration of Ship “Constellation”

AN ACT to provide that an appropriation of \$100,000 to the Board of Public Works for Fiscal Year ending June 30, 1971 (as itemized on Page 930 of the Maryland State Budget for Fiscal Year ending June 30, 1971) shall not be contingent upon and supplementary to federal funds being made available for the same purpose. PURPOSES OF RESTORATION OF THE SHIP “CONSTELLATION.”

May 28, 1971.

Honorable William S. James
President of the Senate
State House
Annapolis, Maryland 21404

Dear Mr. President:

In accordance with Article II, Section 17, of the Maryland Constitution, I have today vetoed Senate Bill 738.

Senate Bill 738 provides that an appropriation of \$100,000 to the Board of Public Works in the Maryland State Budget for the fiscal year ending June 30, 1971, shall not be contingent upon and supplementary to federal funds being made available for the same purpose, but shall be contingent upon the availability of in-kind supplies, labor and materials of like value from any source.

In the opinion of the Attorney General's office, and in my opinion, a bill which does not constitutionally qualify as a Budget Bill or Supplementary Appropriation Bill, and which deletes from the Budget Bill of a prior year a condition to an appropriation of matching federal funds, raises serious questions under Article III, Section 52, of the Maryland Constitution. However, it is unnecessary to explore such questions in connection with Senate Bill 738.

The condition which Senate Bill 738 purports to repeal, *i.e.* that the \$100,000 appropriation in the 1970 Budget be contingent upon federal funds, appears on page 930 of the Budget book submitted to the General Assembly during the 1970 legislative session. However, the Budget Bill, which was enacted by the General Assembly as Chapter 100 of the Laws of 1970, does not with respect to this appropriation include the condition as to the availability of federal funds. It is the Budget Bill, as distinguished from the Budget, which is enacted into law. It would seem to follow that unless a condition upon an appropriation appears in the Budget Bill itself, the condition is without legal effect and is not binding and controlling upon the Board of Public Works, which may expend the funds without regard to the condition. Accordingly, Senate Bill 738 is unnecessary to delete the condition as to the availability of federal funds and of no legal effect for this purpose.

As Senate Bill 738 is unnecessary, and as the purpose of the bill can be put into effect, I have decided to veto the measure.

Sincerely,

/s/ MARVIN MANDEL,
Governor.