

awards are to be made on the basis of need, as determined by the financial aid office of the University.

Having consistently supported the State scholarship programs for students attending our colleges and universities, I certainly have no objection to the purposes of the bill. I believe, however, that the bill, as worded is exceedingly vague, and that it most likely contravenes Article III, Section 52 of the State Constitution.

The bill does not define who is an "eligible minority student", and contains no guidelines or standards for determining need. This latter deficiency is in contrast to the requirements of our other State Scholarship programs that need, where it is a factor, be determined by rules and regulations of the State Scholarship Board which are, of course, subject to the provisions of the Administrative Procedure Act.

Of greater concern is the manner in which the bill purports to mandate annual appropriations to fund the programs. It states that, beginning July 1, 1975, "an appropriation" for the University in the State budget in an amount not to exceed \$150,000 for the minority student program and in an amount not to exceed \$100,000 for the other program "shall be appropriated and in each fiscal year such an amount as is necessary to maintain and continue the program shall be appropriated."

It is not clear whether the dollar limitations expressed are applicable only to fiscal year 1976, or to all subsequent years as well, but the bill is certainly susceptible to the interpretation that the limitation applies to only the first year. If this is so, the bill purports to require an appropriation in all succeeding years in whatever amount is necessary to maintain the two programs.

Because of the language requiring that these amounts, which the bill itself terms an appropriation, "shall be appropriated", it would appear that, in light of the decision of the Court of Appeals in Baltimore v. O'Connor, 147 Md. 639 (1925) and the definition of "appropriation" in Dorsey v. Petrott, 178 Md. 230,245 (1940), the bill amounts to an appropriation bill. Article III, Section 52 of the Constitution prohibits the General Assembly from enacting such a bill unless it also provides a tax sufficient to fund the appropriation, which Senate Bill 424 does not do.

Instead of providing such a tax, the bill requires some unspecified amount to be included in the annual State budget to fund the appropriation. Since Article III, Section 52 precludes the General Assembly from