

these local board determinations would control. The bylaws of the State Board are uniform throughout the State; and, aside from the material departure from the established structure of decision making responsibility authorized by this bill, it will also engender disuniformity in transportation policy. Children in St. Mary's County, in those situations to which the bill applies, may well receive benefits not available to children elsewhere in the State who are similarly situated. This raises serious Constitutional questions of equal protection, as well as being bad policy. Both the State and the county Boards of Education are supplanted in this area of educational responsibility.

There is, as indicated above, another problem with the bill which independently would give rise to a veto. Section 19 of Article 77 requires the State Board of Education to transmit to the Governor an annual public school budget, including "necessary costs of transporting pupils to public schools as approved by the State Superintendent of Schools." Section 124(b) provides that the Comptroller shall pay, from the annual appropriations to the General State School Fund, "the necessary costs of transporting pupils to public schools when such transportation is approved by the State Superintendent of Schools."

The program of public school transportation is a State funded one, the appropriation for which in fiscal year 1976 is over \$45,000,000. That is why, for purposes of budgeting, the law requires such transportation to be approved by the State Superintendent of Schools, acting pursuant to State Board by-laws. The effect of Senate Bill 1017, from a fiscal point of view, would be to allow the new local board, by establishing its own criteria for public transportation, to increase State expenditures for this program on its own, and to remove such expenditures from the jurisdiction of both the State Board of Education and the State Superintendent of Schools.

If the program were locally funded and the county desired to vest discretion as to scope in another board, there would be less objection on fiscal grounds. However, I cannot permit any local agency to have a measure of ultimate discretionary authority with respect to increasing State expenditures.

These considerations have led both the State Superintendent of Schools and the Secretary of Budget and Fiscal Planning to urge me to veto the bill. I believe their concerns to be valid, and for these reasons, I have vetoed Senate Bill 1017.

Sincerely,