

APPENDIX I

THE PROPOSED NEW YORK AND THE MARYLAND BUDGET AMENDMENTS

A great deal of discussion of the last two years has centered around the budget sections of the defeated constitution of New York State and the Maryland amendment which was ratified by the people of Maryland. Both these documents are frequently referred to in the text and for convenience both documents are printed below.

BUDGET SECTIONS OF THE PROPOSED NEW YORK STATE CONSTITUTION

"Article V, Section 1. On or before the fifteenth day of November in the year one thousand nine hundred and sixteen and in each year thereafter the head of each department of the state government except the legislature and judiciary, shall submit to the governor itemized estimates of appropriations to meet the financial needs of such department, including a statement in detail of all moneys for which any general or special appropriation is desired at the ensuing session of the legislature, classified according to relative importance and in such form and with such explanation as the governor may require.

"The governor, after public hearing thereon, at which he may require the attendance of heads of departments and their subordinates, shall revise such estimates according to his judgment.

"Itemized estimates of the financial needs of the legislature certified by the presiding officer of each house and of the judiciary certified by the comptroller shall be transmitted to the governor before the fifteenth day of January next suc-

ceeding for inclusion in the budget without revision but with such recommendation as he may think proper.

"On or before the first day of February next succeeding he shall submit to the legislature a budget containing a complete plan of proposed expenditures and estimated revenues. It shall contain all the estimates so revised or certified and shall be accompanied by a bill or bills for all proposed appropriations and reappropriations, clearly itemized; it shall show the estimated revenues for the ensuing fiscal year and the estimated surplus or deficit of revenues at the end of the current fiscal year together with the measures of taxation, if any, which the governor may propose for the increase of the revenues. It shall be accompanied by a statement of the current assets, liabilities, reserves and surplus or deficit of the state; statements of the debts and funds of the state; an estimate of its financial condition as of the beginning and end of the ensuing fiscal year; and a statement of revenues and expenditures for the two fiscal years next preceding said year, in form suitable for comparison. The governor may, before final action by the legislature thereon, amend or supplement the budget.

"A copy of the budget and of any amendments or additions thereto shall be forthwith transmitted by the governor to the comptroller.

"The governor and the heads of such departments shall have the right, and it shall be their duty when requested by either house of the legislature, to appear and be heard in respect to the budget during the consideration thereof, and to answer inquiries relevant thereto. The procedure for such appearance and inquiries shall be provided by law. The legislature may not alter an appropriation bill submitted by the governor except to strike out or reduce items therein; but this provision shall not apply to items for the legislature or judiciary. Such a bill when passed by both houses shall be a law immediately without further action by the governor, except that appropriations for the legislature and judiciary shall be subject to his approval as provided in section nine of article four.

“Neither house shall consider further appropriations until the appropriation bills proposed by the governor shall have been finally acted on by both houses; nor shall such further appropriations be then made except by separate bills each for a single work or object, which bills shall be subject to the governor’s approval as provided in section nine of article four. Nothing herein contained shall be construed to prevent the governor from recommending that one or more of his proposed bills be passed in advance of the others to supply the immediate needs of government.”

While this article contains the principal budget provisions, there are some other provisions of the constitution that ought, particularly, to be considered in connection with them. These provisions are:

“Section 16. No bill shall be passed or become a law unless it shall have been printed and upon the desks of the members, in its final form, at least three calendar legislative days prior to its final passage. No bill shall be passed or become a law, except by the assent of a majority of the members elected to each branch of the legislature. Immediately after the last reading of a bill the question upon its final passage shall be taken and the yeas and nays entered on the journal.”

“Section 22. No money shall ever be paid out of the treasury of this state or any of its funds, or any of the funds under its management, except in pursuance of an appropriation by law; nor unless such payment be made not later than three months after the close of the fiscal year next succeeding that in which such appropriation was made; and every such law making a new appropriation or continuing or reviving an appropriation, shall distinctly specify the sum appropriated, and the object to which it is to be applied; and it shall not be sufficient for such law to refer to any other law to fix such sum. Appropriations made by the legislature in the year one thousand nine hundred and sixteen shall be made

for a period ending the thirtieth day of June, one thousand nine hundred and seventeen, and thereafter the fiscal year of the state shall end on the thirtieth day of June of each year, unless otherwise provided by law."

To indicate the trend toward executive aggrandizement of this constitution and particularly over the legislature, it was proposed to drop the following section of the old constitution:

"Section 7 of Article III. The political year and legislative term shall begin on the first day of January; and the legislature shall, every year, assemble on the first Wednesday in January."

THE MARYLAND BUDGET AMENDMENT ¹

"Section 52 (of the Constitution)

Sec. 52. The General Assembly shall not appropriate any money out of the Treasury except in accordance with the following provisions:

Sub-Section A:

Every appropriation bill shall be either a Budget Bill, or a Supplementary Appropriation Bill, as hereinafter mentioned.

Sub-Section B:

First. Within twenty days after the convening of the General Assembly (except in the case of a newly elected Governor, and then within thirty days after his inauguration), unless such time shall be extended by the General Assembly for the session at which the Budget is to be submitted, the Governor shall submit to the General Assembly two budgets, one for each of the ensuing fiscal years. Each budget shall contain a complete plan of proposed expenditures and esti-

¹The suggestions made in this book for the formal budget procedure can be effected without constitutional amendment, and it was particularly the aim of this book to make no changes in the constitutional basis of the government.

mated revenues for the particular fiscal year to which it relates; and shall show the estimated surplus or deficit of revenues at the end of such year. Accompanying each budget shall be a statement showing: (1) the revenues and expenditures for each of the two fiscal years next preceding; (2) the current assets, liabilities, reserves and surplus or deficit of the State; (3) the debts and funds of the State; (4) an estimate of the State's financial condition as of the beginning and end of each of the fiscal years covered by the two budgets above provided; (5) any explanation the Governor may desire to make as to the important features of any budget and any suggestion as to methods for the reduction or increase of the State's revenue.

Second. Each budget shall be divided into two parts, and the first part shall be designated "Governmental Appropriations" and shall embrace an itemized estimate of the appropriations: (1) for the General Assembly as certified to the Governor in the manner hereinafter provided; (2) for the Executive Department; (3) for the Judiciary Department, as provided by law, certified to the Governor by the Comptroller; (4) to pay and discharge the principal and interest of the debt of the State of Maryland in conformity with Section 34 of Article III of the Constitution, and all laws enacted in pursuance thereof; (5) for the salaries payable by the State under the Constitution and laws of the State; (6) for the establishment and maintenance throughout the State of a thorough and efficient system of public schools in conformity with Article VIII of the Constitution and with the laws of the State; (7) for such other purposes as are set forth in the Constitution of the State.

Third. The second part shall be designated "General Appropriations," and shall include all other estimates of appropriations.

The Governor shall deliver to the presiding officer of each house the budgets and a bill for all the proposed appropriations of the budgets clearly itemized and classified; and the presiding officer of each house shall promptly cause said bill to be introduced therein, and such bill shall be known as the

"Budget Bill." The Governor may, before final action thereon by the General Assembly, amend or supplement either of said budgets to correct an oversight or in case of an emergency, with the consent of the General Assembly by delivering such an amendment or supplement to the presiding officers of both houses, and such amendment or supplement shall thereby become a part of said budget bill as an addition to the items of said bill or as a modification of or a substitute for any item of said bill such amendment or supplement may affect.

The General Assembly shall not amend the budget bill so as to affect either the obligations of the State under Section 34 of Article III of the Constitution, or the provisions made by the laws of the State for the establishment and maintenance of a system of public schools, or the payment of any salaries required to be paid by the State of Maryland by the Constitution thereof; and the General Assembly may amend the bill by increasing or diminishing the items therein relating to the General Assembly, and by increasing the items therein relating to the judiciary, but except as hereinbefore specified, may not alter the said bill except to strike out or reduce items therein, provided, however, that the salary or compensation of any public officer shall not be decreased during his term of office; and such bill when and as passed by both houses shall be a law immediately without further action by the Governor.

Fourth. The Governor and such representatives of the executive departments, boards, officers and commissions of the State expending or supplying for State's money, as have been designated by the Governor for this purpose, shall have the right, and when requested by either house of the Legislature, it shall be their duty to appear and be heard with respect to any budget bill during the consideration thereof, and to answer inquiries relative thereto.

Sub-Section C: Supplementary Appropriation Bills:

Neither house shall consider other appropriations until the Budget Bill has been finally acted upon by both houses, and no such other appropriation shall be valid except in accord-

ance with the provisions following: (1) Every such appropriation shall be embodied in a separate bill limited to some single work, object or purpose therein stated and called herein a Supplementary Appropriation Bill; (2) Each Supplementary Appropriation Bill shall provide the revenue necessary to pay the appropriation thereby made by a tax, direct or indirect, to be laid and collected as shall be directed in said Bill; (3) No Supplementary Appropriation Bill shall become a law unless it be passed in each house by a vote of a majority of the whole number of the members elected; and the yeas and nays recorded on its final passage; (4) Each Supplementary Appropriation Bill shall be presented to the Governor of the State as provided in Section 17 of Article II of the Constitution and thereafter all the provisions of said Section shall apply.

Nothing in this amendment shall be construed as preventing the Legislature from passing at any time in accordance with the provisions of Section 28 of Article III of the Constitution and subject to the Governor's power of approval as provided in Section 17 of Article II of the Constitution an appropriation bill to provide for the payment of any obligation of the State of Maryland within the protection of Section 10 of Article I of the Constitution of the United States.

Sub-Section D: General Provisions:

First. If the Budget Bill shall not have been finally acted upon by the Legislature three days before the expiration of its regular session, the Governor may, and it shall be his duty to issue a proclamation extending the session for such further period as may, in his judgment, be necessary for the passage of such Bill; but no other matter than such Bill shall be considered during such extended session except a provision for the cost thereof.

Second. The Governor for the purpose of making up his budgets shall have the power, and it shall be his duty, to require from the proper State Officials, including herein all executive departments, all executive and administrative offices, bureaus, boards, commissions and agencies expending or supervising the expenditure of, and all institutions apply-

ing for State moneys and appropriations, such itemized estimates and other information, in such form and at such times as he shall direct. The estimates for the Legislative Department, certified by the presiding officer of each house, of the Judiciary, as provided by law, certified by the Comptroller, and for the public schools, as provided by law, shall be transmitted to the Governor, in such form and at such times as he shall direct, and shall be included in the budget without revision.

The Governor may provide for public hearings on all estimates and may require the attendance at such hearings of representatives of all agencies, and of all institutions applying for State moneys. After such public hearings he may, in his discretion, revise all estimates except those for the legislative and judiciary departments, and for the public schools as provided by law.

Third. The Legislature may, from time to time, enact such laws, not inconsistent with this Section, as may be necessary and proper to carry out its provisions.

Fourth. In the event of any inconsistency between any of the provisions of this Section and any of the other provisions of the Constitution, the provisions of this Section shall prevail. But nothing herein shall in any manner affect the provisions of Section 34 of Article III of the Constitution or of any laws heretofore or hereafter passed in pursuance thereof, or be construed as preventing the Governor from calling extraordinary sessions of the Legislature as provided by Section 16 of Article II, or as preventing the Legislature at such extraordinary sessions from considering any emergency appropriation or appropriations.

If any item of any appropriation bill passed under the provisions of this Section shall be held invalid upon any ground, such invalidity shall not affect the legality of the Bill or of any other item of such Bill or Bills.

APPENDIX II

One of the remedies for the pork-barrel proposed in Chapter X is the administrative commission. The Congress of the United States has had before it various proposals embodying this remedy. One of the most recent and, though defective, one of the best for remedying the river and harbor pork-barrel is H. R. 6821, 64th Congress, First Session.

“ A BILL

CREATING A NATIONAL WATERWAY COMMISSION”

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a commission is hereby created and established, to be known as the National Waterway Commission, hereafter referred to as the commission, which shall be composed of five commissioners, who shall be appointed by the President, by and with the advice and consent of the Senate. Not more than three of the commissioners shall be members of the same political party. The first commissioners appointed shall continue in office for terms of three, four, five, six, and seven years, respectively, from the date of the taking effect of this Act, the term of each to be designated by the President, but their successors shall be appointed for terms of seven years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the commissioner whom he shall succeed. The commission shall choose a chairman from its own membership. No commissioner shall engage in any other business, vocation, or employment. Any commissioner may be removed by the President for inefficiency, neglect of duty, or malfeasance in office. A vacancy in the commission shall not impair the

right of the remaining commissioners to exercise all the powers of the commission.

SEC. 2. That each commissioner shall receive an annual salary of \$10,000, payable in the same manner as the judges of the courts of the United States. The commission shall appoint a secretary, who shall receive an annual salary of \$5,000, payable in like manner. The commission shall have the authority to employ and fix the compensation of civil engineers, clerks, and other employees, as it may from time to time find necessary for the proper performance of its duties and as may be from time to time appropriated by Congress, and in making appointments for continuous service the commission, so far as practicable, shall select its employees from the classified service.

All property of the United States in the hands or under the control of Army engineers or other officials or of private individuals or public contractors, including dredges, steamboats, barges, yards, and other property used in the improvement of public waterways, shall be placed under the jurisdiction and authority of the commission.

SEC. 3. That the Secretary of War may, if practicable, detail such Army engineers as are requested by the commission to assist in organizing and establishing a comprehensive system of waterway improvement, providing that such details of engineers shall not be made to the detriment of their military duties.

SEC. 4. That the commission shall have the authority and it shall be its duty to make an investigation of all waterway projects now constructed in whole or in part by Federal aid. The commission shall prepare a complete and succinct statement, by years, of the amount heretofore appropriated for each project, the estimated amount required to complete such project, a report of the commerce now served and to be served, the character of such commerce given by separate items so far as can be furnished, the source of information, the interests to be served, the kind of water craft used, and such other information as may be useful in determining the public use and value of the project. The com-

mission shall also furnish Congress, at the earliest practicable date, information concerning all harbors and waterways now improved or being improved in whole or in part by Government aid, showing the amount of commerce, character of terminals or landings, ownership thereof, and, so far as practicable, ownership of regular lines of craft used thereon; and the commission shall also report its recommendations for the finishing of the projects now being constructed or modification of existing plans or abandonment of work on any project, together with findings upon which such recommendations are based.

The commission shall further ascertain and report what projects are now being improved for purposes other than navigation, and if for power development, a full statement of interests concerned, officers and stockholders, public use to be served, if any, private or public contribution toward expense of construction, and the commission's recommendations thereon. Said commission shall further ascertain and report what projects are now being carried on in whole or in part for land-reclamation purposes, the character of such project, amount of lands to be recovered, estimated value of such lands, ownership thereof, and contributions now being made by beneficiaries toward such expenditures, together with the commission's recommendations.

The commission shall make a full investigation into all work now being performed by the Mississippi River Commission, the amount of money heretofore expended on such river, character and permanency of work performed, and reclamation interests now being served if there be any, a full statement of contributions by public or private interests toward said work, together with a comprehensive and intelligible report of the probable cost of the present plans of levee construction or other river improvement now being undertaken, the percentage of project completed, and this commission's recommendation thereon. Such Mississippi River report shall be separate and distinct from reports on other projects now under improvement by the Federal Government.

All of such data and all other available information of a pertinent character affecting particular projects or entire waterway improvements now being conducted by the Federal Government shall be collected in convenient form and presented to Congress in installments at the earliest practicable date.

When the commission shall have reason to believe at any time that the proposed project is not for general use of the public or will not warrant further expenditures, or if contributions shall be required to be furnished before further appropriations are made or further expenditures authorized, such commission shall immediately report to Congress, with a preliminary recommendation thereon, and shall furnish a copy thereof to the United States Treasurer. That thereupon, when so recommended, the Treasurer shall withhold all funds theretofore appropriated not specifically obligated under existing contracts and shall refuse further payments until subsequent and specific action shall be had thereon by Congress.

SEC. 5. That prior to the presentation of any new waterway project appropriations the commission shall cause a careful survey of the proposed improvement, and if it shall appear such project is to serve a public use and is feasible, the commission shall thereupon collate data showing the estimated cost thereof, commerce to be served, water craft to be used, public terminals furnished, and contributions recommended to be made by public or private interests, together with such additional data as has heretofore been specifically required to be furnished on existing projects. The commission shall thereupon transmit to the Committee on Appropriations of the House of Representatives a full report concerning such new project or projects, its recommendations thereon, and, if requested so to do, all other and further information that may be required by the Committee on Appropriations.

Whenever the commission shall determine that any waterway project is primarily for power or land-reclamation purposes or to serve special interests, the commission may

recommend Government aid for such project, notwithstanding the special interests to be served, and shall prepare data showing the proportionate amount of Federal aid recommended, together with suitable restrictions as to audit and payment of funds from the Public Treasury. Such recommendation shall be presented as a proposed separate bill to the Committee on Appropriations of the House and shall not be embodied in any general waterway appropriation bill by such committee.

Whenever any new survey shall be proposed for any waterway project the commission, prior to such survey, may require data to be furnished showing the public use and prospective commerce to be served and such other information as may be desired, and a brief synopsis of such information shall be furnished to Congress by the commission to accompany any recommendations made for new surveys.

All existing waterways, new projects, and new surveys shall be classified, so far as practicable, prior to each regular session of Congress, together with estimates of appropriations required for maintenance and improvement for the ensuing two-year period, and a brief report as to each project considered shall be separately prepared and, with the commission's recommendation thereon, shall be placed in the hands of the Committee on Appropriations of the House at the beginning of each session.

Whenever the Appropriations Committee so requires, the commission shall furnish additional data concerning any project, and shall further aid the Committee on Appropriations when requested so to do in the preparation of the regular river and harbor bill which shall be prepared and presented by the Committee on Appropriations of the House.

The commission shall further compile and cause to be published at the earliest practicable date for the use of Congress an intelligible, concise statement of past waterway expenditures by the Government and of amounts needed to complete all continuing projects, and shall further give estimates of future obligations to be incurred by new projects recommended for construction. The commission shall give

preference in its recommendations to Congress of appropriations needed to complete the more important projects, and, so far as practicable, shall enter upon a program looking toward the early completion of such projects.

The commission shall make a thorough investigation of reasons for loss of river traffic and shall make recommendations for the reestablishment of such traffic. It shall ascertain and determine the most available craft for river use, and, as soon as practicable, shall prepare plans and build experimental craft for such purpose.

Whenever reason therefor shall appear the commission may fix reasonable freight rates on all interstate waterborne traffic by common carrier and upon all such traffic on navigable waters wholly within the State, subject, however, to the jurisdiction now conferred by law on the Interstate Commerce Commission to fix maximum joint rates between and over rail and water lines.

The commission shall determine the reasonableness of wharfage or water terminal charges, whether such terminals are owned by private persons or municipalities, and all river and harbor improvements, including terminal facilities, shall be under the supervision and control of the commission.

Whenever the commission shall determine that unprofitable railway freight tariffs are maintained in any given case in order to prevent waterway competition, it shall be the duty of the commission to make a report thereon in duplicate to the Interstate Commerce Commission and to Congress, with recommendations that Congress give power, if need be, to the Interstate Commerce Commission for fixing minimum railway rates.

The commission shall at the earliest practicable date adopt an intelligent system of natural waterway improvement and shall perform such other and further duties as may present themselves from time to time.

Whenever it shall be desirable to secure sworn testimony from any witness or witnesses relating to any project or to navigation generally, or whenever the commission shall

have reason to believe that private interests are secretly or improperly seeking to influence the commission or to force the passage of any private or public waterway measure through Congress, the commission may cause a hearing or summary investigation to be held, and for that purpose may issue summons, subpoenas, or other writs in the same manner and under the same procedure as is more specifically set forth in the Act to regulate commerce approved February fourth, eighteen hundred and eighty-seven, and the amendments thereto, which portions of such Act relating to procedure, so far as applicable, are made a part of this Act, and may bring before such commission all parties believed to be informed concerning the facts or interested in the passage of such measure. A complete record shall be preserved of the testimony taken at such hearing and a certified transcript thereof shall be transmitted immediately to the Committee on Appropriations.

SEC. 6. That all unexpended balances to the credit of any project not specifically obligated under existing contracts shall from the date of the passage of this Act be transferred by the Treasurer to the general fund, and all vouchers thereafter paid by the Treasurer shall be upon order of the National Waterway Commission.

SEC. 7. That the sum of \$500,000, or so much thereof as may be necessary, be, and the same hereby is, appropriated, out of any money in the Treasury, to carry out the provisions of this Act.

APPENDIX III

For purposes of reference there is given here the terms of governors of the various states and certain facts about legislative sessions as indicated in the column headings.

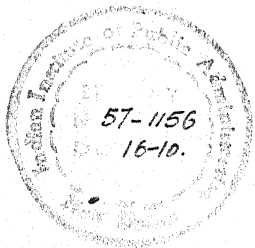
Frequent reference to some of these facts is made throughout the book, and readers may wish to make comparisons with their own states. For that reason, too, the following table is given.

State	Term of Governor	Legislative Sessions	Limit of Sessions
Alabama	4 years	Quad.	50 days
Arizona	2 "	Bien.	60 "
Arkansas	2 "	Bien.	60 "
California	4 "	Bien.	90 "
Colorado	2 "	Bien.	No
Connecticut	2 "	Bien.	No
Delaware	4 "	Bien.	60 "
Florida	4 "	Bien.	60 "
Georgia	2 "	Ann.	50 "
Idaho	2 "	Bien.	60 "
Illinois	4 "	Bien.	No
Indiana	4 "	Bien.	61 "
Iowa	2 "	Bien.	No
Kansas	2 "	Bien.	50 "
Kentucky	4 "	Bien.	60 "
Louisiana	4 "	Bien.	60 "
Maine	2 "	Bien.	No
Maryland	4 "	Bien.	90 "
Massachusetts	1 "	Ann.	No
Michigan	2 "	Bien.	No ²
Minnesota	2 "	Bien.	90 "
Mississippi	4 "	Bien ¹	No
Missouri	4 "	Bien.	70 "
Montana	4 "	Bien.	60 "
Nebraska	2 "	Bien.	60 "
Nevada	4 "	Bien.	60 "

¹ Extra sessions 20 days with pay.

² Special sessions, limited to 30 days, are held alternately with regular sessions.

State	Term of Governor	Legislative Sessions	Limit of Sessions
New Hampshire .	2 years	Bien.	No
New Jersey	3 "	Ann.	No
New Mexico	2 "	Bien.	90 days
New York	2 "	Ann.	No
North Carolina ..	4 "	Bien.	60 "
North Dakota ..	2 "	Bien.	60 "
Ohio	2 "	Bien.	No
Oklahoma	4 "	Bien.	60 "
Oregon	4 "	Bien.	40 "
Pennsylvania ...	4 "	Bien.	No
Rhode Island ..	2 "	Ann.	No
S. Carolina	2 "	Ann.	No
S. Dakota	2 "	Bien.	60 "
Tennessee	2 "	Bien.	75 "
Texas	2 "	Bien.	60 "
Utah	4 "	Bien.	60 "
Vermont	2 "	Bien.	No
Virginia	4 "	Bien.	60 "
Washington	4 "	Bien.	60 "
West Virginia ...	4 "	Bien.	45 "
Wisconsin	2 "	Bien.	No
Wyoming	4 "	Bien.	40 "





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