

authority to set court fees under Article III, Section 45 of the Maryland Constitution which grants that authority to "The General Assembly," and Article IV, Section 10, which states that the fees "may hereafter be regulated by Law." Both of these grants of power explicitly infer action by the entire Legislature in the manner set forth in Article III.

Moreover, the veto power allows an indirect route to the same end. The power to veto under the bill implies the power to modify because of the existence of the veto power. By the use of an actual or threatened disapproval of a fee schedule submitted, coupled with an invitation to resubmit a schedule which contained fees at certain levels or other terms, the majority of the members of one committee of the General Assembly could effectively modify the schedule. I believe that such an indirect power to modify court fee schedules suffers from the same constitutional objections as are identified in the letter of the Attorney General, which is attached to this letter.

For these reasons I have decided to veto Senate Bill 58.

Sincerely,
Harry Hughes
Governor

May 5, 1981

Honorable Harry Hughes
Governor of Maryland
State House
Annapolis, Maryland 21404

Re: Senate Bill 58

Dear Governor Hughes:

This is to advise you that we have reviewed for constitutionality and legal sufficiency Senate Bill 58, a bill requiring schedules of court costs and fees to be submitted to two legislative committees for approval, modification or veto. Although we approve the bill as it relates to approval or veto by legislative committees of proposed court costs and fees, we are unable to approve the bill as it relates to modification by legislative committees of proposed court costs and fees.

The State Constitution clearly recognizes the authority of the General Assembly to regulate court costs and fees by statute. Thus, Article III, Sec. 45 provides that "The General Assembly shall provide a simple and uniform system of charges in the offices of Clerks of Courts ... in the Counties ..." and Article IV, Sec. 10 provides that "The