

3. Previous legislation of which Section 2 of Chapter 1008 of the Acts of 1943, is the most recent, constitutes the members of the Commission, a body corporate, with the right to use a common seal, to sue and be sued, and to perform other necessary corporate acts. These provisions are expressly repealed by House Bill 505. The Bill does contain a disclaimer to the effect that the term "municipal corporation" as used in the Home Rule amendment to the Constitution, (Article 11-E) does not cover the Commission, and recites its incorporation by Chapter 448 of the Acts of 1927. However, these provisions of the 1927 Act were repealed and re-enacted by Chapter 1008 of the Acts of 1943, which in turn would be repealed by the instant Bill. Consequently, it appears that none of the foregoing corporate provisions would survive if this Bill becomes law. Since I am advised that the Commission holds title to large tracts of land, and contemplates further issuance of bonds to provide capital funds for its purposes, impairment of its status as a corporation, in addition to the questionable status of one of its members, referred to above, would present serious legal questions as to its present capacities.

4. While the Bill provides for gubernatorial appointment of Commission members, the power is preserved in name only. The Chief Executive under this Bill would merely ratify the nominations of the governing bodies of the two counties, and would lose his power to remove members for misconduct. This power is abolished, not transferred. In Montgomery County, the arrangement might even be construed to authorize the County Council to abolish the District under the authority of Section 5(P) of Article 25A of the Annotated Code of Maryland (1951 Ed.), dealing with the powers of Chartered Counties. The ostensible authority, nominal in character, placed in the Governor is a meaningless shift of responsibility from the real appointing authority.

Elimination of discretionary appointing authority is wholly inconsistent with the nature of this bi-county agency. The Commission is designated by statute as the representative of the State of Maryland for the purpose of dealing with the National Capital Park and Planning Commission, a federal agency established in 1926, and is further authorized to act with other representatives of the United States, the District of Columbia, the State of Maryland, the State of Virginia, or Montgomery and Prince George's Counties or any local subdivision within said counties or states. It would seem obvious that if the Commission is to function in some capacities as a state agency, with jurisdiction by law transcending local county lines and considerations, some discretionary latitude should be provided in appointments to membership, especially since it is sought to preserve such responsibility in form.

5. The Commission has enjoyed an outstanding non-political status and a stature of eminent professional capacity in its field. As an advisory agency charged with the duty of planning the District as a unit and of making vital recommendations to the governing bodies of the two counties, its existing independence is a matter of public concern. Under the proposed revision, such autonomy could largely be destroyed or effectively weakened.

For all of which reasons I have vetoed House Bill 505.

Respectfully,

(s) THEODORE R. MCKELDIN,  
Governor