

House Bill No. 502—Pension for Former Governors

AN ACT to add new section 15B to Article 41 of the Annotated Code of Maryland (1957 Edition and 1961 Supplement), title "Governor—Executive and Administrative Departments," subtitle "The Executive Department," subheading "Head of Department," to follow immediately after Section 15A thereof, providing for the payment of a pension or salary to every former governor of this State, and fixing the amount, conditions and procedures applicable to such payments.

May 6, 1963.

Honorable Marvin Mandel
Acting Speaker
House of Delegates
State House
Annapolis, Md.

Dear Mr. Speaker:

In accordance with the provisions of Article 2, Section 17, of the Maryland Constitution, I have vetoed House Bill 502, and I am returning this Bill to you accompanied by my veto message.

House Bill 502 provides "a pension or salary calculated at the rate of twelve hundred dollars (\$1,200) per annum for each year, or portion thereof, of service in the office of Governor" for every former Governor of Maryland. The pension or salary would be paid to all former Governors living at the time of the enactment of the Bill.

The Attorney General of Maryland has advised me that House Bill 502 violates two provisions of the State Constitution.

Article 2, Section 21, provides that "The Governor . . . shall receive for his services an annual salary of Fifteen Thousand Dollars."

Article 3, Section 35, provides that "No extra compensation shall be granted or allowed by the General Assembly to any public Officer, Agent, Servant or Contractor, after the service shall have been rendered, or the contract entered into; nor shall the salary or compensation of any public officer be increased or diminished during his term of office . . ."

The Attorney General also has advised me that the great weight of legal authority indicates that, where a Constitutional provision prohibits payment of extra compensation to public officers after services have been rendered, an attempt to provide a pension for one who has left the service of the State prior to the enactment of the Statute would be unconstitutional.

The Attorney General also has indicated that an attempt to increase the salary of the Governor by Legislative action would be unconstitutional inasmuch as all previous increases in the salary of the Governor have been by Constitutional amendment.

For these reasons, the Attorney General has advised that House Bill 502 could not constitutionally apply to Governors already retired