

desist order "whenever substantial evidence becomes available to the commissioner" that the insurer is in a precarious financial condition, whereas House Bill No. 534 would authorize such an order "whenever it appears to the commissioner" that the insurer is in a precarious financial condition. In addition, there is some difference in the respective titles of the two bills and some difference in subdivision.

In light of the differences between the two bills, particularly in light of the condition allowing the Insurance Commissioner to issue the cease and desist order, it is our opinion that the two bills are not compatible and, as a consequence, only one should stand as the law. Accordingly, we recommend that one of the two bills ought to be vetoed.

Very truly yours,

/s/ Francis B. Burch
Attorney General

Senate Bill No. 666 - Jurisdiction of Appellate Courts

AN ACT to repeal Sections 5A and 5B of Article 5 of the Annotated Code of Maryland (1968 Replacement Volume and 1972 Supplement), title "Appeals," subtitle "Appeals to Court of Appeals and Court of Special Appeals," subheading "Jurisdiction of Court of Appeals and Court of Special Appeals"; to repeal Section 21B of said Article, title, and subtitle subheading "Certiorari," and to enact new Sections 5A through 5D in lieu thereof, to stand in the place of the sections so repealed, and to be under the new subheading "Allocation of Jurisdiction Between Appellate Courts," providing for the elimination of procedures for the transfer of cases between the Court of Appeals and the Court of Special Appeals, defining terms, increasing the jurisdiction of the Court of Special Appeals, allocating jurisdiction between the two courts both before and after January 1, 1975; providing that the Court of Appeals may review by certiorari a case pending the Court of Special Appeals either before or after decision in the latter court, and either on its own motion or on motion of a party; eliminating appeals as of right to the Court of Appeals after January 1, 1975; providing for procedures for the grant of certiorari by the Court of Appeals and relating generally to procedures in and jurisdiction of the Court of Appeals and the Court of Special Appeals.

June 1, 1973.

Honorable William S. James
President of the Senate
State House
Annapolis, Maryland 21404

Dear Mr. President:

In accordance with Article II, Section 17, of the Maryland Constitution, I have today vetoed Senate Bill 666.

This bill provides for the re-allocation of jurisdiction between the Court of Appeals and the Court of Special Appeals.