

For this reason, I have decided to veto House Bill 1852.

Sincerely,
Marvin Mandel
Governor

Letter from State Law Department on House Bill 1852

May 20, 1977

Honorable Marvin Mandel
Governor of Maryland
State House
Annapolis, Maryland 21404

Re: House Bill 1852

Dear Governor Mandel:

House Bill 1852 carries a title which indicates only that its purposes are to increase the salary of the State's Attorney of Carroll County and to provide for certain applicability of the Act. These purposes are accomplished by the Act. However, the Act also removes from present Code, Article 10, §40(g)(1), a provision which guarantees the State's Attorney, the Deputy State's Attorney and the Assistant State's Attorneys the right to practice law privately (see lines 88-89). Undoubtedly, the significant increase in the State's Attorney's salary (which, presumably, would constitute precedent for corresponding increases in the salaries of the Deputy State's Attorney and the Assistant State's Attorneys) is a legislative recognition of the full-time demands of these positions and the consequent need both to increase the salary and reduce outside practice accordingly. Unfortunately, the title of the bill in no way suggests that it is repealing the authorization to practice law privately. In so doing, the bill, in our opinion, fatally runs afoul of the provisions of Article III, §29, of the Constitution, which require that the title of every law enacted by the General Assembly adequately describe the contents of the bill. Furthermore, if, as we strongly suspect, the repeal of the private practice guarantee is the quid pro quo for the salary increase, the defective portion of the bill is not severable under Code, Article 1, §23.

Fortunately, since Article III, §35, of the Constitution prevents the incumbent State's Attorney from