

unconstitutional. Advice of that nature is possible only in the context of a specific invalidity. With respect to proposed Section 490 of House Bill 948, which provides for the appointment of a member of the Board by the Chief Judge of the Court of Appeals, the elimination of the appointment would not inhibit the functioning of the Board as it is a discretionary appointment and not vital. As a result, if this provision were found to be unconstitutional, it could be severed without affecting the validity of the remaining portions of the statute. In our view, the same result would obtain if the appointment by the legislative officers were held to be invalid.

In summary, we find the bill to be constitutionally sufficient. In addition, without intending to comment upon the relative wisdom thereof, we also note that the exemption of the Department of Public Safety and Correctional Services from the additional authority of the Secretary of Budget and Fiscal Planning, and the failure to correlate what would be the somewhat overlapping responsibilities of that Secretary under the two statutes may require the administration of two separate and somewhat parallel programs. Of course, this aspect of the bill presents a policy issue, which is properly addressed by the agencies involved; however, since the issue springs from the less than model interaction of two statutes, we feel obliged to bring it to your attention.

Very truly yours,
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Attorney General

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- 1 We have also concluded that the authority conferred by this section is limited to Executive Branch agencies only. 61 Opinions of the Attorney General 241 (1976)
 - 2 (1) The valid portion of the act must be independent of the invalid portion and must form a complete act within itself, *Maryland Unemployment Compensation Board v. Albrecht*, 183 Md. 87 (1944); (2) the law enforced after separation must be reasonable in light of the act as originally drafted, *Maryland Theatrical Corporation v. Brennan*, 180 Md. 377 (1942); and (3) the dominant or main purpose of the act must not be defeated by the invalidity of part of the act, *Schneider v. Duer*, 170 Md. 326 (1936).