

the General Assembly was needed. As I pointed out then, the Maryland Constitution clearly infers that any modification to the schedule of court fees requires action by the entire Legislature in the manner set forth in Article III. 1981 Laws of Maryland at 3327-28.

Senate Bill 408 requires schedules of court costs and fees to be submitted to the General Assembly for approval by joint resolution. The resolution "may adopt, modify or reject any or all of the fees determined by the Administrator." The Attorney General has again pointed out that the power to modify proposed court costs and fees is a lawmaking function which must follow the procedures prescribed by the Maryland Constitution for enacting legislation. Since the Constitution requires that bills enacted by the General Assembly be submitted to the Governor for approval, the modification of the schedule of costs and fees by means of a joint resolution does not conform to the lawmaking procedures prescribed in the Constitution since such resolutions are not subject to gubernatorial veto.

Moreover, I believe that the power to adopt or reject schedules of costs and fees by joint resolution amounts to lawmaking without compliance with constitutional procedures. This is so because the power to adopt or reject proposed schedules implies the power to modify. An actual or threatened disapproval of a schedule submitted by the State Court Administrator, coupled with an invitation to resubmit a schedule containing certain costs, fees or other terms, is tantamount to the power to modify. I believe that such an indirect power to modify court fee schedules suffers from the same constitutional objections as are identified in the letter of the Attorney General, which is attached to this letter.

For these reasons, I have decided to veto Senate Bill 408.

Sincerely,
Harry Hughes
Governor

May 28, 1982

REVISED LETTER

Honorable Harry Hughes
Governor of Maryland
State House
Annapolis, Maryland 21401

Re: Senate Bill 408