

Dear Governor Hughes:

This is to advise you that we have reviewed for constitutionality and legal sufficiency Senate Bill 408, a bill requiring schedules of court costs and fees to be submitted to the General Assembly for approval, disapproval or modification by joint resolution. Although we are aware that recent court cases in other states have held against the legislative veto principle and that a legislative veto case is pending before the Supreme Court, we are still persuaded of the validity of this principle under the Maryland Constitution.

However, Senate Bill 408, like Senate Bill 58, vetoed following the 1981 session, contains a legislative veto provision which we believe is unconstitutional. As we noted in our May 5, 1981 letter on Senate Bill 58, authorization "to modify proposed court costs and fees is much more in the nature of lawmaking, which must follow the procedures prescribed by the Constitution for enacting legislation." Even though Senate Bill 408 permits such modification by the full General Assembly, rather than by its committees, it would nevertheless permit modification of fees and costs without resort to lawmaking and thus, this feature of the bill is unconstitutional. Except for this provision, we approve the bill for constitutionality and legal sufficiency.

Very truly yours,  
 Stephen H. Sachs  
 Attorney General

Senate Bill No. 408

AN ACT concerning

Court Costs - Legislative Determination Approval

FOR the purpose of revising the manner in which fees, costs, and charges for certain State courts are set; requiring the State Court Administrator to implement the fees, costs and charges as set by the new procedure; and clarifying language.

BY repealing and reenacting, with amendments,

Article - Courts and Judicial Proceedings  
 Section 7-102 and 7-202(a)  
 Annotated Code of Maryland  
 (1980 Replacement Volume and 1981 Supplement)

The President put the question: Shall the Bill pass, notwithstanding the objections of the Executive