

It is, of course, an exercise in legislative power for the General Assembly to specify criteria for selecting State projects for which private donations could be solicited. If the Legislature delegated the development of such criteria to the Executive, this office has indicated that it is not clearly unconstitutional for the Legislature to reserve a veto over the exercise of this delegated legislative power. See letter to the Honorable Catherine I. Riley and the Honorable John Arnick, dated February 9, 1984. However, it can not exercise an essential executive function of making the selection. Although the bill also raises issues of whether the legislators would be holding more than one office and whether the private donation would be subject to the appropriation process, we find it unnecessary to address these matters in view of the separation of powers objection.

Very truly yours,  
 Stephen H. Sachs  
 Attorney General

Senate Bill No. 857

AN ACT concerning

**State-Donations---Administration**

**FOR-the-purpose--of--establishing--a--State--Donations--Oversight  
 Committee;--providing--for--membership--of--the--Committee;  
 prescribing--certain--duties--of--the--Committee;--defining  
 certain--terms;--describing--the--State--Donations--Program;  
 prescribing--certain--duties--of--the--secretaries--of--State  
 agencies--or--departments--under--the--Program;--prescribing  
 certain--duties--of--the--State--Comptroller--under--the--Program;  
 prohibiting--certain--uses--of--funds--by--recipients--under--the  
 Program;--providing--for--the--first--recipients--of--funds--under  
 the--Program;--providing--for--the--termination--of--the--Program;  
 and--generally--relating--to--the--State--Donations--Oversight  
 Committee--and--State--Donations--Program.**

BY-adding-to

**Article-15A---Budget-and-Fiscal-Planning  
 Section-5A  
 Annotated-Code-of-Maryland  
 (1981-Replacement-Volume-and-1983-Supplement)**

**SECTION--1--BE--IT--ENACTED--BY--THE--GENERAL--ASSEMBLY--OF  
 MARYLAND;--That-the-Laws-of-Maryland-read-as-follows:**

**Article-15A---Budget-and-Fiscal-Planning**