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OFFICE OF COUNSEL TO THE GENERAL ASSEMBLY

April 17, 2008

The Honorable Martin J. O'Malley
Governor of Maryland
State House
100 State Circle
Annapolis, Maryland 21401

Dear Governor O'Malley:

We have reviewed and hereby approve for constitutionality and legal sufficiency House Bill 1016, "Prince George's County - Board of License Commissioners - Compensation of Board's Attorney." In reviewing the bill, we have concluded that the bill does not conflict with Article III, § 35 of the Maryland Constitution and may be fully implemented at any time after June 1, 2008 and before June 30, 2010.

House Bill 1016 requires the County Council of Prince George's County, for fiscal year 2008 only and on submission of a request by the Board of License Commissioners of Prince George's County (Board), to pay the attorney to the Board up to \$53,500. The bill further clarifies that this payment is in addition to the attorney's annual salary paid to the attorney in fiscal year 2008 and expresses the intent of the General Assembly that additional payments authorized by the Act are prospective in effect and may not be construed to be retroactive payments to the attorney for the Board. The bill takes effect June 1, 2008 and shall remain effective for a period of two years and 1 month.

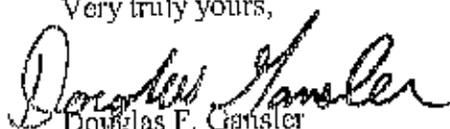
Last year we advised that a portion of Chapter 610 of 2007 "may be in conflict with Article III, § 35 of the Maryland Constitution, which provides in relevant part that '[e]xtra compensation may not be granted or allowed by the General Assembly to any public officer, agent, servant or contractor, after the service has been rendered, or the contract entered into...'" See Bill Review Letter on Senate Bill 247/House Bill 492, dated May 15, 2007, a copy of which is attached. That bill expressly provided for the payment of legal fees for work performed but not paid in prior fiscal years. HB1016 does not present the same issue, and by its own terms is to be considered prospective only.

We also note that HB 1016 takes effect June 1, 2008 and applies to fiscal year 2008 only.

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Thus, it is our view that the payment of up to \$53,500 provided for under the bill may be made in multiple payments or a single lump sum payment during the month of June, 2008.

Very truly yours,


Douglas F. Gansler
Attorney General

Attachment

DFG/BAK/mlh

cc: The Honorable Barbara A. Frush
The Honorable Dennis Schnepfe
Joseph Bryce
Karl Aro