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May 4, 2007

The Honorable Martin O'Malley
Governor of Maryland
State House
Annapolis, Maryland 21401-1991

Re: House Bill 723

Dear Governor O'Malley:

We have reviewed and hereby approve for constitutionality and legal sufficiency House Bill 723, "Montgomery County - Maryland-Washington Metropolitan Districts - Boundaries." In approving the bill, we have concluded that it does not violate the single subject requirement of the Maryland Constitution.

House Bill 723 adjusts the boundaries of the Maryland-Washington Metropolitan District ("Metropolitan District") to exclude areas that have been annexed or are annexed in the future by municipalities that have historically not been included in the District. Under current law, only areas that were within the municipality as of a certain date have been excluded from the District. The bill further provides that the metropolitan district tax does not apply to the areas located within the corporate boundaries of the excluded municipalities as they exist on the effective date of the Act or to areas subsequently annexed to those municipalities. Section 5 of the bill, added by committee amendment, provides that:

the county councils of Prince George's County and Montgomery County and the Maryland-National Capital Park and Planning Commission shall report to the delegations of Prince George's County and Montgomery County of the General Assembly on or before November 1, 2007, on the fee schedule for the use of each county's parks and recreation facilities and services, including parks and recreational facilities and services located

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within municipalities, as it applies to individuals who reside within Prince George's County and individuals who reside within Montgomery County. The report shall include a historical analysis of the origin and rationale for any nonresident fees.

Maryland Constitution Article III, § 29 provides in relevant part that "every Law enacted by the General Assembly shall embrace but one subject, and that shall be described in its title." The purposes of this provision are to prevent logrolling, and to protect the veto power of the Governor. *Porten Sullivan Corporation v. State*, 318 Md. 387, 402 (1990). It has traditionally been given a liberal reading, so not to unduly interfere with the Legislature in the discharge of their duties. *Parkinson v. State*, 14 Md. 184, 194 (1859). This liberal approach "is intended to accommodate not only a 'significant range and degree of political compromise that necessarily attends the legislative process in a healthy, robust democracy,' but also the fact that 'many of the issues facing the General Assembly today are far more complex than those coming before it in earlier times and that legislation needed to address the problems underlying those issues often must be multifaceted.'" *Delmarva Power and Light v. Public Service Commission*, 371 Md. 356, 369 (2002), citing *MCEA v. State*, 346 Md. 1, 14 (1997).

The test as to whether a law violates the single subject requirement looks to whether the provisions of the bill are all "germane" to one another. *Migdal v. State*, 358 Md. 308, 317 (2000). That is, whether they are "in close relationship, appropriate, relative, pertinent." *Porten Sullivan Corporation v. State*, 318 Md. 387, 402 (1990). "A measure contains distinct subjects when there is engrafted upon a law of a *general* nature, some subject of a private or local character." *Id.* at 406.

The original provisions of House Bill 723 relate, not only to the boundaries of the Metropolitan District, but also to the tax that is paid by the residents of the Metropolitan District for parks and recreational facilities within the Metropolitan District. Article 28, § 6-106. The effect of the legislation was to reduce the number of persons paying this tax in Montgomery County. This fact gave rise to discussions of an ongoing issue regarding the treatment of residents of the two counties involved in the district with respect to fees. As we understand it, facilities in Prince George's County offer a discount to residents of both counties, while facilities in Montgomery County provide a discount only for Montgomery County residents. The availability of the discounted fees for residents is germane to the payment of taxes by those residents for the acquisition and operation of these facilities. Thus, it is our view that the provisions of the bill all relate to a single subject as required by Article III, § 29 of the Maryland Constitution.

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Very truly yours,

/s/

Douglas F. Gansler
Attorney General

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cc: Joseph Bryce
Secretary of State
Karl Aro