

Letter from State Law Department on Senate Bill No. 788

May 23, 1974.

The Honorable Marvin Mandel  
Governor of Maryland  
State House  
Annapolis, Maryland 21404

Re: Senate Bill 788

Dear Governor Mandel:

Senate Bill 788 provides for an increase in the salary of the Treasurer of Calvert County and of the Deputy Treasurer of Calvert County and, as a result of the amendments added to the bill after its introduction, also authorizes the County Commissioners of Calvert County to lend or grant public funds to certain medical organizations to cover the cost of construction of certain streets and related facilities. A review of this bill and of the applicable law has led us to conclude that it is in direct violation of the provisions of Section 29 of Article III of the Maryland Constitution, to the effect that "Every law enacted by the General Assembly shall embrace but one subject...".

We recognize the established principle that this provision of the Constitution is to be liberally construed and that there is a strong presumption in favor of the validity of statutes enacted by the General Assembly. See Bond v. State, 78 Md. 523 (1894) and discussion in Panitz v. Comptroller, 247 Md. 501 (1969), (involving the related provisions of Section 52(8) of Article III of the Maryland Constitution pertaining to supplementary appropriation bills). See also Everstine, Titles of Legislative Acts, 9 Md. L. R. 197, 218 (1948). The Court of Appeals has stated that the basic test to be applied in determining whether a law embraces more than one subject is whether or not all portions of the statute are "germane" or whether they are foreign to one another. Neuenschwander v. Washington Suburban Sanitary Commission, 187 Md. 67, 77 (1946). "Germane" has been defined as meaning in close relationship to one another, appropriate, relevant, or pertinent to the general subject. Sutherland, Statutory Construction, Vol. 1A, Section 17.03 (Sands 4th Ed. 1972). In another case the Court of Appeals, in upholding a law providing for annexation and subsequent zoning of annexed land, noted with approval an earlier opinion (Baltimore City v.