

2. Harford County - under present law, board members are appointed by the County Executive with the advice and consent of the County Council. Senate Bill 1181 provides for appointment by the County Council (lines 155-156 1/2).
3. Montgomery County - there are several substantive changes here. Present law establishes a five-member advisory board. Senate Bill 1181 provides for a three-member advisory board (line 175). Present law requires that one member be a holder of a specific type of license; Senate Bill 1181 makes no such provision. Present law names three ex officio members of the board; Senate Bill 1181 contains no such provision.

Since none of these changes are even remotely alluded to in the bill's title, they are constitutionally impermissible as contravening Article III, Section 29 of the Constitution,¹ and may not be given effect.

Nonetheless,

"It is well settled that it is not necessary to strike down an entire Act because one provision is void, 'unless the provisions are so connected together in subject-matter, meaning or purpose, that it cannot be presumed the Legislature would have passed the one without the other.'"

Scmerset County v. Pocomoke Bridge Co., 109 Md. 1, 8 (1908). Thus, pursuant to the mandate of Code, Art. 1, §23, the courts will sever an invalid statutory provision if it is clear that the Legislature would have passed the Act without that provision.

In our view, the offending provisions of this bill are not so closely connected that it cannot be presumed that the Legislature would not have passed the bill without that provision. On the contrary, Article 2B is a notorious laundry list of local laws having little if any relationship to each other which, by means of local courtesy, are almost invariably enacted or defeated entirely on the wishes of the local delegation. Accordingly, we have no doubt that the General Assembly would have enacted this bill had it contained only the provisions relating to Kent County. Consequently, in our view, the measure may be signed into law and the Kent County provisions given effect despite the clear violation of the titling requirements of the Constitution with respect to the other changes.

Very truly yours,
Francis Bill Burch
Attorney General