

Browner v. Supervisors, 141 Md. 586, 595 (1922).

Accordingly, we are unable to approve House Bill 70 as to constitutionality for the reason that it constitutes an impermissible attempt to delegate the lawmaking function in contravention of the requirement that laws be made by a majority of both Houses of the General Assembly, subject to the veto power of the Governor.²

Very truly yours,
Francis Bill Burch
Attorney General

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- 1 In our view, the authority which this measure would vest in the AFLR Committee also is substantially different from that which Transportation Article, §8-610 vests in local delegations with respect to the inclusion of items in the 20 year highway needs study; for, unlike the instant measure, approval under Section 8-610 is merely a preliminary decision which does not directly affect private property rights and in which the General Assembly must concur through the budget process. Similarly, the authority vested in the Joint Legislative Committee on Metropolitan Mass Transit under Art. 40, §107 is simply to review plans and make recommendations to the General Assembly.
 - 2 We observe, without deciding, that there also may well be substantial due process and equal protection problems with the approach of this bill; for, there is a wide [and perhaps constitutionally significant] difference between exercise of the police power in accordance with a comprehensive zoning plan, which imposes mutual restraints and confers mutual benefits on property owners, and arbitrary permission to A and prohibition to B to use their own property, at the pleasure of neighbors or at the whim of legislative or administrative agencies." *Benner v. Tribbit*, 190 Md. 6, 20 (1948).

House Bill No. 89 - Circuit Breaker - Qualification
for Benefits

AN ACT concerning

Circuit Breaker - Qualification for Benefits