

Dear Governor Lee:

We are unable to approve the above-numbered bill as to constitutionality in light of what we perceive to be a defective title.

Maryland Constitution, Article III, Section 29 provides, in pertinent part that:

"[e]very law enacted by the General Assembly shall embrace but one subject, and that shall be described in its title; ..."

In testing a bill against the requirement that its subject be described in its title, a court will be disposed to uphold, rather than defeat the enactment; a reasonable doubt in its favor being enough to sustain it. Madison National Bank v. Newrath, 261 Md. 321 (1971). Nonetheless, the constitutional requirement is aimed in part at assuring that the Legislature and the people be fairly appraised of the nature of new legislation, Kelly v. State, 139 Md. 204 (1921), and a title which is affirmatively misleading must necessarily cause the statute to fall; see 58 Opinions of the Attorney General 75 (1973).

House Bill 1255, which would amend Sections 18-601(a) and 18-603(a) of the Education Article, is entitled "FOR the purpose of establishing a uniform definition of child for the purposes of certain scholarships."

Subsequent to its enactment, "child" would be defined, for purposes of Section 18-601, as any child (at least 16 years old and under 24) of certain public safety personnel killed in the line of duty, or "any child of a member of the Maryland National Guard who was a resident of this State at the time of his death and was killed while on active duty ...." For the purposes of Section 18-603, on the other hand, "child" would be defined as "any child or stepchild of a person described in this Section."<sup>1</sup> (Emphasis added). Further, the section sets the age requirement at between 16 and 24, unless the child served in the armed forces, in which case the upper limit for eligibility is age 28.

The word "uniform" is defined alternately as "having always the same form, manner, or degree; not varying or variable; of the same form with others: conforming to one rule or mode: consonant; presenting an undiversified appearance of surface, pattern, or color; consistent in conduct or opinion;" Webster's Seventh New Collegiate Dictionary, 1967. In view of the fact that for purposes of Section 18-603, the term "child" would include stepchild, but not so with respect to Section 18-601, we have concluded that House Bill 1255 does not result in a uniformity of definition and its title is therefore affirmatively misleading.<sup>2</sup> We therefore cannot approve House Bill 1255 as to constitutionality.