

Annapolis, Maryland 21401

Re: Senate Bill 834 and House Bill 1889

Dear Governor Lee:

We have reviewed House Bill 1889 and Senate Bill 834, which are identical bills, and it is our opinion that these bills are unconstitutional because the title of each bill limits the enactment to a much narrower scope than the body of the act embraces in violation of Article 3, Section 29 of the Maryland Constitution.

Article 3, Section 29 provides in relevant part that:

"[E]very Law enacted by the General Assembly shall embrace but one subject, and that shall be described in its title; and no law, nor section of Law, shall be revived, or amended by reference to its title, or section only; nor shall any Law be construed by reason of its title, to grant powers, or confer rights which are not expressly contained in the body of the act . . ."

That constitutional provision has been the subject of much litigation, and the Court of Appeals, in order that the intent of the Legislature not be defeated, has given it a liberal construction. However, the Court has held that although the title need not contain an abstract of the bill, nor detail the provisions of the act, it must not be misleading by apparently limiting the enactment to a much narrower scope than is contained in the body of the bill (Nutwell v. Anne Arundel County, 110 Md. 667, 671 (1909)) and that a statute can be given no more extended operation than that explained in the title. Barrett v. Clark, 189 Md. 116 (1947).

In Nutwell, supra, the statute in question was described in the title as requiring all owners of vehicles using the public streets and roads in Anne Arundel County to have a license, but in the body of the bill were also contained provisions exempting a large group of vehicles from the licensing requirements and exempting licensed vehicles from other forms of taxation. The Court found the title to be too narrow and misleading, and, therefore, declared the law unconstitutional.

The titles of Senate Bill 834 and House Bill 1889 read as follows:

"For the purpose of clarifying the procedures which stay collection of certain property taxes by the posting of an appeal bond."

The body of the bill contains amendment to Section 260 of Article 81 as follows: