

Honorable Harry Hughes
Governor of Maryland
State House
Annapolis, Maryland 21404

Re: Senate Bill 624

Dear Governor Hughes:

This is to advise you that we have reviewed for constitutionality and legal sufficiency Senate Bill 624, a bill authorizing the Department of Natural Resources to enter concession management agreements. Because of defects in the title, provisions for approval of the agreements by the Board of Public Works and for approval of plans for concession development by the General Assembly cannot be given effect. Although there is some doubt as to whether these provisions are severable, we think that the bill can be signed into law and the remaining provisions given effect.

Article III, Section 29 of the Constitution requires that "every Law ... shall embrace but one subject, and that shall be described in its title." This requirement is satisfied if the title fairly advises the Legislature and the public of the real nature and purpose of the legislation. Baltimore Transit Co. v. Metropolitan Transit Authority, 232 Md. 509, 521 (1963). While the title need not be an abstract of the text, Mayor and City Council of Baltimore v. State, 281 Md. 217, 225 (1977), it must be sufficiently clear and comprehensive to reasonably cover the provisions of the statute. Barrett v. Clark, 189 Md. 116, 127 (1947). Moreover, it cannot be misleading. Allied American Mutual Fire Insurance Co. v. Commissioner of Motor Vehicles, 219 Md. 607, 614 (1959).

Although the title refers to the agreements being made "in accordance with procedures approved by the Board of Public Works," as does the text, the title does not reflect the requirement that the agreement itself is subject to approval by the Board of Public Works. As the title does not adequately reflect the requirement for Board approval, it cannot, in our judgment, be given effect. Additionally, the title refers to a "review" of plans, while the text provides not merely for a review of plans for concession development but requires approval of the plans by a joint resolution of the General Assembly. In this respect, the title does not fully reflect the provisions of the bill. Even if it were adequate, we have some substantial reservations about the constitutionality of this legislative veto provision, especially with respect to the purported power of the General Assembly to amend the plans.

As provisions for approval of the agreements by the Board of Public Works and for legislative review and