

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE

House Bill 1064
Appropriations

(Delegates Conway and Mathias)

Budget and Taxation

Convention Center - Bond Authority

This bill corrects a previous Act of the General Assembly erroneously enacted as part of the Maryland Consolidated Capital Bond Loan of 2007.

Fiscal Summary

State Effect: None.

Local Effect: None. The bill is technical in nature and would not affect Worcester County finances, the only code county located in a resort area.

Small Business Effect: None.

Analysis

Current Law: Under Article III, § 29 of the Maryland Constitution, a bill may embrace only “one subject.” The purpose of this requirement is to prevent the combination in one Act of totally unrelated matters that would not receive support if offered independently. The “one subject” rule helps to “avoid the necessity for a legislator to acquiesce in a bill he or she opposes in order to secure useful and necessary legislation.” *Porten Sullivan Corp. v. State of Md.*, 318 Md. 387, 408 (1990) (striking down a portion of Chapter 244 of 1989 which imposed mandatory ethical requirements on Prince George’s County Council members regarding zoning matters and extended the council’s authority to impose certain taxes.)

Background: Chapter 488 of 2007, the Maryland Consolidated Capital Bond Loan of 2007, was approved for constitutionality and legal sufficiency, although it was determined that Section 13 of the bill was unrelated to the topic of the bill. Section 13 included provisions that increased the amount of bonds that may be issued by a code county for the construction, reconstruction, repair, renovation, or equipping of a convention center facility located in a resort area from \$15 to \$20 million. In May 2007, the Attorney General determined that this section of the bill was unrelated to State capital projects and the creation of State debt and that it had doubtful constitutional validity based on the “one subject” rule. The Attorney General recommended that the General Assembly reenact legislation during the next session providing for the increase in bonding authority for code counties.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Wicomico County, Worcester County, Department of Legislative Services

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mll/hlb

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