

MEMORANDUM

TO: County Council

FROM: Robert H. Drummer, Legislative Attorney 

SUBJECT: **Public Hearing:** Bill 31-09, Administration – Consideration of Bills – One Subject

Bill 31-09, Administration – Consideration of Bills – One Subject, sponsored by Council President Andrews and Councilmember Elrich, was introduced on July 28. A Management and Fiscal Policy Committee worksession is tentatively scheduled for September 21 at 2:00 p.m.

The Maryland Constitution, Article III, §29 requires all laws enacted by the General Assembly to contain only one subject. The applicability of this constitutional provision to laws enacted by a home rule county council exercising the legislative power granted to it by a county charter is unclear. Bill 31-09 would apply this State constitutional standard to bills enacted by the Montgomery County Council by requiring them to contain only one subject.

The intent of the one subject rule in the State Constitution is to prevent the attachment of an unrelated provision to a pending bill that must be enacted if the Legislature wants to enact the original bill.¹ The one subject rule also protects the integrity of the Governor's veto power by preventing the Legislature from enacting a law on two disparate subjects that would require a choice between signing both or neither provision into law. Bill 31-09 would apply this same rule to County legislation.

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¹ *Davis v. State*, 7 Md. 151(1854)

Bill No. 31-09
Concerning: Administration-
Consideration of Bills – One Subject
Revised: July 23, 2009 Draft No. 2
Introduced: July 28, 2009
Expires: January 28, 2011
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: _____
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council President Andrews and Councilmember Elrich

AN ACT to:

- (1) require bills enacted by the Council to contain only one subject; and
- (2) generally amend the law governing Legislative Sessions.

By amending

Montgomery County Code
Chapter 2, Administration
Section 2-82

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

Section 1. Section 2-82 is amended as follows:

2-82. Consideration of bills and budgets.

(a) Consideration of bills [Voting].

(1) Each bill enacted by the Council must contain only one subject matter.

(2) A vote on final passage of a bill requires a roll call by yeas and nays. If no Councilmember objects, the Council may enact more than one bill by a single combined roll call vote.

* * *

Approved:

Philip M. Andrews, President, County Council

Date

Approved:

Isiah Leggett, County Executive

Date

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council

Date

LEGISLATIVE REQUEST REPORT

Bill 31-09

Administration – Consideration of Bills – One Subject

DESCRIPTION:	To require bills enacted by the Council to contain only one subject and generally amend the law governing Legislative Sessions.
PROBLEM:	The Maryland Constitution, Article III, §29 requires all laws enacted by the General Assembly to contain only one subject. The applicability of this constitutional provision to laws enacted by a home rule county council exercising the legislative power granted to it by a county charter is unclear. This Bill would apply the State constitutional standard to Bills enacted by the Montgomery County Council.
GOALS AND OBJECTIVES:	To require bills enacted by the Council to contain only one subject.
COORDINATION:	
FISCAL IMPACT:	To be requested.
ECONOMIC IMPACT:	N/A.
EVALUATION:	To be requested.
EXPERIENCE ELSEWHERE:	To be researched.
SOURCE OF INFORMATION:	Robert H. Drummer, Legislative Attorney
APPLICATION WITHIN MUNICIPALITIES:	To be researched.
PENALTIES:	Not applicable.

MEMORANDUM

July 24, 2009

TO: Councilmembers

FROM: Phil Andrews, Council President



SUBJECT: "Clean-vote", single-subject requirement for legislation

On Tuesday, I will introduce Bill 31-09, which requires that a bill enacted by the County Council be limited to one subject. This has been the practice of the County Council over the years for good reason. Limiting bills to one subject provides accountability by ensuring a clean vote on an issue. In addition, bills with multiple subjects may distort the legislative process by enabling subjects that would not pass on their own to become law as a result of being subsumed in an omnibus bill.

The concern about multiple-subject legislation is not academic. In March, the County Executive sent over a bill for introduction containing three very different subjects. Prior to introduction, I had our legislative attorneys divide the bill to adhere to the single-subject practice that the Council has followed for many years (one of the subjects of the bill duplicated a bill pending before the Council, so it was not introduced).

The Council should stop this potentially significant problem in its tracks, as a previous Council did with regard to regulations when it approved legislation in 1984 that limits a regulation to one subject. Councilmember Elrich has agreed to co-sponsor this "clean-vote" bill, and I would welcome your co-sponsorship as well. Its enactment would institutionalize a good-government practice in our County.