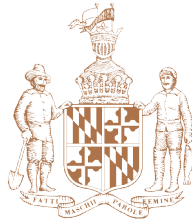


ANTHONY G. BROWN  
ATTORNEY GENERAL

CANDACE McLAREN LANHAM  
CHIEF OF STAFF

CAROLYN A. QUATTROCKI  
DEPUTY ATTORNEY GENERAL



SANDRA BENSON BRANTLEY  
COUNSEL TO THE GENERAL ASSEMBLY

KATHRYN M. ROWE  
DEPUTY COUNSEL

DAVID W. STAMPER  
DEPUTY COUNSEL

SHAUNEE L. HARRISON  
ASSISTANT ATTORNEY GENERAL

JEREMY M. MCCOY  
ASSISTANT ATTORNEY GENERAL

THE ATTORNEY GENERAL OF MARYLAND  
OFFICE OF COUNSEL TO THE GENERAL ASSEMBLY

April 21, 2023

The Honorable Wes Moore  
Governor of Maryland  
State House  
100 State Circle  
Annapolis, Maryland 21401  
*Delivered via email*

***RE: House Bill 201, “Creation of a State Debt – Maryland Consolidated Capital Bond Loan of 2023, and the Maryland Consolidated Capital Bond Loans of 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, and 2022”***

Dear Governor Moore:

We have reviewed and hereby approve for constitutionality and legal sufficiency House Bill 201, “Creation of a State Debt – Maryland Consolidated Capital Bond Loan of 2023, and the Maryland Consolidated Capital Bond Loans of 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, and 2022” (the Capital Budget Bill).

We note that the total of the appropriations for the projects listed in Section 1(3) appears to exceed the total loan amount authorized in Section 1(1). Any discrepancy can be fixed in next year’s Capital Budget Bill.

We also write to comment on one item that authorizes the expenditure of funds for “the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping” of a church in Queen Anne’s County (Section 1(3), Item (ZA00(KN))). Section 10 of the bill provides that no portion of the funding authorized for a project, including any matching funds, may be used for “the furtherance of an essentially religious endeavor.” That provision also authorizes the Board of Public Works to request evidence from a grant recipient that the funds will not be used for any purpose prohibited by the Act. Acting pursuant to this provision, the Board of Public Works can ensure that funds are used in a manner consistent with the restrictions in Section 10, as well

The Honorable Wes Moore  
April 21, 2023  
Page 2

as the limitations of the Establishment Clause and Article 36 of the Maryland Declaration of Rights.<sup>1</sup>

Sincerely,

A handwritten signature in black ink, appearing to read "A.G. Brown". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Anthony G. Brown

AGB/DWS/kd

cc: The Honorable Susan C. Lee  
Eric G. Luedtke  
Victoria L. Gruber

---

<sup>1</sup> The First Amendment to the United States Constitution states, in relevant part, that “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.” This limitation is binding on the states through the Due Process Clause of the Fourteenth Amendment, and the Maryland Constitution contains a similar guarantee in Article 36.