

For instance, the law authorizing Baltimore City to license paperhangers has been held to be a public general law, despite the language I just quoted above, because the law might adversely affect state revenues and because it would permit the City to exclude nonresidents from acting as paperhangers in the City.

What then has been the effect of this constitutional arrangement on the General Assembly? If you turn with me to page 39 of the Committee Memorandum I will cite, I promise briefly, some figures.

You see from this that in 1902, 80 per cent of all laws passed by the General Assembly were local laws. From 1919 to 1943 the percentage varied from 50 to 65 per cent. In 1953 it had risen to 77 per cent.

After the adoption of mandatory municipal home rule, which also included a prohibition on local laws with respect to municipalities, the percentage of local laws was reduced but it still continues to be the predominant product of the General Assembly.

In 1966, for instance, 55 percent of the laws were local laws and in 1967, 52 percent.

I have already referred to these tables. I will not dwell on them at length. Table 1 on page 41 shows that more than a third of the local laws enacted by the legislature for the counties in 1966 and 1967 would not have been passed by the General Assembly had there been mandatory home rule in effect at that time. This would have reduced the percentage of local legislation in the 1967 session from 52 to 34 percent.

While many of the remainder of the so-called local laws shown on Table 1 may not be truly local in nature, the adoption of recommended 7.06 plus other changes proposed for the new constitution such as the unified judicial article, should eliminate another 141 local bills.

The whole effect of this procedure would reduce the local legislation to 15 percent and these, as I said, are not all true local laws.

The detriment that the Committee sees in public local laws is not diversity of legislation from county to county; rather, it is that enactment of local laws by the General Assembly usurps the function of the duly elected county officials and makes it difficult for the citizen to fix responsibility for legislation. The Committee believes that

the General Assembly should devote its time and ability primarily to matters of statewide import and leave to the county governments the handling of their internal affairs.

The first sentence of the section reads "Except as otherwise provided in this Constitution and except with respect to appropriations and laws providing for and regulating the powers of departments, agencies or instrumentalities of the State performing a state and not a local function." The limitation appears in the next clause. "The General Assembly shall enact no public laws and shall enact only public general laws, which are defined as laws which in their terms and effects apply throughout the State."

I have already stated that the purpose of the opening phrase is to clarify that the phrase "by law" does not necessarily require a public general law. There may be other limitations in the Constitution describing the law required in particular sections. In section 8.01-1, I think the Finance Committee has recommended that a special uniformity be required in each case.

The exception for appropriations is intended to provide flexibility to permit the State to continue its present system of re-allocating taxes to the various subdivisions in accordance with their needs.

The exception for state agencies is needed to make clear that the General Assembly may provide for state agencies; it is not specifically authorized in the Constitution to provide for these by law. However, the state agency must perform a state and not a local function.

The Maryland Port Authority, for instance, performs a state function, even though one of the things it does is regulate traffic in Baltimore Harbor. An agency, operating state parks or recreation areas even though they may be located in just one county, would be performing a state function.

A state board regulating paperhangers in just one county would violate the intent of the section because it really is not a state function. A majority of the Committee is convinced that the General Assembly through public general law may reach problems of statewide significance even though they may exist in one or more, but not all counties, and that the requirement that the General Assembly act through public law is not unduly restrictive. However, in order to provide some additional flexibility