

The legislative powers of the State and its political subdivisions are significantly different. The General Assembly inherently possesses full power to legislate on every subject, except as limited by the Maryland Constitution with regard to State and local matters and the federal constitution with respect to national matters. The subdivisions have only such legislative authority as has been given them by the State, either in the Constitution or by statute. Consequently, except to the extent that it is restrained by the home rule powers that the Constitution gives some subdivisions, the Legislature may regulate subdivisions in virtually any manner it sees fit. 62 Opinions of the Attorney General 275, 278-79 (1977).

The City of Baltimore enjoys a form of constitutional home rule known as "charter government." See Article XI-A of the Constitution. Allegany County has adopted "code home rule." See Article XI-F. Garrett and Somerset Counties do not have home rule powers.

Under Article XI-A, § 4, the General Assembly may not enact a "public local law" on any subject covered by the express powers granted by the Legislature to Baltimore City in its charter. And Article XI-F, § 4 prevents the General Assembly from enacting a "public local law which is special or local in its terms or effect within a code county," such as Allegany County.⁹

As this office previously has observed, the distinction between public general laws and public local laws is extremely significant for home rule purposes, and often difficult to determine:

[T]here is no categorical standard for distinguishing between public general and public local laws. Nevertheless, public local laws traditionally are confined in their operation to certain prescribed or defined territorial limits, and their subject matter is one of purely local concern.... Thus, ... "[the] classification of a particular statute as general or local is traditionally based on substance and not form," Cole v. Secretary of State, 249 Md. 425, 433 (1968); "[and] ... the fact that the statute takes the form of an amendment to the general law [traditionally had not made] it a public general law rather than a public local law if its subject matter is exclusively local." [d].

In the Charter Home Rule Amendment [the] limitation [on the General Assembly's authority] took the form of a constitutional prohibition of the enactment of a public local law by the General Assembly on any subject covered by the Express Powers Act. However, since a law which applies to two or more of the geographical subdivisions of the State is not a local law for charter home rule purposes, and since "the General Assembly ... may enact a

⁹In the Code Home Rule Amendment, the local law prohibition is somewhat blurred. Article XI-F, § 1 says that "laws which apply to more than one county" are not local laws, while § 4 authorizes the General Assembly to "enact ... public local laws applicable to code counties only by general enactment which in terms as effect apply alike to all code counties [in a given class of code counties]." This office noted this apparent inconsistency previously, and resolved it by concluding that § 4 applies only to laws affecting the incorporation, organization, or government of code counties. See 62 Opinions of the Attorney General at 304-06.