

The Attorney General has advised me that House Bill 1785 is unconstitutional in that it contravenes Article IIA, Section 4 of the Maryland Constitution. That section prohibits the General Assembly from enacting any public local law for a charter county on any subject covered by the Express Powers Act, Article 25A, Section 5 of the Annotated Code of Maryland. Anne Arundel County is a charter county. House Bill 1785 clearly constitutes in the opinion of the Attorney General a subject covered by Sections (J), (T), and (X) of Section 5 of the Express Powers Act.

In addition, the Attorney General has informed me that the Anne Arundel County Council, pursuant to Article 25A, Section 5, has recently enacted local legislation pertaining to the very subject matter contained in House Bill 1785. A copy of the Attorney General's Opinion is attached and should be considered a part of this Message.

For these reasons, I believe House Bill 1785 must be vetoed.

Sincerely,
/s/ Marvin Mandel
Governor

Letter from State Law Department on
House Bill 1785

May 28, 1974.

The Honorable Marvin Mandel
Governor of Maryland
State House
Annapolis, Maryland 21404

Re: House Bill 1785

Dear Governor Mandel:

House Bill 1785 adds a new Section 4.01(c) to Article 66B of the Annotated Code of Maryland and provides, in part, that:

"In Anne Arundel County, land and buildings may not be used for chemical or catalytic manufacturing, chemical fabrication, gasoline processing, or refining of petroleum or petroleum products."

The bill provides that it shall terminate one year