

from its effective date and thus it is properly described as imposing a finite moratorium rather than an outright and indefinite prohibition.

It should be noted that the bill purports to be a land use bill restricting the use of land (and buildings) rather than the preparation of land or the construction of buildings for later use. In light of the one-year limitation on the effectiveness of the bill, this becomes particularly significant when one considers that most major new facilities which would fall within the use prohibitions could not be constructed and actually ready for use within a year. While we recognize that local officials responsible for issuing building permits might be reluctant to allow construction to proceed in light of legislation such as House Bill 1785, there would be no basis in this legislation alone for the denial of a building permit so long as it was clear that if the building were completed within a year it could not be used for one of the prohibited purposes within that period. We also recognize that as a practical matter a company might not wish to proceed with construction in the face of a one year use limitation in the light of possibility of later extension of the initial moratorium. None of this alters the fact, however, that House Bill 1785 would not make it legally impermissible for a prohibited facility to be constructed (as opposed to used) during the next year. In the absence of further legislative action, the use could commence at the end of that time.

In addition, we should point out that the Anne Arundel County Council has recently seen fit to exercise its zoning authority to prohibit chemical and catalytic manufacturing and the storage of petroleum and petroleum products and certain other materials in various zoning districts throughout the county. See Bill No. 120-73, enacted January 24, 1974. House Bill 1785, while it is aimed at uses similar to those recently restricted by the County Council, nonetheless is in conflict in various respects with the existing zoning laws of Anne Arundel County, as amended by Bill No. 120-73.

We have recently had occasion to review two somewhat related bills pertaining to the control of similar land uses in St. Mary's County (Senate Bill 389 and House Bill 1736) and we wrote to you on May 10, 1974, setting forth our views on the constitutional questions raised and enclosing two prior opinions dealing with the bills. A copy of the three letters are attached for your convenience. Some but not all of the views which we expressed then are pertinent here and, accordingly, we direct your attention to these earlier letters. However, we do not believe that any of the particular questions raised and discussed in those letters would stand as an