

impediment to the signing of House Bill 1785.

While the scope of the uses prohibited by House Bill 1785 and Senate Bill 389 is generally the same (thus subjecting House Bill 1785 to many of the same arguments of overbreadth and unreasonableness discussed in our letter of May 10, 1974), House Bill 1785 is distinguished by its somewhat more elaborately specified exceptions for existing uses and by the fact that it will remain in effect for only one year. Accordingly, these arguments, which did not lead us to conclude that Senate Bill 389 was clearly unconstitutional, are even less persuasive here.

One question is raised by House Bill 1785 which was not involved in the St. Mary's County bills and which causes us grave concern in light of the fact that Anne Arundel County is a charter county. Section 4 of Article XI-A of the Constitution of Maryland provides as follows:

"From and after the adoption of a charter under the provisions of this Article by the City of Baltimore or any County of this State, no public local law shall be enacted by the General Assembly for said City or County on any subject covered by the express powers granted as above provided. Any law so drawn as to apply to two or more of the geographic sub-divisions of this State shall not be deemed a Local Law, within the meaning of this Act. The term 'geographical sub-division' herein used shall be taken to mean the City of Baltimore or any of the Counties of this State."

In order to determine whether House Bill 1785 violates this prohibition, it is first necessary to decide whether House Bill 1785 pertains to a subject within the express powers granted to Anne Arundel County as a charter county and then, if it does, to decide whether it is a public local law.

With respect to the first question, there can be little doubt, in our view, that House Bill 1785 pertains to a subject covered by the Express Powers Act (Article 25A of the Annotated Code of Maryland (1973 Rep. Vol., 1973 Supp.)). Section 5(J) of Article 25A confers upon charter counties the authority to "regulate... factories, workshops ... manufacturing plants and any and all places where offensive trades may be carried on or which may involve or give rise to unsanitary conditions or conditions detrimental to health". Without suggesting that all of the various land uses prohibited by House Bill 1785 constitute or may constitute "offensive trades" or will give rise to conditions detrimental to health, it is clear that House Bill 1785 invades at least to a significant degree the authority conferred upon charter