

is no doubt but that the character of the two counties and of their respective surrounding areas is sufficiently different to conceivably lead to different conclusions about the secondary extra-territorial impact of the respective land use prohibitions. Furthermore, whereas Senate Bill 389 imposed a permanent prohibition, the temporary nature of the ban imposed by House Bill 1785 would at the very least significantly lessen the extent of any impact both within and without Anne Arundel County. Just as we declined to make factual assumptions in order to find Senate Bill 389 unconstitutional, we decline to do so here under the reverse circumstances and, accordingly, conclude that House Bill 1785 is unconstitutional. In doing so, we must express our underlying views with respect to Dasch v. Jackson, supra, and the proposition that legislation which facially applies only in one county may be deemed to constitute a public general law on the basis of some secondary extra-territorial effect.

In Dasch v. Jackson, supra, the Court of Appeals concluded that a law passed by the General Assembly establishing a board to examine the qualifications of, and license, all persons engaging in the business of paper-hanging in Baltimore City was not a public local law and, therefore, was not contrary to Section 4 of Article XI-A of the Maryland Constitution. The Court stated the following two bases for its conclusion:

"First, because it [the bill] imposes taxes or fees designed to produce a surplus payable into the general funds of the State (Gaither v. Jackson, supra) and to that extent affects to some extent the people of the whole State. Second, because it affects the right of persons not residing in the City of Baltimore as well as the right of persons residing within that city to engage in the business of paper-hanging in Baltimore City, either as contractors or journeymen." 170 Md. at 261.

Clearly the first factor cited in the Dasch case is not present in House Bill 1785 since it does not purport in any way to generate State revenues. The question thus becomes whether a bill will be held to be a public general law solely because it may have some secondary effect on persons outside of the jurisdiction to which it is applicable. We do not believe that the Dasch case can or should be read as suggesting or dictating such a broad result. Were this not the case, then it could be said that virtually no conceivable piece of legislation could constitute a public local law. We do not believe that such a result was intended.

Since we are dealing here with legislation purporting to affect the use of land, consider a