



Senate Bill 738
Freedom to Read Act

MACo Position:

LETTER OF INFORMATION

Date: February 23, 2024

To: Education, Energy, and the
Environment Committee

From: Brianna January

The Maryland Association of Counties (MACo) offers the following **LETTER OF INFORMATION** regarding SB 738. SB 738 creates “State Standards for Libraries” about providing and restricting library materials based on origin, identity, and “partisan doctrinal disapproval.” Under the bill, local library and school systems are required to adopt similar policies. Should a public library system fail to do so or if they violate the Standards, the State is authorized under SB 738 to withhold state funding from the public library system.

Making state funding contingent upon the policy and actions of library systems, and in some cases their individual personnel, gives counties pause. In such an event, which is effectively outside the county government’s sphere of control or oversight, a potential for stark service depletion would arise.

Assuming that county governments would be obligated – if not by law, then by public pressure – to fill any lapses in state funding resulting from the bill, counties could be forced to take on a substantial fiscal burden to maintain the library system’s level of service. County governments would be forced to backfill the loss of state funding despite having no authorization over library materials, resources, or programmatic policies.

Moreover, this would come as Maryland's counties face an unprecedented wave of fiscal effects. Revenues are softening – and are even in decline – as federal support recedes from the national economy and high-interest rates slow real estate sales. Costs of workforce, construction, and legal liability are all mounting dramatically. Additionally, the Blueprint for Maryland’s Future poses costs for education that, for each county, will absorb or exceed their projected new revenues from current sources. Furthermore, county options for generating meaningful revenues are limited, with most counties already at the state's income tax rate cap, leaving the regressive property tax as the principal remaining alternative. Placing new operational or fiscal burdens on county governments in this precarious setting is untenable and unrealistic.

Counties stand ready to contribute to discussions to refine and improve SB 738 if the Committee seeks to advance this legislation.