



House Bill 81

*Constitutional Amendment - Form of County Government -
Requirement to Adopt Charter Home Rule*

MACo Position: **OPPOSE**

To: Environment & Transportation Committee

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From: Michael Sanderson

The Maryland Association of Counties (MACo) **OPPOSES** HB 81. This bill would repeal Maryland's historic reliance on self-determination by county residents, and instead mandate that every county conforms to a single governance structure – a full two-branch charter government.

Over Maryland history, the roles of county government have expanded as the duties and responsibilities of governance and public service have outstripped the capacity of the state legislature and state government. County governments now provide most essential day-to-day services for the sizable majority of Marylanders, and have broad police powers to serve the public health and welfare of their residents.

In the service of these broad and noble goals, the Maryland Constitution has adapted as well. The advent of “home rule,” adopted by popular vote of county residents, grants multiple pathways to more independent self-governance, through either adoption of Code Home Rule powers, or through the formation and voter approval of a county charter, which serves a role analogous to a constitution. 18 of Maryland's 24 subdivisions have adopted home rule through these processes, with the guidance and approval of their voters – resulting in multiple structures and styles to serve local needs. Guidance by local voters is the hallmark of this structure – but is upended by HB 81.

Under HB 81, were it enacted and approved by the voters statewide, this local self-determination would be fully eclipsed. The views of voters in some jurisdictions would, in effect, override the preferences of those in other jurisdictions, e.g. Garrett County voters might vote “no” but would be compelled to change their local structure due to votes from other regions of the state. In some cases, HB 81 would directly overrule the fully expressed views of a given county's voters – who, in some cases, have been presented with the option of charter government and voted against that structure.

Regardless of the merits of each county structure available under the Maryland Constitution, our State has wisely reserved this question for the affected voters – and does not bend to statewide opinion. This wisdom should be retained in the constitution and Maryland laws generally, and therefore, MACo urges an **UNFAVORABLE** report for HB 81.