

HB28- Charter Gov- Testimony.pdf

Uploaded by: Christopher Eric Bouchat

Position: FAV



THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

Chair Korman, Vice Chair Boyce, Subcommittee Chair Healey, and members of the Environment and Transportation Committee, thank you for having me today.

House Bill 28 is about ensuring that every Marylander—no matter which county they call home—can live under a local government with separately elected executive and legislative branches. This structure reflects the republican form of government guaranteed to all citizens by the U.S. Constitution.

Currently, commissioner counties in Maryland are not truly independent governments. They lack a local constitution and function as wards of the General Assembly. According to the Maryland Constitution and state Supreme Court precedent, the General Assembly acts as the legislative branch for these counties. Under the U.S. Constitution's Guarantee Clause, states are promised a republican form of government. Federal case law makes it clear that defining that form of government is the responsibility of the state's population as a whole—not individual counties. Because commissioner counties operate as wards of the General Assembly, they cannot independently determine their form of governance.

Shouldn't all Maryland citizens—regardless of race, ethnicity, or background—have the right to a local government rooted in popular sovereignty, with separate and independently elected branches, like our state and federal governments? Right now, those living in commissioner counties do not.

As a former County Commissioner, I experienced the limitations of this system firsthand. Commissioner-based government consolidates power within the General Assembly, leaving local citizens without true sovereignty. Many legislators opposing this bill do so to maintain that control, perpetuating the false belief that commissioner counties are independent and self-governing.

Imagine a math teacher who, for job security, agrees with students that 2+2 equals 5 rather than teaching the correct answer. That's what's happening here. The truth is that counties without separately elected executive and legislative branches are less independent, not more.

The principles outlined in this legislation reflect the foundation of the U.S. Constitution—rejecting outdated models of governance in favor of popular sovereignty. Federal case law is clear: counties do not have the right to adopt systems modeled on colonial-era governance through referendum. The authority to define a republican form of government belongs to the people of the state as a whole.

By passing this amendment, Maryland would align all counties under a unified, constitutional governance structure. Picture Maryland as a machine with moving parts—some counties functioning efficiently, while others lag behind. This legislation would ensure every county operates equally and effectively within the larger state and federal framework.

This is our chance to fulfill the ideals of Hamilton and Madison, just as they replaced the flawed Articles of Confederation with the U.S. Constitution. It's time for Maryland to unify its governance and ensure equal sovereignty for every resident.

Thank you for considering this important legislation. I respectfully urge a favorable report from the committee.

Sincerely,



Delegate Christopher Eric Bouchat

HB28 FAV - GOOD.pdf

Uploaded by: Rudolph "Pumpkin Rudy" Daniecki

Position: FAV

good idea

PR 1.24.25.pdf

Uploaded by: Rudolph "Pumpkin Rudy" Daniecki

Position: FAV

good idea

Opposition to HB0028.pdf

Uploaded by: Amanda Brooks

Position: UNF

John F. Barr, *President*
Jeffrey A. Cline, *Vice President*
Dawn L. Marcus, *Clerk*



Wayne K. Keefer
Randall E. Wagner
Derek J. Harvey

**BOARD OF COUNTY COMMISSIONERS OF
WASHINGTON COUNTY, MARYLAND**

January 24, 2025

Delegate Marc Korman, Chair
Environment and Transportation Committee
251 Taylor House Office Building
6 Bladen Street
Annapolis, Maryland 21401

RE: Opposition to House Bill 28—Constitutional Amendment—Form of County Government-Requirement to Adopt Charter Home Rule

Dear Delegate Korman:

The Board of County Commissioners of Washington County (the "Board") unanimously opposes the passage of HB 28. As currently drafted, HB 28 would create a Constitutional Amendment mandating that every County in the State adopt a Charter Home Rule form of government. The Board opposes this bill for several reasons.

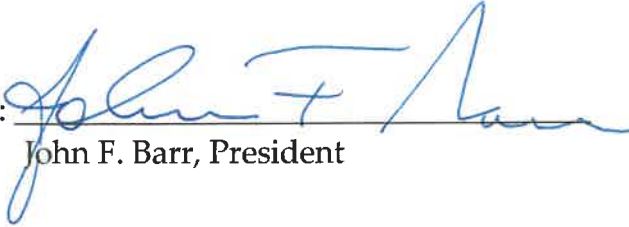
Adopting a Constitutional amendment that requires every County in the State to change its form of government presents several problems and undesirable consequences. First, Code Counties and Commissioner Counties forced to change their forms of government will suffer serious financial and economic harm. Dramatic changes involving the County's rights to establish a bonding authority, or tax caps will be severely altered. Furthermore, creating an effectively new branch of government to replace the Commissioner form of government will be extremely expensive, time-consuming, and disruptive to the flow of work. The County estimates that it will incur more than \$2,000,000 in costs to comply with such an amendment.

HB 28 would also violate the fundamental rights of the citizens, who, through their elected County officials, would have no control over their form of County government.

The Board strongly opposes the passage of HB 28, which would create institutional chaos within non-charter Counties, and would violate the fundamentally American concept that local government governs best.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
OF WASHINGTON COUNTY, MARYLAND

By: 
John F. Barr, President

cc (via email): Washington County Delegation

HB28_St. Mary's County_UNF

Uploaded by: Angela Blondino

Position: UNF

ST. MARY'S COUNTY GOVERNMENT
**COMMISSIONERS OF
ST. MARY'S COUNTY**



James R. Guy, President
Michael R. Alderson, Jr., Commissioner
Eric Colvin, Commissioner
Michael L. Hewitt, Commissioner
Scott R. Ostrow, Commissioner

**HB 28 - Constitutional Amendment - Form of County Government –
Requirement to Adopt Charter Home Rule**

OPPOSE

January 28, 2025

Delegate Marc Korman, Chairman
Environment and Transportation Committee
Room 251, House Office Building
6 Bladen Street
Annapolis, MD 21401

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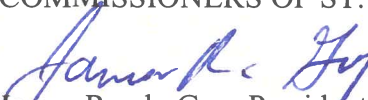
The Commissioners of St. Mary's County **OPPOSE HB 28 - Constitutional Amendment – Form of County Government – Requirement to Adopt Charter Home Rule** which will be heard in the Environment and Transportation Committee. This bill would usurp local authority and local preference by forcing all of Maryland's counties – regardless of size and circumstance – to follow one form of government.

A one-size-fits-all approach to the structure of county governments infringes on autonomy and flexibility in local governance. Local decision-makers and local voters are best positioned to know their home county's needs and the best means to address them. Allowing the entire state to choose the form of government for a particular county, regardless of how that county's citizens actually feel, is an unwarranted and troubling assault on local autonomy.

Important to note, St. Mary's Countians previously **voted to oppose a similar, though even less-sweeping, change.** In 2016, our citizens decisively voted in favor of keeping the traditional commissioner form of government when presented the choice to adopt code home rule.

It has been St. Mary's County's consistent position for years that matters of local governance should be left to local citizens. Changes should only come if approved by a local referendum. Accordingly, the Commissioners **OPPOSE HB 28 - Constitutional Amendment – Form of County Government – Requirement** and request an unfavorable report from the Committee.

Sincerely,
COMMISSIONERS OF ST. MARY'S COUNTY


James Randy Guy, President

CSMC/AB/tr
T:/Consent/2023/009

Cc: Senator Jack Bailey
Delegate Matthew Morgan
Delegate Todd Morgan
Delegate Brian Crosby
Commissioner Mike Alderson, Jr.
Commissioner Eric Colvin
Commissioner Michael Hewitt
Commissioner Scott R. Ostrow
David Weiskopf, County Administrator
John Sterling Houser, Deputy County Attorney

HB28_UNF_CAROLINE COUNTY COMMISSIONERS OFFICE

Uploaded by: J. Travis Breeding

Position: UNF



House Bill 0028

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

Position: UNF

Date: **January 28, 2025**

To: Environment and
Transportation

On behalf of the Caroline County Board of Commissioners, I am writing to express our strong **opposition** to **HB 0028** the proposed constitutional amendment regarding the form of county government and the requirement to adopt charter home rule. While we understand the desire for reforms to county governance, we believe this bill introduces a series of concerns that warrant careful reconsideration.

The most pressing concern is the timeline set forth in the bill, which mandates that all counties, including Caroline County, adopt a charter by December 31, 2031. This requirement places significant pressure on local governments, especially smaller counties like ours, to transition to a charter system within a very short period. Such a rushed transition could lead to unforeseen consequences, including a lack of necessary resources to implement the changes effectively and potential disruptions in local governance.

Additionally, the bill's provisions centralizing the charter adoption process in a charter board are problematic. While we agree that reform is necessary in some areas, the proposal could undermine local control and limit the ability of voters to directly shape their county's governance. By removing some of the current checks and balances, the bill risks creating a less transparent process, potentially diminishing the voice of residents in shaping the future of their county government.

The shift to councilmanic districts for county council elections is another aspect we find concerning. This mandate could lead to divisions within our communities, particularly in rural areas, where the need for broader representation may outweigh district-based elections. Caroline County is a rural community with unique needs, and such a shift could diminish the ability of all areas of the county to have fair representation of the council.

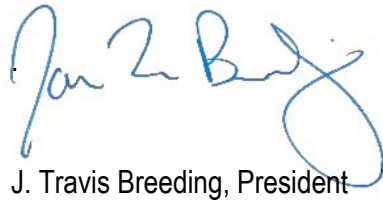
Furthermore, the provision requiring counties that are not currently operating under a charter to appoint a charter board by January 1, 2028, could create significant challenges, especially in counties like ours that may not be ready for such a shift. This process is not only expensive but could also result in a lack of clarity and coordination in the transition to a new system of government.

We believe that decisions about the structure of local governance should be made with careful consideration, input from the community, and flexibility to accommodate the unique needs of each jurisdiction. While we are committed to ensuring efficient and accountable government for our residents, we feel that HB 0028 (introduced in the 2024 Regular Session as HB 0081) does not provide the necessary flexibility or time for a thoughtful and effective transition.

For these reasons, we respectfully urge you to reconsider this bill and work toward an approach that better respects the autonomy and unique needs of counties like Caroline. We are committed to collaborating on solutions that will improve governance without imposing undue burdens on our communities.

Thank you for your attention to this matter. We look forward to further discussions on this issue and appreciate your consideration of our position.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Travis Breeding". The signature is fluid and cursive, with a large loop at the end.

J. Travis Breeding, President

OFFICE OF THE COUNTY COMMISSIONERS

Katheleen Freeman, County Administrator | Daniel Fox, Deputy Administrator | R. Stewart Barroll, County Attorney
109 Market Street, Room 123 | Denton, Maryland 21629 | (410) 479-0660 | info@carolinemd.org

HB28_UNF_WASHINGTON COUNTY COMMISSIONERS

Uploaded by: John Barr

Position: UNF

John F. Barr, *President*
Jeffrey A. Cline, *Vice President*
Dawn L. Marcus, *Clerk*



Wayne K. Keefer
Randall E. Wagner
Derek J. Harvey

**BOARD OF COUNTY COMMISSIONERS OF
WASHINGTON COUNTY, MARYLAND**

January 24, 2025

Delegate Marc Korman, Chair
Environment and Transportation Committee
251 Taylor House Office Building
6 Bladen Street
Annapolis, Maryland 21401

RE: Opposition to House Bill 28—Constitutional Amendment—Form of County
Government-Requirement to Adopt Charter Home Rule

Dear Delegate Korman:

The Board of County Commissioners of Washington County (the "Board") unanimously opposes the passage of HB 28. As currently drafted, HB 28 would create a Constitutional Amendment mandating that every County in the State adopt a Charter Home Rule form of government. The Board opposes this bill for several reasons.

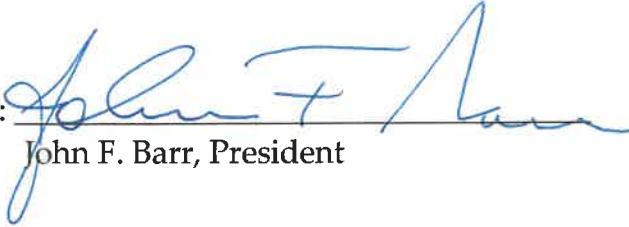
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Sincerely,

BOARD OF COUNTY COMMISSIONERS
OF WASHINGTON COUNTY, MARYLAND

By: 
John F. Barr, President

cc (via email): Washington County Delegation

HB0028-ET_MACo_OPP.pdf

Uploaded by: Michael Sanderson

Position: UNF



House Bill 28

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

MACo Position: **OPPOSE**

To: Environment & Transportation Committee

Date: January 28, 2025

From: Michael Sanderson

The Maryland Association of Counties (MACo) **OPPOSES** HB 28. 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’s 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. Of Maryland’s 24 subdivisions, 18 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 that is upended by HB 28.

Under HB 28, 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 28 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 28.

Testimony opposing HB0028 - Constitutional Amendme

Uploaded by: Richard KAP Kaplowitz

Position: UNF

01/28/2025

Richard Kaplowitz
Frederick, MD 21703

TESTIMONY ON HB#0028 - POSITION: UNFAVORABLE

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

TO: Chair Korman, Vice Chair Boyce, and members of the Environment and Transportation Committee

FROM: Richard Keith Kaplowitz

My name is Richard Kaplowitz. I am a resident of District 3. I am submitting this testimony in opposition to HB0028, Constitutional Amendment - Form of County Government - Requirement to Adopt Charter Home Rule

This bill is an attempt to have the state of Maryland dictate to our local counties the form that their local government must adopt.

As reported by Ballotpedia ¹ there can be serious problems to this preemption.

“Preemption conflicts can emerge between state and local governments due to differences in the partisan makeup of the respective governments. Sometimes Democratic-led cities are preempted by Republican state governments, such as when the state legislature in Missouri [preempted](#) efforts to increase the minimum wage in St. Louis. Democratic state governments have also come into conflict with Republican-led localities, such as when several Virginia municipal governments [passed](#) firearms resolutions that were preempted by state law.

However, shared party affiliations don't guarantee that state and local governments will see eye-to-eye. For example, in 2017 [New York's](#) Democratic governor, [Andrew Cuomo](#), signed a bill blocking a plastic bag tax in Democratic-led [New York City](#).

Common recent targets of state preemption include ordinances related to the minimum wage and paid sick leave, firearms policy, plastic bags, and marijuana decriminalization”

This bill, requiring each county to adopt a charter by December 31, 2031, and the processes to be followed makes the State of Maryland decide for the voters in a jurisdiction the form they want their government to assume. The adoption of charter government also has unknown financial costs to assemble the administrative framework and staff that new form of government. This is not, to my knowledge, a request of any jurisdiction towards their fellow counties. There are also costs to the state to place such this as a Constitutional Amendment to the voters of Maryland.

I respectfully urge this committee to return an unfavorable report on HB#0028.

¹ https://ballotpedia.org/Preemption_conflicts_between_state_and_local_governments

Letter of Information re HB 28 from St. Mary's Cou

Uploaded by: John Houser

Position: INFO

ST. MARY'S COUNTY GOVERNMENT

**COMMISSIONERS OF
ST. MARY'S COUNTY**



James R. Guy, President
Michael R. Alderson, Jr., Commissioner
Eric Colvin, Commissioner
Michael L. Hewitt, Commissioner
Scott R. Ostrow, Commissioner

**HB 28 - Constitutional Amendment - Form of County Government –
Requirement to Adopt Charter Home Rule**

LETTER OF INFORMATION

January 24, 2025

Delegate Marc Korman, Chairman
Environment and Transportation Committee
Room 251, House Office Building
6 Bladen Street
Annapolis, MD 21401

Dear Chairman Korman:

The Commissioners of St. Mary's County last met on January 14, prior to the announcement of the hearing date for **HB 28 - Constitutional Amendment - Form of County Government – Requirement to Adopt Charter Home Rule**. The Commissioners will next meet on the morning of January 28. Regrettably, that leaves the Commissioners unable to vote as a body to take a formal position on this legislation in time to submit written testimony. In lieu of, I am submitting this letter of information conveying their past position on identical legislation.

Last year, the attached letter was unanimously supported by the Commissioners of St. Mary's County. The board's composition has not changed since.

As the Commissioners wrote last year, it has been St. Mary's County's consistent position for years that the form and framework of local governance should be left to local citizens. We thank the General Assembly, as always, for its attention and its consideration of the opinion of St. Mary's County, and Maryland's counties in general, on this and other matters.

Sincerely,

John Sterling Houser
Deputy County Attorney
St. Mary's County Office of the County Attorney

Cc: Senator Jack Bailey
Delegate Matthew Morgan
Delegate Todd Morgan
Delegate Brian Crosby
Commissioner James R. Guy

Commissioner Mike Alderson, Jr.
Commissioner Eric Colvin
Commissioner Michael Hewitt
Commissioner Scott R. Ostrow
David Weiskopf, County Administrator
Buffy Giddens, County Attorney
Bruce Bereano

ST. MARY'S COUNTY GOVERNMENT
**COMMISSIONERS OF
ST. MARY'S COUNTY**



James R. Guy, President
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Michael L. Hewitt, Commissioner
Scott R. Ostrow, Commissioner

**House Bill 81
Constitutional Amendment – Form of County Government –
Requirement to Adopt Charter Home Rule**

OPPOSE

January 30, 2024

Delegate Marc Korman, Chairman
Environment and Transportation Committee
Room 251, House Office Building
6 Bladen Street
Annapolis, MD 21401

Dear Chairman Korman:

The Commissioners of St. Mary's County **OPPOSE House Bill 81 - Constitutional Amendment – Form of County Government – Requirement to Adopt Charter Home Rule** which will be heard in the Environment and Transportation Committee. This bill would usurp local authority and local preference by forcing all of Maryland's counties – regardless of size and circumstance – to follow one form of government.

A one-size-fits-all approach to the structure of county governments infringes on autonomy and flexibility in local governance. Local decision-makers and local voters are best positioned to know their home county's needs and the best means to address them. Allowing the entire state to choose the form of government for a particular county, regardless of how that county's citizens actually feel, is an unwarranted and troubling assault on local autonomy.

Important to note, St. Mary's Countians previously **voted to oppose a similar, though even less-sweeping, change.** In 2016, our citizens decisively voted in favor of keeping the traditional commissioner form of government when presented the choice to adopt code home rule.

It has been St. Mary's County's consistent position for years that matters of local governance should be left to local citizens. Changes should only come if approved by a local referendum. Accordingly, the Commissioners **OPPOSE** HB 81 - Constitutional Amendment – Form of County Government – Requirement and request an unfavorable report from the Committee.

Sincerely,
COMMISSIONERS OF ST. MARY'S COUNTY


James Randy Guy, President

CSMC/AB/sf
T:/Consent/2024/014

P.O. BOX 653 • CHESAPEAKE BUILDING • 41770 BALDRIDGE ST., LEONARDTOWN, MD 20650
PHONE 301.475.4200 EXT. 71350 • FAX 301.475.4935 • www.stmarysmd.com • CSMC@STMARYSCOUNTY.GOV

Page 2
Delegate Marc Korman, Chairman
January 30, 2024

Cc: Senator Jack Bailey
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Commissioner Scott R. Ostrow
David Weiskopf, County Administrator
John Sterling Houser, Deputy County Attorney

HB28_INFO_COMMISSIONERS OF ST. MARY'S COUNTY

Uploaded by: John Sterling Houser

Position: INFO

ST. MARY'S COUNTY GOVERNMENT

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**HB 28 - Constitutional Amendment - Form of County Government –
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John Sterling Houser
Deputy County Attorney
St. Mary's County Office of the County Attorney

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