

Code Home Rule

What It Is and What It Is Not

Background

- In 1904, 56% of all bills before the Maryland General Assembly were local in nature.
- External political pressure and a desire to streamline State government led to a series of major statutory and constitutional changes designed to delegate more legislative powers to the local governments.
- In 1966, Article XI-F, the Code Home Rule Amendment was adopted.

Code Home Rule

- Grants code counties the power to enact, amend and repeal laws applicable to its incorporation, organization or government.
- In the late 1970's, the Maryland Attorney General construed this to mean that a code county is authorized to control most affairs that have local effect and significance. Op. Att'y Gen. 275 (1977)

Code Home Rule vs. Charter Government

What's the Difference?

The Differences are Small but Significant

Code

- No public debate or establishment of a charter
- Commissioner form remains
- Easier to change structure of government
- Cannot levy new taxes or fees, except for sales tax on food & drink at resort areas
- No maximum debt limit

Charter

- Requires public debate and the establishment of a charter
- Council and elected Executive most common
- Most changes in gov't. structure require charter amendments
- May create and levy new forms of fees
- Maximum debt limit of 15% of assessable base

What's the Same?

- Both can enact, repeal or amend public local laws without going through the General Assembly (including Commissioner and Council salaries)
- Both can levy impact fees and development excise taxes (these already exist in Charles County)
- Both can issue bonds to pay for capital improvement projects such as school construction
- Both governing bodies are elected for four year terms

How Does It Break Down?

<u>Commissioner</u>	<u>Code</u>	<u>Charter</u>
Calvert	Allegany	Anne Arundel
Carroll	Caroline	Baltimore City
Cecil	Kent	Baltimore County
Charles	Queen Anne's	Harford
Dorchester	Worcester	Howard
Frederick		Montgomery
Garrett		Prince George's
St. Mary's		Talbot
Somerset		Wicomico
Washington		

Does Code Home Rule Mean More Government Spending?

No, that seems to be related to
urbanization.

Gov't. Spending, FY1998

- All five existing code home rule counties spent less money in FY1998 than Charles County.
- Of the ten commissioner counties, Charles was the ranked 3rd from the top behind Carroll and Frederick in government spending for FY1998.
- Six out of eight charter counties (Harford, Howard, Anne Arundel, Prince George's, Baltimore and Montgomery) spent more than Charles in FY1998.

Do Code and Charter Counties
Have Higher Property Tax Rates?

Not always.

The Top Ten List

10. Caroline	Code	\$2.420
9. Prince George's	Charter	\$2.421
8. Charles	Commissioner	\$2.440
7. Cecil	Commissioner	\$2.450
6. Allegany	Code	\$2.470
5. Garrett	Commissioner	\$2.590
4. Howard	Charter	\$2.590
3. Carroll	Commissioner	\$2.620
2. Harford	Charter	\$2.730

.....and the #1 Highest Property
Tax Rate in the State of Maryland

Baltimore County
Charter Government
Property Tax Rate -
\$2.855!!!

Does Code Home Rule Give the County Commissioners Too Much Power?

- Article 25 of the Maryland Annotated Code currently provides over 140 sections of expressed powers to commissioner counties.
- Article 25B of the Maryland Annotated Code would add less than 10 more sections of expressed powers to those already granted to commissioner counties if they adopted code home rule.

No Matter the Form of Home Rule, Counties Cannot

Make changes to the Sheriff's Department,
Board of Elections, Board of Education or
the Court System.

If You Need Additional Information.....

Contact your Government Affairs Director,
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or

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I'm here to help!