

LOCAL GOVERNMENT

be adopted by the legislature as an optional form of county government.

COUNTY HOME RULE

Presently fifteen states have some form of county home rule (*i.e.*, a division of powers between the state and the counties). Because counties, more than municipalities, are artificial political subdivisions, originally created as local units for state administration, local self-government has meant less freedom for counties than for cities.²

Professor Clyde F. Snider has pointed out,

“Provisions pertaining to municipalities usually confer, in addition

[to charter making], rather broad authority to determine and regulate all matters which are primarily of local concern as distinguished from those of general state-wide interest. County home-rule provisions, in contrast, are confined almost exclusively to matters of charter-making and organizational forms and do not carry any broad grant of substantive authority over local affairs generally.”³

Maryland is the great exception to this pattern. Thus, in many ways, Maryland's county home rule is closer to the municipal home rule that is found in other home-rule states.

HOME RULE FOR COUNTIES—1960⁴

State	Type of Home Rule	Counties Eligible	No. of 1960 Counties Adopting Charter
ALASKA	Legislative	All boroughs
CALIFORNIA	Self-executing	All counties	10 ⁵
FLORIDA	Self-executing	Dade County	1 ⁶
HAWAII	Mandatory	All Counties
LOUISIANA	Self-executing	Jefferson Parish	1 ⁷
MARYLAND	Self-executing	All counties	4 ⁸
MICHIGAN	Self-executing	All counties
MINNESOTA	Legislative	All counties
MISSOURI	Legislative	85,000+ people	1 ⁹
NEW YORK	Permissive	All counties (Outside N.Y.C.)	3 ¹⁰
OHIO	Self-executing	All counties
OREGON	Self-executing	All counties	3 ¹¹
TEXAS	Self-executing	62,000 people ¹²
WASHINGTON	Self-executing	All counties

² See Benton, *The County Home Rule Movement in Texas*, 31 SW. SOCIAL SCI. Q. 108-120 (Sept. 1950).

³ C. SNIDER, LOCAL GOVERNMENT IN RURAL AMERICA 104 (1957).

⁴ Idaho's Constitution confers certain legislative powers on counties but no charter-making powers.

⁵ CALIFORNIA: Counties of Los Angeles, San Bernardino, Butte, Tehama, Alameda, Fresno, Sacramento, San Diego, San Mateo, and Santa Clara.

⁶ FLORIDA: Dade County.

⁷ LOUISIANA: Jefferson Parish.

⁸ MARYLAND: Counties of Montgomery, Baltimore, Wicomico, and Anne Arundel.

⁹ MISSOURI: Saint Louis County.

¹⁰ NEW YORK: Counties of Oneida, and Onondaga.

¹¹ OREGON: Counties of Hood River, Lane, and Washington.

¹² Legislature may, by a two-thirds vote, authorize any smaller county to adopt its own charter.