

# *Towns with County Status in Hungary*

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Hungary is organised into counties, towns and communities (villages), and the capital city. The paper analyses a special type of municipal government – the town with county status (TCS; town with county rights or town with county rank). Several issues are analysed: legal regulation of this particular type of local self-government, the history of towns with county status, their formation and organization, the relationship between the counties and towns with county status, and legal regulation of the counties. The most important problems and several proposals for improvement connected to the TCS are identified. Information about 23 towns with county status and about the Association of Towns with County Status is given. The problems with regard to the TCS have existed for two decades both in the political life and in the professional community. According to the last Government's legislative draft, county status of these towns is proposed to be abolished.

*Key words:* local self-government – Hungary, town with county status (TCS), county

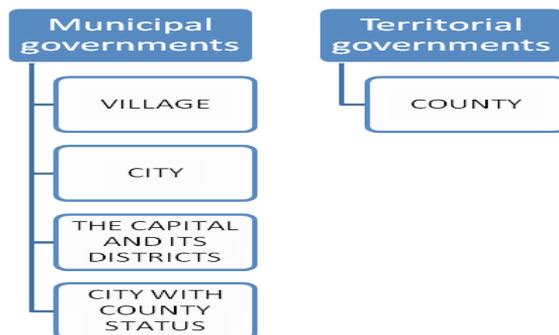
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## 1. Introduction to the Hungarian Local Governmental System

The general territorial division of Hungary is defined in the Constitution. Hungary is divided into counties, towns and communities (villages), and the capital city, which is divided into districts (Art. 41/1). The Constitution stipulates that eligible voters of the communities, towns, the capital and its districts, and the counties have the right to local self-government. Local self-government is defined as the autonomous and democratic management of local public affairs and the exercise of local public authority in the interest of local population (Art. 42). Eligible voters exercise their right to self-government through the representative body they elect, and by local referendum (Art. 44/1). The rights and duties of local governments are determined by parliamentary acts and protected by the court system (Art. 43/2).

There is a two-tier local self-governmental system in Hungary with settlement (municipal) governments at the lower level and county governments at the upper level. The types of settlement governments include villages (or communes), towns, towns with county status (TCS) and the capital city and its districts. County governments are also called territorial governments. The centre of Hungarian regulation is the settlement government, while the county government has only supplementary role. Therefore, the term *local* refers to the municipal and territorial governments. According to the regulations, regions and sub-regions are not local self-governments. Local self-government units are legal entities. There are not any subordination relationships between the municipal and the county governments; they have to cooperate on the basis of mutual interests. The fundamental rights of local governments are equal.



The local self-governmental system in Hungary is part of public administration regulated by the Act on Local Self-Government (ALSG), which contains the framework, systemic regulations. The Act regulates the essential issues and authorizes local self-government units to create local rules on their organization and operation in their organizational and operational regulations (by-laws).

## 2. The Type and Legal Situation of Towns with County Status

The situation of towns with county status has been the subject of political and professional arguments since their introduction. The TCS is a special kind of settlement (municipal) government. On the one hand, it performs the tasks of a settlement government, while on the other it has to exercise county competences in its territory (Art. 61/1, ALSG). The Hungarian Constitution does not mention this special category.

TCS can be seen as »islands« in the county area, because their constituents do not have the right to vote at the election for the county assembly (Decision 63/B/1995 of the Constitutional Court). They have to manage the county competences on their own and cannot apply for assistance from their respective county governments, unlike the regular local government unit. There are opinions saying that TCS are legally not part of the counties and that they are of the same rank. In spite of that, it seems that TCS are part of the county – accommodating to the uniform national division.

Towns with county status take part in the political arena, wherein every political party has its organizations and volunteers. They are regulated in Chapter VI of the ALSG of 1990 No. LXV, but the rules of the settlement government related to the issues not regulated in Chapter VI are also applied to TCS *mutatis mutandis*.

## 3. The Development of Towns with County Status

The predecessor of towns with county status was the royal free town (*szabad királyi város; libera regiae civitatis*), which was put directly under the king's rule. Until the end of the 19<sup>th</sup> century, the regulation distinguished

two types of towns: the towns of borough rank (*törvényhatósági jogú város*) and the towns with an organized council (*rendezett tanácsú város*).<sup>1</sup> The towns of borough rank had a different situation compared to the villages and towns and they had an extra authority compared to the *comitatus* (*vármegye*). Namely, they were not subordinate to the *comitatus*. Before 1920, there were 17 towns of borough rank out of total 90 towns, and after 1920, there were 11 towns of borough rank out of 36 towns. The most important towns were given this special status. After 1945, the metropolises were regulated several times. There were five large TCS.

The status of TCS was introduced in 1954, under the communist regime. Debrecen, Miskolc, Pécs and Szeged were the first four TCS. They had the same rights and duties (in their territories) as the counties and they were equal to the counties in all respects. The TCS were divided into districts with their own councils (in contrast to the current legislation). Until 1965, Miskolc had four districts; afterwards each TCS had three districts. The third »council-act« (Act No. I of 1971 on Local Councils) abolished the TCS and introduced county towns,<sup>2</sup> whose privilege was that they had their own budget, separated from the counties. The county towns were Debrecen, Miskolc, Győr, Pécs and Szeged. In 1989, Kecskemét, Nyíregyháza and Székesfehérvár also became county towns. They had more autonomy considering public affairs and a direct relationship with the central government. Despite these facts, they were subordinated to the counties. In 1984, the districts within county towns were abolished. In 1990, county towns lost their titles on the day of the first free election, but they became TCS in the new system.

#### 4. Acquiring the Status

There are two ways to become a town with county status:

- a) The seat of the county becomes a TCS *ex lege*, independently of its population;

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<sup>1</sup> The town with settled council is also in use. This town operated between 1870 and 1929.

<sup>2</sup> Between 1930 and 1950, a town with an organized council was also called county town, which was the opposite from the town of borough rank.

- b) Hungarian Parliament has authority to grant this status at the request of the representative body of a town with more than 50,000 inhabitants (Art. 61/1, ALSG).

The declaration of towns is the base for the formation of TCS, because the Parliament can grant this status at the request of the town's representative body. The declaration of a TCS has only one condition, the population of 50,000. There are no further social or economic conditions. It is also not obvious if the Parliament has to grant the status automatically, or it has the right to refuse the initiative. The aim of the county status would be to perform the tasks and to run institutions more effectively and economically, i.e. to substitute the county, not to double its functions. The aim of the establishment is to create a reasonable division of functions with the county.

## 5. The organization of Towns with County Status

The representative body of a town with county status is the assembly (Art. 61/2, ALSG) that exercises the basic rights and powers of this special local government, and is elected by its constituents. The tasks and powers are those of the assembly. It may establish districts,<sup>3</sup> and set up district offices (Art. 61/3). The assembly appoints heads of district offices. District offices should bring public administration closer to local residents. Their head is a council member (*előljáró*), who – upon the authorization of the mayor – can exercise certain mayoral powers (Art. 61/4).

The president of the assembly is called the mayor, and is elected by the constituents of the TCS. Mayor is the political and administrative head of local self-government unit and is responsible for the implementation of local policies. There is also the function of vice-mayor, who may be elected on mayor's proposal among the members of the assembly for the term (one vice-mayor is obligatory for each unit, but it is possible to elect more than one).

Town's administration is part of the mayor's office. It is responsible for the preparation and implementation of decisions. This office is headed by the chief executive called the notary (*jegyző*), who stands for professionalism

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<sup>3</sup> Under the communist regime, elected bodies of the districts operated – in contrast with the system of the local self-governments.

and permanence of the town administration. The notary is appointed by the assembly for an indefinite term. The vice-notary is appointed by the assembly on notary's proposal for an indefinite term. The mayor has some managerial tasks as well.

Some powers of the assembly may be delegated to its committees. The assembly can establish committees on its own, with the exception of the financial committee, which is obligatory for each local self-government unit with a population of more than 2,000, and of the committee for minority issues, which must be established on the initiative of a minority population that has obtained a mandate in the representative body. Other statutory committees are also determined by legislation. The committees prepare the assembly's decisions, and organize and oversee their implementation. The assembly may grant committees decision-making powers and may revise their decisions.

In its organizational and operational regulation (SZMSZ), the assembly may establish sub-municipal self-governments, whose representatives and other constituents live in a relatively separated part of the settlement (e.g. holiday centres, previously autonomous territories). The head of the sub-municipal self-government body is a representative of the assembly. The assembly may transfer certain competences – in matters concerning that particular part of town – to the sub-municipal self-government unit, and it may put funds at its disposal.

The assembly may determine the internal organization and operating rules in the organizational and operational regulations (SZMSZ). If the Law has not prescribed differently concerning the organization of TCS, general provisions have to be applied to these special local self-government units.

## 6. The Relationship between the County Self-Government and the Towns with County Status

The towns with county status and the county are obliged to cooperate with each other on the basis of common interests by setting up a joint co-operating body that consists of the members of their representative bodies (Art. 61A, ALSG). The amendments to the ALSG of 1994 introduced the committee as the form of obligatory cooperation – the reconciliation

committee consisting of ten members. Half of the members are elected by the assembly of the TCS, while the other half is elected by the county assembly. The committee is competent for the preparation and coordination of cooperation. The committee has to work out the detailed rules of its organization and operation. The office of the chairperson of the committee is supposed – as per agreement – to be held in turns by the mayor of the TCS, and the chairperson of the county assembly. The reconciliation committee may also involve the representatives of other concerned counties in its work. The reconciliation committee is convened within 15 days at the proposal of either party. The proposal must contain an agenda (Art. 61A). In the counties with several (generally two) TCSs, there are more (generally two) cooperating committees.

Other linking points between the two types of local governments are:

- sending off the assembly's matters to each other;
- mutual invitation to the assembly seats with consultative status;
- cooperation agreements (e.g. social, medical, educational, cultural tasks, regional development, energy supply, economic development, tourism, sports, traffic, etc.)

## 7. County Self-Governments

Towns with county status have close relationship with the surrounding counties. County self-governments are also regulated in the ALSG No. LXV of 1990, Chapter VIII.<sup>4</sup> County governments have been quite weak in their competences and revenues (e.g. they do not have the right to levy taxes) since 1990. They must perform the tasks that municipalities are unable to cope with. They have to ensure regional public services that cover the whole territory of the county or a major part of it. Apart from this, they have to provide those regional public services whose users in the majority do not reside on the territory of the municipal local governments. These are the obligatory tasks of county governments as the Law has prescribed (Art. 69/1).

In particular, county governments have to take on as obligatory tasks:

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<sup>4</sup> The county names and seats are regulated by the parliamentary decision 67/1990 (VIII.14.).

- secondary education services: maintaining secondary schools, special schools, colleges, and libraries;
- special health care exceeding basic care, child and youth protection, specialized social services;
- protection of the architectural and natural environment, regional planning, regional information system and tourism, etc. (Art. 70/1).

County governments manage their revenues independently and dispose of their property as they see fit. In order to perform their duties more successfully, they may freely associate with other county and municipal governments. The assembly may pass by-laws in its range of competencies and may order county referendum about the matters in its competence (Art. 71/2).

County government is a legal entity. Its tasks and authority are exercised by the assembly and it is represented by the chairperson of the assembly. The chairperson is elected by the assembly among its members, with secret balloting, for the duration of the election term. Therefore, his/her legitimacy is rather weak because of the lack of direct election (Arts. 72–73).

The officers of the assembly are the chairperson and the vice-chairperson (or vice-chairpersons) who are elected by the assembly among its members, with secret balloting. The assembly must appoint its financial committee. Additionally, the assembly may freely form committees. The chairperson of each committee is a county councillor.

The work of the county bodies and officers is assisted by the office of county government. The head of the office is the county notary (*főjegyző*), who is appointed by the county assembly for an indefinite period of time (Art. 74). The assembly may determine the internal organization and operating rules in the organizational and operational regulation (SZMSZ).

The basic inconsistency is that county governments have an elected assembly but they have limited competences. The municipal and county governments are not subordinated; they ought to cooperate on the basis of mutual interests. County governments have their own association, the National Association of County Governments (MÖOSZ).

## 8. Problems and Proposals for Improvement

The source of the problems is that the Law has merely provided a framework for the operation and organization. The competences of a county include more duties than rights. The content of the counties' rights is not clear, legal regulation has not provided guidelines in connection with it. This would be determined in the Constitution. TCS do not have extra rights compared to the municipal governments.

The constituents of the TCS do not have the right to vote at the election for the county assembly, so they do not have representatives in county assemblies. This regulation is unreasonable because of the prestige of TCS, the common interests, the tasks, the cooperation, the common tasks, and mainly because of the general suffrage.<sup>5</sup>

Other conditions should be introduced to the declaration of the TCS, for example institutional and economic indicators, regional functions. The revocation of the status is also unclear; such a case has not happened yet. What about cases when the population decreases to fewer than 50,000 inhabitants? Does the TCS lose its status?<sup>6</sup> It is necessary that in certain cases this status can be revoked. It is also questionable if the number of inhabitants should be raised. Some authors suggest a limit of 100,000 inhabitants.

There is little information about the districts and the district offices of TCS. Eger, Hódmezővásárhely, Veszprém, Győr, Szekszárd, Zalaegerszeg, Nagykanizsa and Szombathely have not established districts and district offices, but sub-municipal self-governments.

Towns with county status are supposed to deal with the tasks of settlement governments and they have to take the responsibilities and exercise the self-government scope of affairs in their territory with regard to the appropriate differences. It is unclear what »with regard to the appropriate differences« means.

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<sup>5</sup> There is a decision of the Constitutional Court in connection with this regulation. It said that this solution is not unconstitutional because of the legal situation of TCS (they perform the tasks of the county self-government in their territory with the appropriate differences). This is not acceptable from the professional point of view.

<sup>6</sup> According to Table 1, there are four TCS (Szekszárd, Salgótarján, Hódmezővásárhely and Dunaújváros), which have fewer than 50,000 inhabitants and they still have this status (out of four TCS, two are county seats with fewer than 50,000 inhabitants, Szekszárd and Salgótarján, but what about Hódmezővásárhely and Dunaújváros?). This status seems to be permanent.

The methods of electing the assemblies of TCS and county governments are different, which can also be seen as a problem. The updated legislation has confirmed the extant inconsistency between the TCS and the county government.

The two largest types of towns are the capital (with approximately 2,000,000 inhabitants) and the TCS. There is a significant gap in their size (e.g. Debrecen, Miskolc, Pécs, Szeged, Győr, Székesfehérvár, Kecskemét and Nyíregyháza have 100–200,000 inhabitants), so there are no cities with several hundred thousand or a million inhabitants.

## 9. The Towns that Obtain the Status of a Town with County Status

There are 23 TCS, as shown in Table 1.

Table 1 The name, population and the year of declaration of the TCS, 1<sup>st</sup> January, 2009

Name	Population	County	The year of declaration
Győr	130,476	Győr-Moson-Sopron	1990
Szombathely	79,513	Vas	1990
Zalaegerszeg	61,774	Zala	1990
Tatabánya	70,333	Komárom-Esztergom	1990
Székesfehérvár	102,035	Fejér	1990
Veszprém	63,405	Veszprém	1990
Kaposvár	67,663	Somogy	1990
Szekszárd	33,883	Tolna	1994*
Pécs	156,974	Baranya	1990
Salgótarján	38,207	Nógrád	1994*
Kecskemét	111,428	Bács-Kiskun	1990
Miskolc	170,234	Borsod-Abaúj-Zemplén	1990
Eger	56,429	Heves	1990
Szolnok	74,885	Jász-Nagykun-Szolnok	1990
Szeged	169,030	Csongrád	1990
Nyíregyháza	117,597	Szabolcs-Szatmár-Bereg	1990
Debrecen	206,225	Hajdú-Bihar	1990
Békéscsaba	64,784	Békés	1990

**		Pest	**
Hódmezővásárhely	47,258	(Csongrád)	1990
Dunaújváros	48,562	(Fejér)	1990
Érd	63,669	(Pest)	2006
Sopron	59,030	(Győr-Moson-Sopron)	1990
Nagykanizsa	50,540	(Zala)	1990
Total			23

Source: KSH, www.ksh.hu

\* In 1990, the Law said that a TCS had to have 50,000 inhabitants but Szekszárd and Salgótarján (which were county seats) did not, so – because of viewpoints advocating special prestige of a town – the rule was amended: the county seat is *ex lege* a TCS regardless of the size of its population.

\*\* Budapest is not a TCS but a county seat. It is also a special local government (the capital containing its districts). Budapest is not part of Pest County.

The maps show the situation of the counties and towns with county status. There are 19 counties and their county seats, and five TCS that are not county seats.

### County local self-governments



The 19 county seats and five other towns with county status



## 10. The Association of Towns with County Status

These special local governments have their own organization, the Association of TCS (MJVSZ). The Association was established in 1990, in Kecskemét, with 16 members. Currently, all 23 TCS are members of the Association. The aim of the Association is to protect and represent the rights and interests of TCS collectively, to promote their interest, to improve the functioning of local self-governmental, and to cooperate with national and international governmental associations. The Association has its own internal organization and statute.

## 11. The Final Purpose of Towns with County Status

The Government, and particularly the Ministry of Home Affairs, started to elaborate the draft ALSG in autumn 2010. Several concepts that would substantiate the new law were created. One of the concepts suggested the unclear relationship between the counties and the TCS. According to the draft, TCS mismatch the county (the main reason is the electoral rules) although the TCS possess significant economic weight and a key role in ensuring public services. The second main problem is the disorder

of competences that do not permit a reasonable division of labour and cooperation, so the most important purpose is the rearrangement of competences.

Other concepts would change the name of TCS and suggest two main categories: the county seat-town and the town (not county seat). According to the final draft, the concept of the TCS would be transformed to town and its county status would be abolished.

The problems with regard to TCS have existed for two decades both in the political life and in the professional community. Since these problems are political, administrative tools can solve them only up to a certain point.

## Legal sources

Act No. XX 1949, The Hungarian Constitution

Act No. LXV of 1990 on Local Self-Government

Act No. XLI of 1999 on the Procedure of Territorial Organization

Decision 63/B/1995 of the Constitutional Court

Decision 67/1990 (VIII 14) of the Parliament about the county names and seats of the Hungarian Republic

## TOWNS WITH COUNTY STATUS IN HUNGARY

*Summary*

*Hungary is organised into counties, towns and communities (villages), and the capital city. The paper analyses a special type of municipal government – the town with county status (TCS; town with county rights or town with county rank). Several issues are analysed: legal regulation of this particular type of local self-government, the history of towns with county status, their formation and organization, the relationship between the counties and towns with county status, and legal regulation of the counties. The most important problems and several proposals for improvement in connection to the TCS are identified. Information about 23 towns with county status and about the Association of Towns with County Status is given. The problems with regard to TCS have existed for two decades both in the political life and in the professional community. According to the last Government's legislative draft, county status of these towns is proposed to be abolished.*

Key words: *local self-government – Hungary, town with county status (TCS), county*

## GRADOVI SA STATUSOM ŽUPANIJE U MAĐARSKOJ

*Sažetak*

*Mađarska je podijeljena na županije, gradove i općine (sela) te na glavni grad. Obraduje se posebna vrsta lokalnih samoupravnih jedinica – gradovi sa statusom županije (gradovi s ovlastima županije, gradovi u rangu županije). Analizira se pravna regulacija te vrste jedinica, povijesni razvoj gradova sa statusom županije, njihovo proglašenje i organizacija, odnos između takvih gradova i županija na čijem se području nalaze te pravna regulacija županija. Identificiraju se najvažniji problemi te se daje nekoliko prijedloga za poboljšanje stanja. Navode se podaci o 23 grada sa statusom županije i o njihovoj udruzi. Problemi gradova sa statusom županije izazivaju pažnju političkih i stručnih krugova već dva desetljeća. Prema posljednjem vladinu Prijedlogu zakona o lokalnoj samoupravi, predlaže se ukidanje županijskog statusa tih gradova.*

Ključne riječi: *lokalna samouprava – Mađarska, gradovi sa statusom županije, županija*