

# HOUSE BILL 13

Q3, P1, L6

1lr0584

(PRE-FILED)

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By: **Delegate Luedtke**

Requested: September 15, 2020

Introduced and read first time: January 13, 2021

Assigned to: Appropriations and Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Influence on Collective Bargaining – Prohibition on Use of Public Funds and**  
3 **Income Tax Addition Modification**

4 FOR the purpose of prohibiting a unit of State, county, or municipal government from  
5 knowingly using certain funds to influence certain decisions of certain employees  
6 relating to collective bargaining; requiring an addition modification under the  
7 Maryland income tax for certain expenses to assist, promote, or deter collective  
8 bargaining; defining a certain term; providing for the application of certain  
9 provisions of this Act; and generally relating to influencing decisions of employees  
10 relating to collective bargaining.

11 BY adding to  
12 Article – Local Government  
13 Section 1–1314  
14 Annotated Code of Maryland  
15 (2013 Volume and 2020 Supplement)

16 BY adding to  
17 Article – State Finance and Procurement  
18 Section 2–108  
19 Annotated Code of Maryland  
20 (2015 Replacement Volume and 2020 Supplement)

21 BY repealing and reenacting, without amendments,  
22 Article – Tax – General  
23 Section 10–204(a) and 10–305(a)  
24 Annotated Code of Maryland  
25 (2016 Replacement Volume and 2020 Supplement)

26 BY adding to

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Tax – General  
2 Section 10–204(m)  
3 Annotated Code of Maryland  
4 (2016 Replacement Volume and 2020 Supplement)

5 BY repealing and reenacting, with amendments,  
6 Article – Tax – General  
7 Section 10–305(d)  
8 Annotated Code of Maryland  
9 (2016 Replacement Volume and 2020 Supplement)

10 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
11 That the Laws of Maryland read as follows:

12 **Article – Local Government**

13 **1–1314.**

14 (A) A UNIT OF A COUNTY OR MUNICIPAL GOVERNMENT MAY NOT  
15 KNOWINGLY USE PUBLIC FUNDS TO INFLUENCE THE DECISIONS OF COUNTY OR  
16 MUNICIPAL EMPLOYEES TO:

17 (1) SUPPORT OR OPPOSE AN EMPLOYEE ORGANIZATION THAT  
18 REPRESENTS OR SEEKS TO REPRESENT THE EMPLOYEES OF THE COUNTY OR  
19 MUNICIPALITY; OR

20 (2) BECOME A MEMBER OF AN EMPLOYEE ORGANIZATION.

21 (B) THIS SECTION DOES NOT APPLY TO AN ACTIVITY PERFORMED OR AN  
22 EXPENSE INCURRED IN CONNECTION WITH:

23 (1) ADDRESSING A GRIEVANCE OR NEGOTIATING OR ADMINISTERING  
24 A COLLECTIVE BARGAINING AGREEMENT;

25 (2) ALLOWING AN EMPLOYEE ORGANIZATION OR A REPRESENTATIVE  
26 OF AN EMPLOYEE ORGANIZATION ACCESS TO AND USE OF A COUNTY’S OR  
27 MUNICIPALITY’S FACILITIES OR PROPERTIES;

28 (3) PERFORMING AN ACTIVITY REQUIRED BY FEDERAL OR STATE LAW  
29 OR A COLLECTIVE BARGAINING AGREEMENT;

30 (4) NEGOTIATING, ENTERING INTO, OR CARRYING OUT A VOLUNTARY  
31 RECOGNITION AGREEMENT WITH AN EMPLOYEE ORGANIZATION; OR

1           **(5) PAYING WAGES TO A REPRESENTED EMPLOYEE WHILE THE**  
2 **EMPLOYEE IS PERFORMING DUTIES IF THE PAYMENT IS PERMITTED UNDER A**  
3 **COLLECTIVE BARGAINING AGREEMENT.**

4                           **Article – State Finance and Procurement**

5 **2–108.**

6           **(A) A UNIT OF STATE GOVERNMENT MAY NOT KNOWINGLY USE PUBLIC**  
7 **FUNDS TO INFLUENCE THE DECISIONS OF STATE EMPLOYEES TO:**

8                       **(1) SUPPORT OR OPPOSE AN EMPLOYEE ORGANIZATION THAT**  
9 **REPRESENTS OR SEEKS TO REPRESENT THE EMPLOYEES OF THE UNIT OF STATE**  
10 **GOVERNMENT; OR**

11                      **(2) BECOME A MEMBER OF AN EMPLOYEE ORGANIZATION.**

12           **(B) THIS SECTION DOES NOT APPLY TO AN ACTIVITY PERFORMED OR TO AN**  
13 **EXPENSE INCURRED IN CONNECTION WITH:**

14                      **(1) ADDRESSING A GRIEVANCE OR NEGOTIATING OR ADMINISTERING**  
15 **A COLLECTIVE BARGAINING AGREEMENT;**

16                      **(2) ALLOWING AN EMPLOYEE ORGANIZATION OR A REPRESENTATIVE**  
17 **OF AN EMPLOYEE ORGANIZATION ACCESS TO AND USE OF STATE FACILITIES OR**  
18 **PROPERTIES;**

19                      **(3) PERFORMING AN ACTIVITY REQUIRED BY FEDERAL OR STATE LAW**  
20 **OR A COLLECTIVE BARGAINING AGREEMENT;**

21                      **(4) NEGOTIATING, ENTERING INTO, OR CARRYING OUT A VOLUNTARY**  
22 **RECOGNITION AGREEMENT WITH AN EMPLOYEE ORGANIZATION; OR**

23                      **(5) PAYING WAGES TO A REPRESENTED EMPLOYEE WHILE THE**  
24 **EMPLOYEE IS PERFORMING DUTIES IF THE PAYMENT IS PERMITTED UNDER A**  
25 **COLLECTIVE BARGAINING AGREEMENT.**

26           SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read  
27 as follows:

28                           **Article – Tax – General**

29 **10–204.**

1 (a) To the extent excluded from federal adjusted gross income, the amounts under  
2 this section are added to the federal adjusted gross income of a resident to determine  
3 Maryland adjusted gross income.

4 (M) (1) (I) IN THIS SUBSECTION, “ASSIST, PROMOTE, OR DETER  
5 COLLECTIVE BARGAINING” MEANS ANY ATTEMPT BY A TAXPAYER TO INFLUENCE  
6 THE DECISIONS OF THE TAXPAYER’S EMPLOYEES TO:

7 1. SUPPORT OR OPPOSE AN EMPLOYEE ORGANIZATION  
8 THAT REPRESENTS OR SEEKS TO REPRESENT THE EMPLOYEES OF THE TAXPAYER;  
9 OR

10 2. BECOME A MEMBER OF AN EMPLOYEE  
11 ORGANIZATION.

12 (II) “ASSIST, PROMOTE, OR DETER COLLECTIVE BARGAINING”  
13 DOES NOT INCLUDE:

14 1. ADDRESSING A GRIEVANCE OR NEGOTIATING OR  
15 ADMINISTERING A COLLECTIVE BARGAINING AGREEMENT;

16 2. ALLOWING AN EMPLOYEE ORGANIZATION OR A  
17 REPRESENTATIVE OF AN EMPLOYEE ORGANIZATION ACCESS TO AND USE OF THE  
18 TAXPAYER’S FACILITIES OR PROPERTIES;

19 3. PERFORMING AN ACTIVITY REQUIRED BY FEDERAL  
20 OR STATE LAW OR A COLLECTIVE BARGAINING AGREEMENT;

21 4. NEGOTIATING, ENTERING INTO, OR CARRYING OUT A  
22 VOLUNTARY RECOGNITION AGREEMENT WITH AN EMPLOYEE ORGANIZATION; OR

23 5. PAYING WAGES TO A REPRESENTED EMPLOYEE WHILE  
24 THE EMPLOYEE IS PERFORMING DUTIES IF THE PAYMENT IS PERMITTED UNDER A  
25 COLLECTIVE BARGAINING AGREEMENT.

26 (2) THE ADDITION UNDER SUBSECTION (A) OF THIS SECTION  
27 INCLUDES ANY AMOUNT EXPENDED DURING THE TAXABLE YEAR TO ASSIST,  
28 PROMOTE, OR DETER COLLECTIVE BARGAINING.

29 10–305.

30 (a) To the extent excluded from federal taxable income, the amounts under this  
31 section are added to the federal taxable income of a corporation to determine Maryland  
32 modified income.

1 (d) The addition under subsection (a) of this section includes the additions  
2 required for an individual under:

3 (1) § 10–204(b) of this title (Dividends and interest from another state or  
4 local obligation);

5 (2) § 10–204(c)(2) of this title (Federal tax–exempt income);

6 (3) § 10–204(e) of this title (Oil percentage depletion allowance);

7 (4) § 10–204(i) of this title (Deduction for qualified production activities  
8 income);

9 (5) § 10–204(j) of this title (Deduction for costs for security clearance  
10 administrative expenses and construction and equipment costs incurred to construct or  
11 renovate a sensitive compartmented information facility); [and]

12 (6) § 10–204(l) of this title (Deduction for donations to qualified permanent  
13 endowment funds); AND

14 **(7) § 10–204(M) OF THIS TITLE (DEDUCTION FOR EXPENSES TO**  
15 **ASSIST, PROMOTE, OR DETER COLLECTIVE BARGAINING).**

16 SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall be  
17 applicable to all taxable years beginning after December 31, 2020.

18 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
19 1, 2021.