

HOUSE BILL 943

L6

9lr2670

By: **Delegate Smigiel**

Introduced and read first time: February 12, 2009

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Local Government – Collective Bargaining Referendum – Local Ordinance**
3 **Prohibition**

4 FOR the purpose of prohibiting a county from enacting certain prohibitions on
5 collective bargaining by county employees under certain conditions; authorizing
6 a county under certain conditions to submit a certain local law for referendum;
7 establishing that a certain local law enacted under certain conditions shall not
8 take effect unless approved by referendum; requiring a county governing body
9 and board of elections to take certain actions to provide for and hold a certain
10 referendum; and generally relating to collective bargaining of county employees.

11 BY adding to

12 Article 24 – Political Subdivisions – Miscellaneous Provisions
13 Section 23–101 to be under the new title “Title 23. Collective Bargaining”
14 Annotated Code of Maryland
15 (2005 Replacement Volume and 2008 Supplement)

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

18 **Article 24 – Political Subdivisions – Miscellaneous Provisions**

19 **TITLE 23. COLLECTIVE BARGAINING.**

20 **23–101.**

21 (A) **IF A LAW AUTHORIZING EMPLOYEES OF A COUNTY TO ENGAGE IN**
22 **COLLECTIVE BARGAINING IS APPROVED BY REFERENDUM, THE COUNTY MAY**
23 **NOT ENACT A LOCAL LAW PROHIBITING THE EMPLOYEES FROM ENGAGING IN**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 COLLECTIVE BARGAINING EXCEPT IN ACCORDANCE WITH SUBSECTION (B) OF
2 THIS SECTION.

3 (B) (1) IF A LAW AUTHORIZING EMPLOYEES OF A COUNTY TO ENGAGE
4 IN COLLECTIVE BARGAINING IS APPROVED BY REFERENDUM, THE COUNTY MAY
5 REFER FOR APPROVAL BY REFERENDUM A LOCAL LAW PROHIBITING THE
6 EMPLOYEES FROM ENGAGING IN COLLECTIVE BARGAINING.

7 (2) A LOCAL LAW PROHIBITING EMPLOYEES OF A COUNTY FROM
8 ENGAGING IN COLLECTIVE BARGAINING REFERRED TO LOCAL REFERENDUM
9 UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE PLACED ON THE
10 BALLOT OF THE NEXT ENSUING ELECTION HELD THROUGHOUT THE STATE FOR
11 MEMBERS OF THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES.

12 (C) (1) THE COUNTY GOVERNING BODY AND THE COUNTY BOARD OF
13 ELECTIONS SHALL DO THOSE THINGS NECESSARY AND PROPER TO PROVIDE
14 FOR AND HOLD A REFERENDUM IN ACCORDANCE WITH SUBSECTION (B) OF THIS
15 SECTION.

16 (2) IF A MAJORITY OF THE VOTES CAST ON THE QUESTION BY THE
17 LEGALLY QUALIFIED VOTERS OF THE COUNTY ARE "FOR THE REFERRED LAW",
18 THE PROVISIONS OF THE ORDINANCE PROHIBITING EMPLOYEES OF THE
19 COUNTY FROM ENGAGING IN COLLECTIVE BARGAINING SHALL BECOME
20 EFFECTIVE ON THE 30TH DAY FOLLOWING THE OFFICIAL CANVASS OF VOTES
21 FOR THE REFERENDUM.

22 (3) IF A MAJORITY OF THE VOTES CAST ON THE QUESTION BY THE
23 LEGALLY QUALIFIED VOTERS OF THE COUNTY ARE "AGAINST THE REFERRED
24 LAW", THE PROVISIONS OF THE ORDINANCE PROHIBITING EMPLOYEES OF THE
25 COUNTY FROM ENGAGING IN COLLECTIVE BARGAINING ARE OF NO EFFECT AND
26 ARE NULL AND VOID.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2009.