

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE

House Bill 943 (Delegate Smigiel)
Appropriations

Local Government - Collective Bargaining Referendum - Local Ordinance
Prohibition

This bill specifies that only a referendum may be used to reverse a local law authorizing county employees to engage in collective bargaining, if the authorization was approved by referendum.

Fiscal Summary

State Effect: None.

Local Effect: While the bill may not directly affect county finances, it will reduce a county government's ability to regulate or terminate collective bargaining agreements for county employees.

Small Business Effect: None.

Analysis

Bill Summary: If a law is approved by referendum that authorizes employees of a county to engage in collective bargaining, the county may not enact a local law prohibiting county employees from engaging in collective bargaining, except by a referendum. Such a referendum must be placed on the ballot of the next ensuing statewide general election. If a majority of voters vote in favor of the referred law, it becomes effective on the thirtieth day following the official canvas of votes. If a majority of voters vote against the referred law, the provisions of the law are of no effect and are null and void.

Current Law: Collective bargaining rights in counties vary by jurisdiction. Certain county employees are granted collective bargaining rights through State law, county code, or by county charter. For some counties, proposed county-level referenda typically must be approved by the county governing body to be placed on an election ballot; but a petition process for placing a referendum on the ballot may provide an exception to this rule.

Local Fiscal Effect: Howard and Montgomery counties advise that the bill would not impact their respective finances. Garrett County advises that approximately 75 employees of the county roads department are covered by a five-year collective bargaining agreement and that the county has the option to terminate this agreement at the end of the five-year period upon notice. Garrett County advises that this bill has no direct fiscal impact but may allow for a referendum that overturns its future ability to no longer recognize a bargaining agreement.

The impact to counties would depend on the precise nature of any law authorizing county employees to engage in collective bargaining that have, or will, pass by referendum. For example, a referendum could authorize one group of county employees (*e.g.*, county police) or several groups to collectively bargain.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Anne Arundel County, Garrett County, Howard County, Montgomery County, Maryland State Board of Elections, Department of Legislative Services

Fiscal Note History: First Reader - March 23, 2009
ncs/mwc

Analysis by: Scott P. Gates

Direct Inquiries to:
(410) 946-5510
(301) 970-5510