

Department of Legislative Services
2010 Session

FISCAL AND POLICY NOTE

House Bill 1401
Appropriations

(Delegate DeBoy, *et al.*)

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: 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.

Montgomery County advises that the bill would not impact their finances, while Allegany and Harford counties advise that the referendum and certification process could increase county expenditures by a minimal amount.

Additional Information

Prior Introductions: HB 943 of 2009 received a hearing in the House Appropriations Committee, but no further action was taken.

Cross File: None.

Information Source(s): Allegany, Harford, and Montgomery counties; Maryland Association of Counties; Department of Legislative Services

Fiscal Note History: First Reader - March 8, 2010
mlm/hlb

Analysis by: Michael Sanelli

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