

HOUSE BILL 13

Q3, P1, L6

11r0584

(PRE-FILED)

By: **Delegate Luedtke**

Requested: September 15, 2020

Introduced and read first time: January 13, 2021

Assigned to: Appropriations and Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 1, 2021

CHAPTER _____

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,~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 ~~Article Tax General~~
 2 ~~Section 10-204(a) and 10-305(a)~~
 3 ~~Annotated Code of Maryland~~
 4 ~~(2016 Replacement Volume and 2020 Supplement)~~

5 ~~BY adding to~~
 6 ~~Article Tax General~~
 7 ~~Section 10-204(m)~~
 8 ~~Annotated Code of Maryland~~
 9 ~~(2016 Replacement Volume and 2020 Supplement)~~

10 ~~BY repealing and reenacting, with amendments,~~
 11 ~~Article Tax General~~
 12 ~~Section 10-305(d)~~
 13 ~~Annotated Code of Maryland~~
 14 ~~(2016 Replacement Volume and 2020 Supplement)~~

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

17 **Article – Local Government**

18 **1-1314.**

19 (A) A UNIT OF A COUNTY OR MUNICIPAL GOVERNMENT MAY NOT
 20 KNOWINGLY USE PUBLIC FUNDS TO INFLUENCE THE DECISIONS OF COUNTY OR
 21 MUNICIPAL EMPLOYEES TO:

22 (1) SUPPORT OR OPPOSE AN EMPLOYEE ORGANIZATION THAT
 23 REPRESENTS OR SEEKS TO REPRESENT THE EMPLOYEES OF THE COUNTY OR
 24 MUNICIPALITY; OR

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

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

28 (1) ADDRESSING A GRIEVANCE OR NEGOTIATING OR ADMINISTERING
 29 A COLLECTIVE BARGAINING AGREEMENT;

30 (2) ALLOWING AN EMPLOYEE ORGANIZATION OR A REPRESENTATIVE
 31 OF AN EMPLOYEE ORGANIZATION ACCESS TO AND USE OF A COUNTY'S OR
 32 MUNICIPALITY'S FACILITIES OR PROPERTIES;

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

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

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

6 Article – State Finance and Procurement

7 2-108.

8 (A) A UNIT OF STATE GOVERNMENT MAY NOT KNOWINGLY USE PUBLIC
9 FUNDS TO INFLUENCE THE DECISIONS OF STATE EMPLOYEES TO:

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

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

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

16 (1) ADDRESSING A GRIEVANCE OR NEGOTIATING OR ADMINISTERING
17 A COLLECTIVE BARGAINING AGREEMENT;

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

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

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

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

28 ~~SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read~~
29 ~~as follows:~~

30 ~~Article – Tax – General~~

1 ~~10-204.~~

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

5 ~~(M) (1) (i) IN THIS SUBSECTION, "ASSIST, PROMOTE, OR DETER~~
 6 ~~COLLECTIVE BARGAINING" MEANS ANY ATTEMPT BY A TAXPAYER TO INFLUENCE~~
 7 ~~THE DECISIONS OF THE TAXPAYER'S EMPLOYEES TO:~~

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

11 ~~2. BECOME A MEMBER OF AN EMPLOYEE~~
 12 ~~ORGANIZATION.~~

13 ~~(ii) "ASSIST, PROMOTE, OR DETER COLLECTIVE BARGAINING"~~
 14 ~~DOES NOT INCLUDE:~~

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

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

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

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

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

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

30 ~~10-305.~~

1 ~~(a) To the extent excluded from federal taxable income, the amounts under this~~
2 ~~section are added to the federal taxable income of a corporation to determine Maryland~~
3 ~~modified income.~~

4 ~~(d) The addition under subsection (a) of this section includes the additions~~
5 ~~required for an individual under:~~

6 ~~(1) § 10-204(b) of this title (Dividends and interest from another state or~~
7 ~~local obligation);~~

8 ~~(2) § 10-204(e)(2) of this title (Federal tax exempt income);~~

9 ~~(3) § 10-204(e) of this title (Oil percentage depletion allowance);~~

10 ~~(4) § 10-204(i) of this title (Deduction for qualified production activities~~
11 ~~income);~~

12 ~~(5) § 10-204(j) of this title (Deduction for costs for security clearance~~
13 ~~administrative expenses and construction and equipment costs incurred to construct or~~
14 ~~renovate a sensitive compartmented information facility); [and]~~

15 ~~(6) § 10-204(l) of this title (Deduction for donations to qualified permanent~~
16 ~~endowment funds); AND~~

17 ~~(7) § 10-204(M) OF THIS TITLE (DEDUCTION FOR EXPENSES TO~~
18 ~~ASSIST, PROMOTE, OR DETER COLLECTIVE BARGAINING).~~

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

21 SECTION 4. ~~2.~~ AND BE IT FURTHER ENACTED, That this Act shall take effect
22 July 1, 2021.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.