

HOUSE BILL 599

P4

5lr1496
CF SB 373

By: **Delegate Pruski**

Introduced and read first time: January 23, 2025

Assigned to: Appropriations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 1, 2025

CHAPTER _____

1 AN ACT concerning

2 **State Personnel – BWI Airport Fire and Rescue Department – Collective**
3 **Bargaining and Arbitration Processes**

4 FOR the purpose of altering the collective bargaining process between the State and
5 uniformed fire employees of the BWI Airport Fire and Rescue Department by
6 requiring the parties to reach a collective bargaining agreement on or before a
7 certain date; establishing a process of binding arbitration in the event of an impasse;
8 requiring that each budget bill contain the appropriations necessary to implement
9 all terms and conditions of employment in certain memoranda of understanding for
10 the next ensuing fiscal year; and generally relating to collective bargaining between
11 the State and employees of the BWI Airport Fire and Rescue Department.

12 BY repealing and reenacting, with amendments,
13 Article – State Personnel and Pensions
14 Section 3–501 and 3–603
15 Annotated Code of Maryland
16 (2024 Replacement Volume and 2024 Supplement)

17 BY proposing an amendment to the Maryland Constitution
18 Article III – Legislative Department
19 Section 52

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

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.



Article – State Personnel and Pensions

3–501.

(a) (1) The following individuals or entities shall designate one or more representatives to participate as a party in collective bargaining on behalf of the State or the following institutions:

(i) on behalf of the State, the Governor;

(ii) on behalf of the Maryland Environmental Service, the Board of Directors of the Service;

(iii) on behalf of the University System of Maryland, the Chancellor;

and

(iv) on behalf of Morgan State University, St. Mary's College of Maryland, or Baltimore City Community College, the governing board of the institution.

(2) The exclusive representative shall designate one or more representatives to participate as a party in collective bargaining on behalf of the exclusive representative.

(b) The parties shall meet at reasonable times and engage in collective bargaining in good faith, including facilitating the meaningful use of a fact finder under subsection (c)(3) of this section, and to conclude a written memorandum of understanding or other written understanding as defined under § 3–101(d)(1)(i)2 of this title.

(c) (1) The parties shall make every reasonable effort to conclude negotiations in a timely manner for inclusion by the principal unit in its budget request to the Governor.

(2) (i) The parties shall conclude negotiations before January 1 for any item requiring an appropriation of funds for the fiscal year that begins on the following July 1.

(ii) In the budget bill submitted to the General Assembly, the Governor shall include any amounts in the budgets of the principal units required to accommodate any additional cost resulting from the negotiations, including the actuarial impact of any legislative changes to any of the State pension or retirement systems that are required, as a result of the negotiations, for the fiscal year beginning the following July 1 if the legislative changes have been negotiated to become effective in that fiscal year.

(3) (i) **THIS PARAGRAPH DOES NOT APPLY TO NEGOTIATIONS BETWEEN THE STATE AND THE EXCLUSIVE REPRESENTATIVE OF THE UNIFORMED FIRE EMPLOYEES OF THE BWI AIRPORT FIRE AND RESCUE DEPARTMENT.**

1 **(II)** If the parties do not conclude negotiations for the next fiscal year
2 before October 25, either party may request that a fact finder be employed to resolve the
3 issues.

4 **[(ii)] (III)** The fact finder shall be employed no later than November
5 1.

6 **[(iii)] (IV)** A fact finder shall be a neutral party appointed by
7 alternate striking from a list by the parties provided:

8 1. by the Federal Mediation and Conciliation Service; or

9 2. under the Labor Arbitration Rules of the American
10 Arbitration Association.

11 **[(iv)] (V)** The fact finder:

12 1. may give notice and hold hearings in accordance with the
13 Administrative Procedure Act;

14 2. may administer oaths and take testimony and other
15 evidence;

16 3. may issue subpoenas; and

17 4. before November 20, shall make written recommendations
18 regarding wages, hours, and working conditions, and any other terms or conditions of
19 employment that may be in dispute.

20 **[(v)] (VI)** The written recommendations of the fact finder shall be
21 delivered to the Governor, the exclusive representative, the President of the Senate, and
22 the Speaker of the House of Delegates by the Secretary on or before December 1.

23 **(4) (I) THIS PARAGRAPH APPLIES ONLY TO NEGOTIATIONS**
24 **BETWEEN THE STATE AND THE EXCLUSIVE REPRESENTATIVE OF THE UNIFORMED**
25 **FIRE EMPLOYEES OF THE BWI AIRPORT FIRE AND RESCUE DEPARTMENT.**

26 **(II) THE PARTIES SHALL REACH AN AGREEMENT BY**
27 **SEPTEMBER 30 OF THE YEAR IN WHICH A COLLECTIVE BARGAINING AGREEMENT**
28 **WILL EXPIRE.**

29 **(III) AN IMPASSE IS REACHED DURING THE NEGOTIATIONS IF**
30 **THE PARTIES DO NOT REACH AN AGREEMENT:**

31 1. BY STATING THAT THEY MUTUALLY AGREE THEY ARE
32 AT AN IMPASSE; OR

1 2. ON OR BEFORE OCTOBER 1 OF THE YEAR IN WHICH A
2 COLLECTIVE BARGAINING AGREEMENT WILL EXPIRE.

3 (IV) IF AN IMPASSE IS REACHED UNDER SUBPARAGRAPH (III) OF
4 THIS PARAGRAPH, EACH PARTY SHALL SUBMIT ITS LAST, BEST, AND FINAL OFFER
5 TO THE OTHER PARTY WITHIN 48 HOURS AFTER THE IMPASSE IS REACHED.

6 (v) 1. UNLESS THE IMPASSE HAS BEEN RESOLVED, THE
7 PARTIES SHALL MEET WITHIN 5 BUSINESS DAYS AFTER THE IMPASSE IS REACHED
8 UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH TO SELECT AN ARBITRATOR
9 FROM A LIST OF 15 ARBITRATORS PROVIDED BY THE AMERICAN ARBITRATION
10 ASSOCIATION'S LABOR ARBITRATION PANEL.

11 2. THE PARTIES SHALL SELECT THE ARBITRATOR BY
12 ALTERNATELY STRIKING A NAME FROM THE LIST UNTIL ONE NAME REMAINS.

13 3. IF THE SELECTED ARBITRATOR IS UNABLE TO
14 FULFILL THE RESPONSIBILITIES OF THE ARBITRATION, THE SELECTION PROCESS
15 SHALL BE REPEATED USING A NEW LIST OF ARBITRATORS UNTIL AN ARBITRATOR IS
16 SELECTED.

17 4. THE PARTIES SHALL SUBMIT THE DISPUTE AND THE
18 LAST, BEST, AND FINAL OFFERS TO THE ARBITRATOR WITHIN 5 BUSINESS DAYS
19 AFTER THE ARBITRATOR IS SELECTED.

20 (vi) 1. THE ARBITRATOR SHALL HOLD FORMAL HEARINGS AS
21 NECESSARY IN ORDER TO RESOLVE THE IMPASSE.

22 2. DURING THE FIRST 21 DAYS IMMEDIATELY
23 FOLLOWING THE APPOINTMENT OF THE ARBITRATOR AND BEFORE HOLDING ANY
24 FORMAL HEARINGS, THE ARBITRATOR MAY, IF DETERMINED APPROPRIATE BY THE
25 ARBITRATOR, ATTEMPT TO RESOLVE THE IMPASSE BY ACTING AS A NEUTRAL
26 MEDIATOR BETWEEN THE PARTIES.

27 (vii) THE ARBITRATOR SHALL SELECT ONE PARTY'S LAST, BEST,
28 AND FINAL OFFER ON OR BEFORE DECEMBER 15.

29 (viii) 1. ~~THE~~ SUBJECT TO SUBSUBPARAGRAPH 2 OF THIS
30 SUBPARAGRAPH, THE DECISION OF THE ARBITRATOR IS BINDING ON THE PARTIES.

31 2. A DECISION OF AN ARBITRATOR UNDER THIS
32 PARAGRAPH RELATED TO WAGES IS SUBJECT TO THE LIMITATIONS OF THE STATE
33 BUDGET.

1 **(IX) THE PARTIES SHALL EQUALLY SHARE THE COSTS OF THE**
2 **SERVICES OF THE ARBITRATOR.**

3 (d) (1) A memorandum of understanding that incorporates all matters of
4 agreement reached by the parties shall be executed by the exclusive representative and:

5 (i) for a memorandum of understanding relating to the State, the
6 Governor or the Governor's designee;

7 (ii) for a memorandum of understanding relating to the Maryland
8 Environmental Service, the Board of Directors of the Service;

9 (iii) for a memorandum of understanding relating to a system
10 institution, the Chancellor or the Chancellor's designee; and

11 (iv) for a memorandum of understanding relating to Morgan State
12 University, St. Mary's College of Maryland, or Baltimore City Community College, the
13 governing board of the institution or the governing board's designee.

14 (2) To the extent these matters require legislative approval or the
15 appropriation of funds, the matters shall be recommended to the General Assembly for
16 approval or for the appropriation of funds.

17 (3) To the extent matters involving a State institution of higher education
18 require legislative approval, the legislation shall be recommended to the Governor for
19 submission to the General Assembly.

20 (e) (1) Except as provided in paragraph (2) of this subsection, negotiations for
21 a memorandum of understanding shall be considered closed sessions under § 3-305 of the
22 General Provisions Article.

23 (2) An exclusive representative may not be considered a public body under
24 § 3-101 of the General Provisions Article.

25 (f) (1) The terms of a memorandum of understanding executed by the
26 Governor or the Governor's designee and an exclusive representative of a bargaining unit
27 for skilled service or professional service employees in the State Personnel Management
28 System are not applicable to employees of a State institution of higher education.

29 (2) The terms of a memorandum of understanding executed by the
30 Chancellor or the governing board of Morgan State University, St. Mary's College of
31 Maryland, or Baltimore City Community College, or their respective designees, and the
32 exclusive representative of a bargaining unit for employees of a State institution of higher
33 education are not applicable to skilled service or professional service employees in the State
34 Personnel Management System.

1 3-603.

2 (a) A memorandum of understanding agreed to and ratified under § 3-601 of this
3 subtitle may not expire until it is succeeded by a memorandum of understanding that is
4 agreed to and ratified **OR ADOPTED BY ARBITRATION** under this title.

5 (b) Notwithstanding § 3-601(b) of this subtitle, all terms of a memorandum of
6 understanding shall continue in force and effect without change until a successor
7 memorandum of understanding is agreed to and ratified.

8 (c) (1) Based on a verified complaint by an exclusive representative, the
9 exclusive representative may file an action in a circuit court against the State, the
10 Maryland Environmental Service, a system institution, Morgan State University, St.
11 Mary's College of Maryland, or Baltimore City Community College to enforce the terms of
12 this section.

13 (2) On receipt of an action submitted by the exclusive representative, the
14 court shall issue a status quo order without a finding of irreparable harm to maintain a
15 memorandum of understanding and the terms in effect pending a final order in the action.

16 SECTION 2. AND BE IT FURTHER ENACTED, (Three-fifths of all the members
17 elected to each of the two Houses concurring), That it be proposed that the Maryland
18 Constitution read as follows:

19 **Article III – Legislative Department**

20 52.

21 (1) The General Assembly shall not appropriate any money out of the
22 Treasury except in accordance with the provisions of this section.

23 (2) Every appropriation bill shall be either a Budget Bill, or a
24 Supplementary Appropriation Bill, as hereinafter provided.

25 (3) On the third Wednesday in January in each year, (except in the case of
26 a newly elected Governor, and then not later than ten days after the convening of the
27 General Assembly), unless such time shall be extended by the General Assembly, the
28 Governor shall submit to the General Assembly a Budget for the next ensuing fiscal year.
29 Each Budget shall contain a complete plan of proposed expenditures and estimated
30 revenues for said fiscal year and shall show the estimated surplus or deficit of revenues at
31 the end of the preceding fiscal year. EACH BUDGET SHALL ALSO CONTAIN THE
32 APPROPRIATIONS NECESSARY TO IMPLEMENT ALL TERMS AND CONDITIONS OF
33 EMPLOYMENT IN EACH MEMORANDUM OF UNDERSTANDING CONCLUDED WITH THE
34 STATE, WHETHER REACHED THROUGH MUTUAL AGREEMENT OR ARBITRATION
35 THAT IS BINDING ON THE PARTIES, AND THE GOVERNOR FOR THE NEXT ENSUING
36 FISCAL YEAR FOR THE UNIFORMED FIRE EMPLOYEES OF THE BWI AIRPORT FIRE

1 AND RESCUE DEPARTMENT. Accompanying each Budget shall be a statement showing:
2 (a) the revenues and expenditures for the preceding fiscal year; (b) the current assets,
3 liabilities, reserves and surplus or deficit of the State; (c) the debts and funds of the State;
4 (d) an estimate of the State's financial condition as of the beginning and end of the
5 preceding fiscal year; (e) CHANGES IN WAGES, HOURS, FRINGE BENEFITS, HEALTH
6 BENEFITS, AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT FOR UNIFORMED
7 FIRE EMPLOYEES OF THE BWI AIRPORT FIRE AND RESCUE DEPARTMENT
8 INCLUDED IN EACH MEMORANDUM OF UNDERSTANDING COVERING THE FIRE
9 EMPLOYEES FOR THE NEXT ENSUING FISCAL YEAR; AND (F) any explanation the
10 Governor may desire to make as to the important features of the Budget and any
11 suggestions as to methods for reduction or increase of the State's revenue.

12 (4) Each Budget shall embrace an estimate of all appropriations in such
13 form and detail as the Governor shall determine or as may be prescribed by law, as follows:
14 (a) for the General Assembly as certified to the Governor in the manner hereinafter
15 provided; (b) for the Executive Department; (c) for the Judiciary Department, as provided
16 by law, as certified to the Governor; (d) to pay and discharge the principal and interest of
17 the debt of the State in conformity with Section 34 of Article III of the Constitution, and all
18 laws enacted in pursuance thereof; (e) for the salaries AND, FOR THE UNIFORMED FIRE
19 EMPLOYEES OF THE BWI AIRPORT FIRE AND RESCUE DEPARTMENT, FRINGE
20 BENEFITS payable by the State and under the Constitution and laws of the State,
21 INCLUDING THOSE SALARIES AND BENEFITS COMMITTED UNDER EACH
22 MEMORANDUM OF UNDERSTANDING COVERING THE UNIFORMED FIRE EMPLOYEES
23 OF THE BWI AIRPORT FIRE AND RESCUE DEPARTMENT; (f) for the establishment and
24 maintenance throughout the State of a thorough and efficient system of public schools in
25 conformity with Article 8 of the Constitution and with the laws of the State; and (g) for such
26 other purposes as are set forth in the Constitution or laws of the State.

27 (5) The Governor shall deliver to the presiding officer of each House the
28 Budget and a bill for all the proposed appropriations of the Budget classified and in such
29 form and detail as the Governor shall determine or as may be prescribed by law; and the
30 presiding officer of each House shall promptly cause said bill to be introduced therein, and
31 such bill shall be known as the "Budget Bill." The Governor may, with the consent of the
32 General Assembly, before final action thereon by the General Assembly, amend or
33 supplement said Budget to correct an oversight, provide funds contingent on passage of
34 pending legislation or, in case of an emergency, by delivering such an amendment or
35 supplement to the presiding officers of both Houses; and such amendment or supplement
36 shall thereby become a part of said Budget Bill as an addition to the items of said bill or as
37 a modification of or a substitute for any item of said bill such amendment or supplement
38 may affect.

39 (5a) The Budget and the Budget Bill as submitted by the Governor to the
40 General Assembly shall have a figure for the total of all proposed appropriations and a
41 figure for the total of all estimated revenues available to pay the appropriations, and the
42 figure for total proposed appropriations shall not exceed the figure for total estimated
43 revenues. Neither the Governor in submitting an amendment or supplement to the Budget

1 Bill nor the General Assembly in amending the Budget Bill shall thereby cause the figure
2 for total proposed appropriations to exceed the figure for total estimated revenues,
3 including any revisions, and in the Budget Bill as enacted the figure for total estimated
4 revenues always shall be equal to or exceed the figure for total appropriations.

5 (6) The General Assembly shall not amend the Budget Bill so as to affect
6 either the obligations of the State under Section 34 of Article III of the Constitution, or the
7 provisions made by the laws of the State for the establishment and maintenance of a system
8 of public schools or the payment of any salaries required to be paid by the State of Maryland
9 by the Constitution.

10 (6a) In enacting a balanced Budget Bill each fiscal year as required under
11 this Section, the General Assembly may amend the bill by increasing or diminishing the
12 items therein relating to the General Assembly, and by increasing or diminishing the items
13 therein relating to the judiciary, but except as hereinbefore specified, may not alter the bill
14 except to strike out or reduce items therein, provided, however, that the salary or
15 compensation of any public officer may not be decreased during the public officer's term of
16 office. When passed by both Houses, the Budget Bill shall be presented to the Governor for
17 approval or disapproval according to Section 17 of Article II of this Constitution.

18 (6b) In enacting a balanced Budget Bill as required under this Section for
19 fiscal year 2024 and each fiscal year thereafter, the General Assembly may amend the bill
20 by increasing, diminishing, or adding items therein relating to the General Assembly, by
21 increasing, diminishing, or adding items therein relating to the judiciary, and by
22 increasing, diminishing, or adding items therein relating to the Executive Department,
23 provided that the total of the appropriation for the Executive Department approved by the
24 General Assembly does not exceed the total proposed appropriation for the Executive
25 Department submitted by the Governor. The salary or compensation of any public officer
26 may not be decreased during the public officer's term of office. When passed by both Houses,
27 the Budget Bill shall be a law immediately without further action by the Governor.

28 (7) The Governor and such representatives of the executive departments,
29 boards, officers and commissions of the State expending or applying for State's moneys, as
30 have been designated by the Governor for this purpose, shall have the right, and when
31 requested by either House of the General Assembly, it shall be their duty to appear and be
32 heard with respect to any Budget Bill during the consideration thereof, and to answer
33 inquiries relative thereto.

34 (8) Supplementary Appropriation Bill. Either House may consider other
35 appropriations but both Houses shall not finally act upon such appropriations until after
36 the Budget Bill has been finally acted upon by both Houses, and no such other
37 appropriation shall be valid except in accordance with the provisions following: (a) Every
38 such appropriation shall be embodied in a separate bill limited to some single work, object
39 or purpose therein stated and called herein a Supplementary Appropriation Bill; (b) Each
40 Supplementary Appropriation Bill shall provide the revenue necessary to pay the
41 appropriation thereby made by a tax, direct or indirect, to be levied and collected as shall
42 be directed in said bill; (c) No Supplementary Appropriation Bill shall become a law unless

1 it be passed in each House by a vote of a majority of the whole number of the members
2 elected, and the yeas and nays recorded on its final passage; (d) Each Supplementary
3 Appropriation Bill shall be presented to the Governor of the State as provided in Section
4 17 of Article 2 of the Constitution and thereafter all the provisions of said section shall
5 apply.

6 (9) Nothing in this section shall be construed as preventing the General
7 Assembly from passing at any time, in accordance with the provisions of Section 28 of
8 Article 3 of the Constitution and subject to the Governor's power of approval as provided in
9 Section 17 of Article 2 of the Constitution, an appropriation bill to provide for the payment
10 of any obligation of the State within the protection of Section 10 of Article 1 of the
11 Constitution of the United States.

12 (10) If the Budget Bill shall not have been finally acted upon by the
13 Legislature seven days before the expiration of the regular session, the Governor shall issue
14 a proclamation extending the session for some further period as may, in the Governor's
15 judgment, be necessary for the passage of such bill; but no matter other than such bill shall
16 be considered during such extended session except a provision for the cost thereof.

17 (11) For the purpose of making up the Budget, the Governor shall require
18 from the proper State officials (including all executive departments, all executive and
19 administrative offices, bureaus, boards, commissions and agencies that expend or supervise
20 the expenditure of, and all institutions applying, for State moneys and appropriations) such
21 itemized estimates and other information, in such form and at such times as directed by
22 the Governor. An estimate for a program required to be funded by a law which will be in
23 effect during the fiscal year covered by the Budget and which was enacted before July 1 of
24 the fiscal year prior to that date shall provide a level of funding not less than that prescribed
25 in the law. The estimates for the Legislative Department, certified by the presiding officer
26 of each House, of the Judiciary, as provided by law, certified by the Chief Justice of the
27 Supreme Court of Maryland, and for the public schools, as provided by law, shall be
28 transmitted to the Governor, in such form and at such times as directed by the Governor,
29 and shall be included in the Budget without revision.

30 (12) The Governor may provide for public hearings on all estimates and may
31 require the attendance at such hearings of representatives of all agencies, and for all
32 institutions applying for State moneys. After such public hearings the Governor may, in
33 the Governor's discretion, revise all estimates except those for the legislative and judiciary
34 departments, and for the public schools, as provided by law, and except that the Governor
35 may not reduce an estimate for a program below a level of funding prescribed by a law
36 which will be in effect during the fiscal year covered by the Budget, and which was enacted
37 before July 1 of the fiscal year prior thereto.

38 (13) The General Assembly may, from time to time, enact such laws not
39 inconsistent with this section, as may be necessary and proper to carry out its provisions.

40 (14) In the event of any inconsistency between any of the provisions of this
41 Section and any of the other provisions of the Constitution, the provisions of this Section

1 shall prevail. But nothing herein shall in any manner affect the provisions of Section 34 of
 2 Article 3 of the Constitution or of any laws heretofore or hereafter passed in pursuance
 3 thereof, or be construed as preventing the Governor from calling extraordinary sessions of
 4 the General Assembly, as provided by Section 16 of Article 2, or as preventing the General
 5 Assembly at such extraordinary sessions from considering any emergency appropriation or
 6 appropriations.

7 (15) If any item of any appropriation bill passed under the provisions of this
 8 Section shall be held invalid upon any ground, such invalidity shall not affect the legality
 9 of the bill or of any other item of such bill or bills.

10 SECTION 3. AND BE IT FURTHER ENACTED, That the General Assembly
 11 determines that the amendment to the Maryland Constitution proposed by Section 2 of this
 12 Act affects multiple jurisdictions and that the provisions of Article XIV, § 1 of the Maryland
 13 Constitution concerning local approval of constitutional amendments do not apply.

14 SECTION 4. AND BE IT FURTHER ENACTED, That:

15 (a) The amendment to the Maryland Constitution proposed by Section 2 of this
 16 Act shall be submitted to the qualified voters of the State at the next general election to be
 17 held in November 2026 for adoption or rejection in accordance with Article XIV of the
 18 Maryland Constitution.

19 (b) (1) At that general election, the vote on the proposed amendment to the
 20 Constitution shall be by ballot, and on each ballot there shall be printed the words “For the
 21 Constitutional Amendment” and “Against the Constitutional Amendment”, as now
 22 provided by law.

23 (2) At that general election, a question substantially similar to the
 24 following shall be submitted to the qualified voters of the State:

25 “Question _____ – Constitutional Amendment

26 Providing that each budget shall include expenditures necessary to implement
 27 wages, hours, fringe benefits, health benefits, and other terms and conditions of
 28 employment for State employees concluded in each memorandum of understanding
 29 covering State employees.”.

30 (c) Immediately after the election, all returns shall be made to the Governor of
 31 the vote for and against the proposed amendment, as directed by Article XIV of the
 32 Maryland Constitution, and further proceedings had in accordance with Article XIV.

33 ~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July~~
 34 ~~1, 2025.~~

1 SECTION 5. AND BE IT FURTHER ENACTED, That Section 1 of this Act is
2 contingent on the passage of Section 2 of this Act, a constitutional amendment, and its
3 ratification by voters of the State.

4 SECTION 6. AND BE IT FURTHER ENACTED, That, subject to Section 5 of this
5 Act, Section 1 of this Act shall take effect on the proclamation of the Governor that the
6 constitutional amendment, having received a majority of the votes cast at the general
7 election, has been adopted by the people of Maryland.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.