

SENATE BILL 218

P4

CONSTITUTIONAL AMENDMENT

3lr0948
CF 3lr0570

By: **Senators McCray, Jackson, Benson, and Hettleman**

Introduced and read first time: January 23, 2023

Assigned to: Budget and Taxation and Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Arbitration Reform for State Employees Act of 2023**

3 FOR the purpose of altering the collective bargaining process for State employees, including
4 by requiring the selection of a neutral arbitrator to oversee all aspects of collective
5 bargaining, establishing a process of arbitration in the event of impasse, and
6 providing that certain decisions of a neutral arbitrator are advisory; altering the
7 matters that are required to be included in collective bargaining; requiring that each
8 budget bill contain the appropriations necessary to implement all terms and
9 conditions of employment in certain memoranda of understanding for the next
10 ensuing fiscal year; and generally relating to collective bargaining for State
11 employees.

12 BY repealing and reenacting, with amendments,
13 Article – State Finance and Procurement
14 Section 7–108
15 Annotated Code of Maryland
16 (2021 Replacement Volume and 2022 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – State Personnel and Pensions
19 Section 3–103, 3–501, 3–502, and 3–603
20 Annotated Code of Maryland
21 (2015 Replacement Volume and 2022 Supplement)

22 BY adding to
23 Article – State Personnel and Pensions
24 Section 3–503
25 Annotated Code of Maryland
26 (2015 Replacement Volume and 2022 Supplement)

27 BY proposing an amendment to the Maryland Constitution

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article III – Legislative Department
2 Section 52

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

5 **Article – State Finance and Procurement**

6 7–108.

7 (a) In accordance with the Maryland Constitution and other law, the Governor
8 shall include in each budget bill:

9 (1) an appropriation to pay the principal of and interest on the State debt;

10 (2) without revision, the appropriations requested for public schools, as
11 certified by the State Superintendent of Schools;

12 (3) without revision, the appropriations requested for the Legislative
13 Branch of the State government, as certified by the presiding officers of the General
14 Assembly;

15 (4) without revision, the appropriations requested for the Judicial Branch
16 of the State government, as certified by the Chief Judge of the Court of Appeals;

17 (5) the appropriations requested by the Governor for the Executive Branch
18 of the State government;

19 (6) the appropriations required by law to be included with the
20 appropriations for the Executive Branch;

21 (7) appropriations for the salaries required by law to be paid by the State;
22 and

23 (8) any other appropriations required by the Maryland Constitution or
24 other law to be included in the budget bill.

25 (b) The Governor shall use the current salary plan of the Secretary of Budget and
26 Management as the basis for the appropriations to pay those salaries to which the plan
27 applies.

28 **(C) IN ADDITION TO THE APPROPRIATIONS REQUIRED IN SUBSECTION (A)**
29 **OF THIS SECTION, THE GOVERNOR SHALL INCLUDE IN EACH ANNUAL BUDGET BILL**
30 **THE APPROPRIATIONS NECESSARY TO IMPLEMENT AND FUND ALL TERMS WITHIN**
31 **EACH MEMORANDUM OF UNDERSTANDING BETWEEN:**

1 **(1) THE STATE AND EACH EXCLUSIVE REPRESENTATIVE OF ITS**
2 **EMPLOYEES;**

3 **(2) STATE INSTITUTIONS OF HIGHER EDUCATION, INCLUDING THE**
4 **UNIVERSITY SYSTEM OF MARYLAND, AND EACH EXCLUSIVE REPRESENTATIVE OF**
5 **THEIR EMPLOYEES; AND**

6 **(3) THE MARYLAND ENVIRONMENTAL SERVICE AND EACH**
7 **EXCLUSIVE REPRESENTATIVE OF ITS EMPLOYEES.**

8 **Article – State Personnel and Pensions**

9 3–103.

10 This title and any agreement under this title do not limit or otherwise interfere with
11 the powers of the Governor or the Maryland General Assembly [under], **EXCEPT TO**
12 **OPERATE IN ACCORDANCE WITH AND HAVE THE EFFECT REQUIRED BY** Article III, §
13 52 of the Maryland Constitution.

14 3–501.

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

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

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

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

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

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

28 (b) **(1) [The] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE**
29 **parties shall meet at reasonable times [and] BETWEEN JULY 1 AND SEPTEMBER 30 TO**
30 **engage in collective bargaining in good faith[, including facilitating the meaningful use of**
31 **a fact finder under subsection (c)(3) of this section,] and to conclude a written memorandum**
32 **of understanding or other written understanding as defined under § 3–101(d)(1)(ii) of this**
33 **title.**

1 **(2) (I) FOR EACH BARGAINING UNIT, WHENEVER A MEMORANDUM**
2 **OF UNDERSTANDING IS TO BE NEGOTIATED, REOPENED, OR AMENDED, THE PARTIES**
3 **SHALL FIRST SELECT A NEUTRAL ARBITRATOR FOR THE NEGOTIATIONS ON OR**
4 **BEFORE JULY 15.**

5 **(II) THE ARBITRATOR SHALL BE SELECTED FROM A LIST OF 15**
6 **ARBITRATORS PROVIDED BY THE AMERICAN ARBITRATION ASSOCIATION'S LABOR**
7 **ARBITRATION PANEL.**

8 **(III) THE LIST SHALL CONSIST OF QUALIFIED, NATIONWIDE**
9 **ARBITRATORS WHO ARE MEMBERS OF THE NATIONAL ACADEMY OF ARBITRATION.**

10 **(IV) THE PARTIES SHALL SELECT THE ARBITRATOR BY**
11 **ALTERNATELY STRIKING NAMES FROM THE LIST UNTIL ONE NAME REMAINS.**

12 **(V) THE SELECTED ARBITRATOR MUST BE ABLE AND**
13 **AVAILABLE TO PERFORM THE DUTIES AND TO HOLD HEARINGS, BOTH IN PERSON**
14 **AND THROUGH REMOTE COMMUNICATION, CONSISTENT WITH THIS TITLE.**

15 **(VI) THE ARBITRATOR SHALL HAVE THE POWERS AND**
16 **RESPONSIBILITIES UNDER § 3-503 OF THIS SUBTITLE.**

17 **(VII) THE SELECTED ARBITRATOR SHALL ACCEPT THE**
18 **APPOINTMENT BEFORE JULY 15, OR THE PARTIES MAY AGREE TO MAKE AN**
19 **ALTERNATIVE APPOINTMENT FROM:**

20 **1. THE LIST ORIGINALLY PROVIDED BY THE AMERICAN**
21 **ARBITRATION ASSOCIATION; OR**

22 **2. A LIST OF NATIONWIDE ARBITRATORS PROVIDED BY**
23 **THE FEDERAL MEDIATION AND CONCILIATION SERVICE.**

24 **(3) THE PARTIES SHALL MAKE A REASONABLE EFFORT TO BEGIN**
25 **NEGOTIATIONS ON OR NEAR JULY 1, INCLUDING THE EXCHANGE OF INFORMATION**
26 **NECESSARY TO RESPONSIBLY CONDUCT AND CONCLUDE NEGOTIATIONS BY**
27 **SEPTEMBER 30.**

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

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

1 (ii) In the budget bill submitted to the General Assembly, the
2 Governor shall include any amounts in the budgets of the principal units required to
3 accommodate any additional cost resulting from the negotiations, including the actuarial
4 impact of any legislative changes to any of the State pension or retirement systems that
5 are required, as a result of the negotiations, for the fiscal year beginning the following July
6 1 if the legislative changes have been negotiated to become effective in that fiscal year.

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

10 (ii) The fact finder shall be employed no later than November 1.

11 (iii) A fact finder shall be a neutral party appointed by alternate
12 striking from a list by the parties provided:

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

14 2. under the Labor Arbitration Rules of the American
15 Arbitration Association.

16 (iv) The fact finder:

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

19 2. may administer oaths and take testimony and other
20 evidence;

21 3. may issue subpoenas; and

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

25 (v) The written recommendations of the fact finder shall be delivered
26 to the Governor, the exclusive representative, the President of the Senate, and the Speaker
27 of the House of Delegates by the Secretary on or before December 1.

28 (d) (1) A memorandum of understanding [that incorporates all matters of
29 agreement reached by the parties] **REACHED BY MUTUAL AGREEMENT** shall be executed
30 by the exclusive representative and:

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

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

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

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

8 (2) To the extent [these] matters **INCORPORATED IN A MEMORANDUM**
9 **OF UNDERSTANDING** require legislative approval or the appropriation of funds, the
10 matters shall be [recommended] **REFERRED** to the General Assembly for approval or for
11 the appropriation of funds **AS REQUIRED UNDER ARTICLE III, § 52 OF THE MARYLAND**
12 **CONSTITUTION**.

13 (3) To the extent matters involving a State institution of higher education
14 require legislative approval, the legislation shall be [recommended] **REFERRED** to the
15 Governor [for submission to] **AND** the General Assembly.

16 [(e)] **(D)** Negotiations for a memorandum of understanding shall be considered
17 closed sessions under § 3–305 of the General Provisions Article.

18 [(f)] **(E)** (1) The terms of a memorandum of understanding executed by the
19 Governor or the Governor's designee and an exclusive representative of a bargaining unit
20 for skilled service or professional service employees in the State Personnel Management
21 System are not applicable to employees of a State institution of higher education.

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

28 3–502.

29 (a) Collective bargaining shall include all matters relating to:

30 (1) wages, hours, **FRINGE BENEFITS, HEALTH BENEFITS, PENSION**
31 **BENEFITS**, and other terms and conditions of employment; and

32 (2) the time and manner of access to a new employee program as required
33 under § 3–307 of this title.

34 (b) [(1)] Collective bargaining may include negotiations relating to the right of

1 an employee organization to receive service fees from nonmembers.

2 (2) An employee whose religious beliefs are opposed to joining or financially
3 supporting any collective bargaining organization is:

4 (i) not required to pay a service fee; and

5 (ii) required to pay an amount of money as determined in collective
6 bargaining negotiations, not to exceed any service fee negotiated under paragraph (1) of
7 this subsection, to any charitable organization exempt from taxation under § 501(c)(3) of
8 the Internal Revenue Code and to furnish written proof of the payment to:

9 1. A. the Department;

10 B. in the case of an employee of the Maryland Environmental
11 Service, the Board of Directors of the Service; or

12 C. in the case of an employee of an institution of higher
13 education specified in § 3-102(a)(1)(v) of this title, the President of the institution or the
14 President's designee; and

15 2. the exclusive representative.

16 (c) Notwithstanding subsection (a) of this section, the representatives of the
17 State, the Maryland Environmental Service, a system institution, Morgan State
18 University, St. Mary's College of Maryland, and Baltimore City Community College:

19 (1) [shall] MAY not be required to negotiate over any matter that is
20 inconsistent with applicable law; and

21 (2) may negotiate and reach agreement with regard to any such matter
22 **THAT IS INCONSISTENT WITH APPLICABLE LAW** only if it is understood that, **WITH**
23 **RESPECT TO THE MATTER**, the agreement [with respect to such matter] **OR**
24 **MEMORANDUM OF UNDERSTANDING** cannot become effective unless the applicable law
25 is amended by the General Assembly.

26 **3-503.**

27 (A) (1) **A NEUTRAL ARBITRATOR SELECTED UNDER § 3-501(B) OF THIS**
28 **SUBTITLE:**

29 (I) **MAY MEDIATE OR AID IN THE RESOLUTION OF ANY DISPUTE**
30 **BETWEEN THE PARTIES REGARDING THE CONDUCT OF NEGOTIATIONS, INCLUDING**
31 **WHETHER THE CONDUCT OF A PARTY IS IN GOOD FAITH;**

32 (II) **MAY RECEIVE FROM THE PARTIES COPIES OF INFORMATION**

1 REQUESTS PRESENTED AND RESPONSES RECEIVED, TO MEDIATE OR AID IN THE
2 RESOLUTION OF DISPUTES OVER THE TIMELINESS AND SUFFICIENCY OF
3 INFORMATION DEMANDS AND PRODUCTION;

4 (III) MAY ISSUE OPINIONS IN ORDER TO HELP TO RESOLVE
5 DISPUTES OVER REQUESTS FOR INFORMATION OR PROMOTE BARGAINING IN GOOD
6 FAITH CONSISTENT WITH THIS TITLE; AND

7 (IV) MAY DIRECT PRODUCTION OF ESTIMATES OF REVENUES
8 AND EXPENDITURES COMPILED BY THE STATE BOARD OF REVENUE ESTIMATES,
9 THE BUREAU OF REVENUE ESTIMATES, OR THE CONSENSUS REVENUE
10 MONITORING AND FORECASTING GROUP.

11 (2) (I) THE OPINIONS AND GUIDANCE ISSUED BY THE NEUTRAL
12 ARBITRATOR UNDER THIS SUBSECTION SHALL BE ADVISORY ON THE PARTIES AND
13 THE GOVERNOR.

14 (II) THE PROCESS SET OUT IN THIS SUBSECTION DOES NOT
15 DIMINISH OR LIMIT THE RIGHTS OF ANY PARTY TO FILE AND PURSUE A COMPLAINT
16 OF UNFAIR LABOR PRACTICES BEFORE THE BOARD.

17 (B) (1) IF AN IMPASSE IS DECLARED ON OR AFTER OCTOBER 1,
18 ARBITRATION SHALL PROCEED AS DESCRIBED IN THIS SUBSECTION.

19 (2) (I) ON THE FIFTH BUSINESS DAY AFTER THE IMPASSE IS
20 DECLARED, EACH PARTY SHALL SUBMIT TO THE NEUTRAL ARBITRATOR, IN WRITING
21 AND WITH A COPY TO THE OTHER PARTY, A LAST, BEST, AND FINAL OFFER,
22 INCLUDING:

23 1. ALL PROVISIONS IN THE EXISTING MEMORANDUM OF
24 UNDERSTANDING NOT TO BE MODIFIED;

25 2. ALL NEW, AMENDED, OR MODIFIED MEMORANDUM OF
26 UNDERSTANDING PROVISIONS AGREED TO BY THE PARTIES BEFORE THE IMPASSE
27 WAS DECLARED THAT ARE TO BE INCLUDED THROUGH WRITTEN MUTUAL
28 AGREEMENT; AND

29 3. SUBJECT TO SUBPARAGRAPH (II) OF THIS
30 PARAGRAPH, DETAILED FURTHER PROVISIONS THAT A PARTY IS PROPOSING FOR
31 INCLUSION IN A MEMORANDUM OF UNDERSTANDING.

32 (II) FURTHER PROVISIONS ARE LIMITED TO SPECIFIC
33 PROPOSALS THAT WERE SUBMITTED IN WRITING TO THE OTHER PARTY AND WERE

1 THE SUBJECT OF COLLECTIVE BARGAINING BETWEEN THE PARTIES UP TO THE TIME
2 OF IMPASSE, INCLUDING PROPOSALS THAT THE PARTIES HAVE DECIDED TO
3 INCLUDE IN THE MEMORANDUM OF UNDERSTANDING THROUGH WRITTEN MUTUAL
4 AGREEMENT.

5 (3) THE NEUTRAL ARBITRATOR ACTING AS A MEDIATOR SHALL
6 ATTEMPT TO RESOLVE THE IMPASSE BEFORE A FORMAL HEARING ON THE IMPASSE.

7 (4) (I) WITHIN 30 CALENDAR DAYS AFTER A DECLARED IMPASSE,
8 THE NEUTRAL ARBITRATOR SHALL HOLD A FORMAL HEARING AT WHICH THE
9 PARTIES MAY SUBMIT, IN WRITING OR ORAL TESTIMONY, ALL INFORMATION OR
10 DATA SUPPORTING THE FINAL POSITIONS.

11 (II) ABSENT MUTUAL AGREEMENT BETWEEN THE PARTIES, OR
12 AS OTHERWISE ORDERED BY THE NEUTRAL ARBITRATOR, THE FORMAL HEARING
13 SHALL CONCLUDE WITHIN 45 CALENDAR DAYS AFTER THE IMPASSE DATE.

14 (5) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
15 PARAGRAPH, THE ARBITRATION SHALL CONCLUDE WITH A WRITTEN AWARD THAT
16 SUSTAINS IN ITS ENTIRETY THE LAST, BEST, AND FINAL OFFER OF ONE OF THE
17 PARTIES.

18 (II) BEFORE A WRITTEN AWARD IS ISSUED, BY WRITTEN
19 AGREEMENT SIGNED BY THE REPRESENTATIVES OF THE PARTIES PARTICIPATING IN
20 THE ARBITRATION, THE PARTIES MAY DIRECT THE NEUTRAL ARBITRATOR TO RULE
21 ON SPECIFICALLY IDENTIFIED TOPICS OF BARGAINING.

22 (6) (I) THE NEUTRAL ARBITRATOR SHALL ISSUE A PRELIMINARY
23 WRITTEN AWARD ON OR BEFORE DECEMBER 5.

24 (II) THE PRELIMINARY WRITTEN AWARD SHALL ADDRESS ALL
25 PROVISIONS THAT EACH PARTY PROPOSED IN ITS RESPECTIVE FINAL POSITION FOR
26 INCLUSION IN A MEMORANDUM OF UNDERSTANDING.

27 (III) WITHIN 5 BUSINESS DAYS AFTER RECEIPT OF THE
28 PRELIMINARY WRITTEN AWARD, THE PARTIES SHALL REVIEW THE AWARD AND MAY
29 SEVERALLY OR MUTUALLY REQUEST CHANGES OR ADJUSTMENTS IN THE AWARD.

30 (IV) ON OR BEFORE DECEMBER 15, THE NEUTRAL ARBITRATOR
31 SHALL ISSUE A FINAL WRITTEN AWARD IN WHICH THE ARBITRATOR:

32 1. SHALL ORDER IMPLEMENTATION OF THE LAST, BEST,
33 AND FINAL OFFER OF EITHER PARTY IN ITS ENTIRETY, INCORPORATING ANY

1 VOLUNTARILY-AGREED-TO TERMS BETWEEN THE PARTIES; AND

2 2. SHALL INCLUDE:

3 A. ANY VOLUNTARILY-AGREED-TO TERMS BETWEEN
4 THE PARTIES; AND

5 B. ANY PRIOR TERM THAT BY AGREEMENT IS NOT TO BE
6 CHANGED FOR THE NEXT FISCAL YEAR.

7 (V) AFTER DECEMBER 15, IF REQUESTED BY EITHER PARTY,
8 THE NEUTRAL ARBITRATOR SHALL ISSUE BY JANUARY 20 OF THE IMMEDIATELY
9 FOLLOWING YEAR, A STATEMENT OF REASONS FOR THE FINAL WRITTEN AWARD.

10 (7) THE NEUTRAL ARBITRATOR SHALL CONSIDER THE FOLLOWING
11 WHEN DEVELOPING A WRITTEN AWARD:

12 (I) THE LAWFUL AUTHORITY OF THE EMPLOYER, INCLUDING
13 THE OBLIGATION OF THE EMPLOYER TO USE SPECIAL FUNDS ONLY FOR
14 AUTHORIZED PURPOSES UNDER LIMITATIONS IMPOSED BY FEDERAL OR STATE LAW;

15 (II) STIPULATIONS OF THE PARTIES;

16 (III) THE INTERESTS AND WELFARE OF THE PUBLIC;

17 (IV) THE FINANCIAL ABILITY OF THE EMPLOYER TO MEET
18 COSTS, WITHOUT THE PREMISE THAT THE EMPLOYER MAY NEED TO INCREASE OR
19 IMPOSE NEW TAXES, FEES, OR CHARGES, OR DEVELOP OTHER SOURCES OF
20 REVENUE;

21 (V) THE PRESENT AND FUTURE GENERAL ECONOMIC
22 CONDITION OF THE STATE OR STATE INSTITUTIONS OF HIGHER EDUCATION;

23 (VI) COMPARISONS OF WAGES, HOURS, AND CONDITIONS OF
24 EMPLOYMENT OF THE EMPLOYEES INVOLVED WITH ARBITRATION WITH THE WAGES,
25 HOURS, AND CONDITIONS OF EMPLOYMENT OF OTHER EMPLOYEES PERFORMING
26 SIMILAR SERVICES IN PUBLIC EMPLOYMENT IN ADJACENT STATES;

27 (VII) COMPARISONS OF COLLECTIVE BARGAINING PATTERNS IN
28 OTHER STATES AND AMONG COUNTY EMPLOYEES IN THE STATE;

29 (VIII) CONSUMER PRICES FOR GOODS AND SERVICES AS DEFINED
30 BY PUBLIC AND PRIVATE SOURCES;

1 **(IX) THE OVERALL COMPENSATION PRESENTLY RECEIVED BY**
2 **THE EMPLOYEES, INCLUDING DIRECT WAGE COMPENSATION, VACATION, HOLIDAYS,**
3 **EXCUSED TIME OFF, INSURANCE AND PENSIONS COSTS, MEDICAL AND**
4 **HOSPITALIZATION BENEFITS, THE CONTINUITY AND STABILITY OF EMPLOYMENT,**
5 **AND ALL OTHER RECEIVED BENEFITS;**

6 **(X) CHANGES IN ANY OF THE FOREGOING CIRCUMSTANCES**
7 **DURING THE PENDENCY OF THE ARBITRATION; AND**

8 **(XI) OTHER FACTORS THAT ARE NORMALLY OR TRADITIONALLY**
9 **TAKEN INTO CONSIDERATION IN THE DETERMINATION OF WAGES, HOURS, AND**
10 **CONDITIONS OF EMPLOYMENT THROUGH VOLUNTARY COLLECTIVE BARGAINING,**
11 **MEDIATION, ARBITRATION, OR OTHERWISE BETWEEN THE PARTIES IN PUBLIC**
12 **SERVICE OR PRIVATE EMPLOYMENT.**

13 **(C) THE DECISION OF THE NEUTRAL ARBITRATOR SHALL BE FINAL AND**
14 **BINDING ON THE PARTIES.**

15 **(D) THE STATE, A STATE INSTITUTION OF HIGHER EDUCATION, AND THE**
16 **MARYLAND ENVIRONMENTAL SERVICE AND THE GOVERNOR SHALL TAKE ALL**
17 **ACTIONS NECESSARY TO CARRY OUT AND EFFECTUATE THE FINAL WRITTEN AWARD**
18 **AND PLACE INTO EFFECT THE MEMORANDUM OF UNDERSTANDING.**

19 **(E) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE PARTIES**
20 **AT ANY TIME MAY AMEND OR MODIFY THE FINAL WRITTEN AWARD AND, BY CONSENT,**
21 **THE AMENDMENTS OR MODIFICATIONS SHALL BE APPROVED BY THE PARTIES AND**
22 **PLACED IN A SUPPLEMENTAL WRITTEN AWARD BY THE NEUTRAL ARBITRATOR THAT**
23 **SHALL BE FINAL AND BINDING.**

24 **(2) A SUPPLEMENTAL WRITTEN AWARD UNDER PARAGRAPH (1) OF**
25 **THIS SUBSECTION SHALL TAKE EFFECT ON THE DATE OF THE ORDER OF THE**
26 **NEUTRAL ARBITRATOR AND MAY NOT REQUIRE RATIFICATION UNDER § 3-601 OF**
27 **THIS TITLE.**

28 **(F) A DEADLINE IN THIS SECTION MAY BE MODIFIED, BASED ON GOOD**
29 **CAUSE, BY MUTUAL AGREEMENT OF THE PARTIES OR BY ORDER OF THE NEUTRAL**
30 **ARBITRATOR.**

31 **(G) (1) THE COSTS OF THE SERVICES OF THE NEUTRAL ARBITRATOR**
32 **SHALL BE SHARED EQUALLY BY THE PARTIES.**

33 **(2) ALL OTHER COSTS INCURRED BY EITHER PARTY TO COMPLY WITH**

1 **THIS SECTION SHALL BE THE RESPONSIBILITY OF THE PARTY INCURRING THE**
2 **COSTS.**

3 3–603.

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

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

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

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

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

21 **Article III – Legislative Department**

22 52.

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

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

27 (3) On the third Wednesday in January in each year, (except in the case of a newly
28 elected Governor, and then not later than ten days after the convening of the General
29 Assembly), unless such time shall be extended by the General Assembly, the Governor shall
30 submit to the General Assembly a Budget for the next ensuing fiscal year. Each Budget
31 shall contain a complete plan of proposed expenditures and estimated revenues for said
32 fiscal year and shall show the estimated surplus or deficit of revenues at the end of the
33 preceding fiscal year. **EACH BUDGET SHALL ALSO CONTAIN THE APPROPRIATIONS**
34 **NECESSARY TO IMPLEMENT ALL TERMS AND CONDITIONS OF EMPLOYMENT IN EACH**
35 **MEMORANDUM OF UNDERSTANDING CONCLUDED WITH THE STATE, WHETHER**

1 REACHED THROUGH MUTUAL AGREEMENT OR ARBITRATION THAT IS BINDING ON
2 THE PARTIES, THE GOVERNOR, STATE INSTITUTIONS OF HIGHER EDUCATION, AND
3 THE MARYLAND ENVIRONMENTAL SERVICE, FOR THE NEXT ENSUING FISCAL YEAR
4 FOR STATE EMPLOYEES IN THE VARIOUS BRANCHES AND DEPARTMENTS OF STATE
5 GOVERNMENT, INCLUDING HIGHER EDUCATION. Accompanying each Budget shall be a
6 statement showing: (a) the revenues and expenditures for the preceding fiscal year; (b) the
7 current assets, liabilities, reserves and surplus or deficit of the State; (c) the debts and
8 funds of the State; (d) an estimate of the State's financial condition as of the beginning and
9 end of the preceding fiscal year; (e) **CHANGES IN WAGES, HOURS, FRINGE BENEFITS,**
10 **HEALTH BENEFITS, PENSION BENEFITS, AND OTHER TERMS AND CONDITIONS OF**
11 **EMPLOYMENT FOR STATE EMPLOYEES INCLUDED IN EACH MEMORANDUM OF**
12 **UNDERSTANDING COVERING STATE EMPLOYEES FOR THE NEXT ENSUING FISCAL**
13 **YEAR; AND (F)** any explanation the Governor may desire to make as to the important
14 features of the Budget and any suggestions as to methods for reduction or increase of the
15 State's revenue.

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

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

40 (5a) The Budget and the Budget Bill as submitted by the Governor to the General
41 Assembly shall have a figure for the total of all proposed appropriations and a figure for
42 the total of all estimated revenues available to pay the appropriations, and the figure for
43 total proposed appropriations shall not exceed the figure for total estimated revenues.

1 Neither the Governor in submitting an amendment or supplement to the Budget Bill nor
2 the General Assembly in amending the Budget Bill shall thereby cause the figure for total
3 proposed appropriations to exceed the figure for total estimated revenues, including any
4 revisions, and in the Budget Bill as enacted the figure for total estimated revenues always
5 shall be equal to or exceed the figure for total appropriations.

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

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

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

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

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

1 be directed in said bill; (c) No Supplementary Appropriation Bill shall become a law unless
2 it be passed in each House by a vote of a majority of the whole number of the members
3 elected, and the yeas and nays recorded on its final passage; (d) Each Supplementary
4 Appropriation Bill shall be presented to the Governor of the State as provided in Section
5 17 of Article 2 of the Constitution and thereafter all the provisions of said section shall
6 apply.

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

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

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

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

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

41 (14) In the event of any inconsistency between any of the provisions of this Section

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

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

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

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

16 (a) The amendment to the Maryland Constitution proposed by Section 2 of this
17 Act shall be submitted to the qualified voters of the State at the next general election to be
18 held in November 2024 for adoption or rejection pursuant to Article XIV of the Maryland
19 Constitution.

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

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

26 “Question ___ – Constitutional Amendment

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

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

34 SECTION 5. AND BE IT FURTHER ENACTED, That, except as provided in Section
35 4 of this Act, this Act shall take effect July 1, 2023.