

# SENATE BILL 264

P4, F2

(9lr0214)

## ENROLLED BILL

—Finance/Appropriations—

Introduced by **The President (By Request - Administration) and Senators Kelley, Exum, Klausmeier, Conway, Gladden, Jones, King, Madaleno, Pinsky, Raskin, Robey, ~~and Rosapepe~~ Rosapepe, and Lenett**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
President.

### CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **State Employees - Collective Bargaining - Negotiations -**  
3 **"The Fair Share Act"**

4 FOR the purpose of authorizing collective bargaining negotiations pertaining to  
5 certain State employees to include negotiations relating to the right of an  
6 employee organization to receive service fees from nonmembers; exempting  
7 certain employees ~~who are members of certain religions~~ whose religious beliefs  
8 are opposed to joining or financially supporting a certain labor organization  
9 from the requirement to pay a service fee under certain circumstances;  
10 providing that an employee who is exempt from paying a service fee ~~may~~ shall  
11 be required to pay a certain amount to a certain organization and to furnish  
12 certain proof of payment under certain circumstances; ~~requiring a certain~~  
13 memorandum of understanding to include a list of certain organizations; and

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#### 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.

*Italics* indicate opposite chamber / conference committee amendments.



1 generally relating to permissible matters of negotiation under the State  
2 employee collective bargaining process.

3 BY repealing and reenacting, with amendments,  
4 Article – State Personnel and Pensions  
5 Section 3–502  
6 Annotated Code of Maryland  
7 (2004 Replacement Volume and 2008 Supplement)

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

10 **Article – State Personnel and Pensions**

11 3–502.

12 (a) Collective bargaining shall include all matters relating to wages, hours,  
13 and other terms and conditions of employment.

14 (b) (1) [Collective] **EXCEPT AS PROVIDED IN PARAGRAPH ~~(2)~~ (3) OF**  
15 **THIS SUBSECTION, COLLECTIVE** bargaining may [not] include negotiations relating  
16 to the right of an employee organization to receive service fees from nonmembers.

17 ~~(2) (i) AN EMPLOYEE WHO IS A MEMBER OF A BONA FIDE~~  
18 ~~RELIGION THAT HISTORICALLY HAS HELD CONSCIENTIOUS OBJECTIONS TO~~  
19 ~~JOINING OR FINANCIALLY SUPPORTING AN EMPLOYEE ORGANIZATION MAY NOT~~  
20 ~~BE REQUIRED TO PAY A SERVICE FEE TO AN EMPLOYEE ORGANIZATION UNDER~~  
21 ~~PARAGRAPH (1) OF THIS SUBSECTION.~~

22 ~~(ii) AN EMPLOYEE WHO IS EXEMPT FROM PAYING A~~  
23 ~~SERVICE FEE UNDER SUBPARAGRAPH (i) OF THIS PARAGRAPH MAY BE~~  
24 ~~REQUIRED TO PAY AN AMOUNT EQUAL TO THE SERVICE FEE TO A~~  
25 ~~NONRELIGIOUS, NONLABOR CHARITABLE ORGANIZATION EXEMPT FROM~~  
26 ~~TAXATION UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE.~~

27 ~~(iii) 1. A MEMORANDUM OF UNDERSTANDING THAT~~  
28 ~~INCLUDES SERVICE FEES FOR NONMEMBERS OF AN EMPLOYEE ORGANIZATION~~  
29 ~~AND REQUIRES AN ALTERNATIVE PAYMENT UNDER SUBPARAGRAPH (ii) OF THIS~~  
30 ~~PARAGRAPH SHALL INCLUDE A LIST OF AT LEAST THREE ORGANIZATIONS TO~~  
31 ~~WHICH AN EMPLOYEE MAY CHOOSE TO CONTRIBUTE.~~

32 ~~2. IF A MEMORANDUM OF UNDERSTANDING DOES~~  
33 ~~NOT INCLUDE THE LIST OF ORGANIZATIONS REQUIRED UNDER~~  
34 ~~SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH, AN EMPLOYEE MAY~~

~~1 **CONTRIBUTE TO ANY OTHER ORGANIZATION THAT MEETS THE REQUIREMENTS**~~  
~~2 **UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH.**~~

~~3 **(IV) TO MAINTAIN AN EXEMPTION UNDER SUBPARAGRAPH**~~  
~~4 **(I) OF THIS PARAGRAPH, AN EMPLOYEE WHO IS REQUIRED TO MAKE AN**~~  
~~5 **ALTERNATIVE PAYMENT UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH**~~  
~~6 **SHALL PROVIDE PROOF OF PAYMENT TO THE DEPARTMENT OF BUDGET AND**~~  
~~7 **MANAGEMENT EACH MONTH.**~~

8 **(2) AN EMPLOYEE WHOSE RELIGIOUS BELIEFS ARE OPPOSED TO**  
 9 **JOINING OR FINANCIALLY SUPPORTING ANY COLLECTIVE BARGAINING**  
 10 **ORGANIZATION IS:**

11 **(I) NOT REQUIRED TO PAY A SERVICE FEE; AND**

12 **(II) REQUIRED TO PAY AN AMOUNT OF MONEY AS**  
 13 **DETERMINED IN COLLECTIVE BARGAINING NEGOTIATIONS, NOT TO EXCEED ANY**  
 14 **SERVICE FEE NEGOTIATED UNDER PARAGRAPH (1) OF THIS SUBSECTION, TO**  
 15 **ANY CHARITABLE ORGANIZATION EXEMPT FROM TAXATION UNDER § 501(C)(3)**  
 16 **OF THE INTERNAL REVENUE CODE AND TO FURNISH TO THE DEPARTMENT AND**  
 17 **THE EXCLUSIVE REPRESENTATIVE WRITTEN PROOF OF SUCH PAYMENT.**

18 **(2) (3) COLLECTIVE BARGAINING BETWEEN AN EMPLOYEE**  
 19 **ORGANIZATION AND A SYSTEM INSTITUTION, MORGAN STATE UNIVERSITY, ST.**  
 20 **MARY'S COLLEGE OF MARYLAND, OR BALTIMORE CITY COMMUNITY COLLEGE**  
 21 **MAY NOT INCLUDE NEGOTIATIONS RELATING TO THE RIGHT OF AN EMPLOYEE**  
 22 **ORGANIZATION TO RECEIVE SERVICE FEES FROM NONMEMBERS.**

23 (c) Notwithstanding subsection (a) of this section, the representatives of the  
 24 State, a system institution, Morgan State University, St. Mary's College of Maryland,  
 25 and Baltimore City Community College:

26 (1) shall not be required to negotiate over any matter that is  
 27 inconsistent with applicable law; and

28 (2) may negotiate and reach agreement with regard to any such  
 29 matter only if it is understood that the agreement with respect to such matter cannot  
 30 become effective unless the applicable law is amended by the General Assembly.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
 32 July 1, 2009.