

# SENATE BILL 264

P4, F2

9lr0214  
CF 9lr0215

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By: **The President (By Request – Administration) and Senators Kelley, Exum, Klausmeier, Conway, Gladden, Jones, King, Madaleno, Pinsky, Raskin, Robey, and Rosapepe**

Introduced and read first time: January 23, 2009

Assigned to: Finance

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## A BILL ENTITLED

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; and generally  
7 relating to permissible matters of negotiation under the State employee  
8 collective bargaining process.

9 BY repealing and reenacting, with amendments,  
10 Article – State Personnel and Pensions  
11 Section 3–502  
12 Annotated Code of Maryland  
13 (2004 Replacement Volume and 2008 Supplement)

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

16 **Article – State Personnel and Pensions**

17 3–502.

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

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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