

Exhibit A
Senate Bill 860
1987

WILLIAM DONALD SCHAEFER, Governor

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed only prospectively and may not be applied or interpreted to have any effect upon or application to any adoption or guardianship for which a final decree was entered before July 1, 1987, nor to any adoption or guardianship in which a petition has been filed, but proceedings are pending as of July 1, 1987. However the amendment by this Act of provisions of law in effect prior to the effective date of this Act may not be construed to preclude the application of those provisions of law to any adoption or guardianship for which a final decree was entered before July 1, 1987, nor to any adoption or guardianship proceeding pending as of the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1987.

June 2, 1987

The Honorable Thomas V. Mike Miller
President of the Senate
State House
Annapolis, Maryland 21404

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, I have today vetoed Senate Bill 860.

Senate Bill 860 would allow a law enforcement officer to waive the rights in the Law Enforcement Officers' Bill of Rights and elect to be covered by the terms of a collective bargaining agreement. The rights under the Law Enforcement Officers' Bill of Rights could be supplemented or expanded by law or by a provision of a collective bargaining agreement, but could not be diminished or abrogated.

When the Law Enforcement Officers' Bill of Rights was enacted in 1973, its intent was to secure for law enforcement officers minimum guarantees of procedural and substantive due process. Few, if any, police officers were under collective bargaining agreements at that time. Now, most major jurisdictions in the State have collective bargaining with their officers.

Although there is some confusion as to whether collective bargaining may address a subject covered by the Law Enforcement Officers' Bill of Rights, I do not feel that Senate Bill 860 provides the correct solution. Under this legislation, police officers in different jurisdictions would be able to elect to be

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covered by the terms of the collective bargaining agreement in effect in that jurisdiction. The result would be an inconsistent application of the Law Enforcement Officers' Bill of Rights and a patchwork of supplemental protections under collective bargaining agreements.

I believe that any effort to clarify the interplay between the Law Enforcement Officers' Bill of Rights and collective bargaining agreements should fall on the side of the Law Enforcement Officers' Bill of Rights.

For this reason, I have today vetoed Senate Bill 860.

Sincerely,
William Donald Schaefer
Governor

Senate Bill No. 860

AN ACT concerning

Law Enforcement Officers' Bill of Rights -
Collective Bargaining Agreements

FOR the purpose of allowing an individual law enforcement officer to elect certain rights under a collective bargaining agreement as an alternative to rights provided by the Law Enforcement Officers' Bill of Rights; specifying that certain rights may not be diminished or abrogated by certain legislative action or by any collective bargaining agreement; specifying that certain rights may be supplemented or expanded by a collective bargaining agreement; specifying that this Act does not create collective bargaining rights unless specifically provided for by certain legislative action; and generally relating to waiver of the Law Enforcement Officers' Bill of Rights and to collective bargaining.

BY repealing and reenacting, with amendments,

Article 27 - Crimes and Punishments
Section 734B and 734D
Annotated Code of Maryland
(1982 Replacement Volume and 1986 Supplement)

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

Article 27 - Crimes and Punishments

WILLIAM DONALD SCHAEFER, Governor

734B.

Except for the administrative hearing process provided for in Article 41, § 4-201 concerning the certification enforcement power of the Police Training Commission, AND SUBJECT TO THE PROVISIONS OF § 734D OF THIS SUBTITLE, the provisions of this subtitle shall supercede any State, county or municipal law, ordinance, or regulation that conflicts with the provisions of this subtitle, and any local legislation shall be preempted by the subject and material of this subtitle.

734D.

(A) Any officer may waive in writing any-or all rights provided in this subtitle, AND MAY ELECT, IN THE ALTERNATIVE, A PROCEDURAL--OR--SUBSTANTIVE--RIGHT--OR--GUARANTEE THE PROCEDURAL OR SUBSTANTIVE RIGHTS OR GUARANTEES PROVIDED UNDER A COLLECTIVE BARGAINING AGREEMENT.

(B) (1) THE RIGHTS PROVIDED IN THIS SUBTITLE MAY NOT BE DIMINISHED OR ABROGATED BY ANY LAW, ORDINANCE, OR REGULATION OF A MUNICIPAL CORPORATION, COUNTY, OR BICOUNTY AGENCY, OR ~~THE--STATE,~~ OR BY ANY PROVISION OF ANY COLLECTIVE BARGAINING AGREEMENT.

(2) ALL RIGHTS PROVIDED IN THIS SUBTITLE MAY BE SUPPLEMENTED OR EXPANDED BY A LAW, ORDINANCE, OR REGULATION OF A MUNICIPAL CORPORATION, COUNTY, BICOUNTY AGENCY, OR THE STATE, OR BY ANY PROVISION OF A COLLECTIVE BARGAINING AGREEMENT.

(C) THIS SECTION MAY NOT BE CONSTRUED TO CREATE ANY RIGHT TO COLLECTIVELY BARGAIN IN ANY COUNTY OR ~~CITY~~ MUNICIPAL CORPORATION OF THE STATE UNLESS SPECIFICALLY PROVIDED FOR BY A LAW, ORDINANCE, OR REGULATION OF A MUNICIPAL CORPORATION, COUNTY, BICOUNTY AGENCY, OR THE STATE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1987.

The Honorable Thomas V. Mike Miller
President of the Senate
State House
Annapolis, Maryland 21404

June 2, 1987

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, I have today vetoed Senate Bill 895.

Exhibit B
**Senate Bill 227/
House Bill 1209**
1988

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(6) Information that relates to the inability of the principal to obtain adequate bonding on reasonable terms through normal channels;

(7) Information that relates to the financial status of the principal, including:

(i) A current balance sheet;

(ii) A profit and loss statement; and

(iii) Credit references;

(8) A schedule of all existing and pending contracts and the current status of each; and

(9) Any other relevant information that the Authority requests.

(c) After receipt of an application for assistance from the Maryland Small Business Surety Bond Guaranty Program, the Authority may determine that a principal shall provide an audited balance sheet before the Authority makes its decision on the application.

(D) IF A PRINCIPAL HAS EVER DEFAULTED ON ANY LOAN OR GUARANTY PROVIDED BY THE AUTHORITY, THE AUTHORITY MAY NOT APPROVE A GUARANTY UNDER THIS PART VI.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1988.

May 27, 1988

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, Maryland 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, I have today vetoed Senate Bill 227.

This bill is very similar to Senate Bill 860 of 1987, which I vetoed on June 2, 1987.

WILLIAM DONALD SCHAEFER, Governor

The Law Enforcement Officers' Bill of Rights (LEOBR) establishes a uniform system of police discipline throughout the State. As I noted last year, the intent in enacting the LEOBR was to secure for law enforcement officers minimum guarantees of procedural and substantive due process. Although most major jurisdictions now have collective bargaining with their officers, at the time of the enactment of the Bill of Rights, few, if any, police officers had such a status.

Most observers agree that the LEOBR has served its purpose well. The rights of law enforcement officers are clearly defined and, as noted above, are uniform throughout Maryland. The uniformity of the system enhances its effectiveness and the public's confidence in law enforcement. Senate Bill 227 would erode the uniformity of the system by allowing police officers in different jurisdictions to elect to be covered by the terms of the collective bargaining agreement in effect in that jurisdiction. The result would be, as stated in my letter last year, "an inconsistent application of the Law Enforcement Officers' Bill of Rights and a patchwork of supplemental protections under collective bargaining agreements." In addition, these protections could be altered on a yearly basis as various collective bargaining agreements were renegotiated.

In one respect, SB 227 is more problematical than SB 860 of 1987. The legislation last year would have required the officer, in making the election, to choose either the LEOBR or the rights and guarantees of a collective bargaining agreement. SB 227 would allow the officer to waive "any or all rights" provided by the LEOBR in comparing those provisions with the protections of a collective bargaining agreement. Being thus allowed to pick and choose among the various protections of the LEOBR, the resulting confusion and inconsistency could be very damaging.

I am aware of arguments that the legislation only clarifies procedural conflicts between the LEOBR and collective bargaining agreements. However, the actual language of the bill and the concerned arguments of those requesting a veto have convinced me to be cautious. I continue to believe that great weight should be given to the Law Enforcement Officers' Bill of Rights in any interplay between it and collective bargaining agreements.

For these reasons, I have today vetoed SB 227.

Sincerely,
William Donald Schaefer
Governor

Senate Bill No. 227

VETOES

AN ACT concerning

Law Enforcement Officers' Bill of Rights -
Election of Procedures

FOR the purpose of allowing an individual law enforcement officer to elect certain rights under a collective bargaining agreement as an alternative to rights provided by the Law Enforcement Officers' Bill of Rights; specifying that certain rights may not be diminished or abrogated by certain legislative action or by any collective bargaining agreement; specifying that certain rights may be supplemented or expanded by certain legislative action or by a collective bargaining agreement; specifying that this Act does not create collective bargaining rights unless specifically provided for by certain legislative action; and generally relating to waiver of the Law Enforcement Officers' Bill of Rights and to collective bargaining.

BY repealing and reenacting, with amendments,

Article 27 - Crimes and Punishments
Section 734B and 734D
Annotated Code of Maryland
(1982 Replacement Volume and 1987 Supplement)

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

Article 27 - Crimes and Punishments

734B.

Except for the administrative hearing process provided for in Article 41, § 4-201 concerning the certification enforcement power of the Police Training Commission, AND SUBJECT TO THE PROVISIONS OF § 734D OF THIS SUBTITLE, the provisions of this subtitle shall supersede any State, county or municipal law, ordinance, or regulation that conflicts with the provisions of this subtitle, and any local legislation shall be preempted by the subject and material of this subtitle.

734D.

(A) Any officer may waive in writing any or all rights provided in this subtitle, AND MAY ELECT, IN THE ALTERNATIVE, THE PROCEDURAL OR SUBSTANTIVE RIGHTS OR GUARANTEES PROVIDED UNDER A COLLECTIVE BARGAINING AGREEMENT.

(B) (1) THE RIGHTS PROVIDED IN THIS SUBTITLE MAY NOT BE DIMINISHED OR ABROGATED BY ANY LAW, ORDINANCE, OR REGULATION OF A

WILLIAM DONALD SCHAEFER, Governor

MUNICIPAL CORPORATION, COUNTY, OR BICOUNTY AGENCY, OR BY ANY PROVISION OF ANY COLLECTIVE BARGAINING AGREEMENT.

(2) ALL RIGHTS PROVIDED IN THIS SUBTITLE MAY BE SUPPLEMENTED OR EXPANDED BY A LAW, ORDINANCE, OR REGULATION OF A MUNICIPAL CORPORATION, COUNTY, OR BICOUNTY AGENCY, OR THE STATE, OR BY ANY PROVISION OF ANY COLLECTIVE BARGAINING AGREEMENT.

(C) THIS SECTION MAY NOT BE CONSTRUED TO CREATE ANY RIGHT TO COLLECTIVELY BARGAIN IN ANY MUNICIPAL CORPORATION, COUNTY, OR BICOUNTY AGENCY, OR THE STATE, UNLESS SPECIFICALLY PROVIDED FOR BY A LAW, ORDINANCE, OR REGULATION OF A MUNICIPAL CORPORATION, COUNTY, BICOUNTY AGENCY, OR THE STATE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1988.

May 27, 1988

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, Maryland 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, I have today vetoed Senate Bill 247.

This bill alters the number of judges in the Circuit Courts and District Court of the State.

House Bill 895, which was passed by the General Assembly and signed by me on May 17, 1988, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 247.

Sincerely,
William Donald Schaefer
Governor

Senate Bill No. 247

AN ACT concerning

Judgeships - Circuit and District Courts

Exhibit C
**Senate Bill 91/
House Bill 687**
1989



SENATE JUDICIAL PROCEEDINGS COMMITTEE
WALTER M. BAKER, CHAIRMAN * COMMITTEE REPORT SYSTEM
Department of Legislative Reference . 1989 General Assembly of Maryland

FLOOR REPORT

HOUSE BILL 687

LAW ENFORCEMENT OFFICERS' BILL OF RIGHTS - ELECTION OF PROCEDURES

SPONSORS:

Delegates Chasnoff, Boergers, Donaldson, Weisengoff, Connelly, Shapiro, DePazzo, Hughes, Genn, and McCaffrey

COMMITTEE RECOMMENDATION: Favorable with 2 amendments.

SUMMARY OF BILL:

This bill permits a law enforcement officer against whom a complaint has been filed to choose between the method for forming a hearing board established by the Law Enforcement Officers' Bill of Rights (LEOBR) and the method for forming a hearing board set forth in a collective bargaining agreement. The officer may choose the alternative method provided in a collective bargaining agreement only if the officer is included in the collective bargaining unit.

The bill requires that the law enforcement agency inform all law enforcement officers in writing of the right to choose between the method for hearing board formation set forth in a collective bargaining agreement and the method established by § 727(a) of Article 27.

The bill prohibits the use of an alternative method for hearing board formation if the officer receives summary punishment under § 734A of Article 27.

The decision by the alternate hearing board, both to findings of fact and punishment, is final if the collective bargaining agreement specifies that it is final. The provisions of the law may not be the subject of binding arbitration.

COMMITTEE AMENDMENTS:

The Committee adopted this bill with 2 amendments.

AMENDMENT NO. 1:

This amendment adds a preamble to the bill to conform it to Senate Bill 91 as passed by the Senate.

AMENDMENT NO. 2:

This amendment makes a technical change to the bill.

BACKGROUND:

Current law provides, with the exception of hearings for officers subject to summary punishment, that a hearing board shall consist of not less than 3 members, to be

appointed by the agency chief and selected from law enforcement officers within the agency, or from another agency with the approval of the chief of the other agency, who have had no part in the investigation or interrogation of the law enforcement officer.

In 1988, a similar bill was introduced as Senate Bill 227. This bill passed both the House and Senate, but was vetoed by the Governor. Senate Bill 227 authorized law enforcement officers to waive any or all of the rights under the LEOBR and to elect, in the alternative, any of the procedural or substantive rights or guarantees under a collective bargaining agreement. The Governor vetoed Senate Bill 227 on the grounds that it would erode the uniformity that the LEOBR gives to the system of police discipline throughout the State. The Governor stressed that Senate Bill 227 was particularly objectionable because it allowed a law enforcement officer to pick and choose between any of the provisions of the LEOBR and any of the provisions of a collective bargaining agreement. Senate Bill 91 addresses this objection because it applies solely to one aspect of the LEOBR, the method by which a hearing board is formed, and does not permit an officer to "pick and choose" between other provisions of the LEOBR and a collective bargaining agreement. According to testimony, this bill represents a compromise effort of a task force set up by the Governor after his 1988 veto. The Governor's Office has issued a statement endorsing this bill because it applies only where a collective bargaining agreement provides for an alternative method of constituting a hearing board and only on the election of an officer.

This bill was crossfiled as Senate Bill 91. Senate Bill 91 was reported favorable by the Judicial Proceedings Committee, and was passed with amendments by the House. House Bill 687 was amended to make the provisions of the bill not subject to binding arbitration.

KMB/eh

Conforms to

SB 91

*See p. 2 for
explanation*



SENATE JUDICIAL PROCEEDINGS COMMITTEE
WALTER M. BAKER, CHAIRMAN * COMMITTEE REPORT SYSTEM
Department of Legislative Reference . 1989 General Assembly of Maryland

BILL ANALYSIS

HOUSE BILL 687

LAW ENFORCEMENT OFFICERS' BILL OF RIGHTS - ELECTION OF PROCEDURES

SPONSORS:

Delegates Chasnoff, Boergers, Donaldson, Weisengoff, Connelly, Shapiro, DePazzo, Hughes, Genn, and McCaffrey

SUMMARY OF BILL:

This bill permits a law enforcement officer against whom a complaint has been filed to choose between the method for forming a hearing board established by the Law Enforcement Officers' Bill of Rights (LEOBR) and the method for forming a hearing board set forth in a collective bargaining agreement. The officer may choose the alternative method provided in a collective bargaining agreement only if the officer is included in the collective bargaining unit.

The bill requires that the law enforcement agency inform all law enforcement officers in writing of the right to choose between the method for hearing board formation set forth in a collective bargaining agreement and the method established by § 727(a) of Article 27.

The bill prohibits the use of an alternative method for hearing board formation if the officer receives summary punishment under § 734A of Article 27.

The decision by the alternate hearing board, both to findings of fact and punishment, is final if the collective bargaining agreement specifies that it is final. The provisions of the law may not be the subject of binding arbitration.

BACKGROUND:

Current law provides, with the exception of hearings for officers subject to summary punishment, that a hearing board shall consist of not less than 3 members, to be appointed by the agency chief and selected from law enforcement officers within the agency, or from another agency with the approval of the chief of the other agency, who have had no part in the investigation or interrogation of the law enforcement officer.

In 1988, a similar bill was introduced as Senate Bill 227. This bill passed both the House and Senate, but was vetoed by the Governor. Senate Bill 227 authorized law enforcement officers to waive any or all of the rights under the LEOBR and to elect, in the alternative, any of the procedural or substantive rights or guarantees under a collective bargaining agreement. The Governor vetoed Senate Bill 227 on the grounds that it would erode the uniformity that the LEOBR gives to the system of police discipline throughout the State. The Governor stressed that Senate Bill 227 was particularly objectionable because it allowed a law enforcement officer to pick and choose between any of the provisions of the LEOBR and any of the provisions of a collective bargaining agreement. Senate Bill 91 addresses this objection because it applies solely to one aspect of the LEOBR, the method by which a hearing board is formed, and does not permit

an officer to "pick and choose" between other provisions of the LEOBR and a collective bargaining agreement. According to testimony, this bill represents a compromise effort of a task force set up by the Governor after his 1988 veto. The Governor's Office has issued a statement endorsing this bill because it applies only where a collective bargaining agreement provides for an alternative method of constituting a hearing board and only on the election of an officer.

Ten witnesses testified in support of this bill.

This bill has been crossfiled as Senate Bill 91. The House bill was amended to make the provisions of the bill not subject to binding arbitration.

KMB/sb