

**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.

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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.

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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 895.