
By: Senator Colburn

Requested: October 18, 1996

Introduced and read first time: January 8, 1997

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **State Employees - Collective Bargaining - Authority of Governor**

3 FOR the purpose of prohibiting the Governor, by executive order or otherwise, from
4 authorizing or directing certain employees to engage in binding or nonbinding
5 collective bargaining, the grouping of certain employees into bargaining units, or the
6 certification of an employee organization as the exclusive bargaining representative
7 of members of a bargaining unit; altering a certain definition; and providing for the
8 application of this Act.

9 BY repealing and reenacting, with amendments,
10 Article - State Government
11 Section 3-302 and 3-401
12 Annotated Code of Maryland
13 (1995 Replacement Volume and 1996 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 Government**

17 3-302.

18 (A) The Governor is the head of the Executive Branch of the State government
19 and, except as otherwise provided by law, shall supervise and direct the officers and units
20 in that Branch.

21 (B) THE GOVERNOR, BY EXECUTIVE ORDER OR OTHERWISE, MAY NOT
22 AUTHORIZE OR DIRECT:

23 (1) EMPLOYEES IN THE EXECUTIVE BRANCH OF STATE GOVERNMENT
24 TO ENGAGE IN BINDING OR NONBINDING COLLECTIVE BARGAINING;

25 (2) THE GROUPING OF EXECUTIVE BRANCH EMPLOYEES INTO
26 BARGAINING UNITS; OR

27 (3) THE CERTIFICATION OF AN EMPLOYEE ORGANIZATION AS THE
28 EXCLUSIVE BARGAINING REPRESENTATIVE OF MEMBERS OF A BARGAINING UNIT.

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1 3-401.

2 In this subtitle, "executive order" means an order or an amendment or rescission of
3 an order that, over the signature of the Governor:

4 (1) proclaims or ends a state of emergency or exercises the authority of the
5 Governor during the emergency, under Article 41, § 2-101 of the Code;

6 (2) adopts guidelines, rules of conduct, or rules of procedure, EXCEPT
7 GUIDELINES, RULES OF CONDUCT, OR RULES OF PROCEDURE RELATING TO
8 BINDING OR NONBINDING COLLECTIVE BARGAINING, for:

9 (i) State employees;

10 (ii) units of the State government; or

11 (iii) persons who are under the jurisdiction of those employees or units
12 or who deal with them;

13 (3) establishes a unit, including an advisory unit, study unit, or task force; or

14 (4) changes the organization of the Executive Branch of the State
15 government.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed
17 retroactively and shall be applied to and interpreted to affect all executive orders issued
18 on or after May 24, 1996, including Executive Order 01.01.1996.13.

19 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 June 1, 1997.