

HOUSE BILL 863

P4, F2

(3lr0158)

ENROLLED BILL

— Appropriations/Finance —

Introduced by **The Speaker (By Request – Administration) and Delegates Anderson, Barkley, Barnes, Barve, Bobo, Braveboy, Clagett, Clippinger, Cullison, DeBoy, Feldman, Frick, Frush, Gaines, Glenn, Gutierrez, Guzzone, Haynes, Healey, Hixson, Holmes, Howard, Hubbard, Hucker, Ivey, Jameson, Jones, Kaiser, Kramer, Lafferty, Luedtke, Malone, McHale, McIntosh, A. Miller, Mizeur, Pena–Melnik, Pendergrass, Proctor, Reznik, B. Robinson, Stein, F. Turner, V. Turner, Valderrama, A. Washington, M. Washington, and Zucker**

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.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Higher Education Fair Share Act**

3 FOR the purpose of altering the matters of negotiation that may be included in
4 collective bargaining between an employee organization and certain system
5 institutions, Morgan State University, St. Mary's College of Maryland, or
6 Baltimore City Community College; ~~requiring that written proof of employee~~
7 ~~payments to certain charitable organizations be furnished to the president of a~~
8 ~~certain institution or the president's~~ *employees of certain institutions of higher*

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 education to furnish written proof of certain payments to the President of the
 2 institution or the President's designee; and generally relating to collective
 3 bargaining for employees of certain State institutions of higher education.

4 BY repealing and reenacting, with amendments,
 5 Article – State Personnel and Pensions
 6 Section 3–502
 7 Annotated Code of Maryland
 8 (2009 Replacement Volume and 2012 Supplement)

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

11 **Article – State Personnel and Pensions**

12 3–502.

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

15 (b) (1) [Except as provided in paragraph (3) of this subsection, collective]
 16 **COLLECTIVE** bargaining may include negotiations relating to the right of an
 17 employee organization to receive service fees from nonmembers.

18 (2) An employee whose religious beliefs are opposed to joining or
 19 financially supporting any collective bargaining organization is:

20 (i) not required to pay a service fee; and

21 (ii) required to pay an amount of money as determined in
 22 collective bargaining negotiations, not to exceed any service fee negotiated under
 23 paragraph (1) of this subsection, to any charitable organization exempt from taxation
 24 under § 501(c)(3) of the Internal Revenue Code and to furnish **WRITTEN PROOF OF**
 25 **THE PAYMENT** to:

26 **1. A.** the Department ~~OR;~~ **OR**

27 **B. IN THE CASE OF AN EMPLOYEE OF AN**
 28 **INSTITUTION LISTED OF HIGHER EDUCATION SPECIFIED IN § 3–102(A)(1)(V) OF**
 29 **THIS TITLE, THE ~~PRESIDENT~~ PRESIDENT OF THE INSTITUTION OR THE**
 30 **~~PRESIDENT'S~~ PRESIDENT'S DESIGNEE;** and

31 **2.** the exclusive representative ~~written proof of such~~
 32 ~~payment.~~

1 [(3) Collective bargaining between an employee organization and a
2 system institution, Morgan State University, St. Mary's College of Maryland, or
3 Baltimore City Community College may not include negotiations relating to the right
4 of an employee organization to receive service fees from nonmembers.]

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

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

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

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2013.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.