

# HOUSE BILL 863

P4, F2

3lr0158  
CF SB 841

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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–Melnyk, Pendergrass, Proctor, Reznik, B. Robinson, Stein, F. Turner, V. Turner, Valderrama, A. Washington, M. Washington, and Zucker**

Introduced and read first time: February 7, 2013

Assigned to: Appropriations

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 18, 2013

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## 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 designee; and generally relating to  
9 collective bargaining for employees of certain State institutions of higher  
10 education.

11 BY repealing and reenacting, with amendments,  
12 Article – State Personnel and Pensions  
13 Section 3–502  
14 Annotated Code of Maryland  
15 (2009 Replacement Volume and 2012 Supplement)

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### 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.



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

3 **Article – State Personnel and Pensions**

4 3–502.

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

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

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

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

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

18 **1.** the Department **OR, IN THE CASE OF AN EMPLOYEE**  
19 **OF AN INSTITUTION LISTED IN § 3–102(A)(1)(V) OF THIS TITLE, THE PRESIDENT**  
20 **OF THE INSTITUTION OR THE PRESIDENT’S DESIGNEE;** and

21 **2.** the exclusive representative ~~written proof of such~~  
22 ~~payment.~~

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

27 (c) Notwithstanding subsection (a) of this section, the representatives of the  
28 State, a system institution, Morgan State University, St. Mary’s College of Maryland,  
29 and Baltimore City Community College:

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

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

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

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.