

SENATE BILL 841

P4, F2

3lr0157
CF HB 863

By: **The President (By Request – Administration) and Senators Benson, Conway, Currie, Garagiola, Kelley, King, Klausmeier, Madaleno, Manno, McFadden, Middleton, Montgomery, Muse, Pinsky, Pugh, Ramirez, and Stone**

Introduced and read first time: February 6, 2013

Assigned to: Rules

Re-referred to: Finance, February 14, 2013

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 15, 2013

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 employees of certain institutions
7 of higher education to furnish written proof of certain payments to the
8 President of the institution or the President's designee; and generally relating
9 to 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)

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

18 **Article – State Personnel and Pensions**

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 3-502.

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

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

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

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

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

15 **1. A.** the Department ~~and~~; **OR**

16 **B. IN THE CASE OF AN EMPLOYEE OF AN**
17 **INSTITUTION OF HIGHER EDUCATION SPECIFIED IN § 3-102(A)(1)(V) OF THIS**
18 **TITLE, THE PRESIDENT OF THE INSTITUTION OR THE PRESIDENT'S DESIGNEE;**
19 **AND**

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

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

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

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

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.