

HB0002/894261/1

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 2
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, insert “EMERGENCY BILL”; in line 3, after the first “of” insert “altering the type of membership position the Executive Director of the Maryland Environmental Service holds on the Board of Directors of the Maryland Environmental Service from being a voting member to being a nonvoting member;”; in the same line, strike “Director and”; in lines 3 and 4, strike “Maryland Environmental”; in lines 4 and 5, strike “of Directors of the Maryland Environmental Service”; in line 8, strike the second “and” and substitute a comma; in the same line, after “membership” insert “, and qualifications”; in line 10, after the first “the” insert “Executive Director and”; in line 11, after “Board;” insert “requiring the Executive Director to present certain expense information at each regular meeting of the Board;”; strike beginning with “altering” in line 13 down through “Board;” in line 14; in line 15, after “members;” insert “requiring the voting members of the Board to establish certain criteria and procedures for evaluating the Executive Director in a certain manner and to publish the criteria and procedures on the Service’s website;”; in line 18, after “on” insert “certain”; in the same line, after “amount;” insert “requiring the Service to notify the Board of a certain expenditure; altering certain requirements for submitting a certain budget of the Service to the Department of Budget and Management;”; in line 19, after “law” insert “and that includes certain procedures for the redress of certain discipline or discharge; requiring the Service to take certain actions for certain open positions in the Service”; in line 21, after “law;” insert “requiring the Board to adopt, on or before a certain date, a certain conflict of interest policy for members of the Board and to send the conflict of interest policy to the President of the Senate and the Speaker of the House under certain circumstances;”; and in line 25, after “the” insert “Executive”.

On page 2, in line 2, after the first “the” insert “Executive”; in line 9, after “Act;” insert “requiring the Board to obtain a certain assessment of the Board’s operations on

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or before certain dates; requiring the Board to review a certain assessment and make certain changes or recommendations; requiring the Board to submit a certain assessment to the Governor and the General Assembly; requiring the Service to post a copy of a certain assessment on the Service’s website in a certain manner;”; in line 10, after “exceptions;” insert “requiring the Service to obtain a certain audit to be reviewed by the Board in a certain manner; requiring the Service to provide a copy of a certain audit and certain information to the Department of Budget and Management; requiring the Board to post a certain audit on the Service’s website in a certain manner;”; in line 11, after “Service;” insert “authorizing the State Labor Relations Board to designate a certain number of bargaining units for certain employees; requiring and authorizing the Service to take certain actions related to the provision of certain employee information under certain circumstances and certain new employee programs; requiring the Board to participate as a party in certain bargaining under certain circumstances; requiring a certain memorandum of understanding to be executed by the Board; requiring a certain employee to provide certain proof to the Board under certain circumstances; prohibiting a certain employee from being required to negotiate over a certain matter; authorizing a certain employee to negotiate and reach an agreement on a certain matter under certain circumstances; requiring a certain memorandum of understanding to be ratified by the Board and a certain majority; authorizing an exclusive representative to file a certain action against the Service; repealing the definition of “Director” and replacing it with the definition of “Executive Director”; altering a certain definition;”; in line 12, after “members;” insert “requiring the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, to correct any cross-references or terminology rendered incorrect by this Act and to describe any corrections made in an editor’s note following the section affected; making this Act an emergency measure;”; in the same line, after “technical” insert “, stylistic;”; in line 16, strike the first comma and substitute “and”; in the same line, strike “, and (f)”; after line 18, insert:

“BY repealing
Article - Natural Resources
Section 3–101(f)

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Annotated Code of Maryland
(2018 Replacement Volume and 2020 Supplement)”;

in line 21, after “Section” insert “3–101(g) and (p).”; in the same line, strike “(c)(8), and” and substitute “(c)(4) and (8), 3–106(a) and (b).”; in the same line, after “3–107” insert “3–109(c)(3), and 3–126(d)”; in line 26, after “Section” insert “3–101(g) and”; in the same line, after “3–103.3” insert “through 3–103.5”; after line 28, insert:

“BY repealing and reenacting, without amendments,
Article - State Personnel and Pensions
Section 3–101(a) and 3–208(b)
Annotated Code of Maryland
(2015 Replacement Volume and 2020 Supplement)”;

in line 31, after “Section” insert “3–101(b).”; in the same line, after “3–102(a)” insert “3–205(a) and (c), 3–208(a), (c), and (d), 3–307, 3–405(a), 3–501(a) and (d), 3–502(b) and (c), 3–601, and 3–603(c)”; and after line 33, insert:

“BY adding to
Article - State Personnel and Pensions
Section 3–205(d)
Annotated Code of Maryland
(2015 Replacement Volume and 2020 Supplement)”.

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On page 3, strike line 2 in its entirety; after line 2, insert:

“~~(g)~~ (F) “Energy project” means any service, facility, system, or property, real or personal, used, useful, or having present capacity for use in connection with:

- (1) Energy conservation; or

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(2) The production, generation, or distribution of energy from a renewable or other energy source.

(G) “EXECUTIVE DIRECTOR” MEANS THE EXECUTIVE DIRECTOR OF THE MARYLAND ENVIRONMENTAL SERVICE.

(p) “Service region” means a geographic area which the Maryland Environmental Service designates and within which the EXECUTIVE Director, after consultation with the municipalities affected, causes surveys, plans, studies, and estimates to be made for the purpose of determining the most dependable, effective, and efficient means of providing services through water supply projects, solid waste disposal projects, or wastewater purification projects. Service regions shall be based upon needs set forth in approved State–county master water and sewerage plans, or solid waste disposal plans, if any, adopted pursuant to the Environment Article, but they may also take account of other plans and studies.”;

in line 10, strike “A Director” and substitute “**AN EXECUTIVE DIRECTOR**”; in line 23, after the first “the” insert “**EXECUTIVE**”; and in line 26, after the second “the” insert “**EXECUTIVE**”.

On page 3 in lines 16 and 19, and on page 5 in line 13, in each instance, after “The” insert “**EXECUTIVE**”.

On page 4, in line 2, after “BE” insert “**REASONABLY**”; in line 5, strike “SEVEN” and substitute “**THE FOLLOWING**”; in the same line, strike “as follows”; in line 6, strike the bracket; in the same line, after “The” insert “**EXECUTIVE**”; strike beginning with “Deputy” in line 6 down through the bracket in line 7 and substitute “**WHO SHALL SERVE AS A NONVOTING MEMBER;**”

(II)”;

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in line 7, after “**TREASURER**” insert “, **OR THE STATE TREASURER’S DESIGNEE**”; in lines 8 and 10, strike “(ii)” and “(iii)”, respectively, and substitute “**(III)**” and “**(IV)**”, respectively; in line 9, after “for” insert “**ENVIRONMENTAL,**”; in the same line, strike “and”; in line 10, strike “**THREE**”; in the same line, strike “members” and substitute “**ONE MEMBER**”; in line 11, after “to” insert “**ENVIRONMENTAL,**”; in line 12, after “management” insert “;

(V) ONE MEMBER FROM THE PRIVATE SECTOR IN THE STATE WITH FINANCIAL EXPERIENCE RELATED TO ENVIRONMENTAL, WATER, WASTEWATER, OR SOLID WASTE MANAGEMENT; AND

(VI) ONE MEMBER FROM THE PRIVATE SECTOR IN THE STATE WITH EXPERIENCE OR EXPERTISE IN MATTERS RELATED TO BUSINESS ETHICS, PREFERABLY INVOLVING BOARD OF DIRECTOR ETHICS AND CONFLICTS OF INTEREST”;

in line 13, strike “**AND (III)**” and substitute “, **(III), AND (IV)**”; in line 15, strike “**(3)(II)** and (iii)” and substitute “**(3)(III) THROUGH (VI)**”; after line 22, insert:

“(IV) AT LEAST ONE OF THE PUBLIC SECTOR OR PRIVATE SECTOR MEMBERS SHALL BE A RESIDENT OF A RURAL COUNTY IN THE STATE.”;

in line 25, strike the brackets; and in the same line, strike “**FOUR**”.

On page 5, in line 9, strike “**THE**” and substitute “**A MEMBER OF THE BOARD WHO IS APPOINTED UNDER PARAGRAPH (3)(III) THROUGH (VI) OF THIS SUBSECTION MAY SERVE ONLY TWO CONSECUTIVE FULL 4-YEAR TERMS, PLUS ANY PARTIAL TERM SERVED BEFORE THE INITIAL 4-YEAR TERM.**”

(Over)

(12) SUBJECT TO PARAGRAPHS (13) AND (14) OF THIS SUBSECTION, THE”;

in line 11, strike “(12)” and substitute “(13) THE EXECUTIVE DIRECTOR MAY NOT SERVE AS THE SECRETARY, TREASURER, OR CHAIR OF THE BOARD.”

(14)”;

in line 19, after the semicolon insert:

“(IV) SHALL, AT EACH REGULAR MEETING OF THE BOARD, PRESENT A DETAILED AND ITEMIZED ACCOUNTING AND EXPLANATION OF ALL EXPENSES INCURRED BY OR ON BEHALF OF THE EXECUTIVE DIRECTOR AND THE DEPUTY DIRECTOR THAT, IN THE AGGREGATE AND CALCULATED FROM THE DATE OF THE PREVIOUS REGULAR MEETING THROUGH THE DAY BEFORE THE DATE OF THE REGULAR MEETING AT WHICH THE EXPENSES WILL BE PRESENTED, EXCEED \$500;”;

in line 20, strike “(IV)” and substitute “(V)”; in line 23, after “(2)” insert “THE VOTING MEMBERS OF THE BOARD SHALL:”

(I) ESTABLISH THE CRITERIA AND PROCEDURES FOR EVALUATING THE EXECUTIVE DIRECTOR;

(II) PUBLISH THE CRITERIA AND PROCEDURES ESTABLISHED UNDER ITEM (I) OF THIS PARAGRAPH ON THE SERVICE’S WEBSITE;
AND

(III) ANNUALLY EVALUATE THE EXECUTIVE DIRECTOR IN ACCORDANCE WITH THE CRITERIA AND PROCEDURES ESTABLISHED UNDER ITEM (I) OF THIS PARAGRAPH.

(3);

and in line 24, after “the” insert “**EXECUTIVE**”.

On page 7, in lines 20 and 28, in each instance, after the first “the” insert “**EXECUTIVE**”.

On page 8, in line 19, after “(4)” insert “**(I)**”; in the same line, after “ANY” insert “**NONEMERGENCY**”; in line 20, strike “**\$25,000**” and substitute “**\$200,000**”; and after line 20, insert:

“(II) THE SERVICE SHALL NOTIFY THE BOARD OF ANY NONEMERGENCY EXPENDITURE THAT EXCEEDS \$25,000.”

On page 9, in line 32, strike “The” and substitute “**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE**”; in the same line, after “a” insert “**FULL AND DETAILED**”; and after line 34, insert:

“(2) THE BUDGET SUBMITTED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL:

(I) BE SUBMITTED IN A MANNER REQUIRED BY THE DEPARTMENT OF BUDGET AND MANAGEMENT; AND

(II) SPECIFY THE SOURCE OF THE SERVICE’S REVENUES IN A MANNER REQUIRED BY THE DEPARTMENT OF BUDGET AND MANAGEMENT.”

(Over)

On page 10, in line 10, after “promotion,” insert “DISCIPLINE OR DISCHARGE FOR JUST CAUSE,”; after line 20, insert:

“(4) FOR EACH OPEN POSITION IN THE SERVICE THAT IS NOT ASSIGNED TO A PROJECT, THE SERVICE SHALL REASONABLY ADVERTISE, CONDUCT A SEARCH, AND CONDUCT A COMPETITIVE INTERVIEW PROCESS.”;

in line 21, strike “(4)” and substitute “**(5)**”; after line 28, insert:

“(c) (4) The EXECUTIVE Director and the Secretary of Personnel will use their combined resources to facilitate, prior to January 1, 1995, the placement, reassignment, or transfer of Service State employees who elect not to transfer to the new personnel system.”;

and in line 29, strike “(c)”.

On page 11, after line 4, insert:

“(A) ON OR BEFORE OCTOBER 31, 2021, THE BOARD SHALL ADOPT A CONFLICT OF INTEREST POLICY FOR MEMBERS OF THE BOARD THAT INCLUDES:

(1) STANDARDS FOR THE DISCLOSURE OF FINANCIAL INTERESTS;

(2) STANDARDS FOR BOARD MEMBER PARTICIPATION IN CONTRACTS WITH THE SERVICE IN ACCORDANCE WITH THIS SUBTITLE, INCLUDING AN ATTESTATION THAT THE BOARD MEMBER HAS COMPLIED WITH THE CONFLICT OF INTEREST STANDARDS ADOPTED BY THE BOARD;

(3) STANDARDS FOR RECUSAL FROM VOTING;

(4) A REQUIREMENT THAT A BOARD MEMBER MAY NOT USE THE BOARD MEMBER'S POSITION ON THE BOARD FOR PERSONAL GAIN WHEN CONTRACTING WITH THE SERVICE; AND

(5) A REQUIREMENT THAT A BOARD MEMBER PROVIDE AN ATTESTATION OF ANY BUSINESS RELATIONSHIP WITH THE SERVICE.

(B) THE BOARD SHALL SEND A COPY OF THE CONFLICT OF INTEREST POLICY ADOPTED UNDER SUBSECTION (A) OF THIS SECTION TO THE GOVERNOR, THE PRESIDENT OF THE SENATE, AND THE SPEAKER OF THE HOUSE:

(1) AFTER THE POLICY IS INITIALLY ADOPTED; AND

(2) EACH TIME A SUBSTANTIVE CHANGE IS MADE TO THE POLICY.

3-103.4.;

strike beginning with "WHO" in line 9 down through "GOVERNMENT" in line 10 and substitute "**IF THE EXECUTIVE ACCEPTS ANOTHER POSITION IN THE STATE GOVERNMENT WITHIN 1 YEAR AFTER THE DATE ON WHICH THE EXECUTIVE'S EMPLOYMENT WITH THE SERVICE IS TERMINATED**"; and in line 15, after "THE" insert "**EXECUTIVE**".

On page 12, in line 22, after the first "THE" insert "**EXECUTIVE**".

On page 14, after line 2, insert:

"3-103.5.

(Over)

(A) ON OR BEFORE DECEMBER 31, 2021, AND EACH DECEMBER 31 EVERY 5 YEARS THEREAFTER, THE BOARD SHALL OBTAIN AN ASSESSMENT OF THE BOARD'S OPERATIONS BY AN INDEPENDENT CONSULTANT OR ACCOUNTANT.

(B) THE ASSESSMENT REQUIRED UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE AN EVALUATION OF:

(1) THE STRUCTURE OF THE BOARD, INCLUDING THE BOARD'S:

(I) COMPOSITION;

(II) CHARTER, BYLAWS, AND OTHER GOVERNING DOCUMENTS AND PROCEDURES;

(III) DIVERSITY;

(IV) SUBCOMMITTEES OR WORKGROUPS; AND

(V) FREQUENCY OF MEETINGS;

(2) THE DYNAMICS AND FUNCTIONING OF THE BOARD, INCLUDING:

(I) THE BOARD'S ANNUAL CALENDAR;

(II) ACCESS TO INFORMATION;

(III) COMMUNICATION WITH SERVICE PERSONNEL;

(IV) PLANNING; AND

(v) COHESIVENESS AND CONDUCT OF BOARD MEETINGS;

(3) THE BOARD'S ROLE IN THE SERVICE'S SHORT-TERM AND LONG-TERM STRATEGY;

(4) THE FINANCIAL REPORTING PROCESS, INTERNAL AUDIT, AND INTERNAL CONTROLS;

(5) THE BOARD'S ROLE IN MONITORING THE SERVICE'S POLICIES, STRATEGIES, AND SYSTEMS;

(6) THE BOARD'S ROLE IN SUPPORTING AND ADVISING THE SERVICE;

(7) THE ROLE OF THE CHAIR OF THE BOARD; AND

(8) ANY OTHER ISSUE RELEVANT TO THE BOARD'S OPERATIONS.

(c) THE BOARD SHALL:

(1) REVIEW EACH ASSESSMENT REQUIRED UNDER THIS SECTION AT A MEETING OF THE BOARD; AND

(2) MAKE ANY CHANGES OR RECOMMENDATIONS THAT THE BOARD CONSIDERS APPROPRIATE BASED ON THE ASSESSMENT.

(d) (1) THE BOARD SHALL SUBMIT EACH ASSESSMENT REQUIRED UNDER THIS SECTION TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.

(Over)

(2) THE SERVICE SHALL POST A COPY OF EACH ASSESSMENT ON THE SERVICE’S WEBSITE, INCLUDING A LINK TO A COPY OF THE MOST RECENT ASSESSMENT ON THE HOMEPAGE OF THE WEBSITE.

3-106.

(a) The EXECUTIVE Director, after consultation with the Secretary of Natural Resources, the Secretary of the Environment, the Director of Planning, and the municipalities affected, shall determine appropriate boundaries for water supply service regions, wastewater purification service regions, and solid waste disposal service regions. Service regions shall be based upon needs set forth in, and provide integration of, approved State-county master plans for water and sewerage or solid waste disposal, adopted pursuant to the Environment Article, but also may take account of other plans and studies.

(b) As soon as possible after the determination of appropriate boundaries, the EXECUTIVE Director, after consultation with the municipalities affected, shall establish priorities for designating water supply service regions, wastewater purification service regions, and solid waste disposal service regions and formally designate the regions.”.

On page 15, in line 21, strike “**REQUESTED**” and substitute “:

(I) REQUESTED”;

in line 22, after “**GOVERNMENT**” insert “**; OR**

(II) SERVICES TO THE FEDERAL GOVERNMENT”;

after line 22, insert:

“3-109.

(c) (3) (I) Funds to pay the Service for services rendered under this subsection shall be raised in the case of a municipality under Title 9 of the Environment Article.

(II) If the order is issued against a person, the Service shall bill the person for the full cost of services rendered.

(III) If payment is not made within 60 days, the costs become a lien against the sewerage system or refuse disposal works if it is recorded and indexed as provided in this subtitle, and the EXECUTIVE Director shall refer the matter to the Attorney General for collection.

3-126.

(d) (1) (I) 1. As soon as practical after the closing of the fiscal year, an audit shall be made of the financial books, records, and accounts of the Service.

2. The audit shall be made by independent certified public accountants, selected by the Service and licensed to practice in the State.

3. The accountants [may]:

A. MAY not have a personal interest either directly or indirectly in the fiscal affairs of the Service[. They shall]; AND

B. SHALL be experienced and qualified in the accounting and auditing of public bodies.

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4. The report of audit shall be prepared in accordance with generally accepted auditing principles and point out any irregularities found to exist.

5. A. The accountants shall report the results of their examination, including their unqualified opinion on the presentation of the financial position of the various funds and the results of the Service's financial operations.

B. If [they] THE ACCOUNTANTS are unable to express an unqualified opinion they shall state and explain in detail the reasons for their qualifications, disclaimer, or opinion including recommendations necessary to make possible future unqualified opinions.

(II) SUBJECT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH AND EITHER AS A SEPARATE PART OF THE AUDIT REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH OR AS AN INDIVIDUAL AUDIT, THE SERVICE SHALL OBTAIN AN AUDIT THAT FOCUSES ON UNAUTHORIZED SPENDING, MISALLOCATED EXPENSES, LACK OF CONFORMITY WITH STATE LAW OR BOARD POLICIES, AND OTHER ACCOUNTING ERRORS.

(2) THE BOARD SHALL REVIEW AN AUDIT PREPARED UNDER PARAGRAPH (1) OF THIS SUBSECTION AT A MEETING OF THE BOARD AND MAKE ANY CHANGES OR RECOMMENDATIONS THAT THE BOARD CONSIDERS APPROPRIATE BASED ON THE AUDIT.

(3) THE SERVICE SHALL:

(I) PROVIDE TO THE DEPARTMENT OF BUDGET AND MANAGEMENT:

1. A COPY OF AN AUDIT PREPARED UNDER PARAGRAPH (1) OF THIS SUBSECTION; AND

2. ANY CHANGES OR RECOMMENDATIONS OF THE BOARD BASED ON THE AUDIT; AND

(II) POST A COPY OF AN AUDIT PREPARED UNDER PARAGRAPH (1) OF THIS SUBSECTION ON THE SERVICE’S WEBSITE, INCLUDING A LINK ON THE HOMEPAGE OF THE WEBSITE TO A COPY OF THE MOST RECENT AUDIT.”;

and after line 23, insert:

“3-101.

(a) In this title the following words have the meanings indicated.

(b) “Board” means:

(1) with regard to any matter relating to employees of any of the units of State government described in § 3-102(a)(1)(i) through (iv) and (vi) through (x) of this subtitle and employees described in § 3-102(a)(2) AND (3) of this subtitle, the State Labor Relations Board; and

(2) with regard to any matter relating to employees of any State institution of higher education described in § 3-102(a)(1)(v) of this subtitle, the State Higher Education Labor Relations Board.”.

On page 16, after line 12, insert:

“3-205.

(Over)

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(a) The Board is responsible for administering and enforcing provisions of this title relating to employees described in § 3–102(a)(1)(i) through (iv) and (vi) through (x) [and], (2), AND (3) of this title.

(c) (1) The Board may not designate a unique bargaining unit for each of the units of government identified in § 3–102(a)(1)(vi) through [(x)] (IX) AND (2) of this title.

(2) At the request of the exclusive representative, the Board shall:

(i) determine the appropriate existing bargaining unit into which to assign each employee in the units of government identified in § 3–102(a)(1)(vi) through [(x)] (IX) AND (2) of this title; and

(ii) accrete all positions to appropriate existing bargaining units.

(3) (i) Notwithstanding Subtitle 4 of this title, at the request of the exclusive representative, the Board shall conduct a self-determination election for each bargaining unit representative for the accreted employees in units of government identified in § 3–102(a)(1)(vi) through [(x)] (IX) AND (2) of this title.

(ii) All elections shall be conducted by secret ballot.

(iii) For each election, the Board shall place the following choices on the ballot:

1. the name of the incumbent exclusive representative;
and

2. a provision for “no exclusive representative”.

(D) THE BOARD MAY DESIGNATE ONE OR MORE BARGAINING UNITS FOR EMPLOYEES OF THE MARYLAND ENVIRONMENTAL SERVICE.

3-208.

(a) On written request of an exclusive representative, and within 30 days of a new employee's date of hire, for each employee in the bargaining unit represented by the exclusive representative, the Department OR THE MARYLAND ENVIRONMENTAL SERVICE, AS APPROPRIATE, shall provide the exclusive representative with the employee's:

(1) name;

(2) position classification;

(3) unit;

(4) home and work site addresses where the employee receives interoffice or United States mail;

(5) home and work site telephone numbers;

(6) work e-mail address; and

(7) position identification number.

(b) Except as provided in subsection (d) of this section, an exclusive representative may present a request for employee information, as provided under subsection (a) of this section, once every 120 days.

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(c) The Department OR THE MARYLAND ENVIRONMENTAL SERVICE, AS APPROPRIATE, shall provide the exclusive representative with the requested information in a searchable and analyzable electronic format.

(d) The Department OR THE MARYLAND ENVIRONMENTAL SERVICE, AS APPROPRIATE, may negotiate with the exclusive representative to provide:

(1) the information described in subsection (a) of this section more frequently than once every 120 days; and

(2) more detailed information than provided in subsection (a) of this section.

3-307.

(a) Each exclusive representative has the right to communicate with the employees that it represents.

(b) (1) The State, THE MARYLAND ENVIRONMENTAL SERVICE, a system institution, Morgan State University, St. Mary's College of Maryland, and Baltimore City Community College shall permit an exclusive representative to attend and participate in a new employee program that includes one or more employees who are in a bargaining unit represented by the exclusive representative.

(2) The new employee program in paragraph (1) of this subsection may be a new employee orientation, training, or other program that the State, THE MARYLAND ENVIRONMENTAL SERVICE, a system institution, Morgan State University, St. Mary's College of Maryland, or Baltimore City Community College and an exclusive representative negotiate in accordance with § 3-501 of this title.

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(3) Except as provided in paragraph (4) of this subsection, the exclusive representative shall be permitted 20 minutes to collectively address all new employees in attendance during a new employee program.

(4) The State, THE MARYLAND ENVIRONMENTAL SERVICE, a system institution, Morgan State University, St. Mary's College of Maryland, and Baltimore City Community College and an exclusive representative may negotiate a period of time that is more than 20 minutes in accordance with § 3-501 of this title.

(5) The State, THE MARYLAND ENVIRONMENTAL SERVICE, a system institution, Morgan State University, St. Mary's College of Maryland, and Baltimore City Community College:

(i) shall encourage an employee to attend the portion of a new employee program designated for an exclusive representative to address new employees; and

(ii) may not require an employee to attend the portion of a new employee program designated for an exclusive representative to address new employees if the employee objects to attending.

(c) (1) Except as provided in paragraph (2) of this subsection, the State, THE MARYLAND ENVIRONMENTAL SERVICE, a system institution, Morgan State University, St. Mary's College of Maryland, and Baltimore City Community College shall provide the exclusive representative at least 10 days' notice in advance of a new employee program.

(2) The State, THE MARYLAND ENVIRONMENTAL SERVICE, a system institution, Morgan State University, St. Mary's College of Maryland, and Baltimore City Community College may provide the exclusive representative with less than 10 days' notice if there is an urgent need critical to the employer's new employee program that was not reasonably foreseeable.

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3-405.

(a) (1) Within 5 days of determination that a valid petition has been submitted, the Board shall notify interested employee organizations of the pending election petition.

(2) Within 10 days of determination that a valid petition has been submitted under § 3-402 of this subtitle or subsection (c)(2)(iii) of this section, the Department **OR THE MARYLAND ENVIRONMENTAL SERVICE, AS APPROPRIATE,** shall make available to all interested employee organizations reasonable and equivalent means to communicate by mail and in person with each employee in the appropriate bargaining unit for the purpose of soliciting the employee's vote in an election held under this section.

3-501.

(a) (1) The following individuals or entities shall designate one or more representatives to participate as a party in collective bargaining on behalf of the State or the following institutions:

(i) on behalf of the State, the Governor;

(II) ON BEHALF OF THE MARYLAND ENVIRONMENTAL SERVICE, THE BOARD OF DIRECTORS OF THE SERVICE;

~~[(ii)]~~ **(III)** on behalf of a system institution, the president of the system institution; and

~~[(iii)]~~ **(IV)** on behalf of Morgan State University, St. Mary's College of Maryland, or Baltimore City Community College, the governing board of the institution.

(2) The exclusive representative shall designate one or more representatives to participate as a party in collective bargaining on behalf of the exclusive representative.

(d) (1) A memorandum of understanding that incorporates all matters of agreement reached by the parties shall be executed by the exclusive representative and:

(i) for a memorandum of understanding relating to the State, the Governor or the Governor's designee;

(II) FOR A MEMORANDUM OF UNDERSTANDING RELATING TO THE MARYLAND ENVIRONMENTAL SERVICE, THE BOARD OF DIRECTORS OF THE SERVICE;

[(ii)] (III) for a memorandum of understanding relating to a system institution, the president of the system institution or the president's designee; and

[(iii)] (IV) for a memorandum of understanding relating to Morgan State University, St. Mary's College of Maryland, or Baltimore City Community College, the governing board of the institution or the governing board's designee.

(2) To the extent these matters require legislative approval or the appropriation of funds, the matters shall be recommended to the General Assembly for approval or for the appropriation of funds.

(3) To the extent matters involving a State institution of higher education require legislative approval, the legislation shall be recommended to the Governor for submission to the General Assembly.

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(b) (1) Collective bargaining may include negotiations relating to the right of an employee organization to receive service fees from nonmembers.

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

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

(ii) required to pay an amount of money as determined in collective bargaining negotiations, not to exceed any service fee negotiated under paragraph (1) of this subsection, to any charitable organization exempt from taxation under § 501(c)(3) of the Internal Revenue Code and to furnish written proof of the payment to:

1. A. the Department; [or]

B. IN THE CASE OF AN EMPLOYEE OF THE MARYLAND ENVIRONMENTAL SERVICE, THE BOARD OF DIRECTORS OF THE SERVICE; OR

[B.] C. in the case of an employee of an institution of higher education specified in § 3-102(a)(1)(v) of this title, the President of the institution or the President's designee; and

2. the exclusive representative.

(c) Notwithstanding subsection (a) of this section, the representatives of the State, **THE MARYLAND ENVIRONMENTAL SERVICE**, a system institution, Morgan State University, St. Mary's College of Maryland, and Baltimore City Community College:

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

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

3-601.

(a) (1) A memorandum of understanding shall contain all matters of agreement reached in the collective bargaining process.

(2) The memorandum shall be in writing and signed by the exclusive representative involved in the collective bargaining negotiations and:

(i) for a memorandum of understanding relating to the State, the Governor or the Governor's designee;

(II) FOR A MEMORANDUM OF UNDERSTANDING RELATING TO THE MARYLAND ENVIRONMENTAL SERVICE, THE BOARD OF DIRECTORS OF THE SERVICE;

[(ii)] (III) for a memorandum of understanding relating to a system institution, the president of the system institution or the president's designee; and

[(iii)] (IV) for a memorandum of understanding relating to Morgan State University, St. Mary's College of Maryland, or Baltimore City Community College, the governing board of the institution or the governing board's designee.

(b) No memorandum of understanding is valid if it extends for less than 1 year or for more than 3 years.

(Over)

(c) (1) Except as provided in [paragraph] PARAGRAPHS (2) AND (3) of this subsection, a memorandum of understanding is not effective until it is ratified by the Governor and a majority of the votes cast by the employees in the bargaining unit.

(2) In the case of a State institution of higher education, a memorandum of understanding is not effective until it is ratified by the institution's governing board and a majority of the votes cast by the employees in the bargaining unit.

(3) IN THE CASE OF THE MARYLAND ENVIRONMENTAL SERVICE, A MEMORANDUM OF UNDERSTANDING IS NOT EFFECTIVE UNTIL IT IS RATIFIED BY THE BOARD OF DIRECTORS OF THE SERVICE AND A MAJORITY OF THE VOTES CAST BY THE EMPLOYEES IN THE BARGAINING UNIT.

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(c) (1) Based on a verified complaint by an exclusive representative, the exclusive representative may file an action in a circuit court against the State, THE MARYLAND ENVIRONMENTAL SERVICE, a system institution, Morgan State University, St. Mary's College of Maryland, or Baltimore City Community College to enforce the terms of this section.

(2) On receipt of an action submitted by the exclusive representative, the court shall issue a status quo order without a finding of irreparable harm to maintain a memorandum of understanding and the terms in effect pending a final order in the action.”;

after line 23, insert:

“SECTION 3. AND BE IT FURTHER ENACTED, That the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the

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Department of Legislative Services, shall correct, with no further action required by the General Assembly, cross-references and terminology rendered incorrect by this Act or by any other Act of the General Assembly of 2021 that affects provisions enacted by this Act. The publisher shall adequately describe any correction that is made in an editor's note following the section affected.”;

in line 24, strike “3.” and substitute “4.”; and in lines 24 and 25, strike “shall take effect July 1, 2021” and substitute “is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted”.