

HOUSE BILL 1346

P4

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By: **Delegates Shank, Bartlett, Bates, Beitzel, George, Haddaway, Kach, Krebs, McComas, McConkey, and Smigiel**
Introduced and read first time: February 18, 2010
Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **State Employees – Collective Bargaining – “The Fair Share Act” – Repeal**

3 FOR the purpose of repealing certain provisions of law authorizing collective
4 bargaining negotiations pertaining to certain State employees to include
5 negotiations relating to the right of an employee organization to receive service
6 fees from nonmembers; repealing a certain exemption for certain employees
7 with certain religious beliefs and a requirement that the employees pay a
8 certain amount of money to a certain charitable organization; and generally
9 relating to service fees and collective bargaining for State employees.

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

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

17 **Article – State Personnel and Pensions**

18 3–502.

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

21 (b) [(1) Except as provided in paragraph (3) of this subsection, collective]
22 **COLLECTIVE** bargaining may **NOT** include negotiations relating to the right of an
23 employee organization to receive service fees from nonmembers.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

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

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

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 July 1, 2010.