

HOUSE BILL 863

P4, F2

3lr0158
CF SB 841

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

A BILL ENTITLED

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; and generally relating to collective
7 bargaining for employees of certain State institutions of higher education.

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

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

15 **Article – State Personnel and Pensions**

16 3–502.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

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

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

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

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