

AMENDED IN SENATE SEPTEMBER 12, 2013

**SENATE BILL**

**No. 423**

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**Introduced by Senator Huff**

February 21, 2013

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An act to amend ~~Section 900 of the Insurance Code, relating to insurance. Section 3616 of,~~ and to add Section 3616.1 to, the Government Code, relating to the San Francisco Bay Area Rapid Transit District, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 423, as amended, Huff. ~~Insurance: annual statements. San Francisco Bay Area Rapid Transit District: strikes: prohibition.~~

Existing law creates the San Francisco Bay Area Rapid Transit District and establishes provisions regulating the collective bargaining of the employees and the board of directors of that district. Existing law prescribes procedures specifically relating to the collective bargaining of transit districts, and authorizes the Governor, when it appears a strike will significantly disrupt transportation services and endanger public health, safety, and welfare, to appoint a board to investigate issues in connection with these labor negotiations and make a report. Existing law prohibits a strike during the period of investigation and permits the Governor, upon receiving a report from a board of investigation, to request the Attorney General to petition a court to enjoin the strike, as specified.

This bill would prohibit public sector transit employees of the San Francisco Bay Area Rapid Transit District from striking if a clause prohibiting striking is an element of a labor contract that an employee or employee organization has agreed to in an expired or previously written labor contract between the employees and the district.

*This bill would declare that it is to take effect immediately as an urgency statute.*

~~Existing law requires every insurer, each year on or before the first day of March, to make and file with the Insurance Commissioner in the number, form, and by the methods prescribed by the commissioner, statements exhibiting its condition and affairs as of the previous December 31.~~

~~This bill would make technical, nonsubstantive changes to that provision.~~

Vote: ~~majority~~<sup>2/3</sup>. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 *SECTION 1. Section 3616 of the Government Code is amended*  
2 *to read:*

3 *3616. Except as expressly provided by subdivision (b) of*  
4 ~~*Section 3612 and Section 3614,*~~ *3612, and Sections 3614 and*  
5 *3616.1, nothing in this chapter shall be construed to grant or*  
6 *deprive employees of a right to strike.*

7 *SEC. 2. Section 3616.1 is added to the Government Code, to*  
8 *read:*

9 *3616.1. (a) This section shall apply to employees of the San*  
10 *Francisco Bay Area Rapid Transit District as created in Section*  
11 *28600 of the Public Utilities Code.*

12 *(b) Notwithstanding any other law, public sector transit*  
13 *employees described in subdivision (a) shall not strike if a clause*  
14 *prohibiting striking is an element of a labor contract that an*  
15 *employee or employee organization has agreed to in an expired*  
16 *or previously written labor contract between the employees and*  
17 *the district.*

18 *SEC. 3. This act is an urgency statute necessary for the*  
19 *immediate preservation of the public peace, health, or safety within*  
20 *the meaning of Article IV of the Constitution and shall go into*  
21 *immediate effect. The facts constituting the necessity are:*

22 *In order to facilitate the orderly administration of transportation*  
23 *of San Francisco Bay area citizens and visitors, to avoid the*  
24 *imminent threat to public health and safety, and to ensure that*  
25 *commuters are not stranded and that lost worker productivity is*

1 *kept at a minimum, it is necessary that this act take effect*  
2 *immediately.*

3 SECTION 1. ~~Section 900 of the Insurance Code is amended~~  
4 ~~to read:~~

5 900. (a) ~~Each year, on or before the first day of March, every~~  
6 ~~insurer doing business in this state shall make and file with the~~  
7 ~~commissioner, in the number, form, and by the methods prescribed~~  
8 ~~by the commissioner, statements exhibiting its condition and affairs~~  
9 ~~as of the previous December 31. If the first day of March falls on~~  
10 ~~a day other than a business day, the filing is due to the~~  
11 ~~commissioner by the first business day preceding the first day of~~  
12 ~~March.~~

13 (b) ~~Each year, on or before the following dates, every insurer~~  
14 ~~doing business in this state shall make and file with the~~  
15 ~~commissioner, in the number, form, and methods prescribed by~~  
16 ~~the commissioner, statements exhibiting its condition and affairs~~  
17 ~~for the period beginning on January 1 of the current calendar year~~  
18 ~~through the end of each quarter of the current year as described~~  
19 ~~below. These quarterly filings shall cover the period of time~~  
20 ~~beginning January 1 of the current year through and including the~~  
21 ~~last day of the quarter for which the report is being made. The first~~  
22 ~~quarter filing shall be filed with the commissioner on or before~~  
23 ~~May 15 of every year. The second quarter filing shall be filed with~~  
24 ~~the commissioner on or before August 15 of every year. The third~~  
25 ~~quarter filing shall be filed with the commissioner on or before~~  
26 ~~November 15 of every year. If any of these dates fall on a day~~  
27 ~~other than a business day, then the filing is due to the commissioner~~  
28 ~~by the first business day preceding that date.~~