

AMENDED IN SENATE AUGUST 8, 1997
AMENDED IN ASSEMBLY MAY 1, 1997
AMENDED IN ASSEMBLY APRIL 8, 1997
AMENDED IN ASSEMBLY MARCH 31, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 1438

**Introduced by Assembly Member Escutia
(Coauthors: Assembly Members Baca, Kuehl, Papan,
Sweeney, and Villaraigosa)**

February 28, 1997

An act to add Chapter 2.1 (commencing with Section 68650) to Title 8 of the Government Code, relating to courts; ~~and making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1438, as amended, Escutia. Trial court funding.

Existing law authorizes the Judicial Council to adopt rules of court as specified by statute.

This bill would recognize unspecified rules of court adopted by the Judicial Council creating a mechanism for the negotiation of the conditions of employment between a trial court and its representatives and trial court personnel, as specified. ~~The provisions of the bill would become operative only if AB 233 is enacted and takes effect on or before January 1, 1998.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

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

1 SECTION 1. Chapter 2.1 (commencing with Section
2 68650) is added to Title 8 of the Government Code, to
3 read:

4
5 CHAPTER 2.1. TRIAL COURT PERSONNEL
6

7 68650. The Legislature finds that the Judicial Council
8 has adopted Rules 2201 to 2210, inclusive, of the California
9 Rules of Court, which create a mechanism for setting the
10 terms and conditions of employment between a trial
11 court or its representatives and the personnel of the trial
12 court or the representatives thereof. Notwithstanding
13 any other provision of law, these rules shall be given full
14 force and effect, and shall be maintained as adopted by
15 the Judicial Council on April 23, 1997.

16 68651. Nothing in this chapter shall prohibit the
17 superior court or the municipal court from adopting rules
18 and procedures on the implementation of its labor
19 relations with a recognized employee organization,
20 provided the rules and procedures are not contrary to, or
21 inconsistent with, the obligations and duties of the courts
22 as provided in this chapter and Rules 2201 to 2210,
23 inclusive, of the California Rules of Court.

24 68652. Where the language of Rules 2201 to 2210,
25 inclusive, of the California Rules of Court is the same or
26 substantially the same as that contained in Sections 3500
27 to 3510, inclusive, it shall be interpreted and applied in
28 accordance with judicial interpretations of the same
29 language.

30 68653. This chapter and Rules 2201 to 2210, inclusive,
31 of the California Rules of Court shall not impair the rights
32 and remedies granted to court employees under Chapter
33 10 (commencing with Section 3500) of Division 4 of Title
34 1.



1 68654. Except as required pursuant to Section 5 of
2 Article VI of the California Constitution, any agreements
3 reached pursuant to negotiations held pursuant to Rules
4 2201 to 2210, inclusive, of the California Rules of Court are
5 binding on the parties and may be enforced pursuant to
6 Section 1085 or 1103 of the Code of Civil Procedure. In the
7 event that a court, a court employee, or an employee
8 organization believes there has been a violation of this
9 chapter or Rules 2201 to 2210, inclusive, of the California
10 Rules of Court, that party may petition the court of appeal
11 for relief.

12 68655. It is the purpose of this chapter to effectuate
13 the establishment within the judicial branch of an
14 equitable and effective method of resolving potential
15 conflicts in matters affecting the interests of the trial
16 courts and their personnel, and meeting the ongoing
17 needs of the trial courts, their personnel, and the
18 harmonious operations thereof.

19 ~~SEC. 2. This act shall become operative only if~~
20 ~~Assembly Bill 233 is enacted and takes effect on or before~~
21 ~~January 1, 1998.~~

