

## Senate Bill No. 615

### CHAPTER 778

An act to amend Section 20801 of, and to add Sections 20694, 21363.2, and 21363.7 to, the Government Code, relating to state employees, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 7, 1999. Filed  
with Secretary of State October 10, 1999.]

#### LEGISLATIVE COUNSEL'S DIGEST

SB 615, Burton. State employees: State Bargaining Units 5 and 6.

(1) Under existing law, the normal rate of contribution to the Public Employees' Retirement System for patrol members, as defined, is 8% of the compensation in excess of \$863 per month.

This bill, with respect to members of State Bargaining Unit 5, would require the state to pay those employee contributions until June 30, 2001, at which time those members would make contributions at the rate of 1.5% of the compensation in excess of \$863 per month, and the state would pay the balance, thereby making an appropriation.

(2) The Public Employees' Retirement Law prescribes a service retirement formula for state peace officer/firefighters and provides that the retirement allowances for state peace officer/firefighter members may not exceed 75% of final compensation, or 85% of final compensation for members in State Bargaining Units 6 and 8. SB 400, if enacted, would modify the service retirement formula for peace officer/firefighter members.

This bill would, contingent upon the enactment of SB 400, provide that those patrol members in State Bargaining Unit 5 who were previously classified as peace officer/firefighter members shall have their prior peace officer/firefighter service credited, at no cost to the members, under the modified formula. The bill would also increase the retirement allowance limitation to 90% for peace officer/firefighter members.

(3) Existing law provides that if any provision of a memorandum of understanding reached between the state employer and a recognized employee organization representing state civil service employees requires the expenditure of funds, those provisions of the memorandum of understanding shall not become effective unless approved by the Legislature in the annual Budget Act.

This bill would approve provisions of specified memoranda of understanding entered into between the state employer and specified employee organizations, and would provide that the

provisions of any memorandum of understanding that require the expenditure of funds shall become effective even if the provisions of the memorandum of understanding are approved by the Legislature in legislation other than the annual Budget Act.

This bill would provide that any provision in a memorandum of understanding approved by any section of this bill that requires the expenditure of funds shall not take effect unless funds for these provisions are appropriated by the Legislature, and would provide that if funds for these provisions are not appropriated by the Legislature, all or any part of the memorandum of understanding may be declared null and void by any affected employee organization.

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

Appropriation: yes.

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

SECTION 1. Section 20694 is added to the Government Code, to read:

20694. (a) This section shall apply only to patrol members in State Bargaining Unit 5.

(b) The state shall pay all of the normal contributions required to be paid by patrol members pursuant to Section 20681 until June 30, 2001.

(c) Notwithstanding Section 20681, effective July 1, 2001, the normal rate of contribution for patrol members shall be 1.5 percent of the compensation in excess of eight hundred sixty-three dollars (\$863) per month paid those members. The state shall pay the difference between the normal contributions that would be required to be paid by patrol members pursuant to Section 20681 and the amount paid by those members pursuant to this section.

(d) If the provisions of this section are in conflict with the provisions of a memorandum of understanding reached pursuant to Section 3517.5, the memorandum of understanding shall be controlling without further legislative action, except that if the provisions of a memorandum of understanding require the expenditure of funds, the provisions shall not become effective unless approved by the Legislature in the annual Budget Act.

SEC. 2. Section 20801 of the Government Code is amended to read:

20801. (a) The state's contribution to the retirement fund with respect to state patrol members is a sum equal to 31.18 percent of the compensation paid state patrol members.

(b) With respect to patrol members in State Bargaining Unit 5, the state shall make the additional contributions specified in Section 20694.



SEC. 3. Section 21363.2 is added to the Government Code, to read:

21363.2. (a) This section shall apply only to patrol members in State Bargaining Unit 5.

(b) Patrol members who were previously classified as peace officer/firefighter members shall have their past service under Section 21363 credited, at no cost to the member, under Section 21363.1.

SEC. 4. Section 21363.7 is added to the Government Code, to read:

21363.7. Notwithstanding Section 21363, 21363.1, or 21363.5, the limitation on the service retirement benefit shall be 90 percent for state peace officer/firefighter members who retire on and after January 1, 2000. This provision may also be applied to state peace officer/firefighter members in related supervisory or confidential positions, provided that the Department of Personnel Administration has approved this inclusion in writing to the board.

SEC. 5. The Department of Personnel Administration shall investigate the feasibility of developing and implementing a Deferred Retirement Option Plan within the Public Employees' Retirement System for members of State Bargaining Units 5 and 6.

SEC. 6. The provisions of the following memoranda of understanding prepared pursuant to Section 3517.5 of the Government Code and entered into by the state employer and the following employee organizations in 1999, which require the expenditure of funds, are hereby approved for the purposes of Section 3517.6 of the Government Code:

(a) Unit 5—California Association of Highway Patrolmen.

(b) Unit 6—California Correctional Peace Officers Association.

SEC. 7. Notwithstanding Section 3517.6 of the Government Code, the provisions of any memorandum of understanding that require the expenditure of funds shall become effective even if the provisions of the memorandum of understanding are approved by the Legislature in legislation other than the annual Budget Act.

SEC. 8. Any provision in a memorandum of understanding approved by any section of this act that requires the expenditure of funds shall not take effect unless funds for these provisions are appropriated by the Legislature. If funds for these provisions are not appropriated by the Legislature, all or any part of the memorandum of understanding may be declared null and void by any affected employee organization.

SEC. 9. Section 3 of this act shall become operative only if Senate Bill 400 of the 1999–2000 Regular Session is enacted and becomes effective on or before January 1, 2000, and, as enacted, adds Section 21363.1 to the Government Code.

SEC. 10. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within



the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order for the provisions of this act to be applicable as soon as possible in the 1999–2000 fiscal year and thereby facilitate the orderly administration of state government at the earliest possible time, it is necessary for this act to take effect immediately.

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