

ASSEMBLY BILL

No. 965

Introduced by Committee on Public Employees, Retirement and Social Security (Hernandez (Chair), Fong (Vice Chair), Beall, and Torrico)

February 26, 2009

An act relating to state employees, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 965, as introduced, Committee on Public Employees, Retirement and Social Security. State employees: memorandum of understanding.

Under existing law, a provision of a memorandum of understanding reached between the state employer and a recognized employee organization representing state civil service employees that requires the expenditure of funds does not become effective unless approved by the Legislature in the annual Budget Act.

This bill would approve provisions of a memorandum of understanding entered into between the state employer and State Bargaining Unit 10, the California Association of Professional Scientists, that require the expenditure of funds, and would provide that these provisions will become effective even if these provisions are approved by the Legislature in legislation other than the annual Budget Act.

This bill would provide that provisions of the memorandum of understanding approved by this bill that require the expenditure of funds will not take effect unless funds for these provisions are specifically appropriated by the Legislature, and would require the state employer and the affected employee organization to meet and confer to renegotiate

the affected provisions if funds for these provisions are not specifically appropriated by the Legislature.

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

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

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

1 SECTION 1. The Legislature finds and declares that the
2 purpose of this act is to approve an agreement pursuant to Section
3 3517 of the Government Code entered into by the state employer
4 and State Bargaining Unit 10.

5 SEC. 2. The provisions of the memorandum of understanding
6 prepared pursuant to Section 3517.5 of the Government Code and
7 entered into by the state employer and State Bargaining Unit 10,
8 dated ____, and that require the expenditure of funds, are hereby
9 approved for the purposes of Section 3517.6 of the Government
10 Code.

11 SEC. 3. The provisions of the memorandum of understanding
12 approved by Section 2 of this act that are scheduled to take effect
13 immediately, and that require the expenditure of funds, shall not
14 take effect unless funds for these provisions are specifically
15 appropriated by the Legislature. If funds for these provisions are
16 not specifically appropriated by the Legislature, the state employer
17 and the affected employee organization shall meet and confer to
18 renegotiate the affected provisions.

19 SEC. 4. Notwithstanding Section 3517.6 of the Government
20 Code, the provisions of any memorandum of understanding that
21 require the expenditure of funds shall become effective even if the
22 provisions of the memorandum of understanding are approved by
23 the Legislature in legislation other than the annual Budget Act.

24 SEC. 5. This act is an urgency statute necessary for the
25 immediate preservation of the public peace, health, or safety within
26 the meaning of Article IV of the Constitution and shall go into
27 immediate effect. The facts constituting the necessity are:

28 In order for the provisions of this act to be applicable as soon as
29 possible in the 2008–09 fiscal year, and thereby facilitate the

- 1 orderly administration of state government at the earliest possible
- 2 time, it is necessary that this act take effect immediately.

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