

AMENDED IN ASSEMBLY MARCH 10, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1764

**Introduced by Assembly Member Portantino
(Coauthors: Assembly Members Block, Caballero, De La Torre,
Huffman, and Smyth)**

February 9, 2010

An act to add and repeal Section 18005 of the Government Code, relating to state employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 1764, as amended, Portantino. State employment: salary freeze. Existing law requires the Department of Personnel Administration to establish and adjust salary ranges for each class of position in the state civil service, subject to specified merit limits and except as specified. Existing law requires the salary range to be based on the principle that like salaries shall be paid for comparable duties and responsibilities. Existing law allows the state to enter into memoranda of understanding relating to employer-employee relations with employee organizations representing certain state employees.

This bill would, until January 1, 2013, prohibit a person employed by the state whose base salary on or after the effective date of the bill is greater than \$150,000 per year from receiving a salary increase while employed in the same position or classification. The bill would exempt from this prohibition a person whose compensation is governed by an operative memorandum of understanding, as described above, a person who has been exempted by Executive order of the Governor, as specified, and a person whose salary is set pursuant to the California Constitution. *The bill would also authorize the Controller to reject a*

request for disbursement of funds that violates these provisions. The bill would make related legislative findings and declarations regarding the state budget deficit.

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

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

1 SECTION 1. Section 18005 is added to the Government Code,
2 to read:
3 18005. (a) The Legislature finds and declares all of the
4 following:
5 (1) For several years, the State of California has faced budget
6 deficits requiring cuts and changes in priorities in order to fund
7 state activities.
8 (2) In recent months, the United States economy has been dealt
9 severe blows due to the credit crisis and the housing market crisis,
10 and their resulting effects upon the financial markets.
11 (3) The ongoing structural deficit in state finances, complicated
12 by worsening economic developments, has created a fiscal crisis
13 in the governance of the state.
14 (4) During the current economic recession, California has
15 experienced a dramatic decline in revenues that has forced and is
16 forcing severe cutbacks in spending on state services and programs.
17 The state now faces a \$20.7 billion shortage, a figure that reflects
18 budget shortages from 2009 through 2011, with \$6.3 billion in the
19 first year and \$14.4 billion in the second year.
20 (5) The 2010–11 state budget, which must resolve the \$14.4
21 billion shortage, is expected to include a series of taxes and cuts
22 triggered in part by the level of incoming federal dollars and the
23 performance of the state’s economy.
24 (6) Past fiscal year budgets have seen funding of state services
25 being conducted with gimmicks and borrowing that has only further
26 served to exacerbate our state government fiscal crisis. In addition,
27 state borrowing through bond indebtedness has steadily increased
28 over the past six years. California bond borrowing has gotten to
29 the point where the debt load on the General Fund could in the
30 future easily exceed 10 percent of the State Budget per year. The
31 Legislature finds that ~~such~~ *those* fiscal practices are not sustainable
32 and will only lead to further economic and fiscal crises.

1 (7) Freezing certain state salaries will help alleviate the budget
2 shortfall currently facing the state.

3 (b) Except as provided in subdivision (c), a person employed
4 by the state whose base salary on or after the effective date of this
5 section is greater than one hundred fifty thousand dollars
6 (\$150,000) per year shall not receive a salary increase while
7 employed in the same position or classification.

8 (c) Subdivision (b) shall not apply to any of the following:

9 (1) A person whose base salary or other compensation is
10 governed by an operative memorandum of understanding entered
11 into pursuant to Chapter 10.3 (commencing with Section 3512) or
12 Chapter 12 (commencing with Section 3560) of Division 4 of Title
13 1, or pursuant to another collective bargaining agreement.

14 (2) A person employed in a classification that has been
15 designated by the Governor to be necessary for protecting the
16 safety and security of the people of California. The Governor shall
17 make such a designation only by an Executive order that lists the
18 name of each individual to whom the order applies, his or her job
19 classification, and the reason for exempting the individual from
20 the requirements of subdivision (a).

21 (3) A person whose salary is set pursuant to the California
22 Constitution.

23 (d) For the purposes of this section, a “person employed by the
24 state” means a person employed by the executive, legislative, or
25 judicial branch of state government, an appointee to a state board
26 or commission, and a person employed by the California State
27 University system. *That term does not include local trial court*
28 *employees, as defined by subdivision (l) of Section 71601.*

29 (e) The Controller may reject a request for a disbursement of
30 funds that violates this section.

31 (f) The Legislature urges the Regents of the University of
32 California and the Board of Directors of the Hastings College of
33 the Law to adopt the policy expressed in this section for individuals
34 employed by those entities.

35 (g) This section shall not be enforced to the extent it is
36 preempted by federal law.

- 1 (h) This section shall remain in effect only until January 1, 2013,
- 2 and as of that date is repealed, unless a later enacted statute, that
- 3 is enacted before January 1, 2013, deletes or extends that date.