San Bernardino County Employees' Retirement Association

MEMORANDUM

DATE September 3, 2020

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TO BOARD OF TRUSTEES
San Bernardino County Employees' Retirement Association

SUBJECT REVIEW CALIFORNIA LEGISLATION 2019 - 2020

Updated information reflected in red. This is the second year of the 2019-2020 Legislative Term.

2019 – 2020 Legislative Term Update:

August 31, 2020, will mark the end of the second year for 2019-2020 legislative term as it is the last day for each house to pass bills out of the respective houses in order for a bill to be submitted to Governor Gavin Newsom. Since 2019, the Senate passed on about 150 bills to the Assembly and in turn, the Assembly has passed on 500 bills to the Senate. Twice this year, the Legislature experienced delays in their process because of the coronavirus. Yet again, with numerous bills awaiting a vote, the Legislature is experiencing another delay. On August 26, 2020, during the final week of the legislative session, it has been reported that a staffer or lawmaker has tested positive for COVID-19 resulting in the Senate delaying a vote on legislation. This delay could have an impact on crucial bills that are in the Legislature. Nonetheless, the Assembly and Senate have approved rule changes that would allow lawmakers to vote remotely.

Regarding bills that concern CERL systems, State Association of County Retirement Systems (SACRS) is sponsoring a clean-up bill for changes to the County Employees Retirement Law. (See AB 2101 pg. 7) This bill would correct several erroneous and obsolete cross-references within CERL. Some other notable proposed updates in AB 2101:

1. Brings the CERL in line with the federal Uniformed Services Employment and Reemployment Rights Act of 1994 regarding military service credit purchases.

2. Authorizes a system administrator or other personnel to exercise a board's power to retire members and require that service retirements be reported to the board at its next public meeting after the retirement.

3. Requires that people who have retired under CERL following an involuntary termination of employment who are subsequently reinstated to that employment pursuant to a final administrative or judicial proceeding, be reinstated from retirement as if there were no intervening period of retirement.

4. Revises the standard applicable to children through the age of 21 to instead be up to the 22nd birthdays of the children. The bill would make a related change with regard to a provision that provides an alternative to survivorship benefits under federal social security benefits.

For more details on this bill, please read the summary below regarding AB 2101.

Ordered to Consent Calendar

In August 2020, both AB 2101 and 2151 were ordered to the consent calendar because they received no "no" votes in committee and had no opposition expressed by any person present at the hearing.

As mentioned above, August 31, 2020 is the last day for each house to pass bills. An updated report regarding the status of the bills listed herein will be provided at the September 3, 2020 Board meeting.

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INDEX

2020 Legislative Calendar

AUGUST 2020

Aug. 14	Last day for policy committees to meet and report on bills.
Aug. 21	Last day for fiscal committees to meet and report on bills.
Aug. 25	Last day to amend bills on the floor.
Aug. 27	Last day to adopt chaptering out amendments.
Aug. 24 – 31	Floor session only. No committee may meet for any purpose.
Aug. 31	Last day for each house to pass bills. Final recess beings upon adjournment.

Important Dates Occurring During Final Recess

Sept. 30	Last day for Governor to sign or veto bills passed by the Legislature before Sept. 1 and in the Governor's possession on or after Sept. 1
Nov. 3	General Election
Nov. 30	Adjournment Sine Die at midnight
Dec. 7	12 m. convening of 2021-22 Regular Session

Updated information reflected in red. This is the second year of the 2019-2020 Legislative Term.

I. County Employees' Retirement

AB 196 – Workers' Compensation Injury: Essential Occupations and Industries

Subject: An act to add section 3213.5 to the Labor Code.

Status: August 25, 2020 - Read third time and amended. Ordered to second reading.

Existing law establishes a workers' compensation system, administered by the Administrative Director of the Division of Workers' Compensation, to compensate an employee for injuries sustained in the course of employment. Existing law creates a disputable presumption that specified injuries sustained in the course of employment of a specified member of law enforcement or a specified first responder arose out of and in the course of employment. Existing law establishes procedures for filing a workers' compensation claim, including a 90-day investigatory period prior to acceptance or denial. Existing law presumes a claim is accepted if it is not denied within the first 90 days after filing.

This bill would define "injury," for certain employees who are employed in an occupation or industry deemed essential in the Governor's Executive Order of March 19, 2020 (Executive Order N-33-20), except as specified, or who are subsequently deemed essential, to include coronavirus disease 2019 (COVID-19) that develops or manifests itself during a period of employment of those persons in the essential occupation or industry. The bill would apply to injuries occurring on or after March 1, 2020, would create a disputable presumption, as specified, that the injury arose out of and in the course of the employment, and would extend that presumption following termination of service for a period of 90 days, commencing with the last date actually worked. The bill would shorten the investigatory timeframe for denial or presumed acceptance of a claim to 30 days, rather than 90 days.

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AB 664 – Workers' Compensation injury: Communicable Disease

Subject: An act to amend Section 4663 of, and to add Section 3212.18 to, the Labor Code, relating to workers' compensation, and declaring the urgency thereof, to take effect immediately.

Status: August 25, 2020 - Read third time and amended. Ordered to second reading.

Existing law establishes a workers' compensation system, administered by the Administrative Director of the Division of Workers' Compensation, to compensate an employee for injuries sustained in the course of employment. Existing law creates a disputable presumption that specified injuries sustained in the course of employment of a specified member of law enforcement or a specified first responder arose out of and in the course of employment.

Existing law also makes an employer liable only for the percentage of permanent disability directly caused by the injury arising out of and occurring in the course of employment. Existing law requires apportionment of permanent disability to be based on causation, and requires a physician's report addressing the issue of permanent disability to include an apportionment determination in order for the report to be considered complete on that issue. Existing law exempts certain injuries, including the above-described injuries, from the provisions requiring apportionment.

This bill would define "injury," for certain state and local firefighting personnel, peace officers, certain hospital employees, and certain fire and rescue services coordinators who work for the Office of Emergency Services to include being exposed to or contracting, on or after January 1, 2020, a communicable disease, including coronavirus disease 2019 (COVID-19), that is the subject of a state or local declaration of a state of emergency that is issued on or after January 1, 2020. The bill would create a conclusive presumption, as specified, that the injury arose out of and in the course of the employment. The bill would apply to injuries that occurred prior to the declaration of the state of emergency. The bill would also exempt these provisions from the apportionment requirements.

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

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AB 2101 -- Public Employees' Retirement: CERL Clean Up Bill

Subject: An act to correct and amend several section of the CERL.

Status: August 25, 2020 – Ordered to special consent calendar.

1. The County Employees Retirement Law of 1937 (CERL) authorizes counties to establish retirement systems pursuant to its provisions for the purpose of providing pension and death benefits to county and district employees. This bill would correct several erroneous and obsolete cross-references within CERL.

2. The California Constitution commits plenary authority for administration of public employee retirement systems, and for the provision of actuarial services for the systems, to their boards of administration. CERL prescribes actuarial requirements for CERL systems and, upon the basis of the investigation, valuation, and recommendation of the actuary, the retirement board is required to recommend to the county board of supervisors the changes in rates of interest, in rates of member contributions, and in county and district appropriations that are necessary. A similar process is prescribed for districts within the system, but that are not governed by the board of supervisors.

   This bill would make a statement of legislative affirmation regarding a ruling in a specified court case upholding a retirement board's plenary authority to recommend adjustments to county and district contributions necessary to ensure the appropriate funding of the retirement system.

3. CERL authorizes a member who returns to active service following an uncompensated leave of absence on account of illness to receive service credit for the period of the absence upon payment of the contributions that the member would have paid during that period, together with the interest that the contributions would have accrued.

   This bill would similarly authorize a member who returns to active service following an uncompensated leave of absence on account of approved parental leave to receive service credit for the period upon payment of contributions and interest. The bill would prohibit service credit to be received for such a period of absence from exceeding 12 consecutive months and would prescribe requirements for payments. This provision would be operative in a county only if the board of supervisors elect to make it so, as specified, and would apply to parental leave that begins after the election.

4. CERL authorizes a member who resigns or obtains a leave of absence to enter, and who does enter, the Armed Forces of the United States on a voluntary or involuntary basis, under prescribed circumstances, to obtain service credit for the period during which the member was out of county service.

   This bill would recast these provisions and would generally require that CERL comply with the federal Uniformed Services Employment and Reemployment Rights Act of 1994, as it may be amended. The bill would also authorize a member who does not qualify for reemployment benefits due to the length of military service and who returns to county or district employment within one year of being honorably discharged from the Armed Forces of the United States, to receive credit for service for all or any part of the member's military service upon making specified payments.

5. CERL requires boards of retirement to provide for the retirement of members who meet age and service requirements.

   This bill would authorize a system administrator or other personnel to exercise a board's power to retire members as described above. The bill would require that service retirements be reported to the board at its next public meeting after the retirement.

6. CERL and other existing laws prescribe requirements for reinstatement after retirement and for service without reinstatement. CERL prescribes different requirements, to be elected by a county, regarding member status in a retirement system upon reemployment, including how the rate of contributions and retirement allowance are to be calculated upon a subsequent retirement.

   This bill would require that people who have retired under CERL following an involuntary termination of employment who are subsequently reinstated to that employment pursuant to a final administrative or judicial proceeding, as specified, be reinstated from retirement as if there were no intervening period of retirement. The bill would require the person to repay an allowance paid to the person to the retirement system from which they retired in accordance with the retirement system's repayment policy and that contributions be made for any period for which salary is awarded in the administrative or judicial proceedings in the amount that would have been contributed had the member's employment not been terminated. The bill would require that the person receive service credit for the period for which salary is awarded. The retirement system would be granted discretion regarding the timing of repayment.

7. CERL prescribes requirements regarding notification of members who have left service and elected to leave accumulated contributions in the retirement fund or have

been deemed to have elected deferred retirement, as specified. Existing law requires the retirement system to start paying the member an unmodified retirement allowance in the year in which the member attains $70^1/_2$ years of age, if the member can be located but does not make proper application for a deferred retirement allowance, as specified. Existing law prescribes alternate requirements if a member cannot be located. CERL establishes the Deferred Retirement Option Program, which a county or district may elect to offer and which provides an additional benefit on retirement to participating members.

This bill would require that members who have left service, as described above, in addition to notification regarding retirement allowances, also be notified regarding their eligibility for a one-time distribution of accumulated contributions and interest. The bill would revise the age at which the retirement system is required to provide the above-described notice, as well as when the retirement system must start payment of an unmodified retirement allowance, to 72 years of age. The bill would further require the retirement system at that time to make a one-time distribution of accumulated contributions if the member is ineligible for a deferred retirement allowance, as specified. The bill would change the age threshold from $70^1/_2$ years of age to 72 years of age with regard to requirements that apply when members cannot be located and with reference to when distributions are to be made to members who are participating in a Deferred Retirement Option Program.

8. CERL establishes various rights to benefits that accrue to children of members and their surviving spouses under specified circumstances. In these instances, generally, these benefits will accrue provided that the children are under 18 years of age and unmarried and they continue until every child dies, marries, or attains age 18. Existing law authorizes the continuance of the benefits, in specified instances, to children through the age of 21 if the children remain unmarried and are regularly enrolled as full-time students in an accredited school, as specified.

   This bill would revise the above-described standard applicable to children through the age of 21 to instead be up to the 22nd birthdays of the children. The bill would make a related change with regard to a provision that provides an alternative to survivorship benefits under federal social security benefits.

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AB 2937 – Non-Service Connected Disability Retirement

Subject: Amends Government Code section 31726, 31726.5, and 31838

Status: Referred to Com. on P.E.&R – March 5, 2020

The County Employees Retirement Law of 1937 (CERL) authorizes counties to establish retirement systems pursuant to its provisions for the purpose of providing pension, disability, and death benefits to county and district employees. CERL prescribes the methods for calculating a non-service-connected disability retirement for different membership classifications and for the purpose of calculating reciprocal benefits. In these instances, the sum of allowance may vary depending on whether or not the retirement board finds, in its opinion, the member's disability is due to intemperate use of alcoholic liquor or drugs, among other things. In this regard, CERL conditions the purchase of a disability retirement pension by county or district contributions on a finding by the board that the member's disability is not the result of intemperate use of alcoholic liquor or drugs.

This bill would create an optional provision, to be elected by a county board of supervisors by resolution adopted by majority vote that would remove the retirement board's assessment regarding the intemperate use of alcoholic liquor or drugs as a condition on the purchase of a disability retirement pension by county or district contributions.

AB 2967 – County Employees' Retirement

Subject: Amends Government Code sections 31470.4, 31470.5, and 31887.

Status: August 24, 2020 – In Assembly. Concurrence in Senate amendments pending. May be considered on or after August 26 to Assembly Rule 77.

The County Employees Retirement Law of 1937 authorizes counties to establish retirement systems pursuant to its provisions for the purpose of providing pension and death benefits to county and district employees, including firefighters. The County Peace Officers' Retirement Law and the County Peace Officer and Fire Service Retirement Plan Law, the County Fire Service Retirement Law, also provide retirement system structure options that a county may choose to adopt for purposes of providing benefits to specified peace officers and firefighters.

This bill would make nonsubstantive changes to those provisions. Replaces the word "firemen" with "firefighter;" "foremen" with "foreperson;" and "policeman" with "police officer."

AB 3249 – Controller: Annual Report (Fong)

Subject: Amends Government Code section 7504

Status: Referred to P.E.&R. on March 9, 2020

Existing law requires state and local public retirement systems to submit audited financial statements to the Controller at the earliest practicable opportunity within 6 months of the close of each fiscal year, and requires the Controller, within 12 months of receipt of the information, to compile and publish a report on the financial condition of all state and local public retirement systems.

This bill would additionally require the Controller to post the report on the financial condition of all state and local public retirement systems on the Controller's internet website.

SB 430 – Public Employees' Retirement Benefits: Judges

Subject: Amends Government Code section 7522.04 and to add Section 7522.06

Status: June 26, 2019 – set for first hearing canceled at the request of author.

The California Public Employees' Pension Reform Act of 2013 (PEPRA) generally requires a public retirement system, as defined, to modify its pension plan or plans to comply with the act, as specified. Among other things, PEPRA prohibits a public employer offering a defined benefit pension plan from exceeding specified retirement formulas for new members and prohibits an enhancement of a public employee's retirement formula or benefit adopted after January 1, 2013, from applying to service performed prior to the operative date of the enhancement. PEPRA defines terms for those purposes, including defining "new member" to mean among other things, an individual who becomes a member of any public retirement system for the first time on or after January 1, 2013, and who was not a member of any other public retirement system prior to that date. Existing law creates the Judges' Retirement System II, which is administered by the Board of Administration of the Public Employees' Retirement System, for the provision of retirement and other benefits to specified judges and their beneficiaries.

This bill would grant a judge who was elected to office in 2012, but did not take office until on or after January 1, 2013, the option of making a one-time, irrevocable election to have a pre-January 1, 2013, membership status in the Judges' Retirement System II for service accrued after on and after July 1, 2020. The bill would require the election to be made during a 30-day period beginning March 1, 2020. A judge making this election would no longer be a new member under specified provisions of PEPRA. The election would apply prospectively only, and membership rights and obligations that accrued based on service subject to PEPRA prior to July 1, 2020, would remain unchanged. The bill would specify that the Public Employees' Retirement System is not obligated to inform or locate a person who may be eligible to make the election and that its provisions do not affect the Legislature's reserved right to increase contributions or reduce benefits for purposes of the Judges' Retirement System II.

SB 783 – County Employees' Retirement Law - Clean Up

Subject: Amends Government Code Sections 31465, 31627.1, 31627.2 and 31631.5

Status: Referred to Com. on L., P.E. & R (05/16/2019)

The County Employees Retirement Law of 1937 (CERL) authorizes counties to establish retirement systems pursuant to its provisions for the purpose of providing pension and death benefits to county and district employees. This bill would correct several erroneous and obsolete cross-references within CERL.

II. Public Employment

AB 2307 – Public Employment: Labor Relations: Release Time

Subject: Amends Government Code sections 3543.1; Adds Government Code section 3558.7; Repeals Government sections 3505.3, 3518.5, 3524.69, 3569, 71635, and 71821 relating to public employment.

Status: March 16, 2020 – Hearing postponed by committee.

Existing law, including the Meyers-Milias-Brown Act, the Ralph C. Dills Act, the Trial Court Employment Protection and Governance Act, the Trial Court Interpreter Employment and Labor Relations Act, Judicial Council Employer-Employee Relations Act, and the Los Angeles County Metropolitan Transportation Authority Transit Employer-Employee Relations Act, as well as provisions commonly referred to as the Educational

Employment Relations Act and the Higher Education Employer-Employee Relations Act, regulates the labor relations of the state, the courts, and specified local public agencies and their employees. Existing law establishes other requirements relating to labor relations that are applicable to specified transit agencies. These acts grant specified public employees the right to form, join, and participate in the activities of employee organizations of their choosing and require public agency employers, among other things, to meet and confer with representatives of recognized employee organizations and exclusive representatives on terms and conditions of employment. These acts generally require the public entities in this context to grant employee representatives of recognized employee organizations reasonable time off without loss of compensation or benefits for certain purposes in connection with labor relations, commonly referred to as release time.

This bill would prescribe requirements relating to release time that would apply to all of the public employers and employees subject to the acts described above and would generally repeal the provisions relating to release time in those acts. The bill would require these public employers to grant a reasonable number of employee representatives of the exclusive representative reasonable time off without loss of compensation or other benefits for specified activities. This requirement would apply to activities to investigate and process grievances or otherwise enforce a collective bargaining agreement or memorandum of understanding; to meet and confer or meet and negotiate with the public employer on matters within the scope of representation, including preparation for the activities specified in these provisions; to testify or appear as the designated representative of the exclusive representative in conferences, hearings, or other proceedings before the Public Employment Relations Board or similar bodies, as specified; to testify or appear as the designated representative of the exclusive representative before the governing body of the public employer, or a personnel, civil service, or merit commission, among others; and to serve as a representative of the exclusive representative for new employee orientations. The bill would require the exclusive representative to provide reasonable notice requesting an absence in this connection. The bill would specify that its provisions prescribe minimum release time rights and would prescribe requirements regarding the relation of its provisions to other labor agreements that address release time. The bill would prohibit the Public Employment Relations Board from enforcing these provisions with regard to public transit workers that are not otherwise subject to the board's jurisdiction.

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AB 2433 – Local Public Employee Organizations

Subject: Amends Government Code section 3505.7 relating to public employment.

Status: May 5, 2020 Re-refer to Com on APPR

The Meyers-Milias-Brown Act contains various provisions that govern collective bargaining of local represented employees, and delegates jurisdiction to the Public Employment Relations Board to resolve disputes and enforce the statutory duties and rights of local public agency employers and employees. The act requires the governing body of a public agency to meet and confer in good faith regarding wages, hours, and other terms and conditions of employment with representatives of recognized employee organizations. Under the act, if the representatives of the public agency and the employee organization fail to reach an agreement, they may mutually agree on the appointment of a mediator and equally share the cost. Existing law provides that after any applicable mediation and fact-finding procedures have been exhausted, but no earlier than 10 days after the factfinders' written findings of fact and recommended terms of settlement have been submitted to the parties, a public agency that is not required to proceed to interest arbitration may, after holding a hearing regarding the impasse, implement its last, best, and final offer.

This bill would revise the above-described timeframe to no earlier than 15 days after the factfinders' written findings of fact and recommended terms of settlement have been submitted to the parties.

SB 1159 – Workers' Compensation: COVID-19 – Critical Workers

Subject: An act to add and repeal Section 3212.86 of the Labor Code, relating to workers' compensation.

Status: August 25, 2020 – Ordered to Third Reading.

Existing law establishes a workers' compensation system, administered by the Administrative Director of the Division of Workers' Compensation, to compensate an employee for injuries sustained in the course of employment. Existing law creates a disputable presumption that specified injuries sustained in the course of employment of a specified member of law enforcement or a specified first responder arose out of and in the course of the employment.

This bill would, until an unspecified date, define "injury" for a critical worker, as described, to include illness or death that results from exposure to coronavirus disease 2019

(COVID-19) under specified circumstances. The bill would create a disputable presumption, as specified, that an injury that develops or manifests itself while a critical worker is employed arose out of and in the course of the employment.

SB 1173 – Public Employment: Labor Relations: Employee Information

Subject: Amends Government Code section 3558 relating to public employment.

Status: August 25, 2020 – Read second time. Ordered to third reading.

Existing law, including the Meyers-Milias-Brown Act, the Ralph C. Dills Act, the Trial Court Employment Protection and Governance Act, the Trial Court Interpreter Employment and Labor Relations Act, and the Los Angeles County Metropolitan Transportation Authority Transit Employer-Employee Relations Act, provisions commonly referred to as the Educational Employment Relations Act, and the Higher Education Employer-Employee Relations Act, among others, regulates the labor relations of the state, the courts, and specified local public agencies and their employees. Existing law requires these public employers to provide certain labor representatives with the names and home addresses of newly hired employees, as well as their job titles, departments, work locations, telephone numbers, and personal email addresses, within 30 days of hire or by the first pay period of the month following hire. Existing law also requires the public employers to provide this information for all employees in a bargaining unit at least every 120 days, except as specified.

This bill would generally authorize an exclusive representative to file a charge of an unfair labor practice with the Public Employment Relations Board, as specified, alleging a violation of the above-described requirements. The bill would condition this authorization on the exclusive representative giving written notice, as specified, to the public employer of the alleged violation and would provide a public employer a limited opportunity to cure certain violations. The bill would require the Public Employment Relations Board to impose a penalty, not to exceed an unspecified amount, to be determined by the board with reference to specified criteria. The bill would require that an exclusive representative who prevails in these circumstances be awarded of reasonable attorney's fees and costs.

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AB 3216 – Employee Leave: Authorization: Coronavirus (COVID-19)

Subject: *Add and repeal Section 12945.7 of the Government Code, relating to employment*

Status: August 24, 2020 – Read second time. Ordered to third reading.

Existing law, the Moore-Brown-Roberti Family Rights Act, or California Family Rights Act (CFRA), makes it an unlawful employment practice for an employer, as defined, to refuse to grant a request by an eligible employee to take up to 12 workweeks of unpaid protected leave during any 12-month period for family care and medical leave, as specified. Existing law makes this leave available to an employee with more than 12 months of service with the employer and at least 1,250 hours of service with the employer within the last 12 months.

This bill would also make it an unlawful employment practice for an employer, as defined, to refuse to grant a request by an eligible employee to take family and medical leave due to the coronavirus (COVID-19), as specified. The bill would require a request under this provision to be made and granted in a similar manner to that provided under the CFRA. The bill would specify that an employer is not required to pay an employee for the leave taken, but would authorize an employee taking a leave to elect, or an employer to require, a substitution of the employee's accrued vacation or other time off during this period and any other paid or unpaid time off negotiated with the employer. The bill would authorize an employee, if the employee takes leave because of the employee's own diagnosis with or quarantine because of COVID-19, to elect, or the employer to require, that the employee substitute their accrued sick leave. The bill would prohibit an employee from using sick leave during a period of leave to care for a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner diagnosed with or quarantined because of COVID-19. The bill would require an employer, during any period in which an eligible employee takes leave, to maintain and pay for coverage under a group health plan, as defined, and would authorize the employer to recover the premium that the employee paid under certain circumstances.

The bill would permit employees taking leave due to COVID-19 to continue participation in employee health plans, including life insurance or short-term or long-term disability or accident insurance, pension and retirement plans, and supplemental unemployment benefit plans, as prescribed. The bill would provide that during a medical leave period taken due to COVID-19 an employee would retain employee status with the employer and that this leave does not constitute a break in service.

The bill would authorize an employer to require that an employee's request for leave under these provisions to care for an employee's relative or for the employee's own care

be supported by a certification issued by a health care provider, and would specify that certification is sufficient if it includes, among other required information, the date on which the diagnosis or quarantine was given, the probable duration thereof, and an estimate of the time needed.

The bill would make it an unlawful employment practice for an employer to refuse to hire, or to discharge, fine, suspend, expel, or discriminate against, an individual because of the individual's exercise of leave right under these provisions or the individual's giving information or testimony as to family care and medical leave due to COVID-19. The bill would specify that leave granted under these provisions is separate and distinct from any leave granted under the CFRA or the federal Family and Medical Leave Act of 1993.

The bill would remain in effect until January 1, 2022.

III. Local Government (including Brown Act & Public Records Act)

AB 992 - Open Meetings: Local Agencies: Social Media (Mullin)

Subject: Amends Government Code section 54952.2

Status: August 24, 2020 - In Assembly, Concurrence in Senate amendments pending. May be considered on or after August 26 pursuant to Assembly Rule 77.

The Ralph M. Brown Act generally requires that the meetings of legislative bodies of local agencies be conducted openly. That act defines "meeting" for purposes of the act and prohibits a majority of the members of a legislative body, outside a meeting authorized by the act, from using a series of communications of any kind to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body.

This bill would provide that the prohibition described above does not apply to the participation, as defined, in an internet-based social media platform, as defined, that are ephemeral, live, or static, by a majority of the members of a legislative body, provided that a majority of the members do not discuss among themselves, as defined, business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest. This bill would make legislative findings to that effect.

AB 2093 – Public Records: Writing Transmitted by Electronic Mail: Retention

Subject: Adds Government Code Section 6253.32

Status: March 10, 2020 Re-refer to Com. on Appr.

Existing law, the California Public Records Act, requires a public agency, defined to mean any state or local agency, to make public records available for inspection, subject to certain exceptions. Existing law specifies that public records include any writing containing information relating to the conduct of the public's business, including writing transmitted by electronic mail. Existing law requires any agency that has any information that constitutes a public record not exempt from disclosure to make that public record available in accordance with certain provisions, and authorizes every agency to adopt regulations stating the procedures to be followed when making its records available, if the regulations are consistent with those provisions. Existing law authorizes cities, counties, and special districts to destroy or to dispose of duplicate records that are less than two years old when they are no longer required by the city, county, or special district, as specified.

This bill would, unless a longer retention period is required by statute or regulation, or established by the Secretary of State pursuant to the State Records Management Act, require a public agency, for purposes of the California to retain and preserve for at least 2 years every public record, as defined, that is transmitted by electronic mail.

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AB 2138 – Public Record Act: Nonsubstantive changes.

Subject: Act to add and repeal Article 3 (commencing with Government Code section 6276.50)

Status: May 5, 2020 – Re-referred to Com. on JUD

The California Public Records Act requires state and local agencies to make their records available for public inspection, unless an exemption from disclosure applies. This bill would recodify and reorganize the provisions of the act. The bill would include provisions to govern the effect of recodification and state that the bill is intended to be entirely nonsubstantive in effect. The bill would contain related legislative findings and declarations. The bill would become operative on January 1, 2022.

AB 2151 – Political Reform Act of 1974: Online filing and disclosure system.

Subject: Adds Government Code section 84616

Status: August 14, 2020 - Read second time. Ordered to Consent Calendar.

The Political Reform Act of 1974 requires the filing of specified statements, reports and other documents. Under the act, a local government agency may require these filings to be made online or electronically with the local filing officer, as specified. The act requires the local filing officer to make all data so filed available on the internet in an easily understood format that provides the greatest public access. This bill would require a local government agency to post on its internet website, within 72 hours of the applicable filing deadline, a copy of any specified statement, report, or other document filed with that agency in paper format. This bill would require that the statement, report, or other document be made available for four years from the date of the election associated with the filing. By imposing a new duty on local government agencies, this bill would impose a state-mandated local program.

AB 2473 – Public Investment Funds

Subject: Adds Government Code section 6254.32 relating to public records.

Status: August 10, 2020 – In committee: Set, first hearing. Hearing canceled at the request of author.

Existing law, the California Public Records Act, requires state and local agencies to make their records available for public inspection, unless an exemption from disclosure applies. Existing law excludes from the disclosure requirement certain records regarding

alternative investments in which public investment funds invest. This bill would exempt from disclosure under the act specified records regarding an internally managed private loan made directly by a public investment fund, including quarterly and annual financial statements of the borrower or its constituent owners, unless the information has already been publicly released by the keeper of the information. Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

SB 931 – Local Government meetings: agenda and documents.

Subject: Amends Government Code section 54954.1

Status: April 2, 2020 – Read second time and amended. Referred to Com. on GOV. & F.

Existing law, the Ralph M. Brown Act, requires meetings of the legislative body of a local agency to be open and public and also requires regular and special meetings of the legislative body to be held within the boundaries of the territory over which the local agency exercises jurisdiction, with specified exceptions. Existing law authorizes a person to request that a copy of an agenda, or a copy of all the documents constituting the agenda packet, of any meeting of a legislative body be mailed to that person.

This bill would require, if the local agency has an internet website, a legislative body or its designee to email a copy of, or website link to, the agenda or a copy of all the documents constituting the agenda packet if the person requests that the items be delivered by email. The bill would require, where the local agency determines it is technologically infeasible to send a copy of all documents constituting the agenda packet or a website link containing the documents by electronic mail or by other electronic means, the legislative body or its designee to send by electronic mail a copy of the agenda or a website link to the agenda and mail a copy of all other documents constituting the agenda packet in accordance with the mailing requirements. By requiring local agencies to comply with these provisions, this bill would impose a state-mandated local program.

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