

Legislative Report May 2023

Committee work wound down this month. Non-fiscal had to be out of Policy Comms and to the Floor of the House of origin by May 5 and fiscal bills out of Fiscal Comm and to the Floor by May 19. From May 30 to June 2 there will only be Floor sessions and bills must be out of the House of origin by June 2.

SB 252 (Gonzalez)

Current law prohibits the boards of CalPERS and CalSTRS from making new investments or renewing existing investments of public employee retirement funds in a thermal coal company and requires the boards to liquidate investments in thermal coal companies on or before July 1, 2017. Current law also provides that a board is not required to take any action unless the board determines in good faith that the action is consistent with the board's fiduciary responsibilities as established in the California Constitution. Last year's SB 1173 attempted to extend the law's coverage to include fossil fuel companies. While that bill passed out of the Senate, it was not heard in the Assembly, so it died.

This bill is a re-introduction of SB 1173. It was referred to the Sen L., P.E. & R. and Jud Comms. **The bill was amended in a minor way and passed out of the Sen Jud Common April 19 (8-2) and sent to the Sen Appr Comm where it was placed in the Suspense File. It was amended in a minor way and passed out of the Sen Appr Comm on May 18 (4-2) and sent to the Sen Floor.**

SB 265 (Hurtado)

This bill would require Cal Office of Emergency Services (OES) to direct Cal Cybersecurity Integration Center to prepare, and Cal OES to submit to the Legislature on or before January 1, 2025, a strategic, multiyear outreach plan to assist critical infrastructure sectors in their efforts to improve cybersecurity and an evaluation of options for providing grants or alternative forms of funding to, and potential voluntary actions that do not require funding and that assist, that sector in their efforts to improve cybersecurity preparedness.

The bill passed out of the Sen Gov Org Committee on March 14 (13-0) and referred to the Sen Appr. Committee. **On April 10, it was placed in the Sen Appr Comm Suspense File. It was amended and passed out of the Sen Appr Comm on May 18 (7-0) and sent to the Sen Floor. The original bill provided for adding a new section to the GC. Instead, the amendment took the original language and amended it into an existing GC section.**

SB 300 (Seyarto)

This bill would require any bill, introduced on or after January 1, 2024, that is referred to the Sen L, P.E. and R Committee and relates to CalPERS to include a fiscal impact analysis from the Legislative Analyst's Office that describes the fiscal impact of the bill on CalPERS and what the outcome of the bill would be if implemented. Probably a spot bill.

The bill was amended and passed out of the Sen L., P.E. & R. Committee on May 2 (5-0) and sent to the Sen Appr. Committee. The amendments fleshed out what the analysis is to address. On May 15 it was placed in the Sen Appr Comm Suspense File. On May 18, the bill was held in Comm.

SB 327 (Laird)

Current law authorizes a member of CalSTRS who is eligible and applies for a disability allowance or retirement to apply to receive a service retirement pending the determination of their application for disability, subject to meeting certain conditions. These include that the member submit an application on a form prescribed by the system and, if the application for

disability benefits is denied or canceled, the service retirement date of a member who submits an application for retirement under these provisions may not be earlier than January 1, 2014. This bill would instead prohibit the service retirement date of a member who submits an application for retirement under these provisions from being earlier than 180 calendar days prior to when the application for service retirement is received by the system.

The bill passed out of the Sen L., P.E. & R Committee on April 26 (5-0) with minor amendments and sent to the Sen Appr. Committee where it was placed in the Suspense File. The bill passed out of the Sen Appr Comm on May 18 (7-0) and sent to the Sen Floor.

SB 391 (Blakespear)

Current workers' compensation law provides, among other things, that skin cancer developing in active lifeguards is presumed to arise out of and in the course of employment, unless the presumption is rebutted. This bill would expand the scope of those provisions to certain peace officers of the State Department of Fish and Wildlife and the State Department of Parks and Recreation.

The bill passed out of the Sen L., P.E. & R Committee on April 19 (5-0) and sent to the Sen Appr Comm where it was placed in the Suspense File.. The bill passed out of the Sen Appr Comm on May 18 (7-0) and sent to the Sen Floor.

SB 411 (Portantino)

Current law, which sunsets on January 1, 2024, establishes emergency provisions in the Brown Act authorizing the legislative body of a local agency to meet by teleconferencing during a proclaimed state of emergency or in other situations related to public health that impose different requirements for notice, agenda, and public participation. The emergency provisions do not require a legislative body to provide a physical location at which the public may attend or comment. Current law also, until January 1, 2026, authorizes the legislative body of a local agency to use alternative teleconferencing in certain circumstances if at least a quorum of its members participate from a singular physical location that is open to the public and situated within the agency's jurisdiction and other requirements are met, including restrictions on remote participation by a member of the legislative body. This bill would authorize a legislative body to use alternate teleconferencing provisions similar to the emergency provisions indefinitely and without regard to a state of emergency. For the purposes of this bill, "legislative body" is defined to mean a board, commission, or advisory body of a local agency, are appointed and which board, commission, or advisory body is otherwise subject to the Brown Act.

The bill was amended and passed out of the Sen Gov Comm on April 19 (6-2) and sent to the Sen Jud Comm. The amendments gutted the bill and made it only applicable to Neighborhood Councils in the City of Los Angeles. It passed out of the Sen Jud Comm (9-1) on May 2 and sent to the Sen Floor. It passed out of the Sen on May 15 (30-5) and sent to the Asm where it awaits assignment.

SB 432 (Cortese)

CalSTRS provides a defined benefit to its members based on final compensation, credited service, and age at retirement, subject to certain variations. Existing law creates the Cash Balance Benefit Program to provide a retirement plan for the benefit of participating employees who perform creditable service for less than 50% of full time. This bill would revise those provisions to specify that compensation reported in accordance with CalSTRS rules includes rules relating to timeliness and accuracy and would eliminate the requirement that supersession by other law or order be express.

This bill was amended and passed out of the Sen L., P.E. & R. Comm on May 1 (5-0) and sent to Sen Appr. Comm. The amendments address overpayments by CalSTRS and how they are to be recovered. If the overpayments are considered to be as a result of an error

by CalSTRS, they are recovered from the State General Fund and the School District. If they are determined to have been paid to enhance a member's benefits, they are recovered from the member or beneficiaries. The bill passed out of the Sen Appr. Comm on May 15 and was on the Sen Floor. It passed out of the Sen on May 18 (38-0) and sent to the Asm where it awaits assignment.

SB 537 (Becker)

This bill states the intent of the Legislature to enact subsequent legislation that expands local government's access to hold public meetings through teleconferencing and remote access. This bill was referred to the Sen Gov & F and Jud Committees. It was amended by the Author on March 22 to flesh out what was just an intent bill. **The bill passed out of the Sen Jud Comm on May 2 (9-2) and sent to the Sen Floor.**

SB 548 (Niello)

Current law requires, for counties that contract for retirement benefits through CalPERS for eligible employees that a trial court and a county in which the trial court is located jointly participate in the system by joint contract. PEPRRA establishes a variety of requirements and restrictions on public employers offering defined benefit pension plans, including limiting the benefits that may be provided to new members. This bill would authorize a county and the trial court located within the county to elect to voluntarily separate their joint CalPERS contract into individual contracts and would prescribe a process for this. The bill would prohibit the separation from being a cause for modification of employee retirement benefits. The bill would also require CalPERS, within its existing resources, to do a specified computation of assets and liabilities for a county and trial court seeking to separate their joint contract. For purposes of PEPRRA, the bill would authorize a county and a trial court to provide employees the defined benefit plan or formula that those employees received from their respective employers prior to the exercise of the option to separate and would prohibit the separation from being a cause for modification of employee retirement benefits.

The bill passed out of the Sen L., P.E. & R Comm on April 19 (5-0) and sent to the Sen Appr Comm where it was placed in the Suspense File. The bill passed out of the Sen Appr Comm on May 18 (7-0) and sent to the Sen Floor.

AB 557 (Hart)

Current law, which sunsets on January 1, 2024, establishes emergency provisions in the Brown Act authorizing the legislative body of a local agency to meet by teleconferencing during a proclaimed state of emergency or in other situations related to public health that impose different requirements for notice, agenda, and public participation. The emergency provisions do not require a legislative body to provide a physical location at which the public may attend or comment. If there is a continuing state of emergency, or if state or local officials have imposed or recommended measures to promote social distancing, existing law requires a legislative body to make specified findings not later than 30 days after the first teleconferenced meeting, and to make those findings every 30 days thereafter, in order to continue to meet under these emergency teleconferencing procedures. This bill would extend the emergency provisions when a declared state of emergency is in effect, or in other situations related to public health indefinitely. It would also extend the period for a legislative body to make the necessary findings related to a continuing state of emergency and social distancing to not later than 45 days after the first teleconferenced meeting, and every 45 days thereafter, in order to continue to meet under the emergency provisions.

The bill was amended in a minor way and passed out of the Asm Local Gov. Comm on April 27 (8-0), out of the Asm on May 15 (78-0), and sent to the Sen where it awaits assignment..

AB 621 (Irwin)

Workers' Compensation law provides that no benefits, except reasonable expenses of burial not exceeding \$1,000, shall be awarded on account of the death of an employee who is an active member of CalPERS unless the death benefits available under PERL are less than the workers' compensation death benefits. In that case, the surviving spouse and children of the employee are also entitled to the difference between the 2 death benefit amounts. Current law exempts local safety members and patrol members from this limitation. This bill would extend that exemption to include state safety members, peace officers, and firefighters for the Department of Forestry and Fire Protection who are members of Bargaining Unit 8.

The bill passed out of the Asm Ins. Committee on March 22 (12-0) and sent to the Asm Appr Committee. **On April 26 it was placed in the Suspense File. It passed out of the Asm Appr Comm on May 18 (15-0) and sent to the Asm Floor.**

AB 699 (Weber)

Current Workers' Compensation law creates a rebuttable presumption that specified injuries, sustained in the course of employment of a specified member of law enforcement or a specified first responder, and a rebuttable presumption that skin cancer that develops or manifests in the course of employment of a lifeguard, arose out of and in the course of employment. This bill would extend the presumptions applicable to specified members of law enforcement or specified first responders and skin cancers to a lifeguard employed on a year-round, full-time basis in the Boating Safety Unit by the City of San Diego Fire-Rescue Department.

The bill passed out of the Asm Ins. Committee on March 22 (12-0) and sent to the Asm. Appr Committee. **It passed out) and Asm Appr Comm on April 19 (14-0), out of the Asm on April 27 (79-0), and sent to the Sen where it was assigned to the Sen L, PE & R Comm .**

AB 738 (Lackey)

Existing law establishes the California Actuarial Advisory Panel to provide impartial and independent information on pensions, other postemployment benefits, and best practices to public agencies. Under such law, the panel is required to report to the Legislature on or before February 1 of each year. This bill would change the deadline for that report to January 31 of each year. This is probably a spot bill.

The bill is still at the Asm P.E. & R. Committee. **It is dead for this legislative year.**

AB 739 (Lackey)

The Public Employees' Pension Reform Act of 2013 (PEPRA) authorizes a public retirement system to suspend contributions if certain conditions are satisfied, one of which is that the plan be funded by more than 120%, based on a computation by the retirement system actuary in accordance with specified standards, that is included in the annual valuation. This bill would revise the conditions for suspending contributions to a public retirement system defined benefit plan to increase the threshold percentage amount of plan funding to more than 130%. This is probably a spot bill.

The bill is still at the Asm P.E. & R. Committee. **It is dead for this legislative year.**

AB 817 (Pacheco)

This bill would make non-substantive changes to a provision of the Ralph M. Brown Act.

It is a spot bill. It was referred to the Asm Local Gov Committee and amended by the Author on March 10 to provide for teleconferencing of a subsidiary body that serves exclusively in an advisory capacity and is not authorized to take final action on legislation, regulations,

contracts, licenses, permits, or any other entitlements. It also sets the rules for when teleconferencing may be used and other requirements for public access.

The bill is still at the Asm Local Gov Committee. **It is dead for this legislative year.**

AB 1020 (Grayson)

The 1937 Act prescribes the rights, benefits, and duties of members of the retirement systems established pursuant to its provisions. Current law requires, if a safety member, a firefighter member, or a member in active law enforcement who has completed 5 years or more of service develops heart trouble, that the heart trouble be presumed to arise out of and in the course of employment. **The bill was amended on March 13 to add hernia and pneumonia as presumptions for these members. In addition, the bill adds a number of new rebuttable presumptions to the 1937 Act to cover job classifications specified in the Labor Code as follows:**

<u>Injury</u>	<u>Labor Code Section</u>
Tuberculosis	3212.6
Meningitis	3212.9
Skin Cancer	3212.11
Lyme Disease	3212.12
PTSD	3212.15
Lower back Impairments	3213.2

The bill passed out of the Asm on April 20 (76-0) and sent to the Sen where it was assigned to the Sen L, PE & R Comm .

AB 1025 (Dixon)

Current law requires a county board of supervisors, upon request of the county assessor, auditor-controller or sheriff, to contract with legal counsel to assist the assessor, auditor-controller, or sheriff with duties for which the district attorney or county counsel would have a conflict of interest in representing the assessor, auditor-controller, or sheriff. In the event the board of supervisors does not concur with the assessor, auditor-controller, or sheriff that a conflict of interest exists, current law authorizes the county assessor, auditor-controller, or sheriff to initiate an ex parte proceeding before the presiding judge of the superior court This bill would extend these provisions to additionally require the board of supervisors to contract with legal counsel to assist the elected treasurer-tax collector.

The bill passed out of the Asm Local Gov Committee on March 29 (8-0) and sent to the Asm Appr Committee. **It was placed in the Asm Appr Comm Suspense file on April 19. It passed out of the Asm Appr Comm on May 18 (15-0) and sent to the Asm Floor.**

AB 1145 (Maeinschein)

Current workers' compensation law provides that, until January 1, 2025, in the case of certain state and local firefighting personnel and peace officers, the term "injury" includes post-traumatic stress disorder that developed or manifested during a period while the member is in the service of the department or unit and establishes a rebuttable presumption in this regard. This bill would, only until January 1, 2030, extend this coverage to certain state nurses, psychiatric technicians, and various medical and social services specialists. The bill would apply to injuries occurring on or after January 1, 2024. The bill would prohibit compensation from being paid for a claim of injury unless the member has performed services for the department or

unit for at least 6 months, unless the injury is caused by a sudden and extraordinary employment condition.

On April 26 it was placed in the Asm Appr Comm Suspense File. It passed out of the Asm Appr Comm on May 18 (14-0) and sent to the Asm Floor.

AB 1637 (Irwin)

Existing law, the Information Practices Act of 1977, requires an agency that owns or licenses computerized data that includes personal information, as defined, to disclose any breach of the security of the system following discovery or notification of the breach in the security of the data to any resident of California. The Act's definition of "agency" does not include a local agency. This bill would express the intent of the Legislature to enact legislation that would relate to the security of information maintained by local governments and special districts. .

The bill was referred to the L Gov. & the Privacy and Consumer Protection (P & C.P) Committees and was gutted and amended to provide that no later than January 1, 2025, a local agency that maintains an internet website for use by the public shall ensure that the internet website utilizes a ".gov" top-level domain or a ".ca.gov" second-level domain and a local agency that maintains public email addresses for its employees shall ensure that each email address provided to its employees utilizes a ".gov" domain name or a ".ca.gov" domain name, among other minor things.

On April 25 the bill was amended in a minor way and passed out of the Asm P & CP Comm (9-0) and sent to the Asm Appr Comm. It was amended and passed out of the Asm Appr Comm on May 18 (12-2) and sent to the Asm Floor. The amendment limited the bills application to just cities, counties and city and county instead of to all local agencies.