

**Legislative Report
September 2023**

September 14 was the last day of the 2023 Legislative Session. The Governor now has 30 days in which he must sign, veto, or allow any enrolled bills to become law without signature. My next report will be after the Governor's deadline.

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

This bill was shelved in the Asm P.E. & R. Comm so is now a 2-year bill.

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 was held in the Asm Appr Comm so is now a 2-year bill.

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 Asm Appr Comm on Sept. 1 (16-0) and out of the Asm on Sept. 6 (79-0) and enrolled on Sept. 11.

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 was amended in the Asm Appr Comm. on Sept. 7 to coordinate with AB 699, and passed out of Comm on Sept. 16 (16-0), out of the Asm on Sept 12 (80-0) and out of the Senate on Sept. 13 (39-0). It was enrolled on Sept. 15.

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 passed out of the Asm on Aug. 24 (59-12), and out of the Sen on Sept. 6 (32-6). It was enrolled on Sept. 11.

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.

The bill was amended on the Asm Floor on Aug. 24 to eliminate certain notices to members, retired members and beneficiaries and passed out of the Asm on Aug. 31 (77-0). The Sen concurred in the amendments on Sept. 7 (40-0) and the bill was enrolled on Sept 11.

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 was assigned to the Asm L Gov Comm on June 15, where it died.

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. PEPRAs 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 PEPRAs, 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 Asm Appr Comm. on Sept. 1, out of the Asm on Sept. 11 (80-0), the Sen concurred in the amendments on Sept. 13 (39-0) and was enrolled on the same date.

SB 885 (Sen L PE & R Comm)

This is the annual committee bill making non-controversial amendments to various laws pertaining to public retirement. It passed out of the Asm Appr Comm on June 28 and out of the Asm on July 3 (69-11). **The Sen concurred in the Asm amendments on Aug. 17 (38-0). The bill was enrolled on Aug. 22 and signed by the Governor on Sept. 1. It is now Chapter 159, Stats. Of 2023.**

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 the Sen on Sept. 1 by adding a new sec. 1.5 which would only become operative if SB 537 passed. It passed out of the Sen on Sept. 7 (39-0) and the Asm concurred in the amendment on Sept. 11 (79-0). The bill was enrolled on Sept. 15. However, SB 537 was placed on the Asm inactive file on Sept. 14, so added sec. 1.5 will not become operative.

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 Sen Appr Comm on Sept. 1 (7-0). It was amended in the Sen on Sept. 8 to make it retroactive to Jan. 1, 2019 for injuries not already claimed or resolved. It passed out of the Sen on Sept. 12 (38-0) and the Asm concurred in the amendments on Sept. 13 (80-0) and enrolled on the same date.

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 was amended in the Sen on Sept. 6 to apply to the City of San Diego Boating and Safety Unit Lifeguards and established a rebuttable presumption for PTSD injuries sustained after Jan. 1, 2020. The amendment sunsets on Jan. 1, 2025. The bill passed out of the Sen on Sept. 11 (38-0) and the Asm concurred in the amendments on Sept. 12 (80-0). The bill was enrolled on Sept. 14.

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

For all injuries covered, the presumption continues for up to 5 years after regular retirement, depending on years of service.

The bill was amended in the Sen to link it to SB 623 which would amend Labor Code sec. 3212.15 to extend its applicability to a very large number of addition job classifications. The amendment also extended the date of repeal of the PTSD presumption to January 1, 2032.

The bill passed out of the Sen on Sept. 6 (40-0) and the Asm concurred in the amendments on Sept. 7 (79-0). It was enrolled on Sept. 14.

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 out of the Sen Appr Comm. on Sept. 1 (7-0), and out of the Sen on Sept. 12 (39-0). It was enrolled on Sept. 14.

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.

The bill passed out the Sen Appr Comm on Sept. 1 (5-0) and out of the Sen on Sept. 11 (33-3). It was enrolled on Sept. 15.

AB 1246 (Nguyen) would, commencing January 1, 2025, permit a member who elected to receive a specified optional settlement at retirement, if the member's former spouse was named as beneficiary and a legal judgment awards only a portion of the interest in the retirement system to the retired member, to elect to add their new spouse as the beneficiary of the member's interest, subject to meeting certain conditions. This bill would authorize a member to elect this option only once and would preclude elections that would be in derogation of the former spouse's interest in the retirement system, and the bill would preclude elections that would result in additional costs to the employer.

The bill passed out of the Sen Appr Comm. on Sept. 1 (7-0). It was placed in the inactive file on Sept. 11, so is now a 2-year bill.

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.

The bill passed out of the Sen Appr Comm on Sept. 1 (5-2), and out of the Sen on Sept. 12 (24-8). The Asm concurred in the Sen amendments on Sept. 13 and enrolled on the same date.