

Daily Tournal

JANUARY 9, 2019

NEW California

A list of all California laws passed in 2018 and the codes they modified.

Plus expert analysis on the most impactful legislation of the year.

35.00

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AGRICULTURE

- AB 2114 (Bigelow) This bill provides a new exemption for a mobile slaughter operator (MSO), allows the Secretary (Secretary) of the California Department of Food and Agriculture (CDFA) to issue an annual exhibition permit related to cattle exhibition, and allows the Secretary to increase the service charge for brand inspections. An act to amend Sections 19020 and 21281.5 of, and to add Section 21070 to, the Food and Agricultural Code, relating to livestock inspection, and making an appropriation therefor.
- AB 2377 (Irwin) This bill requires the California Department of Food and Agriculture (CDFA) to establish a technical assistance grant program (TAG program) to provide funds to technical assistance providers (TAP) to work with applicants for the Healthy Soils Program (HSP), alternative manure management programs (AMMP), and the State Water Efficiency and Enhancement Program (SWEEP). An act to add Section 570 to the Food and Agricultural Code, relating to agriculture.
- AB 2468 (Arambula) This bill makes changes to the laws governing the registration of the location of apiary colonies (bee hive) within the state. This bill also provides the Secretary of the California Department of Food and Agriculture (CDFA), or a county agricultural commissioner (CAC) the ability to seek administrative civil penalty (ACP) for violations of any of the laws governing the registration of apiary colonies within the state. An act to amend Sections 29042, 29045, 29046, 29070, 29070.5, and 29074 of, and to add Section 29313 to, the Food and Agricultural Code, relating to bees.
- AB 2470 (Grayson) This bill codifies the Invasive Species Council of California (ISCC) and allows ISCC to establish the California Invasive Specifies Advisory Committee (CISAC) to assist in a comprehensive effort to suppress and eradicate invasive species in California. Upon appropriation by the Legislature, the bill also establishes the Invasive Species Account (ISA) for purposes of funding invasive species projects and activities recommended by ISCC. Makes changes to the allocation of grant funds from the Noxious Weed Management Account (NWMA), as specified. This bill establishes a framework for local and state agencies and other stakeholders to coordinate efforts to suppress and eradicate diseases associated with the spread of invasive shot hole borers (SHB), as specified.

An act to amend Sections 5260 and 7271 of, and to add Part 4.5 (commencing with Section 7700) to Division 4 of, the Food and Agricultural Code, relating to invasive species.

• AB 2791 (Muratsuchi) This bill allows newborn animals that need maternal care as well as puppies and kittens under eight weeks of age that are reasonably believed to be unowned, which have been impounded by a public or private shelter, to be eligible for release to a qualifying nonprofit animal rescue or adoption organization upon request prior to being euthanized.

An act to amend Sections 17006, 31108, and 31752 of the Food and Agricultural Code, relating to animals.

• AB 3252 (Committee on Agriculture) This bill clarifies the exemption for private veterinarians in relation to drawing and using animal blood in their own office, repeals and updates farm animal quarantine laws, and makes changes to the Equine Medication Monitoring Program (EMMP).

An act to amend Sections 9268, 9272, 9574, 24000,

24001, 24004, 24007, 24009, 24010, 24011, and 24011.6 of, and to repeal Sections 9141, 9142, and 9162 of, the Food and Agricultural Code, relating to animal health, and making an appropriation therefor.

• AB 3260 (Committee on Agriculture) This bill amends existing law to require the California Department of Food and Agriculture (CDFA) to notice meeting information regarding the California Marketing Act (CMA) and Beef Council Law (BCL) online rather than in a newspaper and posted at CDFA's headquarters in Sacramento. This bill also allows CDFA or a county agricultural commissioner (CAC) to impose an administrative civil penalty or suspension of certification, or both, for a violation of laws and regulations related to certified farmers' markets (CFM), regardless of where in the state the violation took place.

An act to amend Sections 47025, 59087, 59111, and 64563 of the Food and Agricultural Code, relating to the Department of Food and Agriculture.

• SB 668 (McGuire) This bill makes changes to the California Commercial Feed law (CFL) by increasing penalties for violations of the CFL and updating the appeals and hearing process for persons who are fined.

An act to amend Sections 14991, 15042, 15056, 15071, 15071.5, 15075, 15091, and 15092 of, to add Sections 15071.1, 15071.3, 15071.4, and 15082 to, and to repeal Section 15081 of, the Food and Agricultural Code, relating to commercial feed, and making an appropriation therefor.

• SB 965 (McGuire) This bill establishes the California Cattle Council within the California Department of Food and Agriculture (CDFA) to provide production research, producer and consumer education, and various promotional activities related to cattle in California; and provides that the council will consist of 11 members and 11 alternates appointed by the Secretary of CDFA. This bill assesses \$1 per head of live cattle and calves sold to enable the council to carry out programs and administer activities.

An act to amend Section 64691.7 of, and to add and repeal Chapter 2.5 (commencing with Section 65001) of Part 2 of Division 22 of, the Food and Agricultural Code, relating to food and agriculture, and making an appropriation therefor.

• SB 1039 (Pan) This bill defines "ultra-filtered milk products" and authorizes the Secretary of the California Department of Food and Agriculture (CDFA) to establish milk standards for ultra-filtered milk products sold in California. This bill requires ultra-filtered milk products to meet all standards and requirements for market milk, except as provided, and requires ultra-filtered milk products to be labeled in accordance with applicable federal laws. This bill requires that the term "ultra-filtered" be included in the product name on the product label.

An act to add Article 9.5 (commencing with Section 35975) to Chapter 2 of Part 2 of Division 15 of the Food and Agricultural Code, relating to milk.

• SB 1409 (Wilk) This bill updates existing California law pertaining to the production and cultivation of industrial hemp.

An act to amend Sections 81002, 81003, 81004, 81005, and 81006 of, and to add Sections 81007 and 81011 to, the Food and Agricultural Code, and to amend Section 11018.5 of the Health and Safety Code, relating to industrial hemp, and making an appropriation therefor.

AB 2230: New year brings more efficient civil procedures

By Mike Arias and Saveena Takhar

t a time when Republicans and Democrats are at each other's throats more than ever, one issue united them here in California — simplifying the court system. To that end, Consumer Attorneys of California and the California Defense Counsel worked together to co-sponsor Assembly Bill 2230 (Berman) to create more efficient civil procedures in California's judicial system. It was signed into law by Gov. Jerry Brown on Sept. 10, 2018.

This law provides courts with the flexibility needed to be more efficient, giving judges discretion in regard to separate statements in discovery disputes as well as more time to rule on trial motions. Most attorneys have run aground on problems involving discovery dispute motions. There is so much detail required that they often overwhelm the court unnecessarily. This tedious process keeps judges bogged down in motions, clogs up the court's calendar and postpones cases for days, weeks and months. AB 2230 promotes efficiency by giving judges the option to allow attorneys to produce far shorter, more concise outlines of the discovery issues in dispute. In addition, this law will increase the timeframe allowing for a court to rule on a new trial motion from the current 60 days to a new threshold of 75 days. The increased time will give parties and judges the ability to grant extensions and more efficiently navigate the new trial process.

Consumer Attorneys of California also joined with the California Women's Law Center to co-sponsor SB 820, known as the STAND (Stand Together Against Non-Disclosures) Act. The STAND Act will ban confidentiality provisions in settlement agreements in cases of sexual harassment, sexual assault and sex discrimination for settlement agreements entered into on or after Jan. 1, 2019. The bill expressly allows, at the request of the claimant, that a settlement agreement include a provision that shields the identity of the claimant and all facts that could lead to the discovery of his or her identity and the amount paid in settlement of a claim.

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TAKHAR

Taken together, these two bills help edge California a few steps toward better functioning, more streamlined and fairer courts for all – judges, attorneys and the public. One additional change to note as of Jan. 1 of this year, SB 954 (Wieckowski) requires an attorney representing a client participating in mediation or a mediation consultation to provide the client with a written disclosure to be signed prior to conducting mediation with clients. The disclosure will contain the mediation confidentiality restrictions provided in the Evidence Code. The attorney must obtain acknowledgment signed by the client.

The disclosure must: (1) be printed in the preferred language of the client in at least 12-point font; (2) be printed on a single page that is not attached to any other document provided to the client; and (3) include the names of the attorney and the client and be signed and dated by the attorney and the client.

As for timing, the bill allows for some flexibility. The statute reads, "as soon as reasonably possible before the client agrees to participate in the mediation or mediation consultation." This language allows for attorneys to have their clients sign this disclosure at the same time as the retainer agreement. The form must follow the statutory requirements listed above.

SB 954 statutorily mandates the creation of a new form that all attorneys can use. For existing clients, attorneys will have to obtain consent on the disclosure, "as soon as reasonably possible before the client agrees to participate in mediation."

Mike Arias is the current president of both CAALA and Consumer Attorneys of California as well as managing partner of Arias Sanguinetti Wang & Torrijos LLP. He primarily handles the firm's complex, class action, multi-party, mass tort, major personal injury, employment and business litigation matters.

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ARIAS

BUSINESS

• AB 106 (Committee on Budget) Specifies that the Bureau of Cannabis Control, the Department of Food and Agriculture (CDFA), and the Department of Public Health may obtain and receive, at their discretion, criminal history information from the Department of Justice (DOJ) and the United States Federal Bureau of Investigation (FBI) for an applicant for any state license under the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA).

An act to amend Sections 144 and 26051.5 of the Business and Professions Code, relating to cannabis, and making an appropriation therefor, to take effect immediately, bill related to the budget.

• AB 237 (Gonzalez Fletcher) This bill expands the Pilot Program for Increased Access to Responsible Small Dollar Loans (pilot program) and makes assorted changes to the Department of Business Oversight's (DBO's) administration of the pilot program.

An act to amend Sections 22365, 22370, 22371, 22379, and 22380 of the Financial Code, relating to consumer loans.

• AB 347 (Chau) This bill extends, until January 1, 2022, the authority for a county sealer to recover the costs related to the inspection and testing of weighing and measuring devices, increases the fee cap for the inspection of a computing scale by \$3, and adds a Class II weighing scale.

An act to amend Sections 12240 and 12246 of the Business and Professions Code, relating to weights and measures.

• AB 700 (Jones-Sawyer) Exempts, for an additional two years, sports arenas meeting specified criteria from most provisions of the Outdoor Advertising Act (OAA).

An act to amend Section 5272 of the Business and Professions Code, relating to outdoor advertising.

• AB 1168 (Gipson) This bill extends the gambling moratorium related to the expansion of gaming and the issuance of new gambling licenses from January 1, 2020, to January 1, 2023.

An act to amend Sections 19962 and 19963 of the Business and Professions Code, relating to gambling.

• AB 1217 (Santiago) Would authorize the Department of Alcoholic Beverage Control (ABC) to issue a special on-sale general license to the operator of a specified for-profit cemetery (Hollywood Forever Cemetery).

An act to amend Section 23039 of, and to add Section 24045.76 to, the Business and Professions Code, relating to alcoholic beverages.

• **AB 1527 (Jones-Sawyer)** Revises the requirements for removing a member of the Cannabis Control Appeals Panel.

An act to amend Section 26040 of the Business and Professions Code, relating to cannabis, and declaring the urgency thereof, to take effect immediately.

• AB 1890 (Levine) Adds a licensed craft distiller to a current exemption in the Alcohol Beverage Control Act (Act) that allows a licensed winegrower and a licensed small beer manufacturer, whose premises of production are immediately adjacent to each other, to share a common area in which the consumption of alcoholic beverages is permitted, under specified circumstances.

An act to amend Section 25607 of the Business and

Professions Code, relating to alcoholic beverages.

• AB 1891 (Levine) This bill adds a craft distiller license to the definition of licensees who are allowed to instruct consumers and conduct tastings at an on-sale and off-sale retail licensed premises, subject to limitations on the amounts that may be provided to consumers, as specified.

An act to amend Sections 25503.56 and 25503.57 of the Business and Professions Code, relating to alcoholic beverages.

• AB 1986 (Cunningham) This bill expands an existing Tied-house exception within the Alcoholic Beverage Control Act (Act) to allow licensed craft distillers to give or sell distilled spirits to nonprofit organizations for the purpose of assisting in fund-raising efforts.

An act to amend Section 25503.9 of the Business and Professions Code, relating to alcoholic beverages.

• AB 1993 (Gipson) This bill revises the current hold requirement from 30 days to seven days for a secondhand dealer and coin dealer to hold tangible personal property (property), with the exception of firearms, prior to selling the property; and, additionally authorizes the secondhand dealer and coin dealer to sell the property after five days, if specified information is collected.

An act to amend Section 21636 of, and to add Section 21636.1 to, the Business and Professions Code, relating to secondhand goods.

• AB 2000 (Kalra) This bill extends an existing exception in the Alcoholic Beverage Control (ABC) Act (Act) pertaining to the general prohibition against advertising arrangements between retail, wholesale, and manufacturer licensees to include an outdoor professional sports stadium with a fixed seating capacity of at least 3,000 seats located in the City of San Jose (San Jose Municipal Stadium – minor league baseball San Jose Giants), an outdoor professional sports stadium with a fixed seating capacity of at least 15,000 seats located in the City of San Jose (Avaya Stadium – San Jose Earthquakes) and a fully enclosed arena (SAP Center) with a fixed seating capacity in excess of 15,000 seats located in the City of San Jose.

An act to amend Sections 25503.6 and 25503.8 of the Business and Professions Code, relating to alcoholic beverages.

• **AB 2020 (Quirk)** This bill would authorize the Bureau of Cannabis Control to issue a temporary state license to provide on-site sales and consumption of cannabis at a temporary event located at a fair ground, district agricultural association event, or at another venue expressly approved by a local jurisdiction.

An act to amend Section 26200 of the Business and Professions Code, relating to cannabis.

• AB 2117 (Arambula) Makes clarifications and technical changes to the licensing process for Licensed Marriage and Family Therapists (LMFTs), Licensed Clinical Social Workers (LCSWs), and Licensed Professional Clinical Counselors (LPCCs) and seeks to increase consistency in licensing requirements across these three professions.

An act to amend Sections 4980.72, 4984.01, 4996.17, 4996.28, 4999.60, and 4999.100 of the Business and Professions Code, relating to healing arts.

• AB 2134 (Rubio) This bill expands the BBC's externship program by authorizing a student enrolled in a course in cosmetology offered by a public institution and a student enrolled in an approved barbering program to work unpaid in a licensed establishment.

An act to amend Sections 7349 and 7395.1 of, and to

add Section 7395.2 to, the Business and Professions Code, relating to barbering and cosmetology.

• AB 2138 (Chiu) Reduces barriers to licensure for individuals with prior criminal convictions by limiting a regulatory board's discretion to deny a new license application to cases where the applicant was formally convicted of a substantially related crime or subjected to formal discipline by a licensing board, with offenses older than seven years no longer eligible for license denial, with several enumerated exemptions.

An act to amend, repeal, and add Sections 7.5, 480, 481, 482, 488, 493, and 11345.2 of, and to add Section 480.2 to, the Business and Professions Code, relating to professions and vocations.

• AB 2146 (Gloria) This bill extends an existing exception in the Alcoholic Beverage Control Act (Act) pertaining to the general prohibition against advertising arrangements between retail, wholesale, and manufacturer licensees to include an outdoor stadium with a fixed seating capacity of at least 43,000 seats located in the City of San Diego (Petco Park – San Diego Padres).

An act to amend Section 25503.6 of the Business and Professions Code, relating to alcoholic beverages.

• AB 2184 (Chiu) Requires a local agency that licenses businesses to accept a driver's license or certain identification numbers in lieu of a social security number (SSN) if the municipality otherwise requires an SSN for the issuance of a business license.

An act to add Sections 16000.1 and 16100.1 to the Business and Professions Code, relating to business licenses.

• AB 2215 (Kalra) This bill would expand the intent of the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) to control and regulate cannabis and cannabis products for medicinal use on pets. The bill would define "cannabis products" to include products intended for medicinal use on a pet. The bill would prohibit a licensed veterinarian from dispensing or administering cannabis or cannabis products and would prohibit the Veterinary Medical Board (Board) from disciplining, denying, revoking, or suspending the license of a licensed veterinarian for discussing the use of cannabis on an animal for medicinal purposes. The Board would have until July 1, 2019 to promulgate guidelines on this topic.

An act to amend Section 4883 of, and to add Section 4884 to, the Business and Professions Code, relating to veterinarians.

• AB 2237 (Maienschein) Makes changes in the Corporations Code requiring licensed corporations make available certain documents to shareholders within the state, as specified.

An act to amend Section 1601 of the Corporations Code, relating to corporations.

• AB 2270 (McCarty) This bill authorizes wagering on a nightly program of out-of-country harness racing from a single racetrack, regardless of the number of races offered, if specified conditions are met.

An act to amend Section 19596.1 of the Business and Professions Code, relating to horse racing, and making an appropriation therefor.

• AB 2300 (Maienschein) Authorizes veterinarians licensed by the Veterinary Medical Board (Board) to earn up to six hours towards the required minimum of 36 hours of continuing education by performing self-study courses or by providing pro bono spaying or neutering services to households with a demonstrated financial need.

An act to amend Section 4846.5 of the Business and

Professions Code, relating to healing arts.

• AB 2402 (Low) Prohibits cannabis licensees from disclosing a consumer's personal information to a third party, except to the extent necessary for payment to be made.

An act to amend Section 26162.5 of, and to add Section 26161.5 to, the Business and Professions Code, and to amend Section 56.06 of the Civil Code, relating to cannabis.

• AB 2452 (Aguiar-Curry) This bill would revise various advertising prohibitions for alcohol licensees when conducting instructional events at a retailer's location, to, among other things, allow for pictures, illustrations, and depictions of the retailer's premises and for the name, address, telephone number, email address, Internet Web site address, and any other electronic media of the licensee upon whose licensed premises the event will be held.

An act to amend Sections 25503.4, 25503.56, and 25503.57 of the Business and Professions Code, relating to alcoholic beverages.

- AB 2469 (Berman) Would require a beer wholesaler to comply with specified requirements for any sale or offer of sale of beer within the State. An act to add Section 23378.05 to the Business and Professions Code, relating to alcoholic beverages.
- AB 2511 (Chau) Requires, commencing on January 1, 2020 and notwithstanding any general term or condition, that a person or business that operates a business in California and that seeks to sell certain products or services that are illegal to sell to a minor under state law, take reasonable steps, as specified, to ensure that the purchaser is of legal age at the time of purchase or delivery, including, but not limited to, verifying the age of the purchaser. This bill provides that a business or person that violates these provisions is subject to a civil penalty of up to \$7,500 per violation in an action brought by a public prosecutor. An act to add Title 1.81.45 (commencing with Section 1798.99.1) to Part 4 of Division 3 of the Civil Code, relating to business
- AB 2557 (Maienschein) Clarifies that any or all of a portion of the directors of a nonprofit public benefit corporation, nonprofit mutual benefit corporation, nonprofit religious corporation, or cooperative corporation may serve as ex officio directors, as specified.

An act to amend Sections 5211, 5220, 7220, 9220, and 12360 of the Corporations Code, relating to corporations.

• AB 2676 (Gipson) This bill extends the current requirements for a junk dealer or recycler to submit additional information to the Department of Food and Agriculture (DFA) when applying for a weighmaster's license, along with the payment of additional fees for each fixed location, until January 1, 2024.

An act to amend Sections 12703.1, 12704, and 12709 of the Business and Professions Code, relating to weighmasters.

• AB 2705 (Holden) This bill would make unlicensed persons acting in the capacity of a contractor subject to existing criminal penalties that apply to licensed contractors for refusing to secure the payment of workers' compensation and would make this crime subject to a two-year statute of limitations.

An act to amend Section 7126 of the Business and Professions Code, relating to professions and vocations.

• AB 2721 (Quirk) This bill authorizes cannabis testing laboratories to receive and test samples for can-



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SB 826: Women directors on public company boards

By Holly Sutton

Just as some believed the #MeToo movement was starting to fade from the headlines and public priorities, California's Legislature enacted a wave of new laws governing sexual harassment and gender equality. These laws include bills directly affecting investors, directors, and board members in California, which will likely have substantial influence on corporate governance for years to come.

California Senate Bill 826 requires publicly-held corporations with principal executive offices in California to add female directors to their boards. All such corporations must have at least one female on their boards by the end of 2019. By the end of 2021, California corporations with five directors must have at least two female directors, and corporations with six or more directors must have at least three female directors.

The law also empowers the Secretary of State to publicly report the number of corporations in compliance, as well as corporations relocating their headquarters or becoming private, and to impose fines for violations of the law (\$100,000 for initial violations; \$300,000 for each subsequent violation).

Proponents of the bill argue that it increases opportunities for women, both on corporate boards and within those companies. The bill's authors noted that as of 2018, one-fourth of California's publicly-held corporations had no female directors, and only 15.5 percent of board seats in California were held by women. In signing the bill, Gov. Jerry Brown wrote, "Given all the special privileges that corporations have enjoyed for so long, it's high time corporate boards include the people who constitute more than half the 'persons' in America."

However, dozens of businesses have publicly opposed the bill, arguing that prioritizing gender over other aspects of diversity will undermine comprehensive diversity programs. Some have suggested that the law is unconstitutional because it requires companies to choose female candidates over male candidates or even to replace current male board members with females. In preparing for the law to take effect, many corporations are reviewing their by-laws to explore best options for compliance. These include increasing the company's number of board seats in order to create new opportunities for women. Other businesses are enhancing and expanding their board of directors recruiting process, often by considering less traditional candidates. The law will likely be the subject of a legal challenge.

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nabis or cannabis products from a person over 21 years of age when the cannabis has been grown by that person and will be used solely for his or her personal use.

An act to amend Section 26104 of the Business and Professions Code, relating to cannabis.

• AB 2799 (Jones-Sawyer) Requires an applicant for a state license under the Medicinal and Adult Use Cannabis Regulation and Safety Act (MAUCRSA) to provide a statement that the applicant employs, or will employ within one year of receiving a license, an employee who has successfully completed a training course offered by a training provider authorized by an Occupational Safety and Health Administration (OSHA) Training Institute Education Center. Exempts applicants with only one employee.

An act to amend Section 26051.5 of the Business and Professions Code, relating to cannabis.

AB 2862 (Limón) Makes changes to the Financial Code to align state law with federal law giving state-chartered credit unions parity with state-chartered banks along with other substantive and conforming changes as specified.

An act to amend Sections 14400, 14456, 14807, 14900, 14959, and 17006 of, to add Sections 14657 and 14659 to, and to repeal Section 14862 of, the Financial Code, relating to credit unions.

 AB 2899 (Rubio) Prohibits a cannabis licensee from publishing or disseminating advertising or marketing while the licensee's license is suspended.

An act to amend Section 26152 of the Business and Professions Code, relating to cannabis.

AB 2914 (Cooley) Prohibits an alcoholic beverage licensee from selling, offering, or providing cannabis or cannabis products, including the sale of an alcoholic beverage that contains cannabis, and clarifies existing law banning alcoholic beverages containing tetrahydrocannabinol or cannabinoids, regardless of source.

An act to add Sections 25621.5 and 26070.2 to the Business and Professions Code, relating to cannabis.

• AB 2998 (Bloom) Prohibits, on or after January 1, 2020, a person from selling or distributing in commerce any reupholstered furniture or any new juvenile products, mattresses, or upholstered furniture that contain, or a constituent component of which contains, covered flame retardant chemicals above specified levels

An act to add Article 5.5 (commencing with Section 19100) to Chapter 3 of Division 8 of the Business and Professions Code, relating to business.

• AB 3126 (Brough) Repeals the current authority for the Contractors State License Board (Board) to accept a deposit in lieu of a bond, beginning January 1, 2019, unless the deposit is cash or a cashier's check, as specified, and requires all other existing alternatives for a deposit in a lieu of a bond to be replaced with a surety bond or cash or a cashier's check deposit by January 1, 2020.

An act to amend Sections 7071.17, 7074, 7091, and 7137 of, to add Section 7071.4 to, and to repeal Section 7071.12 of, the Business and Professions Code, relating to contractors.

• AB 3144 (Low) Extends the sunset date of the Professional Fiduciaries Bureau (Bureau) until January 1, 2023; expands and revises the pathways to licensure for a professional fiduciary; prohibits a professional fiduciary from billing a client for time spent responding to the Bureau about the complaint, as specified; and revises licensee reporting requirements.

An act to amend Sections 6501, 6510, 6533, 6534, and 6561 of, and to add Section 6581 to, the Business and Professions Code, relating to professions and vocations.

• AB 3168 (Rubio) Makes changes to the Outdoor Advertising Act as it relates to "Landscaped Freeways".

An act to amend Sections 5216, 5440, and 5443 of the Business and Professions Code, relating to outdoor advertising.

• AB 3261 (Low) Defines "microbusiness" and makes other non-substantive, conforming changes for the purposes of cleaning up statute and clarifying the legislative intent of the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA).

An act to amend Sections 27, 101, 2525, 26051.5, 26067, 26068, 26070, 26161, and 26211 of, to amend the heading of Chapter 7 (commencing with Section 26070) of Division 10 of, and to add Section 26001.1 to, the Business and Professions Code, relating to cannabis

• AB 3264 (Committee on Governmental Organization) Would allow a distilled spirits wholesaler or craft distiller to conduct courses of instruction on the subject of distilled spirits, 2) clarify that the Department of Alcoholic Beverage Control (ABC) may not approve glassware as an authorized retailer advertising specialty for distilled spirits or wine, and 3) add chaptering out language with SB 973 (Dodd) of the current legislative session.

An act to add Section 25503.51 to, and to amend Sections 24049.5 and 25600 of, the Business and Professions Code, relating to alcoholic beverages.

• SB 311 (Pan) This bill authorizes a distributor to transport cannabis and cannabis products to another distributor.

An act to amend Section 26110 of the Business and Professions Code, relating to cannabis, and declaring the urgency thereof, to take effect immediately.

• SB 795 (Galgiani) This bill extends the current practice privilege requirements for out-of-state licensees who are currently authorized to practice public accountancy in California indefinitely, and makes other technical and conforming changes.

An act to amend Sections 5096.9, 5096.20, and 5096.21 of, to amend and repeal Sections 5072, 5096, 5096.1, 5096.2, 5096.4, 5096.5, 5096.6, 5096.7, and 5096.12 of, to add Section 5096.22 to, and to repeal Sections 5096.3, 5096.10, 5096.13, 5096.14, and 5096.15 of, the Business and Professions Code, relating to accountancy, and making an appropriation therefor.

• SB 826 (Jackson) This bill requires each publicly held corporation whose principal executive offices are located in California to have a minimum number of women on its board of directors, as specified. It further requires the Secretary of State (SOS) to review and issue reports regarding corporations' compliance with the bill's provisions and to impose fines for violations of the bill, as specified.

An act to add Sections 301.3 and 2115.5 to the Corporations Code, relating to corporations.

• SB 838 (Hertzberg) This bill authorizes corporations to include a provision in their articles of incorporation authorizing the use of blockchain technology to record and track the issuance and transfer of stock certificates.

An act to amend, repeal, and add Sections 204 and 2603 of the Corporations Code, relating to corporations.

• SB 904 (Wieckowski) This bill extends the Bu-

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reau of Security and Investigative Service's (BSIS) authorization to issue an alarm company operator license to a limited liability company (LLC) until January 1, 2024; requires the BSIS to share information with the appropriate policy committees of the Legislature related to claims made against limited liability insurance policies; and makes other conforming changes.

An act to amend Sections 6980.12, 7054, 7159, 7159.9, 7590.2, 7593.1, and 7594.5, of, to amend and repeal Sections 7590.1, 7591.10, 7593.5, 7593.6, 7593.7, 7594.4, 7599.32, 7599.34, 7599.42, 7599.43, 7599.48 and 7599.61 of, to add and repeal Section 7599.35 of, and to add Section 7599.345 to, the Business and Professions Code, relating to professions and vocations.

• SB 920 (Cannella) This bill extends the authorization for persons licensed to engage in the practice of engineering, land surveying, or architecture to form limited liability partnerships (LLPs) until January 1, 2026.

An act to amend Sections 6738 and 8729 of the Business and Professions Code, and to amend Sections 16101, 16956, and 16959 of the Corporations Code, relating to limited liability partnerships.

• SB 973 (Dodd) This bill increases the annual surcharge that the Department of Alcoholic Beverage Control (ABC) collects from each type of alcoholic beverage licensee for the California Highway Patrol's (CHP) Designated Driver Program (DDP) from \$5 to \$10, and authorizes a distilled spirits manufacturer to provide consumers a free or discounted ride, as specified.

An act to amend Sections 23320.5 and 25600 of the Business and Professions Code, relating to alcoholic beverages.

• SB 977 (Galgiani) This bill removes the \$2 million lifetime cap on the distribution of funds from charity racing days to the endowment designed to provide assistance to qualified permanently disabled jockeys.

An act to amend Section 19556 of the Business and Professions Code, relating to horse racing.

• SB 981 (Dodd) The bill removes the restriction on the delivery and installation of water treatment devices during the three-day right to rescission period required under existing law.

An act to amend Section 17577.3 of the Business and Professions Code, relating to business.

• SB 1003 (Roth) This bill states that only the Respiratory Care Board (Board) may define or interpret the practice of respiratory care for its licensees, and authorizes the Board to develop regulations to further define, interpret, or identify basic, intermediate, and advanced respiratory tasks.

An act to amend Section 3704 of, and to add Section 3702.5 to, the Business and Professions Code, relating to healing arts.

• SB 1042 (Monning) This bill authorizes the Contractors State License Board (Board) to conduct an informal citation conference, if requested by an individual, as specified, and establishes the procedures to be followed for the informal citation conference.

An act to add Section 7099.8 to the Business and Professions Code, relating to professions and vocations.

 SB 1055 (Bradford) This bill authorizes stateand federally-chartered banks and credit unions to offer prize-linked savings accounts in California, as specified.

An act to add Sections 1415 and 14870 to the Financial Code, relating to financial institutions.

• SB 1098 (Cannella) This bill revises the current

fee structure for applicants for licensure or renewal as a geologist, geophysicist, or a specialty designation thereof, and requires the Board for Professional Engineers, Land Surveyors, and Geologists (Board) to establish specified document fees through regulation.

An act to amend Sections 7840, 7847, 7850, 7850.1, 7850.5, 7850.6, and 7887 of the Business and Professions Code, relating to professions and vocations, and making an appropriation therefor.

• SB 1164 (Skinner) This bill makes various changes to the craft distiller's license, including eliminating the requirement that a person must attend a tasting before being able to purchase prepackaged containers of the licensee's spirits directly from the craft distiller and increasing the maximum amount of distilled spirits that a craft distiller is permitted to manufacture from 100,000 gallons to 150,000 gallons.

An act to amend Sections 23363.1, 23502, 23504, 23771, 25173, 25503.3, 25503.5, 25503.56, and 25503.9 of the Business and Professions Code, relating to alcoholic beverages.

• SB 1217 (Morrell) This bill revises and recasts the provisions of law related to firearm permits for Private Investigators (PIs) by adding the provisions from the Private Security Services Act (PSS Act) under the Private Investigator Act (PI Act), as specified.

An act to amend Sections 7542, 7564, and 7570 of, and to add Sections 7542.2, 7542.3, 7542.4, 7542.5, 7542.6, 7542.7, 7542.9, 7542.10, 7542.11, and 7542.12 to, the Business and Professions Code, relating to professions and vocations.

• SB 1235 (Glazer) This bill requires providers of commercial financing, as defined, to provide disclosures about the cost of that financing to the recipients of the financing, as specified.

An act to add Section 22780.1 to, and to add Division 9.5 (commencing with Section 22800) to, the Financial Code, relating to commercial financing.

• **SB 1254 (Stone)** This bill requires a pharmacist at a hospital pharmacy to obtain an accurate medication profile or list for each high-risk patient.

An act to add Section 4118.5 to the Business and Professions Code, relating to healing arts.

• SB 1283 (Bradford) This bill authorizes a brewpub-restaurant licensee to label, bottle, package, or refill any container with beer produced on their licensed premises and to sell that beer for consumption off the premises. Additionally, this bill makes various changes to the brewpub-restaurant license to allow for greater enforcement by the Department of Alcoholic Beverage Control (ABC) and limit the number of brewpub-restaurant licenses.

An act to amend Section 23396.3 of the Business and Professions Code, relating to alcoholic beverages.

• SB 1294 (Bradford) This bill establishes the California Cannabis Equity Act of 2018, which will allow, upon appropriations by the Legislature, a local jurisdiction to submit an application to the Bureau of Cannabis Control (Bureau) for a grant to assist local equity applicants and local equity licensees through that local jurisdiction's equity program; requires the Bureau to post model ordinances; and requires the Bureau to publish a report on local jurisdiction equity programs, as specified.

An act to add Chapter 23 (commencing with Section 26240) to Division 10 of the Business and Professions Code, relating to professions and vocations.

• SB 1361 (Bradford) This bill requires the Department of Business Oversight (DBO) to disclose

specified information about the civil penalties it levies against financial institutions; requires every licensee subject to DBO's jurisdiction to establish and maintain an electronic service address designated for receiving communications and documents from DBO; and authorizes DBO to adopt and implement any method of accepting electronic filings from licensees under its jurisdiction.

An act to amend Sections 329, 331, and 583 of, and to add Section 331.5 to, the Financial Code, relating to the Department of Business Oversight.

• SB 1386 (McGuire) This bill authorizes an optometrist to own, maintain, or operate up to 11 offices and eliminates the branch office license.

An act to amend Sections 3070 and 3077 of the Business and Professions Code, relating to professions and vocations.

• SB 1442 (Wiener) This bill prohibits a community pharmacy from requiring a pharmacist employee to engage in the practice of pharmacy at any time the pharmacy is open to the public, unless another employee is made available to assist the pharmacist at all times.

An act to add Section 4113.5 to the Business and Professions Code, relating to healing arts.

• SB 1447 (Hernandez) This bill revises the requirements for the operation and licensing of an automated drug delivery system (ADDS) after July 1, 2019.

An act to amend Section 4400 of, to amend and repeal Sections 4105.5 and 4119.1 of, to amend, repeal, and add Sections 4008 and 4186 of, to add Section 4017.3 to, and to add Article 25 (commencing with Section 4427) to Chapter 9 of Division 2 of, the Business and Professions Code, and to amend, repeal, and add Section 1261.6 of the Health and Safety Code, relating to healing arts.

• SB 1448 (Hill) This bill establishes the Patients Right to Know Act of 2018 which requires physicians and surgeons, osteopathic physicians and surgeons, podiatrists, acupuncturists, chiropractors and naturopathic doctors to notify patients of their probationary status beginning July 1, 2019.

An act to add Sections 1007, 2228.1, 2228.5, 2459.4, 3663.5, and 4962 to the Business and Professions Code, relating to healing arts.

• SB 1459 (Cannella) This bill establishes a provisional cannabis license that may be issued at the sole discretion of a licensing authority, as specified, until January 1, 2020.

An act to add and repeal Section 26050.2 of the Business and Professions Code, relating to cannabis, and declaring the urgency thereof, to take effect immediately.

• SB 1465 (Hill) This bill requires contractors and insurers to report specified civil actions resulting in a final judgement, settlement, or arbitration award of \$1,000,000 or greater to the Contractors State License Board (CSLB).

An act to add Sections 7071.20, 7071.21, and 7071.22 to the Business and Professions Code, relating to professions and vocations.

• SB 1480 (Hill) This bill makes a number of substantive changes to various boards and bureaus within the Department of Consumer Affair (DCA), including several types of licensing fees imposed by the Board of Chiropractic Examiners (BCE), the Board of Podiatric Medicine (BPM), the Board of Vocational Nursing and Psychiatric Technicians (BVNPT), and the Naturopathic Medicine Committee (NMC); modifies the requirements for certification by the California Massage Therapy Council (CAMTC); and, authorizes vet-

erinarians to provide specified veterinary care during emergencies.

An act to amend Sections 101.7, 328, 2064.5, 2065, 2135, 2428, 2499.5, 2529.1, 2529.5, 2529.6, 2708, 2816, 2892.6, 2895, 3047, 3147, 3680, 4518, 4548, 4604, 4809.7, 4830, 4836.2, and 11506 of, and to add Sections 1006.5, 2892.7, 4518.1, 4826.4, 4829.5, and 4841.2 to, the Business and Professions Code, to amend Sections 7000, 7103, 8731, 8778.5, 8785, 103775, and 103780 of the Health and Safety Code, and to amend an initiative act entitled "An act prescribing the terms upon which licenses may be issued to practitioners of chiropractic, creating the State Board of Chiropractic Examiners, and declaring its powers and duties, prescribing penalties for violation hereof, and repealing all acts and parts of acts inconsistent herewith" approved by voters on November 7, 1922, (the Chiropractic Act) by amending Sections 5 and 12 of the act, relating to professions and vocations, and making an appropriation therefor.

• SB 1481 (Hill) This bill makes various changes to the Structural Pest Control Act (Act) intended to improve oversight of entities regulated by the Structural Pest Control Board (SPCB) and subjects the SPCB to review by the appropriate policy committees of the Legislature in four years.

An act to amend Sections 8517, 8519, 8519.5, 8520, 8528, 8550, 8553, 8613, 8619, 8623, 8663, 8674, and 8698.3 of, and to add Sections 8504.2, 8504.3, 8504.4, and 8623.5 to, the Business and Professions Code, relating to structural pest control.

• SB 1482 (Hill) This bill recreates the Dental Hygiene Committee of California (DHCC) as the Dental Hygiene Board of California (DHB), an independent board within the Department of Consumer Affairs (DCA); gives it authority to review and discipline educational programs; continues its operations until January 1, 2023; and makes other changes to the Dental Hygiene Practice Act (Act).

An act to amend Sections 101, 800, 1601.3, 1680, 1901, 1902, 1902.1, 1902.2, 1902.3, 1903, 1904, 1905, 1905.1, 1905.2, 1906, 1909, 1910.5, 1916, 1917, 1917.1, 1917.3, 1918, 1922, 1926.1, 1926.2, 1926.3, 1926.4, 1930, 1931, 1932, 1934, 1935, 1936, 1936.1, 1940, 1941, 1942, 1943, 1944, 1947, 1949, 1950, 1950.5, 1951, 1952, 1955, 1957, 1958, 1958.1, 1962, 1963, 1964, 1966, 1966.1, 1966.2, 1966.4, 1966.5, 1966.6, and 1967 of, and to add Section 1941.5 to, the Business and Professions Code, to amend Section 13401 of the Corporations Code, and to amend Section 44876 of the Education Code, relating to healing arts.

• SB 1491 (Committee on Business, Professions and Economic Development) This bill makes several non-controversial, minor, non-substantive, or technical changes to various provisions pertaining to the health-related regulatory boards of the Department of Consumer Affairs (DCA).

An act to amend Sections 27, 865, 1607, 1611, 1611.3, 1611.5, 1612, 1614, 1615, 1621, 1645, 1680, 1750, 1750.2, 1750.4, 1751, 1753.7, 2290.5, 2556, 3004, 3040, 3146, 3735, 3751, 4848, 4980.37, 4980.39, 4980.41, 4980.72, 4980.78, 4980.79, 4990.30, 4992, 4996.17, 4999.14, 4999.22, 4999.32, 4999.48, 4999.60, 4999.62, 4999.63, and 4999.100 of, and to repeal Sections 650.4, 1601.5, and 1601.6 of, the Business and Professions Code, and to amend Section 6924 of the Family Code, relating to healing arts.

• SB 1492 (Committee on Business, Professions and Economic Development) This bill makes several non-controversial, minor, non-substantive, or technical changes to various provisions pertaining to

the non-health related regulatory boards within the Department of Consumer Affairs (DCA).

An act to amend Sections 5095, 5130, and 7341 of, and to add Section 5100.1 to, the Business and Professions Code, and to amend Sections 94874, 94880, 94927.5, and 94947 of the Education Code, relating to the Department of Consumer Affairs.

• SB 1503 (Committee on Governmental Organization) This bill authorizes the Department of Alcoholic Beverage Control (ABC) to place reasonable conditions upon retail licensees when any physical changes or alterations are made to the licensed premises.

An act to amend Sections 23800 and 23803 of the Business and Professions Code, relating to alcoholic beverages.

CIVIL

• AB 375 (Chau) Grants consumers specified rights related to their personal information that is collected, shared, or maintained by a business.

An act to add Title 1.81.5 (commencing with Section 1798.100) to Part 4 of Division 3 of the Civil Code, relating to privacy.

• AB 1526 (Kalra) Requires debt collectors to provide certain notices to consumers when attempting to collect on time-barred debts. It also provides that the limitations period on commencing actions to collect on certain debts is an outright bar on initiating such proceedings, rather than allowing the expiration of the statute of limitations to serve simply as an affirmative defense.

An act to amend Section 1788.14 of the Civil Code, and to amend Section 337 of the Code of Civil Procedure, relating to debt collection.

• AB 1619 (Berman) Extends the statute of limitations for any civil action for recovery of damages suffered as a result of sexual assault.

An act to add Section 340.16 to the Code of Civil Procedure, relating to sexual assault.

• AB 1980 (Quirk) This bill extends the statute of limitations for commencing civil enforcement actions for Aboveground Petroleum Storage Act (APSA) violations from one to five years.

An act to amend Section 338.1 of the Code of Civil Procedure, relating to statute of limitations.

• AB 2105 (Maienschein) Creates enhanced civil penalties, tripling any existing statutory civil penalty and providing an alternative \$10,000 to \$50,000 fine if no civil penalty is provided by statute, for acts that constitute "commercial sexual exploitation" of a minor or nonminor dependent.

An act to add Section 3345.1 to the Civil Code, relating to punitive damages.

• AB 2185 (Chiu) Enacts standards and procedures for permitting a court to appoint a guardian ad litem under a pseudonym.

An act to add Section 372.5 to the Code of Civil Procedure, relating to civil actions.

 AB 2201 (Mayes) Exempts certain petitioners, filing on behalf of minors, from paying court fees related to proceedings for a decree of a change of name.

An act to amend Section 1277 of the Code of Civil Procedure, and to add Section 70635 to the Government Code, relating to courts.

 AB 2230 (Berman) Amends several sections of the Code of Civil Procedure (CCP) related to specific statements filed in conjunction with motions for discovery, and motions to set aside or vacate a jury verdict or seek a new trial.

An act to amend Sections 660, 663a, 2030.300, 2031.310, and 2033.290 of the Code of Civil Procedure, relating to civil actions.

• **AB 2286 (Chen)** Extends the hours provided for leaving notice or other papers with an adult at a party to litigation's home. Specifically, this bill provides that any attempt at serving of notice or other papers on a party at the party's home must occur between 8 a.m. to 8 p.m.

An act to amend Section 1011 of the Code of Civil Procedure, relating to civil actions.

• AB 2769 (Cooper) This bill authorizes businesses to scan driver's licenses and identification cards for the same purposes and under the same limitations that current law allows for the swiping of such documents.

An act to amend Section 1798.90.1 of the Civil Code, relating to privacy.

• AB 2770 (Irwin) This bill codifies California defamation case law as it relates to allegations of workplace sexual harassment, making it explicit in statute that: (1) employees who report sexual harassment to their employer are not liable for any resulting injury to the alleged harasser's reputation, so long as the communication is made based on credible evidence and without malice; (2) communications between employers and anyone with an interest in a sexual harassment complaint, such as victims and witnesses, are not liable for any resulting damage to the alleged harassers reputation, as long as the communication is made without malice; and (3) former employers are not liable for any resulting injury to a former employee's reputation if, in response to inquiries from prospective employers, the former employers indicate that they would not rehire the former employee based on a determination that the former employee engaged in sexual harassment, so long as the statement is made without malice.

An act to amend Section 47 of the Civil Code, relating to privileged communications.

• AB 2912 (Irwin) Requires common interest development (CID) board of directors (board) to review specified financial documents on a monthly basis, and prohibits electronic transfers of funds from homeowner association (HOA) accounts without prior board approval.

An act to amend Sections 5380 and 5500 of, and to add Sections 5501, 5502, and 5806 to, the Civil Code, relating to common interest developments.

• AB 3019 (Reyes) This bill requires a notice of oral deposition to be written in at least 12-point type.

An act to amend Section 2025.220 of the Code of Civil Procedure, relating to depositions.

• AB 3109 (Mark Stone) Makes void and unenforceable a provision in a contract or settlement agreement that waives a party's right to testify in an administrative, legislative, or judicial proceeding concerning alleged criminal conduct on the part of the other party if the party has been required or requested to attend the proceeding pursuant to a court order, subpoena, or written request from an administrative agency or the Legislature.

An act to add Section 1670.11 to the Civil Code, relating to contracts.

• AB 3247 (Committee on Judiciary) This bill provides that a court is not required to order parties to arbitrate a controversy if it determines that grounds exist for rescission of the agreement, rather than revocation of the agreement.



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SB 1448: Doctors must disclose discipline for sexual misconduct

By Molly M. McKibben

A new law makes a doctor's patients as important as their employers and malpractice insurers. California is now the first state in the nation to require physicians to inform patients before treating them that they have been disciplined for sexual assault or other serious misconduct.

Prior to the law being signed by Gov. Jerry Brown in September, doctors in California accused of wrongdoing such as assaulting patients or overprescribing addictive medications could settle with the medical board and be put on probation. They were then required to inform their hospital or clinic and their malpractice insurer but weren't required to tell their patients. While California law required that doctors disclose information regarding their misconduct online, the online system to search for such information is very difficult to use.

Senator Jerry Hill, D-San Mateo, sponsored the bill twice and was unsuccessful due to strong opposition from the California Medical Association, which represents 41,000 doctors in the state. However, this year the bill was supported by several high-profile athletes, including women who had accused incarcerated doctor Larry Nassar of sexual abuse as well as women who reported abuse by University of Southern California gynecologist George Tyndall.

The Patient Right to Know Act requires physicians placed on probation for a serious offense after July 2019 to ask patients, before their first visit, to sign a form that discloses the length and end date of their probation, any restrictions placed on their ability to practice, contact information for their licensing board and information on how to access additional details about the disciplinary action. It applies to physicians, surgeons, and practitioners licensed by the Medical Board of California, California Podiatric Medicine, Osteopathic Medical Board of California, Naturopathic Medicine Committee, Board of Chiropractic Examiners and the California Acupuncture

Board. The law applies only to doctors to physicians on probation for sexual abuse or misconduct, drug or alcohol abuse, a criminal conviction involving harm to patient health or safety, or inappropriate prescription of medications.

In a perfect world, regulators would act quickly on any accusation of serious misconduct by a doctor; in reality, any investigation spurred by a complaint often takes a long time for regulators to address, and other patients continue to be treated by that doctor during any investigation often unaware of any accusation of misconduct. A study by the California Research Bureau found that doctors who engage in misconduct are 30 percent more likely to reoffend. This law corrects the problem of doctors accused of misconduct being able to hide their misdeeds for years or even decades, as was the case with Mr. Nassar and Mr. Tyndall.

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MCKIBBEN

An act to amend Section 1281.2 of the Code of Civil Procedure, relating to arbitration.

• AB 3249 (Committee on Judiciary) Reauthorizes the State Bar to collect up to \$390 for active licensing fees for 2019, augments attorney discipline, revises the biannual audit of the State Bar's finances, and directs the State Bar to enhance diversity.

An act to amend Sections 30, 6001, 6001.1, 6001.2, 6002, 6002.1, 6003, 6004, 6005, 6006, 6007, 6008.1, 6008.4, 6009.5, 6013.5, 6015, 6016, 6020, 6022, 6023, 6024, 6031, 6031.5, 6032, 6033, 6044, 6044.5, 6046, 6046.5, 6049, 6049.1, 6049.2, 6051, 6053, 6054, 6056, 6060, 6060.3, 6061, 6062, 6068, 6069, 6070, 6071, 6075, 6076, 6076.5, 6077, 6077.5, 6078, 6079.1, 6080, 6081, 6082, 6083, 6084, 6085.5, 6086, 6086.1, 6086.2, 6086.65, 6086.8, 6086.10, 6086.13, 6086.14, 6086.15, 6087, 6090.5, 6090.6, 6092, 6092.5, 6093.5, 6094, 6094.5, 6095, 6102, 6103.5, 6103.7, 6125, 6126, 6126.3, 6127, 6140, 6140.02, 6140.03, 6140.05, 6140.1, 6140.12, 6140.16, 6140.5, 6140.55, 6140.56, 6140.6, 6140.7, 6140.9, 6141, 6141.1, 6141.3, 6142, 6143, 6143.5, 6144.5, 6145, 6157, 6157.2, 6157.3, 6157.5, 6158.4, 6158.5, 6158.7, 6159.1, 6167, 6172, 6175, 6175.5, 6177, 6180, 6180.3, 6180.4, 6180.5, 6180.10, 6180.12, 6180.14, 6185, 6190, 6190.1, 6190.3, 6200, 6203, 6211, 6225, 6233, 6235, 6236, 6237, and 6241 of, to amend the heading of Article 3 (commencing with Section 6040) of Chapter 4 of Division 3 of, to amend and renumber the heading of Article 3 (commencing with Section 6055) of Chapter 4 of Division 3 of, to add Section 6001.3 to, and to repeal Sections 6040, 6041, 6042, 6043, 6045, 6048, and 6090 of, the Business and Professions Code, to amend Section 55.32 of the Civil Code, to amend Section 9795 of the Government Code, to amend Section 1872.95 of the Insurance Code, and to amend Section 19280 of the Revenue and Taxation Code, relating to attorneys.

• AB 3250 (Committee on Judiciary) Makes various changes to the California codes as part of the Committee's civil law omnibus bill.

An act to amend Section 6402.2 of the Business and Professions Code, to amend Sections 51.7, 52.1, and 54.8 of the Civil Code, to amend Sections 384, 1013b, 1276, 1277, and 1277.5 of, and to repeal Section 630.30 of, the Code of Civil Procedure, to amend Section 103430 of the Health and Safety Code, to amend Section 1861.03 of the Insurance Code, and to repeal Section 1 of Chapter 1293 of the Statutes of 1976, relating to civil law.

• SB 224 (Jackson) This bill adds investor, elected official, lobbyist, director, and producer to the list of examples of relationships that are covered by Civil Code Section 51.9's imposition of civil liability for sexual harassment in business, service, or professional contexts. Because the current list of examples is not exclusive, this bill is declaratory of existing law. Nonetheless, it serves to highlight that investors, elected officials, lobbyists, directors, and producers can be subject to liability if they engage in sexual harassment.

An act to amend Section 51.9 of the Civil Code, and to amend Sections 12930 and 12948 of the Government Code, relating to personal rights.

• SB 327 (Jackson) This bill requires manufacturers of connected devices to equip those devices with reasonable security features appropriate to the nature of the device.

An act to add Title 1.81.26 (commencing with Section 1798.91.04) to Part 4 of Division 3 of the Civil Code, relating to information privacy.

• SB 766 (Monning) This bill authorizes out-ofstate attorneys and attorneys from foreign jurisdictions that meet certain conditions to provide legal services in an international commercial arbitration or related conciliation, mediation, or alternative dispute resolution proceeding, as specified.

An act to add Article 1.5 (commencing with Section 1297.185) to Chapter 5 of Title 9.3 of Part 3 of the Code of Civil Procedure, relating to international commercial disputes.

• SB 820 (Leyva) This bill prohibits a provision within a settlement agreement that prevents the disclosure of factual information related to specified claims or complaints. Plaintiffs in such actions retain the right to request provisions in settlement agreements that shield their identity.

An act to add Section 1001 to the Code of Civil Procedure, relating to civil procedure.

• SB 939 (Portantino) This bill, an urgency measure, appropriates approximately \$6.2 million to the attorney general (AG) to pay settlements for court cases.

An act relating to the payment of claims against the state, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

• SB 954 (Wieckowski) This bill requires an attorney representing a client participating in a mediation or a mediation consultation to provide the client with a written disclosure containing the mediation confidentiality restrictions provided in the Evidence Code (EVID). The attorney is required to obtain a printed acknowledgment signed by the client stating that the client has read and understands the confidentiality restrictions.

An act to amend Section 1122 of, and to add Section 1129 to, the Evidence Code, relating to mediation.

• SB 1121 (Dodd) This bill amends the recently enacted California Consumer Privacy Act of 2018.

An act to amend Sections 1798.100, 1798.105, 1798.110, 1798.115, 1798.120, 1798.125, 1798.130, 1798.135, 1798.140, 1798.145, 1798.150, 1798.155, 1798.185, 1798.192, 1798.196, and 1798.198 of, and to add Section 1798.199 to, the Civil Code, relating to personal information, and declaring the urgency thereof, to take effect immediately.

• SB 1139 (Morrell) This bill deletes the sunset date on the provision of law that provides a procedure by which an entitled person, as defined, can, with the approval of a borrower, request the suspension and closure of a home equity line of credit, as specified.

An act to amend Section 2943.1 of the Civil Code, relating to real property.

• SB 1155 (Hueso) This bill revises statutes regarding the provision of language interpreters in small claims court with the goal of expanding language access to limited-English proficient parties in small claims court.

An act to repeal Section 116.550 of the Code of Civil Procedure and to amend Section 68560.5 of the Government Code, relating to courts.

• SB 1196 (Jackson) This bill authorizes a person whose personal identifying information has been used unlawfully in a business entity filing, as defined, and has initiated a law enforcement investigation, to petition a court for an order directing the alleged perpetrator of the act and the person using the personal identifying information in the filing to appear and show cause as to why the information should not be labeled to show the information is impersonated and should not be associated with the business entity. This bill provides the relevant court process and requires a court that finds the petition meritorious, to order that the name and personal identifying information in the business entity

filing be redacted or labeled to show the data is impersonated and to order the removal of the personal identifying information from publicly accessible electronic indexes and databases.

An act to add Title 1.81.6 (commencing with Section 1798.200) to Part 4 of Division 3 of the Civil Code, relating to personal identifying information.

• SB 1201 (Jackson) This bill requires supervised financial organizations to provide translated disclosures of specified mortgage documents to borrowers with whom they negotiate those documents in a foreign language and clarifies the circumstances under which the Commissioner of Business Oversight (commissioner) may revoke the license of a California Residential Mortgage Lending Act (CRMLA) licensee that fails to file a certified financial statement as required under the CRMLA

An act to amend Section 1632.5 of the Civil Code, and to amend Section 50200 of the Financial Code, relating to contracts.

• SB 1249 (Galgiani) This bill makes it unlawful for a manufacturer of cosmetic products to import for profit, sell, or offer for sale in this state, any cosmetic, if the cosmetic was developed or manufactured using an animal test that was conducted or contracted by the manufacturer, or any supplier of the manufacturer, on or after January 1, 2020, as specified. This bill provides that violations are punishable by an initial \$5,000 fine and an additional \$1,000 for each day the violation continues.

An act to add Section 1834.9.5 to the Civil Code, relating to animal testing.

• SB 1431 (Morrell) This bill clarifies that the terms "creditor" and "debtor," as used in Section 1542 of the Civil Code, are interchangeable with the terms "releasing party" and "released party," respectively.

An act to amend Sections 1541 and 1542 of the Civil Code, relating to obligations.

• SB 1453 (McGuire) This bill provides that an action under Section 4601.1 of the Public Resources Code for specified violations of the Z'berg-Nejedly Forest Practice Act of 1973 involving the conversion of timberland to nonforestry-related agricultural uses must be commenced within three years.

An act to amend Section 338 of the Code of Civil Procedure, relating to civil actions.

CONSTRUCTION and DEVELOPMENT

• AB 686 (Santiago) This bill would require a public agency to administer its programs and activities relating to housing and community development in a manner to affirmatively further fair housing (AFFH).

An act to amend Sections 65583 and 65583.2 of, and to add Chapter 15 (commencing with Section 8899.50) to Division 1 of Title 2 of, the Government Code, relating to housing.

• AB 2132 (Levine) Authorizes cities and counties to waive or reduce all building permit fees for improvements to the home of seniors with a qualifying disability that are made to accommodate that disability.

An act to add Section 17951.7 to the Health and Safety Code, relating to housing.

• AB 2263 (Friedman) Requires a local agency to provide for a reduction in parking requirements when a development project that is designated as a historical resource is being converted or adapted to another use.

An act to add Section 18962 to the Health and Safety

Code, relating to land use.

• AB 2372 (Gloria) Allows a city or county to establish a procedure by ordinance to grant a developer of an eligible housing development, upon the request of the developer, a floor area ratio (FAR) bonus, in lieu of a density bonus.

An act to add Section 65917.2 to the Government Code, relating to housing.

• AB 2797 (Bloom) Requires any density bonus, concessions, incentives, waivers, or reductions of development standards, and parking ratios to which the applicant is entitled to under the statutes related to density bonuses (Density Bonus Law) to be permitted in a manner that is consistent with Density Bonus Law and the California Coastal Act of 1976 (Coastal Act).

An act to amend Section 65915 of the Government Code, relating to housing.

AB 2913 (Wood) Makes changes to the California Building Standards Law.

An act to amend Section 18938.5 of, and to add Section 18938.6 to, the Health and Safety Code, relating to building permits.

• AB 3194 (Daly) Makes a number of changes to the Housing Accountability Act (HAA).

An act to amend Section 65589.5 of the Government Code, relating to housing.

• SB 914 (Dodd) This bill expands the types of projects that can be delivered by counties using the construction manager at-risk procurement method.

An act to amend Section 20146 of the Public Contract Code, relating to public contracts.

• SB 1226 (Bates) Requires the Department of Housing and Community Development (HCD) to propose the adoption of a building standard to authorize a local enforcement official to determine the date of construction of a residential unit, apply the building standards in effect of that date of construction, and issue a retroactive building permit when a record of the issuance of a building permit for the construction of an existing residential unit does not exist

An act to add Section 17958.12 to the Health and Safety Code, relating to housing.

CRIMINAL and **PENAL**

• AB 282 (Jones-Sawyer) Clarifies that a person whose actions are compliant with the provisions of the End of Life Option Act (Act) cannot be prosecuted for the crime of assisted suicide.

An act to amend Section 401 of the Penal Code, relating to suicide.

• AB 324 (Kiley) Defines "identifiable" as "capable of identification, or capable of being recognized, meaning that someone could identify or recognize the victim, including the victim herself or himself" for the crimes of using a camera or similar device to photograph or record an identifiable person under or through their clothing, for the purpose of viewing their body or undergarments, for the purpose of sexual gratification, or to record an identifiable person who is in a state of full or partial undress in an area in which they have a reasonable expectation of privacy, without their consent.

An act to amend Section 647 of the Penal Code, relating to disorderly conduct.

• AB 372 (Mark Stone) Allows the counties of Napa, San Luis Obispo, Santa Barbara, Santa Clara, Santa Cruz, and Yolo to offer an alternative educational



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SB 1249: First-in-nation animal testing ban for cosmetic products

By Anthony Samson

he California Legislature lived up to its reputation in 2018 as a trend-setting state by passing a first-in-nation law that, come Jan. 1, 2020, will ban the sale of cosmetic products if the products or the ingredients therein had been tested on animals.

Senate Bill 1249 (Galgiani) — also known as the Cruelty Free Cosmetics Act — was driven by Social Compassion in Legislation, Physicians Committee for Responsible Medicine, and other animal welfare groups. Although the cosmetics industry and other industry trade associations strongly opposed SB 1249 upon its introduction in early 2018, the bill received very little attention until later in the legislative session, when it quickly developed into one of the most controversial and heavily lobbied bills of 2018.

The basis for the controversy centered around two fundamental provisions, which remained in the bill until the final days of the legislative session. First, SB 1249 would have extended beyond the cosmetic supply chain by banning the sale of a cosmetic product in the state of California if the cosmetic product or the ingredients therein were tested on animals for any purpose. Consequently, a cosmetic product would have been banned from sale if an ingredient therein had been tested on animals for an unrelated purpose outside the cosmetic product manufacturer's knowledge or control. Second, SB 1249 would have provided that cosmetic products would not be subject to the ban if such products were sold in a country that requires cosmetic products to be animal tested as a condition for sale in that country. This is often referred to as the "China exemption" because China is the largest country with such a policy. The bill, however, would have sunset the "China exemption" in 2023, meaning come that time, a cosmetic manufacturer could not sell its products in both California and China, assuming China's animal testing policy was still in effect in 2023.

These two provisions, according to the cosmetics industry, rendered the bill unworkable. After extensive negotiations, however, the cosmetics industry and the bill's sponsors were able to strike a deal, which more closely aligns with but goes even further than the European Union's animal testing ban. In its final form, SB 1249 limits the sales ban to instances in which the cosmetic product or an ingredient therein had been tested on animals by the manufacturer, the manufacturer's contractor, or any supplier of the manufacturer. SB 1249 also contains several exemptions, including an exemption if an animal test was conducted on a cosmetic product to comply with a requirement of a foreign regulatory authority, so long as no evidence derived from the test was relied upon to substantiate the safety of the cosmetic for purposes of sale in California. SB 1249 does not contain a private right of action, but can be enforced by local city or district attorneys. And finally, SB 1249 grandfathers in cosmetic products and ingredients that were sold in California or tested on animals prior to Jan. 1, 2020.

Like many California laws, SB 1249 is the strictest and most comprehensive animal testing legislation in the country and thus will surely serve as a model for animal testing bans in other states and on the federal level.

Anthony Samson is a registered lobbyist located in Sacramento, where he advocates on behalf of corporate and trade association clients before the California Legislature, the Governor's Office, and regulatory agencies on a broad range of policy issues.



SAMSON

program for individuals convicted of domestic violence based on a risk and needs assessment. Establishes a sunset date of July 1, 2022, and requires an annual report to the Legislature.

An act to add and repeal Section 1203.099 of the Penal Code, relating to domestic violence.

• AB 865 (Levine) Authorizes the court, under specified conditions, to resentence any person who was sentenced for a felony conviction prior to January 1, 2015, and who is, or was, a member of the United States military and who may be suffering from specified mental health problems as a result of his or her military service.

An act to amend Section 1170.91 of the Penal Code, relating to sentencing.

• AB 873 (Lackey) Grants the powers to arrest and to serve warrants to people who are employed by the California Department of Food and Agriculture (CDFA) and designated by the CDFA Secretary as an investigator, investigator supervisor, or investigator manager whose primary duty is enforcement of commercial cannabis.

An act to amend Section 830.11 of the Penal Code, relating to peace officers.

• AB 888 (Low) This bill extends the sunset date from December 31, 2018, to January 1, 2024, that allows eligible nonprofit organizations that are established or affiliated with various professional sports teams to conduct 50/50 raffles, as specified.

An act to amend Section 320.6 of the Penal Code, relating to gaming, and declaring the urgency thereof, to take effect immediately.

• AB 998 (Grayson) Authorizes a city, county, city and county, or a nonprofit organization to establish domestic violence and human trafficking multidisciplinary personnel teams trained in the prevention, identification, management, or treatment of those cases.

An act to amend the heading of Title 5.3 (commencing with Section 13750) of, to add the heading of Chapter 1 (commencing with Section 13750) to Title 5.3 of, and to add Chapter 2 (commencing with Section 13752) to Title 5.3 of, Part 4 of the Penal Code, relating to crime victims.

• AB 1065 (Jones-Sawyer) Creates the crime of organized retail theft. Expands jurisdiction to prosecute cases of theft or receipt of stolen merchandise. Requires California Highway Patrol (CHP) to convene a regional property task force. Authorizes a grant program, upon appropriation by the Legislature, to create demonstration projects to reduce recidivism to highrisk misdemeanor probationers. Establishes a sunset date of January 1, 2021, for the provisions of this bill.

An act to amend, repeal, and add Sections 853.6 and 978.5 of, to add and repeal Sections 490.4, 786.5, and 1210.6 of, to add and repeal Chapter 2.9D (commencing with Section 1001.81) of Title 6 of Part 2 of, and to add and repeal Chapter 13 (commencing with Section 13899) of Title 6 of Part 4 of, the Penal Code, relating to theft.

• AB 1192 (Lackey) Exempts retired Level I reserve peace officers who meet specified length of service requirements from the ban on possessing high-capacity magazines.

An act to amend Section 16690 of the Penal Code, relating to firearms.

• AB 1639 (Eduardo Garcia) Requires the California Victim Compensation Board (board) to provide training which affirms that neither access to information about victim compensation, nor an application for

compensation through the California Victim Compensation Program (CalVCP), shall be denied on the basis of the victim's or derivative victim's immigration status or connection, or suspected connection, with a gang.

An act to amend Section 13962 of the Government Code, relating to crime victims.

• **AB 1735 (Cunningham)** This bill requires the court to consider issuing a protective order in all cases in which a defendant has been convicted of human trafficking, pimping or pandering.

An act to amend Section 136.2 of the Penal Code, relating to protective orders.

• AB 1746 (Cervantes) Adds sexual battery and unlawful sexual intercourse to the list of offenses that may be consolidated in a single trial in any county where at least one of the offenses occurred, if the defendant and the victim are the same for all of the offenses.

An act to amend Section 784.7 of the Penal Code, relating to criminal procedure.

• AB 1793 (Bonta) This bill expedites the identification, review, and notification of individuals who may be eligible for recall or dismissal, dismissal and sealing, or redesignation of specified cannabis-related convictions.

An act to add Section 11361.9 to the Health and Safety Code, relating to cannabis.

• AB 1812 (Committee on Budget) This bill provides for statutory changes to enact the public safety-related provisions of the Budget Act of 2018.

An act to amend Sections 4021.5, 4052.2, 4057, 4081, and 4400 of, to add Section 4203.6 to, and to add Article 13.5 (commencing with Section 4187) to Chapter 9 of Division 2 of, the Business and Professions Code, to amend Sections 12838.1, 13332.09, 14670, and 15820.913 of the Government Code, to amend Section 103680 of, and to add Section 1797.165 to, the Health and Safety Code, to amend Sections 680.3, 832.6, 1170, 4115.5, 6031.4, 6040, and 13603 of, to amend, repeal, and add Section 13523 of, to add Sections 2067 and 3007.08 to, and to add and repeal Sections 6402.5 and 13509 of, the Penal Code, and to amend Sections 607, 912, 1178, 1731.5, 1769, and 1771 of, to add Chapter 5 (commencing with Section 1450) to Part 1 of Division 2 of, and to add and repeal Section 1731.7 of, the Welfare and Institutions Code, relating to public safety, and making an appropriation therefor, to take effect immediately, bill related to the budget.

• AB 1834 (Committee on Budget) Contains necessary statutory and technical changes to implement the Budget Act of 2018 related to Public Safety (lease revenue bonds).

An act to amend Section 15819.403 of the Government Code, relating to corrections, and making an appropriation therefor, to take effect immediately, bill related to the budget.

• AB 1872 (Voepel) This bill exempts sworn peace officers of a harbor or port district including the San Diego Unified Port District Harbor Police, and the Harbor Department of the City of Los Angeles who have satisfactorily completed the Commission on Peace Officer Standards and Training (POST) firearms training course from the state prohibition relating to the sale or purchase of an unsafe handgun.

An act to amend Section 32000 of the Penal Code, relating to firearms.

• AB 1888 (Salas) This bill deletes the January 1, 2019 sunset date on provisions of law that allow a deputy sheriff assigned to custodial duties to be reassigned to the general enforcement of the criminal laws of the

state within five years of completing the basic peace officer training course if the deputy sheriff has been continuously employed by the same department and has maintained perishable skills training required by the Commission on Peace officer Standards and Training (POST).

An act to amend and repeal Section 832.3 of the Penal Code, relating to peace officers.

• AB 1897 (Committee on Appropriations) This bill appropriates \$92,260 from the General Fund to the Executive Officer of the California Victims Compensation Board (Board) for the payment of one specified erroneous conviction claim.

An act relating to the California Victim Compensation Board, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

• AB 1920 (Grayson) This bill specifies that it is a misdemeanor to intentionally and fraudulently impersonate a member of a search and rescue team.

An act to add Section 538h to the Penal Code, relating to impersonation.

• AB 1941 (Jones-Sawyer) This bill allows the court to reduce an offense punishable as either a felony or a misdemeanor to a misdemeanor upon successful completion of probation, regardless of whether the court had previously imposed a sentence.

An act to amend Section 17 of the Penal Code, relating to crimes.

• AB 1948 (Jones-Sawyer) Adds fentanyl to the list of controlled substances for which interception of wire or electronic communications may be ordered.

An act to amend Section 629.52 of the Penal Code, relating to criminal procedure.

• AB 1985 (Ting) Provides that local law enforcement agencies must include certain requirements and definitions into a hate crimes policy manual if they decide to adopt or update a hate crimes policy manual.

An act to amend Section 422.56 of, and to add Chapter 2.5 (commencing with Section 422.87) to Title 11.6 of Part 1 of, the Penal Code, relating to hate crimes.

• AB 1987 (Lackey) Expands the availability of a post-conviction motion for discovery materials to include cases where a defendant was convicted of a serious or violent felony and sentenced to 15 years or more.

An act to amend Section 1054.9 of the Penal Code, relating to discovery.

• AB 1994 (Cervantes) Requires an official with the California Department of Corrections and Rehabilitation (CDCR), a state mental institution, and a county or local custodial facility, that admits or releases an individual required to register as a sex offender, to forward the individual's change of address information to the Department of Justice (DOJ) within 15 days of receiving and releasing the individual.

An act to amend Section 290.013 of the Penal Code, relating to sex offenders.

• AB 2080 (Cervantes) This bill specifies that detention facilities are required to report both inmate admissions and releases to the Department of Justice (DOJ) within 30 days of such an action.

An act to amend Section 13152 of the Penal Code, relating to criminal statistics.

• **AB 2103 (Gloria)** Requires that the training for applicants for a license to carry a concealed firearm (CCW) shall be no less than eight hours in length, and specifies safe handling and shooting proficiency requirements.

An act to amend Section 26165 of the Penal Code, re-

lating to firearms.

• AB 2133 (Weber) This bill clarifies in what situations a criminal defense attorney may be provided with information from the Department of Justice's (DOJ) summary criminal history database and eliminates the requirement that a criminal defense attorney have some separate legal authorization to obtain information that information.

An act to amend Section 11105 of the Penal Code, relating to state summary criminal history records.

• AB 2176 (Jones-Sawyer) This bill (1) imposes receipt requirements for deadly weapons taken by officers, (2) extends civil liability to persons authorizing a minor's acquisition of tear gas by accompaniment, and (3) makes various technical, non-substantive changes to provisions of law related to deadly weapons.

An act to amend Sections 18255, 18260, 18405, 20155, 22815, 23685, 26045, 26890, 31640, 31700, and 32010 of the Penal Code, relating to firearms.

• AB 2197 (Bigelow) This bill permits custodial officers employed by the Madera County Department of Corrections (DOC) to perform additional duties.

An act to amend Section 831.5 of the Penal Code, relating to custodial officers.

• AB 2222 (Quirk) Requires all law enforcement agencies to report to the Department of Justice (DOJ) information about each firearm reported lost, stolen, or recovered, and requires the DOJ to submit a report to the Legislature outlining law enforcement agency compliance with the new reporting requirement.

An act to amend Sections 11108, 11108.3, 11108.5, 11108.10, 25260, and 33855 of, and to add Section 11108.2 to, the Penal Code, relating to crime prevention and investigation.

• AB 2226 (Patterson) This bill expands the law that authorizes the court to order victim restitution to cover the costs of installing a residential security system to include domestic violence cases.

An act to amend Section 1202.4 of the Penal Code, relating to victims of crime.

• AB 2243 (Friedman) Prohibits the admission of evidence that a victim of, or a witness to extortion, stalking, or a violent crime was engaged in an act of prostitution at or around the time he or she was the victim or witness in order to prove criminal liability in a separate prosecution for the act of prostitution.

An act to add Section 1162 to the Evidence Code, relating to evidence.

• AB 2302 (Baker) Extends the statute of limitations in cases involving the failure to report an incident known or reasonably suspected by a mandated reporter to be sexual assault to five years, commencing on the date the offense occurred.

An act to amend Section 801.6 of the Penal Code, relating to mandated reporters.

• AB 2327 (Quirk) This bill requires peace officers seeking employment with a law enforcement agency to give written permission for the hiring law enforcement agency to view his or her general personnel file and any separate disciplinary file. This bill also requires each law enforcement agency to make a record of any investigations of misconduct involving a peace officer in his or her general personnel file or a separate file designated by the department or agency.

An act to add Section 832.12 to the Penal Code, relating to peace officers.

 AB 2349 (Chen) This bill authorizes a humane officer to carry a wooden club or baton if he or she has satisfactorily completed the Commission on Peace Officer Standards and Training (POST) course of instruction on the carrying and use of a baton, and if authorized by his or her appointing society.

An act to amend Section 14502 of the Corporations Code, and to amend Section 22295 of the Penal Code, relating to humane officers.

• **AB 2461 (Flora)** This bill requires the Department of Justice (DOJ) to continually update authorized entities with information about new arrests and convictions for people who have their fingerprints on file with the DOJ or the Federal Bureau of Investigation (FBI) as a result of applying for a job, license, or certification.

An act to amend Section 11105.2 of the Penal Code, relating to criminal history information.

• AB 2495 (Mayes) Makes it unlawful for a local city or county government to charge a person for the costs of investigation, prosecution, or appeal that that city or county sustains in a criminal case.

An act to add Section 688.5 to the Penal Code, relating to criminal procedure.

• AB 2504 (Low) Requires the Commission on Peace Officer Standards and Training (POST) to develop and implement a training course regarding sexual orientation and gender identity minority groups.

An act to add Section 13519.41 to the Penal Code, relating to peace officer training.

• AB 2507 (Jones-Sawyer) Requires the sheriff or administrator of a county jail to develop and implement an infant and toddler breast milk feeding policy for lactating inmates detained in the jail.

An act to add Section 4002.5 to the Penal Code, relating to county jails.

• AB 2526 (Rubio) This bill makes oral requests for a temporary emergency gun violence restraining order (GVRO) the statutory default and authorizes written requests if time and circumstances permit.

An act to amend Sections 18140 and 18145 of the Penal Code, relating to restraining orders.

• AB 2532 (Jones-Sawyer) This bill requires a court to permit a person convicted of an infraction to perform community service in lieu of paying a fine upon demonstrated financial hardship, and sets an hourly rate for community service.

An act to amend Section 1209.5 of the Penal Code, relating to infractions.

• AB 2533 (Mark Stone) Provides that an inmate in a state prison who has maintained an inmate trust account with \$25 or less for 30 consecutive days be deemed indigent and receive basic supplies necessary for maintaining personal hygiene.

An act to add Section 5007.7 to the Penal Code, relating to inmates.

• AB 2550 (Weber) Prohibits male correctional officers from conducting pat-down searches on female inmates and from entering areas of the institution where female inmates may be in a state of undress.

An act to add Section 2644 to the Penal Code, relating to prisons.

• AB 2599 (Holden) This bill requires detention facilities to provide information to arrestees and about their right to petition for arrest record sealing and expungement relief.

An act to amend Section 851.91 of the Penal Code, relating to criminal records.

• AB 2669 (Jones-Sawyer) Authorizes any peace officer of the Office of Internal Affairs of California Department of Corrections and Rehabilitation (CDCR)

acting in the scope of his or her authority, to overhear or record any communication they could lawfully hear prior to the enactment of unauthorized eavesdropping provisions.

An act to amend Section 633 of the Penal Code, relating to peace officers.

• AB 2710 (Obernolte) Eliminates the requirement that a judge take the oath over the telephone when an officer makes an application for a search warrant or arrest warrant by fax, email, or computer server. Requires an officer to sign a declaration in support of search or arrest warrant under penalty of perjury. Conforms the procedures to obtain search and arrest warrants by fax, email, or computer server.

An act to amend Sections 817 and 1526 of the Penal Code, relating to criminal procedure.

• AB 2774 (Limón) Authorizes specified animal shelters, humane societies, rescues, and adoption organizations to ask an individual attempting to adopt an animal if he or she is prohibited from owning or possessing an animal.

An act to amend Section 597.9 of the Penal Code, relating to animal abuse.

• AB 2801 (Salas) Provides a cross-reference to the Military and Veterans Code provision related to vandalism of veterans' memorials in the Penal Code provision related to vandalism of law enforcement and firefighter memorials.

An act to amend Section 621 of the Penal Code, relating to memorials.

• AB 2845 (Bonta) Expands the authority of the Board of Parole Hearings (BPH) and the Governor with respect to the recommendation and investigation of pardons and commutations.

An act to amend Section 12952 of the Government Code, and to amend Sections 4812, 4852.06, 4852.16, and 4852.18 of, and to add Section 4802.5 to, the Penal Code, relating to pardons.

• AB 2867 (Gonzalez Fletcher) Clarifies the timing and procedural requirements of motions for post-conviction relief that are based on either a prejudicial error regarding a defendant's comprehension of immigration consequences stemming from his or her conviction, or newly discovered evidence of actual innocence.

An act to amend Section 1473.7 of the Penal Code, relating to criminal procedure.

• AB 2988 (Weber) Requires the appropriate governmental entity to retain any object of material that contains or includes biological material that is collected in connection with a criminal case, as specified.

An act to amend Section 1417.9 of the Penal Code, relating to evidence.

• AB 2992 (Daly) Requires the Commission on Peace Officers Standards and Training (CPOST) to develop and implement a course on victims of human trafficking.

An act to add Section 13516.5 to the Penal Code, relating to peace officer training.

• AB 3078 (Gallagher) This bill expands the crime of looting to include theft that occurs while an area is under an evacuation order.

An act to amend Section 463 of the Penal Code, relating to theft.

 AB 3118 (Chiu) Requires each law enforcement agency, crime lab, medical facility, or any other facility that possesses sexual assault evidence kits to conduct an audit of all untested kits in their possession and report the findings to the Department of Justice (DOJ), as specified.

An act to add and repeal Section 680.4 of the Penal Code, relating to sexual assault.

• AB 3129 (Rubio) Prohibits a person who is convicted on or after January 1, 2019, of a misdemeanor domestic violence offense that currently results in a 10-year prohibition against possessing a firearm, from possessing a firearm for life.

An act to amend Section 29805 of the Penal Code, relating to firearms.

• AB 3229 (Burke) This bill adds the Department of Justice (DOJ) to the list of agencies that may receive financial records from a financial institution, provided that a crime report involving fraud has been filed.

An act to amend Section 7480 of the Government Code, relating to privacy.

• SB 10 (Hertzberg) This bill creates a risk-based non-monetary prearraignment and pretrial release system for people arrested for criminal offenses including preventative detention procedures for person's determined to be too high a risk to assure public safety if released.

An act to amend Section 27771 of the Government Code, and to add Section 1320.6 to, to add Chapter 1.5 (commencing with Section 1320.7) to Title 10 of Part 2 of, and to repeal Chapter 1 (commencing with Section 1268) of Title 10 of Part 2 of, the Penal Code, relating to pretrial release and detention.

• SB 215 (Beall) This bill amends Governor Brown's 2018 pre-trial diversion program in three ways: (1) it eliminates certain offenses from consideration from diversion, including murder, manslaughter, rape, and other sex offenses; (2) it requires courts, upon request, to conduct a hearing to determine whether restitution is owed to any victim as a result of the diverted offense; and (3) it authorizes a court to request a prima facie hearing where a defendant must show they are potentially eligible for diversion.

An act to amend Section 1001.36 of the Penal Code, relating to diversion.

• SB 746 (Portantino) This bill establishes procedures for return of ammunition that has been seized by law enforcement or has been transferred to a licensed firearms dealer because of a temporary prohibition on ammunition possession. Requires eligibility to possess ammunition be established before ammunition can be returned.

An act to amend Sections 29180, 29182, and 29183 of, and to amend, repeal, and add Sections 16150, 29830, 33850, 33855, 33860, 33865, 33870, 33875, 33880, 33885, and 33895 of, the Penal Code, relating to firearms.

• SB 896 (McGuire) Extends the sunset date until January 1, 2024 on the state's aggravated arson statute, and increases the threshold amount of property damage required from \$7 million to \$8.3 million.

An act to amend Section 451.5 of the Penal Code, relating to arson.

• SB 923 (Wiener) This bill requires all law enforcement agencies and prosecutorial entities to adopt regulations for conducting photo lineups and live lineups with eyewitnesses.

An act to add Section 859.7 to the Penal Code, relating to criminal procedure.

• SB 941 (Lara) This bill, an urgency measure, appropriates \$1,958,740 to the Executive Officer of the California Victim Compensation Board (Board) for the

payment of one erroneous conviction claim, as specified

An act relating to state claims, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

• SB 960 (Leyva) This bill requires the California Department of Corrections and Rehabilitation (CDCR) to report annually on its efforts to respond to and prevent inmate suicides and attempted suicides.

An act to add Section 2064.1 to the Penal Code, relating to corrections.

• SB 1050 (Lara) This bill expands transitional services for exonerated persons and requires exonerated persons to be paid \$1000 upon release from incarceration.

An act to amend Sections 290.007 and 3007.05 of the Penal Code, relating to inmates.

• SB 1054 (Hertzberg) This bill is a follow up to SB 10 (Hertzberg, 2018) which created a risk-based non-monetary prearraignment and pretrial release system for people arrested for criminal offenses, it provides that no person arrested for a sex offense could be released pre-arraignment and that in the City and County of San Francisco the existing non-profit entity performing pretrial services may provide the pretrial assessment services required in SB 10.

An act to amend Sections 1320.10 and 1320.26 of the Penal Code, relating to pretrial release and detention.

• SB 1100 (Portantino) This bill increases the age for which a person can purchase a long-gun from a licensed dealer from 18 to 21 years of age, except as specified.

An act to amend Sections 27510 and 29182 of the Penal Code, relating to firearms.

• SB 1106 (Hill) Extends the operative date of the existing Transitional Age Youth pilot program to January 1, 2022, and establishes a December 31, 2020, deadline by which a report on the program must be delivered to the Senate and Assembly Public Safety Committees. Expands the pilot program to the county of Ventura.

An act to amend Section 1000.7 of the Penal Code, relating to crimes.

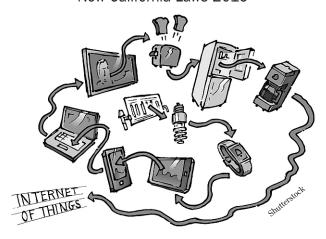
• SB 1187 (Beall) This bill reduces the maximum term of commitment to a treatment facility to restore a defendant's competency from three years to two years and allows a person committed to a facility pending the return of mental competence to earn credits.

An act to amend Sections 1369, 1370, 1370.1, 1375.5, and 4019 of the Penal Code, relating to criminal procedure.

• SB 1191 (Hueso) This bill requires local law enforcement and long-term care ombudsman programs to revise their policy manuals to include references to existing elder and dependent adult abuse laws.

An act to amend Section 368.5 of the Penal Code, relating to elder and dependent adult abuse.

• SB 1199 (Wilk) This bill provides that an inmate being released from custody on parole or post-release community supervision (PRCS) who was committed to prison for a sex offense for which registration is required, shall through all efforts reasonably possible be returned to the city that was the last legal residence of the inmate prior to incarceration, or a close geographic location in which he or she has family, social ties, or economic ties and access to reentry services, unless return to that location would violate any other law or pose a risk to his or her victim.



SB 327: Teddy bears & toasters: Law addresses IoT device security

By Anne Kelley

n September, California became the first state to pass a law addressing cyber security concerns with internet of things ("IoT") devices that connect to the internet. SB 327 requires that by Jan. 1, 2020, manufacturers of certain internet-connected devices sold in California must equip them with "reasonable security features." The security features must be: (i) appropriate to the nature and function of the device; (ii) appropriate to the information it may collect, contain or transmit; and (iii) designed to protect the device, and any information contained therein, from unauthorized access, destruction, use, modification or disclosure.

The law reflects the fact that Californians are increasingly using IoT devices that range from teddy bears used by children to toasters and other home appliances. The impetus behind the law is to prevent cyberattacks and protect data collected by IoT devices, many of which have documented security vulnerabilities, including default usernames and passwords and cleartext data transmissions (found, for example, in toys and medical devices by the Princeton University IoT Inspector Project). IoT devices' security vulnerabilities increase the number of threat vectors for cyberattacks, and the devices collect personal data that can be exposed in a cyberattack or data breach.

SB 327 is codified at California Civil Code Section 1798.91.04-06. The law defines "connected device" as "any device, or other physical object that is capable of connecting to the Internet, directly or indirectly, and that is assigned an internet protocol address or Bluetooth address." The law states that if a connected device is equipped with a means for authentication outside a local area network, the device manufacturer will meet the "reasonable security feature" requirement if either of the following requirements are met: (1) the preprogrammed password is unique to each device manufactured, or (2) the device contains a security feature that requires a user to generate a new means of authentication before access is

granted to the device for the first time.

Critics believe the law does not go far enough as it is limited to connected devices assigned an internet protocol or Bluetooth address. Further, the law does not provide specifics on what security measures are required for all connected devices, as "reasonable security features" required vary, depending on the nature and function of the device and the nature of the information collected. (Section 1798.91.04(a) (1)-(2)) The law imposes no duty on manufacturers of a connected device related to unaffiliated third-party software or applications that a user adds to a connected device. (Section 1798.91.06.a).

This law, in contrast to the recent California Consumer Privacy Act, does not have a private right of action and is only enforceable by the state. However, if a connected device manufacturer fails to maintain "reasonable security measures" and a data breach occurs, the manufacturer could be in violation of the CCPA.

Anne Kelley is a partner in Newmeyer & Dillion's Walnut Creek office where she advises businesses in the areas of cyber security, cyber insurance and data privacy issues, including compliance with the CCPA of 2018.



KELLEY

An act to amend Section 3003 of the Penal Code, relating to sex offenders.

• SB 1200 (Skinner) This bill makes various changes to existing laws related to gun violence restraining orders (GVROs).

An act to amend Section 6103.2 of the Government Code, to amend Sections 11106, 18100, 18105, 18120, 18125, 18135, 18160, and 18180 of, and to add Sections 18121 and 18148 to, the Penal Code, relating to firearms.

• SB 1232 (Bradford) This bill extends the time limit to file an application for compensation with the California Victims Compensation Board within three years after the victim turns 21, instead of 18, years of age.

An act to amend Section 13953 of the Government Code, relating to victims of crime, and making an appropriation therefor.

• SB 1331 (Jackson) This bill requires the Commission on Peace Officer Standards and Training's domestic violence training course to include procedures and techniques for assessing lethality or signs of lethal violence in domestic violence situations.

An act to amend Section 13519 of the Penal Code, relating to peace officers.

• SB 1346 (Jackson) This bill clarifies that the definition of a multiburst trigger includes a bump stock, bump fire stock, or other similar devices that are attached to, built into, or used in combination with a semiautomatic firearm to increase the rate of fire of that firearm.

An act to amend Section 16930 of the Penal Code, relating to firearms.

• SB 1355 (Hill) This bill makes a person who knowingly and intentionally operates an unmanned aircraft system on or above the grounds of a state prison or jail, guilty of an infraction punishable by a fine of \$500.

An act to add Section 4577 to the Penal Code, relating to unmanned aircraft systems.

• SB 1382 (Vidak) This bill expands the provisions permitting the leaving a handgun in a vehicle unattended to include when a firearm is in a locked toolbox or utility box.

An act to amend Section 25140 of the Penal Code, relating to firearms.

• SB 1393 (Mitchell) Allows a judge discretion to strike a prior serious felony conviction, in furtherance of justice, to avoid the imposition of the five-year prison enhancement when the defendant has been convicted of a serious felony.

An act to amend Sections 667 and 1385 of the Penal Code, relating to sentencing.

• SB 1421 (Skinner) This bill permits inspection of specified peace and custodial officer records pursuant to the California Public Records Act (CPRA). This bill provides that records related to reports, investigations, or findings may be subject to disclosure if they involve the following: 1) incidents involving the discharge of a firearm or electronic control weapons by an officer; 2) incidents involving strikes of impact weapons or projectiles to the head or neck area; 3) incidents of deadly force or serious bodily injury by an officer; 4) incidents of sustained sexual assault by an officer; or 5) incidents relating to sustained findings of dishonesty by a peace officer.

An act to amend Sections 832.7 and 832.8 of the Penal Code, relating to peace officer records.

• SB 1437 (Skinner) This bill limits liability for

individuals based on a theory of first or second degree felony murder. This bill allows individuals previously sentenced on a theory of felony murder to petition for resentencing if they meet specified qualifications.

An act to amend Sections 188 and 189 of, and to add Section 1170.95 to, the Penal Code, relating to murder.

EDUCATION

• AB 38 (Stone) Changes the Student Loan Servicing Act (Act) authorizing the Commissioner of the Department of Business Oversight (DBO) to implement licensee requirements under the Act, as specified.

An act to amend Sections 28102, 28104, 28106, 28110, 28114, 28116, 28120, 28122, 28128, 28130, 28134, 28136, 28142, 28144, and 28154 of, to add Sections 28111, 28117, 28153, and 28153.5 to, and to add Article 3 (commencing with Section 28125) to Chapter 2 of Division 12.5 of, the Financial Code, relating to student loan servicers.

• AB 108 (Committee on Budget) Makes technical changes to education provisions related to the 2017-18 budget act.

An act to amend Sections 8212, 8332, 8332.1, 8332.2, 8332.3, 8332.4, 8332.5, 8332.7, 8335.1, 8335.3, 8335.4, 8347.2, 8347.3, 8347.4, and 8499.5 of, to amend the heading of Article 15.1 (commencing with Section 8332) of Chapter 2 of Part 6 of Division 1 of Title 1 of, to add Sections 8332.25, 8332.8, and 8335.5 to, to repeal Section 8335.2 of, and to repeal Article 15.1.1 (commencing with Section 8333), Article 15.1.1 (commencing with Section 8334), Article 15.3 (commencing with Section 8340), Article 15.4.1 (commencing with Section 8348), and Article 15.4.2 (commencing with Section 8349) of Chapter 2 of Part 6 of Division 1 of Title 1 of, the Education Code, to amend Sections 99101, 99102, 99106, 99108, and 99109 of, and to repeal Section 99104 of, the Government Code, and to add Item 6980-102-0001 to, and to repeal Item 0954-101-0001 of, Section 2.00 of the Budget Act of 2017, relating to education, and making an appropriation therefor, to take effect immediately, bill related to the budget.

• AB 716 (O'Donnell) Revises and recasts provisions relating to the consolidated application, the Single Plan for Student Achievement (SPSA), and schoolsite councils, and repeals the School-Based Program Coordination Act, to account for implementation of the local control funding formula (LCFF) and the federal Every Student Succeeds Act (ESSA).

An act to amend Sections 33050, 64000, and 64001 of, to amend and renumber the heading of Part 37 (commencing with Section 64100) of, to add the heading of Part 37 (commencing with Section 64001) to, to add Part 38 (commencing with Section 65000) to, and to repeal Chapter 12 (commencing with Section 52850) of Part 28 of, Division 4 of Title 2 of, the Education Code, relating to public elementary and secondary schools.

• AB 1062 (Levine) Expands existing reporting requirements for the California State University (CSU) Board of Trustees related to key performance data on online courses.

An act to amend Sections 66760.5, 66764, 89225, and 89226 of the Education Code, relating to postsecondary education.

• AB 1406 (Gloria). Extends the maximum allowable terms of specified lease agreements that a school district may enter into.

An act to amend Sections 17403 and 17517 of the Education Code, relating to school facilities.

• AB 1661 (Limón) Conforms state law to the federal Every Student Succeeds Act (ESSA), the 2015 successor to the federal No Child Left Behind Act (NCLB), as it relates to family engagement and foster youth transportation programs.

An act to amend Sections 11500, 11501, 11502, 11503, 12030, 12032, 33318.5, 33370, 48853.5, 49558, 51749.5, 52063, and 52069 of the Education Code, relating to school accountability.

• AB 1747 (Rodriguez) Requires charter schools to develop a school safety plan, including procedures for conducting tactical responses to criminal incidents; requires comprehensive school safety plans to include procedures for conducting tactical responses to criminal incidents; increases the California Department of Education's (CDE's) responsibilities relating to school safety plans; and requires schoolsite councils to also consult with the fire department and other first responder entities in the writing and development of the comprehensive school safety plan.

An act to amend Sections 32280, 32281, 32282, 32288, 47605, and 47605.6 of the Education Code, relating to school safety.

• AB 1786 (Cervantes) This bill requires the California Community Colleges (CCC) Chancellor's Office to establish an initiative to expand the use of credit for students with prior learning.

An act to amend Section 66025.7 of the Education Code, relating to community colleges.

• AB 1805 (Irwin) Requires a California Community College (CCC) to inform students of their rights to access transfer-level coursework, academic credit English as a second language (ESL) coursework, and of the multiple measures placement policies developed by the community college.

An act to add Section 78221.5 to the Education Code, relating to community colleges.

• AB 1808 (Committee on Budget) This bill provides for statutory changes necessary to enact the K-12 statutory provisions of the Budget Act of 2018.

An act to amend Sections 305, 2558, 2574, 8220.1, 8235, 8265, 8265.5, 8357, 8483.7, 8483.76, 14041, 14501, 17078.54, 33127, 41020, 41024, 41203.1, 41326, 41344.1, 41376.1, 41544, 42238, 42238.02, 42238.05, 42238.1, 42238.2, 42238.5, 42285, 46380, 46392, 47614.5, 47633, 47635, 47663, 48000, 48310, 48359.5, 48900, 52060, 52062, 52064, 52064.5, 52066, 52068, 52071.5, 52072, 52072.5, 52074, 53070, 53071, 53073, 53075, 53076, 56122, 56140, 56194, 56195.3, 56195.9, 56205, 56366.1, 56836.02, 56836.08, 56836.11, 56836.23, 56836.31, 56836.165, 60604.5, 60643, 60810, 88821, 88822, 88823, 88825, and 88826 of, to amend the heading of Article 15.4 (commencing with Section 8347) of Chapter 2 of Part 6 of Division 1 of Title 1 of, to amend the heading of Article 4.5 (commencing with Section 52060) of Chapter 6.1 of Part 28 of Division 4 of Title 2 of, to add Sections 216, 313.3, 2575.2, 8235.5, 33315, 41339.2, 52059.5, 52064.1, 52073, 52073.1, 52073.2, 53070.1, 53071.1, 53076.2, 53076.4, 56205.5, 56836.24, 56836.25, 88827, 88828, 88829, 88830, 88831, 88832, and 88833 to, to add Article 23.5 (commencing with Section 8492) to Chapter 2 of Part 6 of Division 1 of Title 1 of, to add Article 7 (commencing with Section 17375) to Chapter 3 of Part 10.5 of Division 1 of Title 1 of, to add Article 7 (commencing with Section 41570) to Chapter 3.2 of Part 24 of Division 3 of Title 2 of, to add and repeal Article 22 (commencing with Section 8460) of Chapter 2 of Part 6 of Division 1 of Title 1 of, to add and repeal Article 16 (commencing with Section 44415) of Chapter 2 of Part 25 of Division 3 of Title 2 of, to repeal

Sections 49430.5, 52051.5, 52052.1, 52052.3, 52052.5, 52052.6, 52052.9, 53203, and 60601 of, to repeal Article 4.2 (commencing with Section 52059) of Chapter 6.1 of Part 28 of Division 4 of Title 2 of, and to repeal and add Sections 52052 and 52071 of, the Education Code, to amend Sections 7906, 7907, and 17581.6 of, and to add Section 17581.97 to, the Government Code, to amend Section 1596.792 of, and to add Section 1596.7925 to, the Health and Safety Code, to amend Section 26205.5 of the Public Resources Code, and to repeal Section 4 of Chapter 1335 of the Statutes of 1992, relating to education finance, and making an appropriation therefor, to take effect immediately, bill related to the budget.

• AB 1809 (Committee on Budget) This bill enacts various statutory changes necessary to implement the higher education provisions for the Budget Act of 2018

An act to amend Sections 8152, 8154, 19104.5, 52523, 66021.1, 66027.8, 68075.6, 69432, 69433.6, 69435.3, 70023, 70900, 70901, 72506, 76004, 76300, 76350, 78401, 79149.3, 79149.5, 82542, 84040.5, 84750.5, 84751, 84810.5, 84900, 84901, 84906, 84913, 84916, 99151, 99152, 99153, 99154, and 99162 of, to amend the heading of Article 9 (commencing with Section 84900) of Chapter 5 of Part 50 of Division 7 of Title 3 of, to amend and repeal Sections 84750.6, 84750.7, and 88912.5 of, to add Sections 66749.6, 66749.7, 78222, 79148.1, 79149.7, 84750.4, and 84750.41 to, to add Article 10 (commencing with Section 54800) to Chapter 9 of Part 29 of Division 4 of Title 2 of, to add Part 46.5 (commencing with Section 75000), Part 52.7 (commencing with Section 88670), and Part 54.82 (commencing with Section 88930) to Division 7 of Title 3 of, to add Article 2.5 (commencing with Section 92010) to Chapter 1 of Part 57 of Division 9 of Title 3 of, to add and repeal Section 89290.5 of, to repeal Sections 88910, 88912, and 88913 of, and to repeal and add Section 79149.1 of, the Education Code, to add Sections 22874.7 and 22958.4 to, and to add Article 7 (commencing with Section 65059.1) to Chapter 1.5 of Division 1 of Title 7 of, the Government Code, to amend Section 33492.78 of the Health and Safety Code, to amend Section 95 of the Revenue and Taxation Code, to add Section 18928 to the Welfare and Institutions Code, and to amend the Budget Act of 2017 by amending Item 6870-101-0001 of Section 2.00 of that act, relating to education, and making an appropriation therefor, to take effect immediately, bill related to the budget.

• AB 1825 (Committee on Budget) This is the Proposition 98 Certification Trailer Bill for 2018-19 budget. This bill provides necessary statutory changes to enact the 2018-19 budget related to K-14 education.

An act to amend Sections 2575, 14002, 41202, 41202.5, 42238.03, and 42287 of, to add Sections 41206.01, 41206.02, 41206.03, 41207.31, and 41207.45 to, and to repeal and add Section 41206 of, the Education Code, relating to education finance, and making an appropriation therefor, to take effect immediately, bill related to the budget.

• AB 1840 (Committee on Budget) This bill makes changes to education programs consistent with the Budget Act of 2018.

An act to amend Sections 8265.5, 41320, 41320.1, 41321, 41325, 41326, 41327, 41327.1, 41327.2, 42127.6, 42127.9, 44416, 44418, 46392, 47606.5, 52060, 52061, 52064, 52065, 52066, 52067, 52074, 78222, and 84750.41 of, to add Sections 17463.5 and 66093.4 to, to add Chapter 6.5 (commencing with Section 42160) to Part 24 of Division 3 of Title 2 of, to repeal Section 60810 of, and to repeal and amend Section 313 of, the Education Code, to amend Sections 17581.6 and 17581.97 of the Gov-



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SB 820: #MeToo legislation squashes secret settlements

By John D. Winer

he #MeToo movement has taken the nation by storm and changed several California laws in its wake. Senate Bill 820, known as STAND (Stand Together Against Non-Disclosures) Act lifts the veil of secrecy surrounding settlement agreements that involve workplace sexual harassment. The rampant use of nondisclosure agreements in the corporate and political world was a long-standing practice, which allowed repeat offenders to continue sexually harassing colleagues without accountability. The goal was to protect powerful, high profile individuals from embarrassing publicity surrounding accusations of sexual misconduct.

The ubiquitous secret settlements provided compensation for the victim, as long as she or he kept their mouth shut. We've seen over the past year, countless revelations involving celebrities, network news anchors and titans of industry accused of engaging in sexual misconduct while their past misdeeds were protected by hush money agreements. While the legal industry was well aware of the confidential nature of nondisclosure agreements, the public was shocked when it came to light that these settlements allowed sexual predators to stay in their jobs, essentially emboldening them to continue the harassment of fellow co-workers. The company could wash its hands of the situation and turn a blind eye to future mistreatment.

In my three decades of experience representing victims of sexual harassment and gender discrimination, I've seen how corporations and public entities use nondisclosure agreements as a weapon to silence victims. These cases typically involve a C-Suite executive, a corporate officer or a manager who uses his or her position of power to subject a lower-level employee to sexual degradation, humiliation and advances.

The STAND Act ensures that settlement agreements involving sexual assault, sexual harassment,

discrimination or retaliation no longer prohibit the victim from speaking out about the facts of their case. Employers are prohibited from using NDAs to hide claims in an administrative or civil lawsuit for sexual harassment under California Civil Code Section 51.9, as well as employment-related harassment, gender discrimination, or retaliation for reporting incidents of sexual harassment or discrimination. The law will now permit victims to talk about what happened to them, while still keeping the settlement amounts confidential.

It took the rallying cry of victims' advocates and the mobilization of the legal community to override enormous resistance from the business community which opposed the bill for exposing employers to the public presumption of guilt. SB 820, which took effect on Jan. 1, applies to all private and public employers in the state, including the state Legislature.

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WINER

ernment Code, to amend Section 28160 of the Vehicle Code, to amend Section 77 of Chapter 15 of the Statutes of 2017, and to amend Sections 131, 133, and 134 of Chapter 32 of the Statutes of 2018, relating to education finance, and making an appropriation therefor, to take effect immediately, bill related to the budget.

• AB 1858 (Calderon) Requires, by January 1, 2020, each University of California (UC), California State University (CSU), California Community Colleges (CCC) campus, each independent institution of higher education, and each private postsecondary educational institution subject to the California Private Postsecondary Education Act of 2009 (Act) that participates in federal financial aid or veterans financial aid Shopping Sheet developed by the United States Department of Education (USDE) to inform admitted students or individuals who have been offered admission about financial aid award packages.

An act to amend Section 69514 of, and to add Sections 66021.3 and 94912.5 to, the Education Code, relating to student financial aid.

• AB 1861 (Rodriguez) Requires school districts to ensure that all pupils in grades seven to 12 receive information on how social media and mobile device applications are used for human trafficking, as part of comprehensive sexual health education.

An act to amend Section 51934 of the Education Code, relating to pupil instruction.

• AB 1868 (Cunningham) Authorizes school districts to provide instruction, as part of comprehensive sexual health education, on the potential risks and consequences of creating and sharing sexually-suggestive or explicit materials through cell phones, social networking sites, computer networks, or other digital media.

An act to amend Section 51934 of the Education Code, relating to pupil instruction.

• AB 1871 (Bonta) This bill requires charter schools to provide low-income students with one nutritionally adequate free or reduced-price meal each schoolday, as specified.

An act to add Section 47613.5 to the Education Code, relating to charter schools.

• AB 1887 (Medina) Authorizes a student who attends a public postsecondary educational institution or independent institution of higher education and who is exempt from paying non-resident tuition as specified, and authorizes a student who attends a public secondary school who is under the age of 18 years, to serve on any board or commission, as specified.

An act to amend Section 66016.3 of, and to add Section 54 to, the Education Code, relating to public education governance, and declaring the urgency thereof, to take effect immediately.

• AB 1894 (Weber). This bill authorizes the Department of Social Services to enter into a memorandum of understanding with the Chancellor of the California State University (CSU) in order to allow a qualifying food facility located on a CSU campus to participate in the Restaurant Meals Program (RMP), even if the CSU campus is located in a county that does not participate in the RMP.

An act to amend Section 66025.93 of the Education Code, and to amend Section 18919 of the Welfare and Institutions Code, relating to postsecondary education.

• AB 1895 (Calderon) Requires University of California (UC) and California State University (CSU) campuses participating in the state Development, Re-

lief and Education for Alien Minors (DREAM) Loan Program to adopt procedures to allow undocumented students to access an income-based student loan repayment plan by January 1, 2020.

An act to amend Section 70034 of the Education Code, relating to postsecondary education.

• AB 1896 (Cervantes) This bill specifically provides that a person who is engaged in sexual assault counseling on the campus of a public or private institution of higher education is a "sexual assault counselor" for purposes of the sexual assault counselor-victim privilege in existing law.

An act to amend Section 1035.2 of the Evidence Code, relating to evidence.

• AB 1961 (Choi) This bill requires each institution of higher education with a physical presence in this state to separately list the cost of institutionally operated housing and meal plans on all Web sites and documents it provides to students for purposes of advertising or otherwise displaying the student costs associated with institutionally operated housing.

An act to add Section 69503.6 to the Education Code, relating to postsecondary education.

• AB 1962 (Wood) Amends the definition of foster youth for Local Control Funding Formula (LCFF) purposes by including a student who is in foster care under the placement and care responsibility of an Indian tribe, as a result of which the student would generate the same additional LCFF funding other foster youth receive.

An act to amend Sections 42238.01 and 49085 of the Education Code, relating to education finance.

• AB 1974 (Gonzalez Fletcher) Prohibits a student or former student, unless emancipated at the time the debt is incurred, from owing or being billed for a debt owed to a public school or school district; and prohibits a public school or school district from taking negative action against a student or former student because of a debt owed. Provides that these prohibitions shall not apply to debt owed as a result of vandalism or to cover the replacement cost of public school or school district books, supplies, or property loaned to a pupil that the pupil fails to return or that are willfully cut, defaced, or otherwise injured unless the pupil is homeless or a foster youth.

An act to add Section 49014 to the Education Code, relating to pupils.

• AB 2009 (Maienschein) Requires a school district or charter school that elects to offer any interscholastic athletic program to ensure that there is a written emergency action plan in place and acquire at least one automated external defibrillator (AED) for each school for the purpose of emergency care in the event of cardiac arrest and other related medical emergencies. Clarifies that existing law providing conditional liability protections to those acquiring or using these AEDs would apply.

An act to add Sections 35179.4 and 35179.6 to the Education Code, relating to interscholastic athletic programs.

• AB 2012 (Medina) Requires that a person employed in a position requiring certification qualifications, a person employed in an academic position, or a classified employee will receive no less than 50% of his or her regular salary for the remaining portion of the 12-workweek period of parental leave, regardless of the type of differential pay system used by the school district or community college district.

An act to amend Sections 44977.5, 45196.1, 87780.1,

and 88196.1 of the Education Code, relating to school and community college employees.

• AB 2015 (Reyes) Requires the governing board of a school district or the governing body of a charter school to ensure that students receive information on how to properly complete and submit the Free Application for Federal Student Aid (FAFSA) or the California Dream Act Application (CADAA) at least once before pupils enter grade 12.

An act to add Section 51225.8 to the Education Code, relating to pupil instruction.

• AB 2022 (Chu) Requires each school of a school district or county office of education and charter schools to notify students and parents or guardians of pupils, at least twice per school year, how to initiate access to available student mental health services on campus or in the community.

An act to add Section 49428 to the Education Code, relating to pupil health.

• AB 2041 (Caballero) Urges the University of California (UC) Regents to direct their Office of the Chief Investment Officer (OCIO) to take specified steps to increase diversity within that office as well as in the venture capital industry; and, requires the OCIO to issue a report to the Legislature by January 2020 with information about progress the OCIO has made to improve diversity.

An act to add Article 1.3 (commencing with Section 92603) to Chapter 6 of Part 57 of Division 9 of Title 3 of the Education Code, relating to the University of California

• AB 2052 (Bonta). This bill requires contributions due to the California State Teachers' Retirement System (CalSTRS) by an employer under the Defined Benefit and Cash Balance Benefit programs to be paid by an electronic funds transfer method, as specified, upon authorization by CalSTRS.

An act to add Sections 23001.5 and 26301.7 to the Education Code, relating to teachers' retirement.

• AB 2098 (McCarty) Requires the Chancellor of the California Community Colleges (chancellor) and the Superintendent of Public Instruction (SPI), with input from the Statewide Director of Immigration Integration and adult education providers, to identify common measures for meeting the needs of immigrant and refugee adults seeking integration, and to identify common measures for assessing the effectiveness of adult education consortia providing immigrant integration.

An act to amend Sections 84917 and 84920 of the Education Code, relating to adult education.

• AB 2109 (O'Donnell) Ensures that students who have been hospitalized or receiving instruction at home due to a serious illness are able to return to school in a timely manner or to attend school on days that they are not receiving treatment, and authorizes schools to grant honorary diplomas to students who are terminally ill, among other changes.

An act to amend Sections 48206.3, 48207, 48208, 48240, and 51225.5 of, to add Sections 48207.3 and 48207.5 to, and to repeal Section 48206.5 of, the Education Code, relating to pupils.

• AB 2121 (Caballero) Extends to migrant students and students enrolled in newcomer programs certain rights currently afforded to other groups of highly mobile students regarding exemptions from local graduation requirements and acceptance of partial credit, and clarifies that these requirements apply to charter schools.

An act to amend Sections 51225.1 and 51225.2 of the

Education Code, relating to pupil instruction.

• AB 2128 (Kiley) Authorizes a decision relating to the dismissal or suspension of an employee to be made based on evidence of specified allegations more than four years in the past.

An act to amend Section 44944 of the Education Code, relating to school employees.

• AB 2160 (Thurmond) Removes the exemption from classified service for part-time playground positions in both school districts and community colleges.

An act to amend Sections 45256, 88003, and 88076 of the Education Code, relating to classified employees.

• AB 2202 (Gray) Establishes the University of California (UC), San Francisco (UCSF), San Joaquin Valley Regional Campus Medical Education Endowment Fund (Endowment Fund) to support the annual operating costs of a branch campus of UCSF School of Medicine in the San Joaquin Valley (SJV).

An act to add Article 6.5 (commencing with Section 92162) to Chapter 2 of Part 57 of Division 9 of Title 3 of the Education Code, relating to the University of California.

• AB 2210 (McCarty) Requires each California Community College (CCC) to post on its Internet Web site a notice that specifies which refugee or holders of special immigrant visas (SIVs), as defined, are exempt from paying nonresident fees.

An act to add Section 68075.65 to the Education Code, relating to public postsecondary education.

• AB 2234 (Jones-Sawyer). Specifies the following for purposes of a certificated or classified employee dismissal hearing: authorizes minor witness testimony under 18 years of age, in egregious misconduct cases, be taken in a room outside the hearing room and be televised by two-way closed circuit television (CCTV); requires a witness under 18 years of age or a dependent with cognitive impairment be protected from undue harassment or embarrassment; requires a support person to be appointed for a minor witness; and, requires a court order or subpoena to obtain pupil contact information.

An act to amend Sections 45113, 45312, and 49077 of, and to add Article 3.3 (commencing with Section 44990) to Chapter 4 of Part 25 of Division 3 of Title 2 of, the Education Code, relating to school districts.

• AB 2235 (Quirk-Silva) This bill requires the Superintendent of Public Instruction (SPI) to transfer the Local Control Funding Formula (LCFF) apportionment amount for county community school students from the school district of residence to the county office of education (COE). Further, this bill authorizes the SPI to transfer an alternative amount from the school district of residence to the COE upon a mutual agreement.

An act to amend Section 2576 of the Education Code, relating to county community schools.

• AB 2239 (Eduardo Garcia) Encourages the governing board of a school district to support its schools in submitting any foreign language course that is specifically designed for native speakers to the University of California (UC) for certification and addition to the school's "A-G" course list.

An act to add Section 51225.37 to the Education Code, relating to pupil instruction.

• **AB 2248 (McCarty)** Requires that a Cal Grant recipient be notified of the duration of their award and of the number of units needed to graduate within the same number of years.

An act to add Section 69432.95 to the Education

Code, relating to student financial aid.

• AB 2261 (Friedman) This bill requires positions established for the employment of community representatives in advisory or consulting capacities in elementary and secondary school districts to be considered part of the classified service.

An act to repeal and add Section 45258 of the Education Code, relating to school employees.

• AB 2271 (Quirk-Silva) This bill requires the California Department of Education (CDE), upon appropriation by the Legislature and contingent upon federal funding, to provide a matching state grant of up to 100,000 to school food authorities participating in the federal National School Lunch Program (NSLP) that apply for and are awarded a federal Equipment Assistance Grant for School Food Authorities (SFAs).

An act to add Section 49571 to the Education Code, relating to school food authorities.

 AB 2285 (O'Donnell) This bill removes certain educational and professional development requirements for out-of-state prepared teachers seeking a clear teaching credential, and provides additional options for these teachers to demonstrate English Language development knowledge when seeking a secondary teaching credential.

An act to amend Section 44274.2 of the Education Code, relating to teacher credentialing.

• AB 2289 (Weber) Establishes certain accommodations as rights of a pregnant or parenting pupil; requires schools to annually notify pregnant and parenting pupils and their parents of their rights and available educational options; requires parenting pupils to be excused from school without a doctor's note for the purpose of caring for their sick children or attending their children's medical appointments; authorizes complaints of noncompliance using Uniform Complaint Procedures (UCP).

An act to amend Sections 48205 and 48980 of, and to add Sections 221.51, 222.5, and 46015 to, the Education Code, relating to pupil rights.

• AB 2291 (Chiu) Requires local educational agencies to adopt procedures for preventing acts of bullying and cyberbullying; requires the California Department of Education to post on its website the online training module relating to bullying and cyberbullying currently under development; and requires schools to make this online training available to school employees.

An act to amend Section 32283.5 of, and to add Section 234.4 to, the Education Code, relating to school safety.

• AB 2301 (Burke) This bill changes the way bonded indebtedness is allocated to the Wiseburn Unified School District and the Centinela Valley Union High School District, respectively, for bond issuances approved by voters after January 1, 2018.

An act to amend Section 35582 of the Education Code, relating to school bonds.

• AB 2315 (Quirk-Silva) Requires the California Department of Education (CDE), in consultation with the Department of Health Care Services (DHCS) and appropriate stakeholders with experience in telehealth, to develop guidelines on or before July 1, 2020, for the use of telehealth technology to provide mental health and behavioral health services to pupils on public school campuses, including charter schools.

An act to add Section 49429 to the Education Code, relating to pupil health.

• AB 2319 (Nazarian) Replaces the term "foreign

language" with "world language" throughout the Education Code.

An act to amend Sections 30, 19325.1, 33126, 33195.4, 33533, 44256, 44257, 44610, 44611, 44615, 44616, 44856, 48223, 51212, 51220, 51225.3, 51243, 51244, 51245, 51460, 51461, 51865, 52167, 60119, 60603, 60605.3, and 66081 of, and to add Section 91 to, the Education Code, relating to foreign language education.

• AB 2385 (Cunningham) Urges textbook publishers to post in a prominent location on the publishers' Internet Web sites, where it is readily available to college faculty, students, and departments, a detailed description of how the newest textbook edition differs from the previous edition.

An act to amend Section 66406 of the Education Code, relating to college instructional materials.

• AB 2449 (Arambula) This bill extends the date by which a newly elected member of a school district governing board, county board of education, or community college district governing board is to assume office after an election.

An act to amend Sections 1007, 1009, 5017, and 72027 of the Education Code, relating to school and college elections.

• AB 2488 (O'Donnell) This bill creates a fiveyear pilot program to allow Los Angeles Unified School District (LAUSD) to award multiple task order procurement contracts through a single bid request for repairing and renovating school facilities.

An act to add and repeal Article 3.1 (commencing with Section 20118.5) to Chapter 1 of Part 3 of Division 2 of the Public Contract Code, relating to school facilities.

• AB 2505 (Santiago) Requires the Office of the Chancellor of the California State University (CSU) prepare a systemwide report that includes a summary of current hiring practices for all CSU positions and submit a statewide report to the Legislature and the Department of Finance on or before March 31, 2019, and on or before March 31 of each academic year thereafter.

An act to add Section 89291 to the Education Code, relating to the California State University.

• AB 2514 (Thurmond) Establishes the Pathways to Success Grant Program, for the purpose of providing grants for the establishment and expansion dual language immersion programs, developmental bilingual programs for English learners, and early learning dual language learners programs.

An act to add Article 11 (commencing with Section 33440) to Chapter 3 of Part 20 of Division 2 of Title 2 of the Education Code, relating to pupil instruction.

• AB 2554 (Bonta) This bill extends an existing exemption from mandatory tuition and fees at the University of California (UC), the Hastings College of Law, the California State University (CSU), and the California Community Colleges (CCC), for surviving spouse or child of a California firefighter killed in the performance of duties to include survivors of a federally employed firefighter whose regular duty assignment was in California.

An act to amend Section 68120 of the Education Code, relating to public postsecondary education.

• AB 2580 (Cunningham) Requires a hearing officer, in a due process hearing related to special education, to grant an extension of the decision once for good cause (as specified) and authorizes subsequent extensions at the discretion of the hearing officer.

An act to amend Section 56505 of the Education Code, relating to special education.

• AB 2601 (Weber) Requires that charter schools provide instruction on comprehensive sexual health and HIV prevention, commencing in the 2019-20 school year.

An act to amend Section 51931 of the Education Code, relating to pupil instruction.

• AB 2622 (Dahle) Limits the ability of the California Department of Education (CDE) to reduce or terminate grants for After School Safety and Education (ASES) programs that are located in a very low density area with a population density of less than 11 persons per square mile in certain instances; and exempts very low-density area ASES programs from certain requirements in order to transfer funds among schools; and authorizes very low density area ASES programs to close at 5:00 p.m.

An act to amend Section 8483.7 of, and to repeal and amend Section 8483 of, the Education Code, relating to after school programs.

• AB 2626 (Mullin) Makes, as of July 1, 2019, a number of changes regarding subsidized child care and California State Preschool Programs (CSPPs), including, among others: raising the income eligibility threshold for families initially applying for subsidized child care services; removing certain age restrictions for CSPP; providing for staff training for providers of contracted center-based care; and increasing flexibility in funding adjustments for contractors.

An act to amend, repeal, and add Sections 8208, 8236, 8263, 8263.1, and 8275.5 of, and to add Sections 8236.2 and 8272.1 to, the Education Code, relating to child care services.

• AB 2639 (Berman) Requires schools that serve students in grades 7 through 12 to review and, if necessary, update their policies on pupil suicide prevention at least every 5 years.

An act to amend Section 215 of the Education Code, relating to pupil health.

• AB 2644 (Reyes) This bill requires the Governor to annually proclaim April 10 as Dolores Huerta Day, sets apart that date as a date having special significance, and encourages all public schools and educational institutions to conduct exercises remembering the life of Dolores Huerta.

An act to add Section 37222.20 to the Education Code, and to add Section 6729 to the Government Code, relating to Dolores Huerta Day.

• AB 2657 (Weber) Prohibits the use of restraint or seclusion on any student, except in specified circumstances; establishes parameters and procedures for situations in which restraint or seclusion may be used; requires data collection and reporting to the California Department of Education (CDE).

An act to add Article 5.2 (commencing with Section 49005) to Chapter 6 of Part 27 of Division 4 of Title 2 of the Education Code, relating to pupil discipline.

• AB 2698 (Rubio) Defines early childhood mental health consultation service, declares Legislative intent encouraging the provision of such services in California State Preschool Programs (CSPPs), general child care and development programs, and family child care home education networks (FCCHENs) funded by a general child care and development program, and requires, under certain circumstances, the application of a reimbursement rate adjustment factor for children served in programs where these services are provided.

An act to amend Section 8265.5 of, and to add Section 8265.2 to, the Education Code, relating to child care.

• AB 2722 (Medina) Redesignates the California

National Guard (CNG) Education Assistance Award Program (EAAP) as the California Military Department (CMD) GI Bill Award Program.

An act to amend Sections 69999.10, 69999.12, 69999.14, 69999.16, 69999.18, 69999.20, and 69999.24 of, to amend the heading of Article 20.7 (commencing with Section 69999.10) of Chapter 2 of Part 42 of Division 5 of Title 3 of, and to repeal Sections 69999.26 and 69999.30 of, the Education Code, relating to student financial aid.

• AB 2735 (O'Donnell) Prohibits, commencing in the 2019-20 school year, an English learner (EL) student enrolled in middle or high school from being denied enrollment in core curriculum courses and courses required for high school graduation, except for English learners who are newcomers to the United States, as defined.

An act to add Section 60811.8 to the Education Code, relating to English learners.

• AB 2785 (Rubio) Requires the California Community Colleges (CCC) and the California State University (CSU), and encourages a satellite campus of CCC or CSU, and the University of California (UC, to provide reasonable accommodations on their respective campuses for a lactating student to express breast milk, breast-feed an infant child, or address other needs related to breast-feeding.

An act to add Section 66271.9 to the Education Code, relating to public postsecondary education.

• AB 2800 (Chu) This bill adds basic understanding of the signs and symptoms of, and appropriate responses to, heat illness, to the training component the 1998 California High School Coaching Education and Training Program (HSCTP).

An act to amend Section 35179.1 of the Education Code, relating to high school athletics.

• AB 2816 (Muratsuchi) Requires the Department of Pesticide Regulation (DPR), on or before January 1, 2021, to submit a report to the Legislature that 1) evaluates the implementation, and the effect of the implementation, of the provisions of the Healthy Schools Act of 2000; and 2) provides recommendations on improving the implementation and efficacy of the Healthy Schools Act of 2000. Authorizes the DPR to consult, as appropriate, with relevant local, state, or federal agencies, stakeholders, and experts in the preparation of the report.

An act to add and repeal Section 17614.5 of the Education Code, relating to pesticides.

• AB 2826 (Friedman) Clarifies definitions and timelines in existing law relating to interdistrict transfers, requires school districts to post specified information on their website, requires specified notifications to parents to be in writing, and places limits on provisional enrollment.

An act to amend Sections 46600, 46601, 46602, and 46603 of, and to add Sections 46600.1 and 46600.2 to, the Education Code, relating to pupil enrollment.

• AB 2878 (Chávez) Adds family engagement to the state priorities that must be addressed by school district, charter school, and county office of education local control and accountability plans (LCAPs).

An act to amend Sections 52060 and 52066 of the Education Code, relating to school accountability.

• AB 2894 (Gloria) This bill provides postsecondary students an additional course of action when they are called to active military duty during an academic term and must withdraw from a course.

An act to add Chapter 2.7 (commencing with Section

SB 954: Attorneys must provide written disclosure explaining mediation confidentiality

By Brittany M. Vojak and David M. Majchrzak

enate Bill 954, which took effect Jan. 1, requires attorneys, before participating in mediation, to provide written disclosures to their clients explaining mediation confidentiality and to obtain written acknowledgement indicating understanding of the effects of such confidentiality.

California's public policy favors voluntary resolution of disputes via mediation. To promote this alternative to trial, in the mid-nineties, the California Legislature unanimously approved the codification of mediation confidentiality in Evidence Code Sections 1115-1128.

Following enactment, the California Supreme Court upheld the statutes on four separate occasions. The fifth, and most recent, is the impetus for SB 954. In *Cassel v. Superior Court*, 51 Cal. 4th 113 (2011), the court addressed "the effect of mediation confidentiality statutes on private discussions between a mediating client and attorneys who represented him in the mediation." While the court acknowledged that some policies could support limiting the scope of mediation confidentiality to allow a client recourse in the context of alleged wrongdoing, the plain statutory language clearly conveyed the Legislature's intent to exclude all such communications unless expressly waived.

The Cassel opinion led, in large part, to the California Law Revision Commission analyzing "the relationship under current law between mediation confidentiality and attorney malpractice and other misconduct, and the purposes for, and impact of, those laws on public protection, professional ethics, attorney discipline, client rights, the willingness of parties to participate in voluntary and mandatory mediation, and the effectiveness of mediation."

The commission's final report recommended an exception to mediation confidentiality "where the evidence is relevant to prove or disprove an allegation that a lawyer breached a professional obligation when representing a client in the context of a mediation or a mediation consultation." This recommendation was highly criticized, and ultimately garnered very little support. One recurring argument was that the exception was not drafted narrowly enough to target attorney misconduct, and would allow just enough room for courts to eventually undermine mediation confidentiality entirely.

SB 954 addresses a concern of those advocating for an exception. There is no change to the existing paradigm, and SB 954 does not expand client's rights. But, SB 954 effectuates an awareness of the restrictions, which will allow clients to make an informed decision about whether or not to engage in mediation.

SB 954 adds new Evidence Code Section 1129 and a new paragraph to the existing Section 1122. Section 1129 requires that attorneys provide a client participating in mediation a written disclosure and obtain a signed acknowledgment by the client. Evidence Code Section 1129 also contains language that is deemed compliant for the printed disclosure. The disclosure clarifies that by mediating, the client is not prevented from suing for malpractice, but will not be able to offer the communications covered by mediation confidentiality as evidence. Additionally, the amendment specifically states that failure to comply is "not a basis to set aside an agreement prepared in the course of, or pursuant to, a mediation." Lastly, should an attorney fail to make the disclosure appropriately they may be subjected to a disciplinary proceeding pursuant to the update to Evidence Code Section 1122, subdivision (a)(3).

SB 954 appropriately balances the needs for reliable confidentiality in the context of mediation and for attorney and client to have the same level of understanding about the consequences of specific choices in the context of litigation. And, with Section 1129 providing disclosure language to use, lawyers will not have to wonder what they need to communicate with their clients.

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MAJCHRZAK

99130) to Part 65 of Division 14 of Title 3 of the Education Code, relating to postsecondary education.

• AB 2949 (Gloria) Requires that a student who is the child of a military family be allowed to remain in his or her school of origin, and to matriculate with his or her peers in accordance with the established feeder patterns of school districts.

An act to add Section 48204.6 to the Education Code, relating to pupil residency.

• AB 2960 (Thurmond) Requires, subject to the availability of funding, the Superintendent of Public Instruction (SPI) to develop an online portal for California's comprehensive child care and development services by June 30, 2022, and to convene a workgroup to evaluate and provide recommendations to the SPI on any necessary modifications or improvements to the portal, as specified, and requires the SPI to submit the Legislature a comprehensive plan for implementing the recommendation of the workgroup by January 1, 2021, as specified.

An act to add Article 1.1 (commencing with Section 8209.6) to Chapter 2 of Part 6 of Division 1 of Title 1 of the Education Code, relating to child care and development services.

• AB 2990 (Low) This bill requires each campus of the California Community Colleges (CCC) and the California State University (CSU), and each campus of the University of California (UC), to place a link on the campus Web site, as specified, describing the availability of an exemption from mandatory tuition and systemwide fees for an eligible surviving dependent of a deceased firefighter or law enforcement officer.

An act to add Section 68120.7 to the Education Code, relating to public postsecondary education.

• AB 3022 (Gonzalez Fletcher) Authorizes school districts, county offices of education, or charter schools to retroactively grant a high school diploma to a person who departed California against his or her will, and at the time of departure, was enrolled in grade 12 and was in good academic standing. Requires schools to consider any coursework that may have been completed by the pupil through online or virtual courses in considering whether to award a high school diploma to a pupil.

An act to amend Section 51430 of the Education Code, relating to high school diplomas.

• AB 3043 (Berman) Makes changes to the allowable expenditures from the school cafeteria fund, as specified; requires schools that choose to provide universal school breakfast using cafeteria funds, to agree to cover any costs of providing free meals to all students above the amount provided in federal assistance; and, requires the California Department of Education (CDE) to maintain nutrition guidelines in alignment with the federal National School Lunch Program and the School Breakfast Program.

An act to amend Sections 38100, 38101, 49531, 49531.1, 49550.3, and 49590 of, and to add Section 49550.5 to, the Education Code, relating to pupil nutrition.

• AB 3058 (O'Donnell) This bill revises the requirements for testing and evaluating school construction project inspectors.

An act to amend Section 17311 of the Education Code, relating to school facilities.

• AB 3089 (Thurmond) Authorizes the California Student Aid Commission (CSAC), commencing with the 2018-19 award year, to provide Chafee grant awards to students as long as they are not 26 years of age or older by July 1 of the award year; and, requires CSAC

to annually report to the Legislature specified information regarding Chafee grant awards.

An act to amend Section 69519 of the Education Code, relating to student financial aid, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

• **AB 3101 (Carrillo).** Requires on or before July 31, 2019, the Chancellor of the California Community Colleges (CCC) to revise the CCC online application so that only certain data is collected during the process. This bill also exempts a student seeking to enroll exclusively in noncredit courses from community college residency classification requirements.

An act to add Sections 68086 and 71030 to the Education Code, relating to community college.

• AB 3186 (Medina) This bill authorizes the University of California (UC) and California Community Colleges (CCC) to continue using best value contracting for the procurement of certain goods and services by eliminating the January 1, 2019, repeal date of the program pilot and removing related reporting requirements.

An act to amend Sections 10507.8 and 20651.7 of the Public Contract Code, relating to public postsecondary education.

• AB 3205 (O'Donnell) Requires the governing board of a school district seeking state school facilities bond funds to include, as part of a modernization project, locks that allow doors to classrooms and any room with an occupancy of five or more persons to be locked from the inside of the room.

An act to add Section 17583 to the Education Code, relating to school facilities.

• AB 3223 (Grayson) This bill changes the definition of braille utilized in the Individual Education Program (IEP) for Visually Impaired Pupils from Standard English, American Edition to Unified English Braille (UEB).

An act to amend Section 56350 of the Education Code, relating to special education.

• AB 3255 (Committee on Higher Education) Makes numerous technical, conforming, and non-controversial changes related to postsecondary education in the Education Code (EC).

An act to amend Sections 44230, 66025.9, 68075, 68101, 69432.7, 69439, 69562, 76140, and 84760.5 of, to amend and repeal Sections 68130.5 and 89007.7 of, and to add Section 44230.6 to, the Education Code, relating to postsecondary education.

• SB 183 (Lara) This bill provides that it is the policy of the State of California to afford all persons, regardless of immigration status, equal rights and opportunities in the postsecondary educational institutions of the state.

An act to amend Sections 66251, 66260.6, and 66270 of, and to add Section 66270.3 to, the Education Code, relating to educational equity.

• SB 577 (Dodd) This bill establishes the California Community College (CCC) Teacher Credentialing Partnership Pilot Program, awarding grants to collaboratives of one or more teacher-credentialing higher education institutions partnering with one or more community colleges for the purpose of offering teacher credentialing programs at community colleges.

An act to amend Section 44259 of, and to add Article 5 (commencing with Section 78060) to Chapter 1 of Part 48 of Division 7 of Title 3 of, the Education Code, relating to public postsecondary education.

• SB 720 (Allen) This bill revises provisions relating to the education principles for the environment by, among other things, (1) renaming them the environmental principles and concepts; (2) revising the process for, and entities involved in, updating the environmental principles and concepts; and (3) requiring the Instructional Quality Commission (IQC) to ensure that the environmental principles and concepts are integrated into content standards and curriculum frameworks whenever those standards and frameworks are revised.

An act to add Section 51227.3 to the Education Code, and to amend Section 71301 of the Public Resources Code, relating to environmental education.

• SB 816 (Committee on Education) This bill, the education omnibus clean-up measure, makes technical and other non-controversial revisions to numerous provisions of the Education Code.

An act to amend Sections 8426, 8482.1, 8483.75, 8483.76, 33000.5, 35000, 48205, 48260.5, 48263, 49063, 49431, 49431.2, 56305, 60119, and 60210 of the Education Code, relating to elementary and secondary education.

• SB 830 (Dodd) This bill requires California Department of Education (CDE) to make available to school districts on its Internet Web site, by July 1, 2019, a list of resources and instructional materials on media literacy, including media literacy professional development programs for teachers.

An act to add Section 51206.4 to the Education Code, relating to pupil instruction.

• SB 892 (Pan) This bill requires the Governor to annually proclaim the day of Lunar New Year, which occurs between January 21 and February 20, and encourages all public schools and educational institutions to conduct exercises recognizing the traditions and cultural significance of the Lunar New Year.

An act to add Section 37222.19 to the Education Code, and to add Section 6730 to the Government Code, relating to public schools.

• SB 895 (Nguyen) This bill requires the Instructional Quality Commission (IQC) to develop and submit to the State Board of Education (SBE), and requires the SBE to adopt, modify, or revise, the following model curricula: (1) relative to the Vietnamese American refugee experience that includes, but is not limited to, curriculum on the fall of Saigon in 1975, (2) relative to the Cambodian genocide, and (3) in Hmong history and cultural studies.

An act to add Sections 33540.2, 33540.4, and 33540.6 to the Education Code, relating to pupil instruction.

• SB 967 (Berryhill) This bill prohibits the University of California (UC) and the California State University (CSU) from charging mandatory tuition and fees to an undergraduate student who is a current or former foster youth.

An act to amend Section 66025.3 of the Education Code, relating to public postsecondary education.

• SB 972 (Portantino) This bill requires schools that serve students in any of grades 7-12, and institutions of higher education, that issue student identification cards to have printed on either side of the identification card the number for a suicide hotline.

An act to amend the heading of Article 2.5 (commencing with Section 215) of Chapter 2 of Part 1 of Division 1 of Title 1 of, and to add Section 215.5 to, the Education Code, relating to pupil and student health.

• SB 1036 (Wilk) This bill prohibits a local educational agency from including the directory information or the personal information of a student or of a parent in

the minutes of a meeting of its governing body.

An act to add Section 49073.2 to the Education Code, relating to local educational agencies.

• SB 1071 (Roth) This bill requires, by September 1, 2019, the Office of the Chancellor of the California Community Colleges (CCC), in collaboration with the Academic Senate to develop a consistent policy for awarding course credit for prior military education, training and service. This bill also requires each community college district to have a policy consistent with the policy developed by the Chancellor's Office.

An act to add Section 66025.71 to the Education Code, relating to public postsecondary education.

• SB 1104 (Roth) This bill requires school districts and charter schools to work with their schools serving students in any of grades 6-12 to identify methods of informing parents of human trafficking prevention resources, and requires schools to implement those methods by January 1, 2020.

An act to add Section 49381 to the Education Code, relating to pupil safety.

• SB 1165 (Pan) This bill is CalSTRS' annual housekeeping bill and makes technical and non-controversial changes to CalSTRS-administered portions of the Education Code.

An act to amend Sections 22106.5, 22112.6, 22134, 22134.5, 22138.5, 22138.6, 22169, 22508, 22509, 22515, 22717, 23802, 23852, 24001, 24101, 24213, 24322, 25011, 25011.1, 25012, 25015, 25018, 25018.1, 25019, 25926, 26107, and 26127 of the Education Code, relating to teachers' retirement.

• SB 1321 (Monning) Expands eligibility for the necessary small schools funding allowance to include specified schools in districts with average daily attendance (ADA) of up to 5,000.

An act to amend Sections 42282 and 42283 of the Education Code, relating to school finance.

• SB 1348 (Pan) This bill requires the California Community College (CCC) Chancellor's Office (CCCCO) to report to the Legislature in an existing annual report, and a private postsecondary institution to report in its annual compliance report, specified information related to programs that offer certificates or degrees relating to allied health professionals that require clinical training.

An act to amend Section 94934 of, and to add Section 88826.5 to, the Education Code, relating to postsecondary education.

• SB 1383 (Fuller) This bill allows the Commission on Teacher Credentialing (CTC) to establish lists of alternate members of its Committee of Credentials (Committee) to better accommodate vacancies or absences and clarifies eligibility requirements for specified Committee members.

An act to amend Section 44240 of the Education Code, relating to teacher credentialing.

• SB 1406 (Hill) This bill extends the sunset date of the authorization for the Board of Governors of the California Community Colleges (CCC) to establish baccalaureate degree pilot programs by three years.

An act to amend Sections 78041, 78042, and 78043 of the Education Code, relating to public postsecondary education.

• SB 1428 (McGuire) Prohibits a school from denying a work permit for a minor on the basis of the pupil's grades, grade point average, or school attendance, if the permit would allow the pupil to participate in a government-administered employment and training



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SB 100: Clean energy law

By Allison Smith

nate Bill 100 (de León), the 100 Percent Clean Energy Act of 2018, expands and accelerates the California renewable portfolio standard, which sets how much of the state's electricity must come from renewable energy. The California RPS was raised from 33 percent by the year 2020 to 50 percent by 2030 just over three years ago with SB 350 (de León, 2015). With SB 100, California's previous renewable portfolio standard target is increased again, to 60 percent by 2030. This means that 60 percent of the total retail sales of electricity in the state in 2030 must be generated from eligible renewable energy resources, such as solar and wind farms and certain types of biomass and small hydroelectric facilities. SB 100 also sets new interim goals of 44 percent of retail sales of electricity be generated by renewable resources by 2024 and 52 percent by 2027.

Further, SB 100 sets the goal of supplying 100 percent of all retail sales of electricity in California from eligible renewable energy resources and zero-carbon resources by 2045. In moving to a 100 percent carbon neutral electricity system, the statute requires that the state maintain reliability of the grid, prevent unreasonable rate hikes for customers, and ensure that greenhouse gas emissions do not increase elsewhere on the western grid because non-renewable electricity is shifted to other western states. Under the bill, the California Public Utilities Commission, California Air Resources Board, and California Energy Commission are directed to use programs authorized under existing statutes to achieve SB 100's policy goal of 100 percent renewable and zero-carbon electricity. These agencies, in consultation with the California Independent System Operator and other grid operators in the state, will provide a report to the Legislature in 2021 and at least every four years thereafter reviewing the benefits and barriers associated with achieving the 100 percent policy from a number of angles.

Governor Jerry Brown's signing statement for SB 100 emphasized that the bill is designed to send a clear signal to the markets to expand clean energy generation, while ensuring that the state's electrici-

ty resource planning process maintains reliable and affordable electricity. The governor noted that strategies to meet that goal will need to include energy storage, increased energy efficiency, and modifying rates to shift energy use to those times of day with an oversupply of renewable power.

As a two-year bill, SB 100 was a long time in coming, passing out of the Senate in mid-2017 before stalling in the Assembly that same year. In 2018, the Assembly passed SB 100 on a 44-33 vote within the final days of the 2017-2018 session. Two weeks later, on Sept. 10, 2018, Brown signed SB 100 on the eve of the Global Climate Action Summit in San Francisco, which convened governmental and corporate leaders to take action on address climate change. Concurrent with his signing of SB 100, Brown issued Executive Order B-55-18, establishing the goal of carbon neutrality in California across all sectors of the economy by 2045, with net negative greenhouse gas emissions thereafter.

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SMITH

program that will occur during the regular summer vacation of the school that the pupil attends.

An act to add Section 49120 to the Education Code, relating to minor work permits.

ELECTIONS

• AB 216 (Gonzalez Fletcher) Requires an elections official, when delivering a vote by mail (VBM) ballot to a voter, to include a return envelope with postage prepaid.

An act to amend Section 3010 of the Elections Code, relating to elections.

• AB 306 (Gonzalez Fletcher) Requires a person who is designated by a vote by mail (VBM) voter to return the voter's ballot to return the ballot in person or to put it in the mail no later than three days after receiving it from the voter or before the close of the polls on election day, whichever is sooner. Provides that a ballot will not be disqualified from being counted solely because it is returned or mailed more than three days after the designated person receives it from the voter.

An act to amend Sections 3011 and 3017 of the Elections Code, relating to elections.

• AB 406 (McCarty) Prohibits a charter school from operating as or being operated by a for-profit corporation or a for-profit charter management organization, after July 1, 2019.

An act to amend, repeal, and add Section 47604 of the Education Code, relating to charter schools.

• AB 666 (Aguiar-Curry) Requires a county elections official, if he or she posts a form on the Internet that candidates may use to submit candidate statements, to accept that form if it is submitted in accordance with timelines and procedures in state law.

An act to add Section 13307.7 to the Elections Code, relating to elections.

• AB 1013 (Low) Requires a county elections official to permit a voter with a disability, or a military or overseas voter, to cast his or her ballot using a certified remote accessible vote by mail (VBM) system. Provides that these provisions do not apply to a county that conducts an election using vote centers, instead of polling places, pursuant to the California Voter's Choice Act. Provides for these provisions to become operative on January 1, 2020.

An act to add Sections 3016.5 and 3116.5 to the Elections Code, relating to elections.

• AB 1407 (McCarty) Provides for every eligible person to be pre-registered to vote automatically when that person applies for a driver's license or state identification card, unless the person opts out. Makes corresponding changes.

An act to amend Sections 2262, 2263, 2265, 2266, 2267, 2268, 2269, and 2270 of the Elections Code, relating to voter registration.

• AB 1678 (Berman) Requires the Secretary of State (SOS) to adopt regulations that describe the best practices for storage and security of voter registration information. Requires a person who has received voter registration information, as specified, to disclose breaches in the security of the storage of that information. Makes it a misdemeanor to distribute specified false or misleading information regarding elections and voting with actual knowledge and intent to deceive.

An act to amend Section 18302 of, and to add Sections 2188.2 and 2188.3 to, the Elections Code, relating

to elections, and declaring the urgency thereof, to take effect immediately.

• AB 2095 (Quirk-Silva) This bill provides that a special election to fill a vacancy in the office of Representative in Congress, State Senator, or Assembly may be conducted within 180 days following the Governor's election proclamation in order to consolidate the election or primary election with any regularly scheduled statewide or local election.

An act to amend Section 10703 of the Elections Code, relating to elections.

• AB 2123 (Cervantes) This bill permits a prospective plaintiff and a political subdivision to agree to extend the deadline by up to 90 days for completing the transition from an at-large to a district-based election system in accordance with the California Voting Rights Act of 2001 (CVRA).

An act to amend Section 10010 of the Elections Code, relating to elections.

• AB 2125 (Quirk) Permits a county elections official to conduct risk-limiting audits in lieu of conducting a 1% manual tally beginning March 3, 2020, as specified.

An act to add Article 5.5 (commencing with Section 15365) to Chapter 4 of Division 15 of, and to repeal Section 15560 of, the Elections Code, relating to elections.

• AB 2155 (Mullin) Makes various changes to state law governing the content and format of disclosure statements that are required to appear on communications sent by candidates and committees.

An act to amend Sections 84501, 84502, 84504.1, 84504.2, 84504.5, and 84504.3 of, and to add Section 84501.1 to, the Government Code, relating to the Political Reform Act of 1974.

• AB 2172 (Weber) Makes various changes to provisions of state law regarding the determination of where individuals who are in the custody of the California Department of Corrections and Rehabilitation (CDCR) are counted for the purposes of drawing district lines for Congress, the State Legislature, and the State Board of Equalization (BOE).

An act to amend Section 21003 of the Elections Code, relating to elections.

 AB 2188 (Mullin) Requires online platforms that sell political ads, as specified, to make specified information about those political ads available to the public. Makes various changes to the required format for disclosures on electronic media ads that are required by existing law.

An act to amend Sections 84504.3, 84504.4, and 84510 of, and to add Sections 84503.5 and 84504.6 to, the Government Code, relating to the Political Reform Act of 1974.

• AB 2218 (Berman) This bill requires the Secretary of State (SOS), no later than January 1, 2020, to establish a system that counties may use that allows a vote by mail (VBM) voter to track his or her VBM ballot as it moves through the mail system and receive information as the VBM ballot is processed by the county elections official.

An act to add Section 3019.7 to the Elections Code, relating to elections.

• AB 2540 (Mullin) This bill requires a governing body with jurisdiction over school buildings or other public buildings to allow those buildings to be used as vote centers beginning up to 10 days prior to an election day, as specified.

An act to amend Sections 12283 and 12284 of the

Elections Code, relating to elections.

• **AB 2592 (Berman)** Requires the Secretary of State (SOS) to include messages that promote awareness of, and encourage participation in, the census, as specified.

An act to amend Section 10 of, and to add Section 9088.5 to, the Elections Code, and to add Section 12172.6 to the Government Code, relating to the Secretary of State.

• AB 2665 (Salas) This bill clarifies that any jurisdiction having the necessary computer capability may start processing write-in votes on vote by mail (VBM) ballots on the 10th business day before an election for the purpose of tallying the votes.

An act to amend Section 15101 of the Elections Code, relating to elections.

 AB 2707 (Mullin) Requires the Secretary of State (SOS) to request proposals to establish a voter information Internet Web site that provides voters information on their elected federal, state, and local officials, as specified.

An act to add Chapter 11 (commencing with Section 11898) to Part 1 of Division 3 of Title 2 of the Government Code, relating to voters.

 AB 2835 (Calderon) This bill makes changes to ballot layout provisions of law to accommodate new voting technologies.

An act to amend Sections 301, 305.5, 13107, 13119, 13207, 13208, 13213, and 13241 of the Elections Code, relating to elections.

• AB 2880 (Harper) Authorizes the Fair Political Practices Commission (FPPC) to administer and enforce a local campaign finance ordinance or government ethics law upon mutual agreement between the FPPC and a local agency with a population of less than three million people, as specified.

An act to repeal Section 83123.7 of, and to repeal and add Section 83123.6 of, the Government Code, relating to the Political Reform Act of 1974.

• AB 3075 (Berman) Creates the Office of Elections Cybersecurity (OEC) within the Office of the Secretary of State (SOS).

An act to add Section 10.5 to the Elections Code, relating to elections.

• AB 3258 (Committee on Elections and Redistricting) Makes various minor, technical, and corresponding changes to the Elections Code.

An act to amend Sections 2187, 8106.5, 9094, 11325, and 13305 of the Elections Code, relating to elections.

• AB 3259 (Committee on Elections and Redistricting) This bill makes various minor, technical, and corresponding changes to the Elections Code.

An act to amend Sections 1500, 2155, 6321, 6405, 6541, 6567, 6598, 6768, 8083, 9210, 10602, 11222, 12102, and 12104 of the Elections Code, relating to elections.

• SB 25 (Portantino) This bill requires the County of Los Angeles to conduct a pilot project using an alternate election ballot order, as specified, under which local offices generally appear on the ballot before state and federal offices.

An act to add Sections 13109.7, 13109.8, and 13109.9 to the Elections Code, relating to elections.

• SB 759 (McGuire) This bill permits a voter whose signature on his or her vote by mail (VBM) ballot identification envelope does not match the signature on file in the voter's record to return a completed signature verification statement, as specified, in order to have his or her ballot counted.

An act to amend Section 3019 of the Elections Code, relating to elections, and declaring the urgency thereof, to take effect immediately.

• SB 869 (Committee on Budget and Fiscal Review) This bill makes statutory changes and provides appropriations relating to the Budget Bill on the subject of elections.

An act to repeal and add Section 23725 of the Government Code, and to repeal Section 46 of Chapter 53 of the Statutes of 2018, relating to elections, making an appropriation therefor, to take effect immediately, bill related to the budget.

• SB 1018 (Allen) This bill (1) permits specified local jurisdictions to use a hybrid redistricting commission; (2) permits school districts, community college districts, and special districts to create a redistricting commission; and (3) modifies some of the requirements for serving on a local redistricting commission.

An act to amend Sections 23000, 23001, 23002, and 23003 of, and to add Section 23004 to, the Elections Code, relating to elections.

• SB 1153 (Stern) This bill permits the proponent of a county, municipal, or special district initiative to withdraw the initiative at any time before the 88th day before the election, whether or not the petition has already been found sufficient by the elections official.

An act to add Sections 9118.5, 9215.5, and 9311 to the Elections Code, relating to initiatives.

• SB 1171 (Stern) Authorizes a county elections official to use a provisional ballot envelope as an affidavit of registration, as specified, and updates the definition of an "elector."

An act to amend Sections 321 and 2162 of, and to add Section 2160 to, the Elections Code, relating to elections

• SB 1239 (Hertzberg) This bill makes numerous substantive and technical changes related to the procedures associated with filing campaign and lobbying reports through the state's new online campaign and lobbying activity disclosure system, also known as the Cal-Access Replacement System (CARS).

An act to amend Sections 81004, 81007, 81007.5, 81008, 81009, 81010, 82006, 84101, 84101.5, 84102, 84103, 84108, 84200.8, 84203, 84204, 84204.5, 84211, 84213, 84215, 84219, 84223, 84504.2, 84602, 84605, 84606, 84612, 84615, 85200, 86100, 86103, 86104, 86105, 86107, 86108, 86109.5, 86114, 86116, and 86118 of, and to repeal Sections 84217 and 86109 of, the Government Code, relating to the Political Reform Act of 1974.

• SB 1250 (Bradford) Specifies, for the purposes of determining the domicile of a Member of the Legislature or a Representative in Congress for voting purposes, that the existence of certain conditions at one of the person's residences do not override an existing conclusive presumption that establishes the person's domicile.

An act to amend Section 2026 of the Elections Code, relating to elections.

ENERGY

• AB 1775 (Muratsuchi) Prohibits the State Lands Commission (SLC) or a local trustee from entering into any new lease authorizing new construction of oil-and-gas-related infrastructure upon tidelands and submerged lands within state waters associated with Pacific Outer Continental Shelf (POCS) leases issued after January 1, 2018.

An act to add Section 6245 to the Public Resources Code, relating to state lands.

• AB 3187 (Grayson) This bill requires the California Public Utilities Commission (CPUC) open a proceeding not later than July 1, 2019 to consider options to promote the in-state production and distribution of biomethane.

An act to amend Section 784.2 of the Public Utilities Code, relating to gas corporations.

• AB 3232 (Friedman) Requires the California Energy Commission (CEC) to develop a plan to ensure that all new residential and nonresidential buildings be zero-emission buildings and a strategy to achieve a 50% reduction in greenhouse gas (GHG) emissions generated by the state's residential and nonresidential building stock by 2030.

An act to add Section 25403 to the Public Resources Code, relating to energy.

• SB 100 (De León) This bill establishes the 100 Percent Clean Energy Act of 2017 which increases the Renewables Portfolio Standard (RPS) requirement from 50 percent by 2030 to 60 percent, and creates the policy of planning to meet all of the state's retail electricity supply with a mix of RPS-eligible and zero-carbon resources by December 31, 2045, for a total of 100 percent clean energy.

An act to amend Sections 399.11, 399.15, and 399.30 of, and to add Section 454.53 to, the Public Utilities Code, relating to energy.

• SB 465 (Jackson) This bill expands, until January 1, 2029, Property Assessed Clean Energy (PACE) financing to allow cities and counties in very high fire hazard severity zones to authorize contractual assessments for property owners to finance wildfire safety improvements.

An act to amend, repeal, and add Section 22003.5 of the Financial Code, to amend, repeal, and add Section 53313.5 and 53355.7 of the Government Code, to amend, repeal, and add Sections 5898.16, 5898.17, 5902, 5913, and 5954 of, and to add and repeal Section 5899.4 of, the Streets and Highways Code, relating to the Property Assessed Clean Energy program.

• SB 700 (Wiener) This bill extends the sunset date for the Self-Generation Incentive Program (SGIP) by five years, requires the California Public Utilities Commission (CPUC) to adopt requirements for storage systems to ensure that they reduce greenhouse gas (GHG) emissions, and prohibits generation technologies using non-renewable fuels from obtaining SGIP incentives as of January 1, 2020.

An act to amend Section 379.6 of the Public Utilities Code, relating to energy.

• SB 782 (Skinner) This bill expands the types of buildings covered by the California Energy Commission's (CEC) Building Energy Benchmarking Program to include cottage-style buildings and requires utilities to accept a customer's electronic signature as consent to obtain access to the customer's energy use data.

An act to amend Section 25402.10 of the Public Resources Code, and to amend Section 8380 of the Public Utilities Code, relating to energy.

• SB 1087 (Roth) This bill clarifies, corrects, and cleans up provisions of AB 1284 (Dababneh, Chapter 475, Statutes of 2017) relating to the PACE program.

An act to amend Sections 22105, 22680, 22681, 22682, 22684, 22685, 22687, 22688, 22689, 22690, 22693, 22694, and 22716 of, and to add Section 22690.5 to, the Financial Code, and to amend Section 5940 of

the Streets and Highways Code, relating to the Property Assessed Clean Energy program.

• SB 1131 (Hertzberg) This bill requires the California Public Utilities Commission (CPUC) to authorize investor-owned utilities (IOUs) incentives for customized industrial, agricultural, commercial, residential, and public sector energy efficiency projects based on nationally recognized measurement and verification standards and establishes new requirements and timelines for the CPUC's review of these projects.

An act to amend Section 381.2 of the Public Utilities Code, relating to energy.

• SB 1135 (Bradford) This bill codifies the requirements of an existing low-income electric rate discount program, known as the Family Electric Rate Assistance (FERA) program, for the state's three largest electrical corporations and increase the program discount from 12 percent to18 percent line-item discount on a customer's electric utility bill.

An act to add Section 739.12 to the Public Utilities Code, relating to energy.

• SB 1369 (Skinner) This bill requires California Public Utilities Commission (CPUC), California Air Resources Board (ARB), and the California Energy Commission (CEC) to consider green electrolytic hydrogen, as defined, an eligible form of energy storage, and consider other potential uses of green electrolytic hydrogen.

An act to amend Section 400 of, and to add Sections 400.2 and 400.3 to, the Public Utilities Code, relating to energy.

• SB 1374 (Hueso) This bill deletes outdated reporting requirements for the integrated energy policy report (IEPR).

An act to amend Sections 25301, 25302, 25303, 25304, and 25401.2 of, to amend and repeal Section 25303.5 of, and to repeal Sections 25305.5 and 25307 of, the Public Resources Code, relating to energy.

• SB 1440 (Hueso) This bill requires the California Public Utilities Commission (CPUC), in consultation with the California Air Resources Board (ARB) consider adopting specific biomethane procurement targets or goals for each corporation, as specified. This bill requires the CPUC, if the CPUC adopts those targets or goals, to take certain actions in regards to the development of the targets or goals and the procurement of the biomethane to meet those targets or goals.

An act to add Article 10 (commencing with Section 650) to Chapter 3 of Part 1 of Division 1 of the Public Utilities Code, relating to energy.

• SB 1477 (Stern) This bill requires the California Energy Commission (CEC) to develop a statewide market transformation initiative to transform the state's market for low-emission space and water heating equipment for new and existing residential and nonresidential buildings and to develop an incentive program to fund near-zero emission technology for new residential and commercial buildings.

An act to amend Section 910.4 of, to add Section 748.6 to, and to add Article 12 (commencing with Section 921) and Article 13 (commencing with Section 922) to Chapter 4 of Part 1 of Division 1 of, the Public Utilities Code, relating to energy.

ENVIRONMENTAL and **PUBLIC RESOURCES**

 AB 734 (Bonta) Establishes special procedures for California Environmental Quality Act (CEQA) review, additional conditions for certification, and expedited (270 day) judicial review for a proposed baseball park and mixed-use development in the City of Oakland.

An act to add Section 21168.6.7 to the Public Resources Code, relating to environmental quality.

• AB 747 (Caballero) This bill establishes within the State Water Resources Control Board (State Water Board) an Administrative Hearings Office to preside over certain water rights proceedings.

An act to add Chapter 3.5 (commencing with Section 1110) to Part 1 of Division 2 of, the Water Code, relating to water.

• AB 987 (Kamlager-Dove) Establishes special procedures for California Environmental Quality Act (CEQA) review, additional conditions for certification, and expedited (270 day) judicial review for a proposed basketball arena and related development in the City of Inglewood

An act to add and repeal Section 21168.6.8 of the Public Resources Code, relating to environmental quality.

• AB 1270 (Gallagher) This bill provides for the Department of Water Resources (DWR) to inspect dams, reservoirs, and appurtenant structures annually, with certain exemptions, and requires reporting and updates to dam safety regulations.

An act to add Sections 6102.5 and 6103 to, and to repeal and add Section 6102 of, the Water Code, relating to water, and declaring the urgency thereof, to take effect immediately.

• AB 1330 (Reyes) Allows the Bloomington Recreation and Park District (BRPD) to dispose of property used for park purposes at Ayala Park, subject to certain conditions.

An act relating to park property, and declaring the urgency thereof, to take effect immediately.

• **AB 1573 (Bloom)** Allows the Fish and Game Commission (FGC) to authorize the Department of Fish and Wildlife (DFW) to issue experimental fishing permits (EFP), as specified, that authorize commercial or recreation fishing activity that is otherwise prohibited.

An act to amend Sections 90, 7090, 7712, and 8834.1 of, to add Section 1022 to, and to repeal Section 8606 of, the Fish and Game Code, relating to fisheries.

• AB 1668 (Friedman) This bill only becomes operative if both it and SB 606 (Hertzberg) of the current legislative session are enacted. If both bills are enacted they would jointly create new long-term urban water use standards, as specified.

An act to amend Sections 531.10, 1120, 10608.12, 10608.20, 10608.48, 10801, 10802, 10814, 10817, 10820, 10825, 10826, 10843, 10845, and 10910 of, to add Sections 1846.5 and 10826.2 to, and to add Chapter 9 (commencing with Section 10609) and Chapter 10 (commencing with Section 10609.40) to Part 2.55 of Division 6 of, the Water Code, relating to water.

• AB 1762 (Steinorth) Requires the Department of Parks and Recreation (DPR) to establish and maintain on its Internet Web site a comprehensive, up-to-date list of each state park unit with information on whether the unit or a portion of the unit allows dogs.

An act to amend Section 5008.1 of the Public Resources Code, relating to state parks.

• AB 1794 (Limón) This bill changes the composition of the board of directors for the Ojai Basin Groundwater Management Agency (OBGMA) and eliminates references to the Southern California Water Company.

An act to amend Sections 401, 403, and 901 of, and to add Section 401.5 to, the Ojai Basin Groundwater Management Agency Act, relating to water.

• AB 1804 (Berman) Establishes a limited exemption from the California Environmental Quality Act (CEQA) for multi-family residential and mixed-use housing projects meeting specified conditions, thereby expanding an existing exemption for infill projects within cities to apply in unincorporated areas that are within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau

An act to add and repeal Section 21159.25 of the Public Resources Code, relating to environmental quality.

• AB 1884 (Calderon) Requires "full-service restaurants" to provide straws only upon request.

An act to add Chapter 5.2 (commencing with Section 42270) to Part 3 of Division 30 of the Public Resources Code, relating to food facilities.

• AB 1889 (Caballero) Amends the Santa Clara Valley Water District (SCVWD) Act.

An act to amend Sections 7.9, 13.2, and 33 of the Santa Clara Valley Water District Act (Chapter 1405 of the Statutes of 1951), relating to the Santa Clara Valley Water District.

• AB 1928 (McCarty) Authorizes, until January 1, 2024, the California Conservation Corps (CCC) to enter into a contract with an individual or collective of Local Conservation Corps (LCC) groups for activities related to a CCC project or program

An act to add and repeal Section 14318 of the Public Resources Code, relating to resources conservation.

• AB 1933 (Maienschein) Revises the Department of Recycling and Resources Recovery's (CalRecycle) organic waste and recycling grant program funded by the Greenhouse Gas Reduction Fund (GGRF) to include the recovery of food for human consumption and food waste prevention.

An act to amend Section 42999 of the Public Resources Code, relating to greenhouse gases.

• AB 1944 (Eduardo Garcia) Adjusts the basin designations within the San Luis Rey Valley Groundwater Basin in order to facilitate groundwater management.

An act to amend Section 10721 of, and to add Section 10722.5 to, the Water Code, relating to groundwater.

• AB 1954 (Patterson) This bill extends the sunset date for an exemption from timber harvest plan requirements for defensible space surrounding a habitable structure, as specified, from January 1, 2019, to January 1, 2022, and deletes a duplicative reporting requirement.

An act to amend Section 4584 of the Public Resources Code, relating to forestry.

 AB 1956 (Limón) Establishes a local assistance grant program to improve fire prevention in California and ensure that fire prevention activities happen year round.

An act to add Article 2.5 (commencing with Section 4124) to Chapter 1 of Part 2 of Division 4 of, and to repeal Section 4123 of, the Public Resources Code, relating to fire prevention.

• AB 1981 (Limón) Adds the Department of Forestry and Fire Protection (CAL FIRE) to the departments that the California Environmental Protection Agency (CalEPA) consult with when developing and implementing policies relating to meeting the state's organic waste recycling goals and to encouraging the



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AB 3109: Waiver of right of petition or free speech

By Aura Gilham

n Sept. 30, 2018, Gov. Jerry Brown signed into law Assembly Bill 3109, a law that defines and furthers the California Constitution's right to freedom of speech in the dual context of contracts and crime. Specifically, it protects victims of crimes and sexual harassment from being preemptively silenced by contract provisions. It applies to contracts entered into on or after Jan. 1, 2019.

The California Constitution protects freedom of speech, providing that every person may express opinions without censorship. Contract law permits individuals to make oral or written agreements that can be enforced in a court of law. Such agreements generally may include restrictions on speech; an individual can bargain away the right to speak on a certain topic. However, contract law also provides that contracts can be unenforceable in a court of law when they are directly or impliedly against public policy. AB 3109 functions to make contracts that limit the testimony of victims of crime and sexual harassment explicitly against public policy and, thus, unenforceable.

AB 3109 states that any provision in a contract that waives an individual's right to testify in an administrative, legislative or judicial proceeding about an alleged criminal act or alleged sexual harassment by the other party to the contract, or such other party's agent or employees, is void and unenforceable if the individual has been required or requested to attend the administrative, legislative or judicial proceeding. This law extends to all contracts, including settlement agreements and employment agreements. Note, however, the law is significantly limited by the qualification that the individual must be required or

requested to attend the proceeding, as that means that the individual must be called to the proceeding by court order, subpoena or written request from the administrative agency or Legislature.

Ultimately, this bill renders non-disclosure provisions in contracts unenforceable if a party to the contract has been called by an administrative, legislative or judicial body to testify in a proceeding regarding the other party's alleged criminal conduct or sexual harassment.

Aura Gilham is a corporate associate at Kirkland & Ellis LLP.



GILHAM

use of compost.

An act to amend Section 42649.87 of the Public Resources Code, relating to solid waste.

• AB 2063 (Aguiar-Curry) Establishes additional requirements for Property Assessed Clean Energy (PACE) administrators, solicitors, and consumers.

An act to amend Sections 22017, 22018, 22105, 22157, 22680, 22681, 22682, 22684, 22686, 22687, 22689, 22691, 22693, and 22716 of the Financial Code, and to amend Sections 5898.24 and 5913 of the Streets and Highways Code, relating to the Property Assessed Clean Energy program.

• AB 2091 (Grayson) Requires the Forest Management Task Force in coordination with the Department of Insurance to develop recommendations for an insurance pool or other mechanism to assist prescribed burn managers and reduce the cost of conducting prescribed fire.

An act to add Article 4 (commencing with Section 4500) to Chapter 7 of Part 2 of Division 4 of the Public Resources Code, relating to fire prevention.

• AB 2097 (Acosta) This bill extends the date by which carpet manufacturers must submit their annual report to the Department of Resources Recycling and Recovery (CalRecycle) from July 1 to September 1 of each year.

An act to amend Sections 42975 and 42976 of the Public Resources Code, relating to recycling.

• AB 2126 (Eggman) Requires, no later than January 1, 2020, the Director (director) of the California Conservation Corps (CCC) to establish a forestry corps program.

An act to amend Section 14001 of, and to add Chapter 4 (commencing with Section 14410) to Division 12 of, the Public Resources Code, relating to resources conservation.

• AB 2137 (Mayes) Increases, from \$25,000 to \$50,000, the amount for which all regional park and open space districts may enter into contracts without a formal bid process.

An act to amend Section 5549 of the Public Resources Code, relating to parks and recreation.

• AB 2145 (Reyes) Modifies and updates the Clean Truck, Bus, and Off-Road Vehicle and Equipment Program (Clean Truck Program).

An act to amend Section 39719.2 of the Health and Safety Code, relating to greenhouse gases.

• AB 2151 (Gray) From July 1, 2019, to July 1, 2025, reduces the tag fee to \$20, and adjusts the fee for inflation, for eligible junior hunters of antelope, elk, bear, and bighorn sheep.

An act to amend Section 3031 of, to amend, repeal, and add Sections 331, 332, 4751, and 4902 of, and to add Section 3034 to, the Fish and Game Code, relating to hunting.

• AB 2162 (Chiu) Streamlines affordable housing developments that include a percentage of supportive housing units and onsite services.

An act to amend Section 65583 of, and to add Article 11 (commencing with Section 65650) to Chapter 3 of Division 1 of Title 7 of, the Government Code, relating to land use.

• AB 2195 (Chau) Requires the Air Resources Board (ARB), by January 1, 2020, to use the best available science to quantify and annually report on its website the amount of greenhouse gas (GHG) emissions, expressed in tons of carbon dioxide equivalents, resulting from the loss or release of natural gas during all

processes associated with the production, processing, and transport of natural gas imported into the state from out-of-state sources.

An act to amend Section 39607 of the Health and Safety Code, relating to greenhouse gases.

• AB 2341 (Mathis) Eliminates consideration of aesthetic effects under the California Environmental Quality Act (CEQA) for specified projects involving the refurbishment, conversion, repurposing, or replacement of an existing abandoned, dilapidated, or vacant building, provided the new structure does not substantially exceed the height of the existing structure or create a new source of substantial light or glare.

An act to add and repeal Section 21081.3 to the Public Resources Code, relating to environmental quality.

• AB 2348 (Aguiar-Curry) Establishes the California Winter Rice Habitat Incentive Program and authorizes the director of the Department of Fish and Wildlife (DFW) to enter into contracts with owners of productive agricultural rice lands that are winter-flooded, as defined, and that are determined by the director to be important for the conservation of waterfowl.

An act to add Article 7.5 (commencing with Section 3469) to Chapter 2 of Part 1 of Division 4 of the Fish and Game Code, relating to wildlife.

• AB 2369 (Gonzalez Fletcher) Establishes a separate penalty for unlawfully taking a fish for commercial purposes within a marine protected area, and provides additional sanctions.

An act to amend Sections 7857 and 12000 of, and to add Section 12012.5 to, the Fish and Game Code, relating to fishing.

• AB 2371 (Carrillo) Requires the implementation of policies that affect outdoor landscape water use efficiency.

An act to add Sections 7065.06 and 7195.5 to the Business and Professions Code, and to amend Sections 65592, 65596, and 65596.5 of, and to add Section 65596.7 to, the Government Code, relating to water use efficiency.

• AB 2411 (McCarty) This bill requires the Department of Resources Recycling and Recovery (Cal-Recycle), by December 31, 2019, to develop and implement a plan to maximize the use of compost for slope stabilization and establishing vegetation in the course of providing debris removal services following a wild-fire. Additionally, this bill requires CalRecycle, in consultation with Caltrans, to identify and develop a plan to implement best practices for Caltrans' 12 districts regarding the cost-effective use of compost along roadways by December 31, 2019.

An act to amend Sections 42240, 42241, 42241.5, 42243, 42244, and 42245 of, and to add Sections 42241.3 and 42243.5 to, the Public Resources Code, relating to solid waste.

• AB 2421 (Mark Stone) Establishes the Monarch Butterfly and Pollinator Rescue Program, to be administered by the Wildlife Conservation Board (WCB), for the purpose of recovering and sustaining populations of monarch butterflies and other pollinators.

An act to add Article 3.7 (commencing with Section 1374) to Chapter 4 of Division 2 of the Fish and Game Code, relating to pollinators.

• AB 2441 (Frazier) Requires the State Lands Commission (SLC), by July 1, 2019, to develop a plan for the removal of abandoned commercial vessels for lands in the Sacramento-San Joaquin Delta (Delta).

An act to add Section 6302.2 to the Public Resources Code, relating to the Sacramento-San Joaquin Delta.

• AB 2493 (Bloom) Allows payments made under the California Beverage Container Recycling and Litter Reduction Act (Bottle Bill) to be made electronically and provides that a recycling center that uses reverse vending machines or unmanned automated equipment that accepts all types of empty beverage containers is not required to have an employee present during operating hours.

An act to amend Section 14571 of, and to add Section 14531 to, the Public Resources Code, relating to recycling.

• AB 2516 (Eggman) Requires the Department of Water Resources (DWR) to post certain information related to reservoir restrictions.

An act to amend Section 6429 of the Water Code, relating to dams and reservoirs.

• AB 2518 (Aguiar-Curry) Requires the Forest Health Task Force established pursuant to Executive Order B-52-18 (Brown), or its successor entity, to develop recommendations for the siting of additional wood product manufacturing facilities, including at least one mass timber facility, in the state.

An act to add Article 10 (commencing with Section 4630) to Chapter 8 of Part 2 of Division 4 of the Public Resources Code, relating to forestry.

• AB 2551 (Wood) Makes various changes to provide additional authority to the Department of Forestry and Fire Protection (CAL FIRE) to protect and improve forestland.

An act to amend Sections 4795 and 4796 of, to add Article 4.3 (commencing with Section 4497) to Chapter 7 of Part 2 of Division 4 of, and to add Part 4.7 (commencing with Section 71365) to Division 34 of, the Public Resources Code, relating to forestry and fire prevention.

 AB 2600 (Flora) Establishes an alternative procedure for forming a regional park and open space district.

An act to add Section 5503.5 to the Public Resources Code, relating to parks.

• AB 2640 (Wood) Exempts the take or possession of California condors under the Northern California Condor Restoration Program, as described, from prohibitions against the taking or possession of any fully protected bird and permits the Department of Fish and Wildlife (DFW) to authorize the take or possession of the Lost River and shortnose sucker fish, fully protected fish species, resulting from the decommissioning and removal of four dams on the Klamath River, subject to certain conditions.

An act to amend Section 5515 of, and to add Sections 2081.11 and 3858 to, the Fish and Game Code, relating to fish and wildlife.

• AB 2697 (Gallagher) Requires the Department of Fish and Wildlife (DFW) to establish the Nesting Bird Habitat Incentive Program (program) to encourage landowners to provide wildlife habitat.

An act to add Article 9 (commencing with Section 3480) to Chapter 2 of Part 1 of Division 4 of the Fish and Game Code, relating to wildlife habitat.

• AB 2745 (Carrillo) Authorizes the California Department of Parks and Recreation to sell merchandize where no concession cooperating association is available.

An act to add Section 5010.4 to the Public Resources Code, relating to state parks.

• AB 2782 (Friedman) This bill authorizes lead agencies, under the California Environmental Quality Act (CEQA), in describing and evaluating projects, to

consider specific economic, legal, social, technological, or other benefits of, and the negative impacts of denying, the project.

An act to add Section 21082.4 to the Public Resources Code, relating to environmental quality.

• AB 2832 (Dahle) Requires the Secretary for the California Environmental Protection Agency (CalEPA) to convene a research group to review, and advise the Legislature on, policies pertaining to the recovery and recycling of lithium-ion (Li-ion) vehicle batteries sold with motor vehicles in the state.

An act to add and repeal Article 3 (commencing with Section 42450.5) of Chapter 8 of Part 3 of Division 30 of the Public Resources Code, relating to recycling.

• AB 2849 (Mark Stone) Creates the Sierra Nevada Watershed Improvement Program (WIP) in statute; updates the definitions for tribal organizations; and, includes geographic specifications for Sierra Nevada Conservancy (SNC) appointments.

An act to amend Sections 33302 and 33321 of, and to add Section 33345.1 to, the Public Resources Code, relating to resource conservation.

• AB 2864 (Limón) This bill requires, in the event of an oil spill affecting coastal resources, that the Administrator of the Office of Oil Spill Prevention and Response (OSPR) request that the California Coastal Commission or the San Francisco Bay Area Conservation and Development Commission (BCDC) provide state natural resources trustees with a written assessment of the extent, value, and level of damage or injury to coastal resources within their jurisdiction.

An act to amend Section 8670.7 of the Government Code, relating to coastal resources.

• AB 2889 (Caballero) This bill requires the California Department of Forestry and Fire Protection (CAL FIRE) to provide guidance and assistance to ensure the uniform and efficient implementation of processes and procedures regulating the filing, review, approval, required modification, completion, and appeal of decisions relating to timber harvesting plans (THPs).

An act to add Section 4592.5 to the Public Resources Code, relating to forestry and fire protection.

• AB 2911 (Friedman) Makes various changes to fire safety planning efforts, defensible space requirements, and electrical transmission or distribution lines' vegetation clearance requirements with the intent to improve the fire safety of California communities.

An act to amend Sections 51179, 51189, and 65302.5 of, and to add Section 65040.21 to, the Government Code, and to amend Sections 4291 and 4291.3 of, and to add Sections 4290.5 and 4295.5 to, the Public Resources Code, relating to fire safety.

• AB 2975 (Friedman) This bill requires the Secretary of Natural Resources (secretary) in certain circumstances to determine whether the state should protect a river or segment of a river that has lost or will lose protection under the federal wild and scenic rivers system is in the best interests of the state, and, if so, to take certain actions until December 31, 2025, to add the river or segment to the state wild and scenic rivers system, as prescribed.

An act to add Section 5093.71 to the Public Resources Code, relating to wild and scenic rivers.

• AB 3012 (Gallagher) Directs the State Coastal Conservancy (SCC) to add projects that reduce flood risk and enhance fish and wildlife habitat, including projects that remove sediment where excavated material can be used to enhance shorelines or ecosystems to

AB 375: Cyber privacy rights for consumers

By Brian S. Kabateck and Joana Fang

riven by the continued rise in consumer data breaches and growing privacy concern, California passed an unprecedented digital data privacy law known as the California Consumer Privacy Act, Assembly Bill 375. The CCPA grants consumers more control over, and insight into the spread of their personal information online. The passage of this law has created one of the most significant and comprehensive regulations overseeing the data collection practices of technology companies in the United States. This legislation doesn't become fully operation until 2020. It creates five basic rights for California consumers:

- The right to request information about the types of data a business has collected, categories of sources, business purpose for collecting or selling information, and the categories of third parties with whom the business shares consumer personal information, along with specific information collected about the individual.
- The right to access their personal information in a portable format, to the extent technically feasible, in a readily useable format that allows the consumer to transmit the information to another entity without hindrance.
- A right to delete personal information that a business collected from them. While the right-to-know extends to all information a business collected about a consumer, the right-to-delete extends to just the information a business collected from them.
- A right to opt out of sale of personal information about them. A consumer shall have the right to direct a business that sells personal information to third parties not to sell the consumers' personal information. The third party also has obligations in that it cannot sell personal information about a consumer that has been sold to it by a business unless

the consumer has received explicit notice and is provided an opportunity to exercise the right to opt out.

• A right to receive equal service and pricing from a business, even if they exercise their privacy rights under the Act, but with significant exceptions.

The CCPA's enforcement responsibility falls primarily with the California's attorney general. In the event a business fails to remedy the violation within 30 days of notification, it may incur civil penalties of up to \$7,500 per violation for intentional violations. The CCPA also provides a private right of action. Under certain circumstances, a consumer may pursue action to recover damages of between \$100 and \$750 per incident or actual damage, whichever is greater.

The law gravely affects the tech industry and there is without a doubt, many companies who oppose this law. Companies such as Facebook, Twitter and Google, argued that the law's requirements could threaten their established business models and significantly reduce their profits. These companies generate revenue from targeted advertising over internet platforms. Under the new law, they must now allow California residents to delete their data or bring it with them to alternative service providers. This restriction could also extend to internet service providers, which collect web browsing data from their consumers and often use it to generate behavioral profiles to enable digital advertising.

Brian S. Kabateck is the founding and managing partner of the plaintiff's firm Kabateck LLP. He was involved with writing the California Consumer Privacy Act legislation in response to the internet data theft from companies including Equifax.

Joana Fang is an associate at Kabateck LLP where she specializes in consumer class actions, personal injury, wrongful death and insurance bad faith claims.



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the list of projects that address the impacts of climate change it prioritizes for grant funding.

An act to amend Section 31113 of the Public Resources Code, relating to coastal resources.

• AB 3036 (Cooley) Prohibits a local government's franchise agreement to manage solid waste from including the handling of byproducts from the processing of food or beverages, as specified.

An act to add Section 40059.4 to the Public Resources Code, relating to solid waste.

• AB 3257 (Committee on Natural Resources) Makes a number of changes to provisions governing the operation of the Surface Mining and Reclamation Act of 1975 (SMARA); authorizes a civil servant with a Forester I classification to be certified as a Forest Officer and makes nonsubstantive technical changes; deletes references to obsolete sections of the Public Resources Code; and, requires the Department of Forestry and Fire Prevention (CAL FIRE) to additionally submit its report on fire prevention activities to the appropriate policy committees.

An act to amend Sections 2717, 2770, 2774, 2774.1, 3427, 3432, 3774, 4137, 4602.5, and 5093.68 of the Public Resources Code, relating to natural resources.

• SB 212 (Jackson) This bill requires entities that sell drugs or sharps in the state to individually, or with other entities, develop and implement a statewide home-generated drug stewardship plan, or a home-generated sharps waste stewardship plan, or both for the collection and proper disposal of home-generated drug and sharps waste. Requires the Department of Resources, Recycling and Recovery (CalRecycle) to oversee and enforce each stewardship plan (Plan).

An act to add Chapter 2 (commencing with Section 42030) to Part 3 of Division 30 of the Public Resources Code, relating to solid waste.

• SB 269 (McGuire) This bill requires that commercial fish landing receipts completed and submitted electronically be submitted to the Department of Fish and Wildlife within three business days of landing.

An act to amend Sections 8043.1, 8046, and 8047 of the Fish and Game Code, relating to commercial fishing

• SB 473 (Hertzberg) This bill makes a series of technical changes to the California Endangered Species Act made after consultation with a variety of academic, conservation, and business organizations and technical assistance provided by the Department of Fish and Wildlife.

An act to amend Sections 2053, 2070, 2073.4, 2075.5, 2077, 2080, 2080.1, 2081, 2081.2, 2084, 2089.2, 2089.4, 2089.6, and 2089.22 of, to add Sections 2064.5, 2079.1, and 2089.5 to, to repeal Sections 2069 and 2081.5 of, and to repeal Article 5 (commencing with Section 2098) of Chapter 1.5 of Division 3 of, the Fish and Game Code, relating to fish and wildlife.

• SB 495 (Vidak) This bill permits the California Department of Fish and Wildlife (DFW) to authorize by permit under the state endangered species act the take of possession of the blunt-nosed leopard lizard resulting from drilling of a new water well in the community of Allensworth under specified conditions.

An act to amend Sections 2081 and 5050 of, and to add Section 2081.12 to, the Fish and Game Code, relating to protected species, and declaring the urgency thereof, to take effect immediately.

• SB 606 (Hertzberg) This bill requires the State Water Resources Control Board (SWRCB) and the Department of Water Resources (DWR) to adopt water

efficiency regulations, outlines requirements for water suppliers, specifies penalties for violations, and makes technical, conforming changes.

An act to amend Sections 350, 377, 1058.5, 1120, 10608.12, 10608.20, 10610.2, 10610.4, 10620, 10621, 10630, 10631, 10631.2, 10635, 10640, 10641, 10642, 10644, 10645, 10650, 10651, 10653, 10654, and 10656 of, to amend, renumber, and add Section 10612 of, to add Sections 10608.35, 10609.20, 10609.22, 10609.24, 10609.26, 10609.28, 10609.30, 10609.32, 10609.34, 10609.36, 10609.38, 10617.5, 10618, 10630.5, 10632.1, 10632.2, 10632.3, and 10657 to, to repeal Section 10631.7 of, and to repeal and add Section 10632 of, the Water Code, relating to water.

• SB 790 (McGuire) This bill expands those eligible for the existing Division of Boating and Waterway's grant program to be used for the reasonable regulatory costs of implementation of a dreissenid mussel infestation prevention plan to include any person or entity that manages any aspect of the water in a reservoir that is open to the public for recreational, boating, or fishing activities.

An act to add Section 676.1 to the Harbors and Navigation Code, relating to invasive specie.

• SB 834 (Jackson) This bill bars the State Lands Commission (commission) or a local trustee of public trust lands from entering into any new lease or conveyance to authorize new construction of oil- and gas-related infrastructure upon state tide and submerged lands associated with federal Pacific Outer Continental Shelf leases issued after January 1, 2018 (new federal leases), with certain exceptions. This bill also imposes public notice, comment and process requirements should the commission or a local trustee consider a lease renewal, extension, amendment or modification to authorize the new construction of oil- and gas-related infrastructure associated with new federal leases.

An act to add Section 6245 to the Public Resources Code, relating to state lands.

• SB 854 (Committee on Budget and Fiscal Review) This is the Omnibus Resources Trailer Bill for 2018-19. It contains necessary changes related to the Budget Act of 2018.

An act to add Section 712.1 to the Fish and Game Code, to amend Sections 49012, 49013, and 49014 of, and to add Sections 49015 and 49016 to, the Food and Agricultural Code, to amend Sections 4216.6, 4216.19, 27338, and 51283 of the Government Code, to amend Section 116365 of, and to add Sections 39603.1, 43019.1, 43019.2, and 43019.3 to, the Health and Safety Code, to amend Sections 2774, 4213.05, 5010.6, 5010.7, 5093.54, 5093.545, 5093.56, 5854, 8560, 8610, 14581, 25301, and 25302 of, to add Sections 2774.2.5, 3113, and 14536.3 to, to add Chapter 1.78 (commencing with Section 5097.999) to Division 5 of, to add Chapter 5 (commencing with Section 14420) to Division 12 of, to add and repeal Section 14549.2 of, and to repeal Sections 5010.6.5, 5093.548, and 5093.549 of the Public Resources Code, to amend Sections 305, 309.5, 400, 454.5, 591, 792.5, 984.5, 2827, and 5900 of, to add Sections 910.6 and 5012 to, and to repeal Chapter 6 (commencing with Section 5001) of Division 2 of, the Public Utilities Code, and to amend Sections 6161 and 12987.5 of, and to amend and repeal Section 12986 of, the Water Code, and to amend Section 3 of Chapter 421 of the Statutes of 2017, relating to public resources, and making an appropriation therefor, to take effect immediately, bill related to the budget.

• SB 856 (Committee on Budget and Fiscal Review) This bill makes changes and corrections to

the Budget Act of 2018. Most significantly, this bill includes provisions and appropriates funding from the Greenhouse Gas Reduction Fund and from Proposition 56 revenue.

An act to amend the Budget Act of 2018 by amending Items 0515-101-0001, 0521-101-0001, 0540-101-0001, 0540-101-6088, 0650-001-3228, 2660-102-0890, 3640-102-6088, 3640-103-6088, 3760-101-6088, 3790-101-0001, 3810-101-6088, 3860-101-6083, 3860-301-6088, 3900-001-3228, 3900-101-0115, 3930-001-0106, 3940-101-0001, 3970-001-8020, 4140-101-3085, 4260-101-0890, 4260-101-3305, 4440-490, 5180-001-0001, 5180-101-0001, 5180-111-0001, 5180-141-0001, 5227-107-0001, 6100-194-0001, 6610-001-0001, 6870-201-0001, 6870-491, 6980-101-0001, 7120-101-0001, 8570-101-0001, 8955-001-0001, and 8955-101-0001 of, and adding Items 0540-101-3228, 0650-101-3228, 0690-001-3228, 3360-001-3228, 3360-101-3228, 3540-001-3228, 3540-003-3228, 3600-101-3228, 3720-101-3228, 3760-101-3228, 3820-101-3228, 3850-101-6029, 3900-101-0226, 3900-101-3228, 3900-102-3228, 3970-101-3228, 4260-102-3305, 4260-495, 4700-001-3228, 4700-101-3228, 5180-495, 8570-101-3228, and 8660-493 to, Section 2.00 of, amending Section 39.00 of, and adding Section 15.14 to, that act, relating to the state budget, and making an appropriation therefor, to take effect immediately, budget bill.

• SB 875 (Committee on Budget and Fiscal Review) This bill makes technical and clarifying changes related to natural resources and environmental protection consistent with implementation of the Budget Act of 2018

An act to amend Sections 5795, 14549.2, and 14581 of the Public Resources Code, and to amend Section 12987.5 of, and to add Section 10609.21 to, the Water Code, relating to public resources, and making an appropriation therefor, to take effect immediately, bill related to the budget.

• SB 881 (Wieckowski) This bill authorizes the state to provide subvention funds to the Santa Clara Valley Water District for the South San Francisco Bay Shoreline Project (project) if specified conditions are met. This bill also specifies that the state assumes no liability for damages that may result from the project, except as specified.

An act to add Section 12749.99 to the Water Code, relating to flood control.

• SB 963 (Allen) This bill repeals certain limitations on the reserve funds of the Water Replenishment District of Southern California.

An act to amend Sections 60292 and 60315 of, and to repeal Sections 60290, 60291, and 60328.1 of, the Water Code, relating to water.

• SB 966 (Wiener) This bill 1) requires, on or before December 1, 2022, the State Water Resources Control Board (SWRCB), in consultation with the California Building Standards Commission (BSC) and the Department of Housing and Community Development (HCD), to adopt regulations for risk-based water quality standards for the onsite treatment and reuse of nonpotable water, as provided; 2) requires a local jurisdiction, as defined, that elects to establish a program for onsite treated nonpotable water systems to, among other things, adopt, through ordinance, a local program that includes the risk-based water quality standards established by the SWRCB; and 3) requires, on or before December 1, 2023, HCD, in consultation with SWRCB, to develop and propose for adoption any necessary

corresponding building standards to support the riskbased water quality standards established by SWRCB.

An act to add Article 8 (commencing with Section 13558) to Chapter 7 of Division 7 of the Water Code, relating to water quality.

• SB 1013 (Lara) This bill codifies the prohibitions on certain ozone depleting substances and hydrofluorocarbons (HFCs) adopted by the U.S. Environmental Protection Agency as part of the Significant New Alternatives Policy (SNAP) Program.

An act to add Section 39734 to the Health and Safety Code, and to add Division 45 (commencing with Section 76000) to the Public Resources Code, relating to greenhouse gases.

• SB 1072 (Leyva) This bill establishes a regional climate collaborative program to be administered by the Strategic Growth Council (SGC) to assist disadvantaged and low-income communities in gaining access to statewide public and other grant moneys.

An act to add and repeal Section 71131 of, and to add Part 3.6 (commencing with Section 71130) to Division 34 of, the Public Resources Code, relating to climate change.

• SB 1073 (Dodd) This bill authorizes the state to fund construction of the unconstructed phases of the Napa River Flood Control Project when there are no available federal funds for project completion. The funding would be cost-shared between the state and local sponsor as previously authorized, except that the state share cannot not exceed the state share if project funding was available.

An act to amend Section 12748 of the Water Code, relating to flood control.

• SB 1079 (Monning) This bill authorizes the California Department of Forestry and Fire Protection (CalFIRE), until January 1, 2024, to make advance payments to grantees from specified grants it administers, limits these payments to 25% of the total grant award, and requires CalFIRE to report to the Legislature on the program by January 1, 2023.

An act to amend Section 4799.05 of, and to add and repeal Section 705.5 of, the Public Resources Code, relating to forest resources, and declaring the urgency thereof, to take effect immediately.

• SB 1084 (Berryhill) This bill makes changes to the board and duties of the Mono County Tri-Valley Groundwater Management District.

An act to amend Sections 401, 402, 403, 404, and 802 of the Mono County Tri-Valley Groundwater Management District Act (Chapter 844 of the Statutes of 1989), relating to groundwater management district.

• SB 1126 (Portantino) This bill, an urgency measure, adds the Arroyo Seco Tributary to the list of waterways that must be included in a revitalization plan for the Upper Los Angeles River.

An act to amend Section 33220 of the Public Resources Code, and to amend Section 2 of Chapter 452 of the Statutes of 2017, relating to the Los Angeles River and tributaries, and declaring the urgency thereof, to take effect immediately.

• SB 1133 (Portantino) This bill authorizes a regional water quality control board (regional board) to accept and spend donations of moneys from a permittee for the purpose of updating a water quality control plan.

An act to add Section 13249 to the Water Code, relating to water quality.

• SB 1147 (Hertzberg) This bill directs the State Oil and Gas Supervisor and the State Lands Commis-

sion working in coordination to take certain actions to help pay for offshore oil and gas well and associated infrastructure decommissioning in the event of operator bankruptcy.

An act to amend Sections 3205.1 and 6829 of, and to add Sections 3205.6 and 6829.3 to, the Public Resources Code, relating to oil and gas.

• SB 1215 (Hertzberg) This bill authorizes the Regional Water Quality Control Boards (regional boards) to order the provision of sewer service to a disadvantaged community that has inadequate onsite sewage treatment systems.

An act to add Chapter 4.3 (commencing with Section 13288) to Division 7 of the Water Code, relating to water.

• SB 1261 (Nielsen) This bill clarifies existing law regarding the payment of death benefits to pilots who are killed while flying nonpublic aircraft except for those under contract to the state.

An act to amend Section 4114.5 of the Public Resources Code, relating to fire prevention, and declaring the urgency thereof, to take effect immediately.

• SB 1263 (Portantino) This bill requires, on or before December 31, 2024, the Ocean Protection Council, in collaboration with specified entities, to adopt and implement a Statewide Microplastics Strategy and authorizes those entities to enter into contracts with marine research institutes for the provision of research services that would contribute directly to the development of the Statewide Microplastics Strategy

An act to add Chapter 3.2 (commencing with Section 35635) to Division 26.5 of the Public Resources Code, relating to pollution.

• SB 1309 (McGuire) This bill, an omnibus fishing bill, addresses a number of fisheries issues, including extending the sunset on a salmon program, revising the existing Dungeness crab trap retrieval program, requiring the Dungeness Crab Working Group to evaluate risks of marine life entanglements, and reopening certain areas to halibut trawling, among other things.

An act to amend Sections 7863, 8183, 8494, 8495, 8496, 9002.5, and 9005 of, and to add and repeal Section 8276.1 of, the Fish and Game Code, relating to fishing.

• SB 1310 (McGuire) This bill revises numerous provisions related to the management of the Dungeness crab fishery by the Department of Fish and Wildlife (department), and implements recent recommendations by the Dungeness Crab Task Force (task force), among other things.

An act to amend Sections 5523, 8276, 8276.2, 8276.3, 8276.4, 8276.5, 8279.1, 8280, 8280.1, 8280.2, 8280.3, 8280.4, and 8280.6 of, and to repeal Section 8280.5 of, the Fish and Game Code, relating to fishing, and declaring the urgency thereof, to take effect immediately.

• SB 1335 (Allen) This bill prohibits a state food service facility from dispensing prepared food using type of food service packaging unless the packaging is on a specified list maintained by the Department of Resources Recycling and Recovery and has been determined to be reusable, recyclable, or compostable.

An act to add Chapter 6 (commencing with Section 42370) to Part 3 of Division 30 of the Public Resources Code, relating to solid waste.

• SB 1367 (Atkins) This bill requires the San Diego River Conservancy (conservancy) to establish the San Diego Rivers Watershed Consortium Program (program), as specified, including the establishment of advisory panels for each of the neighboring Sweetwater, Otay, and Tijuana River watersheds with specified

membership, meeting and planning requirements, and the establishment of the San Diego Rivers Watershed Consortium Account which may be spent by the conservancy, upon appropriation, for purposes of the program, among other things.

An act to amend Sections 32642, 32643, and 32656.1 of, and to add Chapter 4.5 (commencing with Section 32659) to Division 22.9 of the Public Resources Code, relating to the San Diego River Conservancy.

• SB 1493 (Committee on Natural Resources and Water) This bill makes various minor technical and clarifying changes to statute that affects multiple entities under the auspices of the California Natural Resources Agency. It also repeals a 1967 legislative grant of public trust lands in Huntington Beach whose terms have not been and are unlikely ever to be met.

An act to amend Section 20092 of the Education Code, to amend Sections 3206, 5018.1, 5080.05, 5080.23, 6107, 6201, 6216.1, 6477, 6914, 7730, 8618, 8622, 30512, 30513, 33503, 71204, 71204.9, 71205.3, 71210, 71211, 71212, 71213, 71215, and 71216 of, to amend the heading of Chapter 2 (commencing with Section 71203) of Division 36 of, to add and repeal Section 3114 of, and to repeal Section 5019.15 of, the Public Resources Code, and to repeal Chapter 1520 of the Statutes of 1967, relating to public resources, and making an appropriation therefor.

• SB 1502 (Committee on Environmental Quality) This bill allows local air districts to use electronic notification for hearings, workshops, and other purposes, as specified, and places requirements on maintaining accurate databases of electronic contact information, as specified.

An act to amend Section 2782.6 of the Civil Code, to amend Section 42301.6 of, and to add Section 40006 to, the Health and Safety Code, and to amend Section 7856 of the Labor Code, relating to nonvehicular air pollution

FAMILY LAW and PROBATE

• AB 929 (Rubio) Adds additional factors that a court must consider regarding domestic violence between the parties when deciding whether to order spousal support. This bill requires a court to consider all documented evidence of any history of domestic violence, between the parties or perpetrated by either party against either party's child, when deciding whether to order spousal support.

An act to amend Section 4320 of the Family Code, relating to spousal support.

• AB 1739 (Chau) This bill clarifies that the "Common Questions" language in the statutory form for a revocable transfer on death (TOD) deed need not be recorded along with the deed portion of the form. This bill is an urgency measure and takes effect immediately upon enactment.

An act to amend Section 5626 of the Probate Code, relating to nonprobate transfers, and declaring the urgency thereof, to take effect immediately.

• AB 1960 (Obernolte) This bill clarifies that "transferee," for purposes of California's anti-lapse statute, excludes the transferor's spouse.

An act to amend Section 21110 of the Probate Code, relating to estates and trusts.

 AB 2044 (Mark Stone) Clarifies the best interests determination for child custody and legislative findings and declarations on child custody, and strengthens the presumption against custody to a perpetrator of domestic violence.

An act to amend Sections 3011, 3020, 3044, and 3100 of the Family Code, and to amend Section 68555 of the Government Code, relating to domestic violence.

• AB 2113 (Obernolte) Provides that a guardianship of the estate may not necessarily terminate on the death of the ward. Specifically, this bill provides that a guardianship of the estate terminates upon the death of the ward, except as otherwise provided by law, including as provided under specific existing law.

An act to amend Section 1600 of the Probate Code, relating to estates and trusts.

• AB 2236 (Maienschein) Provides that a conservatorship may not necessarily terminate on the death of the conservatee. Specifically, this bill provides that a conservatorship terminates upon the death of the conservatee, except as otherwise provided by law.

An act to amend Section 1860 of the Probate Code, relating to conservatorships.

• AB 2274 (Quirk) This bill provides statutory guidance on the rights of parties in a proceeding for marital dissolution or legal separation to petition a court for sole or joint ownership of a community property pet.

An act to add Section 2605 to the Family Code, relating to division of community property.

• **AB 2426 (Maienschein)** This bill increases the value of a trust that a trustee may terminate without court approval from \$40,000 to \$50,000.

An act to amend Section 15408 of the Probate Code, relating to trusts.

• AB 2684 (Bloom) Updates and revises the Uniform Parentage Act (UPA).

An act to amend Section 2032.010 of the Code of Civil Procedure, to amend Sections 7541, 7552.5, 7556, 7558, 7604, 7613, 7630, 7635, 7640, 7645, 7646, 7647, 7647.7, 7648, 7649, and 7650 of, to amend the headings of Article 1 (commencing with Section 7630) and Article 1.5 (commencing with Section 7645) of Chapter 4 of Part 3 of Division 12 of, to amend the headings of Chapter 2 (commencing with Section 7550) and Chapter 3 (commencing with Section 7570) of Part 2 of Division 12 of, to amend the heading of Part 2 (commencing with Section 7540) of Division 12 of, to amend, repeal, and add Sections 7570, 7571, 7572, 7573, 7574, 7575, 7576, 7577, 7612, 7644, and 17412 of, to add Sections 7550.5, 7559, 7560, 7562, 7573.5, 7578, 7580, and 7581 to, and to repeal and add Sections 7540, 7550, 7551, 7552, 7554, and 7555 of, the Family Code, and to amend Sections 1635, 1644, 102766, and 102767 of, to amend the heading of Article 4 (commencing with Section 102766) of Chapter 5 of Part 1 of Division 102 of, to amend the heading of Chapter 5 (commencing with Section 102625) of Part 1 of Division 102 of, and to add Sections 1644.1, 1644.2, and 1644.3 to, the Health and Safety Code, relating to

• AB 2694 (Rubio) Revises notice requirements that must be provided to respondents for certain domestic violence restraining orders.

An act to amend Sections 6300, 6326, and 6340 of the Family Code, relating to protective orders.

• AB 2750 (Obernolte) This bill adds a deceased person's surviving adult kin and a conservator to the list of persons allowed to obtain a certified copy of a death certificate.

An act to amend Section 103526 of the Health and Safety Code, relating to vital records

• AB 2780 (Bloom) Expands the educational qualifications for vocational counselors appointed in spousal support proceedings.

An act to amend Sections 4058 and 4331 of the Family Code, relating to family law.

• AB 2792 (Calderon) This bill clarifies that a prior finding of severe sexual abuse in the context of a juvenile dependency proceeding constitutes evidence of neglect or cruel treatment for the purposes of a separate proceeding to terminate parental rights.

An act to amend Section 7823 of the Family Code, relating to parent and child relationship.

• AB 3189 (Cooper) Allows minors to consent to medical care for injuries caused by intimate partner violence and imposes a number of requirements on health practitioners who provide care to them.

An act to add Section 6930 to the Family Code, relating to minors.

 AB 3211 (Kalra) Revises the optional organ donation section of the statutory Advance Health Care Directive.

An act to amend Section 4701 of the Probate Code, relating to health care decisions.

• AB 3248 (Committee on Judiciary) Makes technical and non-controversial changes to various child support provisions in the Family Code.

An act to amend Section 1010.6 of the Code of Civil Procedure, and to amend Sections 3901, 5614, and 7643 of, and to repeal and add Section 17311.7 of, the Family Code, relating to civil law.

• SB 273 (Hill) This bill creates additional requirements and court oversight before a minor can marry or establish a domestic partnership.

An act to amend Sections 297.1, 302, 303, 304, 423, 1501, 2210, and 7002 of, and to add Section 298.8 to, the Family Code, and to add Sections 102233 and 102356 to the Health and Safety Code, relating to marriage and domestic partnership.

• SB 909 (Hertzberg) This bill enacts the Uniform Trust Decanting Act, under which a fiduciary of an irrevocable trust may distribute the property of a first trust into a second trust or trusts, without first obtaining the consent of the beneficiaries or approval of the court, subject to certain exceptions.

An act to add Part 9 (commencing with Section 19501) to Division 9 of the Probate Code, relating to trusts.

• SB 931 (Hertzberg) Makes it easier to establish a Lanterman-Petris-Short conservatorship for an inmate at a county jail.

An act to amend Sections 5352 and 5352.5 of the Welfare and Institutions Code, relating to conservatorships.

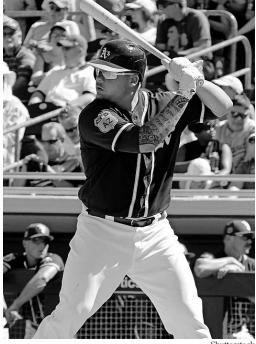
• SB 1089 (Jackson) This bill clarifies that all protective orders subject to transmittal to the California Law Enforcement Telecommunications System (CLETS) are required to be transmitted.

An act to amend Section 6380 of the Family Code, relating to restraining orders.

• SB 1129 (Monning) This bill prohibits awards of spousal support, attorney fees, and community property interest in retirement benefits to individuals convicted of felony domestic violence against their spouses, and creates a presumption against an award of similar benefits to those spouses convicted of misdemeanor domestic violence.

An act to amend Sections 4324.5 and 4325 of the Family Code, relating to support orders.

AB 734: CEQA fast track puts Oakland A's in scoring position



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By Shaye Diveley

ne of the most costly, time-consuming and complained-about aspects of complying with the California Environmental Quality Act is dealing with litigation that challenges the environmental impact review of the project. CEQA reformers, along with public, private and public-private partnership developers, are always on the hunt for ways to expedite this frequent obstacle in the CEQA

When Gov. Jerry Brown signed into law Assembly Bill 734 (California Environmental Quality Act: Oakland Sports and Mixed-Use Project), the Oakland Athletics became the latest professional sports team in California to be granted the possibility of expediting CEQA litigation for its new proposed ballpark. Following similar legislation for the Sacramento Kings' arena (AB 732) and projects certified as "Environmental Leadership Development Projects" (AB 900), the AB 734 expedites CEQA litigation by providing a 270-day period during which judicial review of any legal challenge to the new project's approval must be completed through the Court of Appeal, which typically takes two or more years. The bill also effectively cemented Howard Terminal as the site for the A's new ballpark by limiting the law's fasttrack benefits to a project at that location.

Although AB 734 may save some time, it is a procedural statute and has no impact on the city's substantive review and analysis of the proposed ballpark's environmental impacts. The city's approval process and the required content of its environmental review under CEQA remain in effect. Instead, the bill provides opportunities for public participation (including workshops, hearings and mediation) and immediate access to administrative record documents before final approval of the ballpark.

AB 734 was modeled on the Sacramento Kings' bill, which survived constitutional challenge (see Saltonstall v. City of Sacramento, 231 Cal. App. 4th 837 (2014)). However, the bill does not assure a home run for the A's because it does not guarantee that all litigation will be resolved within 270 days; it only promises the timeline "to the extent feasible." The Kings achieved this 270-day deadline just under the buzzer (267 days), but other projects have not been as successful.

Expedited projects have also met some resistance from courts. AB 734 requires that any lawsuit challenging the new ballpark be prioritized over other cases on the docket. This can contribute to case backlogs, and the Judicial Council has been a vocal opponent of CEQA streamlining bills. The Court of Appeal in Saltonstall rejected the challenge that the 270-day timeline violated the separation of powers by imposing an impossibly tight deadline that, noting the timeline was suggestive. Indeed, courts have not consistently applied the expedited rules in all cases involving streamlined projects, calling into question the actual time-savings promised by these types of bills.

There is no doubt, however, that AB 734 affords some degree of certainty to the city of Oakland and the Oakland A's, and provides momentum for getting the ballpark approved. Only time will tell if AB 734 is a grand slam for the A's.

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DIVELEY

• SB 1436 (Portantino) This bill clarifies the limited use of genetic DNA evidence as evidence for establishing parentage for purposes of determining intestate succession and makes that provision gender neutral.

An act to amend Section 6453 of the Probate Code, relating to intestate succession.

GOVERNMENT

• AB 105 (Committee on Budget) Clarifies that State costs, including administration, may be used for up to 5% of \$7 million funding appropriated in the 2017-18 budget for local government activities related to the 2020 Census.

An act to amend the Budget Act of 2017 (Chapter 14 of the Statutes of 2017) by amending Item 9100-101-0001 of Section 2.00 of, and amending Section 39.00 of, that act, relating to the state budget, and making an appropriation therefor, to take effect immediately, budget bill.

• AB 748 (Ting) Establishes a standard for the release of body-worn camera footage by balancing privacy interests with the public's interest in the footage.

An act to amend Section 6254 of the Government Code, relating to peace officers.

• AB 807 (Chu) Would place a ballot initiative before the voters to repeal the Daylight Saving Time Act (DST Act).

An act to add Section 6808 to the Government Code, and to repeal Sections 1, 2, 3, 4, and 5 of the Daylight Saving Time Act, an initiative measure approved at the November 8, 1949, special election, relating to daylight saving time.

• AB 1547 (Quirk-Silva) Abolishes the California Industrial Development Financing Advisory Commission, while retaining the California Debt Limit Allocation Committee with substantially overlapping duties relative to industrial development bonds.

An act to amend Sections 91504, 91529, 91560, 91561.3, and 91561.5 of, to amend and renumber the heading of Article 4 (commencing with Section 91560) of Chapter 1 of Title 10 of, to repeal Sections 91531, 91532, 91561, and 91562.5 of, to repeal Article 3 (commencing with Section 91550) of Chapter 1 of Title 10 of, and to repeal Article 5 (commencing with Section 91570) of Chapter 1 of Title 10 of, the Government Code, to amend Sections 44559.13 and 44559.14 of the Health and Safety Code, and to amend Section 6010.8 of the Revenue and Taxation Code, relating to state finance, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

• AB 1561 (Quirk-Silva) Expands and updates the mandatory elements of the state's international trade and investment strategy (ITI Strategy) to include the role of logistical hubs and inland ports and streamline reporting requirements. This bill also authorizes the California Infrastructure and Economic Development Bank (IBank) to finance inland port facilities.

An act to amend Sections 13996.55 and 63010 of the Government Code, relating to economic development.

• AB 1770 (Steinorth) This bill deletes the requirement that the issuer of an asset-based security must be rated in a rating category of A or above to be eligible for investment of surplus local agency funds.

An act to amend Section 53601 of the Government Code, relating to local government.

• AB 1773 (Committee on Appropriations) This bill, an urgency measure, appropriates \$11.095 million from the General Fund to the Department of Justice (DOJ) for the payment of three specified claims against the state. Any funds appropriated in excess of the amounts required for payment of the claims would revert to the General Fund.

An act relating to the payment of claims against the state, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

• AB 1782 (Muratsuchi) This bill designates surfing as the official state sport and makes various declarations and findings supporting the designation.

An act to add Section 424.7 to the Government Code, relating to state government.

• AB 1817 (Committee on Budget) This is the General Government trailer bill for 2018-19. It contains necessary changes related to the Budget Act of 2018.

An act to amend Sections 19636 and 26051.5 of the Business and Professions Code, to amend Sections 3857, 4101, 4101.2, 4101.3, 4102, 4103, 4103.5, 4104, 4105, 4106, and 4108 of the Food and Agricultural Code, to amend Sections 11270, 12805, 13293, 13332.10, 13405, 15600, 16310, 100000, 100002, 100004, 100008, 100012, 100014, 100016, 100032, 100034, 100046, and 100049 of, to add Sections 12012.96, 13070.5, 13293.1, 13293.3, 13293.5, 13920, and 15570.31 to, and to add and repeal Article 7 (commencing with Section 12100.60) of Chapter 1.6 of Part 2 of Division 3 of Title 2 of, the Government Code, to amend Sections 50675.10 and 53561 of, and to add Sections 50406.8 and 53566 to, the Health and Safety Code, to amend Section 12905 of the Insurance Code, to add Section 987.010 to the Military and Veterans Code, to amend Sections 3502, 3503, 12100, and 12102.2 of, and to add and repeal Sections 3503.5 and 3503.7 of, the Public Contract Code, to add Section 75218 to the Public Resources Code, to amend Sections 90.50, 214, 215.1, 254.5, 254.6, 480.1, 480.2, and 6377.1 of, and to add Section 95.50 to, the Revenue and Taxation Code, to amend Section 1088.9 of the Unemployment Insurance Code, and to amend Section 12302.2 of the Welfare and Institutions Code, relating to state government, and making an appropriation therefor, to take effect immediately, bill related to the budget.

• AB 1824 (Committee on Budget) This trailer bill makes statutory changes related to general government and transportation necessary to implement the Budget Act of 2018.

An act to add Chapter 5 (commencing with Section 19400) to Division 19 of the Elections Code, to amend Section 13953 of the Government Code, to add Section 1052 to the Military and Veterans Code, and to amend Section 40610 of the Vehicle Code, relating to state government, and making an appropriation therefor, to take effect immediately, bill related to the budget.

• AB 1826 (Committee on Budget) Creates a funding structure for the replacement of the State Capitol Annex and a separate state office building as part of the 2018 budget package.

An act to amend Sections 9112, 14691, and 14692 of, to add Sections 9112.5, 9113, 9114, and 9114.5 to, and to add Article 5.6 (commencing with Section 9125) to Chapter 1.5 of Part 1 of Division 2 of Title 2 of, the Government Code, to amend Sections 21189.50, 21189.51, 21189.52, and 21189.53 of, and to amend the heading of Chapter 6.7 (commencing with Section 21189.50) of Division 13 of, the Public Resources Code, and to amend Section 286 of Chapter 31 of the Statutes of 2016, relating to state buildings, and making an appropriation therefor, to take effect immediately, bill related to the budget

• AB 1830 (Committee on Budget) Creates two

new reserve funds, the Budget Deficit Savings Account and the Safety Net Reserve as part of the 2018 budget package.

An act to add Article 7.6.5 (commencing with Section 16418.8) to Chapter 2 of Part 2 of Division 4 of Title 2 of the Government Code, and to add Section 11011 to the Welfare and Institutions Code, relating to budget reserves, and making an appropriation therefor, to take effect immediately, bill related to the budget.

• AB 1831 (Committee on Budget) As part of the 2018 budget package, creates a structure for the expenditure of Proposition 2 revenues that are dedicated for infrastructure.

An act to amend Section 69511 of the Education Code, to amend Section 3312 of the Food and Agricultural Code, to add Article 2.1 (commencing with Section 13105) to Chapter 2 of Part 3 of Division 3 of Title 2 of the Government Code, to amend Section 50661 of the Health and Safety Code, to amend Section 185020 of the Public Utilities Code, and to amend Section 10202.5 of the Unemployment Insurance Code, relating to state government, and making an appropriation therefor, to take effect immediately, bill related to the budget.

• AB 1877 (Limón) Requires the Office of Emergency Services (Cal OES) to create a library of translated emergency notifications and a translation style guide, as specified, and requires designated alerting authorities to consider using the library and translation style guide when issuing emergency notifications to the public.

An act to add Section 8594.16 to the Government Code, relating to emergency services.

• **AB 1900 (Brough)** This bill extends the Capital Investment Incentive Program from January 1, 2019, to January 1, 2024.

An act to amend Section 51298.5 of the Government Code, relating to economic development.

• AB 1912 (Rodriguez) Prohibits member agencies of Joint Powers Authority (JPA) from disclaiming the retirement liability of a JPA, and requires the apportionment of retirement liability among JPA member agencies if the JPA's agreement with the Board of Administration of the California Public Employees' Retirement System (CalPERS) is terminated, or the JPA dissolves or ceases operations as applied to other California public retirement systems or associations, among other provisions.

An act to amend Sections 6508.1 and 20575 of, to add Sections 6508.2 and 20574.1 to, and to repeal and add Section 20577.5 of, the Government Code, relating to public agencies, and making an appropriation therefor.

• AB 1914 (Flora) This bill authorizes an excavator to use power-operated or boring equipment, as determined by the California Underground Facilities Safe Excavation Board (Board) beginning July 1, 2020, prior to determining the exact location of a subsurface facility, as specified

An act to amend Section 4216.4 of the Government Code, relating to state government.

 AB 1977 (Committee on Accountability and Administrative Review) Authorizes the Director of the Department of General Services (DGS) to dispose of specified state-owned surplus properties.

An act relating to state real property, and making an appropriation therefor.

• AB 2004 (Obernolte) This bill enacts the Big Bear Fire Agencies Pension Consolidation Act of 2018, which provides that all safety employees currently employed by the Big Bear Lake Fire Protection District shall become employees of the Big Bear Fire Authority, as specified, which shall assume all associated retirement liabilities

An act to add Article 4.5 (commencing with Section 31570) to Chapter 3 of Part 3 of Division 4 of Title 3 of the Government Code, relating to public employee retirement, and declaring the urgency thereof, to take effect immediately.

• AB 2031 (O'Donnell) This bill removes the January 1, 2019 sunset date on the requirement of general contractors and specified subcontractors to complete and submit a prequalification questionnaire and financial statement prior to bidding on school construction projects.

An act to amend Section 20111.6 of the Public Contract Code, relating to public contracts.

• AB 2035 (Mullin) Makes a number of administrative and technical changes to Affordable Housing Authority (AHA) Law.

An act to amend Sections 62250, 62251, 62252, 62253, 62254, and 62255 of, and to add Section 62261.1 to, the Government Code, relating to local government.

• AB 2036 (Gipson) Authorizes the Mervyn M. Dymally African American Political and Economic Institute (Institute) to assume the existing responsibilities associated with a bust in the State Capitol Building Annex to honor Mervyn M. Dymally.

An act to amend Section 14633 of the Government Code, relating to the State Capitol.

• AB 2055 (Levine) This bill requires that the lobbying ethics courses taught by the Assembly and Senate Legislative Ethics Committees include information on policies against harassment, including sexual harassment.

An act to amend Section 8956 of the Government Code, relating to legislative ethics.

 AB 2164 (Cooley) This bill allows a local agency to impose administrative fines immediately for certain violations attributable to illegal cultivation of cannabis.

An act to amend Section 53069.4 of the Government Code, relating to local government.

• AB 2192 (Mark Stone) Expands an open access requirement for state-funded research that currently applies only to the California Department of Public Health (DPH) to include other specified state agencies.

An act to amend Sections 13989.2, 13989.4, and 13989.6 of, and to repeal Section 13989.8 of, the Government Code, relating to state-funded research.

• AB 2196 (Cooper) Requires a an election for certain service credit made by a member of the California Public Employees' Retirement System (CalPERS) on or after January 1, 2020, to be due and payable by the member's retirement date or pre-retirement death. The member, or his or her survivor or beneficiary, must pay the remaining balance or elect an actuarial equivalent reduction (AER) of the balance.

An act to amend Sections 20776, 21037, 21039, 21050, and 21073.1 of the Government Code, relating to public employees' retirement.

• **AB 2198 (Obernolte)** This bill expands the type of expenditure data that is required to be available on the Financial Information System for California's (FIŞ-Cal) Internet Web site to include special funds.

An act to amend Section 11862 of the Government Code, relating to state government.

 AB 2225 (Limón) Requires the Secretary of State (SOS), in consultation with the California Department of Technology (CDT), to approve and adopt appropriate

SB 1227: Housing Our Students

By Sheri Bonstelle

enator Nancy Skinner's Senate Bill 1227, known as Housing Our Students, modifies the State Density Bonus law, Government Code Sections 65915-65918, to make it easier for developers to build much needed student housing, including affordable housing, for college and university students at accredited schools. This law requires cities and counties to grant a 35 percent density bonus when an applicant for a student housing development of five or more units constructs a project that will contain at least 20 percent of the units for lower-income students.

Most colleges and universities in California do not have enough on-campus or near campus housing for all of the students that need it, and that students can afford.

Most colleges and universities in California do not have enough on-campus or near campus housing for all of the students that need it, and that students can afford. UCLA is currently constructing 5,400 beds, both on-campus and in the neighborhood, to meet the increasing demand for student housing. As stated in the bill's legislative history, it is estimated that 762,585 California college students experience housing insecurity or homelessness, including 693,000 (1-in-3) students in California's community college system; 57,000 (1-in-10) students in the California State University system, and 12,585 (1-in-20) students in the University of California system. It is most difficult for community college students, where one-third experiencing housing insecurity were both working and receiving financial aid. Due to California's high land and construction costs, it is very difficult for the private market to provide student housing units that are affordable to low or moderate-income households.

The existing state Density Bonus provisions allow an applicant to obtain up to a 35 percent density bonus over existing allowed density in the zone, and other incentives, for providing a certain number of affordable housing units. However, the density bonus provisions did not account for dorm style student housing, and made it difficult for students to comply with affordable housing qualifications.

The bill makes two key revisions to the Density Bonus law. First, developments with 100 percent student housing may apply the density bonus based on the number of bedrooms or beds instead of the number of housing units. It requires that all units in the student housing development will be used exclusively for undergraduate, graduate

or professional students enrolled full time at an accredited institution of higher education. The revisions provide that the definition of a residential "unit" will also mean one rental bed and its pro rata share of associated common area facilities. This will apply whether there are rooms on a hallway, or individual rooms in larger units. It will also allow the affordable beds to be disbursed throughout a project, and not limited to rooms in the same larger unit.

Second, it permits students to submit financial aid documents as the documentation to qualify for affordable units. Unlike traditional affordable housing, identifying lower-income students eligible for student housing is difficult, because many students do not work full-time jobs and, on paper, they appear to be lower-income. The revisions provide that a student's eligibility to receive a Cal Grant shall be used to verify a student's eligibility for lower-income housing, which identifies income ceilings in statute based upon a student's household income, both for new and renewing participants. Priority will be given to lower income students experiencing homelessness.

The revisions also require that, prior to a certificate of occupancy, the developer must enter into an operating agreement or lease with one or more accredited colleges or universities, to ensure that 100 percent of the units are leased by students at qualifying schools. The implementation of the revisions to the Density Bonus law should significantly increase the amount of student housing, including affordable units, across the state.

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BONSTELLE

uniform statewide standards for the purpose of storing and recording public records in electronic media or in a cloud computing storage service, as specified.

An act to amend Section 12168.7 of the Government Code, relating to state government.

 AB 2249 (Cooley) Increases project cost limits specified in the Uniform Public Construction Cost Accounting Act (UPCCAA).

An act to amend Sections 22020, 22032, and 22034 of the Public Contract Code, relating to public contracts.

• AB 2252 (Limón) Requires the California State Library (State Library), by July 1, 2020, to create an online funding opportunity portal that provides grant seekers a central location for state grant information.

An act to amend Section 8333 of, to add Sections 8333.1 and 8333.2 to, and to repeal and add Section 8334 of, the Government Code, relating to state government

• AB 2310 (Aguiar-Curry) This bill provides greater flexibility to contracting agencies that wish to adopt member cost sharing provisions in a memorandum of understanding (MOU) by modifying California Public Employees' Retirement System (CalPERS) contract amendment procedures to accept an MOU that specifies the methodology for calculating a cost-sharing rate instead of the existing CalPERS requirement that the MOU list an exact percentage of member compensation that the members shall pay toward the current service cost of the benefits. This bill also requires the contracting agency to provide CalPERS notice of any change in cost sharing rates as calculated by the methodology by submitting a signed side letter ratified by the employee bargaining unit and the agency indicating the exact percentage at least 90 days prior to the effective date of the cost-sharing rate as set forth in the signed

An act to amend Section 20516 of the Government Code, relating to public employees' retirement.

• AB 2350 (Obernolte) Gives the State Controller continuous appropriation authority to make payments from the Interest on Lawyers' Trust Accounts (IOLTA) Claims Reserve Subaccount, and codifies the Controller's use of the Franchise Tax Board Offset Account.

An act to amend Section 1564.5 of the Code of Civil Procedure, and to add Section 16378 to the Government Code, relating to unclaimed property, and making an appropriation therefore.

• AB 2396 (Bigelow) This bill exempts an employee or state officer of a district agricultural association (DAA) from a current conflict of interest prohibition for purposes of contracting with another DAA if approved by the DAA Board of Directors.

An act to add Section 10413 to the Public Contract Code, relating to public contracting.

• AB 2415 (Calderon) Adds the positions of a chief operating officer (COO) and a chief health director (CHD) to the list of existing positions for which the California Public Employees' Retirement System (CalPERS) Board of Administration has compensation-setting authority, and limits the amount of increased salary an incumbent in either of these positions could receive.

An act to amend Section 20098 of the Government Code, relating to public employees' retirement.

• **AB 2456 (Bloom)** This bill authorizes the California Arts Council (CAC) to appoint peer review panels and authorizes members of those panels to, at the discretion of CAC, receive a per diem, an honorarium, and reimbursement for expenses.

An act to amend Section 8753 of the Government Code, relating to state government.

• AB 2543 (Eggman) This bill requires each state agency or department authorized to undertake any infrastructure project costing \$100 million or more to post on its Internet Web site any change in the cost or schedule of the project that will result in the project exceeding its established budget by 10 percent or more, or being delayed 12 months or longer.

An act to add Section 11093.7 to the Government Code, relating to state government.

• AB 2598 (Quirk) Increases the fine amounts that counties and cities may assess for violations of their building and safety codes, and creates a new fine for specified violations of building and safety codes on commercial property.

An act to amend Sections 25132 and 36900 of the Government Code, relating to local government.

• AB 2667 (Cooley) This bill requires that any construction, restoration, rehabilitation, renovation or reconstruction of the State Capitol Building Annex (Annex) incorporate elements complementary to the historic State Capitol.

An act to add Section 9105.5 to the Government Code, relating to state government.

• AB 2687 (Quirk-Silva) Integrates the Small Business Advocate (Advocate) within the state's existing disaster preparedness, response, and recovery activities and updates the role of the Advocate within the small business procurement and regulatory assistance activities.

An act to amend Sections 12098, 12098.3, 12098.4, and 12098.5 of, and to repeal Sections 12098.8 and 12098.9 of, the Government Code, relating to small business advocacy.

• AB 2696 (Rodriguez) Clarifies the calculation of employer penalties to be paid to the California Public Employees' Retirement System (CalPERS) for violating the 960-hour per fiscal year limit on out-of-class appointments.

An act to amend Section 20480 of the Government Code, relating to public employee retirement, and making an appropriation therefor

• AB 2762 (Carrillo) Increases the maximum value of a small business procurement preference used by a local agency when awarding a contract based on the lowest responsible bidder from 5% to 7% and sets a maximum financial value of \$150,000, as specified.

An act to amend Section 2002 of, and to add and repeal Section 2003 of, the Public Contract Code, relating to public contracts.

• AB 2764 (Chau) This bill requires that contracts entered into by the California Department of Technology (CDT) are subject to the same anti-discrimination prohibitions, certifications, and restrictions that currently apply to contracts approved by the Department of General Services (DGS).

An act to amend Section 10430 of the Public Contract Code, relating to public contracts.

• AB 2777 (Daly) This bill extends, until January 1, 2022, the sunset date in existing law authorizing the use of transportation network companies (TNCs) or short-term rentals for state employees traveling on official state business.

An act to amend Section 19822.4 of the Government Code, relating to public employment.

 AB 2822 (Obernolte) Allows the California State Auditor (Auditor) to review publicly available information when identifying local government agencies that are high risk under the Auditor's high-risk local government agency audit program (program).

An act to amend Section 8546.10 of the Government Code, relating to state government.

• AB 2898 (Gloria) Requires a governing body of a local agency to review the need for continuing a local emergency pursuant to the California Emergency Services Act every 60 days, instead of every 30 days.

An act to amend Section 8630 of the Government Code, relating to emergency services.

• AB 2958 (Quirk) This bill, for a state body that is an advisory board, advisory commission, advisory committee, advisory subcommittee, or similar multimember advisory body, would authorize an additional way of holding a meeting by teleconference, as prescribed, provided it also complies with all other applicable requirements of the Bagley-Keene Open Meeting Act (Bagley-Keene).

An act to add Section 11123.5 to the Government Code, relating to state government.

• AB 2969 (Low) This bill requires the Governor to annually proclaim the month of June as Lesbian, Gay, Bisexual, and Transgender (LGBT) Pride Month.

An act to add Section 6728 to the Government Code, relating to LGBT Pride Month.

• AB 2973 (Gray) Allows a 24-month extension for unexpired subdivision maps that relate to the construction of single or multifamily housing, in jurisdictions that meet certain criteria.

An act to amend Section 65961 of, and to add Section 66452.26 to, the Government Code, relating to land use.

• AB 3002 (Grayson) In order to promote compliance with the Americans with Disabilities Act (ADA) and the Unruh Civil Rights Act, including by increasing awareness about the Certified Access Specialist (CASp) Program, requires that additional information about construction-related accessibility laws and how to comply with those laws is provided to applicants for business licenses and building permits.

An act to add Section 4469.5 to the Government Code, relating to disability access.

• AB 3133 (Berman) Requires the Secretary of the Natural Resources Agency (NRA) to be a member of the State Public Works Board (Board) for matters related to the acquisition of properties or construction of projects for any programs under the jurisdiction of the NRA.

An act to amend Section 15770 of, and to add Section 15770.3 to, the Government Code, relating to state government.

• AB 3254 (Committee on Local Government) This bill makes several non-controversial changes to the local agency formation commission (LAFCO) statutes, which govern local government organization and reorganization.

An act to amend Sections 56015, 56046, 56133.5, 56157, 56332, 56375, 56652, 56668, 56856.5, 57025, and 57026, of, to add Section 56079.5 to, and to amend and renumber Section 56880 of, the Government Code, relating to local government.

• AB 3256 (Committee on Arts, Entertainment, Sports, Tourism, and Internet Media) This bill makes various changes to the Government Code intended clarify the role and responsibilities of the California Film Commission (Commission) and updates the law to replace various references to "motion picture and television filming" and "motion picture" related to

the Commission with a reference to "media production", as defined.

An act to amend Sections 14998, 14998.2, 14998.3, 14998.4, 14998.5, 14998.55, 14998.7, 14998.8, 14998.9, 14998.10, 14998.11, 14998.12, 14998.13, 14999.20, 14999.21, 14999.31, 14999.32, 14999.33, 14999.35, 14999.50, and 14999.55 of, and to repeal Section 14998.6 of, the Government Code, relating to state government.

• SB 419 (Portantino) This bill prohibits the California State Senate and Assembly from discharging, expelling, or otherwise discriminating against a legislative advocate or legislative employee because that person has opposed any practices forbidden by California Fair Employment and Housing Act (FEHA) or actionable under Section 51 or 51.9 of the Civil Code. This bill prohibits the California State Senate and Assembly from discharging, expelling, or otherwise discriminating against a legislative advocate or legislative employee because that person filed a harassment complaint, testified regarding harassment or assisted in any proceeding related to a harassment complaint made under FEHA or Section 51 or 51.9 of the Civil Code. This bill further requires the California Senate and Assembly to keep a record of each discriminatory harassment complaint for at least 12 years after the complaint is made. This is an urgency measure.

An act to amend Section 9149.32 of, and to add Article 12 (commencing with Section 9149.38) to Chapter 1.5 of Part 1 of Division 2 of Title 2 of, the Government Code, relating to the Legislature, and declaring the urgency thereof, to take effect immediately.

• SB 635 (Hueso) This bill authorizes the Governor's Office of Economic Development (GO-Biz) to develop content for public dissemination to provide information and resources informing the general public about place-based and other geographically targeted economic development programs, including, but not limited to, California Promise Zones (PZs) and California Opportunity Zones (OZs) and requires GOBiz to convene representatives from various programs and agencies across the state and from various federal programs and agencies to discuss how California can leverage PZs and OZs to meet state and local community and economic development needs.

An act to add Article 4.6 (commencing with Section 12097.5) to Chapter 1.6 of Part 2 of Division 3 of Title 2 of the Government Code, relating to economic development.

• SB 765 (Wiener) This bill makes various changes to SB 35 (Wiener, Chapter 366, Statutes of 2017), which established a streamlined process for approving local housing developments that meet specified standards, and to AB 932 (Ting, Chapter 786, Statutes of 2017), which amended the Shelter Crisis Act to authorize emergency housing, upon declaration of a shelter crisis by specified cities and counties, to include homeless shelters.

An act to amend Sections 8698.4 and 65913.4 of the Government Code, relating to housing.

• SB 828 (Wiener) This bill makes a number of changes to the regional housing needs allocation (RHNA) process.

An act to amend Sections 65584, 65584.01, and 65584.04 of the Government Code, relating to land use.

• SB 840 (Mitchell) This bill expresses the intent of the Legislature to enact statutory changes, relating to the Budget Act of 2018.

An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of Section 12 of Article IV of the Constitution of the State of California, relating to the state budget, to take effect immediately, budget bill.

• SB 841 (Committee on Budget and Fiscal Review) This bill makes supplemental appropriations to the Budget Act of 2017. Specifically, this bill appropriates \$830,532,000 General Fund to the Department of Health Care Services, \$59,983,000 General Fund to the California Department of Corrections & Rehabilitation, and \$7,911 General Fund to reimburse a qualified county for costs of a homicide trial.

An act to amend the Budget Act of 2017 (Chapter 14 of the Statutes of 2017) by augmenting Item 9840-001-0001 of Section 2.00 of that act, relating to the state budget, and making an appropriation therefor, to take effect immediately, budget bill.

• SB 846 (Committee on Budget and Fiscal Review) This bill makes changes and technical corrections associated with the public employment provisions adopted as part of the Budget Act of 2018.

An act to amend Sections 1159, 19230, 19232, 19236, 19237, and 31552.5 of the Government Code, to amend Section 101853.1 of the Health and Safety Code, and to add Section 10298.1 to the Public Contract Code, relating to employment, and making an appropriation therefor, to take effect immediately, bill related to the budget.

 SB 847 (Committee on Budget and Fiscal Review) This bill provides for statutory changes to enact the courts-related provisions of the Budget Act of 2018.

An act to amend Section 384 of, to add Sections 382.4 and 384.5 to, the Code of Civil Procedure, to amend Sections 69104, 69592, 70371.7, 70602.6, 70616, 70617, 70657, 70662, and 70677 of, and to add Sections 68520 and 70371.9 to, the Government Code, and to add and repeal Chapter 1.5 (commencing with Section 40280) of Division 17 of the Vehicle Code, relating to courts, and making an appropriation therefor, to take effect immediately, bill related to the budget.

• SB 850 (Committee on Budget and Fiscal Review) This bill makes a number of statutory changes necessary to implement the housing provisions of the Budget Act of 2018.

An act to amend Section 65913.4 of the Government Code, to add Sections 50472 and 50717 to, to add Chapter 5 (commencing with Section 50210) to Part 1 of Division 31 of, to add Chapter 2.8 (commencing with Section 50490) to Part 2 of Division 31 of, and to add and repeal Section 50710.3 of, the Health and Safety Code, to amend Section 8257 of the Welfare and Institutions Code, and to amend the Budget Act of 2016 (Chapter 23 of the Statutes of 2016) by amending Item 2240-105-0001 of Section 2.00 of that act, relating to housing, and making an appropriation therefor, to take effect immediately, bill related to the budget.

• SB 852 (Committee on Budget and Fiscal Review) Provides legislative ratification of the memorandum of understanding (MOU) agreed to by the state and Bargaining Unit (BU) 6. Specifically, this bill ratifies the MOU for BU 6 – Corrections, represented by Corrections California Correctional Peace Officers Association.

An act to amend Sections 19829.9846 and 19829.9847 of the Government Code, relating to state public employment, and making an appropriation therefor, to take effect immediately, bill related to the budget.

• SB 853 (Committee on Budget and Fiscal Review) This bill is the omnibus developmental services trailer bill, and contains changes to implement the Bud-

get Act of 2018.

An act to amend Sections 4418.7, 4514, 4685.8, 4690.2, and 7502.5 of the Welfare and Institutions Code, relating to developmental services, and making an appropriation therefor, to take effect immediately, bill related to the budget.

• SB 862 (Committee on Budget and Fiscal Review) This bill makes changes and corrections to provisional language and appropriations in the Budget Act of 2018.

An act to amend the Budget Act of 2018 (Chapters 29 and 30 of the Statutes of 2018) by amending Items 0250-001-0932, 0250-101-0932, 0509-001-0001, 0540-001-6076, 0650-001-0001, 0690-101-0001, 0820-001-0001, 0890-101-0001, 2740-001-0044, 3340-001-0318, 3540-001-0140, 3760-101-3228, 3940-001-0001, 3940-101-0001, 5180-101-0001, 5180-151-0001, 6100-001-0890, 6100-119-0890, 6100-134-0890, 6100-136-0890, 6100-137-0890, 6100-194-0890, 6100-197-0890, 6100-295-0001, 6100-485, 6100-488, 6120-011-0001, 6440-001-0001, 6870-295-0001, 8570-001-0001, and 8660-101-0493 of, and adding Items 3760-490, 3900-011-3119, 3940-002-0001, 6120-140-0001, 6120-141-0001, and 8660-495 to, Section 2.00 of, and amending Section 39.00 of, that act, relating to the state budget, and making an appropriation therefor, to take effect immediately, budget bill.

• SB 867 (Committee on Budget and Fiscal Review) This bill is the legislative workplace conduct trailer bill.

An act to add Section 10249 to the Government Code, relating to the Legislative Counsel Bureau, and making an appropriation therefor, to take effect immediately, bill related to the budget.

• SB 873 (Committee on Budget and Fiscal Review) This bill provides for the legislative ratification of the memoranda of understanding (MOUs) for Bargaining Units (BU) 9 (Professional Engineers) and 10 (Professional Scientists). These agreements impact approximately 10,782 fulltime equivalent employees in BU 9, and 3,304 full-time equivalent employees in BU 10.

An act to amend Sections 19829,9847, 19829,9848, and 22944.5 of, and to add Sections 20683.6, 20683.61, 20683.62, 20683.7, 20683.71, 20683.72, and 22958.1.7 to, the Government Code, relating to state public employment, and making an appropriation therefor, to take effect immediately, bill related to the budget.

• SB 877 (Committee on Budget and Fiscal Review) This bill makes statutory changes necessary to implement the Budget Act of 2018. Specifically, this bill makes changes that impact the Department of Housing and Urban Development, the Department of Transportation, the Government Operations Agency, and local transit agencies.

An act to add Section 53600 to the Health and Safety Code, to amend Sections 1771.1 and 1773.3 of the Labor Code, and to add Chapter 11 (commencing with Section 19150) to Part 2 of Division 2 of the Public Contract Code, and to amend Section 2 of Chapter 527 of the Statutes of 2013, relating to state government, and making an appropriation therefor, to take effect immediately, bill related to the budget.

• SB 929 (McGuire) This bill requires all independent special districts, with certain exceptions, to maintain a Web site by January 1, 2020.

An act to add Sections 6270.6 and 53087.8 to the Government Code, relating to special districts.

SB 942 (Lara) This bill, an urgency measure, appropriates \$8,383.98 to the Department of General Ser-

vices (DGS) for the payment of six government claims.

An act relating to state claims, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

• SB 946 (Lara) This bill establishes requirements for local regulation of sidewalk vendors.

An act to add Chapter 6.2 (commencing with Section 51036) to Part 1 of Division 1 of Title 5 of the Government Code, relating to sidewalk vendors.

• SB 964 (Allen) Requires the California Public Employees' Retirement System (CalPERS) and California State Teachers' Retirement System (CalSTRS) to analyze climate-related financial risk to the extent that the respective pension boards identify climate-related financial risk as a material risk to their respective funds

An act to add and repeal Section 7510.5 of the Government Code, relating to public retirement systems.

• SB 961 (Allen) This bill enacts the Second Neighborhood Infill Finance and Transit Improvements Act (NIFTI-2), which allows certain enhanced infrastructure financing districts (EIFDs) to issue debt for affordable housing near transit without voter approval.

An act to amend Section 53398.69 of, and to add Sections 53398.75.7 and 65040.15 to, the Government Code, relating to local government.

• SB 978 (Bradford) Requires, commencing January 1, 2020 the Commission on Peace Officer Standards and Training (POST) and each local law enforcement agency to conspicuously post on their Internet websites all current standards, policies, practices, operating procedures, and education and training materials that would otherwise be available if a request was made pursuant California Public Records (CPRA), and makes Legislative findings and declarations.

An act to add Title 4.7 (commencing with Section 13650) to Part 4 of the Penal Code, relating to law enforcement.

• SB 1022 (Pan) This bill permits California Public Employees' Retirement System (CalPERS) contracting agencies to more rapidly terminate a contract with CalPERS and pay associated termination fees in order to limit ongoing pension liability; requires terminating agencies to notify past and present employees and retirees in writing of the intent to terminate the contract; and authorizes CalPERS to share member and annuitant data with the contracting agencies to fulfill the agencies' obligation to notify their past and present employees and retirees.

An act to amend Sections 20230, 20570, and 20571 of the Government Code, relating to public employees' retirement.

• SB 1035 (Jackson) This bill requires climate adaptation and resiliency information contained in a general plan to be regularly updated.

An act to amend Section 65302 of the Government Code, relating to land use.

• SB 1053 (Beall) This bill provides that the procedures authorized to be prescribed by Section 935 of the Government Code relating to claims for money or damages against local public entities do not apply to claims of childhood sexual abuse made as described in Section 905(m) of the Government Code.

An act to amend Section 935 of the Government Code, relating to government claims.

• SB 1078 (Committee on Transportation and Housing) This bill makes non-controversial and technical changes to sections of law relating to housing.

An act to amend Section 798.29 of the Civil Code, to amend Sections 53398.52, 65583.2, 65584.01, and 65588 of the Government Code, and to amend Sections 18150, 18151, 18152, 18153, 18253.5, 51005, and 115927 of the Health and Safety Code, relating to housing.

• SB 1144 (Dodd) Provides a Bargaining Unit 8 (BU) state firefighter who is on Enhanced Industrial Disability Leave (EIDL) with any pay raises received by active state firefighters.

An act to amend Section 19871.3 of the Government Code, relating to public employment.

• SB 1145 (Leyva) This bill authorizes enhanced infrastructure financing districts to fund maintenance of public capital facilities on a pay-as-you-go basis.

An act to amend Section 53398.52 of the Government Code, relating to local government.

• SB 1162 (Pan) Removes a parcel located at 1619 N Street in the City of Sacramento (City) from the area subject to height restrictions established in the Capitol View Protection Act (Act) of 1992 and, instead, designates Matsui Alley as the southern boundary of the area.

An act to amend Section 8162.7 of the Government Code, relating to state government.

• SB 1163 (Galgiani) This bill places new requirements on local governments when performing an autopsy or post mortem examination upon an unidentified body or human remains.

An act to amend Section 27521 of the Government Code, relating to autopsies.

• SB 1195 (Portantino) This bill permits the Peace Officers Research Association of California (PORAC) Insurance and Benefits Trust to offer regional health benefit plans with varying premiums, as specified.

An act to amend Section 22850 of the Government Code, relating to public employee benefits.

• SB 1202 (Stone) Requires local governments that have not completed a required report on mitigation fees for three consecutive years to pay the costs of requested audits of their Mitigation Fee funds.

An act to amend Section 66023 of the Government Code, relating to land use.

• SB 1227 (Skinner) This bill requires cities and counties to grant a density bonus when an applicant for a housing development of five or more units seeks and agrees to construct a project that will contain at least 20% of the total units for lower-income students in a student housing development, as specified.

An act to amend Section 65915 of the Government Code, relating to housing.

• SB 1244 (Wieckowski) This bill replaces the term "plaintiff" with the term "requester" in Government Code Section 6259(d) to clarify that the court shall award court costs and reasonable attorney's fees to the requester should the requester prevail in litigation filed pursuant to this section and to clarify that the court shall award court costs and reasonable attorney fees to the public agency if the court finds that the requester's case is clearly frivolous.

An act to amend Section 6259 of the Government Code, relating to public records.

• SB 1270 (Vidak) This bill authorizes any county board of retirement, as specified, to appoint at-will assistant administrators and chief investment officers provided the board of supervisors approves and adopts a resolution by majority vote.

An act to amend Section 31522.3 of the Government Code, relating to county employees' retirement.

SB 1053: Helping child sexual abuse victims achieve justice

By Luis Carrillo and Michael Carrillo

he passage of Senate Bill 1053 is viewed as a tremendous achievement by many child advocate organizations who applaud California for recognizing how much of a traumatic impact sex abuse can be on children. The bill was passed as a clarification of the Legislature's intent to exempt child sexual abuse victims from the six-month claims process for public entities. The law addresses child sexual assault in the public sector and provides clarity concerning civil actions against abusers and those institutions who protect abusers. Many have sought the clarification that now explicitly marks the legislation.

SB 1053 was passed directly in response to *Big Oak Flat-Groveland Unified School Dist. v. Superior Court* (2018). In that case the 5th District Court of Appeal held that local school districts could enact claim presentation rules requiring claims of child sexual abuse be filed with the local district within six months. Lawyers throughout California then lobbied the Legislature for the passage of SB 1053.

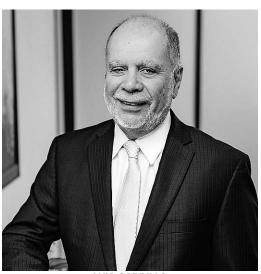
Previously, SB 640, a 2008 bill, had required victims of sexual abuse committed by employees of schools or other public entities to file a written notice within six months of the incident. SB 640 exempted child victims of sexual abuse due to the fact that victims can take years to come forward and speak about their abuse. Despite the passing of this bill, some school districts continued to challenge the law by requiring abuse victims to file a claim within a six-month period. This can be very difficult for vic-

tims who have suffered because of the emotional and physical trauma they have encountered. Often times, victims prefer not to talk about it, and they might not inform adults right away. In fact, it could take many years for the person to come to terms that they had been abused even sometimes into adulthood.

Unfortunately, stories of children being sexually abused continue making headlines. School districts have been caught trying to protect their employees, as seen in sex abuse cases in school districts across the state. It's clear that this problem of covering up for serial sexual predators will continue unless victims are given the ability to seek recourse for those that enabled this conduct. No child should be silenced because they couldn't speak up within an imposed six-month timeframe. Schools chose to ignore the red flags and protect predators instead of doing the right thing and protect their students. With the passing of SB 1053, we're sure that California is headed in the right direction when it comes to helping our children achieve the justice they deserve.

Luis Carrillo is the managing partner of the Carrillo Law Firm, LLP where he has spent decades fighting on behalf of members of the underserved Latino community. His practice areas include child sex abuse, teacher abuse, clergy abuse, police misconduct and civil rights litigation.

Michael Carrillo is an attorney with Carrillo Law Firm, LLP. His practice focuses on child sex abuse, teacher sexual abuse, assault, youth organization abuse and civil rights abuse.







MIKE CARRILLO

• SB 1289 (Committee on Judiciary) This bill makes numerous technical changes in the California codes that have been recommended by the Office of Legislative Counsel. The proposed changes do not make any substantive change in the law.

An act to amend Sections 2894, 3502.1.5, 4301, 6081, 7500.3, 7521, 7538.5, 7539, 7639.08, 7685.2, 10145, 19239, 19245, 19250, 25682, 26001, 26013, 26051, 26055, 26057, 26060, 26060.1, 26067, 26068, 26070.5, 26110, 26152, 26211, and 26231 of, to amend the heading of Article 9 (commencing with Section 19285) of Chapter 3.1 of Division 8 of, to amend the heading of Chapter 5 (commencing with Section 22980) of Division 8.6 of, and to repeal Section 7530 of, the Business and Professions Code, to amend Sections 846, 945, 1550.5, 1798.25, 1938, and 4615 of the Civil Code, to amend Sections 38, 77, 116.221, 1159, 1160, 2016.080, 2034.260, and 2093 of the Code of Civil Procedure, to amend Sections 1401.5 and 12317 of the Corporations Code, to amend Sections 35330, 44010, 44225, 44978.2, 46601, 48204.4, 51422, 54444.2, 84750.7, 87623, and 88912 of the Education Code, to amend Sections 10, 9067, 9111, 9287, 9310, 9503, and 21551 of, and to amend and renumber Section 14228 of, the Elections Code, to amend Sections 22681, 22686, and 22687 of the Financial Code, to amend Section 2080.1 of the Fish and Game Code, to amend Sections 224, 4051, 11792, 14649, 35016, 35221, 54291, 79163, 79187, and 79851 of the Food and Agricultural Code, to amend Sections 915, 946.6, 955.9, 1001, 6253.2, 6253.4, 6254.3, 6268, 8670.32, 9147.7, 9605, 12012.81, 12583, 12993, 14670.35, 14838, 15827, 15830, 15831, 15832, 15841, 16500.5, 20351, 20636, 20636.1, 20825, 22874.3, 22958.1, 31855.3, 53630.5, 65589.5, 65621, 65623, 65624, 65863.11, 65913.4, 66201, 68514, 68803, 69141, 76000.10, 84504.2, 84504.3, 84504.5, 84602.3, and 100002 of, to amend the heading of Chapter 11 (commencing with Section 3550) of Division 4 of Title 1 of, and to amend and renumber Section 12012.91 of, the Government Code, to amend Sections 1336.3, 1367.04, 1367.042, 1373.96, 1569.699, 1788, 7000, 7103, 7117, 11361.5, 11362.4, 25507, 42402, 44361, 50710.1, 100851, 100852, 103055, 103780, 111175, 111190, 116277, and 116625 of the Health and Safety Code, to amend Sections 1063.2, 10133.8, 10133.11, and 10493 of the Insurance Code, to amend Sections 1684, 1697.5, and 1720 of the Labor Code, to amend Sections 232, 435, and 1451 of the Military and Veterans Code, to amend Sections 831.4, 1202.4, 2808, 5075, 11105, and 31630 of, and to amend and renumber Section 29581 of, the Penal Code, to amend Section 2356.5 of the Probate Code, to amend Section 3501 of the Public Contract Code, to amend Section 14571.9 of the Public Resources Code, to amend Sections 454.52, 2836.7, 99313, 99314, 99314.1, 99314.2, 103326, 120102.5, 132354.1, and 132656 of the Public Utilities Code, to amend Sections 259.15, 721.5, 7102, 7285.91, 7653.2, 11053, 17039, 17062, 17063, 17132.11, 17276, 17736, 18152, 23802, 34010, 34011, 34018, and 60050 of, and to repeal Sections 17750 and 19133.5 of, the Revenue and Taxation Code, to amend Sections 155.7, 2032, 30911, and 30914.7 of the Streets and Highways Code, to amend Sections 545, 1808.1, 22508.5, 25258, 34687, and 34692 of the Vehicle Code, to amend Sections 189.3, 1825, 7049, 13276, 31142.50, and 71611.5 of the Water Code, to amend Sections 727, 4418.25, 4648, 4677, 4698, 5270.15, 5328, 5835.3, 6509, 7502.5, 10951.5, 11323.4, 11403.05, 11403.2, 14029.91, 14029.92, 14132.100, 14132.97, 14197, 14727, and 16501 of the Welfare and Institutions Code, to amend Sections 201, 409, and 801 of the San Joaquin River Exchange Contractors Groundwater Sustainability Agency Act (Chapter 357 of the Statutes of 2017), to amend Section 1 of Chapter 479 of the Statutes of 2017, and to amend

Section 29 of the Santa Clarita Valley Water Agency Act (Chapter 833 of the Statutes of 2017), relating to the maintenance of the codes.

• SB 1293 (Lara) This bill authorizes the California State Auditor (Auditor), after first notifying the Joint Legislative Audit Committee (JLAC), to conduct initial assessments when determining if an entity is high risk under the Auditor's high risk local government agency audit program (program).

An act to amend Section 8546.10 of the Government Code, relating to state government.

• SB 1300 (Jackson) This bill addresses the severe or pervasive standard for litigating sexual harassment claims and prohibits employers from requiring employees to sign a release of claims under the Fair Employment and Housing Act in exchange for a raise or as a condition of employment.

An act to amend Sections 12940 and 12965 of, and to add Sections 12923, 12950.2, and 12964.5 to, the Government Code, relating to employment.

• SB 1312 (Jackson) This bill extends eligibility for an existing benefit – "disabled veteran sick leave" – to all eligible disabled veterans serving in state employment regardless of date of hire. (Currently, the benefit is provided only to new hires.)

An act to amend Section 19859 of the Government Code, relating to public employment.

SB 1320 (Stern) Allows victims of elder or dependent adult abuse, as defined, to participate in the Secretary of State's Safe at Home address confidentiality program.

An act to amend Sections 6205, 6205.5, 6206, 6208.5, 6209.5, and 6209.7 of the Government Code, relating to elder or dependent adult abuse.

• SB 1333 (Wieckowski) This bill applies specified provisions in the Government Code pertaining to local planning and zoning requirements to charter cities.

An act to amend Sections 65356, 65700, 65852.150, 65852.25, 65860, 65863, 65863.4, 65863.6, 65867.5, and 65869.5 of the Government Code, relating to land use.

• SB 1343 (Mitchell) This bill reduces the sexual harassment training requirement threshold from employers with 50 or more employees to employers with five or more employees, include non-supervisorial employees in the training, and requires that the Department of Fair Employment and Housing develop an online training course and make it available on the Department's Web site.

An act to amend Sections 12950 and 12950.1 of the Government Code, relating to employment.

• SB 1413 (Nielsen) This bill establishes the California Employers' Pension Prefunding Trust Fund (CEPPTF) for the purpose of allowing state and local public agency employers that provide a defined benefit pension plan to prefund their required pension contributions.

An act to add Chapter 19 (commencing with Section 21710) to Part 3 of Division 5 of Title 2 of the Government Code, relating to public employees' retirement, and making an appropriation therefor.

• SB 1496 (Committee on Governance and Finance) This bill enacts the Second Validating Act of 2018, which validates the organization, boundaries, acts, and bonds of state and local agencies.

An act to validate the organization, boundaries, acts, proceedings, and bonds of public bodies, and to pro-

vide limitations of time in which actions may be commenced, and declaring the urgency thereof, to take effect immediately.

• SB 1497 (Committee on Governance and Finance) This bill enacts the First Validating Act of 2018, which validates the organization, boundaries, acts, and bonds of state and local agencies.

An act to validate the organization, boundaries, acts, proceedings, and bonds of public bodies, and to provide limitations of time in which actions may be commenced, and declaring the urgency thereof, to take effect immediately.

• SB 1498 (Committee on Governance and Finance) This bill proposes several minor changes to state laws governing local governments' powers and duties.

An act to amend Sections 12463.1, 25502.5, 27230, 27263, 27293, 27294, 27320, 27321, 27322.3, 27323, 27327, 27329, 27397, 34090, 34093, 34852, 34855, 34857, 36522, 36802, 37107, 37547, 37607, 37683, 38400, 38406, 38741, 38780, 38782, 39501, 39560, 39564, 39573, 39574, 39901, 40537, 40538, 40539, 40603, 40604, 40804, 40806, 40812, 40813, 40814, 41204, 41205, 41602, 41603, 41605, 41608, 41609, 41610, 41611, 41803.7, 43625, 43626, 53343.2, 53398.60, 53398.61, 53398.75, and 54930 of the Government Code, to amend Section 469 of the Revenue and Taxation Code, and to repeal Section 36626 of the Streets and Highways Code, relating to local government.

• SB 1499 (Committee on Governance and Finance) This bill enacts the Third Validating Act of 2018, which validates the organization, boundaries, acts, and bonds of state and local agencies.

An act to validate the organization, boundaries, acts, proceedings, and bonds of public bodies, and to provide limitations of time in which actions may be commenced.

• SB 1504 (Committee on Public Employment and Retirement) This bill makes technical, non-controversial changes to several code provisions to update references from the Department of Personnel Administration (DPA) to the California Department of Human Resources (CalHR). This bill also makes technical changes to the Savings Plus Program to conform to federal tax law.

An act to amend Section 19218 of the Food and Agricultural Code, to amend Sections 6276.14, 6276.34, 19993, 19993.05, 19995.4, 19999.5, 20677.5, 20677.6, 20677.7, 20677.71, 20677.8, 20677.9, 20677.91, 20677.95, 20681, and 22877 of the Government Code, to amend Section 12693.63 of the Insurance Code, to amend Sections 201 and 202 of the Labor Code, to amend Section 13600 of the Penal Code, and to amend Section 14021.31 of the Welfare and Institutions Code, relating to state employment.

• SB 1505 (Committee on Governmental Organization) This bill requires that when the Department of General Services (DGS) grants an exemption to the requirement that state contracts be advertised, that the exemption be posted utilizing the Financial Information System for California (FI\$Cal); eliminates the requirement that both DGS and the Department of Technology (CDT) report to the Legislature on CDT's negotiation process, while still requiring CDT to do so; and requires that when any bidder requests notice of the proposed award, that the notice be posted in a public place at the awarding agency's own office or on the agency's Internet Web site.

An act to amend Section 14827.3 of the Government Code, and to amend Sections 6611 and 10306 of the

Public Contract Code, relating to public contracts.

• SB 1509 (Committee on Governance and Finance) This bill exempts from the Administrative Procedure Act (APA) agreements the State Treasurer enters into in connection with the sale or administration of any evidence of indebtedness.

An act to amend Section 5703 of the Government Code, relating to state finance.

HEALTHCARE

 AB 93 (Medina) Revises and recasts numerous provisions of law regarding applications to the Board of Behavioral Sciences (BBS) for licensure as a Licensed Marriage and Family Therapist (LMFT), Licensed Clinical Social Worker (LCSW), and a Licensed Professional Clinical Counselor (LPCC).

An act to amend Sections 728, 2290.5, 4980.01, 4980.03, 4980.35, 4980.397, 4980.399, 4980.40, 4980.42, 4980.43, 4980.44, 4980.50, 4980.78, 4980.79, 4982, 4982.15, 4984.01, 4984.7, 4992.05, 4992.09, 4992.3, 4996.17, 4996.18, 4996.23, 4999.12, 4999.36, 4999.50, 4999.51, 4999.52, 4999.55, 4999.62, 4999.63, and 4999.90 of, to amend and renumber Section 4980.45 of, to add Sections 4980.43.1, 4980.43.2, 4980.43.3, 4980.43.5, 4996.20, 4996.21, 4996.23.1, 4996.23.2, 4996.23.3, 4999.46.1, 4999.46.2, 4999.46.3, 4999.46.4, and 4999.46.5 to, and to repeal Sections 4996.24, 4999.34, 4999.44, 4999.45, 4999.455, and 4999.47 of, the Business and Professions Code, and to amend Section 124260 of the Health and Safety Code, relating to healing arts.

• AB 315 (Wood) Requires pharmacy benefit managers (PBMs) to register with the Department of Managed Health Care (DMHC), to exercise good faith and fair dealing, and to disclose, upon a purchaser's request, information with respect to prescription product benefits, as specified. Requires DMHC to convene a Task Force on PBM Reporting to determine what information related to pharmaceutical costs, if any, it should require to be reported by health care service plans (health plan) or their contracted PBMs. Establishes a pilot project in Riverside and Sonoma Counties to assess the impact of health plan and PBM prohibitions that prohibit the dispensing of certain amounts of prescription drugs by network retail pharmacies.

An act to add Sections 4079.5 and 4441 to the Business and Professions Code, and to add Article 6.1 (commencing with Section 1385.001) to Chapter 2.2 of Division 2 of, to add and repeal Section 1368.6 of, and to repeal Section 1385.007 of, the Health and Safety Code, relating to pharmacy benefit management.

• AB 349 (McCarty) Grants permanent authority for the Department of Health Care Services (DHCS) to annually establish and update the statewide maximum allowable reimbursement rates for Drug Medi-Cal (DMC) by means of bulletins or similar instructions. Authorizes DHCS to annually establish and update the DMC statewide maximum allowable reimbursement rates by means of bulletins or similar instructions without being required to adopt regulations until July 1, 2020.

An act to amend Section 14021.6 of the Welfare and Institutions Code, relating to Medi-Cal.

• AB 456 (Thurmond) Authorizes an applicant for registration with the Board of Behavioral Sciences (BBS) as an Associate Clinical Social Worker (ACSW), to acquire supervised experience hours within 90 days of obtaining a qualified degree as long as the BBS re-



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SB 1300: #MeToo movement fuels legislative change

By Karen Corman, Ryne Posey and Daniel Rodriguez

rmed with public support, California legislators spent much of 2018 drafting legislation to prevent and combat sexual harassment in the workplace. Senate Bill 1300, for example, took effect Jan. 1 and contains numerous substantive changes for how harassment-related claims are litigated and resolved.

First, SB 1300 makes it an unlawful employment practice for an employer, in exchange for a raise or bonus, or as a condition of employment or continued employment, to (1) require an employee to sign a release of a claim or right under California's Fair Employment and Housing Act or (2) require an employee to sign a nondisparagement agreement or other document that purports to deny the employee the right to disclose information about unlawful or potentially unlawful acts in the workplace. Negotiated settlement agreements, however, are exempt from these prohibitions if they resolve an underlying FEHA claim.

Second, SB 1300 lays out the Legislature's intent to affirm or reject the holdings in certain prior federal and state court decisions involving harassment claims. The Legislature's use of a declaration of intent is unique because such declarations are not binding on the courts but are persuasive authority. As a result, the weight given to the following provisions of SB 1300 remains unclear: (1) a plaintiff need only prove that a reasonable person subjected to the discriminatory conduct would find that the harassment altered the working conditions as to make

it more difficult to do the job; (2) a single incident of harassing conduct is sufficient to create a triable issue regarding the existence of a hostile work environment; (3) discriminatory remarks unrelated to an employment decision and discriminatory remarks made by coworkers and non-decision-makers are relevant circumstantial evidence of discrimination; (4) the legal standard for sexual harassment should not vary by the type of workplace; and (5) harassment cases are rarely appropriate for disposition on summary judgment. If courts acknowledge the Legislature's intent, these provisions will make it easier for plaintiffs to bring, litigate and win harassment suits.

Third, in addition to providing an inside track for harassment plaintiffs to meet their burden of proof, SB 1300 limits an employer's ability to collect attorney's fees and costs. SB 1300 bars a prevailing defendant-employer from receiving attorney fees or costs unless the court finds that the action was "frivolous, unreasonable, or groundless when brought, or the plaintiff continued to litigate after it clearly became so." This prohibition applies notwithstanding Section 998 of the California Code of Civil Procedure.

Lastly, SB 1300 expands harassment liability for third parties to cover other forms of illegal harassment (e.g., based on race or age). This reflects the Legislature's efforts to eradicate all forms of workplace harassment and ensure accountability of employees and non-employees alike.

Karen Corman is a Labor and Employment partner at Skadden, Arps, Slate, Meagher & Flom LLP. Ryne Posey and Daniel Rodriguez are associates at the firm.

ceives the application, as specified.

An act to amend Sections 4996.18 and 4996.23 of the Business and Professions Code, relating to healing arts.

• AB 505 (Caballero) Authorizes an administrative law judge to extend the time for the exchange of information regarding the use of expert testimony in matters brought by the Medical Board of California, upon a motion based on a showing of good cause, for a period not to exceed 100 calendar days.

An act to amend Section 2334 of the Business and Professions Code, relating to healing arts.

• AB 595 (Wood) Requires prior approval by the Department of Managed Health Care (DMHC) Director for a health care service plan (health plan) that intends to merge or consolidate with, or enters into an agreement resulting in its purchase, acquisition or control by, any entity and allows the DMHC director to disapprove a transaction if the transaction would substantially lessen competition.

An act to add Article 10.2 (commencing with Section 1399.65) to Chapter 2.2 of Division 2 of the Health and Safety Code, relating to health care service plans.

• AB 605 (Mullin) Requires the Department of Social Services (DSS) to implement, through the adoption of regulations, a child care center license to serve infant, toddler, preschool, and school-age children by January 1, 2021, and requires all day care centers to possess this license by January 1, 2024.

An act to amend Sections 1596.76, 1596.955, and 1596.956 of, and to add Section 1596.951 to, the Health and Safety Code, relating to care facilities.

• AB 613 (Nazarian) Authorizes, until January 1, 2021, an unlicensed person who meets specified criteria to perform a total protein refractometer test using digital refractometer in a licensed plasma collection center in this state.

An act to add and repeal Section 1246.7 of the Business and Professions Code, relating to clinical laboratories.

• AB 1092 (Cooley) Authorizes a specialized health care service plan (health plan) that arranges for the provision of vision care services to use a statistically reliable method to investigate suspected fraud and to recover over payments made as a result of fraud, if specified requirements are met.

An act to amend Section 1371 of the Health and Safety Code, relating to health care service plans.

• AB 1436 (Levine) Requires, commencing January 1, 2021, an applicant for licensure with the Board of Behavioral Sciences (BBS) as a licensed marriage and family therapist (LMFT), licensed educational psychologist (LEP), licensed clinical social worker (LCSW), or licensed professional clinical counselor (LPCC) to show that the applicant has completed a minimum of six hours of coursework or specified supervised experience in suicide risk assessment and intervention.

An act to add Sections 4980.396, 4989.23, 4996.27, and 4999.66 to the Business and Professions Code, relating to healing arts.

• AB 1659 (Low) This bill prohibits the holder of an inactive license issued by a healing arts board from engaging in any activity for which an active license or certificate is required and from representing that he or she has an active license; and, authorizes a healing arts board to establish a lower inactive license renewal fee.

An act to amend Sections 701, 702, and 703 of the Business and Professions Code, relating to healing arts.

- AB 1785 (Nazarian) This bill requires the principal and interest of a 529 savings plan to be excluded from consideration for purposes of any asset or resources test to determine eligibility for Medi-Cal benefits for an applicant or beneficiary whose eligibility is determined using non-Modified Adjusted Gross Income-based financial methods. Requires the qualified distributions from a 529 savings account to be excluded from consideration for purposes of any income test to determine eligibility for Medi-Cal benefits for an applicant or beneficiary. An act to add Section 14005.38 to the Welfare and Institutions Code, relating to Medi-Cal.
- AB 1791 (Waldron) This bill requires the Medical Board of California (MBC), in determining its continuing education (CE) requirements for licensed physicians and surgeons, to consider including a course in integrating HIV/AIDS pre-exposure prophylaxis (PrEP) and post-exposure prophylaxis (PEP) medication maintenance and counseling in primary care settings.

An act to add Section 2191.4 to the Business and Professions Code, relating to healing arts.

• AB 1810 (Committee on Budget) This bill is the omnibus health trailer bill, and contains changes to implement the 2018-19 Budget.

An act to amend Section 16531.1 of, and to add Section 100503.3 to, the Government Code, to amend Sections 1225, 1266, 1275.3, 11364.7, 104161, 104161.1, 104162.1, and 120972 of, to amend and repeal Sections 121349, 121349.1, 121349.2, and 121349.3 of, to add Sections 105250.1, 123259, and 123260 to, to add Chapter 8.5 (commencing with Section 127671) to Part 2 of Division 107 of, and to add and repeal Part 4 (commencing with Section 1000) of Division 1 of, the Health and Safety Code, to amend Sections 1370, 1370.01, and 1372 of, and to add Chapter 2.8A (commencing with Section 1001.35) to Title 6 of Part 2 of, the Penal Code, and to amend Sections 4094 and 14149.9 of, to add Section 14197.5 to, to add Chapter 6.5 (commencing with Section 4361) to Part 3 of Division 4 of, and to repeal Section 14105.965 of, the Welfare and Institutions Code, relating to public health, and making an appropriation therefor, to take effect immediately, bill related to the

• AB 1860 (Limón) Increases the \$200 copayment and coinsurance limit to \$250 for prescribed, orally administered anticancer medications used to kill or slow the growth of cancerous cells, and deletes the sunset on the law that establishes this limit on the coinsurance and copayment amount for prescribed, orally administered anticancer medications and extends the sunset to January 1, 2024.

An act to amend Section 1367.656 of the Health and Safety Code, and to amend Section 10123.206 of the Insurance Code, relating to health care coverage.

• AB 1953 (Wood) Expands the disclosure requirements that applicants for a skilled nursing facility (SNF) license must make to the Department of Public Health (DPH) to include whether or not the applicant or a general partner, director, or officer of the applicant has an ownership or control interest of 5% or more in a corporation, sole proprietorship, or partnership that provides any service to the SNF. Requires an applicant, with such interest, to disclose all services provided to the SNF, the number of individuals who are intended to provide that service at the SNF, and any other information requested by DPH.

An act to add Section 128734 to the Health and Safety Code, relating to health care facilities.

• AB 1973 (Quirk) Specifies that, for purposes of

reporting injuries, health practitioners employed by or under contract with local government agencies are mandated reporters.

An act to amend Section 11160 of the Penal Code, relating to reporting crime.

• AB 2019 (Aguiar-Curry) Requires set-asides for affordable units when a healthcare district uses design-build to construct housing, requires healthcare districts to post additional information online, expands what healthcare districts must include in their grant policies, and requires healthcare districts to notify their local agency formation commission (LAFCO) when a district files for bankruptcy.

An act to add Section 6270.7 to the Government Code, and to amend Section 32139 of, and to add Sections 32132.96 and 32140 to, the Health and Safety Code, relating to health care districts.

• AB 2037 (Bonta) Authorizes a pharmacy to provide services through an automated patient dispensing system (APDS) to covered entity patients participating in federal drug discount programs and establishes minimum safety and security standards that must be met by pharmacies that utilize this program.

An act to add Section 4119.11 to the Business and Professions Code, relating to healing arts, and declaring the urgency thereof, to take effect immediately.

• AB 2088 (Santiago) This bill permits a minor patient, in addition to the existing ability of an adult patient, to provide a written addendum to his or her medical records if the patient believes the records to be incomplete or incorrect.

An act to amend Section 123111 of the Health and Safety Code, relating to patient records.

• AB 2193 (Maienschein) Requires a health care service plan (health plan) or insurer to develop a maternal mental health (MMH) program by July 1, 2019, and requires a licensed health care practitioner who provides prenatal or postpartum care for a patient to ensure the mother is offered screening or is appropriately screened for MMH conditions.

An act to add Section 1367.625 to, and to add Article 6 (commencing with Section 123640) to Chapter 2 of Part 2 of Division 106 to, the Health and Safety Code, and to add Section 10123.867 to the Insurance Code, relating to health care.

• AB 2204 (Gray) This bill extends the limit on the number of hours an intermittent primary care clinic can operate, from 30 to 40 hours per week, and still be exempt from licensure.

An act to amend Section 1206 of the Health and Safety Code, relating to clinics.

• AB 2221 (Bloom) Makes numerous changes to the Occupational Therapy Practice Act, including definitions relating to scope of practice of occupational therapists (OTs) and occupational therapy assistants (OTAs), supervision ratios and duties, methods the California Board of Occupational Therapy (CBOT) may verify advanced practice requirements, and requirements related to the use of doctoral degree titles.

An act to amend Sections 2570.2, 2570.3, 2570.6, 2570.7, 2570.10, 2570.14, 2570.18, 2570.185, 2570.20, 2570.28, 2570.29, and 2571 of the Business and Professions Code, relating to healing arts.

• AB 2281 (Irwin) Expands the scope of practice of licensed medical laboratory technicians (MLTs) to include blood smear reviews other than manual leukocyte differentials, microscopic urinalysis, and moderate complexity blood typing such as automated ABO/Rhesus (Rh) testing and antibody screen testing.

An act to amend Section 1260.3 of the Business and Professions Code, relating to clinical laboratories.

• AB 2296 (Waldron) Adds Licensed Professional Clinical Counselors (LPCCs) to laws that apply to similar Board of Behavioral Sciences (BBS) licensees; reauthorizes LPCC applicants, until August 31, 2020, to remediate assessment and diagnosis core educational content; and revises educational requirements to refer to four quarter units instead of 4.5 quarter units.

An act to amend Sections 2908, 2995, 4507, 4999.32, 4999.33, 4999.62, and 4999.63 of the Business and Professions Code, to amend Section 56.105 of the Civil Code, to amend Section 35160.5 of the Education Code, to amend Section 1010 of the Evidence Code, to amend Sections 3110.5, 7663, 7827, 7850, 7851, 8502, and 9001 of the Family Code, to amend Section 3209.8 of the Labor Code, and to amend Sections 18951 and 18961.7 of the Welfare and Institutions Code, relating to healing arts licensees.

• AB 2311 (Arambula) This bill removes the sunset date on the University of California, Los Angeles (UCLA)'s International Medical Graduate (IMG) pilot program which allows trainees to provide patient care under physician supervision as part of a clinical clerk-ship/rotation at UCLA health care facilities or other approved UCLA affiliates.

An act to amend Section 2066.5 of the Business and Professions Code, relating to healing arts.

• AB 2423 (Holden) Exempts physical therapy services as part of an individualized education program (IEP) or individualized family service plan (IFSP) pursuant to the federal Individuals with Disabilities Education Act (IDEA) from the direct access limitation that prohibits physical therapists from continuing treatment beyond 45 calendar days or 12 visits, whichever occurs first, without first receiving a physician's signed approval of the physical therapist's plan of care.

An act to amend Section 2620.1 of the Business and Professions Code, relating to healing arts.

• AB 2428 (Gonzalez Fletcher) Allows a federally qualified health center (FQHC) or rural health clinic (RHC) that adds a physical plant to its primary care license to elect to have the reimbursement rate for each new plant be billed at and reimbursed at the same rate as the FQHC or RHC.

An act to amend Sections 14043.15 and 14132.100 of the Welfare and Institutions Code, relating to Medi-Cal.

• AB 2457 (Irwin) This bill renames the Board of Podiatric Medicine as the Podiatric Medical Board of California and makes technical changes.

An act to amend Sections 2460 and 2499 of, and to amend, repeal, and add Section 2461 of, the Business and Professions Code, relating to podiatry.

• AB 2472 (Wood) Requires the Council on Health Care Delivery Systems (Council) to prepare an analysis and evaluation, known as a feasibility analysis, to determine the feasibility of a public health insurance plan option to increase competition and choice for health care consumers.

An act to add Section 1002.5 to the Health and Safety Code, relating to health care coverage.

• AB 2487 (McCarty) Authorizes a physician and surgeon to complete a one-time continuing education course on opiate-dependent patient treatment and management as an alternative to the mandatory education course on pain management and the treatment of terminally ill and dying patients.

An act to add Section 2190.6 to the Business and Professions Code, relating to healing arts.

• AB 2499 (Arambula) Deletes requirements in existing law that health insurance medical loss ratios (MLR) be implemented to the extent required by, in compliance with and not to exceed federal law, and instead, requires MLRs to be implemented as described in federal law and any rules or regulations issued as in effect on January 1, 2017.

An act to amend Section 1367.003 of the Health and Safety Code, and to amend Section 10112.25 of the Insurance Code, relating to health care coverage.

• AB 2679 (O'Donnell) Requires the Department of Public Health (DPH) on or before January 1, 2020, to amend current regulations to reflect modern advancements in linen laundry processes.

An act to add Section 1275.8 to the Health and Safety Code, relating to health facilities.

• AB 2760 (Wood) Requires a prescriber to offer a prescription for naloxone hydrochloride or another drug federally approved for the complete or partial reversal of opioid depression for patients when certain conditions are present and to provide specified education to those patients and provide education about how these drugs may be used to prevent an overdose.

An act to add Article 10.7 (commencing with Section 740) to Chapter 1 of Division 2 of the Business and Professions Code, relating to healing arts.

• AB 2789 (Wood) Requires that all health care practitioners authorized to issue prescriptions to be capable of electronically prescribing and requires that all prescriptions for controlled substances be transmitted electronically, with exceptions, by January 1, 2022.

An act to add Section 688 to the Business and Professions Code, relating to healing arts.

• AB 2850 (Rubio) Authorizes the 60 hours of required classroom training for certified nurse assistants (CNAs) to be offered through online or distance learning classes. Requires that online or distance learning classes be approved by the Department of Public Health (DPH).

An act to amend Sections 1337.1 and 1337.3 of, and to add Sections 1337.15 and 1337.16 to, the Health and Safety Code, relating to health facilities.

• AB 2859 (Caballero) Requires certain pharmacies that dispense Schedule II, III, or IV controlled substances to display safe storage products, as defined, for sale in a place on the building premises that is located close to the pharmacy.

An act to add and repeal Section 4106.5 of the Business and Professions Code, relating to pharmacy.

• AB 2861 (Salas) Requires a drug Medi-Cal certified provider to receive reimbursement for individual counseling services provided through telehealth, as defined, by a licensed practitioner of the healing arts or registered or certified alcohol or other drug counselor, when medically necessary and in accordance with the Medicaid state plan, to the extent federal financial participation is available and any necessary federal approvals have been obtained. Requires the Department of Health Care Services (DHCS) to adopt regulations by July 1, 2022, to implement this bill, as specified. Allows DHCS to implement, interpret, or make specific these provisions by means of provider bulletins, written guidelines, or similar instructions from DHCS, until regulations are adopted.

An act to add Section 14132.731 to the Welfare and Institutions Code, relating to Medi-Cal.

• AB 2863 (Nazarian) This bill requires a pharmacy to inform a customer whether the retail price for a prescription drug is lower than the applicable

cost-sharing amount for the prescription drug. The bill prohibits a health plan or health insurer from requiring an enrollee or insured to pay the applicable cost-sharing amount for a prescription medication if the cost-sharing amount is greater than the retail price.

An act to add Section 4079 to the Business and Professions Code, to add Section 1367.47 to the Health and Safety Code, and to add Section 10123.65 to the Insurance Code, relating to prescription drugs.

• AB 2893 (Waldron) Requests the California Health Benefit Review Program (CHBRP), within the University of California, when assessing legislation proposing to mandate a benefit or service, to include in the financial impacts, one subsequent state fiscal year, or if applicable, the anticipated costs or savings upon estimated implementation for the subsequent two state fiscal years through a long-range estimate.

An act to amend Section 127660 of the Health and Safety Code, relating to health care coverage.

• AB 2941 (Berman) Requires a health plan or health insurer to provide an enrollee or insured who has been displaced by a state of emergency, as declared by the Governor, as specified, access to medically necessary health care services.

An act to add Section 1368.7 to the Health and Safety Code, and to add Section 10112.95 to the Insurance Code, relating to health care coverage.

• AB 2968 (Levine) Updates requirements for psychotherapists and the Department of Consumer Affairs (DCA) relating to outreach and education related to psychotherapist-patient sexual contact.

An act to amend Sections 337 and 728 of the Business and Professions Code, relating to healing arts.

• AB 2983 (Arambula) Prohibits a general acute care hospital (GACH) or acute psychiatric hospital (APH) from requiring a person who voluntarily seeks care to be in custody pursuant to section 5150 of the Lanterman-Petris-Short (LPS) Act (commonly referred to as a 5150 hold) as a condition of admittance.

An act to amend Section 1317 of the Health and Safety Code, relating to health facilities.

• AB 3032 (Frazier) Requires hospitals with perinatal units, by January 1, 2020, to develop and implement a quality management program relating to maternal mental health (MMH); defines a "perinatal unit" as a maternity and newborn service of a hospital for the provision of care during pregnancy, labor, delivery, and postpartum and neonatal periods with appropriate staff, space, equipment, and supplies.

An act to add Article 4.2 (commencing with Section 123615) to Chapter 2 of Part 2 of Division 106 of the Health and Safety Code, relating to maternal health.

• AB 3142 (Low) Extends the operation of the California Acupuncture Board (CAB) and the CAB's authority to appoint an executive officer by four years and makes various changes to the Acupuncture Licensure Act raised during sunset review and intended to improve oversight of acupuncture licensees.

An act to amend Sections 4927.5, 4928, 4934, 4935, 4938, 4955, and 4961 of the Business and Professions Code, relating to healing arts.

• AB 3192 (O'Donnell) Requires the Department of Health Care Services (DHCS), in consultation with the Local Education Agency (LEA) Ad Hoc Workgroup and the California Department of Education (CDE), to prepare and complete a fiscal and compliance audit guide of the LEA Medi-Cal billing option (LEA Billing Program), for distribution by June 30, 2019, and subject to approval by the LEA Ad Hoc Workgroup.

An act to amend Section 14115.8 of the Welfare and Institutions Code, relating to Medi-Cal.

• SB 522 (Glazer) This bill dissolves the existing Board of Directors of the West Contra Costa Health-care District (WCCHD) and requires the Board of Supervisors of Contra Costa County to either serve as or appoint the district board.

An act to add Section 32100.8 to the Health and Safety Code, relating to health care.

• SB 910 (Hernandez) This bill prohibits a health insurer from issuing, amending, selling, renewing, or offering a policy of short-term limited duration health insurance in California commencing January 1, 2019.

An act to amend Sections 1367.29 and 1368.016 of the Health and Safety Code, and to amend Sections 10113.9, 10123.7, 10123.81, 10123.865, 10123.866, 10123.198, 10123.199, 10123.202, 10273.6, and 12671 of, and to add Section 10123.61 to, the Insurance Code, relating to health insurance.

• SB 997 (Monning) This bill removes the sunset date on existing law that requires at least one full-time equivalent primary care physician for every 2,000 health plan enrollees and permits an additional 1,000 enrollees for each full-time equivalent nonphysician medical practitioner.

An act to amend Section 1375.9 of the Health and Safety Code, relating to health care service plans.

• SB 1008 (Skinner) This bill requires health plans and health insurance policies that cover dental services to utilize a uniform health plan benefits and coverage matrix, as specified.

An act to amend Sections 1363 and 1367.004 of, and to add Section 1363.04 to, the Health and Safety Code, and to amend Section 10112.26 of, and to add Section 10603.04 to, the Insurance Code, relating to dental services.

• SB 1021 (Wiener) This bill prohibits health plan contracts and health insurance policies from having utilization management policies or procedures which rely on a multitablet drug regimen over a single-table drug regimen for the prevention of HIV infection and AIDS; extends the January 1, 2020 sunset on law that caps cost sharing for a covered outpatient prescription drug at \$250/\$500 per 30-day supply, as specified, as well as other formulary requirements; and codifies a regulation that prohibits an enrollee or insured from being charged more than the retail price for a prescription drug when the applicable copayment or coinsurance is a higher amount.

An act to amend and repeal Section 1342.71 of, and to add and repeal Sections 1342.72 and 1342.73 of, the Health and Safety Code, and to amend and repeal Section 10123.193 of, and to add and repeal Sections 10123.1931 and 10123.1932 of, the Insurance Code, relating to health care coverage.

• SB 1108 (Hernandez) This bill makes a legislative finding and declaration that the goal of the Medi-Cal program is to provide comprehensive health care to low-income Californians who cannot afford the cost of health care, and permits the Department of Health Care Services (DHCS) to seek waivers of federal Medicaid requirements in furtherance of this goal, including, but not limited to, demonstration projects that aim to either increase the number of Medi-Cal beneficiaries or enhance the medical assistance provided to beneficiaries.

An act to add Section 14012 to the Welfare and Institutions Code, relating to Medi-Cal.

• SB 1245 (Leyva) Extends the emergency reg-

ulatory authority of the board governing California's Health Benefits Exchange (Exchange), also known as Covered California, until January 1, 2022, with two readoptions until January 1, 2027. Requires the board governing the Exchange to discuss the regulations during at least one properly noticed board meeting prior to its adoption by Covered California.

An act to amend Section 100504 of the Government Code, relating to health coverage.

• SB 1248 (Gaines) This bill permits the Department of Health Care Services (DHCS) to certify a California Partnership for Long-Term Care policy with a reduced per diem benefit of at least \$100 per day for a nursing facility, residential care facility, and home care and community-based services, if the policy provides a lifetime maximum benefit of not less than \$73,000. Permits an insurer to offer a Partnership policy with these reduced benefits only if the insurer also offers the applicant policy benefits that provide at least a lifetime maximum benefit that, at the time of purchase, is equivalent in dollars to at least 365 times 70% of the average daily private pay rate for a nursing facility and a nursing facility per diem benefit of no less than 70% of the average daily private pay rate for a nursing facility.

An act to amend Sections 10232.1 and 10232.81 of the Insurance Code, and to amend Sections 22005.1, 22005.3, and 22009 of the Welfare and Institutions Code, relating to long-term care.

• SB 1375 (Hernandez) This bill prohibits employer group health benefit plans from being issued, marketed, or sold to a sole proprietorship or partnership without employees. This bill requires only individual health benefit plans to be sold to any entity without employees. This bill revises the definition of "eligible employee" for purposes of all small employer health plan contracts and health insurance policies to exclude sole proprietors or their spouses, and partners or their spouses.

An act to amend Sections 1357, 1357.500, 1357.503, 1357.600, and 1399.802 of, and to add Section 1399.846 to, the Health and Safety Code, and to amend Sections 10700, 10753, 10753.05, and 10755 of, and to add Section 10965.02 to, the Insurance Code, relating to health insurance.

INSURANCE

• AB 1373 (Daly) As passed by the Assembly, the bill required that consumers considering the purchase of an annuity be provided with a buyer's guide produced by the National Association of Insurance Commissioners.

An act to amend Sections 10202, 10202.5, and 10202.8 of the Insurance Code, relating to insurance.

• AB 1772 (Aguiar-Curry) Extends from 24 months to 36 months the period of time within which a policyholder is entitled to collect full replacement benefits under a replacement cost fire insurance policy.

An act to amend Section 2051.5 of the Insurance Code, relating to fire insurance, and declaring the urgency thereof, to take effect immediately.

• AB 1797 (Levine) Requires residential property insurers, subject to conditional exceptions, to provide policyholders with a replacement cost estimate for the insured dwelling.

An act to add Section 10103.4 to the Insurance Code, relating to insurance.

• AB 1799 (Levine) This bill requires the complete

SB 1343: Employers big and small must provide sexual harassment training to nearly all California employees

By Karen Corman, Ryne Posey and Daniel Rodriguez

enate Bill 1343 expands the coverage of California's sexual harassment and abusive conduct training requirements in two notable ways. First, employers with five or more employees must now provide sexual harassment training in accordance with California Government Code Section 12950.1. The law previously only applied to employers with at least 50 employees. Second, recognizing that the catalyst for change in the workplace must involve regular employees, covered employers must now provide the requisite training to both supervisory and nonsupervisory employees. Nonsupervisory employees include full-time, part-time, seasonal, temporary and any other employees hired to work for less than six months.

Under SB 1343, by Jan. 1, 2020, covered employers must provide at least two hours of sexual harassment and abusive conduct training to supervisors and at least one hour of such training to nonsupervisors, in each case within six months of their assumption of a position. Employers who provided the required training to an employee after Jan. 1, 2019, are not required to provide new training to meet the Jan. 1, 2020, deadline. After Jan. 1, 2020, employers must provide the required training to each California employee once every two years.

The required training can be completed by employees individually or as a group, and can be completed in shorter segments as long as the two-hour and one-hour requirements for supervisors and non-supervisory employees are fulfilled, respectively.

Beginning Jan. 1, 2020, for seasonal, temporary

or any employee who is hired to work for less than six months, a covered employer must provide sexual harassment and abusive conduct training within 30 calendar days after the hire date or within 100 hours worked, whichever occurs first. For temporary employees employed by a "temporary services employer" (as defined in California Labor Code Section 201.3), SB 1343 places the burden of providing this training with the temporary services employer, not the client.

Agricultural employers and farm labor contractors already providing sexual harassment training under California Labor Code Section 1684(a) (8) do not face duplicative training requirements. SB 1343 states that sexual harassment training for migrant and seasonal agricultural workers "shall be consistent with training for nonsupervisory employees" pursuant to Section 1684(a) (8). Compliance with Section 1684(a) (8) is also required beginning Jan. 1, 2020.

SB 1343 also mandates that the California Department of Fair Employment and Housing develop or obtain online interactive sexual harassment training courses for supervisory and nonsupervisory employees, and to make these courses available online for the public. The DFEH expects to have online training courses available by late 2019. Notwithstanding, employers are free to develop their own training modules, so long as such modules comply with and satisfy the employers' training obligations set forth in Government Code Sections 12950 and 12950.1.

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POSEY



RODRIGUEZ

copy of a residential insurance policy provided to an insured after a loss to include the full insurance policy, any endorsements to the policy, and the policy declarations page; and provides that if the request for a copy of the policy is a result of a loss in a state of emergency, the insurer may, upon the request of the insured, provide an electronic copy of the entire policy, as specified.

An act to amend Section 2084 of the Insurance Code, relating to fire insurance.

• AB 1800 (Levine) Clarifies the law that authorizes a policyholder who suffers a total loss to residential property to rebuild or replace the dwelling at a different location, using the full benefits of the policy as it would have applied at the insured location.

An act to amend Section 2051.5 of the Insurance Code, relating to fire insurance, and declaring the urgency thereof, to take effect immediately.

• **AB 1875 (Wood)** Requires the Department of Insurance (DOI) to develop a homeowner's insurance finder tool.

An act to add Sections 10095.7 and 10103.2 to the Insurance Code, relating to insurance.

 AB 2045 (Committee on Insurance) This is the annual Department of Insurance (DOI) omnibus bill.

An act to amend Sections 42, 109, 110, 122, 679.70, 1307, 1371, 1390, 1668, 1668.5, 1669, 1753, 4052, 10168.45, 10270, 10270.6, and 11401 of, and to repeal Section 12147 of, the Insurance Code, relating to insurance.

 AB 2046 (Daly) Requires data sharing between governmental agencies involved in combatting workers' compensation fraud, and grants the Fraud Assessment Commission (FAC) discretion to augment an assessment with unused funds from a prior year's assessment.

An act to amend Sections 1872.83 and 1877.3 of the Insurance Code, relating to insurance.

• AB 2142 (Bigelow) Permits the Insurance Commissioner (commissioner) to extend the period between financial examinations of a home protection company (company).

An act to amend Section 12752 of the Insurance Code, relating to insurance.

• AB 2180 (Kalra) This bill clarifies statutes governing long-term care insurance (LTCI) policies and life insurance policies that include an accelerated death benefit feature.

An act to amend Sections 10231.3, 10232.3, 10232.8, 10271, 10295, 10295.1, 10295.3, 10295.5, and 10295.6 of the Insurance Code, relating to insurance.

• AB 2229 (Wood) This bill requires a residential property insurer to disclose any fire safety discounts it offers upon offer or renewal of a homeowner's insurance policy on or after January 1, 2020.

An act to amend Section 10102 of the Insurance Code, relating to insurance.

• AB 2395 (Calderon) Increases the surveillance of potentially insolvent long-term care insurers and expands the authority of the California Life and Health Insurer Guarantee Association (CLHIGA) to manage the liquidation of insolvent insurers.

An act to amend Sections 1067.07 and 1067.11 of the Insurance Code, relating to insurance.

• AB 2420 (Quirk-Silva) This bill authorizes the Employment Training Panel (ETP) to include "soft skills," as defined, in the type of job-related basic and literacy skills training for which a training contract may be provided.

An act to amend Sections 10200, 10201, 10209, and 10214.5 of the Unemployment Insurance Code, relating to workforce development.

• AB 2587 (Levine) This bill removes language in the California Unemployment Insurance Code referencing a code section that no longer exists.

An act to amend Section 3303.1 of the Unemployment Insurance Code, relating to unemployment benefits.

• AB 2594 (Friedman) Extends the statute of limitations for a homeowner to sue their insurer for losses associated with a declared state of emergency. Specifically, this bill extends the existing statute of limitations for a homeowner to sue their insurer from 12 to 24 months if the loss is related to a declared state of emergency.

An act to amend Sections 2071 and 6010 of the Insurance Code, relating to insurance, and declaring the urgency thereof, to take effect immediately.

• AB 2634 (Chau) Requires an insurer to notify the owner of a variable premium life insurance policy (variable policy) of an increase in the cost of insurance or administrative charge.

An act to add Section 10113.70 to the Insurance Code, relating to insurance.

• AB 2802 (Friedman) Requires insurers to participate in a program to "intercept" insurance payments to parents that have unpaid child support obligations (obligor).

An act to add Article 8 (commencing with Section 13550) to Chapter 2 of Division 3 of the Insurance Code, relating to insurance.

• AB 2844 (Cooley) Provides that a commission payable to an insurance broker-agent shall be conclusively presumed to be based on the written contract between the insurer and broker-agent if the insurer has complied with two specified provisions of law.

An act to add Section 769.1 to the Insurance Code, relating to insurance.

• AB 2915 (Caballero) Requires the California Workforce Development Board (CWDB) to develop, in conjunction with the Employment Development Department and with input from local workforce development boards, a policy regarding mutual aid agreements between local boards to enable them to effectively respond to disasters.

An act to amend Section 14013 of the Unemployment Insurance Code, relating to workforce development.

• AB 2927 (Nazarian) Clarifies existing law permitting the California Earthquake Authority (CEA) to sell post-event bonds to pay claims.

An act to amend Sections 10089.23 and 10089.29 of the Insurance Code, relating to insurance, and making an appropriation therefor.

• SB 30 (Lara) This bill requires the Insurance Commissioner (IC) to convene a working group to identify, assess and recommend risk transfer market mechanisms that promote investment in natural infrastructure to reduce the risks of climate change, including mitigation incentives for private investment to lessen exposure and reduce climate risks to public safety, property, utilities and infrastructure, as specified.

An act to add Section 12922.5 to the Insurance Code, relating to insurance.

• SB 824 (Lara) This bill prohibits an insurer from canceling or refusing to renew a homeowners' insurance policy for one year from the date of a declaration of a state of emergency, as specified; and requires admitted insurers with at least \$10 million in written premi-

ums in California to biennially report to the California Department of Insurance (CDI) specified fire risk information on residential property policies, as specified.

An act to amend Section 675.1 of, and to add Article 10.4 (commencing with Section 929) to Chapter 1 of Part 2 of Division 1 of, the Insurance Code, relating to insurance.

• SB 894 (Dodd) This bill, after a total loss of a home in a declared disaster area, (1) requires an insurer to renew a residential insurance policy for at least two annual renewal periods or 24 months, whichever is greater, as specified; (2) requires an insurer to grant an additional 12-month extension for a total of 36 months for additional living expense (ALE) if an insured acting in good faith and with reasonable due diligence encounters a delay in the reconstruction process, subject to policy limits; (3) allows an insured to combine payments for actual losses up to the policy limits for the primary dwelling and other structures, limited to the amount necessary to rebuild or replace the home if the policy limits for the dwelling are insufficient; and (4) specifies that the payments for losses under this provision shall be full replacement value without requiring the replacement of the other structures.

An act to amend Sections 675.1 and 2051.5 of, and to add Section 10103.7 to, the Insurance Code, relating to insurance.

• SB 917 (Jackson) This bill provides that if loss or damage results from a combination of perils, one of which is a landslide, mudslide, mudflow, or debris flow, an insurer shall provide coverage if an insured peril is the efficient proximate cause of the loss or damage and coverage would otherwise be provided for the insured peril; provides that this is declaratory of existing law.

An act to add Section 530.5 to the Insurance Code, relating to insurance.

• SB 1046 (Roth) This bill enhances the consumer protections that apply to long-term care insurance (LTCI) policies when policyholders reduce their coverage.

An act to amend Section 10235.50 of the Insurance Code, relating to insurance.

• SB 1123 (Jackson) This bill expands Paid Family Leave to include families who must take time off to attend to situations arising out of a family member or loved one's status as a covered active duty member of the US Armed Forces.

An act to amend, repeal, and add Sections 3301, 3302.1, 3303, and 3303.1 of, and to add Sections 3302.2 and 3307 to, the Unemployment Insurance Code, and making an appropriation therefor, relating to paid family leave.

• SB 1251 (McGuire) This bill allows workers to receive unemployment insurance benefits while they are in an eligible training or retraining program by making the California Training Benefits Program (CTB) permanent and authorizes individuals receiving discretionary use payments as part of their training or retraining to be eligible for unemployment insurance benefits under the CTB.

An act to repeal Sections 1273 and 1274.10 of the Unemployment Insurance Code, relating to unemployment, and making an appropriation therefor.

JUDICIARY

• AB 1290 (Obernolte) Specifies that, notwithstanding existing law providing that a guardian or conservator of a person who is represented by an attorney is deemed to be a holder of the privilege for attorney-client communications, the exceptional circumstances in which the guardian or conservator does not hold the privilege. Specifically, this bill provides that a guardian or conservator does not hold the privilege when the guardian or conservator has an actual or apparent conflict of interest with the client.

An act to amend Section 953 of the Evidence Code, relating to evidence.

• AB 1531 (Berman) Establishes rules regarding payment of court fees when using an electronic filing service provider.

An act to add Section 411.20.5 to the Code of Civil Procedure, and to amend Section 6159 of the Government Code, relating to court fees.

• AB 1736 (Cunningham) This bill extends the "prior inconsistent statement" exception to the hearsay rule to conditional examinations and to allow audio recordings.

An act to amend Section 1294 of the Evidence Code, relating to evidence.

• AB 2084 (Kalra) Authorizes the Attorney General, a city attorney, a district attorney or the Court Reporters Board (Board) to bring a \$10,000 civil action against any person or entity who engages in four specified business practices over the course of providing, or contracting to provide, shorthand reporting services.

An act to add Section 8050 to the Business and Professions Code, relating to shorthand reporters.

• AB 2309 (Bloom) Authorizes the Judicial Council to sell the closed courthouses known as the West Los Angeles Courthouse and the Mental Health Courthouse.

An act to add Section 70397 to the Government Code, relating to court facilities, and declaring the urgency thereof, to take effect immediately.

• AB 2664 (Holden) Eliminates the requirement that all parties involved in litigation must agree and stipulate to the use of a specific court reporter pro tempore before the reporter can be appointed by the court.

An act to amend Sections 68086 and 70044 of the Government Code, relating to court reporters.

• SB 1208 (Committee on Judiciary) This bill modernizes the existing statutory authorization for courts to respond to certain emergency conditions. This bill also expands the circumstances under which the authorization would apply and provides additional flexibility to the Chairperson of the Judicial Council.

An act to amend Section 68115 of the Government Code, relating to courts.

JUVENILE

• AB 1214 (Mark Stone) Revises the procedure to determine the mental competence of a juvenile charged with a crime.

An act to amend Section 712 of, and to repeal and add Section 709 of, the Welfare and Institutions Code, relating to juveniles.

• AB 1584 (Gonzalez Fletcher) States that law enforcement shall not request a voluntary deoxyribonucleic acid (DNA) sample be collected directly from a minor, without first obtaining written consent from the minor and the minor's parent or legal guardian, or attorney representing the minor.

An act to add Section 625.4 to the Welfare and Institutions Code, relating to criminal law.



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AB 747: Water rights protection

By Dennis Cardoza and Jared Rifis

n June 30, 2019, California will see the first increased protections for water-rights holders in years. California Assembly Bill 747, authored by California Assembly member Anna Caballero, was signed into law on Sept., 24, 2018, by Gov. Jerry Brown. Historic water rights have been under significant pressure and scrutiny amid years of regulatory mandates due to sustained drought, environmental regulation in the California Delta, and groundwater basin depletion challenges.

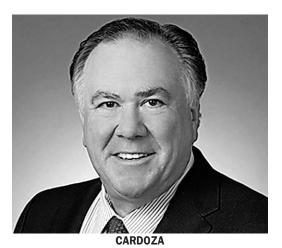
The new law will remove the conflicts of interest in the current structure, leveling the playing field for water users who have felt obligated to settle enforcement actions brought by the California State Water Resources Control Board. The board currently acts as both prosecutor and judge in enforcement actions that the board itself initiates. This law creates an Administrative Hearings Office within the board. Expert attorneys will act as an objective third party to oversee and adjudicate complex, critically important water rights matters. A similar structure is already in effect for many similar state agencies.

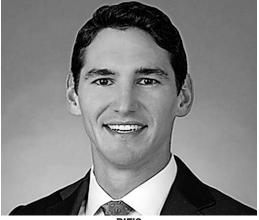
This change would not have happened without the strong support of California water districts, such as Byron-Bethany Irrigation District. Byron-Bethany's general manager, Rick Gilmore, is encouraged by the change, "The Governor's action cements a sig-

nificant step toward improving the transparency, objectivity and accountability for California's water rights administration and enforcement. This law will go a long way toward implementing the necessary checks and balances in water rights cases, as well as restoring the water community's faith in the process." It hasn't been an easy fight. This legislation was just a new version of legislation that had been introduced during the previous legislative session, that time by Assembly member Adam Gray. Gray's bill also succeeded in the legislature, but it was then vetoed by Gov. Brown.

Dennis A. Cardoza is a public affairs director, cochair of the Federal Public Affairs Practice and chair of the California Public Affairs Practice of Foley & Lardner LLP. He advises a broad range of clients on legislative, regulatory, and public policy and advocacy matters, and has extensive policy experience with respect to water resource, banking, housing, infrastructure, energy, agriculture, education, foreign affairs, and health care issues.

Jared Rifis is a senior public affairs advisor in the Washington, D.C. office of Foley & Lardner LLP. He represents clients and their legislative priorities before Congress and the Administration. Jared supports the firm's Government & Public Policy Practice with research, analysis, and advocacy that advance each client's public policy goals.





RIFIS

• AB 1617 (Bloom) Allows certain parties involved in appeals of juvenile court orders, who had access to the juvenile case file pursuant to a court order, to access the case file for the appeal. Specifically, this bill authorizes certain parties who are not generally authorized to inspect juvenile case files but received authorization from the juvenile court, and who file a notice of appeal or petition for writ challenging a juvenile court order or who are respondents in that appeal or real parties in interest in that writ proceeding, for purposes of that appeal or writ proceeding, to inspect and copy any records in a juvenile case file to which the party was previously granted access by the juvenile court, subject to the existing limitations on dissemination of records.

An act to amend Section 827 of the Welfare and Institutions Code, relating to juveniles.

• AB 2090 (Gonzalez Fletcher) This bill clarifies, in an effort to ensure that all eligible youth in California are able, when appropriate, to obtain state court findings so that they can apply for Special Immigrant Juvenile Status immigration relief, that, for the limited purpose of obtaining the necessary state court findings, a probate court may appoint a parent as guardian.

An act to amend Section 1510.1 of the Probate Code, relating to guardianships.

• AB 2337 (Gipson) Expands the circumstances under which nonminor dependents under the age of 21 who was previously a dependent or delinquent child of the juvenile court may petition the court to assume dependency jurisdiction to include youth who would have received Kinship Guardian Assistance Program (KinGAP) payments were it not for the receipt of Supplemental Security Income (SSI) or other aid from the federal Social Security Administration (SSA), and extends eligibility to Aid to Families with Dependent Children-Foster Care (AFDC-FC), adoption assistance payments (AAP), and Kin-GAP, to nonminor dependents who, but for the receipt of SSI benefits or other aid from the federal SSA, would have received benefits, under certain circumstances, and makes technical changes.

An act to amend Sections 388.1 and 11403 of the Welfare and Institutions Code, relating to nonminor dependents.

• AB 2448 (Gipson) Provides for access to computer technology and the Internet for certain dependents and wards of the court under specified circumstances and for specific purposes.

An act to amend Sections 362.05 and 727 of, and to add Sections 851.1 and 889.1 to, the Welfare and Institutions Code, relating to juveniles.

• AB 2595 (Obernolte) Clarifies that the limitations on the length of the physical confinement of a ward committed to the Department of Corrections and Rehabilitation (CDCR), Division of Juvenile Justice (DJJ), do not limit the powers of the Board of Juvenile Hearings (BJH) and the committing juvenile court to, set a maximum base term, retain jurisdiction of the ward, discharge a ward, and establish conditions of supervision.

An act to amend Section 731 of the Welfare and Institutions Code, relating to wards.

• AB 2642 (Levine) This bill provides, in an effort to ensure that unaccompanied minors are able to apply for Special Immigrant Juvenile Status immigration relief, that a nonprofit charitable corporation not incorporated in this state may be appointed as the guardian of a minor if specified requirements are met, which include that (1) the nonprofit charitable corporation is licensed by this state to provide care for minors; (2) the nonprofit charitable corporation is contracted by the federal

Department of Health and Human Services, Office of Refugee Resettlement to provide care and custody of the minor; and (3) the petition for guardianship is filed in connection with a petition to make the necessary findings regarding special immigrant juvenile status pursuant to subdivision (b) of Section 155 of the Code of Civil Procedure.

An act to add and repeal Section 2104.1 of the Probate Code, relating to guardianship.

• AB 2942 (Ting) Provides that a prosecutor may access, inspect, or use certain juvenile records that have been sealed by the court if the prosecutor believes that it is necessary to meet a legal obligation to provide exculpatory evidence to a defendant in a criminal case.

An act to amend Section 1170 of the Penal Code, relating to recall of sentencing.

• AB 2952 (Mark Stone) Provides that a prosecutor may access, inspect, or use certain juvenile records that have been sealed by the court if the prosecutor believes that it is necessary to meet a legal obligation to provide exculpatory evidence to a defendant in a criminal case.

An act to amend Sections 786 and 787 of the Welfare and Institutions Code, relating to juvenile records.

• SB 439 (Mitchell) This bill establishes 12 years of age as the minimum age for which the juvenile court has jurisdiction and may adjudge a person a ward of the court.

An act to amend Sections 601 and 602 of, and to add Section 602.1 to, the Welfare and Institutions Code, relating to juveniles.

• SB 925 (Beall) This bill requires the inclusion of the child or youth's Court Appointed Special Advocate (CASA), if one has been appointed, on the child and family team (CFT).

An act to amend Section 16501 of the Welfare and Institutions Code, relating to foster care.

• SB 1281 (Stern) This bill prohibits the destruction of a sealed juvenile record if an offense in that record has made the person subject to a firearm restriction, as specified, until he or she turns 33 years of age, and authorizes a prosecuting attorney or the Department of Justice (DOJ) to access, inspect, or utilize those records for specified purposes relating to the enforcement of a firearm restriction, as specified.

An act to amend Section 786 of the Welfare and Institutions Code, relating to juveniles.

• SB 1391 (Lara) This bill repeals the authority of a prosecutor to make a motion to transfer a minor from juvenile court to adult criminal court if the minor was alleged to have committed certain serious offenses when he or she was 14 or 15 years old.

An act to amend Section 707 of the Welfare and Institutions Code, relating to juveniles.

LABOR

• AB 235 (O'Donnell) Authorizes a two-pronged process for the approval of apprenticeship programs, maintaining the current process for the trades and fire-fighting, and establishes a separate path for programs in newly emerging areas of apprenticeship.

An act to amend Sections 8151, 45263, 51766, 79140, 79144, 79146, 79148, 79149, 79149.2, 81703, 88083, and 88600 of, and to amend the heading of Article 3 (commencing with Section 79140) of Chapter 9 of Part 48 of Division 7 of Title 3 of, the Education Code, to amend Section 12813 of, and to repeal Section 6531 of, the

Government Code, to amend Section 25536.7 of the Health and Safety Code, and to amend Sections 1777.5, 2699.5, 3070, 3071, 3073, 3073.1, 3073.3, 3073.5, 3074, 3075, 3076, 3076.3, 3077, 3078, 3079, 3080, 3081, 3082, 3083, 3084, 3085, 3086, 3089, and 3093 of, to amend the heading of Chapter 4 (commencing with Section 3070) of Division 3 of, to add Sections 3071.5, 3073.6, 3073.7, 3078.5, 3080.5, and 3100 to, to add the heading of Article 1 (commencing with Section 3070), the heading of Article 2 (commencing with Section 3075), the heading of Article 3 (commencing with Section 3093), and the heading of Article 4 (commencing with Section 3100) to Chapter 4 of Division 3 of, and to repeal Sections 3095, 3097, and 3098 of, the Labor Code, relating to apprenticeship, and declaring the urgency thereof, to take effect immediately.

• AB 403 (Melendez) Protects legislative employees who make disclosures about specified misconduct by Members and fellow employees of the Legislature by prohibiting interference with an employee making a "protected disclosure" and prohibiting retaliation in response to such a disclosure.

An act to add Article 11 (commencing with Section 9149.30) to Chapter 1.5 of Part 1 of Division 2 of Title 2 of the Government Code, relating to the Legislature, and declaring the urgency thereof, to take effect immediately.

 AB 1565 (Thurmond) Makes technical and clarifying changes to the recently created joint liability provisions for construction contractors and subcontractors.

An act to amend Section 218.7 of the Labor Code, relating to employment, and declaring the urgency thereof, to take effect immediately.

• AB 1654 (Rubio) Exempts construction workers from the Private Attorneys General Act (PAGA) who are covered by a collective bargaining agreement, if that agreement expressly provides for, among other things, a grievance and binding arbitration procedure to redress violations that would have been remedied under PAGA.

An act to add and repeal Section 2699.6 of the Labor Code, relating to employment.

• AB 1749 (Daly) Clarifies that certain peace officers injured out of state while performing defined law enforcement duties are eligible to receive workers' compensation benefits, in the discretion of the employing agency.

An act to amend Section 3600.2 of the Labor Code, relating to workers' compensation.

• AB 1976 (Limón) Requires employers to make reasonable efforts to provide an employee wishing to express breast milk in private with an area in close proximity to their workspace that is not a bathroom.

An act to amend Section 1031 of the Labor Code, relating to employment.

• AB 2282 (Eggman) This bill makes clarifying changes to the existing provisions regarding the use of a job applicant's prior salary to prohibit use of prior salary to justify any disparity in compensation. This bill also clarifies that an employer may make a compensation decision based on a current employee's existing salary, so long as the wage differential resulting from that compensation decision is justified by other specified factors in current law. This bill also specifies that the prohibition on asking a job applicant about prior salary does not forbid an employer from asking the applicant about his or her salary expectations for the position being applied for.

An act to amend Sections 432.3 and 1197.5 of the Labor Code, relating to employment.

• AB 2334 (Thurmond) Authorizes the Department of Industrial Relations (DIR) to publish certain cost and performance information regarding public self-insured employers' workers' compensation programs, provides that workplace recordkeeping violations continue until corrected or discovered, and requires the formation of an advisory committee if a federal rule for employer electronic reporting of injuries and illnesses is eliminated.

An act to amend Sections 138.7, 3702.2, and 6317 of, and to add Sections 6410.1 and 6410.2 to, the Labor Code, relating to employment.

• AB 2338 (Levine) Requires talent agencies to provide educational materials on sexual harassment prevention, retaliation, nutrition and eating disorders to its adult artists. Requires a parent or legal guardian of a minor between 14 to 17 years of age, as well as the age-eligible minor, receive training in sexual harassment prevention, retaliation, and reporting prior to the issuance of an entertainment work permit by the Labor Commissioner (LC). Provides that failure to comply with these requirements would expose talent agencies to civil penalties imposed by the LC.

An act to add Article 4 (commencing with Section 1700.50) to Chapter 4 of Part 6 of Division 2 of the Labor Code, relating to talent agencies.

• AB 2358 (Carrillo) Prohibits discrimination in any building and construction trades apprenticeship program on the basis of certain enumerated categories with regards to acceptance into or participation in the program as specified.

An act to add Section 3073.9 to the Labor Code, relating to employment.

• AB 2388 (Chu) Would clarify that the labor code sections establishing additional regulations for minors in the entertainment industry do not prohibit minors from appearing in specified digital exhibitions.

An act to amend Section 1310 of the Labor Code, relating to employment.

• AB 2605 (Gipson) Provides that petroleum facility employees in safety-sensitive positions who are covered by a valid collective bargaining agreement, as specified, are exempt from the requirement that employees be relieved of all duties during rest periods until January 1, 2021.

An act to add and repeal Section 226.75 of the Labor Code, relating to employment, and declaring the urgency thereof, to take effect immediately.

• AB 2610 (Aguiar-Curry) This bill permits commercial drivers transporting commercial feed to a consumer in a rural area be permitted to commence a meal period after six hours, as specified.

An act to amend Section 512 of the Labor Code, relating to employment.

• AB 2751 (Mark Stone) Requires the Agricultural Labor Relations Board (ALRB) to process to final board order all decisions with monetary remedies owed to employees, including those with compliance proceedings, within one year of a finding of liability. Also requires immediate implementation of a final board order resulting from mandatory mediation and provides a process to request mandatory mediation if specified provisions of a previously mediated agreement have expired.

An act to amend Section 1164.3 of, and to add Sections 1149.3, 1164.10, and 6721 to, the Labor Code, relating to agricultural labor relations.

• AB 3018 (Low) Enhances compliance with skilled and trained workforce rules by strengthening public agency reporting requirements, creating penalties for noncompliance, and providing the Labor Commissioner (LC) with the authority to issue a civil wage and penalty assessment against a contractor or subcontractor found in violation of state law.

An act to amend Sections 2601 and 2602 of, and to add Section 2603 to, the Public Contract Code, relating to public contracts.

• AB 3231 (Gray) Makes two separate modifications to California law governing the construction trades

An act to amend Sections 1771.2 and 3073.5 of the Labor Code, relating to employment.

• SB 866 (Committee on Budget and Fiscal Review) This bill enacts various statutory changes necessary to implement labor and public employment provisions for the Budget Act of 2018.

An act to amend Sections 45060, 45168, 87833, and 88167 of the Education Code, to amend Sections 1150, 1152, 1153, 1157.3, 1157.10, 3550, 3551, 3552, 3555.5, 3556, 18502, 18525.3, 18528, 18577, 18939, 18950, 19050.4, 19054.1, 19057.1, 19057.3, 19243, 19816.18, 19827.2, 22944.5, 23725, 31552.5, 71638, and 71824 of to add Sections 1157.12, 3553, and 19995.1.5 to, to repeal Section 19995.5 of, and to repeal and add Section 19051 of, the Government Code, to amend Section 101853.1 of the Health and Safety Code, to add Section 2716.5 to the Penal Code, to add Section 14038 to, to add Article 4 (commencing with Section 14040) to Chapter 3 of Division 7 of, and to add and repeal Article 5 (commencing with Section 14100) of Chapter 3 of Division 7 of, the Unemployment Insurance Code, and to amend Section 3.60 of the Budget Act of 2017 (Chapter 181 of the Statutes of 2017), relating to employment, and making an appropriation therefor, to take effect immediately, bill related to the budget.

• SB 880 (Pan) This bill permits the employers to conduct a pilot program on transmitting disability indemnity benefits by a prepaid card, rather than a paper check.

An act to amend, repeal, and add Section 4651 of the Labor Code, relating to workers' compensation.

• SB 913 (Hertzberg) This bill creates an exemption to the requirement to pay prevailing wage on public works projects for graffiti abatement in Los Angeles County if the graffiti abatement is done by a non-profit and the work is done by volunteers or individuals enrolled in a preapprenticeship program.

An act to add and repeal Section 1720.5 of the Labor Code, relating to public works.

• SB 1085 (Skinner) This bill requires public employers to provide "lost time" to employee representatives, as specified, to allow employees to serve as stewards or officers of the employee representative or its state or national affiliates.

An act to add Section 3558.8 to the Government Code, relating to public employment.

• SB 1086 (Atkins) Deletes the sunset clause on a law that provides an extended statute of limitations for workers' compensation death benefits payable to the survivors of public safety officers who die as a result of work-related cancer or other specified diseases.

An act to amend Section 5406.7 of the Labor Code, relating to workers' compensation.

• SB 1252 (Pan) Clarifies that when an employee asserts his or her right to inspect and copy employment records, the employer is required to make the copies.

An act to amend Section 226 of the Labor Code, relating to employment.

• SB 1402 (Lara) This bill requires joint and several liability for customers who contract with port drayage services who have unpaid wage, tax and workers' compensation liability.

An act to add Section 2810.4 to the Labor Code, relating to employment.

• SB 1412 (Bradford) This bill requires employers only consider convictions relevant to the job which they are applying for when screening job applicants using a criminal background check.

An act to amend Section 432.7 of the Labor Code, relating to employment.

MILITARY

• AB 1908 (Chávez) This bill requires that the annual financial report – which, under existing law, is required annually from veterans memorial districts (VMDs) – would include additional information about district funding distributed to providers of supportive services.

An act to amend Section 1198.5 of the Military and Veterans Code, relating to memorial districts.

• AB 2439 (Eduardo Garcia) This bill establishes the Lesbian, Gay, Bisexual, Transgender, and Queer or Questioning (LGBTQ) Veterans Memorial at Desert Memorial Park in Cathedral City as the official state LGBTQ veterans' memorial.

An act to add Section 429.4 to the Government Code, relating to state memorials.

• AB 2521 (Quirk-Silva) This bill requires a mobilized military reservist (or designee), in order to invoke the protections of the California Military Families Financial Relief Act (CMFFR Act), to deliver a written request, which may be via electronic communication, for a deferment of financial obligations to the obligor. This bill removes the existing requirements that the request be by signed letter and under penalty of perjury.

An act to amend Section 800 of the Military and Veterans Code, relating to the military.

• AB 2568 (Reyes) This bill requires county jails, upon detention of a person, to ask if the person has served in the U.S. military, document the person's response, and make this information available to the individual, their counsel, and the district attorney.

An act to add Section 4001.2 to the Penal Code, relating to jails.

• AB 2870 (Eggman) This bill grants authority to the Adjutant General to appoint a member of the State Military Reserve (SMR), who has a bachelor's degree in psychology or social work, to serve on State Active Duty (SAD) status as a counselor in the state's National Guard Youth ChalleNGe program.

An act to amend Section 532 of the Military and Veterans Code, relating to the military.

• AB 3212 (Irwin) This bill expands the classes of military and state militia members who receive specified civil liability protections; extends the duration after military service of existing provisions, as specified; adds a category of debt to existing protections that cap interest rates for military members called to active duty, as specified; and expands existing provisions allowing military members who have been called to active duty to seek release from lease obligations, among other changes.

An act to amend Sections 401, 402, 403, 404, 405,

406, 407, 408, 409.1, 409.2, 409.3, 409.4, 800, 803, 811, 821, 822, 823.5, 824, 826, and 827 of, to add Sections 409.15, 813, and 830 to, and to repeal and add Sections 400 and 409 of, the Military and Veterans Code, relating to service members.

• AB 3251 (Committee on Veterans Affairs) Authorizes the Director of General Services, with the approval of the Adjutant General, to sell specified armories throughout the state subject to these provisions, including the deposit of the sale proceeds into the Armory Fund. Specifically, this bill authorizes the Director of General Services, with the approval of the Adjutant General, to sell any of the following properties.

An act relating to armories.

• SB 1007 (Hertzberg) This bill exempts from the state and local sales and use tax specified building materials and supplies used by a qualified nonprofit organization to construct a facility used to care for military veterans.

An act to add Section 6369.7 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

• SB 1137 (Vidak) This bill requires the Department of Veterans Affairs (CalVet) and the Department of Consumer Affairs (DCA), in consultation with each other, to take appropriate steps to increase awareness regarding professional licensing benefits available to veterans and their spouses.

An act to add Section 714 to the Military and Veterans Code, relating to veterans.

• SB 1304 (Roth) This bill authorizes the California Department of Veterans Affairs (CalVet) to accept donations of personal property, including cash or other gifts, to be used to further the purposes of the state's strategic plan for providing veterans with transitional assistance, as specified, or to reimburse the state for expenditures made by the state for these purposes.

An act to add Section 90.2 to the Military and Veterans Code, relating to veterans, and making an appropriation therefor.

• SB 1435 (Dodd) This bill updates language in one section of the Military and Veterans Code (MVC) – pertaining to California National Guard (CNG) officers – to conform to language recently modernized in an adjacent, related code section.

An act to amend Section 233 of the Military and Veterans Code, relating to the state military.

• SB 1500 (Committee on Veterans Affairs) This bill updates sections of existing law which protect military service members from discrimination in specified areas. This bill ensures that service members of all federal service branches (Army, Navy, Air Force, Marines, Coast Guard) and all components (active, reserve, National Guard) are protected.

An act to amend Section 394 of the Military and Veterans Code, relating to service members.

• SB 1501 (Committee on Veterans Affairs) This bill modernizes outdated, gender-specific references in the Military and Veterans Code (MVC) to conform to contemporary language used by the United States Armed Forces.

An act to amend Section 20282 of the Government Code, to amend Sections 182, 210, 212, 215, 223, 252, 254, 255, 257, 258, 259, 262, 263, 266, 267, 268, 269, 280, 289, 296, 321, 322, 324, 325, 326, 327, 342, 363, 364, 368, 372, 375, 395.04, 414, 422, 450.1, 455, 458.1, 463, 465, 551, 552, 562, and 648 of, and to amend the heading of Article 3 (commencing with Section 250) of Chapter 3 of Part 1 of Division 2 of, the Military and Veterans

Code, and to amend Section 32177.5 of the Revenue and Taxation Code, relating to military.

MISCELLANEOUS

• SB 244 (Lara) Limits the collection and disclosure of information obtained by a local or state agency for purposes of issuing a local identification card, driver's license, or the administration of public services, as specified.

An act to add Article 12 (commencing with Section 53170) to Chapter 1 of Part 1 of Division 2 of Title 5 of the Government Code, to amend Sections 12800.7 and 12801.9 of the Vehicle Code, and to add Section 17852 to the Welfare and Institutions Code, relating to privacy.

• SB 955 (Nielsen) This bill creates the Citizens Advisory Commission for Oroville Dam (commission) as an independent entity within the Department of Water Resources (DWR) and specifies, among other things, membership, term limits, and meeting requirements.

An act to add Part 3 (commencing with Section 6600) to Division 3 of the Water Code, relating to water.

• SB 1017 (Allen) This bill requires the Department of Fish and Wildlife (DFW) to develop a program by March 31, 2020, to voluntarily transition the holders of drift gill net (DGN) permits out of the DGN fishery.

An act to amend Sections 8394.5, 8561, 8579, and 9028 of, to amend, repeal, and add Section 8561.5 of, and to add Sections 8583 and 8583.5 to, the Fish and Game Code, and to add Section 35651 to the Public Resources Code, relating to fisheries, and making an appropriation therefor.

MUNICIPALITIES

 AB 448 (Daly) Allows Orange County and any city in Orange County to create the Orange County Housing Finance Trust.

An act to add Section 6539.5 to the Government Code, relating to joint powers.

• AB 653 (Cunningham) Allows private, nonprofit hospitals in Santa Barbara County to enter into joint powers agreements with public agencies.

An act to add Section 6523.11 to the Government Code, relating to local government.

• AB 1445 (Reyes) Requires a city or county leasing or selling property to a qualified opportunity zone fund to collect specific information.

An act to add Article 11 (commencing with Section 50574) to Chapter 2 of Part 1 of Division 1 of Title 5 of the Government Code, relating to local government.

• AB 1759 (McCarty) This bill grants in trust to the City of Sacramento (city) certain parcels of land, subject to specified terms and conditions, pursuant to an agreement reached between the State Lands Commission, the city, and other parties. The bill also repeals two obsolete grants of public trust lands to the city.

An act to repeal Chapter 1266 of the Statutes of 1970, and to repeal Chapter 625 of the Statutes of 1973, relating to public trust lands, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

 AB 2076 (Rodriguez) This bill authorizes the Los Angeles County Employees Retirement System (LACERA) to correct prior decisions regarding the effective date of specified disability retirement deter-



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SB 1402: Joint liability for port trucking customers

By Benjamin M. Ebbink

n Sept. 22, Gov. Jerry Brown signed Senate Bill 1402 (Lara), a bill that establishes joint and several liability for customers who contract with or use port drayage motor carriers who have unpaid wage, tax and workers' compensation liability. The bill took effect Jan. 1. Because of the wide range of industries that depend on port trucking (agriculture, retailers, manufacturing, car dealers), the potential impact of this new law is far-reaching.

SB 1402 requires the Division of Labor Standards Enforcement to compile a list (and post it on its website) of any port drayage motor carrier with any unsatisfied judgments, including for failure to pay wages, imposing unlawful expenses, failure to remit payroll taxes, failure to provide workers' compensation insurance, or misclassification of employees as independent contractors.

The potential "skin in the game" for businesses that rely on port trucking companies comes in the addition of new Labor Code Section 2810.4(b)(3). This provision states that a customer that engages or uses a port trucking company on the "blacklist" shall share all civil legal responsibility and civil liability owed to a driver for services obtained after the date the company appeared on the "blacklist."

SB 1402 contains an expansive definition of "customer" of a port trucking company. Specifically, "customer" means a business that engages or uses a port trucking company to perform services on the customer's behalf, whether the customer directly engages or uses a port trucking company or indirectly uses a company through the use of an agent such as a freight forwarder, motor transportation broker, ocean carrier or other motor carrier.

In order to place customers on notice about any potential joint liability, SB 1402 establishes several notice requirements for port trucking companies. First, a port trucking company, prior to providing services to a customer, shall provide written notice

of any unsatisfied final judgments. However, the failure to provide the notice shall not absolve the customer of joint liability under the new law. Second, the law requires a port trucking company to notify a customer within 30 days of a final entry of judgment for specified claims.

Companies that engage with or use port trucking companies will need to develop protocols to monitor the DLSE "blacklist" to determine whether any potential contractor falls on that list. Businesses may wish to build into their contract additional disclosure and notification requirements (perhaps even beyond what the new law requires) before engaging the services of a port trucking company. Finally, potential "customers" may wish to consult with counsel to discuss contract provisions or other methods to minimize any potential liability when dealing with port trucking companies.

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EBBINK

minations between January 1, 2013, and December 31, 2015, which were based on errors of law but for which existing statute provides no remedy to adjust. This bill gives affected members one year from the bill's effective date to apply for correction of their retirement calculation.

An act to add Section 31541.1 to the Government Code, relating to county employees' retirement.

• AB 2646 (Gonzalez Fletcher) This bill grants specified properties in the City of Chula Vista to the San Diego Unified Port District to be managed consistent with the public trust.

An act to add Section 5.8 to the San Diego Unified Port District Act (Chapter 67 of the First Extraordinary Session of the Statutes of 1962), relating to the San Diego Unified Port District, and declaring the urgency thereof, to take effect immediately.

• AB 2654 (Quirk-Silva) Authorizes Orange County and the Orange County Flood Control District (District) to use the design-build contracting process for specified projects.

An act to add Sections 22162.6 and 22162.7 to the Public Contract Code, relating to public contracts.

• AB 3068 (Daly) This bill requires county boards of supervisors to obtain independent legal counsel to assist a county auditor-controller if a county counsel or district attorney would have a conflict of interest in representing the auditor-controller.

An act to amend Section 31000.6 of the Government Code, relating to local government.

• **AB 3137 (Rodriguez)** Authorizes the City of Pomona to convey to the Consolidated Fire Protection District (CFPD) of the County of Los Angeles a portion of former state surplus property.

An act to add Section 14669.19 to the Government Code, and to repeal Section 1 of Chapter 68 of the Statutes of 1973, relating to state property.

• SB 1323 (Hernandez) This bill allows county lighting districts for the County of Los Angeles to perform maintenance and make improvements authorized under the Landscaping and Lighting Act of 1972.

An act relating to maintenance districts, and declaring the urgency thereof, to take effect immediately.

NATIVE AMERICAN

• AB 880 (Gray) This would establish the Tribal Nation Grant Panel (Panel) and the Tribal Nation Grant Fund Program (Program), and authorizes the Panel to award grants from available funds in the Tribal Nation Grant Fund (TNGF) to nongaming and limited-gaming tribes, as specified. In addition, this bill establishes the Office of the Governor's Tribal Advisor (Advisor).

An act to amend and renumber Section 12012.95 of, to add Sections 11126.4.5 and 12012.3 to, and to add Article 2.3 (commencing with Section 12019.30) to Chapter 1 of Part 2 of Division 3 of Title 2 of, the Government Code, relating to tribal gaming.

 AB 1248 (Gloria) Authorizes a student to wear tribal regalia or recognized objects of religious or cultural significance as an adornment at school graduation ceremonies.

An act to add Section 35183.1 to the Education Code, relating to pupils.

• AB 1433 (Wood) Ratifies the tribal state compact (Compact) entered into between the State of California and the Elk Valley Rancheria, California (Tribe) executed on August 31, 2017. Additionally, this bill provides

that, in deference to tribal sovereignty, certain actions are not deemed projects for purposes of the California Environmental Quality Act (CEQA); and, stipulates, except as expressly provided, that none of the provisions shall be construed to exempt a city, county, or city and county, or the Department of Transportation from CEQA requirements.

An act to add Section 12012.93 to the Government Code, relating to tribal gaming, and declaring the urgency thereof, to take effect immediately.

• AB 1965 (Aguiar-Curry) This bill would ratify the tribal-state gaming compact (Compact) entered into between the State of California and the Big Valley Band of Pomo Indians of the Big Valley Rancheria, California (Tribe), executed on August 16, 2018. Additionally, this bill provides that, in deference to tribal sovereignty, certain actions are not deemed projects for purposes of the California Environmental Quality Act (CEQA); and, stipulates, except as expressly provided, that none of the provisions shall be construed to exempt a city, county, or city and county, or the Department of Transportation from CEQA requirements.

An act to add Section 12012.98 to the Government Code, relating to tribal gaming, and declaring the urgency thereof, to take effect immediately.

• AB 1966 (Aguiar-Curry) This bill would ratify the amendment to the tribal-state gaming compact (Amended Compact) entered into between the State of California (State) and the Habematolel Pomo of Upper Lake (Tribe), executed on August 16, 2018.

An act to add Section 12012.99 to the Government Code, relating to tribal gaming, and declaring the urgency thereof, to take effect immediately.

• AB 2836 (Gloria) This bill requires the Regents of the University of California (UC) to establish and support a system-wide Native American Graves Protection and Repatriation Act (NAGPRA) Implementation and Oversight Committee, and for any campus subject to the federal NAGPRA to establish a campus implementation committee.

An act to amend Section 8014 of, and to add Article 3 (commencing with Section 8025) to Chapter 5 of Part 2 of Division 7 of, the Health and Safety Code, and to amend Section 5097.94 of the Public Resources Code, relating to tribal affairs.

• AB 3047 (Daly) Provides a fee waiver for outof-state attorneys appearing pro hac vice in specified Indian Child Welfare Act matters. Specifically, this bill waives the \$500 fee for filing an application with the superior court to appear as counsel pro hac vice when the appearance is made on the behalf of a tribe in a child welfare matter pursuant to the federal Indian Child Welfare Act (ICWA, or The Act).

An act to amend Section 70617 of the Government Code, relating to court fees.

• AB 3176 (Waldron) Makes a number of changes to state law regarding the removal of Indian children from their families and their out-of-home placement in order to conform to changes to federal regulations governing the Indian Child Welfare Act (ICWA).

An act to amend Sections 212.5, 224, 224.1, 224.6, 290.1, 290.2, 291, 292, 293, 294, 295, 297, 305.5, 305.6, 306, 309, 315, 319, 332, 352, 354, 361, 361.2, 361.31, 361.7, 366, 366.26, 381, and 16507.4 of, to add Section 319.4 to, and to repeal and add Sections 224.2 and 224.3 of, the Welfare and Institutions Code, relating to Indian children.

 AB 3262 (Gray) This bill ratifies the amended tribal-state gaming compact (Compact) entered into between the State of California and the Santa Ynez Band of Mission Indians, executed on August 1, 2018 (hereafter "Tribe").

An act to add Section 12012.94 to the Government Code, relating to tribal gaming, and declaring the urgency thereof, to take effect immediately.

• SB 1051 (Dodd) This bill ratifies separate tribal-state gaming compacts between the State of California and the La Jolla Band of Luiseño Indians, executed on August 1, 2018; the Mechoopda Indian Tribe of Chico Rancheria, executed on August 8, 2018; the San Pasqual Band of Mission Indians, executed on August 8, 2018; the Torres Martinez Band of Desert Cahuilla Indians, executed on August 16, 2018; the Twenty-Nine Palms Band of Mission Indians, executed on August 8, 2018; as well as amendments to current tribal-state gaming compacts with the Dry Creek Rancheria Band of Pomo Indians, executed on August 1, 2018; and the Karuk Tribe, executed on August 1, 2018.

An act to add Section 12012.97 to the Government Code, relating to tribal gaming, and declaring the urgency thereof, to take effect immediately.

REAL ESTATE

 AB 1289 (Arambula) Revises definitions of several key terms appearing throughout portions of the Civil Code governing the transfer of real property and associated disclosure requirements, and makes various other technical and clarifying changes.

An act to amend Sections 1086, 1087, 1088, 1102, 1102.1, 1102.2, 1102.3, 1102.4, 1102.5, 1102.6a, 1102.6b, 1102.6c, 1102.9, 1102.155, 1103, 1103.1, 1103.2, 1103.3, 1103.4, 1103.5, 1103.8, 1103.9, 2079, 2079.6, 2079.7, 2079.8, 2079.9, 2079.10, 2079.10.5, 2079.10a, 2079.13, 2079.14, 2079.15, 2079.16, 2079.17, 2079.21, and 2079.22 of, to add Sections 1102.18, 1103.15, and 2079.25 to, to repeal Sections 1090, 1102.14, 1103.14, and 2079.18 of, and to repeal and add Section 1089 of, the Civil Code, relating to real estate.

• AB 1423 (Chiu) Revises a City and County of San Francisco granted lands statute's definition of "affordable housing," as specified, for seawall lot 322-1 and provides that affordable housing includes certain incidental or ancillary uses.

An act to amend Sections 1 and 2 of Chapter 757 of the Statutes of 2012, relating to housing.

• AB 1768 (Steinorth) This bill expands a pilot program that allows certain local housing authorities to provide gap financing for housing projects that include middle-income units.

An act to amend Section 34340 of the Health and Safety Code, relating to housing.

• AB 1771 (Bloom) Makes changes to the regional housing needs allocation (RHNA) plan objectives, methodology, distribution, and appeals process.

An act to amend Sections 65584, 65584.01, 65584.04, 65584.05, and 65584.06 of the Government Code, relating to housing.

• AB 1796 (Muratsuchi) Removes the exemption that allows lessors of dwellings subject to a residential rent control ordinance to deny requests of lessees to install electric vehicle (EV) charging stations at parking spaces, thereby requiring lessors of rent controlled dwellings to approve EV installation requests.

An act to amend Section 1947.6 of the Civil Code, relating to tenancy.

• AB 1919 (Wood) Expands the scope of the crime

price gouging by including rental housing that was not on the market at the time of the proclamation or declaration of emergency. Defines the "rental price" of housing for purposes of price gouging.

An act to add Section 8588.8 to the Government Code, and to amend Section 396 of the Penal Code, relating to price gouging.

 AB 1943 (Waldron) This bill allows a registered owner of a mobilehome in a mobilehome park that is converted or proposed to be converted to a resident-owned park to submit written evidence of ownership as proof that they own, hold title to, or are purchasing the real property where the mobilehome is to be installed.

An act to amend Section 18551 of the Health and Safety Code, relating to manufactured housing, and declaring the urgency thereof, to take effect immediately.

 AB 2056 (Eduardo Garcia) Requires Mobilehome Park Rehabilitation and Resident Ownership Program (MPRROP) Fund loans issued after January 1, 2019 to be structured as deferred repayment loans, and allows loan funds to be used for rehabilitation of mobilehome parks, among other things.

An act to amend Sections 50784.5 and 50784.7 of, and to add Section 50784.6 to, the Health and Safety Code, relating to mobilehome parks, and making an appropriation therefor.

• AB 2173 (Santiago) This bill increases the threshold amount that triggers a commercial landlord's duty to auction off personal property left behind when a commercial tenant vacates. In addition, this bill makes findings and declarations highlighting the difference between commercial and residential tenancies and justifying, on that basis, setting a higher threshold amount for the disposal of abandoned personal property in the commercial context.

An act to amend Sections 1993.04 and 1993.07 of the Civil Code, relating to personal property.

• AB 2219 (Ting) Requires landlords to allow a tenant to pay rent through a third party, subject to specified limitations.

An act to amend Section 1947.3 of the Civil Code, relating to tenancy.

 AB 2343 (Chiu) Enacts various procedural changes to landlord-tenant law, including specified extensions of time for tenants to respond to notices and eviction papers.

An act to amend Sections 1161 and 1167 of the Code of Civil Procedure, relating to real property.

• AB 2413 (Chiu) Expands protections for survivors of domestic violence and other types of abuse to not face eviction or other penalties on the basis of having summoned law enforcement or 9-1-1 emergency assistance on their own behalf, or on behalf of another, to respond to incidents of violence or abuse, as provided.

An act to add Section 1946.8 to the Civil Code, to amend Section 1161.3 of the Code of Civil Procedure, and to repeal and add Section 53165 of the Government Code, relating to tenancy.

• AB 2753 (Friedman) Makes changes to the density bonus application process.

An act to amend Section 65915 of the Government Code, relating to housing.

 AB 2847 (Rubio) Revises and recasts existing law on abandonment of the rental premises to be tailored specifically to commercial tenancy.

An act to amend Sections 1946 and 1951.3 of, and to add Section 1951.35 to, the Civil Code, relating to real property.

• AB 2884 (Irwin) Updates existing real estate laws to clarify terminology and reflect current practice in the field of real estate. Extends the authority of the Real Estate Commissioner to revoke a license that was issued in error or by mistake. Defines "salesperson" as a person retained by a real estate broker. Defines "retained" as the relationship between a broker and real estate licensee to perform real estate activities. Defines "responsible broker" as a broker responsible for the control of salespersons. Requires licensees to notify the commissioner whenever a licensee affiliates with or is retained by a real estate broker or terminates that agreement, in a manner specified by the commissioner. Allows for the copy of a contract to be delivered in print or via electronic means as soon as practicable and allows for the use of E-licenses. Clarifies the complaints that may be filed against a licensee and what must be reported to the commissioner. Authorizes a corporation, in the event of the death of the sole designated broker-officer, to continue operating and engaging in real estate business if notice is provided to the Bureau of Real Estate (BRE) within 10 days. The bill is paired with AB 1289 of the current legislative session, referred to the Committee on Judiciary, and the bills will only go into effect if the companion bill is also enacted.

An act to amend Sections 10001, 10016, 10027, 10050, 10131, 10133.1, 10133.2, 10137, 10140.6, 10142, 10143.5, 10144, 10158, 10159, 10159.6, 10159.7, 10164, 10176, 10177, 10178, 10179, 10186.2, 10232.3, 10238, 10243, 10509, 10561, 11212, and 11267 of, to add Sections 10010.5, 10015.1, 10015.2, 10015.3, 10015.4, 10015.5, 10018.01, 10018.02, 10018.03, 10018.04, 10018.05, 10018.06, 10018.07, 10018.08, 10018.09, 10018.10, 10018.11, 10018.13, 10018.14, 10018.15, 10018.16, and 10018.17 to, to repeal Sections 10132 and 10160 of, and to repeal and add Section 10161.8 of, the Business and Professions Code, relating to real estate.

• AB 2930 (Santiago) Extends authority, until January 1, 2024, for two nuisance-eviction pilot programs that conditionally allows city attorneys and prosecutors in authorized cities to bring eviction proceedings against tenants for committing nuisance violations involving unlawful weapons or controlled substances.

An act to amend Sections 3485 and 3486.5 of the Civil Code, relating to tenancy.

• AB 3041 (Cunningham). This bill prohibits developers from creating new property covenants, conditions, or restrictions that force subsequent owners to pay specially designated fees every time the property is transferred, unless the fee provides a "direct benefit" to the property, as defined in federal law.

An act to add Section 1098.6 to the Civil Code, relating to real estate transfer fees.

• AB 3066 (Mark Stone) Establishes the Mobilehome Residency Law Protection Program (MRLP), beginning July 1, 2020, within the Department of Housing and Community Development (HCD) to help coordinate the resolution of complaints from homeowners relating to the Mobilehome Residency Law (MRL).

An act to amend Sections 18021.7 and 18502 of, and to add and repeal Part 2.2 (commencing with Section 18800) of Division 13 of, the Health and Safety Code, relating to mobilehomes.

• SB 70 (Bates) This bill exempts a licensed real estate appraiser, until January 1, 2020, from a requirement in the Uniform Standards of Professional Appraisal Practice (USPAP) pertaining to a restricted appraisal report as long as the appraiser has received prior consent of the client and the report prepared by the licensee is not a federally related transaction or is

not required to meet other requirements, as specified.

An act to amend Section 11319 of the Business and Professions Code, relating to real estate.

• SB 261 (Roth) This bill provides that a homeowner association (HOA) in a common interest development (CID) may provide a document by electronic means if the recipient has consented by email and reduces the notice requirement of a proposed rule change by the HOA board from 30 days to 28 days.

An act to amend Sections 4040 and 4360 of the Civil Code, relating to common interest developments.

• SB 818 (Beall) This bill permanently re-enacts the provisions of SB 900 (Leno, Chapter 87, Statutes of 2012), revises the circumstances under which servicers must give borrowers a single point of contact, and adds language providing that the amendment, addition, or repeal of any section or part of a section does not release, extinguish, or change any liability under the bill.

An act to amend Section 2924 of, to amend and repeal Sections 2923.4, 2923.5, 2923.6, 2923.7, 2924.12, 2924.15, and 2924.17 of, to add Sections 2923.55, 2924.9, 2924.10, 2924.18, and 2924.19 to, to repeal Section 2920.5 of, and to repeal and add Section 2924.11 of, the Civil Code, relating to mortgages.

• SB 861 (Committee on Budget and Fiscal Review) This bill makes statutory changes related to the National Mortgage Special Deposit Fund.

An act to amend Section 12531 of the Government Code, relating to the national mortgage settlement, and making an appropriation therefor, to take effect immediately, bill related to the budget.

• SB 988 (Galgiani) Requires a home inspector to include a specified notice in a home inspection report if the inspector observes any shade of yellow corrugated stainless steel tubing during a home inspection.

An act to add Section 7196.2 to the Business and Professions Code, relating to professions and vocations.

• SB 1016 (Allen) This bill prohibits any unreasonable restriction that effectively prohibits or restricts the installation or use of an EV (electric vehicle)-dedicated time-of-use (TOU) meter, as defined, in common interest developments (CIDs).

An act to amend Section 4745 of, and to add Section 4745.1 to, the Civil Code, relating to common interest developments.

• SB 1173 (Vidak) This bill requires a time share association, for properties found within a mixed use development in a homeowners association, to provide a list of timeshare owners to the homeowners association at least annually, and that providing this list shall satisfy annual notice requirements found within common interest development law.

An act to amend Section 4041 of the Civil Code, relating to common interest developments.

• SB 1183 (Morrell) This bill provides that specified, mortgage-related protections for survivors of mortgage borrowers do not apply to survivors of reverse mortgage borrowers.

An act to amend Section 2920.7 of the Civil Code, relating to mortgages and deeds of trust.

SAFETY and PUBLIC HEALTH

• **AB 193 (Cervantes)** Requires Air Resources Board (ARB) to create a new program to incentivize the purchase and use of used zero-emission vehicles (ZEVs) or near-zero-emission vehicles (NZEVs).

An act to add and repeal Section 44274.9 of the Health

and Safety Code, relating to vehicular air pollution.

• AB 417 (Limón) Authorizes the Department of Public Health (DPH), for a period of no more than 180 days, to permit an acute psychiatric hospital (APH) that was affected by a wildfire during the month of December 2017 and that is in the County of Ventura to provide outpatient mental health services that were approved by DPH and operational as supplemental services before the wildfire occurred, while the inpatient operations of the APH are voluntarily suspended. Makes the provisions of this bill inoperative on November 1, 2018. Contains an urgency clause to ensure that the provisions of this bill go into immediate effect upon enactment.

An act to add and repeal Section 1271.25 of the Health and Safety Code, relating to health facilities, and declaring the urgency thereof, to take effect immediately.

• AB 565 (Bloom) Require the Department of Housing and Community Development (HCD), in the next triennial cycle of the building code, to develop and submit clarifications to the California Building Code and Residential Building Code pertaining to the construction of live/work units.

An act to add Section 18941.15 to the Health and Safety Code, relating to building standards.

• AB 626 (Eduardo Garcia) Establishes "micro-enterprise home kitchens (MHKs)" as a new category of retail food facility, that cities or counties would have discretion to authorize and permit, to be operated by a resident in a private home, subject to specified requirements. Subjects MHKs to the requirements of a restricted food service facility, with numerous exemptions from these requirements primarily to accommodate the differences between a home kitchen and a commercial kitchen. Limits MHKs to selling food directly to consumers, but specifies that the sale of food through an Internet food service intermediary is considered a direct sale to consumers, and establishes requirements on these intermediaries.

Ån act to amend Sections 110460, 111955, 113789, and 114390 of, to add Section 113825 to, and to add Chapter 11.6 (commencing with Section 114367) to Part 7 of Division 104 of, the Health and Safety Code, relating to the California Retail Food Code.

• AB 710 (Wood) Provides that if cannabidiol (CBD) is federally rescheduled or otherwise made a legally prescribable controlled substance, it shall also be legal to prescribe under state law.

An act to add Section 26002 to the Business and Professions Code, and to add Section 11150.2 to the Health and Safety Code, relating to controlled substances, and declaring the urgency thereof, to take effect immediately.

• AB 829 (Chiu) Prohibits cities and counties from requiring a letter of acknowledgment or similar document prior to applying for state assistance for any housing development.

An act to add Section 50204 to the Health and Safety Code, relating to local government.

• AB 1577 (Gipson) Requires the State Water Resources Control Board (SWRCB) to order the Sativa-Los Angeles County Water District (Sativa) to accept administrative and managerial services from an administrator selected by SWRCB.

An act to add Section 116687 to the Health and Safety Code, relating to drinking water, and declaring the urgency thereof, to take effect immediately.

• AB 1751 (Low) Authorizes the California Department of Justice (DOJ) to share prescription re-

cords between the state's prescription drug monitoring program (PDMP), Controlled Substance Utilization Review and Evaluation System (CURES), and other databases across state lines, with a requirement that other states meet California's patient privacy and data security standards.

An act to amend Section 1798.24 of the Civil Code, and to amend Section 11165 of the Health and Safety Code, relating to controlled substances.

• AB 1753 (Low) Authorizes the Department of Justice (COJ) to cap the number of security printers approved to manufacture regulated prescription pads to three and allows DOJ to reduce or limit the number of printers to no fewer than three through regulation; requires that all prescription forms be uniquely serialized; and requires that the DOJ link prescription pad serial numbers to corresponding records in the state's prescription drug monitoring program (PDMP), Controlled substance Utilization Review and Evaluation System (CURES).

An act to amend Sections 11161.5, 11162.1, and 11165 of the Health and Safety Code, relating to controlled substances.

 AB 1766 (Maienschein) This bill requires every public swimming pool that is required to provide lifeguard services and that charges a direct fee, as defined, to provide on its premises an Automated External Defibrillator unit.

An act to amend Section 116045 of, to amend the heading of Article 5 (commencing with Section 116025) of Chapter 5 of Part 10 of Division 104 of, and to add Section 116046 to, the Health and Safety Code, relating to swimming pools.

• AB 1776 (Steinorth) Authorizes the County of San Bernardino to work with the Inland Counties Emergency Medical Agency (ICEMA) to conduct a pilot project, beginning January 1, 2019, that would authorize an emergency medical technician (EMT) to provide emergency transportation for a police dog injured in the line of duty to a facility capable of providing veterinary medical services if there is not a person requiring medical attention or medical transportation at the time the decision is made to transport the police dog

An act to add and repeal Section 1797.10 of the Health and Safety Code, relating to emergency medical services.

• AB 1787 (Salas) Requires the Department of Public Health (DPH) to collect data on Valley Fever by April 15 of each year from both the California Reportable Disease Information Exchange or any other electronic data system.

An act to add Sections 120161, 120162, and 120163 to the Health and Safety Code, relating to communicable diseases.

• AB 1788 (Salas). Authorizes the Department of Public Health (DPH) to use laboratory results to confirm a case of Valley Fever with or without clinical criteria.

An act to add and repeal Section 120144 of the Health and Safety Code, relating to public health.

• AB 1790 (Salas) Requires the Department of Public Health (DPH) to conduct a Valley Fever awareness campaign to communicate with local health jurisdictions, providers, and the public about Valley Fever, as specified.

An act to add Part 7.7 (commencing with Section 122475) to Division 105 of, and to repeal Section 122477 of, the Health and Safety Code, relating to valley fever.

• AB 1893 (Maienschein) This bill requires the Department of Public Health (DPH) to investigate and apply for federal funding opportunities to support maternal mental health (MMH), as specified. This bill requires DPH to notify the Legislature of its efforts to secure and utilize federal funds it receives. This bill sunsets on January 1, 2023.

An act to add and repeal Section 123611 of the Health and Safety Code, relating to public health.

• AB 2006 (Eggman) Requires the Air Resources Board (ARB) to ensure existing agricultural vanpool programs serve disadvantaged communities and low-income communities, and requires ARB to allocate a minimum of 25% of the moneys appropriated for agricultural vanpool programs to those programs servicing low-income communities.

An act to amend Section 44258.4 of the Health and Safety Code, relating to vehicular air pollution.

• AB 2086 (Gallagher) Allows prescribers of controlled substances to review a list of patients for whom they are listed as being the prescriber in the California Department of Justice (DOJ)'s prescription drug monitoring program (PDMP).

An act to add Section 11165.6 to the Health and Safety Code, relating to controlled substances.

• AB 2178 (Limón) Expands the definition of a food facility to include a limited service charitable feeding operation whose purpose is to feed food-insecure individuals and requires limited service charitable feeding operations to register with the local enforcement agency.

An act to amend Section 113789 of, to add Section 113819 to, and to add Chapter 10.6 (commencing with Section 114333) to Part 7 of Division 104 of, the Health and Safety Code, relating to the California Retail Food Code.

• AB 2190 (Reyes) Provides for an extension of the January 1, 2020, hospital seismic safety deadline of up to 30 months (until July 1, 2022) for hospitals that plan to replace or retrofit a building to at least the 2020 standard of Seismic Performance Category - 2 (SPC), and up to five years (January 1, 2025) for hospitals that plan to rebuild to SPC-4D or SPC-5 standards that meet 2030 standards.

An act to add Sections 130062 and 130066 to the Health and Safety Code, relating to hospitals.

• AB 2238 (Aguiar-Curry) Makes a number of minor changes to local agency formation commission (LAFCO) law, regional housing needs allocation (RHNA) law, and the law that governs public health emergencies.

An act to amend Sections 56668, 65584.01, and 65584.04 of the Government Code, and to amend Section 101080 of the Health and Safety Code, relating to local hazard management.

• AB 2256 (Santiago) Authorizes a pharmacy or wholesaler to furnish naloxone hydrochloride (naloxone) or another opioid antagonist to law enforcement agencies, under specified conditions.

An act to add Section 4119.9 to the Business and Professions Code, relating to healing arts.

• AB 2293 (Reyes) Prohibits the Emergency Medical Services Authority (EMSA) from denying an emergency medical technician (EMT)-I or EMT-II license, upon the finding by the EMSA Director of the occurrence of evidence of a threat to the public health, if the license holder demonstrates substantial rehabilitation, as defined. Limits the criteria related to conduct that an employer, local emergency medical services

agency (LEMSA), or EMSA can consider when denying an EMT-I or EMT-II license to conduct that directly relates to the course of employment, and authorizes an applicant to file a notice of defense within 30 days after service of an accusation.

An act to add and repeal Section 1797.229 of the Health and Safety Code, relating to emergency medical services.

• AB 2370 (Holden) Requires licensed child day care facilities to, upon enrolling any child, provide parents or guardians with certain written information related to the risks and effects of lead exposure and blood lead testing recommendations and requirements, and subjects certain child day care centers to certain requirements related to testing drinking water for lead contamination levels.

An act to amend Sections 1596.866 and 1596.8661 of, and to add Sections 1596.7996 and 1597.16 to, the Health and Safety Code, relating to lead exposure.

• AB 2380 (Aguiar-Curry) Requires the Governor's Office of Emergency Services (Cal OES), in collaboration with the Department of Forestry and Fire Protection (CAL FIRE), to develop standards and regulations for any privately contracted private fire prevention resources operating during an active fire incident in the state.

An act to add Part 4.5 (commencing with Section 14865) to Division 12 of the Health and Safety Code, relating to fire protection.

• AB 2381 (Carrillo) Requires the Air Resources Board (ARB) to enhance its emissions testing of new motor vehicles and authorizes ARB to impose a fee on vehicle manufacturers to cover implementation costs.

An act to amend Section 43019.2 of, and to add Sections 43202.5 and 43202.6 to, the Health and Safety Code, relating to vehicular air pollution.

• AB 2445 (O'Donnell) This bill requires a pet store operator to maintain records to document the health, status, and disposition of each animal it sells for a period of not less than two years, and provide to the prospective purchaser of any animal the veterinary medical records, as specified, and the pet store return policy including the circumstances, if any, under which the pet store will provide follow-up veterinary care for the animal in the event of illness. This bill also requires that an animal shelter, as specified, or a rescue group that supplies an animal to the pet store provide, if requested by the pet store operator, the terms under which the animal is being transferred to the pet store, including certain specified information.

An act to amend Section 122354.5 of the Health and Safety Code, relating to public health.

• AB 2450 (Quirk) This bill requires manufacturers of balloons constructed of electrically conductive material in California to permanently mark each balloon with a warning about the dangerous risk of fires if a balloon comes in contact with an electrical power line. This bill also makes violating specified requirements related to the selling or distribution of balloons constructed of electrically conductive material subject to civil, rather than criminal, penalties.

An act to amend Section 653.1 of the Penal Code, and to add Chapter 31 (commencing with Section 22942) to Division 8 of the Business and Professions Code, relating to electrically conductive balloons.

• AB 2453 (Eduardo Garcia) Authorizes a modernization apportionment from state school facilities bond funds to be used for air filtration systems. Authorizes a school or school district located in a community

with a high cumulative exposure burden, as specified, to be eligible for grants as part of a community emissions reduction program to implement air quality mitigation efforts.

An act to amend Section 17074.25 of the Education Code, and to add Section 44391.3 to the Health and Safety Code, relating to air pollution.

• AB 2455 (Kalra) Requires the Department of Social Services (DSS) to, for any new home care aide registration or renewal of registration occurring on or after July 1, 2019, provide an electronic copy of a registered home care aide's name and certain contact information upon request to specified labor organizations, provided the aide has not opted out of sharing this information, and prohibits certain uses of the acquired information.

An act to amend Section 1796.29 of the Health and Safety Code, relating to home care services.

 AB 2485 (Chau) Prohibits local inspection officials from being accompanied by financially interested persons during inspections of commercial properties or businesses.

An act to add Chapter 21 (commencing with Section 26250) to Division 20 of the Health and Safety Code, relating to code enforcement.

• AB 2490 (Chiu). Expands existing law by requiring the State Registrar, in addition to the local registrar and county recorder, to issue a certified record of live birth without a fee to any person who can verify his or her status as a homeless person or a homeless child or youth.

An act to amend Section 103577 of the Health and Safety Code, relating to vital records.

• AB 2501 (Chu) Revises and recasts existing law to expand the State Water Resources Control Board's (State Water Board's) authority to order the consolidation of, and appoint an administrator for, drinking water systems that serve a disadvantaged community and that consistently fail to provide safe, affordable drinking water.

An act to amend Sections 116355, 116681, 116682, and 116686 of the Health and Safety Code, relating to drinking water.

• AB 2524 (Wood) Expands the definition of a food facility to include a catering operation and a host facility, and allows a catering operation to serve food at specified host facilities, breweries, wineries, or other locations approved by the local enforcement agency.

An act to amend Sections 113789, 113818, 113843, 113846, 114143, 114294, and 114335 of, to add Sections 113739.1 and 113806.1 to, to add Chapter 10.1 (commencing with Section 114328) to Part 7 of Division 104 of, and to repeal Chapter 12.6 (commencing with Section 114377) of Part 7 of Division 104 of, the Health and Safety Code, relating to the California Retail Food Code.

• AB 2541 (Salas) This bill authorizes the State Water Resources Control Board (SWRCB) to provide up to 100% grant funding, in addition to providing principal forgiveness and zero-percent financing on loans, from the Safe Drinking Water State Revolving Fund (DWSRF) to a project for a water system that serves a severely disadvantaged community (SDAC).

An act to amend Section 116760.50 of the Health and Safety Code, relating to water quality.

 AB 2561 (Flora) This bill recasts and updates existing law governing the State Registrar, local registrar, and county recorder's responsibilities related to the transfer, maintenance, and disposal of vital records.

An act to amend Sections 102365 and 103245 of, to

repeal Section 102340 of, and to repeal and add Section 102335 of, the Health and Safety Code, relating to local records.

• AB 2562 (Mullin) Authorizes the Department of Housing and Community Development (HCD) to change interest rates on loans issued to low-income rental housing projects.

An act to amend Sections 50406.7 and 50560 of the Health and Safety Code, relating to housing.

• AB 2564 (Rodriguez) Subjects any operator of a glider vehicle, as defined by the California Air Resources Board (ARB), to a minimum civil penalty of \$25,000 per violation of the state's vehicular air pollution control laws and regulations, and prohibits ARB from reducing the penalty for any reason.

An act to add Section 43024.1 to the Health and Safety Code, relating to vehicular air pollution.

• AB 2576 (Aguiar-Curry) Authorizes a community clinic licensed by the Board of Pharmacy (BOP) to furnish drugs or devices without a prescription during a state of emergency, and authorizes the BOP to waive specified provisions of the Pharmacy Practice Act for up to 90 days following the termination of a declared emergency. Permits the Governor, during a state of emergency, to direct all state agencies to utilize, employ, and direct state personnel, equipment and facilities to allow community clinics and health centers to provide and receive reimbursement for services provided during or immediately following an emergency, as specified.

An act to amend Sections 4062, 4064, and 4126.5 of the Business and Professions Code, and to add Section 8628.5 to the Government Code, relating to emergencies.

• AB 2589 (Bigelow) This bill exempts human chorionic gonadotropin (hCG) from the regulations associated with Schedule III controlled substances when possessed by, sold to, purchased by, transferred to, or administered by a licensed veterinarian, or a licensed veterinarian's designated agent, exclusively for veterinary use.

An act to amend Section 11056 of the Health and Safety Code, relating to controlled substances.

• AB 2608 (Mark Stone) Creates a new account within the Mental Health Practitioner Education Fund, where future appropriations by the Legislature could be deposited to a fund grant program to repay educational loans for applicants who were formerly in California's foster youth care system and commit to provide direct patient care in a publicly funded facility or a mental health professional shortage area for at least 24 months as marriage and family therapists (LMFTs), associate marriage and family therapists (AMFTs), licensed clinical social workers (ACSWs), licensed professional clinical counselors (LPCCs), or associate professional clinical counselors (APCCs).

An act to add Section 128455 to the Health and Safety Code, relating to health professions.

• AB 2632 (Santiago) Expands exemptions in the Fair Packaging and Labeling Act (FPLA); the state's statute regulating food containers subject to the Food, Drug and Cosmetics Act (FDC Act); and the Sherman Food, Drug, and Cosmetic Laws (Sherman Law), under which containers subject to these laws may contain "slack fill" without violating the nonfunctional slack fill prohibition of those laws, as specified.

An act to amend Sections 12606 and 12606.2 of the Business and Professions Code, and to amend Section

110375 of the Health and Safety Code, relating to packaging and labeling.

• AB 2674 (Aguiar-Curry) Requires the Department of Managed Health Care (DMHC) to review complaints filed by a provider who believes a plan is engaging in an unfair payment pattern, and authorizes DMHC to conduct an audit and an enforcement action pursuant to existing regulations.

An act to amend Section 1371.39 of the Health and Safety Code, relating to health care service plans.

• AB 2775 (Kalra). This bill requires a professional cosmetic manufactured on or after July 1, 2020, for sale in this state to have a label affixed on the container that satisfies all of the labeling requirements for any other cosmetic pursuant to specific federal laws.

An act to add Section 110371 to the Health and Safety Code, relating to professional cosmetics.

• AB 2783 (O'Donnell) Reschedules hydrocodone combination products (HCP) from a Schedule III drug to a Schedule II drug.

An act to amend Sections 11055 and 11056 of the Health and Safety Code, relating to controlled substances.

• AB 2798 (Maienschein) Establishes specific timelines for the Department of Public Health (DPH) to approve applications from hospitals seeking to modify, add, or expand a service or program. Requires DPH, if it does not meet those timelines for an expanded service, to deem the application approved and issue a new license that includes the expanded service, which will remain licensed for not more than 18 months. Requires DPH to develop a Centralized Applications Unit (CAU) advice program to assist hospitals in completing application paperwork, and to develop an automated system to process applications.

An act to add Section 1272 to the Health and Safety Code, relating to health facilities.

• AB 2885 (Rodriguez) Requires the California Air Resources Board (ARB), for purposes of the Clean Vehicle Rebate Project (CVRP), to provide outreach to low-income households and low-income communities to increase awareness of the CVRP, and, until January 1, 2022, to prioritize rebate payments to low-income applicants.

An act to add and repeal Section 44274.6 to the Health and Safety Code, relating to vehicular air pollution.

 AB 2887 (Aguiar-Curry) Makes several modifications to the operation of migrant farm labor centers (centers).

An act to amend Section 50710.1 of, and to add Sections 50710.2 and 50710.4 to, the Health and Safety Code, relating to housing.

• AB 2900, (Committee on Environmental Safety and Toxic Materials) This bill, regarding a proposed new water system, allows the State Water Resources Control Board (SWRCB)—or for a proposed new public water system that would be regulated by a local primacy agency, the SWRCB and the local primacy agency—to approve the preliminary technical report and allow construction to proceed before the end of the six-month period, and changes the requirements of the technical report to examine community water systems rather than public water systems.

An act to amend Section 116527 of the Health and Safety Code, relating to drinking water.

 AB 2901 (Committee on Environmental Safety and Toxic Materials). This bill makes technical changes and necessary updates to statute enacted under SB 258 (Lara, Chapter 830, Statutes of 2017), which created the Cleaning Product Right to Know Act of 2017.

An act to amend Sections 108952, 108955, and 108955.5 of the Health and Safety Code, relating to consumer product safety.

• AB 2902 (Committee on Environmental Safety and Toxic Materials) Makes technical changes to the Aboveground Petroleum Storage Tank Act (APSA), the Underground Storage Tank Act (USTA), and the Hazardous Materials Business Plan (HMBP) Program.

An act to amend Sections 25270.2, 25270.3, 25270.4, 25270.4.5, 25281.5, 25285, 25292.3, 25299.78, and 25510 of the Health and Safety Code, relating to hazardous substances.

• AB 2928 (Chen) Authorizes generators of highly controlled used oil to test their used oil once per year for the purposes of determining if the used oil is a hazardous waste, and allows generators to not have to manage their used oil as hazardous waste under certain conditions.

An act to amend Section 25250.19 of the Health and Safety Code, relating to hazardous waste.

• AB 2961 (O'Donnell) Requires, on or before July 1, 2019, local emergency medical service agencies (LEMSAs) to transmit patient offload time data to the Emergency Medical Services Authority (EMSA), and requires EMSA, upon receipt of the data, to calculate ambulance patient offload time (APOT) by LEMSA jurisdiction and by each facility in a LEMSA jurisdiction.

An act to add Sections 1797.123 and 1797.228 to the Health and Safety Code, relating to public health.

• AB 2967 (Quirk-Silva) Requires each local registrar or county recorder to issue a certified record of live birth without a fee to any person who demonstrates that he or she is a youth who has been placed in foster care. Requires a county welfare agency that has relevant knowledge regarding the youth to verify that the youth has been placed in foster care.

An act to add Section 103578 to the Health and Safety Code, relating to foster care.

• AB 3098 (Friedman) This bill requires a residential care facility for the elderly to have an emergency and disaster plan.

An act to amend Section 1569.695 of the Health and Safety Code, relating to residential care facilities for the elderly.

• AB 3112 (Grayson) Makes it unlawful for a manufacturer, wholesaler, reseller, or retailer, to sell non-odorized butane to a customer, but would exempt from the prohibition certain consumer items such as lighters and small containers of non-odorized butane used to refill these items. This bill would authorize a civil penalty to be assessed for the violations specified.

An act to add Section 11107.2 to the Health and Safety Code, relating to controlled substances.

• AB 3138 (Muratsuchi) This bill restructures civil and administrative penalties for California Accidental Release Prevention program (CalARP) violations.

An act to amend Section 25540 of the Health and Safety Code, relating to hazardous materials.

• AB 3162 (Friedman) Requires new single licenses to operate an alcoholism or drug abuse recovery or treatment facility (treatment facility) to be provisional for one year, as specified, and increases the civil penalties for license suspensions, revocations, and violations, as specified.

An act to amend Sections 11834.31 and 11834.34 of,

and to repeal and add Sections 11834.09 and 11834.10 of, the Health and Safety Code, relating to alcoholism or drug abuse.

- SB 46 (Leyva) This bill extends the sunset for a mobilehome park inspection program and related fees. An act to amend Sections 18400.1, 18424, and 18502 of the Health and Safety Code, relating to mobilehomes.
- SB 481 (Pan) This bill allows the County of Sacramento to dispose of a parcel to the City of Sacramento for an amount less than fair market value provided that the property is used for affordable housing purposes.

An act to add and repeal Section 34177.8 of the Health and Safety Code, relating to redevelopment.

• **SB 501 (Glazer)** This bill revises the Dental Board of California (DBC) requirements for the administration of various levels of outpatient sedation beginning 2022.

An act to amend Sections 1601.4 and 2827 of, to amend, repeal, and add Sections 1682, 1724, and 1750.5 of, to add Sections 1601.8, 1646.10, 1647.9.5, and 1647.17.5 to, to add Article 2.75 (commencing with Section 1646), Article 2.84 (commencing with Section 1647), and Article 2.87 (commencing with Section 1647.30) to Chapter 4 of Division 2 of, to add and repeal Section 1601.7 of, and to repeal Article 2.7 (commencing with Section 1647.10), and Article 2.85 (commencing with Section 1647.10), and Article 2.8 (commencing with Section 1647) of Chapter 4 of Division 2 of, the Business and Professions Code, relating to dentistry.

• SB 532 (Dodd) This bill adds "cyberterrorism" to the list of conditions that are named in the California Emergency Services (Act) that may be cited to support the proclamation of a state of emergency or local emergency.

An act to amend Section 8558 of the Government Code, relating to emergency services.

• SB 695 (Lara) This bill requires the Department of Public Health (DPH), and emergency medical technician certifying entities, to permit the use of individual taxpayer identification numbers in lieu of social security numbers for purposes of applying for and renewing a certificate or license. This bill prohibits these entities from denying a license or certificate solely on the basis of citizenship or immigration status.

An act to amend Sections 30 and 1247.61 of the Business and Professions Code, to add Section 44339.5 to the Education Code, to amend Sections 4014, 17506, and 17520 of the Family Code, and to amend Sections 1337.2, 1736.1, 1797.170, 1797.171, 1797.172, 106995, and 114870 of the Health and Safety Code, relating to professions and vocations.

• SB 721 (Hill) This bill establishes inspection and repair requirements for "exterior elevated elements" (EEEs) as defined, including decks and balconies for buildings with three or more multifamily dwelling units; establishes reporting and repair requirements if repairs are needed, including specific timelines for carrying out the repairs; specifies who can complete the inspections and repairs; and, provides for civil penalties for violations for building owners, as specified.

An act to amend Section 1954 of the Civil Code, and to add Article 2.2 (commencing with Section 17973) to Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code, relating to building standards.

SB 762 (Hernandez) This bill allows an optometrist to take an immunization training program endorsed by the Accreditation Council for Pharmacy Education towards certification to administer immuni-

zations

An act to amend Section 3041 of the Business and Professions Code, relating to healing arts, and declaring the urgency thereof, to take effect immediately.

• SB 821 (Jackson) This bill authorizes counties to enter into an agreement to access the contact information of resident accountholders through the records of a public utility, as specified, for the sole purpose of enrolling county residents in a county operated public emergency warning system.

An act to add Section 8593.4 to the Government Code, relating to emergency services.

• SB 823 (Hill) This bill requires the Department of Health Care Services (DHCS) to adopt the American Society of Addiction Medicine treatment criteria, as specified, as the minimum standard of care for licensed residential alcoholism or drug abuse recovery or treatment facilities (RTFs).

An act to add Section 11834.015 to the Health and Safety Code, relating to public health.

• SB 833 (McGuire) This bill requires the Office of Emergency Services (OES), in consultation with specified stakeholders, to develop voluntary guidelines for alerting and warning the public of an emergency, and requires OES to develop an alert and warning training, as specified.

An act to add Section 8593.7 to the Government Code, relating to emergencies.

• SB 879 (Committee on Budget and Fiscal Review) This bill provides specified adjustments and clarifications to various public-safety related budget items, budget bill language, and additional appropriations.

An act to amend Sections 8545 and 69614.3 of the Government Code, and to amend Section 1797.165 of the Health and Safety Code, relating to public safety, and making an appropriation therefor, to take effect immediately, bill related to the budget.

• SB 901 (Dodd) This bill addresses numerous issues concerning wildfire prevention, response and recovery, including funding for mutual aid, fuel reduction and forestry policies, wildfire mitigation plans by electric utilities, and cost recovery by electric corporations of wildfire-related damages.

An act to add Section 815.11 to the Civil Code, to add Section 65040.21 to the Government Code, to add Section 38535 to the Health and Safety Code, to amend Sections 4213.05, 4290, 4527, 4584, 4589, 4593.2, 4597, 4597.1, 4597.2, 4597.6, and 4799.05 of, to add Sections 4123.5, 4124.7, 4290.1, 4584.1, and 4584.2 to, to add Article 10 (commencing with Section 4205) to Chapter 1 of Part 2 of Division 4 of, to add and repeal Section 4556 of, and to repeal Section 4597.20 of, the Public Resources Code, and to amend Sections 399.20.3, 854, 959, 1731, 2107, 8386, and 8387 of, to add Sections 451.1, 451.2, 748.1, 764, 854.2, 8386.1, 8386.2, 8386.5, and 8388 to, to add Article 5.8 (commencing with Section 850) to Chapter 4 of Part 1 of Division 1 of, and to repeal and add Section 706 of, the Public Utilities Code, relating to wildfires.

• SB 912 (Beall) This bill revises the list of management positions for which the California Housing Finance Agency (CalHFA) board has discretion to establish salaries.

An act to amend Section 50909 of the Health and Safety Code, relating to housing.

• SB 969 (Dodd) This bill requires residential automatic garage door openers manufactured for sale, sold, or installed in California on or after July 1, 2019, to have a backup battery that is designed to operate during an

electrical outage, and prohibits replacement garage doors from being installed to an opener that does not have a backup battery

An act to amend Section 19891 of, and to add Section 19892 to, the Health and Safety Code, relating to automatic garage door openers.

• SB 970 (Atkins) This bill requires that hotels and motels provide human trafficking education to employees who interact with the public, as defined.

An act to add Section 12950.3 to the Government Code, relating to employment.

• SB 992 (Hernandez) This bill requires programs licensed or certified by the Department of Health Care Services (DHCS) to disclose business relationships, as specified. This bill makes changes to current law for licensed alcoholism or drug abuse recovery or treatment facilities (RTFs) to improve client treatment and provide DHCS more oversight authority over RTFs.

An act to amend Sections 11834.02, 11834.26, and 11834.36 of, and to add Chapter 7.4 (commencing with Section 11833.05) to Part 2 of Division 10.5 of, the Health and Safety Code, relating to alcohol and drug programs.

• SB 998 (Dodd) This bill requires all public water systems (with more than 200 connections) to have a written policy on discontinuation of residential water service, provide that policy in multiple languages, include provisions for not shutting off water for certain customers that meet specified criteria, prohibit the shutoff of water service until the bill has been delinquent for 60 days, and cap the reconnection fees for restoring water service.

An act to add Chapter 6 (commencing with Section 116900) to Part 12 of Division 104 of the Health and Safety Code, relating to water.

• SB 1034 (Mitchell) This bill extends the sunset date, until January 1, 2025, on existing law that requires health facilities where mammography is performed, if a patient is categorized by the facility as having dense breasts, as specified, to provide be a notice informing the patient that she has dense breasts.

An act to amend and repeal Section 123222.3 of the Health and Safety Code, relating to health.

• SB 1041 (Leyva) This bill requires the California Department of Public Health (DPH) to annually notify health care providers who perform periodic health assessments for children about, and requires those health care providers to inform parents and guardians about, the risks and effect of childhood lead exposure, and the requirement that children enrolled in Medi-Cal receive blood screening tests. This bill requires DPH to include additional publicly releasable information about the number of children enrolled in Medi-Cal who have and have not received blood lead screening tests.

An act to amend Sections 105285, 105295, 105300, and 124125 of, and to add Section 105286 to, the Health and Safety Code, relating to public health.

• SB 1097 (Hueso) This bill requires the Department of Public Health's (DPH) report regarding the effectiveness of appropriate lead poisoning case management efforts to include additional data and information, as specified.

An act to amend Section 105295 of the Health and Safety Code, relating to lead poisoning.

• SB 1109 (Bates) This bill (1) requires that existing trainings for prescribers related to pain management include addiction risks associated with Schedule II drugs; (2) requires additional warning labeling about the risks of addiction and overdose for opioid prescrip-

tions; (3) requires school districts, charter schools, and private schools that offer athletics programs, as well as youth sports organizations, to provide an information sheet to participants about the risk of opioid addiction that parents have to sign and return; and (4) requires prescribers to discuss risks and dangers of opioids and opioid addiction with minors and their parents or guardians.

An act to amend Sections 1645, 2190.5, 2191, 2196.2, 2454.5, 2746.51, 2836.1, 3059, and 3502.1 of, and to add Section 4076.7 to, the Business and Professions Code, to add Section 49476 to the Education Code, and to add Sections 11158.1 and 124236 to the Health and Safety Code, relating to controlled substances.

• SB 1138 (Skinner) This bill requires the California Department of Corrections and Rehabilitation (CDCR) to make plant-based meals available to the inmates under its jurisdiction, and requires specified licensed health care facilities to make plant-based meals available to their patients, as specified.

An act to add Section 1265.10 to the Health and Safety Code, and to amend Section 2084 of the Penal Code, relating to nutrition.

• SB 1152 (Hernandez) This bill requires each hospital to include, as part of its hospital discharge policy, a written homeless patient discharge planning policy and process. Prohibits a hospital from discharging a homeless patient to a location other than where the patient identifies as his or her residence unless to another licensed facility, or to a social services agency or provider that has agreed to accept the patient, and requires certain conditions to be met prior to discharging the homeless patient.

An act to amend, repeal, and add Section 1262.5 of the Health and Safety Code, relating to public health.

• SB 1181 (Hueso) This bill authorizes the Office of Emergency Services (CalOES) to directly enter into an agreement with one or more certified community conservation corps, as defined, to perform emergency or disaster response services.

An act to add Section 8585.8 to the Government Code, relating to emergency services.

• SB 1192 (Monning) This bill requires restaurants that sell children's meals to make either water, milk, or a nondairy milk alternative the default beverage that is offered with the children's meal.

An act to add Chapter 12.8 (commencing with Section 114379) to Part 7 of Division 104 of the Health and Safety Code, relating to children's health.

• SB 1194 (Lara) This bill protects the privacy of Californians by prohibiting places of lodging, bus companies, movie theaters, sports arenas, and performance venues from handing over the name or identifying information of guests, passengers, or audience members, except to California peace officers or in response to a court-issued subpoena, warrant, or order.

An act to add Section 53.5 to the Civil Code, relating to privacy.

• SB 1205 (Hill) This bill requires local fire departments to annually report on their compliance with their currently statutorily required inspections.

An act to add Section 13146.4 to the Health and Safety Code, relating to fire protection.

• SB 1228 (Lara) This bill prohibits specified persons, programs, or entities from giving or receiving remuneration or anything of value for the referral of a person who is seeking alcoholism or drug abuse recovery or treatment services. This bill permits the Department of Health Care Services (DHCS) to take action

against specified persons, programs, and entities that violate the prohibition, including suspending or revoking licensure or certification and assessing a penalty, as specified.

An act to add Sections 11831.6 and 11831.7 to the Health and Safety Code, relating to public health.

• SB 1260 (Jackson) This bill is an omnibus fire prevention and forestry management bill that will promote long-term forest health and wildfire resiliency. This bill authorizes federal, state, and local agencies to engage in collaborative forestry management, creates new opportunities for public and private land managers to mitigate wildfire risks, and enhances the Department of Forestry and Fire Protection's (CalFire's) role in identifying wildfire hazards as local governments plan for new housing and neighborhoods.

An act to amend Sections 51179, 65302.5, 65352, and 66474.02 of the Government Code, to amend Section 41812 of the Health and Safety Code, and to amend Sections 4475, 4476, 4479, 4480, and 4494 of, to amend the heading of Article 2 (commencing with Section 4475) of Chapter 7 of Part 2 of Division 4 of, to add Sections 4114.3, and 4483 to, to add Article 4 (commencing with Section 4495) to Chapter 7 of Part 2 of Division 4 of, to repeal Sections 4475.1, 4475.5, and 4478 of, and to repeal and add Section 4477 of, the Public Resources Code, relating to fire prevention.

• SB 1280 (Roth) This bill extends the sunset date for the small house skilled nursing facilities pilot program from January 1, 2020, to January 1, 2026.

An act to amend Sections 1323.5 and 1323.6 of the Health and Safety Code, relating to health and care facilities

• SB 1292 (Hueso) This bill requires the Center for Healthy Communities within the Department of Public Health to, on or before January 1, 2021, update the 2009 Alzheimer's Disease Facts and Figures in California: Current Status and Future Projections to quantify the burden of Alzheimer's disease on at-risk and underrepresented populations, including African Americans, Asian-Pacific Islanders, Latinos, Hispanies, and women.

An act to add and repeal Section 125283 of the Health and Safety Code, relating to Alzheimer's disease.

• SB 1305 (Glazer) This bill permits an emergency responder to provide basic first aid, as specified, to a dog or a cat, without being in violation of the Veterinary Medicine Practice Act.

An act to add Section 1799.109 to the Health and Safety Code, relating to emergency medical services providers.

• SB 1397 (Hill) Requires automated external defibrillators (AED) to be installed in certain buildings that undergo significant modification. Effective January 1, 2020, extends the requirement to buildings if the building is renovated with more than \$100,000 of improvements or any improvements in places of assembly such as auditoriums or theaters. Exempts buildings with AEDs already present in common areas.

An act to amend Section 19300 of the Health and Safety Code, relating to automated external defibrillators.

- SB 1403 (Lara) This bill requires the state Air Resources Board (ARB) to adopt a three-year investment strategy for zero- and near zero-emission heavy-duty vehicles, as specified. An act to amend Section 39719.2 of the Health and Safety Code, relating to greenhouse gases.
 - SB 1408 (Pan) Revises the legal characterization

of cigarettes found to be in violation of the California Cigarette Fire Safety and Firefighter Protection Act (Act).

An act to amend Sections 14950, 14951, 14955, 14956, 14957, and 14958 of, and to repeal Section 14960 of, the Health and Safety Code, relating to cigarettes.

• SB 1422 (Portantino) This bill requires the State Water Resources Control Board (SWRCB) to adopt requirements for the testing and reporting of the amount of microplastics in drinking water for four years.

An act to add Section 116376 to the Health and Safety Code, relating to drinking water.

• SB 1483 (Hill) This bill extends the authority of the Bureau of Electronic and Appliance Repair, Home Furnishings, and Thermal Insulation (Bureau or BEARHFTI) to administer and enforce the Electronic and Appliance Repair Dealer Registration Law (Law) and Home Furnishings and Thermal Insulation Act (Act) to January 1, 2023, and makes changes intended to improve oversight over the regulated practices.

An act to amend Sections 27, 101, 9801, 9810, 9810.1, 9812.5, 9830.5, 9832.5, 9842, 9844, 9847.5, 9849, 9851, 9853, 9855.3, 9855.9, 9860, 9862.5, 9863, 19004, 19004.1, 19030, 19032, 19162, 19163, 19225.5, and 19246 of, and to amend, repeal, and add Section 9855 of, the Business and Professions Code, and to amend Section 13108.1 of the Health and Safety Code, relating to professions and vocations.

• SB 1494 (Committee on Public Safety) This bill makes technical and non-controversial changes to various code sections relating generally to criminal justice laws, as specified.

An act to amend Sections 4982, 4989.54, 4990.32, 4992.3, and 4999.90 of the Business and Professions Code, to amend Section 1946.7 of the Civil Code, to amend Sections 128, 340.1, and 1219 of the Code of Civil Procedure, to amend Sections 44010, 44424, 44435, 48900, 67362, 67380, 76038, and 87010 of the Education Code, to amend Sections 352.1, 782, 1036.2, 1103, 1108, and 1228 of the Evidence Code, to amend Sections 6228 and 6928 of the Family Code, to amend Sections 6205.5, 6254, 7282.5, 13955, 13956, and 68152 of the Government Code, to amend Sections 1265.5, 1564, 1736.5, 11350.5, 11377.5, and 121055 of the Health and Safety Code, to amend Sections 230, 230.1, and 230.5 of the Labor Code, to amend Sections 136.7, 189, 190.2, 261.6, 261.7, 264.2, 269, 288.3, 289.6, 290, 290.005, 290.008, 290.019, 290.46, 290.5, 292, 294, 645, 647.6, 667, 667.5, 667.51, 667.6, 667.61, 667.71, 667.8, 667.9, 674, 675, 679.02, 680, 784.7, 799, 801.1, 803, 868.5, 868.8, 939.21, 9991, 1048, 1170.12, 1170.9, 1192.5, 1202.05, 1202.1, 1203, 1203.06, 1203.065, 1203.066, 1203.067, 1203.075, 1203.4, 1346, 1347.5, 1463.009, 1524.1, 2603, 2639, 2933.5, 3000, 3000.05, 3003, 3053.8, 3057, 4852.01, 5054.2, 11160, 11165.1, 12022.3, 12022.53, 12022.75, 12022.8, 12022.85, 13510.7, 13701, 13750, 13837, and 27535 of, and to amend and renumber Section 288a of, the Penal Code, to amend Section 16028 of the Vehicle Code, and to amend Sections 653.1, 781, 1732, 6500, 6600, and 15610.63 of the Welfare and Institutions Code, relating to public safety.

TAXATION

• **AB 1741 (Bonta)** An act to amend Sections 6479.3 and 34013 of the Revenue and Taxation Code, relating to cannabis, and declaring the urgency thereof, to take effect immediately.

An act to amend Sections 6479.3 and 34013 of the



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SB 274: Partnership audit tax bill is an example of a collaborative legislative process

By Shail Shah, Mike Shaikh, Yoni Fix and Akeen Patel

In 2015, Congress passed the Bipartisan Budget Act of 2015, which, among other changes, modified Internal Revenue Service partnership audit procedures. The new rules allow the IRS to assess and collect any tax, penalty or adjustment resulting from an audit at the partnership level, instead of at the individual partner level. This change alleviates some of the administrative difficulties with large partnership audits where a partnership may have numerous partners. The new partnership audit rules also provides an election for the partners and partnership to opt out of the partnership level audit and "push out" any audit-related tax, penalty, or adjustment to the partners.

California does not automatically conform to changes to the Internal Revenue Code. Thus, the new federal partnership audit rules created a disconnect in how the IRS and California Franchise Tax Board audited partnerships. To bridge the gap between the rules, State Sen. Steven Glazer (D) introduced Senate Bill 274, which would conform California to the IRS partnership audit rules. SB 274 received bipartisan support from its introduction. After it passed, Gov. Jerry Brown promptly signed the bill into law.

Even though the bill was introduced by Glazer, the

bill originated from the FTB. The three members of the FTB decided to sponsor legislation that would provide the agency with statutory authority to collect taxes under the federal partnership audit rules. Not only was the bill approved unanimously in both the Assembly and Senate, the bill also garnered significant support from private sector industry groups such as the Council On State Taxation, California Taxpayers Association, and Master Limited Partner Association. Furthermore, the bill received no opposition from any third-party entities.

SB 274 was also marked with an urgency measure stating that the bill must immediately go into effect to provide imperative tax administration relief to taxpayers and mitigate costly administrative burdens on state tax agencies. The Senate Committee on Governance and Finance commented that since SB 274 was a collaborative effort between multi-state taxpayer groups and the FTB, it could be a model statute for other states. We also believe the passage of SB 274 is a model for a collaborative legislative process where the public and both sides of the political aisle work together to push through important legislation that will reduce taxpayer and administrative costs in the long run.

Shail Shah, Mike Shaikh and Yoni Fix are attorneys at Reed Smith LLP. Akeen Patel is a law clerk who is not yet admitted to practice law.

Revenue and Taxation Code, relating to cannabis, and declaring the urgency thereof, to take effect immediately.

• AB 1838 (Committee on Budget) As part of the 2018 budget package, limits the ability of local governments to impose taxes and/or fees on groceries.

An act to add and repeal Chapter 1.8 (commencing with Section 7284.8) of Part 1.7 of Division 2 of the Revenue and Taxation Code, relating to taxation, and making an appropriation therefor, to take effect immediately, bill related to the budget.

• AB 2096 (Frazier) Authorizes the addition of the Organ and Tissue Donor Registry Voluntary Tax Contribution Fund (Fund) as a voluntary contribution fund (VCF) on the personal income tax (PIT) return.

An act to add and repeal Article 25 (commencing with Section 18907) of Chapter 3 of Part 10.2 of Division 2 of the Revenue and Taxation Code, relating to taxation, and making an appropriation therefor.

• AB 2376 (Mark Stone) Clarifies criteria sufficient to establish taxpayer standing to sue a local government entity for alleged wasteful or illegal expenditures.

An act to amend Section 526a of the Code of Civil Procedure, relating to civil actions.

• AB 2400 (Kalra) Extends, by five years, the sunset date for the existing voluntary contribution fund (VCF) on the personal income tax (PIT) return dedicated to researching Alzheimer's and related disorders.

An act to amend Sections 18763, 18764, 18765, and 18766 of, and to amend the heading of Article 6 (commencing with Section 18761) of Chapter 3 of Part 10.2 of Division 2 of, the Revenue and Taxation Code, relating to taxation, and making an appropriation therefor.

• AB 2425 (Berman) Authorizes the assessor to require a property owner to transmit requested information, documents, or records necessary for property tax assessment purposes by mail or in an electronic format, if available, as specified.

An act to amend Sections 408, 441, and 470 of the Revenue and Taxation Code, relating to taxation.

• AB 2458 (Weber) Requires county tax collectors to post online information received from school districts about available parcel tax exemptions for senior and disabled taxpayers and to include a message about the available online information with the annual property tax bill.

An act to amend, repeal, and add Section 50079 to the Government Code, and to amend, repeal, and add Section 2611.6 to the Revenue and Taxation Code, relating to taxation.

• AB 2503 (Irwin) This bill establishes two administrative processes for dissolving a domestic corporation or limited liability company, when its powers, rights, and privileges have been suspended by the Franchise Tax Board, or when it has ceased operations in California.

An act to add Sections 2205.5 and 17713.10.1 to the Corporations Code, and to add Sections 23310 and 23311 to the Revenue and Taxation Code, relating to business.

• AB 2663 (Friedman) Creates a retrospective change in ownership exclusion for transfers of property between same-sex local registered domestic partners from January 1, 2000, to June 26, 2015.

An act to amend Section 62 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

• AB 2746 (Eduardo Garcia) Addresses the redemption termination deadline related to tax-defaulted property the county tax collector is required to offer for sale at a public auction.

An act to amend Section 3707 of the Revenue and Taxation Code, relating to taxation.

• AB 2920 (Thurmond) Allows the City of Berkeley to impose a transactions and use tax (TUT) for general or special purposes at a rate of no more than 0.5%, outside the 2% cap; and, enacts several changes to the North Lake Tahoe Transportation Authority (Authority) Act.

An act to amend Sections 67962, 67964, 67970, 67972, 67976, and 67978 of, to repeal Section 67969 of, and to repeal and add Section 67968 of, the Government Code, and to add Chapter 3.92 (commencing with Section 7299) to Part 1.7 of Division 2 of the Revenue and Taxation Code, relating to taxation.

• AB 2938 (Bloom) This bill exempts from the state and local share of the Sales and Use Tax bicycles purchased by the City of Santa Monica.

An act to add and repeal Section 6368.8 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

• AB 2944 (Jones-Sawyer) Authorizes the addition of the Schools Not Prisons Voluntary Tax Contribution Fund (Fund) as a voluntary contribution fund (VCF) on the personal income tax (PIT) return.

An act to add and repeal Article 25 (commencing with Section 18910) of Chapter 3 of Part 10.2 of Division 2 of the Revenue and Taxation Code, relating to taxation, and making an appropriation therefor.

AB 2954 (Bonta) Allows school districts to impose a parcel tax with a lower rate on unimproved property.

Ån act to amend Section 50079 of the Government Code, relating to taxation.

• AB 3122 (Gallagher) This bill clarifies deadlines for property tax payments when taxpayers apply for payment deferral due to a disaster.

An act to amend Section 194.1 of the Revenue and Taxation Code, relating to taxation.

• AB 3143 (Low) Extends the sunset date for the California Tax Education (CTEC), which registers paid tax preparers who are not otherwise authorized to provide tax services for compensation.

An act to amend Sections 22251, 22251.2, 22251.3, 22252, 22253, 22255, 22256, 22258, and 22259 of, to amend, renumber, and add Section 22250 of, to add Sections 22251.4 and 22253.5 to, and to repeal Section 22253.1.5 of, the Business and Professions Code, relating to tax preparers.

• SB 152 (McGuire) This bill authorizes Sonoma County, any of its cities, and the Sonoma County Transportation Authority to impose transactions and use taxes above the 2% cap.

An act to add and repeal Chapter 3.76 (commencing with Section 7292.8) of Part 1.7 of Division 2 of the Revenue and Taxation Code, relating to taxation.

• SB 274 (Glazer) This bill enacts several changes to state law that implement recent changes in federal law relating to partnership audits.

An act to amend Section 19311 of, and to add Section 18622.5 to, the Revenue and Taxation Code, relating to taxation, and declaring the urgency thereof, to take effect immediately

 SB 343 (Bradford) This bill enacts an exclusion from income for amounts received by taxpayers who received amounts from a settlement pursuant to California Regional Water Quality Control Board, Los Angeles Region, Order R4-2011-046.

An act to add Sections 17138.4 and 24308.8 to the Revenue and Taxation Code, relating to taxation, and declaring the urgency thereof, to take effect immediately.

• SB 558 (Glazer) This bill sets forth the statutory framework necessary to implement SCA 9 (Glazer, 2017), which enacts a new construction exclusion for the construction or addition of rainwater capture systems.

An act to add and repeal Section 74.8 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

• SB 855 (Committee on Budget and Fiscal Review) This bill is the Revenue and Tax trailer bill and makes changes necessary to implement the 2018 Budget Act

An act to amend Sections 17052, 17053.73, 17059.2, 18410.2, 19551, 19551.1, 19551.5, 23626, and 23689 of, and to add Section 17131.7 to, the Revenue and Taxation Code, relating to taxation, and making an appropriation therefor, to take effect immediately, bill related to the budget.

• SB 871 (Committee on Budget and Fiscal Review) This bill makes changes necessary to implement the Budget Act of 2018 related to budgetary reserves.

An act to amend Section 6902.5 of, and to add Sections 17053.98 and 23698 to, the Revenue and Taxation Code, relating to taxation, and making an appropriation therefor, to take effect immediately, bill related to the budget.

• SB 872 (Committee on Budget and Fiscal Review) As part of the 2018 budget package, clarifies the ability of local governments to impose taxes and/or fees on cannabis products.

An act to add Section 7284.10 to Chapter 1.8 (commencing with Section 7284.8) of Part 1.7 of Division 2 of the Revenue and Taxation Code, as proposed by Assembly Bill 1838 of the 2017–18 Regular Session, relating to taxation, and making an appropriation therefor, to take effect immediately, bill related to the budget.

• SB 878 (Committee on Budget and Fiscal Review) This bill is the California Film Tax Credit clean-up trailer bill

An act to amend Sections 38.9, 17053.98, and 23698 of the Revenue and Taxation Code, relating to taxation, and making an appropriation therefor, to take effect immediately, bill related to the budget.

• SB 958 (Dodd) This bill allows the Davis Joint Unified School District to provide an exemption from its qualified special tax for school district employees and teachers

An act to add Section 50079.6 to the Government Code, relating to school districts.

• SB 1115 (Hill) This bill increases the current cap on the value for purposes of the welfare exemption from property tax for non-publicly financed affordable housing.

An act to amend Section 214 of, and to add Section 214.19 to, the Revenue and Taxation Code, relating to

• SB 1130 (Leyva) This bill enacts the Senior Citizens Manufactured Home Property Tax Postponement Law, which creates a process for blind or disabled individuals and those over the age of 62 who own manufactured homes to file a claim with the State Controller for property tax postponement.

An act to amend Sections 16180, 16181, 16182, 16183, 16184, 16186, and 16192 of, and to repeal Article 4 (commencing with Section 16210) of Chapter 5 of Part 1 of Division 4 of Title 2 of, the Government Code, and to amend Sections 2514, 20503, 20505, 20583, 20585, 20586, 20640.2, and 20641 of, to add Section 20639.13 to, and to add Chapter 3.3 (commencing with Section 20639) to Part 10.5 of Division 2 of, the Revenue and Taxation Code, relating to manufactured homes, and making an appropriation therefor.

• SB 1246 (Gaines) This bill alters the current claim for refund process for property taxes to allow counties to order refunds without the taxpayer filing a claim, contingent on the county board of supervisors enacting an ordinance making this bill operative.

An act to amend Section 5097 of, and to add Section 5105 to, the Revenue and Taxation Code, relating to taxation.

• SB 1363 (Moorlach) This bill establishes the National Alliance on Mental Illness California Voluntary Contribution Fund on the personal income tax return.

An act to add and repeal Article 14.5 (commencing with Section 18857) of Chapter 3 of Part 10.2 of Division 2 of the Revenue and Taxation Code, relating to taxation, and making an appropriation therefor.

• SB 1484 (Hernandez) This bill extends from January 1, 2019, to January 1, 2029, the sunset date for the state and local sales and use tax exemption for retail items sold by stores operated by nonprofit organizations assisting persons with HIV or AIDS.

An act to amend Section 6363.3 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

• SB 1506 (Committee on Governance and Finance) This bill amends five sections of property tax collections law to clarify that legally required notices constitute a "notice of tax deficiency" under federal bankruptcy law.

An act to amend Sections 3365, 3691, 3691.1, 3701, and 3704.7 of the Revenue and Taxation Code, relating to taxation.

• SB 1507 (Committee on Governance and Finance) This bill reenacts the California Department of Tax and Fee Administration's (CDTFA) previously unlimited authority to release a levy that threatens the taxpayer's health or welfare or that of his or her family.

An act to amend Sections 7094, 9272, 30459.2, 32472, 40212, 41172, 43523, 45868, 46623, 50156.12, 55333, and 60632 of the Revenue and Taxation Code, relating to taxation.

TECHNOLOGY

• AB 1859 (Chau) This bill requires consumer credit reporting agencies (CCRAs) and affiliated third parties that know, or reasonably should know, that one of their computer systems is subject to a security vulnerability that poses a significant risk to the security of computerized data containing personal information to begin the process of implementing available software updates in a timely manner, as specified.

An act to add Section 1798.81.6 to the Civil Code, relating to information privacy.

• AB 1906 (Irwin) Generally requires, starting January 1, 2020, that manufacturers equip their connected devices with reasonable security features, as specified. Subject to those requirements, provides that equipping a device with a means for authentication

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outside a local area network for authentication shall be deemed a reasonable security feature, as specified, if certain standards relating to unique passwords or to the authentication of devices for the first time are met. Places various limits upon the operation and interpretation of this Act, including a prohibition against any private right of action for violations of the bill, and includes definitions for purposes of this bill.

An act to add Title 1.81.26 (commencing with Section 1798.91.04) to Part 4 of Division 3 of the Civil Code, relating to information privacy.

• AB 1959 (Wood) This bill extends the sunset dates for the California High Cost Fund (CHCF) programs A and B from January 1, 2019, to January 1, 2023.

An act to amend Sections 275.6 and 276.5 of the Public Utilities Code, relating to telecommunications, and declaring the urgency thereof, to take effect immediately.

- AB 1999 (Chau) Establishes net neutrality rules for local agencies that provide broadband services and expands the types of local agencies that may provide broadband infrastructure, services, or both. An act to amend Sections 25213, 53395.3.2, 53398.52, and 61100 of, and to add Article 12 (commencing with Section 53167) to Chapter 1 of Part 1 of Division 2 of Title 5 of, the Government Code, and to add Sections 10001.5, 12801.5, and 16461.10 to the Public Utilities Code, relating to local government.
- AB 2658 (Calderon) Until January 1, 2022, establishes a blockchain working group, appointed by the Secretary of the Government Operations (GovOps) Agency, which is to include the State Chief Information Officer among others, as specified, to evaluate the uses of blockchain by California's businesses and state government. This also includes an evaluation of the benefits, risks (including privacy risks), best practices, and legal implications associated with such use of blockchain. Defines "blockchain" for these purposes to mean a mathematically secured, chronological, and decentralized ledger or database, but also requires the working group's report to include recommendations for modifications to this definition of blockchain and recommendations for amendments to other code sections that may be impacted by the deployment of blockchain.

An act to add and repeal Sections 11546.8 and 11546.9 of the Government Code, relating to blockchain technology.

 AB 2813 (Irwin) Establishes the California Cybersecurity Integration Center (Cal-CSIC), as specified, and requires it to develop a cybersecurity strategy for California

An act to add Section 8586.5 to the Government Code, relating to emergency services.

• AB 3067 (Chau) This bill adds any cannabis, cannabis product, cannabis business, or any instrument or paraphernalia that is designed for the smoking or ingestion of cannabis or cannabis products to the list of products or services subject to the Privacy Rights for California Minors in the digital World (PRCMDC).

An act to amend Section 22580 of the Business and Professions Code, relating to the Internet.

• SB 822 (Wiener) This bill establishes net neutrality requirements by prohibiting internet service providers (ISPs) from taking certain actions that interfere with consumers' ability to lawfully access internet content, including intentionally blocking content, speeding up or slowing down traffic, engaging in paid-prioritization, requiring consideration from edge providers for access to an ISP's end users, and selectively zero-rating certain content.

An act to add Title 15 (commencing with Section 3100) to Part 4 of Division 3 of the Civil Code, relating to communications.

• SB 1001 (Hertzberg) This bill, beginning July 1, 2019, prohibits a person from using of a bot to communicate or interact with another person in California online with intent to mislead the other person about its artificial identity for the purpose of knowingly deceiving the person about the content of the communication in order to incentivize a purchase or sale of goods or services in a commercial transaction or to influence a vote in an election.

An act to add Chapter 6 (commencing with Section 17940) to Part 3 of Division 7 of the Business and Professions Code, relating to bots.

TRANSPORTATION and VEHICLES

• AB 87 (Ting) Allows a peace officer or an employee engaged in enforcing traffic or parking laws to remove a vehicle operating using autonomous technology without an approved application or permit that is required to test, deploy or otherwise operate the autonomous vehicle (AV) on public roads.

An act to amend Section 22651 of the Vehicle Code, relating to vehicles.

• AB 91 (Cervantes) Requires the Department of Transportation (Caltrans) to report to the Legislature, on or before January 1, 2020, on the feasibility and appropriateness of limiting the hours of high-occupancy vehicle (HOV) lanes in Riverside County.

An act to add Section 149.2 to the Streets and Highways Code, relating to highways.

• AB 636 (Irwin) Revises the due date for cities and counties to submit a required report to the State Controller's Office (SCO) detailing the expenditure of funds for street or road purposes during the preceding fiscal year.

An act to amend Sections 2151 and 2154 of the Streets and Highways Code, relating to transportation.

• **AB 709 (McCarty)** Revises laws relating to the Sacramento Regional Transit District (SacRT).

An act to amend Sections 102013, 102018, 102050, 102051, 102105.1, 102107, 102160, 102206, 102260, 102281, 102282, 102310, and 102351 of, to repeal Sections 102336, 102353, and 102354 of, and to repeal and add Section 102352 of, the Public Utilities Code, relating to transportation.

• AB 939 (Low) Makes administrative and clarifying changes to recently enacted statutes governing the regulation of taxicab transportation services.

An act to amend Sections 53075.5, 53075.51, and 53075.52 of the Government Code, relating to local government

• AB 1041 (Levine) This bill places member eligibility restrictions on the Independent Oversight Committee established under the Bay Area Toll Authority's (BATA) Regional Measure 3 (RM3), as specified.

An act to amend Section 30923 of the Streets and Highways Code, relating to transportation.

 AB 1184 (Ting) Authorizes the City and County of San Francisco to impose a tax on each transportation network company (TNC) ride originating in the City and County.

An act to add Section 5446 to the Public Utilities Code, relating to transportation.

• AB 1205 (Jones-Sawyer) Allows the Los Angeles County Metropolitan Transportation Authority

(LA Metro) to facilitate contract awards with medium business enterprises (MBEs) and makes changes to LA Metro's authority to facilitate contract awards with small business enterprises (SBEs) and disabled veteran business enterprises (DVBEs).

An act to amend Section 130232 of the Public Utilities Code, relating to transportation.

• **AB 1755 (Steinorth)** This bill subjects a person operating a bicycle on a Class I bikeway to all of the accident-related Vehicle Code provisions that apply to the driver of a vehicle on a highway.

An act to amend Section 21200 of the Vehicle Code, relating to bikeways.

• **AB 1798 (Chu)** This bill requires all schoolbuses in use in California to be equipped with a passenger restraint system by July 1, 2035.

An act to amend Section 27316 of the Vehicle Code, relating to schoolbuses.

• AB 1925 (Choi) This bill requires the Department of Motor Vehicles (DMV) to include at least one question on unsecured vehicle loads in at least 20% of written tests for people seeking to obtain or renew a driver's license.

An act to add Section 1666.7 to the Vehicle Code, relating to vehicles.

• AB 2034 (Kalra) Requires businesses and establishments that operate in transportation or handle high volumes of traffic to train their employees in recognizing the signs of human trafficking and reporting suspected human trafficking. Specifically, this bill requires that all operators of mass transit intercity passenger rail systems, light rail systems, and bus stations provide at least 20 minutes of training to their new and existing employees who may interact with, or come into contact with, a victim of human trafficking or who are likely to receive, in the course of their employment, a report from another employee about suspected human trafficking and how to report suspected human trafficking to the appropriate law enforcement agency by January 1, 2021.

An act to amend Section 52.6 of the Civil Code, relating to human trafficking.

• AB 2061 (Frazier) Authorizes a near zero-emission vehicle (NZEV) or a zero-emission vehicle (ZEV), as defined, to exceed axle, tandem, gross, or bridge formula weight limits, up to a 2,000 pound maximum, by an amount equal to the difference between the weight of the vehicle attributable to the fueling or propulsion system carried by that vehicle and the weight of a comparable diesel tank and fueling or propulsion system, only to the extent that it is expressly allowed under federal law.

An act to amend Section 12725 of the Business and Professions Code, and to amend Section 35551 of the Vehicle Code, relating to vehicles.

• AB 2062 (Maienschein) Requires the Department of Transportation (Caltrans), when appropriate, to include California native wildflowers and climate-appropriate vegetation in planting projects, with priority given to those species of wildflowers that will help rebuild pollinator populations.

An act to amend Section 92.3 of the Streets and Highways Code, relating to state highways.

• AB 2115 (Santiago) Requires a driver to slow down and move over when going around a stopped waste service vehicle displaying flashing amber lights.

An act to add Section 21761 to the Vehicle Code, relating to vehicles.

• AB 2127 (Ting) This bill requires the California Energy Commission (CEC) to assess the amount of electric vehicle (EV) infrastructure needed to meet the goals of putting at least five million zero-emission vehicles (ZEVs) on the road and reducing greenhouse gas (GHG) emissions 40 percent below 1990 levels by 2030.

An act to add Section 25229 to the Public Resources Code, relating to electric vehicles.

• AB 2175 (Aguiar-Curry) Allows the impoundment of a vessel believed to be used in the commission of a crime, and conforms penalties for reckless use of a vessel or other water craft causing injury to those of reckless driving.

An act to amend Section 523 of the Harbors and Navigation Code, relating to vessels.

• AB 2227 (Friedman) This bill updates the requirements for the pricing label that is required to be placed on any new, assembled motorcycle. Manufacturers are required to place the manufacturer's suggested retail price (MSRP) and the vehicle identification number (VIN) of the motorcycle. The dealer is required to place a supplemental price label meeting certain requirements and including specified information on each motorcycle if the dealer's price exceeds the MSRP.

An act to amend Sections 11713.1 and 24014 of the Vehicle Code, relating to motorcycles.

• AB 2272 (Mayes) This bill authorizes the California Transportation Commission (CTC) to relinquish to the City of Palm Springs any portion or the entirety of State Route (SR) 111 within the city's limits.

An act to amend Section 411 of the Streets and Highways Code, relating to highways.

• AB 2322 (Daly) Requires the Department of Motor Vehicles (DMV), upon request, to make a retired judge or court commissioner's home address confidential for the rest of his or her life and for any surviving spouse or child for three years following the death of the judge or court commissioner.

An act to amend Section 1808.4 of the Vehicle Code, relating to the Department of Motor Vehicles.

• AB 2330 (Bigelow) Extends the exemption for a recreational vehicle (RV) temporary branch license to include locations within 30 miles of a previous annual show sponsored by a national trade association of RVs and lowers the limit of dealers participating in that show from 25 manufacturers to 10 manufacturers.

An act to amend Section 11713.15 of the Vehicle Code, relating to vehicles, and declaring the urgency thereof, to take effect immediately.

• AB 2357 (Voepel) Requires the Department of Motor Vehicles (DMV) to provide written notification to a person who is required to pass a written driver's license examination in order to renew their driver's license.

An act to amend Section 12814 of the Vehicle Code, relating to driver's licenses.

• AB 2363 (Friedman) Requires the Secretary of Transportation, by July 1, 2019, to convene the Vision Zero Task Force to evaluate whether an alternative to the current process for setting speed limits should be considered and make recommendations on other steps to increase pedestrian and bicyclist safety. This bill specifies some of the membership of the task force and certain factors the task force must consider. In addition, this bill requires the Secretary of Transportation to report on the findings of the task force to the legislature by January 1, 2020.

An act to add and repeal Chapter 8 (commencing with Section 3095) of Division 2 of the Vehicle Code, relating to traffic safety.

• AB 2392 (Santiago) Provides additional con-

SB 1001: Bots in your voting booth?

By Elizabeth Powers and Jacob Zweig

he recently passed Senate Bill 1001, effective July 1, 2019, makes it unlawful to use a "bot" to communicate or interact online with a person in California, if the use is: (a) with the intent to mislead the recipient about the bot's artificial identity; (b) for the purpose of knowingly deceiving the recipient about the content of the communication; and (c) to incentivize a purchase or sale of goods or services in a commercial transaction or to influence a vote in an election. Bot users are not liable if they include a clear, conspicuous disclosure that the message is a bot communication, and service providers of online platforms are not liable for bots sent out on their platforms.

It is unclear who has standing to enforce SB 1001, because it does not provide a private right of action. The legislative history does not clearly indicate the intent to create such a private right.

While on its face this seems to put an end to those annoying social media accounts operated by bots impersonating a natural person, we identify several potential challenges to the enforceability of this statute.

A brief look at the legislative history offers some insight into the evolution of SB 1001. As introduced, SB 1001 prohibited all intentionally misleading communications using a bot. After concerns were raised that the bill would be overbroad under the First Amendment, it was amended to prohibit only communications made to incentivize a commercial

transaction or influence a vote. SB 1001 also originally imposed duties on online platforms to investigate reports of SB 1001 violations and provide regular reports to the attorney general. This language was removed over concerns that these provisions could compel censorship and impact the right of anonymous speech.

After these amendments, at least some of the activity prohibited by SB 1001 appears to be unlawful under existing California laws. Deceptive statements to incentivize commercial transactions are prohibited generally under false advertising and unfair competition laws. On the other hand, there appears to be no existing law prohibiting deceptive statements to influence a vote.

Attempts to enforce SB 1001 may still encounter First Amendment challenges, particularly the voter influence provision. Given the heightened protections afforded to political speech, courts may be reluctant to engage in factual disputes as to whether a communication is made to influence a vote and, if so, if it is intentionally deceptive.

In addition, it is unclear who has standing to enforce SB 1001, because it does not provide a private right of action. The legislative history does not clearly indicate the intent to create such a private right.

Given that the commercial component of this statute is, at least partially, covered by other laws, it occurs to us that this statute is more of a reaction to the political climate of distrust in the voter system than a reflection of a need to further protect consumers from pernicious bots pushing commercial transactions.

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POWERS



ZWEIG

sumer protections for towing and storage customers, including specifying what fees are considered reasonable or unreasonable.

An act to amend Sections 10652.5, 22524.5, and 22651.07 of the Vehicle Code, relating to towing and storage of vehicles.

• AB 2473 (Bonta) This bill authorizes the California Transportation Commission (CTC) to relinquish to the City of San Leandro all or any portion of State Route (SR) 185 within its city limits.

An act to amend Section 485 of the Streets and Highways Code, relating to state highways.

• AB 2535 (Obernolte) This bill requires a toll facility operator to include photographic evidence when issuing a notice of toll evasion, as specified.

An act to amend Section 40254 of the Vehicle Code, relating to toll violations.

• AB 2544 (Lackey) Clarifies existing law by requiring processing agencies, beginning on July 1, 2018, to provide a payment plan and waiver of late fees to indigent persons before they are able to send an itemization of unpaid parking penalties to the Department of Motor Vehicles (DMV) regardless of whether the tickets were issued before or after July 1, 2018.

An act to amend Section 40220 of, and to add and repeal Section 40220.5 of, the Vehicle Code, relating to vehicles, and declaring the urgency thereof, to take effect immediately.

• AB 2548 (Friedman) Authorizes the Los Angeles County Metropolitan Transportation Authority (Metro) to administer a commute benefit program that requires certain employers to provide a commuter benefit option to their employees.

An act to add Section 65080.9 to the Government Code, relating to transportation.

• AB 2615 (Carrillo) Requires the California Department of Transportation (Caltrans), to the extent possible and where feasible and cost effective, to partner with the California Department of Parks and Recreation (DPR) and other appropriate public agencies in order to develop strategies and plans to improve access for bicycles and pedestrians to any parks adjacent or connected to the state highway system.

An act to add Section 133 to the Streets and Highways Code, relating to state highways.

• AB 2620 (Ting) This bill allows rental car companies to use, access, or obtain information relating to a renter's use of a rental vehicle obtained using electronic surveillance technology when the vehicle has not been returned following 72 hours after the contracted return date or the end of any extension. Requires the company to provide various forms of notice to the customer. This bill also authorizes a company to send renters communications electronically, as specified.

An act to amend Section 1939.23 of, and to add Section 1939.22 to, the Civil Code, relating to rental passenger vehicle transactions.

• AB 2629 (Eggman) Eliminates the renewal restrictions for an existing airspace lease between the California Department of Transportation (Caltrans) and the City of Stockton in San Joaquin County under the interchange of State Route (SR) 4 and Interstate 5 (I-5) for an emergency shelter or feeding program.

An act to amend Section 104.17 of the Streets and Highways Code, relating to transportation.

AB 2685 (Lackey) Repeals a provision of law allowing a juvenile court to suspend or delay the issuance of a driver's license of a habitual truant or ward of the state for

up to one year

An act to repeal Section 13202.7 of the Vehicle Code, relating to vehicles.

• AB 2717 (Lackey) Modifies California law regarding the refusal to submit to a test of blood alcohol when a person is suspected of driving under the influence (DUI) to attempt to comply with the United States (U.S.) Supreme Court's ruling in Birchfield v. North Dakota, (2016) 136 S. Ct. 2160, by deleting the criminal penalty for refusing to submit to a blood test.

An act to amend Sections 23577, 23578, and 23612 of the Vehicle Code, relating to driving under the influence.

• AB 2865 (Chiu) Authorizes the Santa Clara Valley Transportation Authority (VTA) to apply to the California Transportation Commission (CTC) for the authority to conduct, administer, and operate a value pricing program or high-occupancy toll (HOT) lanes in the City and County San Francisco.

An act to amend Section 149.6 of, and to add Section 149.13 to, the Streets and Highways Code, relating to transportation.

 AB 2873 (Low) Ensures that personal vehicle sharing programs (PVSPs) are prohibited from allowing any vehicle on the road that is subject to a manufacturer's safety recall, as specified.

An act to amend Sections 11752, 11754, and 11760 of the Vehicle Code, relating to personal vehicle sharing.

• AB 2876 (Jones-Sawyer) Clarifies that the protections against unreasonable seizures provided by the Fourth Amendment of the United States (U.S.) Constitution apply even when a vehicle is removed pursuant to an authorizing California statute.

An act to amend Section 22650 of the Vehicle Code, relating to vehicle removal and impound.

• AB 2918 (Holden) Requires the Department of Motor Vehicles (DMV) to include within the California Driver's Handbook (Handbook) a section on a person's civil rights during a traffic stop.

An act to amend Section 1656.3 of the Vehicle Code, relating to vehicles.

• AB 2923 (Chiu) This bill requires, until January 1, 2029, cities and counties to adopt zoning standards in the San Francisco Bay Area Rapid Transit District's (BART) transit-oriented development (TOD) guidelines and establishes a streamlined approval process for certain projects on BART-owned land.

An act to add and repeal Sections 29010.1, 29010.6, 29010.7, 29010.8, 29010.9, 29010.10, 29010.11, and 29010.12 of the Public Utilities Code, relating to transportation.

• AB 2955 (Friedman) Authorizes the cities of Burbank and Glendale to consider equestrian safety when conducting traffic surveys and setting speed limits in the boundaries of the Rancho Master Plan area in Burbank and the Horse Overlay Zone in Glendale.

An act to add Sections 22353.2, 22353.3, and 22353.4 to the Vehicle Code, relating to traffic.

• AB 2982 (Gloria) This bill adds a non-voting board member to the North County Transit District (NCTD) Board of Directors, as specified.

An act to amend Section 125050 of the Public Utilities Code, relating to transportation.

 AB 2986 (Cunningham) This bill requires transportation network companies (TNC) to provide to passengers specified information about drivers and their vehicles.

An act to add Section 5445.1 to the Public Utilities Code, relating to transportation.

 AB 2989 (Flora) Makes changes to the restrictions related to the operation of motorized scooters.

An act to amend Section 21235 of the Vehicle Code, relating to vehicles.

• AB 3061 (Gloria) Authorizes the California Department of Transportation (Caltrans) to lease at a discount a specific parcel to the City of San Diego for an emergency shelter or a feeding program under specific terms and conditions.

An act to add Section 104.25 to the Streets and Highways Code, relating to state highways.

• AB 3077 (Caballero) Allows a person under the age of 18 that is cited for not wearing a bicycle helmet to correct the violation within 120 days by proving they have a properly fitting helmet and by attending a bicycle safety course if one is available.

An act to amend Sections 21212 and 40303.5 of the Vehicle Code, relating to vehicles.

• AB 3124 (Bloom) This bill extends the length limitations for bike racks attached to articulated buses or articulated trolley coaches, as specified.

An act to amend Section 35400 of the Vehicle Code, relating to vehicles.

• AB 3139 (Bonta) This bill requires the California Department of Transportation (Caltrans) to offer up to 10 \$1-per-month airspace leases to the City of Oakland for emergency shelter or feeding programs.

An act to add Section 104.24 to the Streets and Highways Code, relating to state highways.

• AB 3141 (Low) Extends the sunset date of the Bureau of Automotive Repair (Bureau) and its authority to appoint an executive officer by four years, until January 1, 2023. Allows for minor services to be conducted without a written estimate and requires the registration of minor services repair dealers. Also allows the Bureau to access DMV photographic license database for the purpose of enforcement.

An act to amend Sections 9880.1, 9882, and 9884.9 of the Business and Professions Code, and to amend Section 1808.51 of the Vehicle Code, relating to the Bureau of Automotive Repair.

• AB 3163 (Frazier) Eliminates the requirement that the Department of Motor Vehicles (DMV) retain information verifying the identity of the person submitting an electronic signature and clarifies how DMV can administer a new fee for the purposes of upgrading its technology systems.

An act to amend Sections 1685 and 1801.1 of the Vehicle Code, relating to vehicles, and declaring the urgency thereof, to take effect immediately.

• AB 3177 (Chávez). Repeals provisions of law requiring the North County Transit District (NCTD) to award contracts exceeding \$50,000 for supplies, equipment, and materials to the lowest responsible bidder and, instead, allows NCTD to establish and use a flexible process for these contracts and for service contracts.

An act to amend Section 20351 of the Public Contract Code, and to amend, renumber, and add Sections 125222 and 125224 of, to add Sections 125225, 125225.1, and 125225.2 to, and to repeal Sections 125221 and 125223 of, the Public Utilities Code, relating to transportation.

• AB 3246 (Committee on Transportation). Makes various technical and non-substantive changes to provisions of law related to transportation.

An act to amend Section 42703 of the Public Resources Code, to amend Sections 21659 and 21670.1 of, to repeal Section 21660 of, and to repeal Chapter 3.7 (commencing with Section 21504) of Part 1 of Division 9 of, the

Public Utilities Code, to amend Sections 374, 386, 2384, 2852, 5891, 6467, 6468, 6504, 6611, 8652, and 25403 of the Streets and Highways Code, and to amend Sections 675.6, 9250.14, 11607, 12002, 12527, 16028, 24010, 24015, and 26103 of the Vehicle Code, relating to transportation.

• SB 502 (Portantino) This bill requires operators of commuter rail systems, by July 1, 2020, to ensure that each train be equipped with an Automated External Defibrillator (AED), as specified. This bill provides Construction Manager/General Contractor (CM/GC) authority to the Southern California Regional Rail Authority (Metrolink), as specified.

An act to amend Section 6971 of the Public Contract Code, and to add Section 99175 to the Public Utilities Code, relating to transportation.

• SB 519 (Beall) This bill authorizes the California Department of Transportation (Caltrans) to lease at a discount up to 10 parcels of airspace under a freeway or other real property to the City of Los Angeles and the City of San Jose for emergency shelter or feeding programs.

An act to add Section 104.26 to the Streets and Highways Code, relating to state highways.

• SB 848 (Committee on Budget and Fiscal Review) This trailer bill makes statutory changes related to transportation necessary to implement the Budget Act of 2018.

An act to add Section 14669.18 to the Government Code, to amend Section 6971 of the Public Contract Code, to add Section 99232.7 to the Public Utilities Code, to amend Section 2034 of, and to add and repeal Section 114.5 of, the Streets and Highways Code, and to amend Sections 1685 and 5205.5 of the Vehicle Code, relating to transportation, and making an appropriation therefor, to take effect immediately, bill related to the budget.

• SB 903 (Cannella) This bill authorizes the Stanislaus Council of Governments (StanCOG), for two fiscal years, to reduce the required farebox recovery ratio (FRR) for its transit operators up to 5% below the required ratio effective for the 2015-16 fiscal year.

An act to add Section 99270.8 to the Public Utilities Code, relating to transportation, and declaring the urgency thereof, to take effect immediately.

• SB 907 (Cannella) This bill allows Merced County to make the county director of the department of public works responsible for the county road commissioner's duties, regardless of whether the director is a civil engineer.

An act to add Section 2006.2 to the Streets and Highways Code, relating to county roads.

• SB 957 (Lara) This bill allows for a new Clean Air Vehicle (CAV) sticker to be issued to a vehicle whose sticker has expired, if the owner meets income qualifications.

An act to amend Sections 5205.5 and 21655.9 of the Vehicle Code, relating to vehicles.

• SB 989 (Wieckowski) Allows the California Transportation Commission (CTC) to relinquish a portion of State Route (SR) 84 to the City of Fremont.

An act to amend Section 384 of the Streets and Highways Code, relating to highways.

• SB 1000 (Lara) This bill requires the California Energy Commission (CEC) to evaluate the extent to which charging infrastructure is proportionately deployed and use funds to more proportionately deploy chargers as needed. This bill also requires the California Public Utilities Commission (CPUC) to explore facilitating the development of technologies that promote

SB 822: Net neutrality bill

By Jonathan Faria and Irene Jang

n Sept. 30, 2018, Gov. Jerry Brown signed Senate Bill 822, which enacted the California Internet Consumer Protection and Net Neutrality Act of 2018.

SB 822 aims to restore and expand the "net neutrality" protections previously granted under the FCC's 2015 Open Internet Order (2015 Order) issued under the Obama administration. The 2015 Order was repealed under the Trump administration on June 11, 2018 as part of the Restoring Internet Freedom Order (2018 Order), which reclassified ISPs as providers of "information services" under Title 1 of the Communications Act instead of "telecommunications services" under Title II. The reclassification effectively placed ISPs outside the jurisdiction of the Federal Communications Commission and back within the domain of the Federal Trade Commission.

Under SB 822, it is unlawful for ISPs to block or "throttle" (i.e., adjust the speed of) lawful content or impair or degrade lawful internet traffic based on content (with an exception for reasonable network maintenance). The law also prohibits "paid prioritization," which is the practice charging a fee in exchange for giving preferential access to paying data traffic. Additionally, SB 822 prohibits ISPs from charging "edge providers" (i.e., app and content providers) "access fees" in order to reach end users.

SB 822 also takes a step further than the FCC's prior 2015 Order by addressing "zero-rating" practices. Zero-rating refers generally to ISPs making offers to their users not to count data against a plan's data limit when the user is using an ISP's own apps and services rather than those of competitors. Under SB 822, ISPs may not engage in zero-rating except in limited circumstances.

Within hours of signing SB 822 into law, the U.S.



JANG

Under SB 822, it is unlawful for ISPs to block or 'throttle' (i.e., adjust the speed of) lawful content or impair or degrade lawful internet traffic based on content (with an exception for reasonable network maintenance).

Department of Justice filed a lawsuit challenging the constitutionality of the bill. In *United States v. California*, No. 2:18-at-01539 (E.D. Cal. Sept. 30, 2018), the DOJ argued that the bill is preempted by the FCC's 2018 Order and that Congress granted the FCC the sole authority to create rules related to ISPs. A coalition of four associations representing ISPs also filed a lawsuit (*American Cable Association v. Becerra*, 2:18-cv-02684 (E.D. Cal. Oct. 3, 2018)) making similar arguments.

SB 822 was scheduled to go into effect on Jan. 1, however, in exchange for a stay of the proceedings in both lawsuits, the state of California has agreed not to enforce the new law pending resolution of *Mozilla Corp. v. FCC*, No. 18-1051 (D.C. Cir. Aug. 20, 2018), a prior lawsuit challenging the FCC's 2018 Order that is pending before the Court of Appeals for the D.C. Circuit. Oral arguments in *Mozilla* are scheduled for Feb. 1. The ruling should have a significant impact on the future of ISP regulation by the states.

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grid integration and adopting a tariff for heavy duty electric vehicles that encourages charging during periods of excess grid capacity.

An act to add Section 65850.9 to the Government Code, to add Section 25231 to the Public Resources Code, and to add Section 740.15 to the Public Utilities Code, relating to transportation electrification.

• SB 1014 (Skinner) This bill requires the California Public Utilities Commission (CPUC), in consultation with the California Air Resources Board (ARB) and California Energy Commission (CEC), to establish the California Clean Miles Standard and Incentive Program (CCMSIP) to increase the use of zero-emission vehicles (ZEVs) by ride-hailing companies, including transportation network companies (TNCs).

An act to add Section 44274.4 to the Health and Safety Code, and to amend Section 5431 of, and to add Section 5450 to, the Public Utilities Code, relating to vehicles.

• SB 1029 (McGuire) This bill requires the California Transportation Agency to conduct an assessment of the North Coast Railroad Authority (NCRA) in order to provide the findings necessary to determine the most appropriate way to dissolve NCRA and dispense with its assets and liabilities, as specified.

An act to amend Sections 93000, 93010, 93020, and 93021 of, to add and repeal Section 13978.9 of, to repeal Sections 93001, 93002, 93023, and 93024 of, and to repeal and add Sections 93003 and 93022 of, the Government Code, and to amend Section 105095 of the Public Utilities Code, relating to transportation, and making an appropriation therefor.

• SB 1080 (Roth) This bill allows a non-California resident, active duty military member, or dependent to drive for a transportation network company (TNC) if they possess a valid driver's license issued by the state in which they reside.

An act to add Section 5445.3 to the Public Utilities Code, relating to transportation.

• SB 1119 (Beall) This bill expands eligible expenditures under the Low Carbon Transit Operations Program (LCTOP) relative to the requirement to spend 50% of monies in disadvantaged communities (DACs).

An act to amend Section 75230 of the Public Resources Code, relating to transportation.

• SB 1151 (Bates) This bill authorizes the County of San Diego or any city in the county to establish a neighborhood electric vehicle (NEV) transportation plan until January 1, 2029.

An act to amend the heading of Chapter 8 (commencing with Section 1965) of, to amend Section 1965.7 of, to add the heading of Article 1 (commencing with Section 1965) to Chapter 8 of, and to add Article 2 (commencing with Section 1966) to Chapter 8 of, Division 2.5 of the Streets and Highways Code, and to amend Sections 21251 and 21260 of the Vehicle Code, relating to neighborhood electric vehicles.

• SB 1172 (Beall) This bill permits the High-Speed Rail Authority (HSRA) to carry out a variety of procedures related to property acquisition.

An act to amend Section 1245.210 of the Code of Civil Procedure, to amend Sections 11005, 11005.2, 13332.11, 13332.12, 15853, and 15855 of the Government Code, to amend Sections 10106 and 10107 of the Public Contract Code, and to amend Section 408 of the Revenue and Taxation Code, relating to high-speed rail.

• SB 1236 (Monning) This bill requires the state Department of Motor Vehicles (DMV) to adopt regulations relating to entry-level driver training requirements for commercial truck drivers, as specified.

An act to add Section 15250.1 to the Vehicle Code, relating to commercial vehicle drivers.

• SB 1259 (Nielsen) This bill exempts the County of Tehama from the requirement that Tourist-Oriented Directional Signs (TODS) be used for attractions that are not farther than 10 miles from the nearest highway intersection when directing drivers to facilities directly associated with American Viticultural Areas (AVAs).

An act to amend Section 229.26 of the Streets and Highways Code, relating to highways.

• SB 1262 (Beall) This bill makes various changes to Construction Manager/General Contractor (CM/GC) requirements administered by the California Department of Transportation (Caltrans) for state highway projects.

An act to amend Sections 6700 and 6701 of the Public Contract Code, relating to public contracts.

• SB 1328 (Beall) This bill extends the life of the Road Usage Charge Technical Advisory Committee (TAC) for four additional years and requires it to continue assessing the potential for mechanisms such as a mileage-based revenue system to use as an alternative to the gas tax for generating the revenues necessary to maintain and operate the state's transportation system.

An act to amend Sections 3090 and 3093 of the Vehicle Code, relating to vehicles.

• SB 1376 (Hill) This bill requires the California Public Utilities Commission (CPUC) to develop regulations with relevant stakeholders relating to accessibility for persons with disabilities who use transportation network company (TNC) services, including wheelchair users who require a wheelchair accessible vehicle (WAV). This bill also requires the CPUC to assess a fee on TNC rides to fund accessible transportation services for persons with disabilities, establishes criteria for exempting TNCs that meet accessibility standards from the fee, and creates criteria for using the fee revenues to provide on-demand accessible transportation services.

An act to amend Section 5440 of, to add Section 5431.5 to, and to add and repeal Section 5440.5 of, the Public Utilities Code, relating to transportation, and making an appropriation therefor.

• SB 1387 (Beall) This bill extends the sunset date for the Department of Motor Vehicles (DMV) pilot program relative to studying alternatives to vehicle license plates, registration stickers, and registration cards.

An act to amend Section 4853 of the Vehicle Code, relating to vehicles.

• SB 1474 (Hill) This bill allows the Public Utilities Commission (CPUC) to contract with the California Highway Patrol (CHP) or a sheriff to assist in the enforcement of an order for the impoundment of a vehicle owned or operated by a passenger stage corporation or a charter-party carrier, as provided.

An act to amend Sections 1044 and 5415.5 of the Public Utilities Code, relating to transportation.

UTILITIES

• AB 1879 (Santiago) This bill requires specified notification actions if the California Public Utilities Commission (CPUC) determines that a moratorium on new natural gas service connections is necessary to prevent substantial and imminent harm or to ensure gas system reliability, including requiring a report to the Legislature and the affected gas corporation stating the necessity for the action and requiring a gas corporation to immediately notify potential or current

customers that may experience a service impact as a result of the proposed suspension. This bill declares that it is to take effect immediately as an urgency statute.

An act to add Section 2775.7 to the Public Utilities Code, relating to gas corporations, and declaring the urgency thereof, to take effect immediately.

• AB 2068 (Chu) This bill requires the California Public Utilities Commission (CPUC) to direct each of the state's electrical and gas investor-owned utilities (IOUs) to evaluate and report to the CPUC the feasibility and economic impacts of establishing discounted utility rates applicable to customers who are public schools. This bill requires the CPUC to compile these reports and submit this compilation to the Legislature, by January 1, 2020.

An act to add Section 749.5 to the Public Utilities Code, relating to electricity.

 AB 2179 (Gipson) Authorizes a municipal corporation to utilize alternative procedures to lease, sell, or transfer a municipal utility used for furnishing sewer service.

An act to amend Section 10061 of the Public Utilities Code, relating to utility service.

• AB 2329 (Obernolte) Increases the amount of compensation board members of certain special districts can receive per month.

An act to amend Sections 9031, 13857, and 32103 of the Health and Safety Code, to amend Sections 5536 and 5784.15 of the Public Resources Code, and to amend Section 22407 of the Public Utilities Code, relating to special districts.

• AB 2339 (Gipson) Authorizes the Cities of El Monte, Montebello, and Willows, until January 1, 2022, to sell their water systems for the purpose of consolidating with another public water system without obtaining voter approval.

An act to add and repeal Section 37420.5 of the Government Code, and to amend Section 10061 of the Public Utilities Code, relating to water.

 AB 2831 (Limón) This bill requires the California Public Utilities Commission (CPUC) to ensure that adequate outreach is conducted to ensure that small business customers can fully participate in energy demand management programs.

An act to amend Section 323.5 of the Public Utilities Code, relating to energy.

• SB 237 (Hertzberg) This bill would direct the California Public Utilities Commission (CPUC) to make changes to the existing direct access (DA) service program, which authorizes direct energy transactions between electricity suppliers and retail end-use customers. Among the proposed changes is a requirement to increase the annual maximum allowable limit of the DA service program by 4,000 gigawatt hour (GWH) for non-residential customers. This bill also directs the CPUC to provide recommendations to the Legislature, with specified findings, on the adoption and implementation of a second direct service transactions reopening schedule

An act to amend Section 365.1 of the Public Utilities Code, relating to electricity.

• SB 959 (Beall) This bill requires each large water corporation to maintain, for a specified period of time, on its Internet Web site an archive of all advice letters filed with the California Public Utilities Commission (CPUC) on or after January 1, 2019.

An act to add Section 2715 to the Public Utilities Code, relating to water corporations.

• SB 1028 (Hill) This bill requires the California Public Utilities Commission (CPUC) to evaluate the full effect of the recently adopted federal corporate tax cuts on the expenses and tax liabilities incurred by investor-owned utilities (IOUs) for payment of federal taxes and adjust the rates of the utilities to reflect any changes.

An act to add Section 751 to the Public Utilities Code, relating to public utility rates.

• SB 1076 (Hertzberg) This bill requires the Office of Emergency Services (OES) to develop preparedness recommendations to harden the critical infrastructure of the electrical utilities against an electromagnetic pulse (EMP) attack, geomagnetic storm event, or other long-term outage.

An act to add Section 8570.6 to the Government Code, relating to emergency preparedness.

• SB 1090 (Monning) This bill would require the California Public Utilities Commission (CPUC) to approve collection of ratepayer funds for previously denied elements of Application 16-08-006 (application) filed by Pacific, Gas & Electric (PG&E) to facilitate and support the retirement of the Diablo Canyon Nuclear Power Plant (Diablo Canyon).

An act to add Section 712.7 to the Public Utilities Code, relating to electricity.

• SB 1110 (Bradford) This bill provides local publicly owned electric utilities (POUs) with additional flexibility in complying with the state's requirements to procure renewable energy. Specifically, this bill authorizes POUs to mitigate against the loss of public revenues if complying with the state's Renewable Portfolio Standard (RPS) would lead to decreased generation from a power plant with outstanding public indebtedness that meets specified criteria.

An act to add Section 399.33 to the Public Utilities Code, relating to energy.

• SB 1136 (Hertzberg) This bill revises existing statute that requires the California Public Utilities Commission (CPUC), in consultation with the California Independent System Operator (CAISO), to establish resource adequacy (RA) requirements for the state's electric "load-serving entities" (LSEs).

An act to amend Section 380 of the Public Utilities Code, relating to electricity.

• SB 1338 (Hueso) Prohibits a gas or electric corporations (IOUs) from disconnecting service where a physician assistant certifies that gas or electric service is medically necessary to sustain the life of a customer or to prevent deterioration of that person's medical condition. This bill would also require the California Public Utilities Commission (CPUC) to develop rules requiring each of the four largest IOUs to demonstrate that they are working with the medical community to increase outreach to persons eligible for the medical baseline allowance.

An act to amend Sections 739 and 779.3 of, and to add Section 779.4 to, the Public Utilities Code, relating to energy rates.

• SB 1339 (Stern) This bill requires the California Public Utilities Commission (CPUC), in consultation with the California Energy Commission (CEC), and the Independent System Operator (CAISO), to take specified actions by December 1, 2020, to facilitate the commercialization of microgrids for distribution customers of large electrical corporations. This bill requires the governing board of a local publicly owned electric utility (POU) to develop and make available a standardized process for the interconnection of a customer-supported microgrid, including separate electrical rates and

tariffs, as necessary.

An act to add Chapter 4.5 (commencing with Section 8370) to Division 4.1 of the Public Utilities Code, relating to electricity.

• SB 1358 (Hueso) This bill requires the assigned commissioner, rather than the full California Public Utilities Commission (CPUC), to determine whether a proceeding requires a hearing.

An act to amend Sections 1701.1, 1701.2, 1701.3, and 1701.4 of the Public Utilities Code, relating to the Public

Utilities Commission.

• SB 1410 (Morrell) This bill amends the threshold number of customers served by California Public Utilities Commission (CPUC) regulated utility that would be subject to more frequent audit requirements from over 1,000 to over 10,000 customers served.

An act to amend Section 314.5 of the Public Utilities Code, relating to public utilities.

WELFARE and HEALTH AND HUMAN SERVICES

• AB 110 (Committee on Budget) Makes changes related to foster care placement, immigration detention and other topics to implement the 2017-18 budget:

An act to amend Sections 7284.6 and 27388.1 of the Government Code, and to amend Sections 12306.1 and 12306.16 of, and to add and repeal Section 11461.35 of, the Welfare and Institutions Code, relating to government services, and making an appropriation therefor, to take effect immediately, bill related to the budget.

• AB 1215 (Weber) Encourages a county mental health program (MHP) to conduct research of the brain and its physical and biochemical processes, as specified, including, but not limited to, collaborative, public-private initiatives, if research is chosen by a county MHP for an innovative project for the purpose of assessing a new or changed application of a promising approach to solving persistent mental health challenges.

An act to amend Section 5830 of the Welfare and Institutions Code, relating to mental health.

• AB 1694 (Mark Stone) Deletes language prohibiting foster care payments from being considered foster parent or child income when determining eligibility and benefit amounts for certain state or federal programs except as required by federal law, as specified, and enacts this bill as an urgency statute.

An act to repeal Section 11004.5 of the Welfare and Institutions Code, relating to foster care, and declaring the urgency thereof, to take effect immediately.

• AB 1811 (Committee on Budget) This bill provides for statutory changes necessary to enact human-services related provisions of the Budget Act of 2018.

An act to amend Section 69519 of the Education Code, to add Section 17566 to, and to add and repeal Section 17705 of, the Family Code, to amend Section 6253.2 of the Government Code, to add and repeal Sections 1531.6 and 1538.75 of the Health and Safety Code, to amend Section 246 of the Labor Code, and to amend Sections 9719.5, 10553.1, 11325.23, 11364, 11387, 11405, 11450, 11462.04, 12301.6, 14132.97, 16121, and 18941 of, to add Sections 10823.1, 10823.2, 11450.021, 11450.022, 11450.026, 11453.01, 11461.36, 12201.01, 14132.971, 16521.7, 18900.5, 18900.6, and 18900.7 to, to add Article 3.4 (commencing with Section 11330.6) to Chapter 2 of Part 3 of Division 9 of, to add Chapter 14 (commencing with Section 15770) to Part 3 of Division

9 of, to add and repeal Section 10072.3 of, to repeal Section 12200.5 of, and to repeal and add Section 10626 of, the Welfare and Institutions Code, relating to human services, and making an appropriation therefor, to take effect immediately, bill related to the budget.

• AB 1827 (Committee on Budget) This bill establishes the No Place Like Home (NPLH) Act of 2018, which amends provisions previously enacted as part of the NPLH program. Amends the Mental Health Services Act (MHSA) to, among other things, permit the Legislature to appropriate funds from the Mental Health Services Fund, as specified, and provides an opportunity for voter approval in the November 6, 2018 statewide general election.

An act to amend Sections 5849.35, 5849.4, and 5890 of, and to add Section 5849.15 to, the Welfare and Institutions Code, relating to housing, and making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

• AB 1892 (Jones-Sawyer) Requires the Department of Social Services (DSS) to issue guidance to counties participating in CalFresh Employment and Training (CFET) program with instructions for providing CFET support services or client reimbursements, requires guidance to include instructions for reimbursing a portion of the cost of Internet service or telephone services, and expands the definition of "participant who faces multiple barriers to employment."

An act to amend Sections 18926.5 and 18926.7 of the Welfare and Institutions Code, relating to CalFresh.

• AB 1930 (Mark Stone) Adopts changes to further facilitate implementation of Continuum of Care Reform (CCR) recommendations to better serve children and youth in California's child welfare services system.

An act to amend Section 7911.1 of the Family Code, to amend Sections 1502.45, 1505, 1507.25, 1517, 1517.1, 1517.5, 1522, 1524, 1527, 1527.1, 1527.2, 1527.4, 1527.5, 1534, 1551.3, 1558, and 1558.1 of, and to add Sections 1524.01 and 1551.15 to, the Health and Safety Code, and to amend Sections 212.5, 316.1, 361.2, 361.4, 4094.2, 4096.1, 4096.55, 11363, 11386, 11402.01, 11461, 11462, 11462.001, 11462.011, 11462.011, 11462.015, 11462.021, 11463, 11466.01, 16120, 16500.5, 16504.5, 16519.5, 16519.58, 16519.6, 16601, 16604, 18360, and 18360.10 of, and to add Sections 362.06, 16501.02, 16519.501, and 16519.555 to, the Welfare and Institutions Code, relating to foster care.

• AB 1934 (Jones-Sawyer) This bill clarifies that the terms "dependent person" and "dependent adult" include a person who lives independently.

An act to amend Section 177 of the Evidence Code, to amend Sections 288, 368, and 1336 of the Penal Code, and to amend Section 15610.23 of the Welfare and Institutions Code, relating to dependent persons.

• AB 1957 (Berman) Establishes the Social Services Modernization, Efficiency & Due Process Protection Act of 2018 which would allow applicants for and recipients of certain public benefits to elect to receive certain information and communication electronically, where available, and establishes the parameters of that communication while ensuring the data security and privacy rights of applicants and recipients.

An act to add Section 11023.7 to the Welfare and Institutions Code, relating to public social services.

 AB 1968 (Low) Requires that a person who has been taken into custody, assessed, and admitted to a designated facility because he or she is a danger to himself, herself, or others, as a result of a mental health disorder more than once within a one-year period be prohibited from owning a firearm for the remainder of his or her life, subject to the right to challenge the prohibition at periodic hearings.

An act to amend, repeal, and add Section 8103 of the Welfare and Institutions Code, relating to firearms.

• AB 2030 (Limón) Requires the Department of Social Services (DSS) to include, in certain public social services application and redetermination forms, questions regarding the need for accommodation related to disability or domestic violence and requires any single state automated welfare system to include related notifications.

An act to add Sections 10824.5, 11051, and 11262 to the Welfare and Institutions Code, relating to CalWORKs.

• AB 2083 (Cooley) Requires each county to develop a memorandum of understanding (MOU) to describe the roles and responsibilities certain entities that serve youth in foster care who have experienced severe trauma, and instructs the Secretary of California Health and Human Services, and the Superintendent of Public Instruction to establish a joint interagency resolution team to implement and review aspects of the MOU.

An act to add Section 16521.6 to the Welfare and Institutions Code, relating to foster youth.

 AB 2099 (Gloria) This bill requires a copy of the application that permits an individual to be involuntarily detained, as specified, to be treated as the original for purposes of evaluation and treatment.

An act to amend Section 5150 of the Welfare and Institutions Code, relating to mental health.

• AB 2112 (Santiago) Requires the Department of Health Care Services (DHCS) to develop and submit an application to solicit a grant authorized under the federal 21st Century Cures Act (Cures Act) to develop a community-based crisis response plan.

An act to add Section 14124.14 to the Welfare and Institutions Code, relating to crisis intervention.

• AB 2119 (Gloria) Clarifies the right of foster youth to gender affirming health care and gender affirming mental health care and requires the Department of Social Services (DSS) to, in consultation with stakeholders, develop and issue written guidance regarding foster youth access to gender affirming health care and gender affirming mental health care by January 1,2020.

An act to amend Sections 16001.9 and 16010.2 of the Welfare and Institutions Code, relating to foster care.

• AB 2207 (Eggman) Makes Legislative findings and declarations related to the commercial sexual exploitation of children (CSEC) in California, the intersection between CSEC and the child welfare system, and the provision of services to these youth by the state, and places a deadline of January 1, 2020, on the requirement in current law that the Department of Social Services (DSS), in consultation with stakeholders, must develop model policies, procedures, and protocols to assist countes achieve certain goals related to the commercial sexual exploitation of youth receiving child welfare services, as specified.

An act to amend Section 16501.35 of, the Welfare and Institutions Code, relating to sexual abuse.

• AB 2247 (Gipson) Requires a social worker or placement agency to implement a placement preservation strategy prior to changing a dependent child's placement, and requires at least 14 days' written notice to be given prior to a placement change, except in instances where delayed placement or prior notice of a placement change would endanger a child's health or safety or where all specified parties have agreed to waive these

requirements.

An act to add Section 16010.7 to the Welfare and Institutions Code, relating to foster youth.

• AB 2313 (Mark Stone) Expands the list of actions taken by an outside party and resulting in unauthorized acquisition of the cash benefits of a recipient of certain public services for which the recipient shall not incur a loss of those benefits, and allows DSS to issue reimbursements to benefits recipients in certain instances and if certain criteria are met.

An act to amend Section 10072 of the Welfare and Institutions Code, relating to public social services.

• AB 2316 (Eggman) Requires the State Department of Hospitals (DSH) and the Department of Health Care Services (DHCS) to develop a comprehensive training and certification program (program) for county patients' rights advocates (PRAs) that is accessible remotely and at any time.

An act to amend Section 5370.2 of, and to add Section 5524 to, the Welfare and Institutions Code, relating to mental health advocacy.

• AB 2325 (Irwin) This bill prohibits eligible California veterans from being denied county mental or behavioral health services while waiting for a determination of eligibility for, and availability of, services provided by the U.S. Department of Veterans Affairs (VA). Clarifies that existing law prohibiting veterans from being denied county mental health services includes whether or not the person is eligible for services provided by the VA.

An act to amend Section 5600.3 of the Welfare and Institutions Code, relating to mental health services.

• AB 2393 (Committee on Health) Prohibits a county from charging fees for Medi-Cal specialty mental health services (SMHS) to Medi-Cal beneficiaries who do not have a share of cost and Medi-Cal beneficiaries who have met their share of cost. Allows, instead of requires, a county to charge fees to individuals who are not Medi-Cal beneficiaries and Medi-Cal beneficiaries who have a share of cost that has not been met, as specified. Deletes the term SMHS and replaces it with community mental health services. Provides that this bill shall not be construed to waive a county's responsibility to screen for eligibility for Medi-Cal, any other insurance affordability program, or a county health program.

An act to amend Section 5709 of the Welfare and Institutions Code, relating to mental health.

• AB 2661 (Arambula) This bill clarifies that a person's subsequent conviction for an offense that is not a sexually violent offense committed while in the custody of the California Department of Corrections and Rehabilitation (CDCR) or the Department of State Hospitals (DSH) while awaiting the resolution of a petition to have the person committed to the DSH as a sexually violent predator (SVP) does not change the jurisdiction over the pending SVP petition, which is the county in which the person was convicted of the sexually violent offense that resulted in commitment to CDCR.

An act to amend Section 6601 of the Welfare and Institutions Code, relating to mental health.

• AB 2719 (Irwin) This bill expands the definition of "greatest social need," as used by the California Department of Aging (CDA) in their allocation of state and federal funds to programs for older individuals, to include cultural and social isolation caused by sexual orientation, gender identity, or gender expression.

An act to amend Section 9015 of the Welfare and Institutions Code, relating to aging.

AB 2923: BART transitoriented housing legislation

By Amara Morrison

uch to the chagrin of public officials in whose jurisdictions BART stations exist and who view the legislation as continued erosion of local zoning control, Assembly Bill 2923, approved by the governor on Sept. 30, 2018, requires the BART Board of Directors to adopt new transit-oriented development (TOD) zoning standards for each station. The legislation applies to BART parking lots and vacant BART-owned land and aims to simplify the process by which BART can develop land it owns. The TOD standards, which are only applicable to an eligible TOD project as defined, would establish minimum local zoning requirements for height, density, parking, and floor area ratio only.

The bill requires affected local jurisdictions to adopt a local zoning ordinance that conforms to the TOD zoning standards within two years of BART's adoption of the TOD standards or by July 1, 2022 if no such local standards are adopted. BART's approval of TOD zoning standards is subject to California Environmental Quality Act review and would designate BART as the lead agency. The bill does not subject a development application to two separate sets of zoning standards but, rather, requires the local agency to adopt zoning standards in conformance with the BART-adopted TOD standards.

Where local zoning remains inconsistent with the TOD zoning standards after July 1, 2022, the BART-adopted TOD zoning standards will become the local zoning for any BART-owned parcels that are within 1/2 mile of any existing or planned BART station entrance. BART is required to ensure any otherwise applicable local design standards are included as guidelines for the TOD developer. In addition, the legislation requires a TOD developer to adhere to any applicable local design standards, so long as those standards do not prohibit the minimum height, minimum density, minimum floor area ratio, and maximum parking allowances required by the TOD zoning standards.

"TOD project" is defined to mean any residential or commercial development project wholly or partially on BART land with 50 percent of the floor area of the project dedicated to residential uses, unless local zoning provides for a different percentage of residential uses on those parcels. If the local zoning establishes a lower minimum residential use require-

ment for BART land, the local zoning shall serve as the minimum residential requirement. Arguably, then, if less than 50 percent of the total floor area of any proposed project is residential, including all elements on both BART and City land, the new law would not apply.

Further, the construction of the TOD project must comply with specified labor and affordable housing requirements.

Local jurisdictions will likely argue that BART does not have independent land use authority to approve development applications but that final authority continues to rest with the local jurisdiction. BART's new zoning authority will now shift NIMBY attention away from local jurisdictions directly toward BART.

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MORRISON

• AB 2821 (Mayes) Authorizes any county to, upon approval of its county board of supervisors and the California Health and Human Services Agency, operate an integrated and comprehensive health and human services system, and specifies the purview and requirements of this system.

An act to amend Section 18991.4 of the Welfare and Institutions Code, relating to health and human services.

• AB 2830 (Reyes) Require each county, except a charter county, to develop a program that gives a preference to qualified applicants who are members of a disadvantaged group defined as, but not limited to, a foster youth, homeless youth, formerly homeless youth, or formerly incarcerated youth for the hiring of internship and student assistant positions.

An act to add Section 31000.11 to the Government Code, and to amend Section 391 of the Welfare and Institutions Code, relating to public employees.

• AB 3082 (Gonzalez Fletcher) Requires the Department of Social Services (DSS) to develop or otherwise identify standard educational material and a proposed method for uniform data collection addressing sexual harassment of providers of in-home supportive services (IHSS) and to provide these materials to appropriate Legislative committees.

An act to add Section 12318 to the Welfare and Institutions Code, relating to public social services.

 AB 3224 (Thurmond) Requires eligibility decisions for certain public benefit programs that are made by counties to be made by a county merit or civil service employee.

An act to add Section 10503 to the Welfare and Institutions Code, relating to public social services.

• SB 134 (Hernandez) This bill requires a contract between the Department of Developmental Services (DDS) and a regional center operator renewed or entered into on and after January 1, 2019, to include procedures for employee retention and requires regional centers to include information certain managers' salaries and benefits on their Internet Web sites.

An act to amend Section 4629.5 of, and to add Article 1.1 (commencing with Section 4639.80) to Chapter 5 of Division 4.5 of, the Welfare and Institutions Code, relating to regional centers.

• SB 175 (McGuire) This bill, an urgency measure, allows a court, until June 30, 2021, to admit a person with a developmental disability, to a separate and distinct unit at the Canyon Springs Community Facility due to an acute crisis.

An act to amend Sections 6500, 6509, and 7505 of, and to add Section 7502.6 to, the Welfare and Institutions Code, relating to developmental services, and declaring the urgency thereof, to take effect immediately.

• SB 192 (Beall) This bill establishes a Mental Health Services Act (MHSA) Reversion Account for the purpose of depositing any MHSA funds allocated to a county that have not been spent for their authorized purpose, as specified. This bill establishes reporting and planning requirements for counties regarding unspent MHSA funds, as specified.

An act to amend Sections 5892 and 5892.1 of the Welfare and Institutions Code, relating to mental health.

• SB 398 (Monning) This bill makes a number of changes related to the Traumatic Brain Injury (TBI) Program, including extending the sunset date from July 1, 2019, to July 1, 2024, requiring the Department of Rehabil-

itation (DOR) to seek all available sources of funding, and deleting the requirement that DOR submit a home- and community-based services waiver application to the federal Centers for Medicare and Medicaid Services.

An act to amend Sections 4353, 4354.5, and 4355 of, to repeal Section 14132.992 of, and to repeal and add Section 4359 of, the Welfare and Institutions Code, relating to acquired brain trauma.

• SB 688 (Moorlach) This bill requires each county to prepare its Annual Mental Health Services Act (MHSA) Revenue and Expenditure Report in accordance with generally accepted accounting principles (GAAP), as specified, and requires specified entities to post county reports in a machine-readable format on their respective Internet Web sites.

An act to amend Section 5899 of the Welfare and Institutions Code, relating to mental health services.

• SB 726 (Wiener) This bill raises the threshold amount for collection of California Work Opportunity and Responsibility to Kids (CalWORKs) outstanding overpayments owed by individuals no longer receiving aid from \$35 to \$250, or a higher amount as determined by the California Department of Social Services (CDSS), and establishes circumstances under which overpayment recovery and civil or criminal action are prohibited.

An act to amend, repeal, and add Section 11004 of the Welfare and Institutions Code, relating to CalWORKs.

• SB 785 (Wiener) This bill prohibits the disclosure of a person's immigration status in open court unless the judge presiding over the matter first determines that the evidence is admissible in an in camera hearing, as provided.

An act to add and repeal Sections 351.3 and 351.4 of the Evidence Code, relating to evidence, and declaring the urgency thereof, to take effect immediately.

• SB 849 (Committee on Budget and Fiscal Review) This is a Health Trailer Bill for 2018-19. It contains necessary changes related to the Budget Act of 2018. This bill makes various statutory changes to implement the 2018-19 budget.

An act to amend Section 14169.53 of, to add Section 14184.90 to, and to add and repeal Section 14114 of, the Welfare and Institutions Code, relating to Medi-Cal, and making an appropriation therefor, to take effect immediately, bill related to the budget.

• SB 857 (Committee on Budget and Fiscal Review) As part of the 2018 budget package, creates an employee orientation pilot for In Home Supportive Services providers in three counties.

An act to amend, repeal, and add Section 12301.24 of the Welfare and Institutions Code, relating to public social services, and making an appropriation therefor, to take effect immediately, bill related to the budget.

• SB 876 (Committee on Budget and Fiscal Review) This bill makes technical, clarifying changes to health and human services programs consistent with the Budget Act of 2018.

An act to amend Sections 10553.1, 11330.7, 11364, 11387, 11405, 11461.36, 11462.04, and 16121 of the Welfare and Institutions Code, and to amend Section 43 of Chapter 35 of the Statutes of 2018, relating to human services, and making an appropriation therefor, to take effect immediately, bill related to the budget.

• SB 918 (Wiener) This bill establishes the Homeless Youth Act of 2018 to better serve the state's homeless

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youth population and requires the Homeless Coordinating and Financing Council (Council) to take on additional related responsibilities that are focused on addressing the needs of youth experiencing homelessness

An act to amend Section 8257 of, and to add Chapter 7 (commencing with Section 8259) to Division 8 of, the Welfare and Institutions Code, relating to homeless youth.

• SB 1004 (Wiener) This bill requires the Mental Health Services Oversight and Accountability Commission (MHSOAC) to establish priorities for the use of Mental Health Services Act prevention and early intervention (PEI) funds, as specified, and to develop a statewide strategy for monitoring the implementation and effectiveness of PEI programs, as specified.

An act to add a heading to Chapter 1 (commencing with Section 5840) of, and to add Chapter 2 (commencing with Section 5840.5) to, Part 3.6 of Division 5 of the Welfare and Institutions Code, relating to mental health.

SB 1012 (Delgado) This bill allows personnel of a
city within a county that has established a homeless adult
and family multidisciplinary personnel team (MDT) to request to participate in that MDT and requires the county
to allow for city personnel participation, unless the county
determines that such participation would hinder compliance with the requirements and obligations of the MDT or
otherwise conflict with the county's goals and objectives.

An act to amend Section 18999.8 of the Welfare and Institutions Code, relating to public social services.

• SB 1040 (Dodd) This bill makes adjustments to the In-Home Supportive Services (IHSS) program that would take effect in the event of a state of emergency to allow recipients to continue receiving services and providers to obtain replacement payroll checks, if their checks were damaged or uncashed as a result of the emergency. This bill specifies that recipients of IHSS services are among the low income persons given first priority for loans from the Predevelopment Loans Fund, in the event of a natural disaster. This bill also requires a county, including a city and county, at the next update to its emergency plan, to integrate and require the assessment and provision of supportive services to IHSS recipients.

An act to amend Section 34052 of the Health and Safety Code, and to amend Section 12301.1 of, and to add Sections 12304.41 and 12312 to, the Welfare and Institutions Code, relating to in-home supportive services.

• SB 1045 (Wiener) This bill allows, until January 1, 2024, San Diego, San Francisco and Los Angeles Counties to place in a conservatorship, as specified, a person who is chronically homeless and incapable of caring for his or her own health and wellbeing due to serious mental illness and substance use disorder.

An act to add and repeal Article 7 (commencing with Section 5555) of Chapter 6.2 of, and to add and repeal Chapter 5 (commencing with Section 5450) of, Part 1 of Division 5 of the Welfare and Institutions Code, relating to conservatorship.

 SB 1083 (Mitchell) This bill makes certain changes to the resource family approval (RFA) process related to foster family homes that have not yet been approved as resource family homes.

An act to amend Sections 1517 and 1517.1 of the Health and Safety Code, and to amend Sections 11402, 11461.6, 16501.01, 16507.5, 16519.5, and 18360 of the Welfare and Institutions Code, relating to child welfare.

• SB 1107 (Leyva) Includes a private for-profit agency in the definition of "family home agency" (FHA), thereby

authorizing private for-profit agencies to be selected as FHAs for purposes of the developmental services system.

An act to amend Section 4689.1 of the Welfare and Institutions Code, relating to public social services.

• SB 1113 (Monning) This bill permits the Mental Health Services Oversight and Accountability Commission (MHSOAC) to establish a framework and voluntary standard for mental health in the workplace, as specified, and to provide guidance to California's employer community to support the mental health and wellness of employees, as specified.

An act to amend Section 5845 of the Welfare and Institutions Code, relating to mental health.

• SB 1274 (McGuire) This bill requires the California Department of Social Services (CDSS) to provide information to the State Department of Developmental Services (DDS) about DDS consumers' participation in California Work Opportunity and Responsibility for Kids (Cal-WORKs) and CalFresh in order to monitor and evaluate the effectiveness of the state's Employment First Policy.

An act to amend Section 4514 of, and to add Section 10850.6 to, the Welfare and Institutions Code, relating to developmental services.

• SB 1287 (Hernandez) This bill defines in state law, for individuals under age 21 years of age enrolled in Medi-Cal, a service as medically necessary or a medical necessity by reference to the federal Medicaid standard, which requires coverage when the service would correct or ameliorate defects and physical and mental illnesses.

An act to amend Sections 14059.5 and 14133.3 of the Welfare and Institutions Code, relating to Medi-Cal.

- SB 1423 (Hernandez) Revises existing law relating to Medi-Cal managed care (MCMC) and mental health plan oral interpretation services for an individual who is limited-English-proficient (LEP) to require that an interpreter must have the ability to provide effective, accurate, and impartial, interpreter services to and from the language spoken by the LEP beneficiary and in English, using any necessary specialized vocabulary, terminology, and phraseology, and makes other clarifying changes. An act to amend Sections 14029.91 and 14727 of the Welfare and Institutions Code, relating to Medi-Cal.
- SB 1446 (Glazer) Deems a California Work Opportunity and Responsibility to Kids (CalWORKs) recipient who is meeting certain federal Temporary Assistance for Needy Families (TANF) participation requirements to be in compliance with welfare-to-work activity requirements.

An act to add Section 11322.81 to the Welfare and Institutions Code, relating to CalWORKs.

• SB 1495 (Committee on Health) This bill makes noncontroversial changes to various provisions of health law, including revising the reporting structure of law enforcement personnel at state hospitals, revising mental health services performance contract requirements, requiring the Department of Public Health (DPH) to license hospice providers who are accredited by an approved accrediting organization, and making clean-up changes to two recently enacted bills.

An act to amend Section 684 of the Business and Professions Code, to amend Sections 1728.7, 1797.188 and 101080 of, and to add Section 1751.5 to, the Health and Safety Code, and to amend Sections 4300, 4301, 4311, 4313, 5349, 5651, and 5897 of, to add Section 4005.8 to, to repeal Sections 5651.2 and 5666 of, and to repeal and add Section 5650 of, the Welfare and Institutions Code, relating to health.

GREENE BROILLET & WHEELER, LLP





GB&W is a dynamic team of highly skilled, hard-hitting trial lawyers who are undeterred by challenges and are devoted to every case we take.

HOLDING LAW ENFORCEMENT ACCOUNTABLE

GB&W obtained a **major settlement** on behalf of the family of a cyclist struck and killed by a distracted, on-duty Los Angeles County Sheriff's Deputy. This lawsuit exposed how the Deputy engaged in texting while driving and other improper conduct, which resulted in the wrongful death of a prominent entertainment attorney.

WON TOP VERDICT FOR BRAIN INJURED CHILD

GB&W secured a **substantial verdict** in San Bernardino County on behalf of an 11-year-old girl who suffered a severe traumatic brain injury when a car struck her while she tried to cross the street in order to board her school bus. The judgment ranks as one of Los Angeles Daily Journal's Top 10 Verdicts in 2017 by dollar amount in California for a personal injury case involving a dangerous condition.

