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February 4, 2016

RULES & LEGISLATION COMMITTEE
OAKLAND CITY COUNCIL
Oakland, California 94612

Re: 2015 Legislative Report (Selected Laws) from the City Attorney's Office and State Lobbyist, Item No. 6 on the February 4, 2016, Rules Committee Agenda

Dear Chairperson Gibson McElhaney and Members of the Committee:

The City Attorney's Office and the City's State Lobbyist, Townsend Associates, prepared the attached list and synopses of selected new California laws of interest and relevance to municipalities (Attachment A). This report is listed as Item No. 6 on the February 4, 2016, Rules Committee agenda.

The compilation of laws in the attached list is based on a legislative list provided by Townsend Associates and new laws listed in the League of California Cities 2015 Legislative Report.

Respectfully submitted,

A handwritten signature in cursive script that reads "Barbara J. Parker".

BARBARA J. PARKER
City Attorney

Assigned Attorney:
Doryanna Moreno, Assistant City Attorney

Attachments

cc: Mayor Libby Schaaf
Members of the City Council
Sabrina Landreth, City Administrator

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ITEM NO. 6
RULES AND LEGISLATION COMMITTEE
2/4/2016

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**2015 State Legislative Session:
Selected Laws of Relevance or Interest to Municipalities**

I. Administrative Services

• **Elections**

AB 277 (Hernández, Roger D) California Voting Rights Act of 2001.

Status: 10/10/2015-Chaptered by Secretary of State - Chapter 724, Statutes of 2015. **Summary:** Would amend the California Voting Rights Act of 2001 (CVRA) definition of "political subdivision" to expressly include a charter city, charter county, or charter city and county. The bill would also state that it is the intent of the Legislature in enacting this bill to codify the holding of the state courts regarding the applicability of the CVRA to charter cities.

***AB 809 (Oberholte). Local Initiative Measures. Ballot Printing Specifications.**

Chapter 337, Statutes of 2015

This measure requires that if a local ballot initiative imposes or raises the rate of a tax, the ballot statement must include the amount to be raised annually and the rate of the tax to be levied.

AB 1461 (Gonzalez). Voter Registration. California New Motor Voter Program.

Chapter 729, Statutes of 2015

This measure sets up the process that every eligible voter, who has a California driver's license or identification card, to be registered to vote, unless they opt out. The process is to be coordinated by the Department of Motor Vehicles (DMV) and the Secretary of State (SOS).

• **Public Records**

AB 169 (Maienschein R) Local government: public records: Internet.

Status: 10/10/2015-Chaptered by Secretary of State - Chapter 737, Statutes of 2015.

Summary: Would, if a local agency, except a school district, maintains an Internet Resource, including, but not limited to an Internet Web site, Internet Web page, or Internet Web portal, which the local agency describes or titles as "open data," and the local agency voluntarily posts a public record on that Internet Resource, would require the local agency to post the public record in an open format that meets specified requirements, including, among others, that the format is able to be retrieved, downloaded, indexed, and searched by a commonly used Internet search application.

SB 272 (Hertzberg D) The California Public Records Act: local agencies: inventory.

Status: 10/11/2015-Chaptered by Secretary of State - Chapter 795, Statutes of 2015.

Summary: Would require each local agency, except a local educational agency, in implementing the California Public Records Act, to create a catalog of enterprise systems, as defined, to make the catalog publicly available upon request in the office of the person or officer designated by the agency's legislative body, and to post the catalog on the local agency's Internet Web site.

- **Political Reform Act**

**AB 1544 (Cooley). Political Reform Act of 1974. Behested Payments.
Chapter 756, Statutes of 2015**

This measure provides that payments made by a local, state, or federal governmental agency for a principally legislative or governmental purpose is not required to be reported as a behested payment.

SB 21 (Hill D) Political Reform Act of 1974: gifts of travel.

Status: 10/10/2015-Chaptered by Secretary of State - Chapter 757, Statutes of 2015.

Summary: Would require a nonprofit organization that regularly organizes and hosts travel for elected officials, as specified, and that pays for these types of travel for an elected state officer or local elected officeholder to disclose the names of donors who, in the preceding year, both donated to the nonprofit organization and accompanied an elected officer or officeholder for any portion of the travel, as specified. The bill would require a person who receives a gift of a travel payment from any source to report the travel destination on his or her statement of economic interests. This bill contains other related provisions and other existing laws.

**SB 704 (Gaines) Public Officers and Employees. Conflict of Interests. Contracts.
Chapter 495, Statutes of 2015**

This measure adds the interest of an owner or partner of a firm, who serves on an unelected board or commission to a contracting agency, to the list of remote interests that are exempt from statutory conflict of interest prohibitions. The measure requires that the person recuse themselves from advising the contracting agency regarding the contract and from reviewing a project that results in a contract with the agency.

- **Miscellaneous**

**AB 1267 (Bloom) Lawsuits, Liens, and Other Encumbrances.
Chapter 208, Statutes of 2015**

This measure prohibits a person from filing a lawsuit, lien or other encumbrance against another person or entity, knowing the filing is false, and doing so with the intent to harass the other party or in the case of public officials, hinder the public official from being able to conduct their official duties. In the event of a violation, the court may issue up to a \$5,000 civil penalty.

II. Community Services

AB 189 (Bloom D) Arts Council: cultural districts.

Status: 10/1/2015-Chaptered by Secretary of State - Chapter 396, Statutes of 2015.

Summary: Would require the Arts Council to establish criteria and guidelines for state-designated cultural districts, as defined. The bill would require the council to establish a competitive application system for certification, provide technical and promotional support for certified state-designated cultural districts, and collaborate with public agencies and private entities to maximize the benefits of state-designated cultural districts. The bill would provide that a geographical area within the state may be certified as a state-designated cultural district by applying to the council for certification, as provided.

**AB 982 (Eggman) Childcare and Development. Eligibility. Homeless Children.
Chapter 567, Statutes of 2015**

This measure expands the list of entities that can identify a homeless child in need of subsidized child care services to include a local educational agency liaison for homeless children and youths, a Head Start program, or a transitional shelter.

AB 1146 (Jones R) Skateboard parks.

Status: 8/17/2015-Chaptered by Secretary of State - Chapter 221, Statutes of 2015.

Summary: Current law provides government immunity against claims by a person who participates in a hazardous recreational activity, and makes skateboarding at a facility owned or operated by a public entity as a public skateboard park is a hazardous recreational activity, if certain conditions are met. This bill would extend government immunity to other wheeled recreational devices, as defined, until January 1, 2020.

SB 549

(Hall). Charitable Raffles.

Chapter 509, Statutes of 2015

This measure authorizes major league sports teams to conduct a 50/50 raffle for the purpose of directly supporting a specified beneficial or charitable purpose in California, or financially supporting another private, nonprofit, eligible organization.

III. Employee Relations/Employment

AB 304

(Gonzalez D) Sick leave: accrual and limitations.

Status: 7/13/2015-Chaptered by Secretary of State - Chapter 67, Statutes of 2015.

Summary: The Healthy Workplaces, Healthy Families Act of 2014 provides, among other things, that an employee who, on or after July 1, 2015, works in California for 30 or more days within a year from the commencement of employment is entitled to paid sick days for prescribed purposes, to be accrued at a rate of no less than one hour for every 30 hours worked. This bill would require that the employee do that work for the same employer in order to qualify for accrued sick leave under these provisions. This bill would exclude a retired annuitant of a public entity, as specified, from the definition of employee under these provisions.

AB 622

(Hernandez). Employment. E-Verify System. Unlawful Business Practices.

Chapter 696, Statutes of 2015

This measure further prohibits an employer from using the E-Verify system in a manner not required under federal law or as authorized by a federal agency to check employment authorization status of an existing employee. The measure provides that an employer could be subject to civil penalties up to \$10,000 for each violation.

AB 970

(Nazarian). Minimum Wage and Overtime Enforcement. Local Laws.

Chapter 783, Statutes of 2015

This measure authorizes the Labor Commissioner, at the request of a local entity with the legal authority to issue a citation against an employer for violations of overtime and minimum wage laws, may enforce such local laws against employers.

SB 185

(De León D) Public retirement systems: public divestiture of thermal coal companies.

Status: 10/8/2015-Chaptered by Secretary of State - Chapter 605, Statutes of 2015.

Summary: Would prohibit the boards of the Public Employees' Retirement System and the State Teachers' Retirement System from making new investments or renewing existing investments of public employee retirement funds in a thermal coal company, as defined. This bill would require the boards to liquidate investments in thermal coal companies on or before July 1, 2017, and would require the boards, in making a determination to liquidate investments, to constructively engage with thermal coal companies to establish whether the companies are transitioning their business models to adapt to clean energy generation.

SB 354

(Huff R) California Public Employees' Pension Reform Act of 2013: joint powers authority: employees.

Status: 8/10/2015-Chaptered by Secretary of State - Chapter 158, Statutes of 2015.

Summary: PEPRA authorizes a joint powers authority formed by the Cities of Brea and Fullerton on or after January 1, 2013, to provide employees who are not new members under PEPRA with the defined benefit plan or formula that was received by those employees from their respective employers on December 31, 2012, if they are employed by the joint powers authority without a break in service of more than 180 days. This bill would revise the period during which the authorization granted to a joint powers authority formed by the Cities of Brea and Fullerton to provide specified retirement benefits, as described above, may be applied.

SB 358

(Jackson). Conditions of Employment. Gender Wage Differential.

Chapter 546, Statutes of 2015

This measure expands equal pay protection by prohibiting employers from paying an employee a wage that is at a rate less than what is paid to employees of the opposite sex for substantially similar work. Exceptions are provided if the employer can demonstrate the entire pay differential is based on a seniority or merit system, a system where quantity or quality of production are measured, or there is a bona fide factor contributing to the difference other than sex.

IV. Environmental Quality

• Water/Drought

- AB 1** **(Brown D) Drought: local governments: fines.**
Status: 7/13/2015-Chaptered by Secretary of State - Chapter 62, Statutes of 2015.
Summary: Would prohibit a city, county, or city and county from imposing a fine under any ordinance for a failure to water a lawn or having a brown lawn during a period for which the Governor has issued a proclamation of a state of emergency based on drought conditions.
- AB 401** **(Dodd). Low-Income Water Rate Assistance Program.**
Chapter 662, Statutes of 2015
This measure requires the State Water Resources Control Board (SWRCB), in collaboration with the State Board of Equalization and stakeholders, to develop a plan for funding and implementing the Low-Income Water Rate Assistance Program by January 1, 2018.
- AB 349** **(Gonzalez D) Common interest developments: property use and maintenance.**
Status: 9/4/2015-Chaptered by Secretary of State - Chapter 266, Statutes of 2015.
Summary: Current law makes void and unenforceable any provision of the governing documents or architectural or landscaping guidelines or policies that prohibits use of low water-using plants, or prohibits or restricts compliance with water-efficient landscape ordinances or regulations on the use of water, as specified. This bill would make void and unenforceable any provision of the governing documents or architectural or landscaping guidelines or policies that prohibits use of artificial turf or any other synthetic surface that resembles grass. This bill contains other existing laws.
- AB 1164** **(Gatto D) Water conservation: drought tolerant landscaping. (See, V. Housing)**

• Medical Marijuana

- AB 243** **(Wood D) Medical marijuana.**
Status: 10/9/2015-Chaptered by Secretary of State - Chapter 688, Statutes of 2015.
Summary: Would require the Department of Food and Agriculture, the Department of Pesticide Regulation, the State Department of Public Health, the Department of Fish and Wildlife, and the State Water Resources Control Board to promulgate regulations or standards relating to medical marijuana and its cultivation, as specified. The bill would also require various state agencies to take specified actions to mitigate the impact that marijuana cultivation has on the environment. (The League has prepared a comprehensive summary of this measure in Appendix A of their 2015 Legislative Report.)
- AB 266** **(Bonta D) Medical marijuana.**
Status: 10/9/2015-Chaptered by Secretary of State - Chapter 689, Statutes of 2015.
Summary: Would enact the Medical Marijuana Regulation and Safety Act for the licensure and regulation of medical marijuana and would establish within the Department of Consumer Affairs the Bureau of Medical Marijuana Regulation, under the supervision and control of the Director of Consumer Affairs. The bill would require the director to administer and enforce the provisions of the act. (The League has prepared a comprehensive summary of this measure in Appendix A of their 2015 Legislative Report.)

• Waste Management

- AB 888** **(Bloom D) Waste management: plastic microbeads.**
Status: 10/8/2015-Chaptered by Secretary of State - Chapter 594, Statutes of 2015.
Summary: Would prohibit, on and after January 1, 2020, a person, as defined, from selling or offering for promotional purposes in this state a personal care product containing plastic microbeads that are used to exfoliate or cleanse in a rinse-off product, as specified. The bill would exempt from those prohibitions the sale or promotional offer of a product containing less than 1 part per million (ppm) by weight of plastic microbeads. This bill contains other related provisions.

AB 901 **(Gordon D) Solid waste: reporting requirements: enforcement.**
Status: 10/10/2015-Chaptered by Secretary of State - Chapter 746, Statutes of 2015.
Summary: The California Integrated Waste Management Act of 1989, administered by the Department of Resources Recycling and Recovery, generally regulates the disposal, management, and recycling of solid waste. This bill would revise specified provisions by, among other things, (1) requiring recycling and composting operations and facilities to submit specified information directly to the department, rather than to counties, (2) requiring disposal facility operators to submit tonnage information to the department, and to counties only on request, and (3) deleting the requirement for counties to submit that information to cities, regional agencies, and the department.

- **Misc.**

SB 185 **(De León D) Public retirement systems: public divestiture of thermal coal companies.**
(See, III. Employee Relations)

SB 379 **(Jackson D) Land use: general plan: safety element. (See, V. Housing)**

V. Housing, Community and Economic Development

- **Housing/Economic Development**

AB 2 **(Alejo and Garcia). Community Revitalization and Investment Authorities.**
Chapter 319, Statutes of 2015

This measure provides new authority to revitalize disadvantaged communities through planning and financing infrastructure improvements and upgrades; economic development activities; and affordable housing via tax increment financing based, in part, on the former community redevelopment law.

A Community Revitalization and Investment Authority (CRIA) can be created in the following two locations:

- Areas where not less than 80 percent of the land contains census tracts or census block groups that meet both of these conditions: an annual median household income that is less than 80 percent of the statewide annual median income; and at least three of the following conditions are met:
 - o Non-seasonal unemployment at least 3 percent higher than statewide average;
 - o Crime rates at least 5% higher than statewide median;
 - o Deteriorated or inadequate infrastructure; and
 - o Deteriorated commercial or residential structures.
- A former military base that is principally characterized by deteriorated or inadequate infrastructure or structures.

The measure contains additional extensive detail on the establishment, governance, operation, accountability and responsibilities of this agency. (The League has prepared a comprehensive summary of this measure in Appendix A of their 2015 Legislative Report.)

AB 90 **(Chau D) Federal Housing Trust Fund.**

Status: 10/9/2015-Chaptered by Secretary of State - Chapter 686, Statutes of 2015.

Summary: Would designate the Department of Housing and Community Development as the state agency responsible for administering funds received by the state from the federal Housing Trust Fund. This bill would require the department to administer the funds through existing or newly created programs that produce, preserve, rehabilitate, or support the operation of rental housing for extremely low income and very low income households, except that up to 10% of funding may be used to support home ownership for extremely low income and very low income households.

AB 189 **(Bloom D) Arts Council: cultural districts. (See, II. Community Services)**

- AB 313** **(Atkins D) Enhanced infrastructure financing districts.**
Status: 9/22/2015-Chaptered by Secretary of State - Chapter 320, Statutes of 2015.
Summary: Would require, after the adoption of a resolution of intention to establish a proposed district, the legislative body to send a copy of the resolution to the public financing authority. This bill would revise the duties of the public financing authority after the resolution of intention to establish the proposed district has been adopted, so that the public financing authority, instead of the legislative body, will perform the specified duties related to the preparation, proposal, and adoption of the infrastructure financing plan and the adoption of the formation of the district.
- AB 388** **(Chang). Housing. Veterans. Supportive and Transitional Housing. Reports.**
Chapter 692, Statutes of 2015
This measure requires HCD to report specified performance data to the Legislature as part of an annual evaluation performed by the department, in collaboration with the Department of Veterans Affairs, on the expenditure of \$600 million in bonds, authorized by Proposition 41, for a variety of housing options including assisting homeless veterans.
- AB 1403** **(Maienschein). Homeless Housing. Joint Powers Agreements.**
Chapter 188, Statutes of 2015
This measure authorizes one or more private non-profit 501(c) (3) corporations organized to provide services to the homeless, or to prevent homelessness, to enter into a joint powers agreement with one or more public agencies. The entity formed shall be deemed a public agency, except for debt issuance, and can be used to share information between public agencies and non-profits as a means to improve the delivery of coordinated care housing services to the most frequent users of publicly-funded emergency services.
- AB 1270** **(Garcia, Eduardo D) California Workforce Innovation and Opportunity Act.**
Status: 7/14/2015-Chaptered by Secretary of State - Chapter 94, Statutes of 2015.
Summary: Would update statutory references to the Workforce Investment Act of 1998 to instead refer to the Workforce Innovation and Opportunity Act of 2014 and make related conforming changes. This bill contains other related provisions and other existing laws.
- SB 107** **(Committee on Budget and Fiscal Review) Local government.**
Status: 9/22/2015-Chaptered by Secretary of State - Chapter 325, Statutes of 2015.
Summary: Current law dissolved redevelopment agencies and community development agencies as of February 1, 2012, and provides for the designation of successor agencies to wind down the affairs of the dissolved redevelopment agencies and to, among other things, make payments due for enforceable obligations and to perform obligations required pursuant to any enforceable obligation. This bill would provide that any action by the Department of Finance, that occurred on or after June 28, 2011, carrying out the department's obligations under the provisions described above constitutes a department action for the preparation, development, or administration of the state budget and is exempt from the Administrative Procedures Act.

- **Land Use**

- AB 57** **(Quirk D) Telecommunications: wireless telecommunication facilities.**
Status: 10/9/2015-Chaptered by Secretary of State - Chapter 685, Statutes of 2015.
Summary: Would provide that a collocation or siting application for a wireless telecommunications facility is deemed approved if the city or county fails to approve or disapprove the application within the reasonable time periods specified in applicable decisions of the Federal Communications Commission, all required public notices have been provided regarding the application, and the applicant has provided a notice to the city or county that the reasonable time period has lapsed. This bill contains other existing laws.
- AB 243** **(Wood D) Medical marijuana. (See, IV. Environmental)**
- AB 266** **(Bonta D) Medical marijuana. (See, IV. Environmental)**

- AB 744** **(Chau D) Planning and zoning: density bonuses.**
Status: 10/9/2015-Chaptered by Secretary of State - Chapter 699, Statutes of 2015.
Summary: Current law prohibits a city, county, or city and county from requiring a vehicular parking ratio for a housing development that meets specified criteria in excess of specified ratios. This bill would, notwithstanding the above-described provisions, additionally prohibit, at the request of the developer, a city, county, or city and county from imposing a vehicular parking ratio, inclusive of handicapped and guest parking, in excess of 0.5 spaces per bedroom on a development that includes the maximum percentage of low- or very low income units, as specified, and is located within 1/2 mile of a major transit stop, as defined, and there is unobstructed access to the transit stop from the development.
- AB 1164** **(Gatto D) Water conservation: drought tolerant landscaping.**
Status: 10/9/2015-Chaptered by Secretary of State - Chapter 671, Statutes of 2015.
Summary: Would prohibit a city, including a charter city, county, and city and county, from enacting or enforcing any ordinance or regulation that prohibits the installation of drought tolerant landscaping, synthetic grass, or artificial turf on residential property, as specified. The bill would additionally state that this is an issue of statewide concern. This bill contains other related provisions.
- AB 1236** **(Chiu D) Local ordinances: electric vehicle charging stations. (See, VIII. Transportation)**
- AB 1251** **(Gomez). Greenway Development and Sustainment Act.**
Chapter 639, Statutes of 2015
This measure authorizes certain nonprofit organizations, tribes and state and local governments to acquire easements for the purpose of developing greenways along urban waterways. Greenways are defined as a pedestrian and bicycle, nonmotorized vehicle transportation, and recreational travel corridor.
- AB 1323** **(Frazier). Marine Debris. Removal and Disposal.**
Chapter 645, Statutes of 2015
This measure authorizes a public agency to remove and dispose of marine debris after 10 days if the marine debris is floating, sunk, partially sunk, or beached in or on a public waterway, public beach, or on state tidelands or submerged lands.
- SB 379** **(Jackson D) Land use: general plan: safety element.**
Status: 10/8/2015-Chaptered by Secretary of State - Chapter 608, Statutes of 2015.
Summary: The Planning and Zoning Law requires the legislative body of a city or county to adopt a comprehensive, long-term general plan that includes various elements, including, among others, a safety element for the protection of the community from unreasonable risks associated with the effects of various geologic hazards, flooding, and wildland and urban fires. This bill would, upon the next revision of a local hazard mitigation plan on or after January 1, 2017, or, if the local jurisdiction has not adopted a local hazard mitigation plan, beginning on or before January 1, 2022, require the safety element to be reviewed and updated as necessary to address climate adaptation and resiliency strategies applicable to that city or county.
- SB 655** **(Mitchell D) Housing standards: mold.**
Status: 10/9/2015-Chaptered by Secretary of State - Chapter 720, Statutes of 2015.
Summary: Would provide that a lessor is not obligated to repair a dilapidation relating to mold, as specified, until he or she has notice of it or if the tenant is in violation of specified affirmative obligations. The bill would authorize a landlord to enter a dwelling to repair a dilapidation relating to mold, under specified conditions. This bill contains other related provisions and other existing laws.

VI. Public Safety

• Law Enforcement

AB 69 (Rodriguez D) Peace officers: body-worn cameras.

Status: 10/3/2015-Chaptered by Secretary of State - Chapter 461, Statutes of 2015.

Summary: Would require law enforcement agencies to consider specified best practices when establishing policies and procedures for downloading and storing data from body-worn cameras, including, among other things, prohibiting the unauthorized use, duplication, or distribution of the data, and establishing storage periods for evidentiary and non-evidentiary data, as defined.

AB 71 (Rodriguez). Criminal Justice. Reporting. Chapter 462, Statutes of 2015

This measure requires all law enforcement agencies, starting January 1, 2017, to report to the Department of Justice (DOJ) all incidents of officer-involved shootings (both shootings of civilians by peace officers and shootings of peace officers by civilians), use of force incidents by peace officers against civilians resulting in serious bodily injury or death, and use of force incidents by civilians against peace officers resulting in serious bodily injury or death. This measure specifies what data shall be reported, including the date, time and location of the incident, whether the civilian was armed and with what type of weapon, the type of force used against the officer or civilian, including any weapons used, and the number of officers and civilians involved in the incident. This measure also requires a brief description of the circumstances surrounding the incident, including perceptions of behavior or mental disorders. Finally, this measure requires the DOJ to include a summary of this information in its annual crime report issued pursuant to Section 13010 of the Penal Code.

AB 953 (Weber D) Law enforcement: racial profiling.

Status: 10/3/2015-Chaptered by Secretary of State - Chapter 466, Statutes of 2015.

Summary: Would enact the Racial and Identity Profiling Act of 2015, which would, among other changes, revise the definition of racial profiling to instead refer to racial or identity profiling, and make a conforming change to the prohibition against peace officers engaging in that practice.

SB 11 (Beall). Peace Officer Training. Mental Health. Chapter 468, Statutes of 2015

This measure requires the Commission on Peace Officer Standards and Training (POST) to:

- Establish a training course, that is at least 15 hours on law enforcement interaction with persons with mental illness, as part of its basic training course; and
- Have a three-hour continuing education course on the same subject matter.

SB 29 (Beall D) Peace officer training: mental health.

Status: 10/3/2015-Chaptered by Secretary of State - Chapter 469, Statutes of 2015.

Summary: Would require POST to require field training officers who are instructors for the field training program to have at least 8 hours of crisis intervention behavioral health training, as specified. The bill would also require POST to require as part of its existing field training officer course, at least 4 hours of training relating to competencies of the field training program and police training program that addresses how to interact with persons with mental illness or intellectual disability, to be completed as specified.

• Marijuana

AB 243 (Wood D) Medical marijuana. (See, IV. Environmental)

AB 266 (Bonta D) Medical marijuana. (See, IV. Environmental)

SB 643 (McGuire D) Medical marijuana.

Status: 10/9/2015-Chaptered by Secretary of State - Chapter 719, Statutes of 2015.

Summary: Would set forth standards for a physician and surgeon prescribing medical cannabis and require the Medical Board of California to prioritize its investigative and prosecutorial resources to identify and discipline physicians and surgeons that have repeatedly recommended excessive cannabis to patients for medical purposes or repeatedly recommended cannabis to patients for medical purposes without a good faith examination, as specified. The bill would require the Bureau of Medical Marijuana to require an applicant to furnish a full set of fingerprints for the purposes of conducting criminal history record checks.

SB 303 (Hueso D) Controlled substances: destruction of seized marijuana.

Status: 10/9/2015-Chaptered by Secretary of State - Chapter 713, Statutes of 2015.

Summary: Would authorize a law enforcement agency to destroy seized substances suspected to be growing or harvested marijuana in excess of 2 pounds, or the amount of marijuana a medical marijuana patient or designated caregiver is authorized to possess by ordinance in the city or county where the marijuana was seized, whichever is greater, subject to specified requirements. The bill would also require the law enforcement agency to retain at least one 2-pound sample and 5 random and representative samples consisting of leaves or buds, for evidentiary purposes, from the total amount to be destroyed.

• **Privacy/Use of Data**

SB 34 (Hill). Automated License Plate Recognition Systems. Use of Data.

Chapter 532, Statutes of 2015

This measure imposes a variety of security, privacy, and public hearing requirements on the use of automated license plate recognition (ALPR) systems, and creates a private right of action for a person who has been harmed by a violation of the bill's requirements, enabling that person to bring a civil action against those who knowingly caused the violation. It authorizes a court to provide the following remedies:

- Actual damages, but no less than liquidated damages in the amount of \$2,500;
- Punitive damages, upon proof of willful or reckless disregard of the law;
- Reasonable attorney's fees and other litigation costs; and
- Other preliminary and equitable relief, as a court deems appropriate.

Specifically, this measure requires the following:

- Data collected via an ALPR system must be treated as personal information for purposes of existing data breach notification laws applying to agencies, persons or business conducting business in California;
- ALPR operators and end-users must implement and maintain a usage and privacy policy, which is available to the public and conspicuously posted on the end-user's website, if one exists;
- ALPR operators and end-users must maintain reasonable security procedures and practices, including safeguards to protect information from unauthorized access, destruction, use, modification or disclosure; and
- The ALPR operator usage and privacy policy to include at a minimum:
 - o Authorized purposes for using the ALPR system and collecting its information;
 - o Description of how the ALPR system's use will be monitored for compliance with privacy laws;
 - o A description of the job title or other designation of employees and independent contractors authorized to use the ALPR system;
 - o Purposes of, process for, and restrictions on the sale, sharing or transfer of the ALPR data to other persons;
 - o Title of the official custodian or owner of the ALPR system responsible for implementing the privacy policy;
 - o Description of the reasonable measures taken to ensure the accuracy of the ALPR system information;
 - o Length of time the ALPR system information will be retained, and process for determining whether and when it will be destroyed; and
 - o Maintaining a record of access to ALPR information, including date and time, license plate number queried, user name of the person who accessed the information, and the purpose.

SB 178 **(Leno). Privacy. Electronic Communications. Search Warrant.**

Chapter 651, Statutes of 2015

This measure creates the California Electronic Communications Privacy Act, which requires law enforcement entities to obtain a search warrant before accessing data on an electronic device or from an online service provider. Specifically, it prohibits a government entity from:

- Compelling production of or access to electronic communication information from a service provider;
- Compelling production of or access to electronic device information from a person or entity other than the authorized possessor of the device; and
- Accessing electronic device information by means of physical interaction or electronic communication with the device, although voluntary disclosure to a government entity is permitted.

This measure allows a government entity to compel production of, or access to, electronic communication information pursuant to a warrant, wiretap order, order for electronic reader records, or subpoena.

SB 741 **(Hill). Mobile Communications. Privacy.**

Chapter 659, Statutes of 2015

This measure establishes requirements that local agencies must satisfy before acquiring cellular communications interception technology. It requires every local agency acquiring this technology to first secure from its governing body an authorizing resolution or ordinance at a regularly scheduled meeting that is compliant with the Ralph M. Brown Act. Second, it requires that every local agency maintain reasonable security measures and practices to protect any information gathered, and to implement a usage and privacy policy to ensure protection of individual privacy and civil liberties.

• **Tobacco**

AB 216 **(Garcia, C). Product Sales to Minors. Vapor Products.**

Chapter 769, Statutes of 2015

This measure prohibits the sale of any device intended to deliver a non-nicotine product in a vapor state, to be directly inhaled by the user, to a person under 18 years of age. This measure exempts from its prohibition the sale of a drug or medical device that has been approved by the federal Food and Drug Administration.

AB 768 **(Thurmond). Smokeless Tobacco. Baseball Stadiums.**

Chapter 779, Statutes of 2015

This measure, commencing December 1, 2016, prohibits the use or possession of smokeless tobacco products, as defined, on the playing field of a baseball stadium during a professional baseball game or practice. This measure also provides that its provisions do not preempt or prohibit the adoption of a more restrictive local ordinance regarding smokeless tobacco possession or use in a baseball stadium.

• **Natural Disasters**

SB 35 **(Wolk). Income and Corporation Taxes. Disaster Relief.**

Chapter 230, Statutes of 2015

This measure enacts disaster loss treatment, allowing taxpayers to deduct amounts associated with a loss as a result of a natural disaster consistent with federal law, where the disaster in a city, county, or city and county has caused the Governor to declare a state of emergency. It also extends the deadline for taxpayers affected by recent earthquakes to carry back disaster losses to the 2013 tax year.

• **Misc.**

AB 8 **(Gatto). Emergency Services. Hit-and-Run Accidents.**

Chapter 326, Statutes of 2015

This measure establishes the "Yellow Alert" notification system – similar to the "Amber Alert" system, using digital signs within a specified geographic area – to be used to enlist the aid of the public in locating hit-and-run suspects, and authorizes activation of the Yellow Alert system by the California Highway Patrol (CHP) for hit-and-run accidents, and specifies the conditions for that activation. This measure sunsets on January 1, 2019.

AB 643 **(Nazarian). Emergency Services. Silver Alerts.**

Chapter 332, Statutes of 2015

This measure authorizes the CHP, upon activation of a Silver Alert, to communicate that alert on "highway changeable" (i.e. digital) message signs. Silver Alerts are designed to disseminate information that a person aged 65 or older, or developmentally disabled, or cognitively impaired, has gone missing, if the following conditions are met:

- A law enforcement agency has unsuccessfully used all available local resources to locate the missing person;
- The missing person is believed to be in danger due to health, weather conditions, or some other factor; and
- It has been determined that the public dissemination of such information may lead to the safe recovery of the missing person.

AB 256 **(Jones-Sawyer D) Falsifying evidence.**

Status: 10/3/2015-Chaptered by Secretary of State - Chapter 463, Statutes of 2015.

Summary: Current law makes it a misdemeanor for a person to willfully destroy or conceal any book, paper record, instrument in writing, or other matter or thing knowing that it is about to be produced in evidence in a trial, inquiry, or investigation. This bill would expand that prohibition to include a digital image, or a video recording that is owned by another, and to prohibit erasure of those books, papers, records, instruments in writing, digital images, video recordings that are owned by others, or their content. This bill contains other related provisions and other current laws.

AB 1151 **(Santiago). Parking Violations. Penalties.**

Chapter 112, Statutes of 2015

This measure authorizes a local government to allow a person to agree to pay parking citations in installments at any stage of the administrative hearing process.

SB 61 **(Hill). Driving Under the Influence. Ignition Interlock Device.**

Chapter 350, Statutes of 2015

This measure extends the DMV Ignition Interlock Device pilot project to July 1, 2017. This project requires all persons convicted of a misdemeanor for driving under the influence (DUI) of alcohol or drugs in violation of the California Vehicle Code, or convicted of a felony DUI involving personal injury, or convicted of vehicular manslaughter while intoxicated in any one of four pilot counties (Alameda, Los Angeles, Sacramento, and Tulare) to install a certified ignition interlock device (IID) in each vehicle that he or she owns or operates. An IID is a device wired to a vehicle's ignition that can detect alcohol and that requires a breath sample from the driver before the engine will start - in effect, a breathalyzer wired to the ignition switch.

SB 239 **(Hertzberg D) Local services: contracts: fire protection services. (See, V. Housing) Fire Protection Services Contracting.**

Chapter 763, Statutes of 2015

This measure prohibits a public agency from entering into a new agreement, or extending an existing agreement, for fire protection services that either:

- Transfers responsibility for providing services within 25 percent of their jurisdictional boundaries; or
- Changes the employment status of more than 25 percent of employees of any public agency affected by the agreement.

The only exception to this prohibition is when all labor organizations representing firefighters have agreed to the transfer of service responsibility, and where the applicable LAFCO has approved the measure following a lengthy analysis and process.

SB 600 **(Pan). Discrimination. Citizenship. Language. Immigration Status.**

Chapter 282, Statutes of 2015

This measure extends the protections of the Unruh Civil Rights Act to persons regardless of citizenship, primarily language or immigration status, thus, expanding the universe of groups that are deemed members of a protected class under the Act. This measure expressly prohibits discrimination by business establishments on the basis of the above named factors.

SB 674 **(De León). Victims of Crime. Non-Immigrant Status.**

Chapter 721, Statutes of 2015

This measure puts a protocol in place for state and local law enforcement agencies and entities and key officers of a court, such as judges and prosecutors, to certify that a victim of a crime who is not necessarily a U.S. citizen has been helpful in the detection, investigation, or prosecution of specified criminal acts.

SB 707 **(Wolk). Firearms. Gun-Free School Zone. Chapter 766, Statutes of 2015**

This measure changes the rules for holders of licenses to carry concealed firearms on or near public schools and college campuses. Specifically it:

- Allows a person holding a valid license to carry a concealed firearm to carry a firearm in an area that is within 1,000 feet of, but not on the grounds of, a public or private school providing instruction in kindergarten or Grades 1-12; and
- Deletes the exemption allowing a person holding a valid license to carry a concealed firearm to possess a firearm on the campus of a university or college.

VII. Revenue and Taxation

SB 107 **(Committee on Budget and Fiscal Review) Local government. (See, V. Housing)**

SB 533 **(Pan D) Cities and counties: sales and use tax agreements.**

Status: 10/9/2015-Chaptered by Secretary of State - Chapter 717, Statutes of 2015.

Summary: Would repeal a specified prohibition of the Bradley-Burns Uniform Local Sales and Use Tax Law and instead prohibit, on or after January 1, 2016, a local agency from entering into any form of agreement that would result, directly or indirectly, in the payment, transfer, diversion, or rebate of Bradley-Burns local tax revenues to any person, as defined, for any purpose, if the agreement results in a reduction in the amount of Bradley-Burns local tax revenues that, in the absence of the agreement, would be received by another local agency and the retailer continues to maintain a physical presence within the territorial jurisdiction of that other local agency, with specified exceptions.

VIII. Transportation, Communication, and Public Works

- **Telecommunications/Privacy**

AB 57 **(Quirk D) Telecommunications: wireless telecommunication facilities. (See, V. Housing)**

SB 34 **(Hill). Automated License Plate Recognition Systems. Use of Data. (See, VI. Public Safety)**

SB 178 **(Leno). Privacy. Electronic Communications. Search Warrant. (See, VI. Public Safety)**

SB 741 **(Hill). Mobile Communications. Privacy. (See, VI. Public Safety)**

- **Public Works**

AB 219 **(Daly D) Public works: concrete delivery.**

Status: 10/10/2015-Chaptered by Secretary of State - Chapter 739, Statutes of 2015.

Summary: Current law defines "public works," for purposes of requirements regarding the payment of prevailing wages for public works projects, to include, among other things, the hauling of refuse from a public works site to an outside disposal location with respect to contracts involving any state agency. This bill would expand the definition of "public works" for these purposes to include the hauling and delivery of ready-mixed concrete, as defined, to carry out a public works contract, with respect to contracts involving any state agency or any political subdivision of the state.

- AB 327** **(Gordon D) Public works: volunteers.**
Status: 7/6/2015-Chaptered by Secretary of State - Chapter 53, Statutes of 2015.
Summary: All workers employed on public works projects are required to be paid not less than the general prevailing rate of per diem wages for work, except as specified. Current law governing public works does not apply to specified work performed by a volunteer, a volunteer coordinator, or a member of the California Conservation Corps or a community conservation corps. These provisions are effective only until January 1, 2017, and as of that date are repealed. This bill would extend those provisions until January 1, 2024, at which date those provisions would be repealed. The bill would also delete an obsolete provision.
- AB 552** **(O'Donnell D) Public works contracts: damages.**
Status: 10/2/2015-Chaptered by Secretary of State - Chapter 434, Statutes of 2015.
Summary: Would, among other things, provide that a public works contract entered into on or after January 1, 2016, that contains a clause expressly requiring a contractor to be responsible for delay damages, as defined, is not enforceable unless the delay damages have been liquidated to a set amount and identified in the public works contract. Under the bill, these provisions would not apply to specified state agencies. The bill would also make findings and declarations related to public contracts.
- AB 1236** **(Chiu D) Local ordinances: electric vehicle charging stations.**
Status: 10/8/2015-Chaptered by Secretary of State - Chapter 598, Statutes of 2015.
Summary: Would require a city, county, or city and county to approve an application for the installation of electric vehicle charging stations, as defined, through the issuance of specified permits unless the city or county makes specified written findings based upon substantial evidence in the record that the proposed installation would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.
- SB 432** **(Mendoza). Public Works. Aliens.**
Chapter 160, Statutes of 2015
This measure deletes the term "Alien" as the definition of persons not born or fully naturalized as citizens of the United States and deletes the previously tiered employment preferences of U.S. citizens, citizens of other states within the U.S., and third to aliens within the state
- SB 762** **(Wolk). Competitive Bidding. Best Value. Pilot Program. Design-Build.**
Chapter 627, Statutes of 2015
This measure authorizes the county board of supervisors from seven California counties (Alameda, Los Angeles, Riverside, San Bernardino, San Diego, Solano, and Yuba) to award construction projects in excess of \$1million under the "best value procurement" method. As defined, the best value procurement method would provide an alternative to the lowest responsible bidder method when certain conditions are met.

- **Transportation**

- AB 40** **(Ting).Toll Bridges. Pedestrians and Bicycles.**
Chapter 550, Statutes of 2015
This measure prohibits tolls from being imposed on the passage of a pedestrian or bicycle over any bridge under local or state jurisdiction. This measure sunsets on January 1, 2021.
- AB 451** **(Bonilla D) Private parking facilities.**
Status: 8/11/2015-Chaptered by Secretary of State - Chapter 168, Statutes of 2015.
Summary: Current law authorizes a city or county, by ordinance or resolution, to find and declare that there are privately owned and maintained offstreet parking facilities within the city or county that are generally held open for use of the public for purposes of vehicular parking and requires, upon enactment of the ordinance or resolution, that specified traffic laws apply, including those related to basic speed law, reckless driving, and speed contests and exhibitions of speed, except as specified. This bill would authorize a city or county to include in that ordinance or resolution authorization for the operator of a privately owned and maintained offstreet parking facility to regulate unauthorized parking in that facility.

AB 604 (Olsen). Electrically Motorized Boards.

Chapter 777, Statutes of 2015

This measure defines an "electronically motorized board" as any 1,000 watt or less electronic or human propulsion wheeled device with a floorboard no greater than 60 inches deep and 18 inches wide designed to be stood upon by only one person. It establishes safety requirements for their use, restricts their operation on public facilities and authorizes local governments to further regulate their use.

AB 1015 (Bloom). Parking. Car Share Vehicles.

Chapter 41, Statutes of 2015

This measure clarifies that local governments, through resolution or ordinance, may designate certain streets or portions of streets for the exclusive or nonexclusive parking for rideshare or car share vehicle programs.

AB 1096 (Chiu). Vehicles. Electric Bicycles.

Chapter 568, Statutes of 2015

This measure defines various classes of electric bicycles and establishes certain manufacturing, disclosure, speed, areas of operation, and safety requirements and restrictions. It authorizes public entities to adopt resolutions or ordinances to regulate the operation of bicycles within their jurisdiction(s).

AB 1151 (Santiago). Parking Violations. Penalties. (See, VI. Public Safety)

AB 1236 (Chiu D) Local ordinances: electric vehicle charging stations.

Status: 10/8/2015-Chaptered by Secretary of State - Chapter 598, Statutes of 2015.

Summary: Would require a city, county, or city and county to approve an application for the installation of electric vehicle charging stations, as defined, through the issuance of specified permits unless the city or county makes specified written findings based upon substantial evidence in the record that the proposed installation would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

SB 516 (Fuller). Transportation. Motorist Aid Services.

Chapter 491, Statutes of 2015

This measure requires county freeway emergency service authorities, as established by a county's board of supervisors and the adoption of a resolution by city councils of a majority of the cities within the service areas, to determine how the moneys received from the \$1 annual fee per vehicle registered in that county for the purposes of a motorist aid system are being used by the service authority. It also authorizes the moneys to be used for traveler information systems, Intelligent Transportation System architecture and infrastructure, transportation demand management services, and safety-related hazard and obstruction removal, with such plans or amendments to plans being subject to CalTrans and the CHP review and approval.

SB 530 (Pan D) Pedicabs.

Status: 10/4/2015-Chaptered by Secretary of State - Chapter 496, Statutes of 2015.

Summary: Would expand the definition of a pedicab to include a 4-wheeled device that is primarily or exclusively pedal-powered, has a seating capacity for 8 or more passengers, cannot travel in excess of 15 miles per hour, and is being used for transporting passengers for hire, as prescribed. The bill would impose specified requirements on these pedicabs defined by the bill.

• **Accessibility to Commercial Public Facilities**

AB 662 (Bonilla). Public Accommodation. Disabled Adults. Changing Facilities.

Chapter 742, Statutes of 2015

This measure requires newly constructed and \$10,000 or more worth of renovations at commercial places of public amusement, defined as auditoriums, convention centers, cultural complexes, exhibition halls, permanent amusement parks, sports arenas, and theaters with maximum occupancy of 2,500 or more, excluding public or private higher education facilities, to install and maintain at least one adult changing station for persons with physical disability accessible to men and women. The requirements for newly constructed facilities begins on January 1, 2020 and January 1, 2025 for facilities that undergo renovation.