



On the First Day of Christmas, My Legislature Gave to Me—Lots of New Laws

Along with the holidays, comes the new year, and along with the new year, comes new laws—courtesy of our 120 state legislators and our Governor.

As we provide you with a holiday sampler of 12 new laws for the 12 days of Christmas, you can decide which stakeholders received gifts and which ones received proverbial lumps of coal. Was our legislature naughty or nice in 2013, and what do these laws portend for 2014—a year in which all statewide officeholders and three-fourths of the legislature will be up for election?

1. **Undocumented immigrants** will have the ability to obtain a California driver's license, as long as they pass their DMV tests and establish residency. They will also have the ability to become lawyers and practice law in the state, as long as all state bar requirements are met (although the California Supreme Court is reviewing the law).

2. Under the **School Success and Opportunity Act**, transgender children will have the right to choose whether to play on male or female sports teams and whether to use male or female bathrooms and locker rooms, depending on whether a referendum effort qualifies the issue for the November 2014 ballot and the voters approve the new law.

3. **Employee Time Off** rules have been expanded for crime victims, emergency workers, caregivers, and those working in extreme heat.

4. **Cyclists** will have additional safety protections starting in September 2014. Drivers will have to stay at least three feet away from cyclists. If a driver cannot do that, the driver must slow down and wait to pass the cyclist only when it is reasonably safe to do so.

5. Under the **Domestic Worker Bill of Rights**, in-home employees have new rights, including overtime pay, so those with in-home help should carefully determine whether the new law applies to their situation.

6. Those with **military and veteran status** are now added to the list of categories protected under the Fair Employment and Housing Act (FEHA) from employment discrimination.

Additional laws to be aware of—particularly those pertaining to politics and public agencies—include:

7. **Local public agencies** will join state agencies and businesses as entities required to notify people, as soon as possible, if their personal information has been breached. Such agencies will need to establish a system to respond to data breaches in a timely manner, and the scope of information subject to disclosure has been broadened to include email addresses, user names, passwords, security questions, and answers that enable access to online accounts.

8. **Non-profit organizations** will be prohibited from using funds or other items of value from local public agencies for political campaign purposes. Non-profits such as chambers of commerce, labor unions, and others will now have to be especially careful to track their public resources and allocate only non-public funds when advocating for or against political causes.

9. **Local ballot measures** will be required to disclose, in their "impartial analyses," whether they were placed on the ballot by a public agency, as opposed to a citizens' petition. This disclosure is designed to assist

those voting on local measures by giving them more information about who caused the measures to appear on the ballot.

10. California's **Fair Political Practices Commission** (FPPC) will have additional power over political self-dealing and conflicts of interest. Government Code section 1090, which prohibits officials from influencing or voting on contracts in which they are financially interested, will be enforceable by the FPPC, whereas, formerly, the Attorney General and District Attorneys had enforcement authority.

11. In the name of increased transparency regarding the financial interests of public officials, the FPPC is developing an online electronic filing system for officials' **Statements of Economic Interests**. This should enable members of the public to more easily determine the holdings of public officials and therefore discourage them from voting on issues for which they have a conflict of interest.

12. The FPPC will be able to more efficiently collect the fines it levies. Instead of having to file a separate court action and re-argue a matter in court, the FPPC will be able to ask the court to enter **judgment against those with unpaid penalties**.

As a charter city and county, it remains to be seen which of these new laws will apply in San Francisco, and how they will be interpreted in connection with San Francisco's "home rule" authority.

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