

**Assembly
California Legislature
Committee on Rules**

**KEN COOLEY
CHAIR**

VICE CHAIR
CUNNINGHAM, JORDAN

MEMBERS
CARRILLO, WENDY
FLORA, HEATH
GRAYSON, TIMOTHY S.
KAMLAGER, SYDNEY
MAIENSCHIN, BRIAN
MATHIS, DEVON J.
QUIRK-SILVA, SHARON
RAMOS, JAMES C.
RIVAS, ROBERT
WICKS, BUFFY

DIEP, TYLER (R-ALT)
LEVINE, MARC (D-ALT)

Monday, August 24, 2020
12:45 p.m.
State Capitol, Room 4202

CONSENT AGENDA

BILL REFERRALS

1. Consent Bill Referrals [Page 2](#)
2. Bill Re-referral [Page 4](#)

REQUESTS TO ADD URGENCY CLAUSE

3. SB 67 (McGuire) Cannabis: marketing: appellations of origin: county, city, or city and county of origin [Page 5](#)
4. SB 869 (Dodd) Tribal gaming: compact ratification [Page 7](#)

REQUEST TO WAIVE JR 61(B)

5. Request from Assembly Judiciary Committee to waive JR 61(b) to hear SB 731 (Bradford) relating to peace officers: certification: civil rights [Page 16](#)

ADMINISTRATIVE ITEMS

6. Assembly Computer and Electronic Device Use, Website, and Social Media Policies [Page 17](#)
7. Assembly Contribution for Medical Insurance [Page 41](#)
8. Assembly Drug-Free Workplace Policy [Page 42](#)



STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-0124
(916) 319-2800
FAX (916) 319-2810

CHIEF ADMINISTRATIVE OFFICER
DEBRA GRAVERT

Assembly
California Legislature
Committee on Rules

KEN COOLEY
CHAIR

VICE CHAIR
JORDAN CUNNINGHAM

MEMBERS

WENDY CARRILLO
HEATH FLORA
TIMOTHY S. GRAYSON
SYDNEY KAMLAGER
BRIAN MAIENSCHIN
DEVON J. MATHIS
SHARON QUIRK-SILVA
JAMES C. RAMOS
ROBERT RIVAS
BUFFY WICKS

MARC LEVINE (D-ALT.)
TYLER DIEP (R-ALT.)

Memo

To: Rules Committee Members
From: Michael Erke, Bill Referral Consultant
Date: 8/21/2020
Re: Consent Bill Referrals

Attached are three bill referral recommendations.

REFERRAL OF BILLS TO COMMITTEE

08/24/2020

Pursuant to the Assembly Rules, the following bills were referred to committee:

Assembly Bill No.	Committee:
<u>AB 2272</u>	JUD.
<u>HR 103</u>	JUD.

RE-REFERRAL OF BILLS

08/24/2020

The Committee on Rules has re-referred the following bills to Committee:

Assembly Bill No.

Committee:

SB 731

JUD.



August 11, 2020

Chairman Ken Cooley
Assembly Committee on Rules
California State Capitol, Room 3016
Sacramento, CA 95814

RE: Urgency Clause Request – SB 67 (McGuire): Cannabis Appellations of Origin

Dear Chairman Cooley:

I respectfully request your approval for an urgency clause to my SB 67, which as proposed, would clarify that to qualify for the Appellations of Origin program, cannabis must be planted in-ground, in open air, and no use of artificial light during flowering stages of cultivation. Additionally, SB 67 ensures that cannabis labeled as grown in a city will be actually grown in that city.

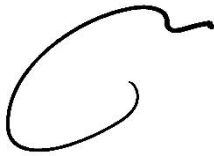
The California Department of Food and Agriculture (CDFA) is required to establish a process for licensed growers to establish Appellations of Origin for cannabis produced in specific localities by January 1, 2021. Appellations of Origin relate to those standards, practices, and cultivars of cannabis grown in a certain geographical area. Consumers use Appellations of Origin standards to choose products that they understand were grown in specific regions impacted by the local climate, soil, and environment.

As the January 1, 2021 deadline for CDFA to establish Appellations of Origin standards and practices nears, indoor operations will be able to claim they are eligible for Appellations of Origin. Legacy outdoor growers will not be able to preserve their reputations for marketing purposes, which are central for their long-term viability, and consumers could be misled as to the origin of Cannabis product.

Chairman Ken Cooley
August 11, 2020
Page 2

SB 67 taking effect immediately will ensure CDFA is able to clarify in regulations before January 1, 2021 that Appellations of Origin standards and practices are defined as outdoor only, in order to protect legacy growers and consumers. Thank you for your consideration, please feel free to contact me at 916-651-4002 if you have any questions.

Warmest Regards,

A handwritten signature in black ink, consisting of a large, stylized 'M' followed by a smaller 'G' and a short horizontal line.

MIKE McGUIRE
Senator

STATE CAPITOL, ROOM 4032
SACRAMENTO, CA 95814
TEL (916) 651-4003
FAX (916) 651-4903

California State Senate

BILL DODD

SENATOR, THIRD DISTRICT



CHAIR: SENATE GOVERNMENTAL ORGANIZATION COMMITTEE

COMMITTEES
BUSINESS, PROFESSIONS
& ECONOMIC DEVELOPMENT
ENERGY, UTILITIES
& COMMUNICATION
INSURANCE
TRANSPORTATION & HOUSING
JOINT COMMITTEE
EMERGENCY MANAGEMENT
SELECT COMMITTEE
CALIFORNIA'S WINE INDUSTRY
CO-CHAIR

August 17, 2020

The Honorable Ken Cooley, Chairman
Assembly Rules Committee
State Capitol, Room 3016
Sacramento, CA 95814

Dear Chairman Cooley:

I respectfully request permission to add an urgency clause to SB 869 (Dodd) relating to tribal-state compacts.

The urgency clause is necessary in order to enhance the economic development, stability, and self-sufficiency of the lone band of Miwok Indians, the Mooretown Rancheria of Maidu Indians of California, the Paskenta Band of Nomlaki Indians, the Shingle Springs Band of Miwok Indians, the Dee-Ni' Nation and the Tule River Indian Tribe of California, and to protect the interests of these tribes and their members, surrounding communities, and the California public at the earliest possible time.

Your favorable consideration of this request would be appreciated.

Sincerely,

A handwritten signature in blue ink that reads "Bill Dodd". The signature is fluid and cursive, with the first and last names clearly legible.

Bill Dodd
Chairman
Senate Governmental Organization Committee



[AMENDED IN...]

SENATE BILL

No. 869

Introduced by ~~Committee on Governmental Organization~~ (Senators
Dodd (Chair), Allen, Archuleta, Borgeas, Bradford, Chang,
Galgiani, Glazer, Hill, Hueso, Jones, Nielsen, Portantino, Rubio,
Wiener, and Wilk) Senator Dodd

(Principal coauthor: Assembly Member Gray)

(Coauthors: Senators Allen, Archuleta, Borgeas, Bradford, Chang,
Glazer, Jones, Nielsen, Rubio, and Wilk)

(Coauthors: Assembly Members Bigelow, Gallagher, and Mathis)

[Date introduced]

[Title will go here]

LEGISLATIVE COUNSEL'S DIGEST

SB 869, as introduced, ~~Committee on Governmental
Organization Dodd. California Gambling Control Commission.~~
Tribal gaming: compact ratification.

[Text of Legislative Counsel's Digest will go here]

Vote: ~~majority~~²/₃. Appropriation: no. Fiscal committee:
yes. State-mandated local program: no.

THIS PAGE IS A MOCKUP OF THE MEASURE AS IT WILL BE PUBLISHED

PROPOSED AMENDMENTS

RN 20 15265 03

PROPOSED AMENDMENTS TO SENATE BILL NO. 869

SUBSTANTIVE

SENATE BILL

No. 869

Introduced by ~~Committee on Governmental Organization~~ (Senators ~~Dodd (Chair), Allen, Archuleta, Borgeas, Bradford, Chang, Galgiani, Glazer, Hill, Hueso, Jones, Nielsen, Portantino, Rubio, Wiener, and Wilk~~) *Senator Dodd*

(Principal coauthor: Assembly Member Gray)

(Coauthors: *Senators Allen, Archuleta, Borgeas, Bradford, Chang, Glazer, Jones, Nielsen, Rubio, and Wilk*)

(Coauthors: *Assembly Members Bigelow, Gallagher, and Mathis*)



RN2015265

Amendment 1

Amendment 2

January 17, 2020

An act to ~~amend Section 19819 of the Business and Professions Code, relating to gambling; add Section 12012.101 to the Government Code, relating to tribal gaming, and declaring the urgency thereof, to take effect immediately.~~

Amendment 3

LEGISLATIVE COUNSEL'S DIGEST

SB 869, as introduced, ~~Committee on Governmental Organization Dodd. California Gambling Control Commission. Tribal gaming: compact ratification.~~

The existing federal Indian Gaming Regulatory Act of 1988 provides for the negotiation and execution of tribal-state gaming compacts for the purpose of authorizing certain types of gaming on Indian lands within a state. The California Constitution authorizes the Governor to negotiate and conclude tribal-state gaming compacts, subject to ratification by the Legislature. Existing law expressly ratifies a number of tribal-state gaming compacts, and amendments of tribal-state gaming compacts, between the State of California and specified Indian tribes.

PROPOSED AMENDMENTS

RN 20 15265 03

SB 869

— 2 —

SUBSTANTIVE

The California Environmental Quality Act (CEQA) requires a lead agency to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project, as defined, that it proposes to carry out or approve that may have a significant effect on the environment, as defined, or to adopt a negative declaration if it finds that the project will not have that effect.

This bill would ratify the tribal-state gaming compacts entered into between the State of California and the following Indian tribes: the Ione Band of Miwok Indians, the Mooretown Rancheria of Maidu Indians of California, the Paskenta Band of Nomlaki Indians, the Shingle Springs Band of Miwok Indians, the Tolowa Dee-ni' Nation, and the Tule River Indian Tribe of California. The bill would provide that, in deference to tribal sovereignty, certain actions related to these compacts and amended compacts are not projects for purposes of CEQA.

This bill would declare that it is to take effect immediately as an urgency statute.

~~Existing law, the Gambling Control Act, provides for the licensure and regulation of various legalized gambling activities and establishments by the California Gambling Control Commission and the investigation and enforcement of those activities and establishments by the Department of Justice. Existing law requires the commission to establish and maintain a general office for the transaction of its business in Sacramento. Existing law requires the commission to maintain a public record of each of its votes at its principal office.~~

~~This bill would require the commission to post a public record of each of its votes on its internet website, as specified.~~

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- + SECTION 1. Section 12012.101 is added to the Government
- + Code, immediately following Section 12012.100, to read:
- + 12012.101. (a) The following tribal-state gaming compacts
- + entered into in accordance with the federal Indian Gaming
- + Regulatory Act of 1988 (18 U.S.C. Secs. 1166 to 1168, inclusive,
- + and 25 U.S.C. Sec. 2701 et seq.) are hereby ratified:
- + (1) The compact between the State of California and the Ione
- + Band of Miwok Indians, executed on August 3, 2020.

Amendment 4

PROPOSED AMENDMENTS

RN 20 15265 03

— 3 —

SB 869

SUBSTANTIVE

+ (2) *The compact between the State of California and the*
+ *Mooretown Rancheria of Maidu Indians of California, executed*
+ *on August 3, 2020.*

+ (3) *The compact between the State of California and the*
+ *Paskenta Band of Nomlaki Indians, executed on August 3, 2020.*

+ (4) *The compact between the State of California and the Shingle*
+ *Springs Band of Miwok Indians, executed on August 3, 2020.*

+ (5) *The compact between the State of California and the Tolowa*
+ *Dee-ni' Nation, executed on August 3, 2020.*

+ (6) *The compact between the State of California and the Tule*
+ *River Indian Tribe of California, executed on August 3, 2020.*

+ (b) (1) *In deference to tribal sovereignty, none of the following*
+ *shall be deemed a project for purposes of the California*
+ *Environmental Quality Act (Division 13 (commencing with Section*
+ *21000) of the Public Resources Code):*

+ (A) *The execution of a tribal-state gaming compact ratified by*
+ *this section.*

+ (B) *The execution of an amendment to a tribal-state gaming*
+ *compact ratified by this section.*

+ (C) *The execution of an intergovernmental agreement between*
+ *a tribe and a county or city government negotiated pursuant to*
+ *the express authority of, or as expressly referenced in, a tribal-state*
+ *gaming compact or an amended tribal-state gaming compact*
+ *ratified by this section.*

+ (D) *The execution of an intergovernmental agreement between*
+ *a tribe and the Department of Transportation, or other state*
+ *agency, negotiated pursuant to the express authority of, or as*
+ *expressly referenced in, a tribal-state gaming compact or an*
+ *amended tribal-state gaming compact ratified by this section.*

+ (E) *The on-reservation impacts of compliance with the terms*
+ *of a tribal-state gaming compact or an amended tribal-state*
+ *gaming compact ratified by this section.*

+ (2) *Except as expressly provided in this section, this subdivision*
+ *does not exempt a city, county, or city and county, or the*
+ *Department of Transportation, or any state agency or local*
+ *jurisdiction, from the requirements of the California Environmental*
+ *Quality Act.*

+ SEC. 2. *This act is an urgency statute necessary for the*
+ *immediate preservation of the public peace, health, or safety within*

PROPOSED AMENDMENTS

SB 869

— 4 —

RN 20 15265 03

SUBSTANTIVE

Amendment 5

+ the meaning of Article IV of the California Constitution and shall
+ go into immediate effect. The facts constituting the necessity are:
+ In order to enhance the economic development, stability, and
+ self-sufficiency of the Ione Band of Miwok Indians, the Mooretown
+ Rancheria of Maidu Indians of California, the Paskenta Band of
+ Nomlaki Indians, the Shingle Springs Band of Miwok Indians, the
+ Tolowa Dee-Ni' Nation, and the Tule River Indian Tribe of
+ California, and to protect the interests of these tribes and their
+ members, the surrounding communities, and the California public
+ at the earliest possible time, it is necessary that this act take effect
+ immediately.

1 SECTION 1. Section 19819 of the Business and Professions
2 Code is amended to read:

1 19819. (a) The commission shall establish and maintain a
2 general office for the transaction of its business in Sacramento.
3 The commission may hold meetings at any place within the state
4 when the interests of the public may be better served.

5 (b) A public record of each vote shall be maintained at the
6 commission's principal office and posted on the commission's
7 internet website no later than the close of business of the second
8 business day after the meeting at which the vote was taken.

10 (c) A majority of the membership of the commission is a quorum
11 of the commission. The concurring vote of three members of the
12 commission shall be required for any official action of the
13 commission or for the exercise of any of the commission's duties,
14 powers, or functions.

15 (d) Except as otherwise provided in this chapter, Article 9
16 (commencing with Section 11120) of Chapter 1 of Part 1 of
17 Division 3 of Title 2 of the Government Code applies to meetings
18 of the commission. Notwithstanding Section 11125.1 of the
19 Government Code, documents, which are filed with the commission
20 by the department for the purpose of evaluating the qualifications
21 of an applicant, are exempt from disclosure under Chapter 3.5
22 (commencing with Section 6250) of Division 7 of Title 1 of the
23 Government Code.

O

AMENDMENTS TO SENATE BILL NO. 869

Amendment 1

In the heading, in line 1, strike out "Committee on Governmental Organization (Senators", strike out lines 2 to 4, inclusive, and insert:

Senator Dodd

Amendment 2

In the heading, below line 4, insert:

(Principal coauthor: Assembly Member Gray)

(Coauthors: Senators Allen, Archuleta, Borgeas, Bradford, Chang, Glazer, Jones, Nielsen, Rubio, and Wilk)

(Coauthors: Assembly Members Bigelow, Gallagher, and Mathis)

Amendment 3

In the title, in line 1, strike out "amend Section 19819 of the Business and Professions Code," strike out line 2 and insert:

add Section 12012.101 to the Government Code, relating to tribal gaming, and declaring the urgency thereof, to take effect immediately.

Amendment 4

On page 1, before line 1, insert:

SECTION 1. Section 12012.101 is added to the Government Code, immediately following Section 12012.100, to read:

12012.101. (a) The following tribal-state gaming compacts entered into in accordance with the federal Indian Gaming Regulatory Act of 1988 (18 U.S.C. Secs. 1166 to 1168, inclusive, and 25 U.S.C. Sec. 2701 et seq.) are hereby ratified:

(1) The compact between the State of California and the Ione Band of Miwok Indians, executed on August 3, 2020.

(2) The compact between the State of California and the Mooretown Rancheria of Maidu Indians of California, executed on August 3, 2020.

(3) The compact between the State of California and the Paskenta Band of Nomlaki Indians, executed on August 3, 2020.

(4) The compact between the State of California and the Shingle Springs Band of Miwok Indians, executed on August 3, 2020.

(5) The compact between the State of California and the Tolowa Dee-ni' Nation, executed on August 3, 2020.

(6) The compact between the State of California and the Tule River Indian Tribe of California, executed on August 3, 2020.



(b) (1) In deference to tribal sovereignty, none of the following shall be deemed a project for purposes of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code):

(A) The execution of a tribal-state gaming compact ratified by this section.

(B) The execution of an amendment to a tribal-state gaming compact ratified by this section.

(C) The execution of an intergovernmental agreement between a tribe and a county or city government negotiated pursuant to the express authority of, or as expressly referenced in, a tribal-state gaming compact or an amended tribal-state gaming compact ratified by this section.

(D) The execution of an intergovernmental agreement between a tribe and the Department of Transportation, or other state agency, negotiated pursuant to the express authority of, or as expressly referenced in, a tribal-state gaming compact or an amended tribal-state gaming compact ratified by this section.

(E) The on-reservation impacts of compliance with the terms of a tribal-state gaming compact or an amended tribal-state gaming compact ratified by this section.

(2) Except as expressly provided in this section, this subdivision does not exempt a city, county, or city and county, or the Department of Transportation, or any state agency or local jurisdiction, from the requirements of the California Environmental Quality Act.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to enhance the economic development, stability, and self-sufficiency of the Ione Band of Miwok Indians, the Mooretown Rancheria of Maidu Indians of California, the Paskenta Band of Nomlaki Indians, the Shingle Springs Band of Miwok Indians, the Tolowa Dee-Ni' Nation, and the Tule River Indian Tribe of California, and to protect the interests of these tribes and their members, the surrounding communities, and the California public at the earliest possible time, it is necessary that this act take effect immediately.

Amendment 5

On page 1, strike out lines 1 and 2 and strike out page 2

LEGISLATIVE COUNSEL'S DIGEST

SB 869, as amended, ~~Committee on Governmental Organization Dodd. California Gambling Control Commission.~~ Tribal gaming: compact ratification.

The existing federal Indian Gaming Regulatory Act of 1988 provides for the negotiation and execution of tribal-state gaming compacts for the purpose of authorizing certain types of gaming on Indian lands within a state. The California Constitution authorizes the Governor to negotiate and conclude tribal-state gaming compacts, subject to ratification by the Legislature. Existing law expressly ratifies a number of tribal-state gaming compacts, and amendments of tribal-state gaming compacts, between the State of California and specified Indian tribes.

The California Environmental Quality Act (CEQA) requires a lead agency to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project, as defined, that it proposes to carry out or approve that may have a significant effect on the environment, as defined, or to adopt a negative declaration if it finds that the project will not have that effect.

This bill would ratify the tribal-state gaming compacts entered into between the State of California and the following Indian tribes: the Lone Band of Miwok Indians, the Mooretown Rancheria of Maidu Indians of California, the Paskenta Band of Nomlaki Indians, the Shingle Springs Band of Miwok Indians, the Tolowa Dee-ni' Nation, and the Tule River Indian Tribe of California. The bill would provide that, in deference to tribal sovereignty, certain actions related to these compacts and amended compacts are not projects for purposes of CEQA.

This bill would declare that it is to take effect immediately as an urgency statute.

Existing law, the Gambling Control Act, provides for the licensure and regulation of various legalized gambling activities and establishments by the California Gambling Control Commission and the investigation and enforcement of those activities and establishments by the Department of Justice. Existing law requires the commission to establish and maintain a general office for the transaction of its business in Sacramento. Existing law requires the commission to maintain a public record of each of its votes at its principal office.

This bill would require the commission to post a public record of each of its votes on its internet website, as specified.

Vote: ~~majority~~ 2/3. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.



MEMBERS

JAMES GALLAGHER, VICE CHAIR
ED CHAU
DAVID CHIU
LORENA GONZALEZ
CHRIS R. HOLDEN
ASH KALRA
KEVIN KILEY
BRIAN MAIENSCHIN
JAY OBERNOLTE
ELOISE GÓMEZ REYES

STATE CAPITOL

P.O. BOX 942849
SACRAMENTO, CA 94249-0108
(916) 319-2334

Assembly California Legislature

**ASSEMBLY COMMITTEE ON JUDICIARY**

MARK STONE, CHAIR

CHIEF COUNSEL

ALISON MERRILEES

DEPUTY CHIEF COUNSEL

LEORA GERSHENZON

COUNSEL

TOM CLARK

NICHOLAS LIEDTKE

JITH MEGANATHAN

COMMITTEE SECRETARY

CINDY MORANTE

COMMITTEE SECRETARY

GRANT SILVA

August 21, 2020

Honorable Ken Cooley
Chair, Assembly Rules Committee
State Capitol, Room 3016
Sacramento, CA 95814

Dear Chair:

I respectfully request a Joint Rule 61 (b) waiver so that the Assembly Committee on the Judiciary may meet and hear SB 731 (Bradford) after the policy committee deadline.

Should you have any questions regarding this request, please feel free to contact myself or my Chief Counsel, Alison Merrilees. Thank you for your consideration of this request.

Sincerely,

A handwritten signature in black ink that reads "Mark Stone" followed by a long horizontal line.

MARK STONE

Chair, Assembly Judiciary Committee

**ADMINISTRATIVE ITEM:
ASSEMBLY COMPUTER AND ELECTRONIC DEVICE USE,
WEBSITE, AND SOCIAL MEDIA POLICIES**

Issue:

Should the definition of harassing or discriminatory purpose in the Assembly's Computer and Electronic Device Use, Website, and Social Media Policies be updated to reflect current law?

Background:

In 2016, all three policies were revised to add an appendix of definitions to clarify when Assembly-provided computers, electronic devices, and related information technology services do not serve a legislative purpose. Specifically, access to the Assembly network, either through wireless or wired connection must satisfy a legislative purpose and not fulfill a commercial, harassing or discriminatory, illegal or inappropriate, personal, or political purpose.

Since 2016, state law has expanded the protected characteristics in employment-based discrimination and harassment. The revised definition will be consistent with current law.

Recommendation:

Approve the adoption of the attached policies.

Assembly Computer and Electronic Device Use Policy

1. General Statement

Assembly-provided computers, electronic devices, and related information technology (IT) services, as defined in Appendix A, have great potential to enhance our productivity. At the same time, as is the case with all legislative resources made available to employees, abuse is possible. Each Member and employee who uses Assembly-provided computers, electronic devices, and related IT services agrees to comply fully with this policy. Members and employees will be held accountable for their use and misuse of legislative resources.¹

2. Legislative Resources

The use of Assembly-provided computers, electronic devices, and related IT services shall be subject to the same standards as the use of all other legislative resources (e.g., telephone, fax, scanner, or copier). The Assembly reserves the right to inspect all of its legislative resources used to conduct Assembly business to ensure compliance with Assembly policies, without notice to the user-employee. The Assembly may conduct inspections of legislative resources even in the user-employee's absence. Thus, there is no personal right to privacy with respect to any information created, modified, or stored on, or retrievable from, Assembly-provided computers, electronic devices, or related IT systems. The Assembly retains the right to suspend or revoke the use of and access to such legislative resources.

3. Legislative Purpose

Assembly-provided computers, electronic devices, and related IT services are intended to be used only for matters that serve a legislative purpose, as defined in Appendix A.

4. Inappropriate Non-Legislative Purposes

For purposes of this policy the use of Assembly-provided computers, electronic devices, and related IT services for any political, personal, commercial, harassing, discriminatory, illegal, or inappropriate purposes, as those terms are defined or in Appendix A, is prohibited.

¹ This policy covers all forms of connection to the Assembly network, including wireless and wired connections. Moreover, all state-provided wireless connections are legislative resources subject to this policy and any employee use of the wireless connections that does not serve a legislative purpose may be disciplined pursuant to this policy.

5. Other General Considerations

a. Business appropriate language

Generally accepted standards of business communication shall govern the type of language used for communications and other content involving the use of Assembly-provided computers, electronic devices, and related IT services.

b. Confidentiality

Providing access to or use of confidential resources or access to confidential information or public information without following the existing rules and procedures of the Assembly or the agency that provided the information is prohibited.

c. Intellectual property: copyright, trademark, and trade secrets

Disseminating, copying, printing, or otherwise improperly using or reproducing copyrighted material (including articles, software, music and videos), trademarked material (including logos or other marks), or trade secrets in violation of the laws governing copyrights, trademarks, and trade secrets is prohibited under this policy. Offices are responsible for respecting intellectual property rights, including determining the authorship of all materials subject to copyright, trademark, and trade secret protection and obtaining appropriate permission to use the protected items in connection with legislative purposes. News articles, charts, graphs, and photographs are often covered by copyright protections, regardless of whether the piece in question includes a copyright symbol. Contact the Assembly Rules Committee with questions on copyright, trademark, or trade secret issues.

d. Legislative decorum

Members and employees shall conduct themselves in accordance with recognized standards of decorum for all legislative activities, including when engaging or interacting with other Members and employees.

6. Specific Policies Relating to the Use of Computers and Other Assembly-Provided Electronic Devices and Services

a. Passwords, User Accounts and Signature Lines

Employees shall not use a password, user account or signature line other than their own except as otherwise expressly authorized by this policy.

b. Unintended Dissemination or Access

Users of Assembly-provided computers, electronic devices, and related IT services must take reasonable precautions to prevent unintended dissemination of, or access to, the

work product of another Assembly Member or employee. The person producing computer work product is responsible for storing the work product subject to security measures appropriate for the particular work product. Other users are prohibited from seeking access to computer work product which a reasonable person in like circumstances would believe was not intended to be accessed by that particular user or category of users.

- 1) Legislative users shall not intentionally seek information, obtain copies, modify files or data, or use passwords or user accounts belonging to other users without authorization from that user, the user's Supervisor, or the Assembly Rules Committee.
- 2) Legislative users shall not represent themselves as another user unless expressly authorized by that user to do so.
- 3) Legislative users shall not intentionally develop or disseminate programs that harass other users, nor shall they access or modify the work product of other users without authorization from that user, the user's Supervisor, or the Assembly Rules Committee.
- 4) Legislative users shall not attempt to circumvent security systems, or exploit security holes in any Assembly network or system.

c. Authorization to Connect Equipment or Software

Authorization to connect peripheral equipment to, or install or download software on, Assembly computers and electronic devices must be obtained from the Assembly Rules Committee.

d. Access Using Personal Devices

Authorization to access the legislative network using personal computers or electronic devices (e.g., personal computers, tablets, smartphones) must be obtained from the Assembly Rules Committee. Such access is a privilege for legislative users and may be terminated or limited at any time if it is abused. Legislative users who use personal computers or electronic devices to access the legislative network or the internet should be aware that, under certain circumstances, data created, stored or accessed through use of such access may be subject to subpoena, or inspection by or on behalf of the Assembly.

e. Messages to Large Groups of Users

Authorization to use the Assembly network to disseminate a message to all Assembly users, to all Capitol offices, or to all district offices must be obtained from the Assembly Rules Committee.

7. Right to Monitor

Members and employees should be aware that the Assembly Rules Committee may monitor the use of legislative resources and may undertake periodic inspections to ensure compliance with this policy.

Members and employees should consider all electronic files and transmissions to be of a permanent nature, such that the Assembly Rules Committee may be able to retrieve and review them even if they are deleted. Employees should also be aware that password protection for legislative resources is provided for the purpose of protecting legislative resources and does not provide any assurance of employee confidentiality. Nor do employee passwords or file-delete functions create any employee right of privacy with respect to the employee's use of legislative resources.

8. Criminal and Civil Penalties

Misuse of computers and Assembly-provided computers, electronic devices, and related IT services may be subject to criminal penalties, including, among others, those related to theft, vandalism, and the misuse of legislative resources.

Criminal offenses are usually prosecuted by the local district attorney. The penalties imposed by the court principally involve incarceration or probation rather than monetary damages. The penalties may, however, include restitution of stolen property or its monetary value.

Civil remedies may also be available. The purpose of a civil action is not to directly punish an individual for that individual's actions. Civil lawsuits are brought to repay a party for lost property or profits.

9. Discipline

In addition to any criminal and civil penalties discussed in this policy, employees are also subject to discipline by the Assembly Rules Committee for violations of this policy. Depending on the seriousness of the violation, sanctions may include suspension or termination of the use of computer or other Assembly-provided computers, electronic devices, or related IT services or any other appropriate employment sanction (e.g., reprimand, suspension, demotion or termination).

10. Implementation

The Assembly Rules Committee should be contacted to seek any of the approvals required by this policy, or to obtain additional information regarding the policy.

11. Changes

This policy is subject to change from time to time. The current version will be dated to show the revision and will be posted on the California State Assembly Intranet.

APPENDIX A: DEFINITIONS

The following terms used in the preceding Assembly policy have the following meanings:

- 1) **Commercial Purpose.** A commercial purpose means any purpose relating to operating a business for personal gain, and includes advertising for any private individual, firm or corporation, or implying in any manner that the Assembly or an Assembly Member endorse or favor any specific commercial product, commodity or service.
- 2) **Computers, Electronic Devices, and Related Information Technology Services.**
 - a. “Computers and electronic devices” means electronic devices that are capable of creating, modifying, storing, transmitting, or receiving data, including computers, laptops, tablets, personal and wearable digital assistants, smartphones, and similar devices.
 - b. “Related information technology services” means any related programs, applications, servers, or networks that are used in conjunction with creating, modifying, storing, transmitting, or receiving the data on computers and electronic devices, including internet, wireless connections (Wi-Fi), cloud computing, voicemail, text messaging, video, and electronic mail services.
- 3) **Harassing or Discriminatory Purpose.** A harassing or discriminatory purpose includes disseminating offensive, harassing, or discriminatory statements, including those based on a person’s race, religious creed (including all aspects of religious belief, observance, and practice, including religious dress and grooming practices), color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, age (over 40), sex or gender, gender identity, gender expression, sexual orientation, pregnancy, medical conditions related to pregnancy, childbirth, breastfeeding, genetic information, military or veteran status, citizenship status, or any other legally protected characteristic.
.
- 4) **Illegal or Inappropriate Purpose.** An illegal or otherwise inappropriate use prohibited under this policy includes disseminating incendiary statements that could incite violence or describe or promote the use of weapons or devices associated with terrorist activities; and accessing, disseminating, or soliciting sexually oriented messages or images.
- 5) **Legislative Purpose.** A legislative purpose is one that is related to the duties of the Legislature, including, but not limited to, considering and enacting legislation; investigating, studying, analyzing, and disseminating or receiving information relating to legislation or government proceedings generally; disseminating or receiving information relating generally to governmental functions or programs;

and communicating with constituents about any of the above-referenced functions.

- 6) **Personal Purpose.** A personal purpose means a purpose for personal enjoyment, private gain or advantage, or any other outside endeavor not related to state business.

With respect to the use of legislative resources, the following activities comprise an illustrative list of activities that have a prohibited personal purpose:

- A) The use of a personal e-mail account.
- B) Engaging in personal errands, such as internet banking or paying bills.
- C) Engaging in personal causes, such as sending chain letters, or soliciting money for religious, charitable, or political causes.
- D) Operating a personal business.

- 7) **Political Purpose.** A political purpose means a purpose related to overtly partisan activity, including activities that target other Members or their political parties with the intent to cause a direct political benefit or detriment. A political purpose includes a purpose related to campaign activity and encompasses, but is not limited to, actions to influence or attempt to influence voters for or against the nomination or election of a candidate for elective office or the qualification or passage of a ballot measure. For purposes of this policy, the term “ballot measure” includes, Assembly Constitutional Amendments, Senate Constitutional Amendments or other legislative measures (e.g., bonds) that have qualified for the ballot.

With respect to the use of legislative resources, the following activities comprise an illustrative list of activities that have a prohibited political purpose:

- A) Political fundraising.
- B) Press releases, editorials, and resolutions that expressly advocate support or opposition for a candidate or a ballot measure, or that otherwise identify a Member, an Assembly employee, or any other person as a candidate for elective office.
- C) Providing links to any campaign websites or online blogs, or to websites of partisan organizations and other sites the general purpose of which is to attempt to advocate for or against the nomination or election of a candidate for elective office or the qualification or passage of a ballot measure.
- D) Issuing endorsements for or against a candidate or ballot measure.
- E) Impugning the motives of or disparaging a Member or a Member’s political party with respect to the performance of legislative acts or duties or otherwise acting contrary to recognized standards of legislative decorum, including, but not limited to, identifying a particular Member with respect to the casting of votes, the authoring of legislation, or the content of the Member’s speech and debate associated with the legislative process.

- F) Engaging in partisan activity targeting a Member in close proximity to the date of an election at which the Member's name will appear on the ballot.

Assembly Website Policy

1. General Statement

This policy provides a general understanding of what materials and links are appropriate and inappropriate for Assembly websites. By posting content on the Assembly's websites, Members and employees posting such content agree to comply fully with the guidelines set forth in this policy.¹

2. Legislative Resources

The creation and content of Assembly websites shall be subject to the same standards as use of other legislative resources and equipment (e.g., telephone, fax, scanner, or copier). The Assembly reserves the right to inspect all of its legislative resources used to conduct Assembly business to ensure compliance with Assembly policies, without notice to the user-employee. The Assembly may conduct inspections of legislative resources even in the user-employee's absence. Thus, there is no personal right to privacy with respect to any information created, modified, or stored on, or retrievable from, Assembly-provided computers, electronic devices, or related IT systems. The Assembly retains the right to suspend or revoke the use of and access to such legislative resources.

3. Legislative Purpose

Assembly websites and their related content and links are intended to be used only to serve a legislative purpose, as defined in Appendix A. Please contact the Assembly Rules Committee at (916) 319-2800 if you have any questions as to whether the inclusion of any website content or links would appropriately serve a legislative purpose.

4. Inappropriate Non-Legislative Purposes

For purposes of this policy the use of Assembly websites to post content or links for any political, personal, commercial, harassing, discriminatory, or illegal or inappropriate purposes, as those terms are defined or in Appendix A, is prohibited.

Employees shall not post, or permit others to post, any content related to campaign activity on an Assembly website, nor post a link to a site that has a purpose related to campaign activity. This prohibition on campaign activity content applies to all content posted on Assembly websites.

¹ This policy covers all forms of connection to the Assembly network, including wireless and wired connections. Moreover, all state-provided wireless connections are legislative resources subject to this policy and any employee use of the wireless connections that does not serve a legislative purpose may be disciplined pursuant to this policy.

5. Other General Considerations

a. Business appropriate language

Generally accepted standards of business communication shall govern the type of language used for content posted on Assembly websites.

b. Confidentiality

Assembly website content shall not disclose confidential information or public information without following the existing rules and procedures of the Assembly or the agency that provided the information.

c. Intellectual property: copyright, trademark, trade secrets

Disseminating, copying, printing, or otherwise improperly using or reproducing copyrighted material (including articles, software, music and videos), trademarked material (including logos and other marks), or trade secrets in violation of the laws governing copyrights, trademarks, and trade secrets is prohibited under this policy. Offices are responsible for respecting intellectual property rights, including determining the authorship of all materials subject to copyright, trademark, and trade secret protection and obtaining appropriate permission to use the protected items in connection with legislative purposes. News articles, charts, graphs, and photographs are often covered by copyright protections, regardless of whether the piece in question includes a copyright symbol. Contact the Assembly Rules Committee with questions on copyright, trademark, or trade secret issues.

d. Legislative decorum

Members and employees shall conduct themselves in accordance with recognized standards of decorum for all legislative activities, including an Assembly website, when engaging or interacting with other Members and employees.

6. Specific Policies Relating to Assembly Website Content

a. General disclaimer

Each Member's first or "home" page must include a link to the following general disclaimers placed and easily identified at the bottom of that page:

The California State Assembly does not warrant or make any representations as to the quality, content, accuracy, currency, legality, or completeness of the information, text, graphics, links and other items contained on this server or any other server. Such materials have been compiled from a variety of sources, and are subject to change at any time

without notice from the California State Assembly. Use of the Assembly website is at the user's sole risk.

Communications made through this site's e-mail and messaging system shall in no way be deemed to constitute legal notice to the California State Assembly or any of its agencies, officer, employees, agents or representatives.

The presence of a link does not constitute or imply any endorsement, sponsorship, or recommendation of the content (e.g., opinions, services, offers, information) of any linked site. The Assembly does not monitor, control, or fund any linked site and is not responsible for its content. If the linked site solicits funds, this should not be construed to mean that the Member is soliciting funds for that site.

b. Disclaimer for external links

All Assembly website links must include an "interim" page between the Member's home page and any links which reads:

You are now leaving the California State Assembly website. Neither the State Assembly office whose site contains this link, nor the California State Assembly is responsible for the content of the non-Assembly site you are about to access.

The presence of a link does not constitute or imply any endorsement, sponsorship, or recommendation of the content of any linked site. The Assembly does not monitor, control, or fund any linked site and is not responsible for its content. If the linked site solicits funds, this should not be construed to mean that the Member is soliciting funds for that site.

c. Assembly office self-monitoring and review

Assembly offices are responsible for the content of their websites and for adhering to this policy. Assembly offices are also responsible for reviewing the Policy Governing Privacy and Use of Assembly Websites prepared by the Legislative Data Center. Each Member's first or "home" page must include a link to the Privacy and Conditions of Use placed and easily identified at the bottom of that page. The current version of that policy may be viewed on the California State Assembly Intranet.

This policy does not require prior approval by the Assembly Rules Committee of each individual Member's website content or changes to individual websites. The policy has been adopted in this form to provide general guidance to Members and employees, but also allows Members wide latitude within these guidelines to be creative in utilizing newly developing website technology. The Assembly Rules Committee may consider adopting amendments to require prior approval of changes to websites if this policy does not prove effective in eliminating abuses of website technology. In addition, individual

Member offices that repeatedly violate this policy may be required to obtain prior approval for any changes to their websites.

7. Right to Monitor

Members and employees should be aware that the Assembly Rules Committee may monitor the use of legislative resources and may undertake periodic inspections to ensure compliance with this policy.

Members and employees should consider all electronic files and transmissions, including website content, to be of a permanent nature, such that the Assembly Rules Committee may be able to retrieve and review them even if they are deleted. Employees should also be aware that password protection for legislative resources is provided for the purpose of protecting legislative resources and does not provide any assurance of employee confidentiality. Nor do employee passwords or file-delete functions create any employee right of privacy with respect to the employee's use of legislative resources.

8. Criminal and Civil Penalties

Misuse of legislative resources in connection with Assembly website content and links may be subject to criminal penalties, including, among others, those related to theft, vandalism, and the misuse of legislative resources.

Criminal offenses are usually prosecuted by the local district attorney. The penalties imposed by the court principally involve incarceration or probation rather than monetary damages. The penalties may, however, include restitution of stolen property or its monetary value.

Civil remedies may also be available. The purpose of a civil action is not to directly punish an individual for that individual's actions. Civil lawsuits are brought to repay a party for lost property or profits.

9. Discipline

In addition to any criminal and civil penalties discussed in this policy, employees are also subject to discipline by the Assembly Rules Committee for violations of this policy. Depending on the seriousness of the violation, sanctions may include suspension or termination of the use of legislative resources in connection with Assembly website content and links or any other appropriate employment sanction (e.g., reprimand, suspension, demotion or termination).

10. Implementation

The Assembly Rules Committee should be contacted to seek any of the approvals required by this policy, or to obtain additional information regarding the policy.

11. Changes

This policy is subject to change from time to time. The current version will be dated to show the revision and will be posted on the California State Assembly Intranet.

APPENDIX A: DEFINITIONS

The following terms used in the preceding Assembly policy have the following meanings:

- 1) **Commercial Purpose.** A commercial purpose means any purpose relating to operating a business for personal gain, and includes advertising for any private individual, firm or corporation, or implying in any manner that the Assembly or an Assembly Member endorse or favor any specific commercial product, commodity or service.
- 2) **Computers, Electronic Devices, and Related Information Technology Services.**
 - a. “Computers and electronic devices” means electronic devices that are capable of creating, modifying, storing, transmitting, or receiving data, including computers, laptops, tablets, personal and wearable digital assistants, smartphones, and similar devices.
 - b. “Related information technology services” means any related programs, applications, servers, or networks that are used in conjunction with creating, modifying, storing, transmitting, or receiving the data on computers and electronic devices, including internet, wireless connections (Wi-Fi), cloud computing, voicemail, text messaging, video, and electronic mail services.
- 3) **Harassing or Discriminatory Purpose.** A harassing or discriminatory purpose includes disseminating offensive, harassing, or discriminatory statements, including those based on a person’s race, religious creed (including all aspects of religious belief, observance, and practice, including religious dress and grooming practices), color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, age (over 40), sex or gender, gender identity, gender expression, sexual orientation, pregnancy, medical conditions related to pregnancy, childbirth, breastfeeding, genetic information, military or veteran status, citizenship status, or any other legally protected characteristic. .
- 4) **Illegal or Inappropriate Purpose.** An illegal or otherwise inappropriate use prohibited under this policy includes disseminating incendiary statements that could incite violence or describe or promote the use of weapons or devices associated with terrorist activities; and accessing, disseminating, or soliciting sexually oriented messages or images.
- 5) **Legislative Purpose.** A legislative purpose is one that is related to the duties of the Legislature, including, but not limited to, considering and enacting legislation; investigating, studying, analyzing, and disseminating or receiving information relating to legislation or government proceedings generally; disseminating or receiving information relating generally to governmental functions or programs;

and communicating with constituents about any of the above-referenced functions.

- 6) **Personal Purpose.** A personal purpose means a purpose for personal enjoyment, private gain or advantage, or any other outside endeavor not related to state business.

With respect to the use of legislative resources, the following activities comprise an illustrative list of activities that have a prohibited personal purpose:

- A) The use of a personal e-mail account.
- B) Engaging in personal errands, such as internet banking or paying bills.
- C) Engaging in personal causes, such as sending chain letters, or soliciting money for religious, charitable, or political causes.
- D) Operating a personal business.

- 7) **Political Purpose.** A political purpose means a purpose related to overtly partisan activity, including activities that target other Members or their political parties with the intent to cause a direct political benefit or detriment. A political purpose includes a purpose related to campaign activity and encompasses, but is not limited to, actions to influence or attempt to influence voters for or against the nomination or election of a candidate for elective office or the qualification or passage of a ballot measure. For purposes of this policy, the term “ballot measure” includes, Assembly Constitutional Amendments, Senate Constitutional Amendments or other legislative measures (e.g., bonds) that have qualified for the ballot.

With respect to the use of legislative resources, the following activities comprise an illustrative list of activities that have a prohibited political purpose:

- A) Political fundraising.
- B) Press releases, editorials, and resolutions that expressly advocate support or opposition for a candidate or a ballot measure, or that otherwise identify a Member, an Assembly employee, or any other person as a candidate for elective office.
- C) Providing links to any campaign websites or online blogs, or to websites of partisan organizations and other sites the general purpose of which is to attempt to advocate for or against the nomination or election of a candidate for elective office or the qualification or passage of a ballot measure.
- D) Issuing endorsements for or against a candidate or ballot measure.
- E) Impugning the motives of or disparaging a Member or a Member’s political party with respect to the performance of legislative acts or duties or otherwise acting contrary to recognized standards of legislative decorum, including, but not limited to, identifying a particular Member with respect to the casting of votes, the authoring of legislation, or the content of the Member’s speech and debate associated with the legislative process.

- F) Engaging in partisan activity targeting a Member in close proximity to the date of an election at which the Member's name will appear on the ballot.

Assembly Social Media Policy

1. General Statement

Assembly offices may use legislative resources, including their computers, electronic devices, and related information technology (IT) services, as defined in Appendix A, to establish and maintain one or more social media sites in accordance with this policy. Members and employees agree to comply fully with the guidelines set forth in this policy respecting the use of legislative resources in connection with maintaining a social media site.¹

For purposes of this policy, a “social media site” means an account on a social media platform. This policy does not apply to a social media site that is not established or maintained using legislative resources.

2. Legislative Resources

The use of Assembly-provided computers, electronic devices, and related IT services to post content on a social media site shall be subject to the same standards as the use of all other legislative resources (e.g., telephone, fax, scanner, or copier). The Assembly reserves the right to inspect all of its legislative resources used to conduct Assembly business to ensure compliance with Assembly policies, without notice to the user-employee. The Assembly may conduct inspections of legislative resources even in the user-employee’s absence. Thus, there is no personal right to privacy with respect to any information created, modified, or stored on, or retrievable from, Assembly-provided computers, electronic devices, or related IT systems. The Assembly retains the right to suspend or revoke the use of and access to such legislative resources.

3. Legislative Purpose

The content posted on a social media site using legislative resources subject to this policy, as well as the content of any associated links posted using legislative resources, shall concern only matters within the scope of official legislative duties and that serve a corresponding legislative purpose, as defined in Appendix A.

Please contact the Assembly Rules Committee at (916) 319-2800 if you have any questions as to whether any content to be posted on a social media site would appropriately serve a legislative purpose.

¹ This policy covers all forms of connection to the Assembly network, including wireless and wired connections. Moreover, all state-provided wireless connections are legislative resources subject to this policy and any employee use of the wireless connections that does not serve a legislative purpose may be disciplined pursuant to this policy.

Posted content that does not serve a legislative purpose may be excluded and removed using a process provided by the Legislative Counsel Bureau and approved by the Assembly Rules Committee.

4. Inappropriate Non-Legislative Purposes

For purposes of this policy, the use of legislative resources to post content or links on a social media site for any political, personal, commercial, harassing, discriminatory, or illegal or inappropriate purposes, as those terms are defined in Appendix A, is prohibited.

Users shall not post, or permit others to post, any content related to campaign activity on a social media site that is created or maintained using legislative resources, nor post a link to a site that has a purpose related to campaign activity. This prohibition on campaign activity content applies to all content posted on a social media site that is created or maintained using legislative resources, even if no legislative resources are used to post the content.

5. Other General Considerations

a. Business appropriate language

Generally accepted standards of business communication shall govern the type of language used for content on social media sites posted using legislative resources.

b. Confidentiality

Social media site content that is posted using legislative resources shall not disclose confidential information or public information without following the existing rules and procedures of the Assembly or the agency that provided the information.

c. Intellectual property: copyright, trademark, trade secrets

Disseminating, copying, printing, or otherwise improperly using or reproducing copyrighted material (including articles, software, music and videos), trademarked material (including logos and other marks), or trade secrets in violation of the laws governing copyrights, trademarks, and trade secrets is prohibited under this policy. Offices are responsible for respecting intellectual property rights, including determining the authorship of all materials subject to copyright, trademark, and trade secret protection and obtaining appropriate permission to use the protected items in connection with legislative purposes. News articles, charts, graphs, and photographs are often covered by copyright protections, regardless of whether the piece in question includes a copyright symbol. Contact the Assembly Rules Committee with questions on copyright, trademark, or trade secret issues.

d. Legislative decorum

Members and employees shall conduct themselves in accordance with recognized standards of decorum for all legislative activities, including on social media sites, when engaging or interacting with other Members and employees.

6. Specific Policies Relating to the Use of Social Media Sites

a. Employee training and authorization

Users shall be required to complete training approved by the Assembly Rules Committee regarding the use of social media by employees prior to being authorized to use Assembly-provided computers, electronic devices, or related IT services to establish or maintain a social media site. Employees shall be designated by their respective Members as authorized users of the social media site prior to use.

b. Use of social media generally

Any use of social media on paid legislative time or otherwise using legislative resources (e.g., participating on a page other than the Member's page on the social media site) is also limited to official use. To ensure this, the legislative user shall be identified using a process approved by the Assembly Rules Committee.

c. General admonition regarding nature of the internet

Members and employees are warned to keep in mind the nature of social media and the internet generally. It is very simple to post content and comments that may be rapidly disseminated. Once material is posted, however, it is nearly impossible to erase it from existence.

7. Right to Monitor

Members and employees should be aware that the Assembly Rules Committee may monitor a social media site that is established or maintained using legislative resources and may undertake periodic monitoring of social media sites to ensure compliance with this policy.

Members and employees should consider all electronic files and transmissions to be of a permanent nature, such that the Assembly Rules Committee may be able to retrieve and review them even if they are deleted. Employees should also be aware that password protection for legislative resources is provided for the purpose of protecting legislative resources and does not provide any assurance of employee confidentiality. Nor do employee passwords or file-delete functions create any employee right of privacy with respect to the employee's use of legislative resources.

8. Criminal and Civil Penalties

Misuse of legislative resources in connection with establishing or maintaining a social media site may be subject to criminal penalties, including, among others, those related to theft, vandalism, and the misuse of legislative resources.

Criminal offenses are usually prosecuted by the local district attorney. The penalties imposed by the court principally involve incarceration or probation rather than monetary damages. The penalties may, however, include restitution of stolen property or its monetary value.

Civil remedies may also be available. The purpose of a civil action is not to directly punish an individual for that individual's actions. Civil lawsuits are brought to repay a party for lost property or profits.

9. Discipline

In addition to any criminal and civil penalties discussed in this policy, employees are also subject to discipline by the Assembly Rules Committee for violations of this policy. Depending on the seriousness of the violation, sanctions may include suspension or termination of the use of legislative resources in connection with establishing or maintaining a social media site or any other appropriate employment sanction (e.g., reprimand, suspension, demotion, or termination).

10. Implementation

The Assembly Rules Committee should be contacted to seek any of the approvals required by this policy, or to obtain additional information regarding the policy.

11. Changes

This policy is subject to change from time to time. The current version will be dated to show the revision and will be posted on the California State Assembly Intranet.

APPENDIX A: DEFINITIONS

The following terms used in the preceding Assembly policy have the following meanings:

- 1) **Commercial Purpose.** A commercial purpose means any purpose relating to operating a business for personal gain, and includes advertising for any private individual, firm or corporation, or implying in any manner that the Assembly or an Assembly Member endorse or favor any specific commercial product, commodity or service.
- 2) **Computers, Electronic Devices, and Related Information Technology Services.**
 - a. “Computers and electronic devices” means electronic devices that are capable of creating, modifying, storing, transmitting, or receiving data, including computers, laptops, tablets, personal and wearable digital assistants, smartphones, and similar devices.
 - b. “Related information technology services” means any related programs, applications, servers, or networks that are used in conjunction with creating, modifying, storing, transmitting, or receiving the data on computers and electronic devices, including internet, wireless connections (Wi-Fi), cloud computing, voicemail, text messaging, video, and electronic mail services.
- 3) **Harassing or Discriminatory Purpose.** A harassing or discriminatory purpose includes disseminating offensive, harassing, or discriminatory statements, including those based on a person’s race, religious creed (including all aspects of religious belief, observance, and practice, including religious dress and grooming practices), color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, age (over 40), sex or gender, gender identity, gender expression, sexual orientation, pregnancy, medical conditions related to pregnancy, childbirth, breastfeeding, genetic information, military or veteran status, citizenship status, or any other legally protected characteristic..
- 4) **Illegal or Inappropriate Purpose.** An illegal or otherwise inappropriate use prohibited under this policy includes disseminating incendiary statements that could incite violence or describe or promote the use of weapons or devices associated with terrorist activities; and accessing, disseminating, or soliciting sexually oriented messages or images.
- 5) **Legislative Purpose.** A legislative purpose is one that is related to the duties of the Legislature, including, but not limited to, considering and enacting legislation; investigating, studying, analyzing, and disseminating or receiving information relating to legislation or government proceedings generally; disseminating or receiving information relating generally to governmental functions or programs;

and communicating with constituents about any of the above-referenced functions.

- 6) **Personal Purpose.** A personal purpose means a purpose for personal enjoyment, private gain or advantage, or any other outside endeavor not related to state business.

With respect to the use of legislative resources, the following activities comprise an illustrative list of activities that have a prohibited personal purpose:

- A) The use of a personal e-mail account.
- B) Engaging in personal errands, such as internet banking or paying bills.
- C) Engaging in personal causes, such as sending chain letters, or soliciting money for religious, charitable, or political causes.
- D) Operating a personal business.

- 7) **Political Purpose.** A political purpose means a purpose related to overtly partisan activity, including activities that target other Members or their political parties with the intent to cause a direct political benefit or detriment. A political purpose includes a purpose related to campaign activity and encompasses, but is not limited to, actions to influence or attempt to influence voters for or against the nomination or election of a candidate for elective office or the qualification or passage of a ballot measure. For purposes of this policy, the term “ballot measure” includes, Assembly Constitutional Amendments, Senate Constitutional Amendments or other legislative measures (e.g., bonds) that have qualified for the ballot.

With respect to the use of legislative resources, the following activities comprise an illustrative list of activities that have a prohibited political purpose:

- A) Political fundraising.
- B) Press releases, editorials, and resolutions that expressly advocate support or opposition for a candidate or a ballot measure, or that otherwise identify a Member, an Assembly employee, or any other person as a candidate for elective office.
- C) Providing links to any campaign websites or online blogs, or to websites of partisan organizations and other sites, the general purpose of which is to attempt to advocate for or against the nomination or election of a candidate for elective office or the qualification or passage of a ballot measure.
- D) Issuing endorsements for or against a candidate or ballot measure.
- E) Impugning the motives of or disparaging a Member or Member’s political party with respect to the performance of legislative acts or duties or otherwise acting contrary to recognized standards of legislative decorum, including, but not limited to, identifying a particular Member with respect to the casting of votes, the authoring of legislation, or the content of the Member’s speech and debate associated with the legislative process.

- F) Engaging in partisan activity targeting a Member in close proximity to the date of an election at which the Member's name will appear on the ballot.

**ADMINISTRATIVE ITEM:
ASSEMBLY CONTRIBUTION FOR MEDICAL INSURANCE**

Issue:

Should the maximum amount the Assembly contributes for the cost of employees' medical insurance coverage be increased to cover the cost of the monthly premiums for the most popular plans effective January 1, 2021?

Background:

The Assembly Rules Committee establishes the maximum monthly employer contribution toward the cost of employees' medical insurance premiums.

The California Public Employees Retirement System (CalPERS) contracts with the insurance carriers offering plans available to Assembly employees. Premiums for the plans in which Assembly employees are enrolled will increase between 1.6% and 12.3% effective January 1, 2021.

By increasing the Assembly's current maximum employer contribution rate by 6%, the employer contribution will cover the full cost of the premiums for the medical insurance plans in which a majority of employees are enrolled.

Recommendation:

Approve.

ADMINISTRATIVE ITEM: ASSEMBLY DRUG-FREE WORKPLACE POLICY

Issue:

Should the Assembly adopt a Drug-Free Workplace Policy?

Background:

The use of any illegal or controlled substance and/or marijuana, whether on or off the job, can affect an employee's work performance, productivity, alertness, judgment, safety, and health. In addition, the use or possession of these substances constitutes a potential danger to the welfare and safety of other employees and exposes the Assembly to the risk of property loss, damage, and/or injury to other persons.

All employees are viewed as representatives of the Assembly, whether at work or participating in Assembly-related events. The Assembly expects that any consumption of alcohol at Assembly related events will be in moderation so as not to impair the individual or reflect negatively on the individual's professional reputation or the institution of the California State Assembly.

The proposed Assembly Drug-Free Workplace Policy would establish a new policy for Assembly employees on the use of illegal and controlled substances, setting the expectation that any employee who is under the influence of an illegal or controlled substance on the job may be subject to disciplinary action.

Recommendation:

Approve a Drug-Free Workplace Policy for the Assembly.

Drug- Free Workplace Policy

The use of any illegal or controlled substance and/or marijuana, whether on or off the job, can affect an employee's work performance, productivity, alertness, judgment, safety, and health. In addition, the use or possession of these substances constitutes a potential danger to the welfare and safety of other employees and exposes the Assembly to the risk of property loss, damage, and/or injury to other persons.

The following rules and standards of conduct apply to all employees on Assembly property and/or during work hours. Behavior that violates the Assembly's policy includes:

- Use, or being under the influence, of an illegal or controlled substance and/or marijuana, while working including, but not limited to, driving a vehicle or operating equipment in connection with your Assembly employment; and
- Manufacturing, selling, or purchasing any illegal or controlled substance and/or marijuana, while working.

Violation of this policy will result in disciplinary action, up to and including termination. The Assembly may also bring the matter to the attention of appropriate law enforcement authorities.

Legally-prescribed medications may be taken during work hours. The use of prescription and over-the-counter medications, however, may affect an employee's job performance and seriously impair the employee's abilities. Employees should notify their Supervisor if the use of medications might affect their performance. Abuse of prescription medications will not be tolerated.

All employees are viewed as representatives of the Assembly, whether at work or participating in Assembly related events. The Assembly expects that any consumption of alcohol at Assembly related events will be in moderation so as not to impair the individual or reflect negatively on the individual's professional reputation or the institution of the California State Assembly.

The Assembly will encourage and reasonably accommodate employees with drug dependencies to seek treatment and/or rehabilitation, as long as doing so does not impose an undue hardship on the Assembly. Employees desiring such assistance should contact the Assembly Rules Committee at (916) 319-3700.