



STATE OF CALIFORNIA

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DATE: June 29, 2017

TO: Chief Executive Officers
Chief Business Officers
Chief Human Resources Officers
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FROM: Jacob Knapp 
Acting General Counsel

SUBJECT: **Legal Update: Attorney General Adds Four States to Restricted Travel List**

Consistent with Government Code section 11139.8 (enacted by AB 1887, Statutes of 2016), the Attorney General recently added four states to the list of those that have enacted laws that discriminate on the basis of sexual orientation, gender identity or gender expression. This Legal Update provides an overview of Government Code section 11139.8 and its application to the California Community College system.

State Agency Employees May not Travel, or Approve Travel, to Certain States

Government Code section 11139.8 prohibits a state agency, department, board, authority, or commission from either of the following actions:

- (1) requiring any state employees, officers, or members to travel to a state that, after June 26, 2015, enacted certain laws that discriminate on the basis of sexual orientation, gender identity, or gender expression; or
- (2) approving a request for state-funded or state-sponsored travel to a state that, after June 26, 2015, enacted certain laws that discriminate on the basis of sexual orientation, gender identity, or gender expression.

Attorney General's Restricted Travel List

Government Code section 11139.8 requires the Attorney General to develop, maintain, and post on his or her website a current list of states that have enacted discriminatory laws that are subject to the travel restrictions. The Attorney General's AB 1887 website can be found at <https://oag.ca.gov/ab1887>

Former Attorney General Kamala Harris placed the following four states on the restricted travel list: Kansas, Mississippi, North Carolina, and Tennessee.

On June 23, 2017, Attorney General Xavier Becerra added four additional states to the restricted travel list: Alabama, Kentucky, South Dakota, and Texas.

Each state agency or department subject to the travel restrictions is responsible to consult the list posted on the Attorney General's website in order to comply with the travel and funding restrictions imposed by Government Code section 11139.8.

Exceptions to the Travel Restrictions

Government Code Section 11139.8(c) provides a number of exceptions to the general prohibition on travel to states identified on the Attorney General's restricted travel list:

1. Enforcement of California law, including auditing and revenue collection.
2. Litigation.
3. To meet contractual obligations incurred before January 1, 2017.
4. To comply with requests by the federal government to appear before committees.
5. To participate in meetings or training required by a grant or required to maintain grant funding.
6. To complete job-required training necessary to maintain licensure or similar standards required for holding a position, in the event that comparable training cannot be obtained in California or a different state not subject to the travel prohibition.
7. For the protection of public health, welfare, or safety, as determined by the affected agency, department, board, authority, or commission, or by the affected legislative office.

The Restrictions Apply to the State Chancellor's Office

The Chancellor's Office is a state agency, and is therefore subject to the travel restrictions identified in Government Code Section 11139.8. That means that no Chancellor's Office employees or officers may use state funds to travel to states identified on the Attorney General's restricted travel list. Additionally, the Chancellor's Office may not approve a request for state-funded travel to a state that is identified on the restricted travel list.

The Restrictions Do Not Apply Directly to Local Community College Districts

Government Code section 11139.8 applies to state agencies, departments, boards, authorities, and commissions. Our community college districts are local educational agencies, and are not state agencies subject to the identified travel restrictions.

Certain local public agencies have adopted local travel restrictions that mirror those in AB 1887. Local community college district employees should be aware of any local policies that may restrict the use of district funds for travel to states identified on the Attorney General's restricted travel list.

Local districts should be mindful that the Chancellor's Office may be unable to approve a request for state-funded travel to a state that is identified on the restricted travel list. If your travel requires Chancellor's Office approval, the AB 1887 restrictions may apply.

Please contact my office if you have any questions about AB 1887. As always, you should check with your local counsel for legal advice on specific issues related to your district.