



SCGMA Legislative Report

Date: March 10th, 2022

The bill introduction period for the 2022 session of the California State legislature concluded on February 18th. Since that time, we have sifted through the 2000 plus legislative proposals introduced this year to ensure we are actively involved with all that may affect SCGMA members.

Below is an update on the status of the high priority legislative issues SCGMA has been involved with this year.

It is noteworthy to mention that SCGMA's position on certain legislative issues have changed.

- **AB 2454 (Jones-Sawyer) Public contracts: Protests: Joint Labor-Management Committee -**
Position: **Pending** -> **Active**.

Legislative Key

“Support” Position: SCGMA actively supports the legislation.

“Oppose” Position: SCGMA actively opposes the legislation

“Active” Position: SCGMA actively works on the legislation to produce amendments that would garner our support or neutrality for the legislation or protect against hostile amendments that would result in our opposition to the legislation.

“Pending” Position: Need additional input from SCGMA.



[AB 1727](#)

AUTHOR: [Medina D](#)

TITLE: Public works: fees: small business.

SUMMARY: Current law defines "public works," for the purposes of regulating public works contracts, as, among other things, construction, alteration, demolition, installation, or repair work done under contract and paid for, in whole or in part, out of public funds. Current law generally requires a contractor or subcontractor to be registered with the Department of Industrial Relations to be qualified to bid on, be listed in a bid proposal, or engage in the performance of any public work contract. Current law requires a contractor or subcontractor to meet specific conditions to qualify for this registration, including, among other things, to pay a \$400 application fee to qualify for registration and to pay an annual renewal fee. This bill would change the amount of the application fee for a small business, as defined, to a lower amount to be specified. The bill would also require the application fee for a small business, as defined, to be prorated based on the number of months the registration is valid for.

STATUS: Referred to Com. on L. & E.

POSITION: [Support](#)

[AB 1747](#)

AUTHOR: [Quirk D](#)

TITLE: Contractors: disciplinary action.

SUMMARY: Under current law, willful or deliberate disregard by a licensed contractor of various state building, labor, and safety laws constitutes a cause for disciplinary action by the board. Current law provides for related disciplinary proceedings, requires the board to promulgate regulations covering the assessment of civil penalties under those disciplinary provisions, and authorizes a civil penalty not to exceed \$30,000 for specified violations. This bill would provide that the list of violations that constitute cause for a disciplinary action by the board includes a willful or deliberate disregard of any state or local law relating to the issuance of building permits, and would authorize a civil penalty not to exceed \$30,000 for any violation included on that above-specified list.

STATUS: Referred to Com. on B. & P.

POSITION: [Support](#)

[AB 1874](#)

AUTHOR: [Smith R](#)

TITLE: Contractors: unlicensed work.

SUMMARY: Current law authorizes a person who is not licensed as a contractor to advertise for construction work or a work of improvement covered by existing law only if the aggregate contract price for labor, material, and all other items on a project or undertaking is less than \$500, and the person states in the advertisement that they are not a licensed contractor. This bill would, instead, authorize a person who is not licensed as a contractor to advertise for construction work or a work of improvement covered by existing law if the aggregate contract price for labor is less than \$500, and the person states in the advertisement that they are not a licensed contractor.

STATUS: Referred to Com. on B. & P.

POSITION: [Oppose](#)



[AB 1979](#)

AUTHOR: [Kalra D](#)

TITLE: California Deforestation-Free Procurement Act: public works projects: wood and wood products.

SUMMARY: Would establish the California Deforestation-Free Procurement Act. The bill would require a contractor, as defined, and specified subcontractors, for any contract entered into, extended, or renewed on or after January 1, 2025, contracting with a state agency for the procurement of any product comprised wholly or in part of forest-risk commodities to certify that the commodities were not grown, derived, harvested, reared, or produced on land where tropical deforestation occurred on or after January 1, 2023. The bill would exempt a credit card purchase of goods of \$2,500 or less, not to exceed a total of \$7,500 of goods per contractor per year, from these certification requirements. The bill would require specified contractors to have a forest policy, as specified, and would require the contractors to make the policy and corresponding data publicly available.

STATUS: Referred to Com. on A. & A.R.

POSITION: [Active](#)

[AB 1993](#)

AUTHOR: [Wicks D](#)

TITLE: Employment: COVID-19 vaccination requirements.

SUMMARY: Would require an employer to require each person who is an employee or independent contractor, and who is eligible to receive the COVID-19 vaccine, to show proof to the employer, or an authorized agent thereof, that the person has been vaccinated against COVID-19. This bill would establish an exception from this vaccination requirement for a person who is ineligible to receive a COVID-19 vaccine due to a medical condition or disability or because of a sincerely held religious belief, as specified, and would require compliance with various other state and federal laws. The bill would require proof-of-vaccination status to be obtained in a manner that complies with federal and state privacy laws and not be retained by the employer, unless the person authorizes the employer to retain proof.

STATUS: From printer. May be heard in committee March 13.

POSITION: [Pending](#)

[AB 2173](#)

AUTHOR: [Petrie-Norris D](#)

TITLE: Public contracts: payment.

SUMMARY: Current law, until January 1, 2023, authorizes the retention proceeds withheld from any payment by an awarding entity, as described, from the original contractor, by the original contractor from any subcontractor, and by a subcontractor from any subcontractor, to exceed 5% on specific projects where the director of the applicable department, as specified, has made, or the governing body of the public entity or designated official of the public entity has approved, a finding prior to the bid that the project is substantially complex and requires a higher retention and the department or public entity includes both this finding and the actual retention amount in the bid documents. This bill would make these provisions operative indefinitely.

STATUS: Referred to Com. on A. & A.R.

POSITION: [Support](#)



[AB 2188](#)

AUTHOR: [Quirk D](#)

TITLE: Discrimination in employment: use of cannabis.

SUMMARY: The California Fair Employment and Housing Act prohibits various forms of employment discrimination and empowers the Department of Fair Employment and Housing to investigate and prosecute complaints alleging unlawful practices. This bill would amend the act to make it unlawful for an employer to discriminate against a person in hiring, termination, or any term or condition of employment, or otherwise penalize a person, if the discrimination is based upon the person's use of cannabis off the job and away from the workplace or, with prescribed exceptions, upon an employer-required drug screening test that has found the person to have nonpsychoactive cannabis metabolites in their urine, hair, or bodily fluids.

STATUS: Referred to Coms. on L. & E. and JUD.

POSITION: [Oppose](#)

[AB 2454](#)

AUTHOR: [Jones-Sawyer D](#)

TITLE: Public contracts: protests: joint labor-management committee.

SUMMARY: Current law generally requires public contracts to be awarded by competitive bidding pursuant to procedures set forth in the Public Contract Code, subject to certain exceptions. Current law, whenever a contract for goods and services is not to be awarded to the lowest bidder, requires that the lowest bidder be notified 24 hours before the contract or purchase order is awarded to another bidder. Current law, upon written request by any bidder, requires notice of the proposed award to be posted in a public place in the offices of the department at least 24 hours before the contract is awarded. Current law, if a bidder files a specified protest with the department before the award is made, requires that the contract not be awarded until either the protest has been withdrawn or the department has made a final decision relative to the protest. This bill would additionally authorize a joint labor-management committee, as defined, to submit a specified protest to a contract that is not to be awarded to the lowest bidder.

STATUS: From printer. May be heard in committee March 20.

POSITION: [Pending](#) -> [Active](#)

[AB 2894](#)

AUTHOR: [Cooper D](#)

TITLE: Contractors: workers' compensation insurance.

SUMMARY: Current law generally requires an applicant for a contractor's license or a licensee to have on file at all times a current and valid Certificate of Workers' Compensation Insurance or Certification of Self-Insurance, except as specified. Current law makes a violation of these provisions a misdemeanor. This bill would require the Contractors State License Board to require a licensee to inform the board of their workers' compensation classification code, except as specified, and would require the board to post that information on its internet website.

STATUS: From printer. May be heard in committee March 21.

POSITION: [Support](#)



[AB 2932](#)

AUTHOR: [Low](#) D

TITLE: Employment: workweek.

SUMMARY: Current law generally establishes that 8 hours of labor constitutes a day's work and further establishes a 40-hour-workweek. This bill would declare the intent of the Legislature to enact legislation that would enact a four-day-workweek.

STATUS: From printer. May be heard in committee March 21.

POSITION: [Active](#)

[SB 954](#)

AUTHOR: [Archuleta](#) D

TITLE: Public works: wages: electronic certified payroll records.

SUMMARY: Current law provides various requirements to which all public works projects are subject, including that each contractor and subcontractor must furnish payroll records to the Labor Commissioner, as specified. This bill would require the Department of Industrial Relations to establish an online database of electronic certified payroll records, which the bill would require to be accessible only to certain trust funds established under federal law and certain committees established under federal law, as specified. The bill would require that this electronic database contain only nonredacted information that may be provided to those trust funds and committees.

STATUS: Referred to Com. on L., P.E. & R.

POSITION: [Support](#)

[SB 1004](#)

AUTHOR: [Cortese](#) D

TITLE: Public works: apprenticeship: bid preference.

SUMMARY: Would require a state agency that enters into a public works contract with an estimated value of not less than \$250,000 to decrease the bid amount of a bidder by 5%, for purposes of comparing the bid with competing bids, if the bidder is party to an apprenticeship agreement with an approved apprenticeship program. The bill would require the lowest responsive and responsible bidder, taking the apprenticeship preference into consideration, to be awarded the contract unless the solicitation provides for additional award criteria. The bill would require a contractor seeking such a decrease, at the time of submission of a bid for a public works contract, to furnish written proof of approval to train apprentices by an approved apprenticeship program for each apprenticeable trade the contractor intends to employ on the public works project, signed under penalty of perjury. By expanding the crime of perjury, the bill would impose a state-mandated local program. The bill would require a contractor to which the contract is awarded as a result of the decrease to employ registered apprentices in accordance with specified law and standards. The bill would define terms for these purposes.

STATUS: Referred to Coms. on G.O. and L., P.E. & R.

POSITION: [Support](#)



[SB 1076](#)

AUTHOR: [Archuleta D](#)

TITLE: Lead-based paint.

SUMMARY: Would require the State Department of Public Health to review and amend its regulations governing lead-related construction work, including training and certification for workers and accreditation for trainers in lead-safe work practices, to comply with existing state regulations and the United States Environmental Protection Agency's Lead Renovation, Repair, and Painting Rule, as specified. The bill would require the adoption of those regulations to establish fee provisions for those certifications and accreditations. The bill would require the fees to be deposited into the Lead-Related Construction Fund. The bill would require the department to adopt emergency regulations to implement these provisions, as specified.

STATUS: Set for hearing March 28.

POSITION: [Active](#)

[SB 1115](#)

AUTHOR: [Skinner D](#)

TITLE: Department of Industrial Relations: annual survey.

SUMMARY: The Shelley-Maloney Apprentice Labor Standards Act of 1939 authorizes a joint apprenticeship committee, unilateral management or labor apprenticeship committee, or an individual employer to administer an apprenticeship program, as prescribed. Current law requires the Department of Industrial Relations to conduct an annual survey of the ethnic derivation of the individuals who are parties to apprentice agreements pursuant to that provision. This bill would require the annual survey to additionally include the gender of the individuals who are parties to those apprentice agreements.

STATUS: Referred to Com. on L., P.E. & R.

POSITION: [Active](#)

[SB 1412](#)

AUTHOR: [Hertzberg D](#)

TITLE: Skilled and trained workforce requirements.

SUMMARY: Current law establishes requirements that apply when a public entity is required by statute or regulation to obtain an enforceable commitment that a bidder, contractor, or other entity will use a skilled and trained workforce to complete a contract or project. Current law also authorizes a public entity to require that a bidder, contractor, or other entity use a skilled and trained workforce to complete a contract or project, regardless of whether the public entity is required to do so by a statute or regulation. This bill would make a nonsubstantive change to those provisions.

STATUS: From printer.

POSITION: [Active](#)