



## **SCGMA - Legislative Update**

March 6, 2024

The bill introduction period for the 2024 session of the California State Legislature concluded on February 16th. Since that time, we have sifted through the newly introduced legislative proposals for this year to ensure we are actively involved with all those that may affect SCGMA member contractors.

We have selected the legislation listed below that we suggest the SCGMA take a position on. Other bills of interest that may affect the industry but are currently either spot bills or bills that are in a subject area that we track to watch for amendments will be monitored in a "watch" file. You will be made aware of these bills if it becomes necessary to establish a position and action.

A preliminary recommended position has been assigned to the enclosed bills ("Support," "Oppose," "Active" and "Neutral"). Measures that we are requesting additional committee input on are labeled "Pending." A legislative key is below.

### Legislative Key:

**"Support"** Position: *Recommend SCGMA actively support the legislation.*

**"Oppose"** Position: *Recommend SCGMA actively oppose the legislation.*

**"Active"** Position: *Recommend SCGMA actively work on the legislation to produce amendments that would garner our support or neutrality on the legislation or protect against hostile amendments that would result in our opposition to the legislation.*

**"Neutral"** Position: *No action on the legislation.*

**"Pending"** Position: *Need additional input from SCGMA*

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### **AB 1890**

**AUTHOR:** [Patterson, Joe R](#)

**TITLE:** Public works: prevailing wage.

**SUMMARY:** Current law defines the term "public works" for the purposes of requirements regarding the payment of prevailing wages, the regulation of working hours, and the securing of workers' compensation for public works projects. Current law requires an entity awarding a public works contract, as specified, to provide notice to the Department of Industrial Relations. Current law requires civil penalties to be imposed on an entity that fails to provide that required notice and authorizes the Labor Commissioner to issue a citation for civil penalties to an entity that fails to provide the required notice. This bill would additionally require the awarding body to provide notice to the department if there is a change in the identity of a contractor or subcontractor performing the project or, within 30 days, if the total amount of the contract change exceeds \$10,000.

**POSITION:** **Support**

### **AB 2009**



**AUTHOR:** [Rendon D](#)

**TITLE:** School districts: public contracts.

**SUMMARY:** Current law requires the governing board of a school district to let contracts involving an expenditure of more than \$50,000 for the purchase of equipment, materials, or supplies to be furnished, leased, sold, or leased to the school district, services other than construction services, and certain repairs to the lowest responsible bidder who gives security as the governing board requires. Current law requires the Superintendent of Public Instruction to annually adjust the \$50,000 amount, commencing on January 1, 1997, as specified. Current law also requires the governing board to let contracts for public projects, as defined, involving an expenditure of \$15,000 or more, to the lowest responsible bidder who gives security as the governing board requires. This bill would instead require the governing board to let contracts for public projects when the expenditure is \$34,500 or more to the above-described lowest responsible bidder.

**POSITION:** **Oppose**

#### **[AB 2179](#)**

**AUTHOR:** [Davies R](#)

**TITLE:** Pupil services: local apprenticeship programs.

**SUMMARY:** Would require a school district, county office of education, or charter school to, at the beginning of the first semester or quarter of each school year, provide information on local apprenticeship programs to pupils in grades 11 and 12, as provided. By imposing additional duties on those local educational agencies, the bill would impose a state-mandated local program.

**POSITION:** **Support**

#### **[AB 2192](#)**

**AUTHOR:** [Carrillo, Juan D](#)

**TITLE:** Public agencies: cost accounting standards.

**SUMMARY:** The Uniform Public Construction Cost Accounting Act authorizes a public agency to elect to become subject to uniform construction cost accounting procedures. Current law provides for the development of cost accounting standards and an alternative method for the bidding of public works projects by public entities. This bill would make nonsubstantive changes to the title provision of the Uniform Public Construction Cost Accounting Act.

**POSITION:** **Support**

#### **[AB 2264](#)**

**AUTHOR:** [Arambula D](#)

**TITLE:** Occupational safety and health: heat illness prevention certification.

**SUMMARY:** The California Occupational Safety and Health Act of 1973, requires employers to comply with certain safety and health standards, as specified, and charges the division with enforcement of those provisions. Current law requires the division to submit to the Occupational Safety and Health Standards Board a rulemaking proposal to consider revising, among other things, the Maria Isabel Vasquez Jimenez heat illness standard, as specified. Under current law, certain knowing, negligent, or willful violations of safety and health standards are punishable as misdemeanors. This bill would, commencing July 1, 2028, require an employee to obtain a heat illness prevention certification from the division within 30 days after the date of hire and to maintain a valid certification for the duration of their employment, as specified. The bill would require the division to develop and make accessible the heat illness prevention certification process on its internet website by July 1, 2028, and to offer the certification process in English and in the five most used non-English languages. This bill would require the certification process to include certain minimum requirements, including, among other things, that the training course include basic, introductory instruction on the elements of knowledge and heat illness prevention practices as described in the heat illness standard.

**POSITION:** **Oppose**



**[AB 2439](#)**

**AUTHOR:** [Quirk-Silva](#) D

**TITLE:** Public records: owners and developers.

**SUMMARY:** The California Public Records Act requires state and local agencies, as defined, to make their records available for public inspection, unless an exemption from disclosure applies. Current law declares that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state. Current law requires specified state and local bodies to establish written guidelines for accessibility of records. Current law requires the state and local bodies to post a copy of these guidelines in a conspicuous public place at the offices of these bodies, and to make available a copy of the guidelines upon request, free of charge, to any person requesting that body's records. This bill would additionally require an owner, developer, or their agents who receives public funds or the equivalent of public funds from a public agency to perform a public works project, as defined, to be subject to the act in connection with records that it prepares, owns, uses, or retains relating to that public works project. The bill would require the owner, developer, or their agents to establish written guidelines for accessibility of records.

**POSITION:** [Active](#)

**[AB 2622](#)**

**AUTHOR:** [Carrillo, Juan](#) D

**TITLE:** Contractors: exemptions: advertisements.

**SUMMARY:** Current law makes it a misdemeanor for a person to act as a contractor without a license, unless exempted. Current law also makes it a misdemeanor for a person to advertise for construction work or work of improvement without a license. Current law exempts from the licensing requirement a work or operation on one undertaking or project by one or more contracts, if the aggregate contract price for labor, material, and all other items is under \$500, except as specified. Current law also authorizes a person who is not licensed to advertise for construction work or work of improvement if the aggregate contract price for labor, material, and all other items on a project or undertaking is under \$500 and the person states in the advertisement that the person is not licensed. This bill would expand the licensing exemption and the advertisement authorization by increasing the maximum aggregate contract price to \$5,000 and would make other nonsubstantive changes.

**POSITION:** [Oppose](#)

**[AB 2769](#)**

**AUTHOR:** [Ortega](#) D

**TITLE:** Apprenticeships: income tax returns.

**SUMMARY:** Would express the intent of the Legislature to enact legislation that would relate to expanding the uptake and awareness of California's apprenticeship programs through state income tax returns by incorporating a checkbox option for filers to indicate interest in learning more about the state's apprenticeship programs.

**POSITION:** [Support](#)

**[AB 3043](#)**

**AUTHOR:** [Rivas, Luz](#) D

**TITLE:** Occupational safety: fabrication activities.

**SUMMARY:** Current law establishes the Occupational Safety and Health Standards Board within the Department of Industrial Relations to promulgate and enforce occupational safety and health standards for the state, including standards dealing with exposure to harmful airborne contaminants. Current law requires the Division of Occupational Safety and Health within the department to enforce all occupational safety and health standards, as specified. A violation of these standards and regulations under specific circumstances is a crime. This bill would prohibit a person engaged in fabrication activities or fabrication shops from using dry methods and require the use of effective wet methods in any fabrication activities. The bill would make a violation of these provisions grounds for, among other disciplinary action, an immediate order prohibiting continued fabrication activities. The bill would authorize the Attorney General, upon request of the department, to petition the superior

court to impose civil penalties for a violation of these provisions.

**POSITION:** Pending → Active

**AB 3186**

**AUTHOR:** [Petrie-Norris](#) D

**TITLE:** Public works: prevailing wages: access to records.

**SUMMARY:** Current law requires the Labor Commissioner to investigate allegations that a contractor or subcontractor violated the law regulating public works projects, including the payment of prevailing wages. Current law requires each contractor and subcontractor on a public works project to keep accurate payroll records, showing the name, address, social security number, work classification, straight time and overtime hours worked each day and week, and the actual per diem wages paid to each journeyman, apprentice, worker, or other employee employed by the contractor or subcontractor in connection with the public work. Current law requires any copy of records made available for inspection as copies and furnished upon request to the public or any public agency to be marked or obliterated to prevent disclosure of an individual's name, address, and social security number but specifies that any copy of records made available to a Taft-Hartley trust fund for the purposes of allocating contributions to participants be marked or obliterated only to prevent disclosure of an individual's full social security number, as specified. This bill would require each contractor and subcontractor performing work on any public works project and any covered entity, as defined for these purposes as a corporation, limited liability company, partnership, joint venture, or other legal entity, that develops or undertakes such project, to make specified records available upon request to the Division of Labor Standards Enforcement, to multiemployer Taft-Hartley trust funds, and to joint labor-management committees, as specified. The bill would also apply this requirement to contractors, subcontractors, and covered entities that are developing, undertaking, or performing work on a development project for which contractors are required to maintain and verify payroll records, as specified. The bill would subject a contractor, subcontractor, or covered entity, for failing to comply with the provisions of this act, to a penalty by the commissioner, as specified, and would deposit the penalties into a specified fund.

**POSITION:** Oppose

**ACR 141**

**AUTHOR:** [Ortega](#) D

**TITLE:** Women in Construction Week.

**SUMMARY:** Would proclaim the week of March 3, 2024, to March 9, 2024, inclusive, as Women in Construction Week.

**POSITION:** Support

**SB 984**

**AUTHOR:** [Wahab](#) D

**TITLE:** Public agencies: project labor agreements.

**SUMMARY:** Current law establishes procedures for state agencies to enter into contracts for goods and services, including generally requiring that certain contracts by a state agency, including, but not limited to, contracts for the construction, alteration, improvement, repair, or maintenance of property, be approved by the Department of General Services. Current law authorizes a public entity to use, enter into, or require contractors to enter into, a project labor agreement, as defined, for a construction project, if the agreement includes specified taxpayer protection provisions. This bill would authorize a state agency to undertake a major state construction project only if that project is governed by a project labor agreement and if that project labor agreement includes community benefit goals, as specified, and would define various terms for these purposes. The bill would authorize the Governor to waive this requirement if the state agency has attempted to comply with this requirement and the Governor makes a written determination that the application of this requirement would be impracticable.

**POSITION:** Support

**SB 1071** AUTHOR: [Dodd D](#)

**TITLE:** Contractors: workers' compensation insurance reports.

**SUMMARY:** Current law, with certain exceptions, requires a licensed contractor, or applicant for licensure, to have on file at all times with the Contractors' State License Board a current and valid Certificate of Workers' Compensation Insurance or Certification of Self-Insurance, as specified. Among the exceptions to this requirement, current law excludes an applicant or licensee that is organized as a joint venture and has no employees, as specified. This bill would, commencing January 1, 2026, add an additional exception for applicants and licensees that have no employees, if the applicant or licensee provides both an affidavit to the board affirming they have no employees and adequate proof, as provided for by the board, demonstrating they are operating without employees. By expanding the crime of perjury, this bill would impose a state-mandated local program.

**POSITION:** [Active](#)

**SB 1116**

**AUTHOR:** [Portantino D](#)

**TITLE:** Unemployment insurance: trade disputes: eligibility for benefits.

**SUMMARY:** Current law provides for the payment of unemployment compensation benefits and extended benefits to eligible individuals who meet specified requirements. Under current law, unemployment benefits are paid from the Unemployment Fund, which is continuously appropriated for these purposes. Current law makes an employee ineligible for benefits if the employee left work because of a trade dispute and specifies that the employee remains ineligible for the duration of the trade dispute. Existing case law holds that employees who left work due to a lockout by the employer, even if it was in anticipation of a trade dispute, are eligible for benefits. This bill would restore eligibility after the first 2 weeks for an employee who left work because of a trade dispute.

**POSITION:** [Oppose](#)

**SB 1207**

**AUTHOR:** [Dahle R](#)

**TITLE:** Buy Clean California Act: eligible materials.

**SUMMARY:** The Buy Clean California Act requires the Department of General Services, by January 1, 2022, to establish and publish in the State Contracting Manual, in a department management memorandum, or on the department's internet website, a maximum acceptable global warming potential for each category of eligible materials, as defined, in accordance with specified requirements. Current law defines "eligible materials" for those purposes to mean carbon steel rebar, flat glass, mineral wool board insulation, or structural steel. By January 1, 2025, and every 3 years thereafter, current law requires the department to review the maximum acceptable global warming potential for each category of eligible materials, as provided. This bill would revise the definition of "eligible materials" to delete mineral wool board insulation and additionally include insulation.

**POSITION:** [Pending → Active](#)

**SB 1280**

**AUTHOR:** [Laird D](#)

**TITLE:** Waste management: propane cylinders: reusable or refillable.

**SUMMARY:** Current law prohibits specified stores from providing single-use carryout bags to a customer at the point of sale and makes a violation of this provision subject to specified civil penalties. This bill would, on and after an unspecified date, prohibit the sale or offer for sale of propane cylinders other than those propane cylinders that are reusable or refillable, as defined, and would make the violation of this provision subject to specified civil penalties. The bill would authorize a city attorney or county counsel to impose the civil penalties, as provided.

**POSITION:** [Active](#)

**SB 1455**

**AUTHOR:** [Ashby D](#)



**TITLE:** Contractors: licensing.

**SUMMARY:** The Contractors State License Law authorizes an applicant for a license to qualify the applicant's knowledge and experience with a responsible managing officer, employee, member, or manager who has certain qualifications. Current law requires the person qualifying on behalf of an individual or firm to be responsible for exercising supervision and control of their employer's or principal's construction operations as specified. Current law requires the board to require every applicant or licensee, as specified, to submit detailed information on the qualifying individual's duties and responsibilities for supervision and control of the applicant's construction operations, including, but not limited to, an employment duty statement prepared by the qualifier's employer or principal. This bill would delete the requirement that an employment duty statement be included in a specified applicant's or licensee's information submitted to the board. The bill would also delete the provision that makes the failure to provide specified information to the board a cause for disciplinary action and punishable as a misdemeanor. The bill would state that "direct supervision or control" for these purposes to mean, among other things, supervising construction operations.

**POSITION:** Support