The last actions of the 2019 California legislative session took place on October 13th which was the deadline for Governor Newsom to sign or veto legislation. UCON once again had a very successful legislative session with victories in the areas prompt payment relating to change orders and retention and much needed industry relief to comply with the state’s new sexual harassment training requirements. UCON also took the leading role in opposing or amending dozens of measures that would have been harmful to our contractors and the industry overall.

Below is a summary of the key bills UCON took positions on this year and the outcome.

**LEGISLATION SPONSORED/SUPPORTED BY UCON**

- **AB 203 - Occupational Safety and Health: Valley Fever**
  This bill requires construction employers performing work that disturbs the soil where Valley Fever is highly endemic to provide effective awareness training to employees on the disease.
  - Status: Signed by Governor

- **AB 456 - Public Contracts: Change Order Claims Resolutions**
  UCON sponsored legislation to extend the sunset for seven years in Public Contract Code §9204. That section of law provides California public works contractors an avenue to pursue prompt payment for change order/extra work performed.
  - Status: Signed by Governor

- **AB 520 - Public Works: Public Subsidy**
  State Building & Construction Trades Council sponsored legislation to provide that a public subsidy, for the purpose of triggering prevailing wage, is de minimis if it is both less than $500,000 and less than 2% of the total project cost.
  - Status: Vetoed by Governor

- **AB 695 - Community College Facilities: Design-Build Contracts**
  Authorizes community college districts to enter into design-build construction contracts until January 1, 2030.
  - Status: Signed by Governor

- **AB 1166 - Regional Notification Centers: Electronic Positive Response**
  Requires every operator of a subsurface installation to supply an electronic positive response through the regional notification center before the excavation start date.
  - Status: Signed by Governor

- **AB 1475 - Construction Manager/General Contractor Method: Transportation Projects**
  Allows regional transportation planning agencies (RTPAs) to utilize the construction manager/general contractor (CM/CG) procurement method on any transportation project that is not on the state highway system. The measure also makes it clear that when using the CM/CG construction delivery model, the awarding agency must utilize a CM/CG firm that is licensed by Contractors State License Board.
  - Status: Signed by Governor
**AB 1613 - Public works: prevailing wages**
State Building & Construction Trades Council sponsored legislation that expands the definition of “public works,” for purposes of prevailing wage requirements, to also include any construction, alteration, demolition, installation, or repair work done under private contract on a charter School project when the project is paid for in whole or in part with the proceeds of conduit revenue bonds.

- **Status:** Vetoed by Governor

**AB 1736 - Bid Notification Requirements**
American Subcontractors Association sponsored measure to require a local agency to create a policy for notifying bidders of the award of a bid within a reasonable timeframe.

- **Status:** Vetoed by Governor

**SB 137 - Federal Transportation Funds: State Exchange Programs**
Allows Caltrans to exchange up to $100 million annually federal transportation funds for state transportation funds for specific types of locally-sponsored projects thereby reducing duplicative federal and state review processes, reducing project costs, and expediting project delivery.

- **Status:** Signed by Governor

**SB 197 - Department of Transportation: Retention Proceeds**
UCON sponsored legislation to make permanent state law prohibiting Caltrans from withholding any retention funds from contractors when making progress payments for work performed on a public works project.

- **Status:** Signed by Governor

**SB 530 - Construction Industry: Discrimination and Sexual Harassment Training**
Provides that discrimination and sexual harassment training certificates, which are valid for two years, shall be portable for CBA covered construction employees working for employers who are signatory to the same CBA. The measure also authorizes joint labor management apprenticeship committees and labor management cooperation committees to provide the requisite training and be the custodian of records.

- **Status:** Signed by Governor

**SB 610 - Contractors’ State License Board**
The Contractors’ State License Law provides for the licensure and regulation of contractors by the Contractors’ State License Board (CSLB), This measure extended the operation of the CSLB to January 1, 2024.

- **Status:** Signed by Governor

**SB 778 - Employers: Sexual Harassment Training: Requirement Extension**
Extends the deadline for covered employers to provide sexual harassment prevention training and education to their existing supervisory and nonsupervisory employees to January 1, 2021.

- **Status:** Signed by Governor
LEGISLATION OPPOSED BY UCON

✓ **AB 403 - Division of Labor Standards Enforcement: Complaints**
  Would have extended the time that a victim of workplace retaliation has to file a claim with the California Labor Commissioner from six months to two years and authorizes an attorneys’ fee award to a worker who prevails on a whistleblower claim.
  ➢ Status: Vetoed by Governor

✓ **AB 882 - Termination of Employment: Drug Testing**
  This bill would have prohibited an employer from discharging an employee for testing positive for a drug that is being used as a medical-assisted treatment under the care of a physician or licensed treatment program.
  ➢ Status: Failed Passage

✓ **AB 1339 - Mechanics Liens: Attachment Date**
  This bill proposed to change the priority of a lien, mortgage, deed of trust, or other encumbrance on a work of improvement to ensure that lenders had priority over contractors, workers, material suppliers and trust funds.
  ➢ Status: Failed Passage

✓ **SB 127 - Transportation Funding: Active Transportation: Complete Streets**
  This bill would have changed state policies for the management of the state highway system, including requiring Caltrans to incorporate new pedestrian and bicycle facilities into projects in specified areas.
  ➢ Status: Vetoed by Governor

✓ **SB 171 - Annual Pay Data Reports**
  This measure would have required large employers to report annually, to the Department of Fair Employment and Housing, payroll data broken down by race, ethnicity, and sex.
  ➢ Status: Failed Passage

✓ **SB 297 - School Facilities: Approval of Plans: Preliminary Build Contract**
  Would have authorized a school district to enter into a construction contract for the construction or alteration of a school building, without the plans having final approval from the Division of the State Architect (DAS). No protections were provided for contractors regarding who would be responsible for any changes and associated costs should DSA make changes to the plans after the bid was awarded.
  ➢ Status: Held – 2 Year Bill

✓ **SB 566 - Professional Land Surveyors and Engineers**
  This measure would have dramatically expanded the definitions of civil engineering and land surveying into work currently being performed by industry personnel.
  ➢ Status: Failed Passage
BILL AMENDED TO ADDRESS UCON’s CONCERNS

✔ **AB 5 - Worker Status: Employees and Independent Contractors**
  Provides much needed clarity and liability relief to the construction industry in light of the California Supreme Court’s decision in the matter of *Dynamex Operations West, Inc. v. Superior Court of Los Angeles*. Includes removal of retroactive liability and protection for business to business subcontracting within the construction industry.

  ➢ Status: Signed by Governor

✔ **AB 572 - California Deforestation-Free Procurement Act: Public Works Projects**
  This bill would have established the Deforestation-Free Procurement Act and required contractors that contract with state agencies and utilized wood or wood products, to certify that the commodities were not grown, derived, harvested, reared, or produced on land where tropical deforestation occurred. The bill was amended to exempt construction contractors on public works projects from the certification requirements.

  ➢ Status: Failed Passage

✔ **AB 971 - Public Contracts: Contractor Evaluations**
  This bill requires an awarding state department on state contracts, to conduct a post evaluation of all contractors providing services with a value of $500,000 or more, and post the results of the evaluation on their website. The bill was amended to remove its application to construction contractors on public works contracts.

  ➢ Status: Signed by Governor

✔ **SB 142 - Wiener. Employees: Lactation Accommodation**
  The bill, in general, requires employers with more than 50 employees to provide private space (other than a bathroom) for lactating employees. The bill was amended to provide workable construction industry protocols that require a general contractor, coordinating a multiemployer worksite, to an employee that requests an accommodation.

  ➢ Status: Signed by Governor

✔ **SB 210 - Heavy-Duty Vehicle Inspection Program**
  Directs the Air Resources Board (ARB) to work in coordination with multiple state agencies in order to develop and implement a Heavy-Duty Inspection and Maintenance Program for non-gasoline, heavy-duty, on-road trucks. The bill was amended from a mandated program to pilot program status and now requires ARB to work with stakeholders on program development.

  ➢ Status: Signed by Governor

✔ **SB 588 - Disabled Veteran Business Enterprise Program**
  Originally required the Department of General Services to suspend contractors that failed to comply with the Disabled Veteran Business Enterprise certification requirements to prohibit them from bidding on state contracts. The bill was amended to remove the contractor suspension provisions.

  ➢ Status: Held – 2 Year Bill