



NECA - ELECTRICAL CONTRACTORS of CALIFORNIA TRUST 2023 End of Year Legislative Report

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Introduction

The last actions of the 2023 California legislative session took place on October 14th, which was the deadline for Governor Newsom to sign or veto legislation. NECA again had a productive legislative session pursuing industry measures, including furthering efforts to secure market share for union contractors on industrial facilities and updating contractors' state licensing law to ensure contractors stay informed and properly licensed. Many other measures affecting the industry were passed into law this legislative session as well.

Below is an overview of all the pertinent legislation that was passed during the 2023 legislative session that will have an impact on contractors and the construction industry overall. All the newly enacted laws will become operative January 1, 2024, unless otherwise noted.

If you have any questions or comments, or would like additional information, please contact our office. You can reach me by email bernacchi@politicogroup.com or by phone (916) 444-3770.

Eddie Bernacchi
Legislative Advocate

Codes & Standards

AB 42

AUTHOR: Ramos D

TITLE: Tiny homes: temporary sleeping cabins: fire sprinkler requirements.

SUMMARY: Prohibits, until January 1, 2027, a local agency from imposing or enforcing a requirement to provide fire sprinklers in temporary sleeping cabins, for people experiencing or at risk of homelessness if certain conditions are met.

STATUS: Approved by the Governor. Chaptered by Secretary of State - Chapter 725, Statutes of 2023.

AB 358

AUTHOR: Addis D

TITLE: Community college districts: student housing.

SUMMARY: Exempts California Community College district student housing plans from requiring approval from the Department of General Services' Division of the State Architect.

STATUS: Approved by the Governor. Chaptered by Secretary of State - Chapter 83, Statutes of 2023.

AB 521

AUTHOR: Bauer-Kahan D

TITLE: Occupational safety and health standards: construction jobsites: toilet facilities.

SUMMARY: Requires the Occupational Safety and Health Standards Board, before December 1, 2025, to draft a rulemaking proposal to consider revising regulations on construction jobsite restrooms to require at least one single-user toilet facility on all construction jobsites, designed for female employees. Also requires the standards board to consider adopting revised standards on or before December 31, 2025.

STATUS: Approved by the Governor. Chaptered by Secretary of State - Chapter 529, Statutes of 2023.

AB 835**AUTHOR:** Lee D**TITLE:** State Fire Marshal: building standards: single-exit, single stairway apartment houses: report.**SUMMARY:** Requires the State Fire Marshal to research standards for single-exit, single stairway apartment houses, with more than two dwelling units, in buildings above three stories and provide a report**STATUS:** Approved by the Governor. Chaptered by Secretary of State - Chapter 345, Statutes of 2023.**SB 416****AUTHOR:** Laird D**TITLE:** State agencies: building and renovation projects: LEED certification.**SUMMARY:** Requires any new building or major renovation project undertaken by a state agency on or after January 1, 2024, to obtain the Leadership in Energy and Environmental Design (LEED) Gold or higher certification.**STATUS:** Approved by the Governor. Chaptered by Secretary of State. Chapter 395, Statutes of 2023.**SB 553****AUTHOR:** Cortese D**TITLE:** Occupational safety: workplace violence: restraining orders and workplace violence prevention plan.**SUMMARY:** Commencing July 1, 2024, requires employers to develop workplace violence prevention plans as part of existing injury prevention plans required by Cal/OSHA.**STATUS:** Approved by the Governor. Chaptered by Secretary of State. Chapter 289, Statutes of 2023.**SB 745****AUTHOR:** Cortese D**TITLE:** The Drought-Resistant Buildings Act.**SUMMARY:** Requires the California Building Standards Commission (BSC) and the Department of Housing and Community Development to develop and propose new mandatory building standards related to water efficiency and require the BSC to perform a review of water efficiency and water reuse standards in the California Buildings Standards Code every 3 years, commencing with the next triennial edition.**STATUS:** Approved by the Governor. Chaptered by Secretary of State. Chapter 884, Statutes of 2023.**SB 837****AUTHOR:** Archuleta D**TITLE:** Energy: building energy standards: sealed and unvented attics.**SUMMARY:** Requires the California Energy Commission (CEC), beginning with its review of Title 24 of the California Code of Regulations that is pending as of January 1, 2024, to consider revising the definition of "conditioned space, indirectly" for purposes of those regulations to include sealed and unvented attics, where the space is enclosed by the primary thermal and air barrier and directly adjoining conditioned space.**STATUS:** Approved by the Governor. Chaptered by Secretary of State. Chapter 509, Statutes of 2023.

Contractors` License Law

AB 336

AUTHOR: Cervantes D

TITLE: Contractors: workers' compensation insurance.

SUMMARY: Requires a Contractors State License Board (CSLB) licensee, at the time of renewal, to certify on the license renewal form the three workers' compensation classification codes for which the highest estimated payroll is reported. If the licensee has fewer than three classification codes reported on their workers' compensation policy, the licensee shall provide every classification code reported on the policy. The law stipulates that the CSLB shall not be required to verify, investigate, or enforce the accuracy of the licensee's workers compensation classification codes.

STATUS: Approved by the Governor. Chaptered by Secretary of State - Chapter 323, Statutes of 2023.

AB 1204

AUTHOR: Holden D

TITLE: Contractors: contracts: restrictions.

SUMMARY: Prohibits a specialty contractor from entering into a contract for the performance of work on the same project with more than one subcontractor in the same license classification as the specialty contractor offering the contract, unless either of the following requirements are satisfied. 1) The subcontractor employs persons to perform work in that license classification, or 2) The specialty contractor is signatory to a collective bargaining agreement.

STATUS: Approved by the Governor. Chaptered by Secretary of State - Chapter 568, Statutes of 2023.

SB 601

AUTHOR: McGuire D

TITLE: Professions and vocations: contractors: home improvement contracts: prohibited business practices: limitation of actions.

SUMMARY: The Contractors State License Law requires a home improvement contract, to be in writing and include the contract amount, and prohibits any downpayment for that contract from exceeding the lesser of \$1,000 or 10% of the contract amount. Current law makes the violation of these provisions a misdemeanor and sets the penalty as a fine of not less than \$100 nor more than \$5,000. This bill would, for violations that take place in a location damaged by natural disaster, require the court to impose the maximum fine for the above-described crimes.

STATUS: Approved by the Governor. Chaptered by Secretary of State. Chapter 403, Statutes of 2023.

SB 630

AUTHOR: Dodd D

TITLE: Contractors State License Board: regulation of contractors.

SUMMARY: Requires a CSLB applicant or licensee to provide the CSLB with a valid email address at the time of application or renewal; in an effort to better keep contractors aware of issues that may affect their licensing status.

STATUS: Approved by the Governor. Chaptered by Secretary of State. Chapter 153, Statutes of 2023.

Environment & Energy

AB 3

AUTHOR: Zbur D

TITLE: Offshore wind energy: reports.

SUMMARY: Establishes the California Offshore Wind Advancement Act to develop a strategy for seaport readiness for offshore wind energy developments, and to study the feasibility of achieving 70% and 85% in-state assembly and manufacturing of offshore wind energy projects.

STATUS: Approved by the Governor. Chaptered by Secretary of State - Chapter 314, Statutes of 2023.

AB 43

AUTHOR: Holden D

TITLE: Greenhouse gas emissions: building materials: embodied carbon trading system.

SUMMARY: Authorizes the State Air Resources Board to create an Embodied Carbon Trading System for measuring and reducing the carbon intensity of building materials used in the construction of new buildings by an entity undertaking a construction project.

STATUS: Approved by the Governor. Chaptered by Secretary of State - Chapter 316, Statutes of 2023.

AB 1132

AUTHOR: Friedman D

TITLE: Solar energy systems: permit fees.

SUMMARY: Extends the cap on what a city or county may charge for a permit to install a residential or commercial solar energy system from January 1, 2025, to January 1, 2034. The cap for a residential solar system and thermal solar system is \$450 (plus \$15 per kilowatt (kW) for each kW above 15kW) and \$1,000 (plus \$7 kW for each kW between 51kW and 250 kW, and \$5 per kW for each kW above 250 kW) for a commercial system.

STATUS: Approved by the Governor. Chaptered by Secretary of State - Chapter 357, Statutes of 2023.

AB 1572

AUTHOR: Friedman D

TITLE: Potable water: nonfunctional turf.

SUMMARY: Beginning January 1, 2027, begins a phase-in prohibition on the use of potable water to irrigate nonfunctional turf on commercial, municipal, and institutional properties.

STATUS: Approved by the Governor. Chaptered by Secretary of State - Chapter 849, Statutes of 2023.

SB 38

AUTHOR: Laird D

TITLE: Battery energy storage facilities: emergency response and emergency action plans.

SUMMARY: Requires each battery energy storage facility in the state that is subject to regulation by the California Public Utilities Commission to have an emergency response and emergency action plan that covers the premise of the battery energy storage facility.

STATUS: Approved by the Governor. Chaptered by Secretary of State. Chapter 377, Statutes of 2023.

SB 48

AUTHOR: Becker D

TITLE: Building Energy Savings Act.

SUMMARY: Requires the California Energy Commission (CEC), in consultation with the California Air Resources Board, California Public Utilities Commission, and Department of Housing and Community Development on or before July 1, 2026, to jointly develop a strategy using "benchmarking data" to track and manage the energy usage and greenhouse gas (GHG) emissions of larger buildings in order to achieve the state's energy and GHG building goals.

STATUS: Approved by the Governor. Chaptered by Secretary of State. Chapter 378, Statutes of 2023.

SB 49

AUTHOR: Becker D

TITLE: Renewable energy: Department of Transportation: evaluation.

SUMMARY: Requires, by December 31, 2025, the Department of Transportation, in coordination with the California Energy Commission and the California Public Utilities Commission, to evaluate the issues and policies impeding development of land within the Caltrans right of way for renewable energy, energy storage, and electric transmission and distribution facilities.

STATUS: Approved by the Governor. Chaptered by Secretary of State. Chapter 379, Statutes of 2023.

SB 286

AUTHOR: McGuire D

TITLE: Offshore wind energy projects.

SUMMARY: Establishes the California Offshore Wind Energy Fisheries Working Group to address offshore wind energy project impacts to certain fisheries and related interests, and expedite offshore wind energy projects and related transmission facilities.

STATUS: Approved by the Governor. Chaptered by Secretary of State. Chapter 386, Statutes of 2023.

SB 410

AUTHOR: Becker D

TITLE: Powering Up Californians Act.

SUMMARY: Requires, by September 30, 2024, the CPUC to establish targets for reasonable average and maximum target energization time periods in order to provide customers with more certainty about the expected time period to connect to the electrical grid; and related reporting by the utility companies. The goal is to provide more accountability and to limit delays and backlogs.

STATUS: Approved by the Governor. Chaptered by Secretary of State. Chapter 394, Statutes of 2023.

General Industry

AB 541

AUTHOR: Wood D

TITLE: California Safe Drinking Water Act: wildfire aftermath: benzene testing.

SUMMARY: Directs the State Water Resources Control Board to require a public water system that has experienced a wildfire event to perform sample collection and analysis of its source waters, treatment facilities, conveyance facilities, distribution systems, or a combination thereof, for the presence of benzene as soon as it is safe to do so.

STATUS: Approved by the Governor. Chaptered by Secretary of State - Chapter 530, Statutes of 2023.

AB 594

AUTHOR: Maienschein D

TITLE: Labor Code: alternative enforcement.

SUMMARY: Authorizes a public prosecutor to independently prosecute an action, either civil or criminal, for a violation of the Labor Code without direction from the Division of Labor Standards Enforcement. The measure also prohibits any "individual agreement" between a worker and employer that limits representative actions or mandates private arbitration, to take precedence over the public prosecutor action. An "individual agreement" does not include collectively bargained agreements.

STATUS: Approved by the Governor. Chaptered by Secretary of State - Chapter 659, Statutes of 2023.

AB 645

AUTHOR: Friedman D

TITLE: Vehicles: speed safety system pilot program.

SUMMARY: Establishes a five-year pilot program to give local transportation authorities in the cities of San Jose, Oakland, Los Angeles, Glendale, Long Beach, and the City and County of San Francisco the authority to install automated speed safety systems. Requires the first violation to be a warning notice.

STATUS: Approved by the Governor. Chaptered by Secretary of State - Chapter 808, Statutes of 2023.

AB 752

AUTHOR: Rubio, Blanca D

TITLE: State highways: worker safety.

SUMMARY: Requires the California Department of Transportation to specify, implement, and compensate contractors for their use of, positive protection on state highway work in order to ensure worker safety. Positive protection may include highly mobile barriers, movable and temporary steel barriers, movable concrete barriers, traditional concrete barriers, associated cushions, and other strategies to avoid traffic accidents in work zones.

STATUS: Approved by the Governor. Chaptered by Secretary of State - Chapter 813, Statutes of 2023

SB 4

AUTHOR: Wiener D

TITLE: Planning and zoning: housing development: higher education and religious institutions.

SUMMARY: Provides a streamlined process for religious organizations and nonprofit colleges to develop affordable housing on their property regardless of local zoning restrictions. The new law requires a development that contains more than 10 units be subject to prevailing wage and, in addition, that a development of 50 or more units ensures that all contractors on the project participate in an approved apprenticeship program and provide health care for all workers on the project.

STATUS: Approved by the Governor. Chaptered by Secretary of State. Chapter 771, Statutes of 2023.

SB 365

AUTHOR: Wiener D

TITLE: Civil procedure: arbitration.

SUMMARY: This bill provides that trial court proceedings shall not be automatically stayed during the pendency of an appeal of an order dismissing or denying a petition to compel arbitration, establishing that the appeals court has the authority to place a stay on trial court proceedings upon discretion.

STATUS: Approved by the Governor. Chaptered by Secretary of State. Chapter 710, Statutes of 2023.

SB 423

AUTHOR: Wiener D

TITLE: Land use: streamlined housing approvals: multifamily housing developments.

SUMMARY: Expands upon and extends SB 35, a 2017 law that created a streamlined, ministerial approval process for qualifying multifamily and mixed-use affordable housing projects in localities that don't meet their state-mandated housing goals. The measure also reconfigured the labor standards attached to the use of the streamlined process to limit the requirements to use a skilled and trained workforce to very large projects, while ensuring all projects are subject to prevailing wage and that a development of 50 or more units require that all contractors on the project participate in an approved apprenticeship program and provide health care to all workers on the project.

STATUS: Approved by the Governor. Chaptered by Secretary of State. Chapter 778, Statutes of 2023.

SB 740

AUTHOR: Cortese D

TITLE: Hazardous materials management: stationary sources: skilled and trained workforce.

SUMMARY: Expands the skilled and trained workforce requirements, currently applicable to an owner or operator of a stationary source that is engaged in petroleum-related activities, to also include contracts awarded, extended, or renewed on or after January 1, 2024, by an owner or operator of a stationary source that is engaged in manufacturing hydrogen, biofuels, or chemicals, or in capturing and sequestering, carbon dioxide.

STATUS: Approved by the Governor. Chaptered by Secretary of State. Chapter 293, Statutes of 2023.

SB 790

AUTHOR: Padilla D

TITLE: Public records: contracts for goods and services.

SUMMARY: Specifies that a government contract for goods or services is a public record subject to disclosure under the Public Records Act.

STATUS: Approved by the Governor. Chaptered by Secretary of State. Chapter 77, Statutes of 2023.

Labor Relations

SB 497

AUTHOR: Smallwood-Cuevas D

TITLE: Protected employee conduct.

SUMMARY: Establishes a rebuttable presumption in favor of the employee's claim if an employer takes any action against an employee within 90 days for invoking or assisting in the enforcement of labor law provisions

STATUS: Approved by the Governor. Chaptered by Secretary of State. Chapter 612, Statutes of 2023.

SB 616

AUTHOR: Gonzalez D

TITLE: Sick days: paid sick days accrual and use.

SUMMARY: SB 616 amends California's paid sick leave law to expand mandatory paid sick leave from three days to five days. The union construction industry collective bargaining agreement (CBA) carve out that allows employers to avail themselves of having to provide paid sick leave to CBA covered workers was not changed by SB 616.

STATUS: Approved by the Governor. Chaptered by Secretary of State. Chapter 309, Statutes of 2023.

SB 700

AUTHOR: Bradford D

TITLE: Employment discrimination: cannabis use.

SUMMARY: Would make it unlawful for an employer to request information from an applicant for employment relating to the applicant's prior use of cannabis.

STATUS: Approved by the Governor. Chaptered by Secretary of State. Chapter 408, Statutes of 2023.

SB 848

AUTHOR: Rubio D

TITLE: Employment: leave for reproductive loss.

SUMMARY: Requires employers, of five or more employees, to provide eligible employees with up to

five days of unpaid reproductive loss leave following a reproductive loss event which is defined as a failed adoption, failed surrogacy, miscarriage, stillbirth or an unsuccessful assisted reproduction.
STATUS: Approved by the Governor. Chaptered by Secretary of State. Chapter 724, Statutes of 2023.

Public Works

AB 334

AUTHOR: Rubio, Blanca D

TITLE: Public contracts: conflicts of interest.

SUMMARY: Clarifies the circumstances under which a public entity that employed an independent contractor for one phase of a project may contract with that same independent contractor for a subsequent phase of the same project without violating a state law prohibiting conflicts of interests in public contracts.

STATUS: Approved by the Governor. Chaptered by Secretary of State - Chapter 263, Statutes of 2023.

AB 338

AUTHOR: Aguiar-Curry D

TITLE: Fuel reduction work.

SUMMARY: Requires, beginning July 1, 2026, prevailing wages be paid to employees and apprentices on contracted out fuel reduction projects that cost in excess of \$500,000.

STATUS: Approved by the Governor. Chaptered by Secretary of State - Chapter 428, Statutes of 2023.

POSITION: Support

AB 400

AUTHOR: Rubio, Blanca D

TITLE: Local agency design-build projects: authorization.

SUMMARY: Extends the sunset date, from January 1, 2025, to January 1, 2031, on provisions of law authorizing local agencies to use the design-build contracting method.

STATUS: Approved by the Governor. Chaptered by Secretary of State - Chapter 201, Statutes of 2023.

AB 439

AUTHOR: Carrillo, Wendy D

TITLE: School facilities: task order procurement contracting: Los Angeles Unified School District.

SUMMARY: Extends the pilot program, until January 1, 2034, authorizing the Los Angeles Unified School District to award multiple annual task order procurement contracts for services, repairs, and construction

STATUS: Approved by the Governor. Chaptered by Secretary of State - Chapter 523, Statutes of 2023.

AB 499

AUTHOR: Rivas, Luz D

TITLE: Los Angeles County Metropolitan Transportation Authority: job order contracting: pilot program.

SUMMARY: Authorizes the Los Angeles County Metropolitan Transportation Authority ((LA Metro)) to enter into job order contracts for reputative construction and repair work, so long as they stay signatory to a project labor agreement between LA Metro and the Los Angeles/Orange Counties Building and Construction Trades Council.

STATUS: Approved by the Governor. Chaptered by Secretary of State - Chapter 87, Statutes of 2023.

AB 587

AUTHOR: Rivas, Robert D

TITLE: Public works: payroll records.

SUMMARY: Clarifies that any copy of certified payroll records requested by and furnished to a Taft-Hartley trust fund or joint labor-management committee by a public works contractor be on the forms provided by the Division of Labor Standards Enforcement (DSLE) or contain the same information as the forms provided by DLSE, as authorized under current law.

STATUS: Approved by the Governor. Chaptered by Secretary of State - Chapter 806, Statutes of 2023.

AB 1121

AUTHOR: Haney D

TITLE: Public works: ineligibility list.

SUMMARY: Requires local awarding authorities to submit to the Department of Industrial Relations (DIR) and for DIR to post on its website, a list of contractors that are ineligible perform work on public works projects, pursuant to local debarment processes. Requires the list to contain the name of the contractor, the license number of the contractor, the jurisdiction where the debarment or suspension applies, and the effective period of debarment or suspension of the contractor.

STATUS: Approved by the Governor. Chaptered by Secretary of State - Chapter 465, Statutes of 2023.

AB 1649

AUTHOR: Kalra D

TITLE: Local Agency Public Construction Act: change orders: County of Santa Clara.

SUMMARY: allows, until January 1, 2027, the County of Santa Clara to increase the change order limits that do not require 4/5 county board of supervisor approval for construction contracts.

STATUS: Approved by the Governor. Chaptered by Secretary of State - Chapter 281, Statutes of 2023.

SB 27

AUTHOR: Durazo D

TITLE: University of California: vendors.

SUMMARY: Requires University of California (UC) vendors, including contractors, to make payroll information available to the UC, and any unions signatory to the UC. The bill exempts construction contractors signed to a valid CBA from having to comply with the bill.

STATUS: Approved by the Governor. Chaptered by Secretary of State. Chapter 480, Statutes of 2023.

SB 304

AUTHOR: Laird D

TITLE: Monterey-Salinas Transit District: public contracting.

SUMMARY: Increases the existing bid threshold for Monterey-Salinas Transit District to award contracts for the purchases of supplies, equipment, and materials from \$100,000 to \$150,000. Stipulates that "services" does not include public construction projects and architectural, landscape architectural, engineering, environmental, land surveying, or construction project management services.

STATUS: Approved by the Governor. Chaptered by Secretary of State. Chapter 107, Statutes of 2023.

SB 617

AUTHOR: Newman D

TITLE: Public contracts: progressive design-build: local and regional agencies: transit.

SUMMARY: Authorizes, until January 1, 2029, a transit district, municipal operator, consolidated agency, joint powers authority, regional transportation agency, or local or regional agency, to use the

progressive design-build process for up to 10 public works projects total, on projects over \$5,000,000.
STATUS: Approved by the Governor. Chaptered by Secretary of State. Chapter 310, Statutes of 2023.

SB 706

AUTHOR: Caballero D

TITLE: Public contracts: progressive design-build: local agencies.

SUMMARY: Expands local agency progressive design-build authority to any type of project, not just water projects.

STATUS: Approved by the Governor. Chaptered by Secretary of State. Chapter 500, Statutes of 2023.

Tax & Fee

AB 251

AUTHOR: Ward D

TITLE: California Transportation Commission: vehicle weight safety study.

SUMMARY: Requires the California Transportation Commission (CTC) to convene a task force to study the potential costs and benefits of imposing a passenger vehicle weight fee.

STATUS: Approved by the Governor. Chaptered by Secretary of State - Chapter 320, Statutes of 2023.

ACA 1

AUTHOR: Aguiar-Curry D

TITLE: Local government financing: affordable housing and public infrastructure: voter approval.

SUMMARY: Places an initiative on the November ballot to lower the voter threshold to 55% for local bond measures and sales taxes increases. This lower threshold would only apply when the bond or sales tax increase is proposed for the construction, reconstruction, rehabilitation, or replacement of public infrastructure and affordable housing.

STATUS: Chaptered by Secretary of State - Res. Chapter 173, Statutes of 2023.

Workers` Compensation

AB 489

AUTHOR: Calderon D

TITLE: Workers' compensation: disability payments.

SUMMARY: Extends, until January 1, 2025, an existing pilot program to allow workers' compensation temporary and permanent disability indemnity payments to be made using prepaid cards.

STATUS: Approved by the Governor. Chaptered by Secretary of State - Chapter 63, Statutes of 2023.