



# WACA 2017 Legislative Scorecard

WACA had another positive legislative session with our biggest win coming in the form of extending the 5% retention cap on public works projects. That policy is something we have fought hard for and extending it for another 5 years was a priority. We also brought home victories in the areas of protecting and expanding prevailing wage and improving the skilled and trained workforce requirements as we expand the footprint of that policy.

Below is a list of the key bills WACA took positions on this year and how we fared:

## Priority Bills WACA Sponsored or Supported

- ✔ **AB 92 – 5% Retention Cap on Public Works:** WACA sponsored legislation that extends, until January 1, 2023, the 5% cap on retention withholdings on California public works projects.
  - Status: Signed into law
- ✔ **AB 199 – Prevailing Wage on Redevelopment Successor Agency Projects:** Requires private residential projects built on private property, paid for in whole or in part out of public funds, and built pursuant to an agreement with a successor agency to a redevelopment agency to require the payment of prevailing wages.
  - Status: Signed into law
- ✔ **AB 591 – School Lease-Leaseback – Skilled and Trained Workforce:** Closes a loophole some school districts were using to circumvent the requirement that all contractors on school lease-leaseback projects utilize a skilled and trained workforce.
  - Status: Signed into law
- ✔ **AB 581 – Apprenticeship Funding:** Provides that any apprenticeship training program that is unable to demonstrate properly how grant funds were used or any program found misusing grant funds shall be ineligible to receive any future grants from the California Apprenticeship Council.
  - Status: Signed into law
- ✔ **AB 1223 – Construction Contract Payments: Internet Website Posting:** Requires, within 10 days of making a construction contract payment, a state agency that maintains an Internet website to post on its Internet website the project for which the payment was made, the name of the construction contractor or company paid, the date the payment was made, and the amount of the payment.
  - Status: Signed into law
- ✔ **AB 1424 – UC Best Value Contracting/Skilled and Trained Workforce:** Allows the University of California (UC) to use best value contracting for construction projects; and, when using best value contracting, requires prime contractors and all subcontractors to utilize a skilled and trained workforce.
  - Status: Signed into law

- ✔ **AB 1701 - Liability on Private Construction Projects:** Extends joint and several liabilities for prime contractors to privately funded construction projects. Much like on public works, prime contractors will be liable for unpaid wages and fringe benefit payments of their subcontractors. The law allows prime contractors to request relevant payroll records from subcontractors to limit their exposure and requires prime contractors to comply with all current prompt payment statutes.
  - Status: Signed into law
- ✔ **SB 35 – Streamlined Approval Process for Affordable Housing:** Creates a streamlined, ministerial approval process for infill developments in localities that have failed to meet their regional housing needs assessment numbers. Requires that projects built using this process are covered by prevailing wage and that larger projects must also be built by contractors utilizing a skilled and trained workforce.
  - Status: Signed into law
- ✔ **SB 418 – Changes to Skilled and Trained Workforce Definition:** Revises the definition of a “skilled and trained workforce” to allow for greater compliance by crafts that experienced issues with the policy, in doing so, paves the way for expansion of the policy.
  - Status: Signed into law

#### Priority Bills WACA Opposed or Amended

- ✘ **SB 63 – Protected Parental Leave:** Expands the requirement to provide non-compensated, but job protected parental leave from employers with 50 or more employees to employers with 20 or more employees.
  - Status: Signed into law
- ✘ **SB 496 – Design Professionals: Indemnity:** Leveraged into SB 1 (gas tax increase) by the sole republican and finale needed vote for that measure, this bill provides that a design professional would have no duty to defend claims against other persons or entities until the design professional's degree of fault was determined by a court.
  - Status: Signed into law
- ✔ **AB 262 - State Contracts: Bid Specifications: Buy Clean California Act:** Requires the Department of General Services (DGS) to establish standards to be used in bid specifications on state public works projects. The bid specifications would provide the allowable greenhouse gas emission standard (based on the manufacturing and transporting of the materials) for carbon steel rebar, flat glass, mineral wool insulation and structural steel that can be used on that project. Bill was amended at our request to move away from being a bid preference requiring the contractor to search for products to be eligible and placed the onerous on DGS to develop standards and compile lists for complying materials and make them part of the bid specs.
  - Status: Signed into law
- ✔ **SB 1008 - Criminal History Inquiry Restrictions:** Prohibits most public and private employers with at least five employees from asking job applicants about criminal convictions until after they have made a conditional offer of employment. We were successful in garnering amendments to the bill to ensure that the law does not apply to situations where state, federal, or local law either requires an employer to conduct criminal background checks or restricts employment based on criminal history.
  - Status: Signed into law