



Employment Training Panel

MEMORANDUM

To: Panel Members

Date: October 2020

cc: Reg Javier, Executive Director
Peter Cooper, Assistant Director

From: Michael A. Cable, Legal Counsel
Meghan McMahon, Legal Analyst

Subject: Legislative Update

The following bills are pending in the current 2018-19/19-20 legislative session that have a *potential* or *direct* impact on the Employment Training Panel (ETP) program:

BUDGET BILLS

- [AB 89: \(Ting\) Budget Act of 2020 \(2019-2020\)](#)

Summary: The Budget Act of 2020 made appropriations for the support of state government for the 2020–21 fiscal year.

This bill would amend the Budget Act of 2020 by amending items of appropriation and making other changes.

This bill would declare that it is to take effect immediately as a Budget Bill.

Status: 06/29/2020 A-Chaptered.

- [AB 1863: Budget Act of 2020](#)

Summary: This bill expresses the intent of the Legislature to enact statutory language to the Budget Act of 2020.

Status: Inactive Bill: 08/31/2020 S-Dead.

- [AB 1917: \(Ting\) Budget Act of 2020 \(2019-2020\)](#)

Summary: This bill would make appropriations for the support of state government for the 2020–21 fiscal year.

Status: Inactive Bill: 08/31/2020 A-Dead.

- [**SB 808: \(Mitchell\) Budget Act of 2020**](#)

Summary: This bill would make appropriations for the support of state government for the 2020–21 fiscal year.

Status: Inactive Bill: 08/31/2020 S-Dead.

ASSEMBLY BILLS

- [**AB 841: \(Ting\) Energy: transportation electrification: energy efficiency programs: School Energy Efficiency Stimulus Program**](#)

Summary: Current law requires the PUC, in consultation with the State Energy Resources Conservation and Development Commission and the State Air Resources Board, to direct electrical corporations to file applications for programs and investments to accelerate widespread transportation electrification to reduce dependence on petroleum, meet air quality standards, achieve the goals set forth in the Charge Ahead California Initiative, and reduce emissions of greenhouse gases to 40% below 1990 levels by 2030 and to 80% below 1990 levels by 2050. That law requires that the programs proposed by electrical corporations seek to minimize overall costs and maximize overall benefits. The PUC is required to approve, or modify and approve, programs and investments in transportation electrification, including those that deploy charging infrastructure, through a reasonable cost recovery mechanism, if they are consistent with the above-described purposes, do not unfairly compete with nonutility enterprises, include performance accountability measures, and are in the interests of ratepayers. This bill would require not less than 35% of the investments pursuant to these provisions to be in underserved communities, as defined.

Status: 09/30/2020 A-Chaptered.

- [**AB 1035 \(Ramos\) COVID-19 emergency; small business; immunity from civil liability**](#)

Summary: Existing law, the California Emergency Services Act, permits the Governor to proclaim a state of emergency during conditions of disaster or of extreme peril to the safety of persons and property, including epidemics. Existing law provides that the proclamation takes effect immediately, affords specified powers to the Governor, and terminates upon further proclamation by the Governor or by concurrent resolution of the Legislature. The Governor proclaimed a state of emergency March 4, 2020, related to the COVID-19 pandemic.

Existing law generally provides that everyone is responsible, not only for the result of their willful acts, but also for an injury occasioned to another by that person's want of ordinary care or skill in the management of their property or person, except as specified.

This bill would exempt a small business with 25 or fewer employees from liability for an injury or illness to a person due to coronavirus (COVID-19) based on a claim that the person contracted

COVID-19 while at that small business, or due to the actions of that small business. The bill would require the small business, for this exemption to apply, to have implemented and abided by all applicable state and local health laws, regulations, and protocols. The bill would not permit this exemption to apply if the injury or illness resulted from a grossly negligent act or omission, willful or wanton misconduct, or unlawful discrimination by the business or an employee of the business. The bill would apply these provisions only during the timeframe in which the state of emergency related to the COVID-19 pandemic is effective. The bill would repeal these provisions on January 1, 2023. The bill would include related legislative findings.

This bill would declare that it is to take effect immediately as an urgency statute.

Status: Inactive Bill: 08/31/2020 S-Dead.

- [AB 1457 \(Reyes & Cervantes\) Regional business training center network; pilot project](#)

Summary: Existing law establishes the Employment Training Panel within the Employment Development Department. Under existing law, the panel is charged with performing various duties, including establishing a 3-year plan based on the demand of employers for trained workers, changes in the state's economy and labor markets, and continuous reviews of the effectiveness of panel training contracts. This bill, upon appropriation by the Legislature, would require the Employment Training Panel to establish a pilot project to enhance the regionally focused statewide business training center network of community college contract education centers to partner with other assistance providers serving small businesses. The bill would authorize the pilot project to be guided through a partnership with the Employment Training Panel, including the California Community Colleges, the Governor's Office of Business and Economic Development, the Labor and Workforce Development Agency, and the California Workforce Development Board.

Status: 09/30/2020 A-Vetoed.

- [AB 1492 \(Horvath\) Employment; Telecommuting Act](#)

Summary: Current law regulates the wages, hours, and working conditions of any worker employed in any occupation, trade, or industry, whether compensation is measured by time, piece, or otherwise, except as specified. This bill, among other things, would authorize any nonexempt employee working from home who is not under the physical control of the employer to choose when to take any meal or rest period during the workday, if the employer has not already scheduled a meal or rest period within the requirements of the law. The bill would require an employer to only pay one additional hour of pay for each day that the employer fails to notify the employee of the employee's right to take a break or requires an employee to work without a meal or rest period.

Status: Inactive Bill: 08/18/2020 S-Dead.

- [AB 1731 \(Horvath\) Unemployment insurance: work sharing plans](#)

Summary: Current law provides for the payment of unemployment compensation benefits to eligible persons who are unemployed through no fault of their own. Current law deems an employee unemployed in any week if the employee works less than their usual weekly hours of work for the employee's regular employer as the result of the employer's participation in a work sharing plan that meets specified requirements and has been approved by the Director of Employment Development, pursuant to which the employer, in lieu of layoff, reduces employment and stabilizes the workforce. Current law requires an employer who wishes to participate in the work sharing program to submit to the director a signed, written work sharing plan application form that meets specified requirements. This bill, until January 1, 2024, would create an alternative process for the submission and approval of employer work sharing plan applications. The bill would require the Director of Employment Development to accept an application to participate in, or renew participation in, the work sharing program that is submitted electronically and would require the Employment Development Department to create a portal on its internet website for the provision and receipt of these applications.

Status: 09/29/2020 A-Chaptered.

- [AB 1839 \(Bonta\) Economic, environmental, and social recovery: California COVID-19 Recovery Deal](#)

Summary: Would enact the California COVID-19 Recovery Deal. The bill would make a series of legislative findings and declarations pertaining to the coronavirus (COVID-19) pandemic and various economic, environmental, and social conditions in the state. The bill would state the intent of the Legislature that the state adopt a policy framework with principles and goals committed to accomplish specified economic, environmental, and social objectives and priorities as part of the state's COVID-19 recovery spending. The bill would state that the Legislature establishes various spending rules for the COVID-19 recovery, including adopting spending measures that prohibit businesses, organizations, or agencies from accepting public funds for any long-term projects that prolong the emission of greenhouses gases or lead to the expansion of fossil fuel projects and ensuring that recovery spending includes specific measures for California populations and communities most negatively impacted by COVID-19.

Status: Inactive Bill: 05/29/2020 A-Dead.

- [AB 2669: \(Irwin\) Information security](#)

Summary: Current law establishes the Office of Information Security within the Department of Technology for the purpose of ensuring the confidentiality, integrity, and availability of state systems and applications and to promote and protect privacy as part of the development and operations of state systems and applications to ensure the trust of the residents of this state. The law requires an entity within the executive branch that is under the direct authority of the Governor to implement the policies and procedures issued by the office. The law additionally authorizes the office to conduct, or require to be conducted, an independent security assessment of every state agency, department, or office, as specified. The law authorizes the Military Department to perform

an independent security assessment of any state agency, department, or office. This bill would require state agencies not covered by the provisions described above to adopt and implement information security and privacy policies, standards, and procedures based upon standards issued by the National Institute of Standards and Technology and the Federal Information Processing Standards, as specified.

Status: Inactive Bill: 05/29/20 A-Dead.

- [**AB 2702: \(Burke\) Bioscience worker training initiative**](#)

Summary: Existing law establishes in state government the Labor and Workforce Development Agency in the Department of Industrial Relations to foster, promote, and develop the welfare of the wage earners of California and to advance their opportunities for profitable employment, among other duties. Under existing law, the agency consists of the Office of the Secretary of Labor and Workforce Development and the California Workforce Development Board, among others. This bill would require the office and the board to establish, in collaboration with the California Economic Strategy Panel, a bioscience worker training initiative for the purpose of making California workers more skilled in the competitive global biosciences manufacturing and science value chain, as defined. The bill would require the initiative to be conducted in partnership with specified sectors and entities, including the state's life science industry sector and the Employment Development Department, to develop a strategy to support regionally based workforce intermediaries to provide one-time trainings, retraining, and ongoing training in advanced scientific research and development.

Status: Inactive Bill: 05/29/20 A-Dead.

- [**AB 3307 \(Garcia\): California Manufacturing Emergency Preparedness Act of 2020**](#)

Summary: Would enact the California Manufacturing Emergency Preparedness Act of 2020, which would authorize I-Bank to establish the California Manufacturing Disaster Loan and Loan Guarantee Program for the purpose of attracting, retaining, retooling, establishing, and expanding manufacturing and logistics capacity in the state, and would require I-Bank to establish guidelines for the implementation and oversight of the program. The bill would prohibit I-Bank from commencing the program until it adopts a resolution finding that there is sufficient funding in the account to cover the costs of implementing the program and that the I-Bank has sufficient direction from the Director of the Office of Emergency Services, as provided.

Status: Inactive Bill: 08/31/2020 S-Dead.

SENATE BILLS

- [**SB 53 \(Wilk\) Open meetings**](#)

Summary: Would specify that the definition of "state body" includes an advisory board, advisory commission, advisory committee, advisory subcommittee, or similar multimember advisory body of a state body that consists of 3 or more individuals, as prescribed, except a board,

commission, committee, or similar multimember body on which a member of a body serves in their official capacity as a representative of that state body and that is supported, in whole or in part, by funds provided by the state body, whether the multimember body is organized and operated by the state body or by a private corporation.

Status: Inactive Bill: 08/31/2020 A-Dead.

- [**SB 315 \(Hertzberg\) Criminal procedure: COVID-19 Alternative Adjudication Program**](#)

Summary: Would establish the COVID-19 Alternative Adjudication Program. The bill would require a court to dismiss an accusatory pleading under the program if the defendant meets specified conditions including, among others, that 6 months have passed since the person was released from custody on the charge and the defendant or minor has not been charged with a misdemeanor or felony occurring after the charge at issue was filed, with specified exceptions. The bill would require a court dismissing a pleading pursuant to the program to determine whether restitution is owed to a victim as a result of an offense dismissed pursuant to the program, and would deem the arrest upon which the charges were based to have never occurred.

Status: Inactive Bill: 08/21/2020 A-Dead.

- [**SB 462 \(Stern\) Community colleges: Urban and Rural Forest and Woodlands Restoration and Fire Resiliency Workforce Program**](#)

Summary: Would require the Chancellor's Office of the California Community Colleges, working in collaboration with the Academic Senate for California Community Colleges, to develop a forest and woodlands restoration workforce model curriculum and vocational programs to be offered by community college districts commencing on or before July 31, 2021. The bill would require the chancellor's office to allocate funds appropriated for purposes of the bill to community college districts that offer the coursework in accordance with the model curriculum, as specified.

Status: Inactive Bill: 08/21/20 A-Dead.

- [**SB 729 \(Portantino\): Meal and rest breaks: remote work**](#)

Summary: The Labor Code Private Attorneys General Act of 2004 authorizes an aggrieved employee on behalf of the employee and other current or former employees to bring a civil action to recover specified civil penalties that would otherwise be assessed and collected by the Labor and Workforce Development Agency for the violation of certain provisions affecting employees. This bill would prohibit an employee from recovering civil penalties from an employer under the act for violations of provisions requiring the employer to provide meal and rest breaks, if the employee engaged in remote work as specified.

Status: Inactive Bill: 08/31/2020 A-Dead.

- [**SB 749 \(Senator Maria Elena Durazo\) California Public Records Act: trade secrets**](#)

Summary: Would provide that specified records of a private industry employer that are prepared, owned, used, or retained by a public agency are not trade secrets and are public records, including certain records relating to employment terms and conditions of employees working for a private industry employer pursuant to a contract with a public agency, records of compliance with local, state, or federal domestic content requirements, and records of a private industry employer's compliance with job creation, job quality, or job retention obligations contained in a contract or agreement with a state or local agency.

Status: Inactive Bill: 08/31/2020 A-Dead.

- [**SB 792: \(Committee on Labor, Public Employment and Retirement\) Employment Training Panel**](#)

Summary: Current law establishes the Employment Training Panel within the Employment Development Department and prescribes the functions and duties of the panel with respect to certain employment training programs. Current law relating to the panel references the superseded federal act and refers to the state and local boards by their former names. This bill would update statutory references in provisions relating to the panel to refer to the federal Workforce Innovation and Opportunity Act of 2014, the California Workforce Development Board, and local workforce development boards.

Status: Inactive Bill: 02/04/2020 – S-Dead.

- [**SB 1103 \(Hurtado\): Workforce training programs: Supportive services**](#)

Summary: Would require the California Workforce Development Board to establish and administer the Lifting Families Out of Poverty Supportive Services Program. The bill would require the board, upon appropriation by the Legislature for that purpose, to make \$25,000,000 in grants available to consortia, composed of combinations of local workforce development boards, community colleges, or other stakeholders, that apply for funding to provide supportive services, as defined, and are approved in accordance with the bill.

Status: Inactive Bill: 08/21/2020 A-Dead.

- [**SB 1348 \(Stern\): Fire prevention: vegetation management: public education: grants: defensible space: fire hazard severity zones: forest management**](#)

Summary: Would require the Director of Forestry and Fire Protection to identify areas of the state as moderate and high fire hazard severity zones and would require a local agency to make this information available for public review and comment, as provided. By expanding the responsibility of a local agency, the bill would impose a state-mandated local program.

Status: Inactive Bill: 08/31/2020 A-Dead.

CANNABIS RELATED BILLS

- **[AB 1525 \(Jones-Sawyer\) Cannabis: Financial institutions](#)**

Summary: Would provide that an entity, as defined, that receives deposits, extends credit, conducts fund transfers, transports cash or financial instruments, or provides other financial services, including public accounting, as provided, does not commit a crime under any California law solely by virtue of the fact that the person receiving the benefit of any of those services engages in commercial cannabis activity as a licensee. The bill would authorize a person licensed to engage in commercial cannabis activity to request, in writing, that a state or local licensing authority, state or local agency, or joint powers authority share the person's application, license, and other regulatory and financial information, as specified, with a financial institution of the person's designation and would require the request to include a waiver authorizing the transfer of that information and waiving any confidentiality or privilege that applies to that information.

Status: 09/29/2020 A-Chaptered.

- **[AB 1948 \(Bonta\) Taxation: Cannabis](#)**

Summary: AUMA requires the Legislative Analyst's Office to submit a report to the Legislature by January 1, 2020, with recommendations for adjustments to the tax rate to achieve the goals of undercutting illicit market prices and discouraging use by persons younger than 21 years of age while ensuring sufficient revenues are generated for specified programs. AUMA authorizes the Legislature to amend its provisions with a 2/3 vote of both houses to further its purposes and intent. This bill would reduce that excise tax rate to 11% on and after the operative date of this bill until July 1, 2023, at which time the excise tax rate would revert back to 15%. The bill would suspend the imposition of the cultivation tax on and after the operative date of this bill until July 1, 2023. The bill would require the bureau, the Department of Food and Agriculture, and the California Department of Tax and Fee Administration to provide the Legislature with reports measuring the success of this bill, as specified.

Status: Inactive Bill: 08/31/2020 A-Dead.

- **[SB 67 \(Senator Mark McGuire\) Cannabis: marketing: appellations of origin: county, city, or city and county of origin](#)**

Summary: Existing law, the Control, Regulate and Tax Adult Use of Marijuana Act (AUMA), approved by the voters at the November 8, 2016, statewide general election, regulates the cultivation, distribution, transport, storage, manufacturing, testing, processing, sale, and use of marijuana for nonmedical purposes by individuals 21 years of age and older. The Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), among other things, consolidates the licensure and regulation of commercial medicinal and adult-use cannabis activities. This bill would limit the approval of appellations of origin for cannabis unless it requires the practice of planting in the ground in the canopy area and excludes the practices of using structures and any artificial light in the canopy area. The bill would also require the department to establish standards by which a licensed cultivator may designate a city or city and county of origin for cannabis produced 100%

within the designated city or city and county. The bill would apply the same above-described prohibitions against misrepresentations related to the county of origin and the misleading use of county names to city or city and county origins and names.

Status: 09/29/2020 S-Chaptered.

PROPOSITIONS

- **Prop 14: Authorizes Bonds to Fund Stem Cell and Other Medical Research**
A YES vote on this measure means: The state could sell \$5.5 billion in general obligation bonds primarily for stem cell research and the development of new medical treatments in California.
A NO vote on this measure means: The state could not sell \$5.5 billion in general obligation bonds primarily for stem cell research and the development of new medical treatments in California.
- **Prop 15: Increases Funding for Public Schools, Community Colleges, and Local Government Services by Changing Tax Assessment of Commercial and Industrial Property (a/k/a Prop 13 for commercial/industrial property)**
A YES vote on this measure means: Property taxes on most commercial properties worth more than \$3 million would go up in order to provide new funding to local governments and schools.
A NO vote on this measure means: Property taxes on commercial properties would stay the same. Local governments and schools would not get new funding.
- **Prop 16: ACA 5 (Resolution Chapter 23). Government preferences. Affirmative Action**
A YES vote on this measure means: State and local entities could consider race, sex, color, ethnicity, and national origin in public education, public employment, and public contracting to the extent allowed under federal and state law.
A NO vote on this measure means: The current ban on the consideration of race, sex, color, ethnicity, and national origin in public education, public employment, and public contracting would remain in effect.
- **Prop 22: Changes Employment Classification Rules for App-Based Transportation and Delivery Drivers. A referendum on AB-5**
A YES vote on this measure means: App-based rideshare and delivery companies could hire drivers as independent contractors. Drivers could decide when, where, and how much to work but would not get standard benefits and protections that businesses must provide employees.
A NO vote on this measure means: App-based rideshare and delivery companies would have to hire drivers as employees if the courts say that a recent state law makes drivers employees. Drivers would have less choice about when, where, and how much to work but would get standard benefits and protections that businesses must provide employees.

- **Prop 24: Amends Consumer Privacy Laws**

A YES vote on this measure means: Existing consumer data privacy laws and rights would be expanded. Businesses required to meet privacy requirements would change. A new state agency and the state's Department of Justice would share responsibility for overseeing and enforcing state consumer privacy laws.

A NO vote on this measure means: Businesses would continue to be required to follow existing consumer data privacy laws. Consumers would continue to have existing data privacy rights. The state's Department of Justice would continue to oversee and enforce these laws.