



Employment Training Panel

# Memorandum

To: Panel Members  
From: Peter Cooper, Assistant Director  
Subject: LEGISLATIVE UPDATE

Date: November 1, 2019  
File:

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

**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 Current law relating to the panel references the superseded federal act and refers to the state and local boards by their former names.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:** 7/12/19 Failed Deadline pursuant to Rule 61(a) (11). (Last location was L., P.E. & R. on 6/19/2019)(May be acted upon Jan 2020)

**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:** 9/15/19 Failed Deadline pursuant to Rule 61(a)(15). (Last location was INACTIVE FILE on 9/13/2019)(May be acted upon Jan 2020)

**Assembly Bills:**

**AB 5 (Assembly Member Lorena Gonzalez) Independent Contractors**

**Summary:** Would state the intent of the Legislature to codify the decision in the Dynamex case and clarify its application. The bill would provide that the factors of the “ABC” test be applied in order to determine the status of a worker as an employee or independent contractor for all provisions of the Labor Code and the Unemployment Insurance Code, unless another definition or specification of “employee” is provided. The bill would exempt specified professions from these provisions and instead provide that the employment relationship test for those professions shall be governed by the test adopted in *S. G. Borello & Sons, Inc. v. Department of Industrial Relations* (1989) 48 Cal.3d 341 if certain requirements are met.

**Status:** 9/18/19 Approved by the Governor. Chaptered by Secretary of State - Chapter 296, Statutes of 2019.

**AB 23 (Assembly Member Autumn Burke) Workforce Training Programs**

**Summary:** Would establish a Deputy of Business and Workforce Coordination in the Office of Small Business Advocate, to be appointed by the Director of the Governor’s Office of Business and Economic Development. The bill would require the Office of Small Business Advocate to collaborate and coordinate with specified entities to determine the extent to which existing workforce development efforts and programs address the labor needs of small businesses across industry sectors and regions in the state and to engage industry and business on ways to better align career technical education courses, workforce training programs, and pre-apprenticeship and apprenticeship programs with regional and local labor market demand.

**Status:** 10/12/19 Vetoed by Governor.

**AB 594 (Assembly Member Rudy Salas) Artificial Intelligence**

**Summary:** Would, no later than January 1, 2021, require the Director of Technology to appoint a Chief Artificial Intelligence Officer within the Department of Technology to evaluate the uses of artificial intelligence in state government and to advise the Director of Technology on incorporating artificial intelligence into state information technology strategic plans, policies, standards, and enterprise architecture.

**Status:** 10/2/19 Vetoed by Governor.

### **AB 1459 (Assembly Member Joaquin Arambula) Apprenticeship: Grocery Industry**

**Summary:** Would require, by January 1, 2021, the Division of Labor Standards Enforcement to develop a certification program, as provided, for qualified grocery employees, as defined. The bill would require persons desiring to be certified to submit an application for certification and examination to the Division of Labor Standards Enforcement.

**Status:** 8/30/19 Failed Deadline pursuant to Rule 61(a) (12). (Last location was APPR. SUSPENSE FILE on 7/8/2019) (May be acted upon Jan 2020)

### **AB 1558 (Assembly Member James Ramos) Workforce Development Programs**

**Summary:** Current law provides for the establishment of apprenticeship programs in various trades, to be approved by the Chief of the Division of Apprenticeship Standards within the Department of Industrial Relations in any trade in the state or in a city or trade area whenever the apprentice training needs justify the establishment. This bill would require a school district or school to notify each apprenticeship program in the same county as the school district or school of a career or college fair it is planning to hold, as specified.

**Status:** 10/9/19 Vetoed by Governor.

### **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:** 8/30/19 August 30 hearing: Held in committee and under submission.

#### **SB 315 (Hertzberg) Governor’s Office of Business and Economic Development: opportunity zones: promise zones.**

**Summary:** Current law authorizes the Governor’s Office of Business and Economic Development to develop content on its internet website or through other mediums to be used for public dissemination, through outreach activities, in order to provide information and resources to inform the general public about place-based and other geographically targeted economic development programs, including California Promise Zones and California Opportunity Zones. Current law requires the Governor’s Office of Business and Economic Development to convene, at least annually, representatives from

various programs and agencies across the state and from various federal programs and agencies for the purpose of discussing how California can leverage Promise Zones and Opportunity Zones to meet state and local community and economic development needs. This bill, until January 1, 2025, would eliminate the duties of the Governor's Office of Business and Economic Development described above relating to California Promise Zones.

**Status:** 7/10/19 Failed Deadline pursuant to Rule 61(a)(10). (Last location was REV. & TAX on 7/1/2019)(May be acted upon Jan 2020)

### **SB 462 (Stern) Community colleges: Urban and Rural Forest and Woodlands Restoration**

**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:** 8/30/19 Failed Deadline pursuant to Rule 61(a)(12). (Last location was APPR. SUSPENSE FILE on 8/14/2019)(May be acted upon Jan 2020)

### **Cannabis Related Legislation:**

#### **AB 286 (Assembly Member Rob Bonta) Taxation: Cannabis**

**Summary:** The Control, Regulate and Tax Adult Use of Marijuana Act imposes duties on the Bureau of Cannabis Control in the Department of Consumer Affairs, the Department of Food and Agriculture, and the State Department of Public Health with respect to the creation, issuance, denial, suspension and revocation of commercial cannabis licenses, and imposes an excise tax commencing January 1, 2018, on the purchase of cannabis and cannabis products at the rate of 15% of the average market price of any retail sale by a cannabis retailer. Commencing January 1, 2018, AUMA also imposes a cultivation tax upon all cultivators on all harvested cannabis that enters the commercial market, at specified rates per dry-weight ounce of cannabis flowers and leaves. This bill would reduce that excise tax rate to 11% on and after the operative date of this bill until July 1, 2022, at which time the excise tax rate would revert back to 15%.

**Status:** 5/16/19 In committee: Held under submission.

#### **AB 404 (Assembly Member Mark Stone) Commercial Cannabis Activity: Testing Laboratories**

**Summary:** Current law prohibits cannabis and cannabis products from being sold unless a representative sample of the cannabis or cannabis products have been tested by a licensed testing laboratory. Current law requires, for each batch tested, that a testing laboratory issue a certificate of analysis for selected lots to report specified information, including whether the profile of the sample

conforms to the labeled contents of compounds. This bill would authorize a testing laboratory to amend a certificate of analysis under these provisions to correct minor errors, as defined by the Bureau of Cannabis Control.

**Status:** 10/12/19 Approved by the Governor. Chaptered by Secretary of State - Chapter 799, Statutes of 2019.

**AB 420 (Assembly Member Tom Lackey) The Cannabis Research Program**

**Summary:** If the Regents of the University of California accept the responsibility, current law requires the University of California to establish the California Cannabis Research Program, also sometimes referred to as the California Marijuana Research Program or the Center for Medicinal Cannabis Research, in order to develop and conduct studies intended to ascertain the general medical safety and efficacy of cannabis, among other duties. This bill would specify that the program is hosted by the Center for Medicinal Cannabis Research. The bill would authorize the program to cultivate cannabis for its use in research pursuant to applicable federal and state laws and regulations.

**Status:** 10/12/19 Approved by the Governor. Chaptered by Secretary of State - Chapter 802, Statutes of 2019.

**AB 639 (Assembly Member Cervantes) Commission on Workforce Impacts of Transitioning Seaports to a Lower Carbon Economy: scoping plan.**

**Summary:** Current law requires specified state agencies to prepare and submit to the Secretary for Environmental Protection specified information for inclusion in an annual greenhouse gas emission reduction report card, as specified. This bill, until January 1, 2025, would create the Task Force on Addressing Workforce Impacts of Transitioning Seaports to a Lower Carbon Economy with a specified membership in the California Environmental Protection Agency.

**Status:** 9/15/19 Failed Deadline pursuant to Rule 61(a)(15). (Last location was INACTIVE FILE on 9/5/2019)(May be acted upon Jan 2020)

**AB 1465 (Assembly Member Richard Bloom) Cannabis: consumption cafe/lounge license.**

**Summary:** Would create a new license, to be known as a consumption cafe/lounge license, which would authorize the retail sale to, and onsite consumption of cannabis or cannabis products by, adults 21 years of age or older, as provided. The bill would allow, for a specified period of time, a licensed cannabis retailer to apply for a consumption cafe/lounge designation that would authorize that licensee to sell cannabis and cannabis products for onsite consumption subject to specified restrictions.

**Status:** 5/16/19 In committee: Hearing postponed by committee.

### **SB 34 (Senator Scott Weiner) Cannabis: Donations**

**Summary:** Current administrative law prohibits a retailer licensee from providing free cannabis goods to any person or allowing individuals who are not employed by the retailer to provide free cannabis goods to any person on the licensed premises. Current administrative law provides an exception to this prohibition for specified medicinal retailer and microbusiness licensees to provide access to medicinal cannabis patients who have difficulty accessing medicinal cannabis goods, as specified. This bill, the Dennis Peron and Brownie Mary Act, would similarly authorize those specified licensees to provide free cannabis or cannabis products to a medicinal cannabis patient or the patient's primary caregiver if specified requirements are met, including that the cannabis or cannabis products otherwise meet specified requirements of MAUCRSA.

**Status:** 10/12/19 Approved by the Governor. Chaptered by Secretary of State. Chapter 837, Statutes of 2019.

### **SB 67 (Senator Mark McGuire) Cannabis: temporary licenses**

**Summary:** MAUCRSA, until January 1, 2020, authorizes a licensing authority to issue a provisional license to an applicant that holds, or held, a temporary license for the same premises and the same commercial cannabis activity, if specified conditions are met. Current law required the provisional license to be valid for 12 months and prohibits the provisional license from being renewed. This bill would, until September 15, 2019, revalidate an expired temporary license issued by the Department of Food and Agriculture, if the licensee submitted an application for an annual state license and application fees for the same premises and commercial cannabis activity for which the temporary license was issued, before the licensee's temporary license expiration date.

**Status:** 6/5/19 From committee: Do pass and re-refer to Com. on B. & P. (Ayes 8. Noes 0.) (June 5). Re-referred to Com. on B. & P.

### **SB 153 (Senator Scott Wilk) Industrial Hemp**

**Summary:** Would revise the provisions regulating the cultivation and testing of industrial hemp to conform with the requirements for a state plan under the federal Agricultural Marketing Act of 1946, as amended by the federal Agriculture Improvement Act of 2018, by, among other things, revising the definition of industrial hemp, expanding the registration requirements to apply to growers of industrial hemp for noncommercial as well as commercial purposes, imposing new requirements on the department and county agricultural commissioners for the handling and transmittal of registration information, imposing new testing requirements, providing new enforcement procedures, to be operative as of the effective date of an approved state plan, as defined, and imposing new conditions on eligibility to participate in the industrial hemp program, as defined.

**Status:** 10/12/19 Approved by the Governor. Chaptered by Secretary of State. Chapter 838, Statutes of 2019.

### **SB 185 (Senator Mike McGuire) Cannabis: Marketing**

**Summary:** MAUCRSA requires, not later than January 1, 2021, the Department of Food and Agriculture to establish a program for cannabis comparable to the National Organic Program and the California Organic Food and Farming Act. Current law requires the department to be the sole determiner of organic designation and certification, unless the National Organic Program authorizes organic designation and certification for cannabis, in which case the department's authority would become inoperative and would be repealed on the following January 1. This bill would require the department to establish the certification program in conjunction with the State Department of Public Health and would specify that the certification program be for cannabis and manufactured cannabis products.

**Status:** 10/12/19 Approved by the Governor. Chaptered by Secretary of State. Chapter 841, Statutes of 2019.

### **SB 203 (Senator Steven Bradford) Public Bank**

**Summary:** Current state and federal law define and regulate financial institutions, including banks. Current state law, the Financial Institutions Law, defines a "bank" as a banking institution that is incorporated to engage in commercial banking, industrial banking, or trust business. This bill would state the intent of the Legislature to enact legislation to create a public bank

**Status:** 2/13/19 Referred to Committee on RLS.