

LEGISLATIVE COMMITTEE UPDATE

Welcome!

Some might say that I'm a believer in our democratic style of policy making. I do believe in our system -- publicly elected officials creating our state's policy with the input of the public.



Todd Bloomstine

That input is very important because, despite what we may think, policy makers do not know everything. Given the complexities of our laws, the many industries working within them, and the judicial branch that constantly interprets them, policy makers need help in deciding the laws of our state.

This is why the rules in the legislature require 30 days after a bill is introduced before it can be heard in a committee. It is also why a committee can not meet unless four days of notice have been given. These policies help keep the legislature's actions transparent and open for the public.

But there is a small, yet serious, loophole in this practice. The rules allow, with a majority vote, for these requirements to be waived. When this happens, the legislature's majority can force bills through the process in a number of days and under the cover of darkness.

One poorly thought out construction bill received this special treatment with two weeks left in session. AB 520, which we discuss the merits of below, was removed of all its language and changed to address a completely new topic.

This practice, called a "gut and amend," is dreadful when it occurs at the end of session. The legislative process is usually a nine month or longer process. AB 520 was jammed through with two weeks remaining in session.

Why do this? The answer brings us full circle in this segment of our newsletter -- the author and sponsors don't want to be transparent and they don't want it to be open. The primary reason is because nine months is a lot of time for opponents to mount a campaign and lobby against the bill. So "gut and amend" proponents shorten the time and try to sneak it through the process using a host of majority vote rule waivers.

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We discuss what the bill proposed down below. But *spoiler alert* -- we were able to defeat the bill.

What can be done to change this practice? Proposition 54 will be on the November ballot and you'll be able to vote on it. The initiative mandates a minimum amount of transparency for legislation. We'll talk about it in our next newsletter.

Rumor Has It...

Treasurer John Chiang supports SB 1234, the measure that requires mandatory retirement contributions by private employees.



Fact Check...TRUE! Treasurer Chiang released a [statement](#), showing his support of the creation of the Secure Choice Program. Keep an eye on this....Treasurer Chiang will be responsible for managing the investments of those who are part of the Secure Choice Program.

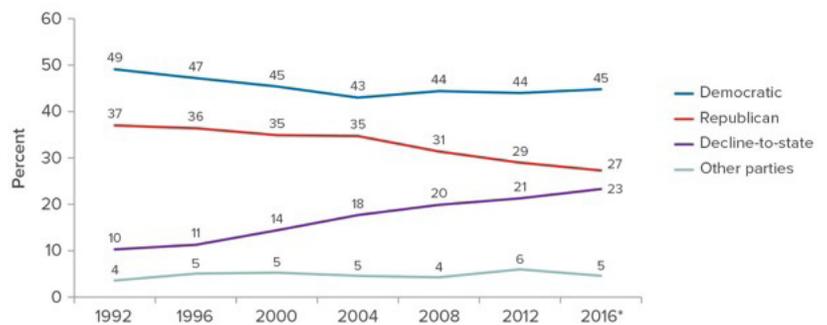
And that might very well be the reason for his support. This is another fund that the Treasurer can manage and administer. Just think how big this fund might be (for comparison's sake the California Teachers Retirement fund is valued at \$304 billion) and the influence that could come with managing a fund in the hundreds of billions of dollars. Yes, the board governing the Secure Choice Program is chaired by the Treasurer.

Voter Registration Shifts Dramatically

As you can see by the graph below, Republican registration has dramatically declined over the years. Republican registration is nearly equal to that of those who are registered as declined to state voters. While we have been seeing this trend develop over that last several years, the registration gap between Republican and decline to state voters is basically non-existent. Ultimately, we will see this reflected in the political makeup of the Legislature. This will directly result in fewer and fewer Republicans that support traditional pro-business, small government policies.

You can read more about the information provided by the Public Policy Institute of California by clicking [here](#).

Party registration in presidential election years



Note: Numbers may not add to 100% due to rounding.

*Prior to June primary. All other years, prior to November general election.

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Dig Alert: Nebraska Business Fire Possibly Caused by Striking an Unmarked Utility Line

A local business was gutted by fire when a gas line was struck during construction at a Omaha, Nebraska business. Ten days prior to the fire, the local construction company had followed protocol and requested that the local utilities refresh the ground marking for the infrastructure. Early investigations indicate that all utilities but one, Metropolitan Utility District, who was responsible for the gas line that was struck, showed up to mark their underground infrastructure.

According to reporters, "MUD's failure to revisit the site also raises other questions about the process that contractors digging near potentially hazardous underground lines must follow to alert utilities of their digging — and the laws surrounding the utilities' response."

The report goes on to discuss the many gray areas businesses and utilities face when complying with the local dig alert laws, including the possibility that the line was mis-marked 4 months prior to this request.

This underscores the challenges of dig alert laws in California and throughout the nation. With the successful passage of SB 661 by Senator Jerry Hill (D-San Mateo) that creates a new dig alert board, hopefully any policy issues such as the one experienced in Nebraska can be worked on through the regulatory process before an incident occurs.

Read more about the Nebraska incident [here](#).

California Dig Alert Bill SB 661 Passes Intact

California's dig alert bill passes the Legislature intact with an additional amendment to improve excavation tickets. This amendment creates a "continual excavation ticket" which lasts for one year. This allows work to continue without interruption while also ensuring that underground utilities are clearly marked to ensure safety.

This new language was added to placate agriculture interests, but there may be wider application for large-scale interests like housing developments that requires some continual excavation for long periods of time.

SB 661 heads to the governor to await his signature. SCCA is supportive of the bill.

Transportation Funding Bill Amended to Now Include \$7.3 Billion in Funding

Senator Jim Beall's bill SBX1 1 was amended to include \$7.3 Billion in funding for transportation projects throughout the state. According to a statement from Senator Beall's office, "his proposal ensures every driver who uses the road contributes their fair share toward maintenance; increases funding for mass transit; and shifts existing weight fees back to their original purpose for road upkeep."

Beall continues to work with Assemblyman Jim Frazier, chairman of the Assembly Committee on Transportation, on this measure; including a companion measure introduced in the Assembly - ABX1 26.

The political and legislative landscape still points to our best bet for a full transportation funding overhaul is a lame duck special session.

Last Minute "Gut & Amend" Surprise at the End of Legislative Session

In the closing days of the legislative session, there was a last minute "gut and amend" that would affect the construction industry. This happened with Assembly Bill 520 by Assemblymembers Levine (D-Marin).

The new AB 520 would have applied to corrosion prevention and removal work. It would have required the worker performing the work to be certified as a Society for Protective Coating Level 2 Corrosion Application Specialist. This finishing society has strong ties to the painters union.

SCCA's concern with AB 520 was based upon historical shortcomings of other certification requirements for workers. These programs have consistently underperformed leaving a skilled worker shortage. The biggest example is the shortage created by the crane operator certification program.

It is interesting to note that the bill requires union workers be certified by a society supported, and possibly created, by the painters union. For example, a laborer incidentally applying anti-corrosion material on an infrastructure job are not only trained by their own union, but, under AB 520, must be certified by the coatings society as well. That's just, well, awkward.

SCCA joined with our labor allies to oppose the bill.

Thankfully, despite this bill being functionally introduced with two weeks of session remaining, AB 520's author decided against pursuing the bill at the very last night of session.

Legislative Update: Assembly Bill 626 Passes Legislature

We've discussed this measure before here in the newsletter. AB 626 provides a prescribed timeline for disputed claims to be responded to by local agencies. This allows clarity, accountability and consistency when resolving disputed claims.

This bill is currently awaiting the Governor's signature.



Need to talk to us?
We're listening....

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