



CSFC Legal Update November 2023

Newly Chaptered Legislation

- AB 334 (Rubio, Blanca D) Public contracts: conflicts of interest.**
Status: 9/30/2023-Approved by the Governor. Chaptered by Secretary of State - Chapter 263, Statutes of 2023.
Summary: Current law prohibits members of the Legislature and state, county, district, judicial district, and city officers or employees from being financially interested in any contract made by them in their official capacity, or by any body or board of which they are members. Current law authorizes the Fair Political Practices Commission to commence an administrative or civil action against persons who violate this prohibition, as prescribed, and includes provisions for the collection of penalties after the time for judicial review of a commission order or decision has lapsed, or if all means of judicial review of the order or decision have been exhausted. Current law identifies certain remote interests in contracts that are not subject to this prohibition and other situations in which an official is not deemed to be financially interested in a contract. Current law makes a willful violation of this prohibition a crime. This bill would establish that an independent contractor, who meets specified requirements, is not an officer for purposes of being subject to the prohibition on being financially interested in a contract. The bill would authorize a public agency to enter into a contract with an independent contractor who is an officer for a later phase of the same project if the independent contractor did not engage in or advise on, as specified, the making of the subsequent contract. This bill would establish that a person who acts in good faith reliance on these provisions is not in violation of the above-described conflict-of-interest prohibitions and would prohibit them from being subject to criminal, civil, or administrative enforcement under those prohibitions if the initial contract includes specified language and the independent contractor is not in breach of those terms.
- AB 520 (Santiago D) Employment: public entities.**
Status: 10/10/2023-Approved by the Governor. Chaptered by Secretary of State - Chapter 656, Statutes of 2023.
Summary: Current law authorizes the Labor Commissioner to investigate employee complaints and to provide for a hearing in any action to recover wages, penalties, and other demands for compensation. Under existing law, any individual or business entity that contracts for services in the property services or long-term care industries is jointly and severally liable for any unpaid wages, including interest, where the individual or business entity has been provided notice, by any party, of any proceeding or investigation by the Labor Commissioner in which the employer is found liable for those unpaid wages, to the extent the amounts are for services performed under that contract, as provided, and except as specified. This bill would additionally provide that any public entity, defined as a city, county, city and county, district, public authority, public agency, and any other political subdivision or public corporation in the state, is jointly and severally liable for any unpaid wages, as provided in the above paragraph.
- AB 579 (Ting D) Schoolbuses: zero-emission vehicles.**
Status: 10/8/2023-Approved by the Governor. Chaptered by Secretary of State - Chapter 445, Statutes of 2023.
Summary: Would require, commencing January 1, 2035, 100% of all newly purchased or contracted schoolbuses of a school district, county office of education, or charter school to be zero-emission vehicles, where feasible. The bill would, in order to comply with that requirement, authorize local educational agencies, as defined, to request a one-time extension for a term not to exceed 5 years if a local educational agency determines that the purchase or contracting of a zero-emission schoolbus is not feasible due to both terrain and route constraints, provided that certain conditions are met. The bill would also, commencing January 1, 2040, authorize frontier local educational agencies, as defined, to apply for annual extensions, through January 1, 2045, to that requirement, if the frontier local educational agency determines that the purchase or contracting of a zero-emission schoolbus is not

feasible due to both terrain and route constraints, provided that certain conditions are met. To the extent this requirement imposes additional duties on local educational agencies in connection with federally required pupil transportation services that go beyond the requirements in federal law, the bill would impose a state-mandated local program.

AB 1078 (Jackson D) Instructional materials and curriculum: diversity.

Status: 9/25/2023-Approved by the Governor. Chaptered by Secretary of State - Chapter 229, Statutes of 2023.

Summary: The Safe Place to Learn Act requires the State Department of Education, as part of its regular monitoring and review of a local educational agency, to assess whether the local educational agency has, among other things, adopted a policy that prohibits discrimination, harassment, intimidation, and bullying based on specified protected characteristics. This bill would require that policy to include a statement that the policy applies to all acts of the governing board or body of the local educational agency, the superintendent of the school district, and the county superintendent of schools in enacting policies and procedures that govern the local educational agency.

AB 1121 (Haney D) Public works: ineligibility list.

Status: 10/8/2023-Approved by the Governor. Chaptered by Secretary of State - Chapter 465, Statutes of 2023.

Summary: Current law generally requires a contractor or subcontractor to be registered with the Department of Industrial Relations to be qualified to bid on, be listed in a bid proposal, or engage in the performance of any public works contract. Current law requires a contractor or subcontractor to meet specific conditions to qualify for this registration. Existing law requires the Department of Industrial Relations to maintain on its internet website a list of contractors that are currently registered to perform public work. This bill would require awarding authorities to annually submit to the Department of Industrial Relations' electronic project registration database a list of ineligible contractors, as specified, pursuant to local debarment or suspension processes. This bill would require the department to make the list available to the public through the electronic database.

AB 1433 (Rendon D) Public contracts: school facility projects.

Status: 10/8/2023-Approved by the Governor. Chaptered by Secretary of State - Chapter 581, Statutes of 2023.

Summary: Current law requires a prospective bidder for a construction contract for certain school facility projects to submit a prequalification questionnaire and financial statement, under oath, as part of the bidding process, and requires each prospective bidder to submit a bid by completing and executing a standardized proposal form. That law applies these requirements only to public projects, as defined, for which the governing board of the school district uses funds received pursuant to specified law or from future state school bonds, as specified. This bill would extend the above-referenced requirements to public projects for which the governing board of the school district uses state general funds.

SB 10 (Cortese D) Pupil health: opioid overdose prevention and treatment: Melanie's Law.

Status: 10/13/2023-Approved by the Governor. Chaptered by Secretary of State. Chapter 856, Statutes of 2023.

Summary: Current law authorizes a public or private elementary or secondary school to determine whether or not to make emergency naloxone hydrochloride or another opioid antagonist and trained personnel available at its school, and to designate one or more volunteers to receive related training to address an opioid overdose, as specified. This bill would state the Legislature's encouragement of county offices of education to establish a County Working Group on Fentanyl Education in Schools, as provided, for the purposes of outreach, building awareness, and collaborating with local health agencies regarding fentanyl overdoses. The bill would require the State Department of Education to curate and maintain on its internet website, among other things, informational materials containing awareness and safety advice, for school staff, pupils, and parents or guardians of pupils, on how to prevent an opioid overdose. This bill contains other related provisions and other existing laws.

SB 706 (Caballero D) Public contracts: progressive design-build: local agencies.

Status: 10/8/2023-Approved by the Governor. Chaptered by Secretary of State. Chapter 500, Statutes of 2023.

Summary: Current law, until January 1, 2029, authorizes local agencies, defined as any city, county, city and county, or special district authorized by law to provide for the production, storage, supply, treatment, or distribution of any water from any source, to use the progressive design-build process for up to 15 public works projects in excess of \$5,000,000 for each project, similar to the progressive design-build process authorized for use by the Director of General Services. This bill would, until January 1, 2030, provide additional authority for cities, counties, cities and counties, or special districts to use the progressive design-build process for up to 10 public works in excess of \$5,000,000, not limited to water-related projects, excluding projects on state-owned or state-operated facilities. The bill would require information to be provided under penalty of perjury and would require similar reports due no later than December 31, 2028.

SB 760 (Newman D) School facilities: all-gender restrooms.

Status: 9/23/2023-Approved by the Governor. Chaptered by Secretary of State. Chapter 227, Statutes of 2023.

Summary: Current law requires every restroom of every public and private school maintaining any combination of classes from kindergarten to grade 12, inclusive, to be maintained and cleaned regularly, fully operational, and stocked at all times with toilet paper, soap, and paper towels or functional hand dryers, and kept open during school hours when pupils are not in classes. Current law requires that a sufficient number of restrooms be kept open during school hours when pupils are in classes. Current law authorizes a school to temporarily close a restroom as necessary for pupil safety or as necessary to repair the facility. This bill would revise the conditions under which a restroom is authorized to be temporarily closed to instead be as necessary (1) for a documented pupil safety concern, (2) for an immediate threat to pupil safety, or (3) to repair the facility. The bill would require, on or before July 1, 2026, each school district, county office of education, and charter school, including charter schools operating in a school district facility, maintaining any combination of classes from grades 1 to 12, inclusive, to provide and maintain at least one all-gender restroom for voluntary pupil use at each of its schoolsites that meet specified criteria. The bill would require the all-gender restroom to meet certain requirements, including, among other things, that it has signage identifying the bathroom facility as being open to all genders and is unlocked, unobstructed, and easily accessible by any pupil.