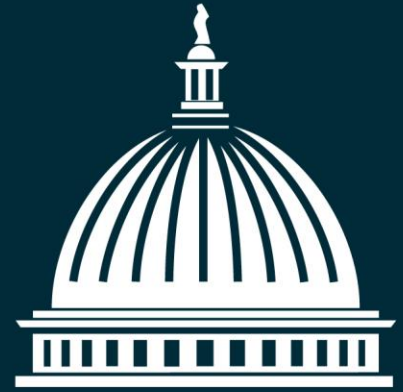


MONTHLY LEGISLATIVE REPORT

ESA



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MEMBERS-ONLY REPORT
STATE LEGISLATIVE
REPORT SEPTEMBER 2019

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State Legislative Report - September 2019

Last Updated: October 03, 2019

Executive Summary

California AB 5 is a widely discussed and publicized bill that poses significant potential issues on the definition of independent contractors. It will redefine most independent contractors into employees for determination of wages, benefits, and employer contributions.

It will apply the "ABC Test" standard established by the California Supreme Court in *Dynamex Operations West v Superior Court*. This ABC test would define an independent contractor from an employee with this three-pronged test:

(A) that the worker is free from the control and direction of the hirer in connection with the performance of the work, both under the contract for the performance of such work and in fact;

(B) that the worker performs work that is outside the usual course of the hiring entity's business; and

(C) that the worker is customarily engaged in an independently established trade, occupation, or business of the same nature as the work performed for the hiring entity.

This bill was designed to reign in the "gig economy" employers like Uber and Lyft, but its larger impact will be felt by many other industries, including electronic security companies. This bill was passed and signed into law on September 18th. It will become effective for most employers on January 1, 2020.

California SB 109 is the California budget bill and it will allocate \$5,000,000 for school safety and communications interoperability technology grants available to California K-12 schools, California Community Colleges, and schools in the California State University system. The bill was enacted into law on September 27, 2019.

Florida HB 23 and SB 70 are cited as "Alyssa's Law", which would require each public school building on the campus of a public elementary school, middle school, or high school to be equipped with at least one panic alarm, connected directly to designated law enforcement agency for use in non-fire emergencies, including active shooters. HB 23 was assigned to the PreK-12 Innovation Subcommittee on September 23, 2019.

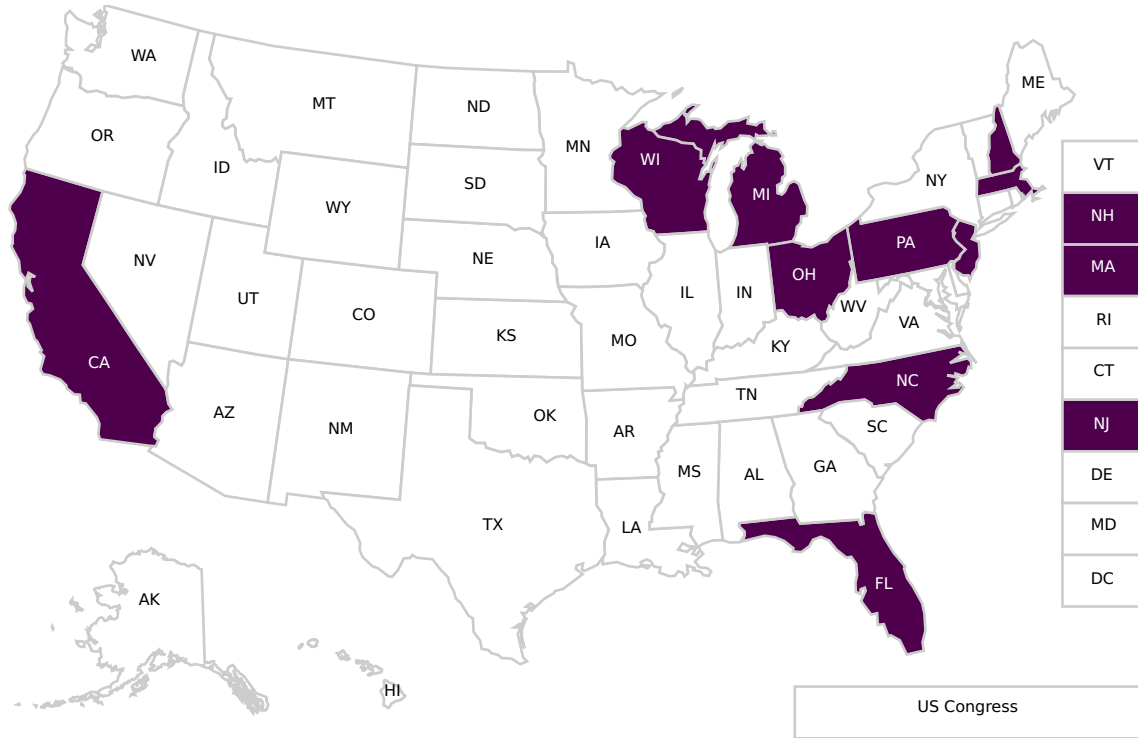
Massachusetts H 243 is a comprehensive consumer privacy bill that bars unauthorized access, use or sale of personal information and places numerous conditions and restrictions for companies that maintain any kind of consumers' personal information. It is scheduled for a hearing on October 7, 2019.

Massachusetts also has several "right to repair" bills that began moving in September. See the details in the body of the report for the actions on these specific bills.

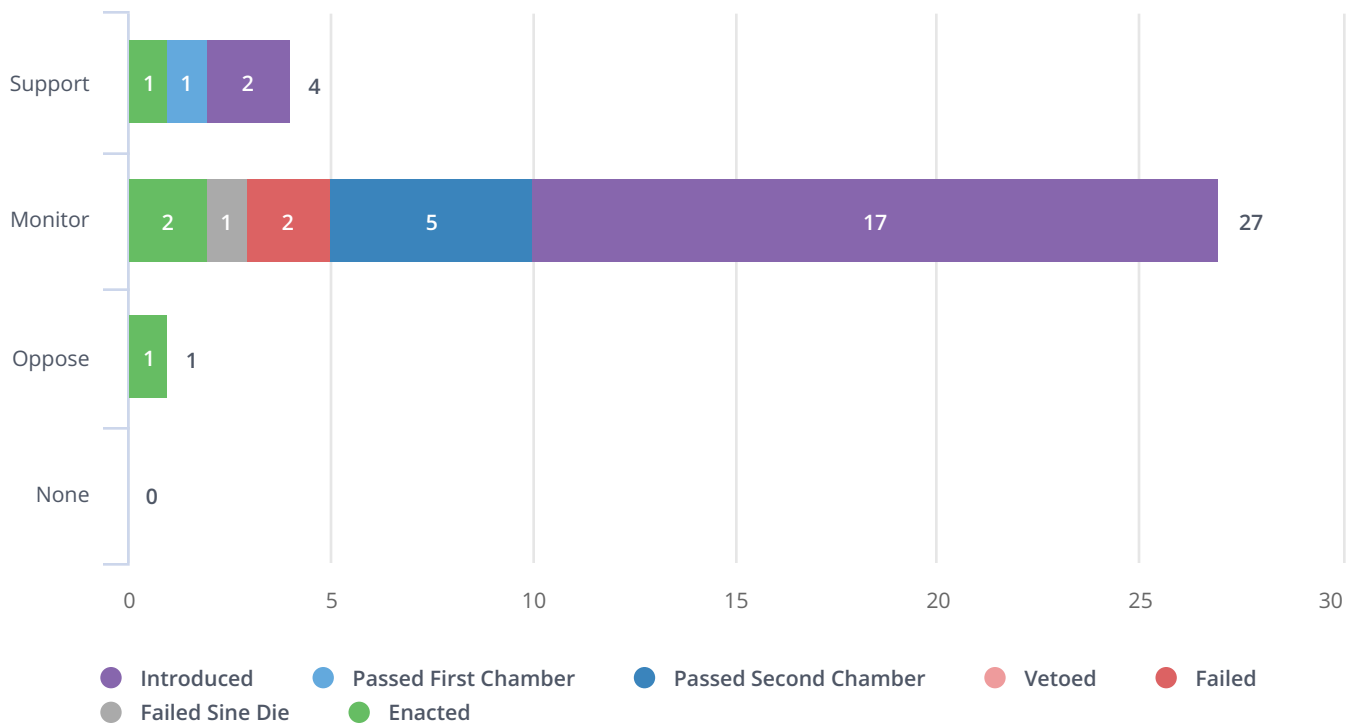
New Jersey S 4091 is similar to a bill supported by the electronic security industry (AB 5468) in that it provides for exemption of alarm installers and locksmiths from the apprenticeship requirements of the "Public Works Contractors Registration Act." However S 4091 is not limited to alarm installers. It would exempt any small business with 10 or fewer employees.

Pennsylvania SB 860 was introduced on September 19, 2019 and would require any employer with 4 or more employees to pay any employee no less than 12 weeks of paid leave for the birth of a child. No funding mechanism or insurance created in this bill. It is a strict employer paid leave provision.

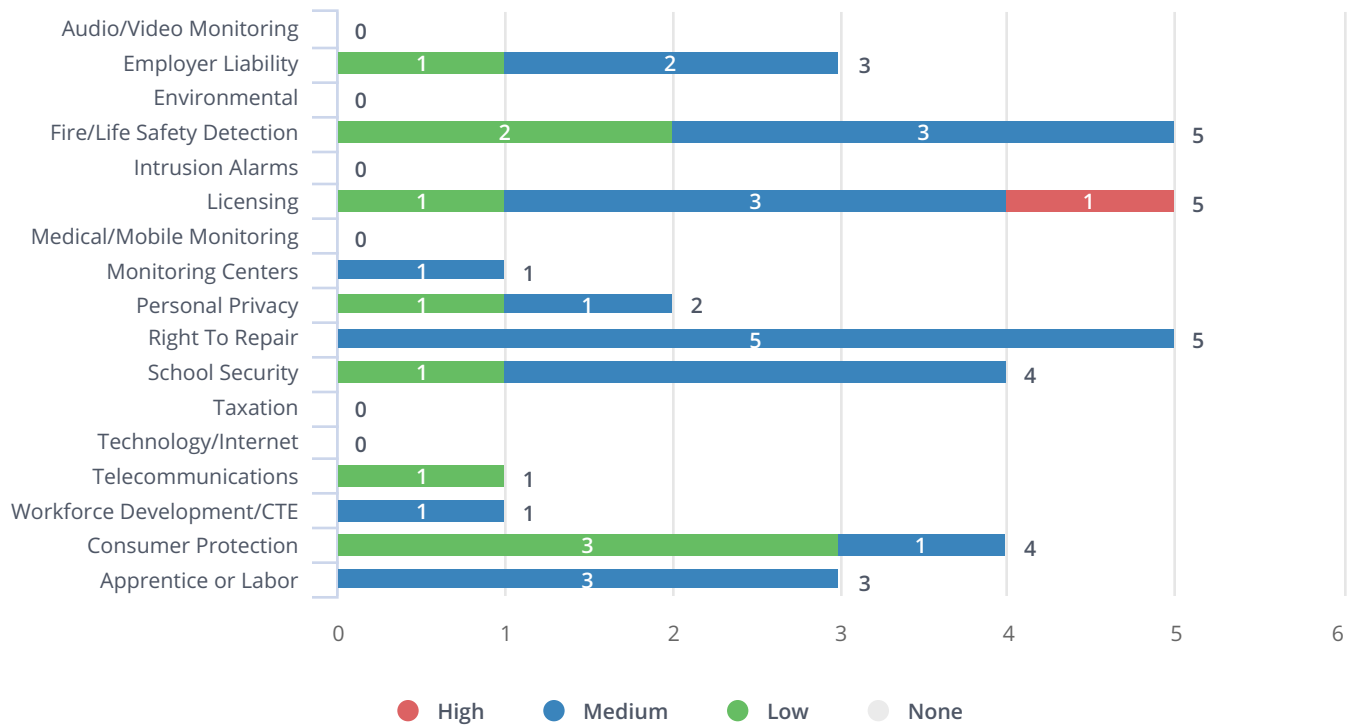
Bills by State



Bills by Last Status and Position



Bills by Issue and Priority



Bills by State

Bill State: CA (9)

| State | Bill Number | Last Action | Status | Position | Priority |
|-------|-------------|--|---------|----------|----------|
| CA | AB 5 | Chaptered By Secretary Of State Chapter 296 Statutes Of 2019 2019 09 18 | Enacted | Oppose | High |

Title

Worker status: employees and independent contractors.

Bill Summary: Last edited by Chris Heaton at Sep 16, 2019, 2:18 AM
 This bill poses significant potential issues on the definition of independent contractors and converts most into employees for determination of wages, benefits, and employer contributions. It would apply the "ABC Test" standard established by the California Supreme Court in Dynamex Operations West v Superior Court. This ABC test would define an independent contractor from an employee with this three-pronged test: (A) that the worker is free from the control and direction of the hirer in connection with the performance of the work, both under the contract for the performance of such work and in fact; (B) that the worker performs work that is outside the usual course of the hiring entity's business; and (C) that the worker is customarily engaged in an independently established trade, occupation, or business of the same nature as the work performed for the hiring entity.

| State | Bill Number | Last Action | Status | Position | Priority |
|-------|-------------|--|---------------|----------|----------|
| CA | AB 25 | Enrolled And Presented To The Governor At 4 P M 2019 09 26 | Passed Senate | Monitor | Low |

Title
California Consumer Privacy Act of 2018.

Bill Summary: Last edited by Chris Heaton at Mar 26, 2019, 6:08 PM
This bill would exclude from the definition of "consumer" a natural person whose personal information has been collected by a business in the course of a person acting as a job applicant or as an employee, contractor, or agent, on behalf of the business, to the extent their personal information is used for purposes compatible with the context of that person's activities for the business as a job applicant, employee, contractor, or agent of the business.

| State | Bill Number | Last Action | Status | Position | Priority |
|-------|-------------|---|---------------|----------|----------|
| CA | AB 476 | Enrolled And Presented To The Governor At 3 30 P M 2019 09 23 | Passed Senate | Monitor | Low |

Title
Department of Consumer Affairs: task force: foreign-trained professionals.

Bill Summary: Last edited by Chris Heaton at Feb 13, 2019, 9:07 PM
This bill would require the Department of Consumer Affairs to create a task force, as specified, to study and write a report of its findings and recommendations regarding the licensing of foreign-trained professionals with the goal of integrating foreign-trained professionals into the state's workforce, as specified. The bill would authorize the task force to hold hearings and invite testimony from experts and the public to gather information.

| State | Bill Number | Last Action | Status | Position | Priority |
|-------|-------------|---|---------------|----------|----------|
| CA | AB 874 | Enrolled And Presented To The Governor At 3 30 P M 2019 09 25 | Passed Senate | Monitor | Low |

Title
California Consumer Privacy Act of 2018.

Bill Summary: Last edited by Chris Heaton at Mar 27, 2019, 9:31 PM
The current consumer privacy act defines the term "publicly available" to mean information that is lawfully made available from federal, state, or local government records, if any conditions associated with that information. This bill would redefine "publicly available" to mean information that is lawfully made available from federal, state, or local records. The bill would delete language specifying the conditions in which that information is not "publicly available." The bill would, instead, provide that "personal information" does not include deidentified or aggregate consumer information.

| State | Bill Number | Last Action | Status | Position | Priority |
|-------|-------------|--|---------------|----------|----------|
| CA | AB 1355 | Enrolled And Presented To The Governor At 4 P M 2019 09 26 | Passed Senate | Monitor | Low |

Title
Personal information.

Bill Summary: Last edited by Chris Heaton at Feb 25, 2019, 9:13 PM
This bill would exclude consumer information that is deidentified or aggregate consumer information from the definition of personal information. The bill would also make nonsubstantive changes to the definition provisions

| State | Bill Number | Last Action | Status | Position | Priority |
|-------|-------------|---|-----------------|----------|----------|
| CA | AB 1366 | In Committee That The Measure Be Held In Committee Pursuant To Senate Rule 29 10 2019 09 11 | Failed sine die | Monitor | Low |

Title

Voice over Internet Protocol and Internet Protocol enabled communications services: Next Generation 911 emergency communications system: reporting requirements.

Bill Summary: Last edited by Chris Heaton at Mar 27, 2019, 5:03 PM Existing law, until January 1, 2020, prohibits the commission, a department, an agency, or a political subdivision of the state from regulating Voice over Internet Protocol and Internet Protocol enabled service, except as required or delegated by federal law or as expressly directed to do so by statute. This bill would extend indefinitely the qualified prohibition upon the commission, a department, an agency, or a political subdivision of the state regulating Voice over Internet Protocol and Internet Protocol enabled service, with the additional qualifications.

| State | Bill Number | Last Action | Status | Position | Priority |
|-------|-------------|---|---------------|----------|----------|
| CA | AB 1677 | Enrolled And Presented To The Governor At 3 30 P M 2019 09 25 | Passed Senate | Monitor | Medium |

Title

Call centers: protections.

Bill Summary: Last edited by Chris Heaton at Jun 25, 2019, 2:16 AM This bill would establish the Protect Call Center Jobs Act of 2019 to would require an employer of customer service employees in a call center, as specified, that intends to relocate from this state to a foreign country to notify the commissioner at least 120 days before the relocation. The bill would require the Labor Commissioner to impose, in the commissioner's discretion, one of two specified penalties, including a civil penalty of up to \$10,000, upon an employer that fails to provide this notice. This bill would require the Labor Commissioner to compile and publish a list of employers that provide the notice and make the list available to specified state entities. An employer that appears on the list would be ineligible to be awarded or have renewed state grants or state-guaranteed loans for 5 years after the date that the list is published and would be ineligible to claim tax credits for five taxable years beginning on and after the date that the list is published. This bill would prescribe restrictions on contracting for call center customer service work performed by a private entity for a state entity, agency, including that it be located in California. California, unless an exception applies. The bill would preclude withholding or denial of payments, compensation, or benefits under any other state law to workers based upon these provisions, as specified.

| State | Bill Number | Last Action | Status | Position | Priority |
|-------|-------------|---|---------|----------|----------|
| CA | SB 109 | Chaptered By Secretary Of State Chapter 363 Statutes Of 2019 2019 09 27 | Enacted | Monitor | Medium |

Title

Budget Act of 2019.

Bill Summary: Last edited by Chris Heaton at Oct 3, 2019, 9:08 PM This budget bill would allocate \$5,000,000 for school safety and communications interoperability technology grants available to California K-12 schools, California Community Colleges, and schools in the California State University system.

| State | Bill Number | Last Action | Status | Position | Priority |
|---------------------------------------|-------------|---|---------|----------|----------|
| CA | SB 234 | Chaptered By Secretary Of State Chapter 244 Statutes Of 2019 2019 09 05 | Enacted | Monitor | Low |
| <hr/> | | | | | |
| Title Family daycare homes. | | | | | |

Bill State: FL (3)

| State | Bill Number | Last Action | Status | Position | Priority |
|--|-------------|---|---|----------|----------|
| FL | HB 23 | Now In Prek 12 Innovation Subcommittee 2019 09 23 | In House | Monitor | Medium |
| <hr/> | | | | | |
| Title Panic Alarms in Public Schools | | | Bill Summary: Last edited by Chris Heaton at Aug 20, 2019, 2:21 AM This bill would require silent panic alarms to be installed and connected directly to law enforcement for non-fire emergencies, including active shooters. | | |

| State | Bill Number | Last Action | Status | Position | Priority |
|--|-------------|---|---|----------|----------|
| FL | HB 115 | Now In Business Professions Subcommittee 2019 09 23 | In House | Monitor | Medium |
| <hr/> | | | | | |
| Title Keep Our Graduates Working Act | | | Bill Summary: Last edited by Chris Heaton at Sep 16, 2019, 6:05 PM This bill would prohibit state authority from suspending or revoking person's professional license, certificate, registration, or permit solely on basis of delinquency or default in payment of his or her student loan | | |

| State | Bill Number | Last Action | Status | Position | Priority |
|--|-------------|------------------|---|----------|----------|
| FL | SB 356 | Filed 2019 09 20 | In Senate | Monitor | Medium |
| <hr/> | | | | | |
| Title Keep Our Graduates Working Act | | | Bill Summary: Last edited by Chris Heaton at Sep 23, 2019, 2:07 AM This bill would prohibit licensing boards from considering defaults on student loans for licensing or credentialing of applicants or for renewal of licenses or credentials. | | |

Bill State: MA (10)

| State | Bill Number | Last Action | Status | Position | Priority |
|-------|-------------|--|----------|----------|----------|
| MA | H 218 | Hearing Scheduled For 10 21 2019 From 01 00 Pm 04 00 Pm In Gardner Auditorium 2019 09 25 | In House | Monitor | Medium |

Title
An Act relative to the digital right to repair

Bill Summary: Last edited by Chris Heaton at Feb 27, 2019, 7:25 PM
This is a right to repair bill that requires manufacturers of digital electronic products to make available to independent repair facilities or owners of products manufactured by the manufacturer the same diagnostic and repair information, including repair technical updates, diagnostic software, service access passwords, updates and corrections to firmware, and related documentation, free of charge and in the same manner the manufacturer makes available to its authorized repair providers.

| State | Bill Number | Last Action | Status | Position | Priority |
|-------|-------------|---|----------|----------|----------|
| MA | H 243 | Hearing Rescheduled To 10 07 2019 From 01 00 Pm 04 00 Pm In Gardner Auditorium 2019 09 23 | In House | Monitor | Medium |

Title
An Act in protection of personal identity

Bill Summary: Last edited by Chris Heaton at Oct 3, 2019, 9:16 PM
A comprehensive consumer privacy bill that bars unauthorized access, use or sale of personal information and places numerous conditions and restrictions for companies that maintain any kind of consumers' personal information.

| State | Bill Number | Last Action | Status | Position | Priority |
|-------|-------------|---|----------|----------|----------|
| MA | H 2032 | Hearing Scheduled For 09 24 2019 From 10 00 Am 12 00 Pm In A 2 2019 09 16 | In House | Monitor | Medium |

Title
An Act requiring carbon monoxide alarms in all residential, governmental and commercial structures

Bill Summary: Last edited by Chris Heaton at Feb 27, 2019, 7:26 PM
This legislation would require carbon monoxide alarms in all residential, governmental and commercial structures

| State | Bill Number | Last Action | Status | Position | Priority |
|-------|-------------|---|----------|----------|----------|
| MA | H 2086 | Hearing Scheduled For 09 24 2019 From 10 00 Am 12 00 Pm In A 2 2019 09 16 | In House | Monitor | Low |

Title
An Act relative to fire protection systems for buildings and structures

Bill Summary: Last edited by Chris Heaton at Feb 27, 2019, 11:07 PM
Adds a definition for fire protection and life safety systems and incorporates the updated language into existing state fire code.

| State | Bill Number | Last Action | Status | Position | Priority |
|-------|-------------|---|----------|----------|----------|
| MA | HD 2435 | Hearing Scheduled For 09 24 2019 From 10 00 Am 12 00 Pm In A 2 2019 09 16 | In House | Monitor | Medium |

Title
An Act relative to fire protection systems for buildings and structures

Bill Summary: Last edited by Chris Heaton at Feb 4, 2019, 5:09 AM
A number of proposed additions and changes to state fire code are included in this bill. New definition is added for fire protection and life safety systems.

| State | Bill Number | Last Action | Status | Position | Priority |
|-------|-------------|---|----------|----------|----------|
| MA | HD 3190 | Hearing Scheduled For 09 24 2019 From 10 00 Am 12 00 Pm In A 2 2019 09 16 | In House | Monitor | Medium |

Title
An Act requiring carbon monoxide alarms in all residential, governmental and commercial structures

Bill Summary: Last edited by Chris Heaton at Feb 4, 2019, 5:20 AM
Would mandate carbon monoxide alarms in most structures.

| State | Bill Number | Last Action | Status | Position | Priority |
|-------|-------------|--|----------|----------|----------|
| MA | HD 3422 | Hearing Scheduled For 10 21 2019 From 01 00 Pm 04 00 Pm In Gardner Auditorium 2019 09 25 | In House | Monitor | Medium |

Title
An Act relative to the digital right to repair

Bill Summary: Last edited by Chris Heaton at Feb 4, 2019, 5:21 AM
Provides that original equipment manufacturers shall: (i) make available to any independent repair provider or owner of equipment manufactured by the original equipment manufacturer the same diagnostic and repair documentation in the same manner as that information is made available to the manufacturer's authorized repair providers.

| State | Bill Number | Last Action | Status | Position | Priority |
|-------|-------------|--|----------|----------|----------|
| MA | HD 4476 | Referred To The Committee On House Ways And Means 2019 09 09 | In House | Support | Medium |

Title
An Act making appropriations for fiscal year 2019 to provide for supplementing certain existing appropriations and for certain other activities and projects

Bill Summary: Last edited by Chris Heaton at Sep 16, 2019, 8:31 PM
This bill would allocate \$15 million in grants for retrofitting and upgrading school buildings with safety and security enhancements including, but not limited to, classroom door locks, security cameras or active shooter detection systems.

| State | Bill Number | Last Action | Status | Position | Priority |
|-------|-------------|--|-----------|----------|----------|
| MA | S 107 | Hearing Scheduled For 10 21 2019 From 01 00 Pm 04 00 Pm In Gardner Auditorium 2019 09 25 | In Senate | Monitor | Medium |

Title
An Act relative to the digital right to repair

Bill Summary: Last edited by Chris Heaton at Oct 1, 2019, 2:35 AM
A right to repair bill.

| State | Bill Number | Last Action | Status | Position | Priority |
|-------|-------------|--|-----------|----------|----------|
| MA | SD 1818 | Hearing Scheduled For 10 21 2019 From 01 00 Pm 04 00 Pm In Gardner Auditorium 2019 09 25 | In Senate | Monitor | Medium |

Title
An Act relative to the digital right to repair

Bill Summary: Last edited by Chris Heaton at Jan 22, 2019, 4:45 AM
Requires original equipment manufacturers of digital electronic devices to make diagnostic and repair information available to device owners and independent repair providers.

| State | Bill Number | Last Action | Status | Position | Priority |
|-------|-------------|--|----------|----------|----------|
| MI | HB 4631 | Bill Electronically Reproduced 05 21 2019 2019 09 17 | In House | Monitor | Medium |

Title
Labor; fair employment practices; disclosure of certain wage information upon request; require of employer. Amends sec. 13a of 1978 PA 390 (MCL 408.483a).

Bill Summary: Last edited by Chris Heaton at May 23, 2019, 7:31 PM
This bill would require employers to provide employees with the pay and other fringe benefits of other similarly situated employees upon request by an employee.

Bill State: NC (1)

| State | Bill Number | Last Action | Status | Position | Priority |
|-------|-------------|---------------------------|---------|----------|----------|
| NC | SB 600 | Ch SI 2019 214 2019 09 04 | Enacted | Support | Medium |

Title
Vets Children/Short-Term Workforce Training.

Bill Summary: Last edited by Chris Heaton at Aug 20, 2019, 2:29 AM
One section in this bill would allow certain scholarship funds to be used for short-term workforce training courses leading to an industry credential.

Bill State: NH (3)

| State | Bill Number | Last Action | Status | Position | Priority |
|-------|-------------|--|----------|----------|----------|
| NH | HB 462 | Subcommittee Work Session 10 01 2019 01 00 Pm Lob 302 2019 09 20 | In House | Monitor | Medium |

Title
relative to digital electronic product repair.

Bill Summary: Last edited by Chris Heaton at Jan 15, 2019, 4:56 AM
This is a "right to repair" bill that would require manufacturers to provide proprietary information to independent repair facilities.

| State | Bill Number | Last Action | Status | Position | Priority |
|-------|-------------|--|--------|----------|----------|
| NH | SB 1 | Notwithstanding The Governors Veto Shall Sb 1 Become Law Rc 14 Y 10 N Veto Sustained Lacking The Necessary Two Thirds Vote 09 19 2019 Sj 22 2019 09 19 | Failed | Monitor | Medium |

Title
relative to family and medical leave.

Bill Summary: Last edited by Chris Heaton at Jan 28, 2019, 4:22 AM
This bill established a paid family and medical leave insurance program.

| State | Bill Number | Last Action | Status | Position | Priority |
|-------|-------------|--|--------|----------|----------|
| NH | SB 271 | Notwithstanding The Governors Veto Shall Sb 271 Become Law Rc 14 Y 10 N Veto Sustained Lacking The Necessary Two Thirds Vote 09 19 2019 Sj 22 2019 09 19 | Failed | Monitor | Medium |

Title
relative to requiring prevailing wages on state-funded public works projects.

Bill Summary: Last edited by Chris Heaton at Mar 8, 2019, 9:04 PM
This bill requires prevailing wage rates for workers engaged in public work projects. It currently exempts workers in recognized apprenticeship programs who have wages determined through labor agreements. Monitor for amendments to expand.

Bill State: NJ (1)

| State | Bill Number | Last Action | Status | Position | Priority |
|-------|-------------|--|-----------|----------|----------|
| NJ | S 4091 | Introduced In The Senate Referred To Senate Labor Committee 2019 09 10 | In Senate | Support | Medium |

Title

Exempts small businesses from apprenticeship requirement under "The Public Works Contractor Registration Act.

Bill Summary:

Last edited by Chris Heaton at Sep 11, 2019, 5:02 PM
This bill exempts small businesses that register under "The Public Works Contractor Registration Act," to bid on public works projects from the requirement that they participate in a registered apprenticeship program. Under current law, all contractors are required to participate in a registered apprenticeship program under "The Public Works Contractor Registration Act" to be eligible for public works contracts. The bill defines "small business" as any employer who employed 10 or fewer workers for every working day during each of a majority of the calendar workweeks in the current calendar year and 10 or fewer workers for every working day during not less than 48 calendar workweeks in the preceding calendar year, except that, if the employer was newly established during the preceding calendar year, the employer will be regarded as a "small business" if the employer employed 10 or fewer workers for every working day during all of the weeks of that year, and during a majority of the calendar workweeks in the current calendar year, and, if the employer is newly established during the current calendar year, the employer will be regarded as a "small business" if the employer employed 10 or fewer workers for every working day during a majority of the calendar workweeks in the current calendar year.

Bill State: OH (1)

| State | Bill Number | Last Action | Status | Position | Priority |
|-------|-------------|---|-----------|----------|----------|
| OH | HB 133 | Refer To Committee Transportation Commerce And Workforce 2019 09 11 | In Senate | Support | Medium |

Title

Issue temporary occupational license if in Ohio for active duty

Bill Summary:

Last edited by Chris Heaton at Mar 19, 2019, 3:47 AM
This bill would require state occupational licensing agencies, under certain circumstances, to issue temporary licenses or certificates to members of the military and spouses who are licensed in another jurisdiction and have moved to Ohio for active duty

Bill State: PA (2)

| State | Bill Number | Last Action | Status | Position | Priority |
|-------|-------------|------------------------------|----------|----------|----------|
| PA | HB 1423 | Laid On The Table 2019 09 17 | In House | Monitor | Low |

Title

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in school safety and security, further providing for school safety and security training; providing for threat assessment; and, in school health services, further providing for confidentiality, transference and removal of health records.

Bill Summary:

Last edited by Chris Heaton at May 7, 2019, 2:44 PM
This bill provides for threat assessment in school security. No further information available as text is being revised.

| State | Bill Number | Last Action | Status | Position | Priority |
|-------|-------------|---|-----------|----------|----------|
| PA | SB 860 | Referred To Labor And Industry 2019 09 19 | In Senate | Monitor | Medium |

Title

An Act providing for paid family and medical leave for eligible employees under certain circumstances and for regulations by the Department of Labor and Industry.

Bill Summary: Last edited by Chris Heaton at Sep 23, 2019, 3:00 AM
This bill would require any employer with 4 or more employees to pay any employee no less than 12 weeks of paid leave for the birth of a child . No funding mechanism or insurance created in this bill. It is a strict employer paid leave provision.

Bill State: WI (1)

| State | Bill Number | Last Action | Status | Position | Priority |
|-------|-------------|-------------------------------------|-----------|----------|----------|
| WI | SB 34 | Available For Scheduling 2019 09 25 | In Senate | Monitor | Low |

Title

creating a procedure for granting certificates of qualification for employment for persons convicted of a crime and making an appropriation. (FE)

Bill Summary: Last edited by Chris Heaton at Feb 27, 2019, 2:20 AM
This bill creates the Council on Offender Employment, which may issue a certificate of qualification for employment (CQE) that grants relief to the person from ineligibility for or disadvantage related to employment, occupational licensing, or occupational certification.

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