

BOARD OF SUPERVISORS

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July 31, 2025

The Honorable Anna Caballero
Chair, Senate Appropriations Committee
State Capitol, Room 412
Sacramento, CA 95814

Re: AB 538 (Berman), Public works payroll records – OPPOSE

Dear Senator Caballero,

I am writing on behalf of the Kern County Board of Supervisors to express our concerns with AB 538 (Berman), which would impose unnecessary, costly, and duplicative administrative burdens on local governments without giving them the authority or resources to carry out these new responsibilities.

Under current law, public works contractors and subcontractors are required to maintain and provide certified payroll records upon request. Enforcement of those requirements lies with the Division of Labor Standards Enforcement (DLSE), not local governments. AB 538 would inappropriately shift that burden to local agencies, requiring them to seek out payroll records they may not possess, without providing any enforcement authority to ensure contractor compliance.

This bill sets up local agencies to fail. It assigns new responsibilities but withholds the tools to do the job. If a contractor refuses to provide records, local governments have no mechanism to compel compliance. Only DLSE holds that authority, yet the bill is silent on requiring DLSE to act when contractors do not respond.

In addition, the bill's claim that it does not create a reimbursable state mandate is both misleading and legally questionable. AB 538 mandates new activities by local governments such as requesting, redacting, and distributing payroll records. These activities incur real costs. The assertion that these costs are exempt from reimbursement under Government Code Section 17556(g) is constitutionally flawed. Article XIII B, Section 6 of the California Constitution only exempts changes related to crimes or criminal penalties, not administrative procedures like those proposed in this bill.

Counties like Kern are already stretched thin, managing increasing state mandates, emergency response needs, and uncertainty in federal funding. AB 538 would add another unfunded,

time-consuming burden to our local operations, without any clear public benefit.
In short, this bill:

- Shifts state enforcement duties onto local governments without authority to enforce them
- Imposes new, unreimbursed costs on local agencies
- Relies on legally questionable reasoning to avoid state responsibility
- Adds bureaucracy without improving outcomes

For these reasons, the Kern County Board of Supervisors respectfully requests that you vote **NO on AB 538**.

Sincerely,

A handwritten signature in black ink, appearing to be 'Leticia Perez', with a stylized, cursive script.

Leticia Perez, Chair
Kern County Board of Supervisors

cc: Honorable Members, Senate Appropriations Committee
Honorable Members, Kern Legislative Delegation
Kern County Public Works Department
Shaw Yoder Antwih Schmelzer & Lange