

ALERT

VOLUME 38, NUMBER 22 • JULY 13, 2012



Opposition Stops Proposal Jeopardizing Arbitration



A California Chamber of Commerce-opposed “job killer” bill that created uncertainty for businesses regarding the enforceability of arbitration agreements

failed to pass the Assembly Judiciary Committee last week.

SB 491 (Evans; D-Santa Rosa) would have dramatically increased litigation costs by encouraging more class actions and potentially pushing more cases into the courts.

SB 491 was another attempt to undermine arbitration and was substantially broader than last year’s AB 1062 (Dickinson; D-Sacramento), which would have weakened the enforcement of arbitration agreements by limiting appeals. AB 1062 was voted down by the Senate.

Attempt to Circumvent Court

Businesses use arbitration agreements in a wide variety of contracts as a way to control litigation costs and preserve business resources for other important purposes, including paying workers.

SB 491 jeopardized the entire arbitration agreement by striking or invalidating one of the most substantive provisions: the class action waiver.

The U.S. Supreme Court held in *AT&T Mobility LLC v. Concepcion*, 131 S.Ct. 1740 (2011), that the Federal Arbitration Act (FAA) prohibits states from conditioning the enforceability of an arbitration agreement on the availability of classwide arbitration procedures, as such a requirement would be inconsistent with the intent of the FAA.

The court struck down California’s rule on the grounds that such a rule “interferes with arbitration” to an extent not tolerated by the FAA.

SB 491 would have run afoul of the court’s ruling because, while seeming to apply neutrally to all standardized contracts, it established a state rule invalidating a clause that can arise only in an arbitration setting. Based on the Supreme Court’s decision, it is almost certain that SB 491 would have been struck down as unlawful.

Court Burden

If SB 491 had gone into effect, there were two potential outcomes:

- the company is forced to go through class action arbitration as it cannot include a class action waiver in its arbitration agreements; or
- the company already has contracts that include class action waivers in its arbitration agreements and a court

See Opposition: Page 5

Job Creator Bills Win Approval in Assembly Policy Committees



California Chamber of Commerce-supported job creator bills that advance

the state’s environmental policies, help create regulatory certainty and improve workforce development won approval from Assembly policy committees before legislators began their summer recess.

Still alive and awaiting action by the Assembly Appropriations Committee when legislators return are:

● **SB 1139 (Rubio; D-East Bakersfield)**, which promotes job creation by reducing the regulatory burdens for the permitting process of carbon capturing and storage projects.

● **SB 1099 (Wright; D-Inglewood)**, which provides certainty for business by creating a predictable and easy-to-track implementation schedule for new regulations and provides language of new regulations online for easier access.

● **SB 1402 (Lieu; D-Torrance)**, which helps improve alignment of the state’s workforce needs and education resources by reauthorizing the Economic and Workforce Development program within the California Community College System.

All three bills are consistent with the goals of the CalChamber 2012 Renew Agenda and will help position California for economic recovery.

See Job Creator: Page 6



CAJobKillers.com

Updates, news
links, videos,
contributions link

Inside

‘Job Killers’ Await
Action: Pages 3, 5

Labor Law Corner

Makeup Time Must Occur in Same Workweek as Work Hours Missed



Dale Louton
HR Adviser

Is there a form from the Labor Board called the “Flex Form” that allows employees to work overtime and roll it into a day in which they worked fewer than eight hours and be paid at their regular rate of pay? If there is such a form, where can I find it and the relevant labor law?

The State of California Labor Commissioner, commonly called the

Labor Board, does not have such a form. However, makeup time is provided for in Section 3 of the Industrial Welfare Commission Wage Orders and in California Labor Code Section 513.

Makeup Exception

Makeup time work provides an exception to the daily overtime requirements of Section 510 of the Labor Code and Section 3 of the IWC Wage Orders (except for Wage Order 14-Agricultural Occupations).

This exception allows an employee to miss work for personal reasons and make it up by working overtime in the same week without receiving premium pay.

The makeup work exception requires:

- Written request by the employee to make up time that would be lost by the employee due to a personal obligation.
- Total hours worked in one day, including makeup hours, may not exceed 11 hours nor may the hours worked exceed 40 hours in the workweek. Hours lost and made up must be in the same workweek. Workweek is defined in the Wage Orders as a fixed and regularly

recurring period of seven consecutive 24-hour periods—for example, Sunday through Saturday.

- The employer is prohibited from soliciting or encouraging employees to make a request for makeup hours, but informing employees of this right is permitted. The Wage Order is required to be posted where employees may easily read it. The employer has the right to deny makeup time.

Resources

A sample “Makeup Time Request” form is provided for your convenience in the forms section of *HRCalifornia*. There also is a “Makeup Time Checklist,” which may be helpful to you.

Any approved Makeup Time Request form should be attached to the time records.

The Labor Law Helpline is a service to California Chamber of Commerce preferred and executive members. For expert explanations of labor laws and Cal/OSHA regulations, not legal counsel for specific situations, call (800) 348-2262 or submit your question at www.hrcalifornia.com.

California Chamber Officers

Timothy S. Dubois
Chair

Frederick E. Hitchcock
First Vice Chair

Anne Buettner
Second Vice Chair

Joseph M. Otting
Third Vice Chair

S. Shariq Yosufzai
Immediate Past Chair

Allan Zarembeg
President and Chief Executive Officer

Alert (ISSN 0882-0929) is published weekly during legislative session with exceptions by California Chamber of Commerce, 1215 K Street, Suite 1400, Sacramento, CA 95814-3918. Subscription price is \$50 paid through membership dues. Periodicals Postage Paid at Sacramento, CA.

POSTMASTER: Send address changes to Alert, 1215 K Street, Suite 1400, Sacramento, CA 95814-3918. Publisher: Allan Zarembeg. Executive Editor: Ann Amioka. Associate Editor: Sara Espinosa. Art Director: Marcy Wacker. Capitol Correspondent: Christine Haddon. Photographer: Megan Wood.

Permission granted to reprint articles if credit is given to the California Chamber of Commerce Alert, and reprint is mailed to Alert at address above.

E-mail: alert@calchamber.com.
Home page: www.calchamber.com.

CalChamber-Sponsored Seminars/Trade Shows

More information at www.calchamber.com/events.

Labor Law

Hiring and Onboarding Basics Webinar.
CalChamber. July 19. (800) 331-8877.

Conducting Effective Performance Appraisals Webinar. CalChamber.
August 16. (800) 331-8877.

Employee Discipline Webinar.
CalChamber. September 20. (800) 331-8877.

FMLA/CFRA Webinar. CalChamber.
October 18. (800) 331-8877.

Conducting Workplace Investigations Webinar. CalChamber. November 15.
(800) 331-8877.

International Trade

Webinar: Website Optimization. U.S. Department of Commerce. July 25.
(202) 482-3787.

See CalChamber-Sponsored: Page 4

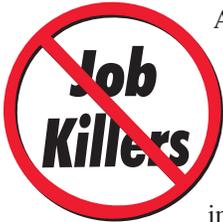
**Quick
Answers
to Tough
HR Questions**

hrcalifornia.com

 **HRCalifornia®**



‘Job Killer’ Bill Inflating Litigation, Insurance Costs Awaits Assembly Action



A California Chamber of Commerce-opposed “job killer” bill that once finalized is expected to inflate litigation and insurance costs will be awaiting Assembly

action when legislators return from their summer recess.

The Consumer Attorneys of California are sponsoring **SB 1528 (Steinberg; D-Sacramento)** in an attempt to overturn the recent and well-reasoned California Supreme Court case, *Howell v. Hamilton Meats* (2011) 52 Cal.4th 541).

The case addressed the question of whether a plaintiff could recover for past medical damages stated in a health care provider’s bill but never actually paid or owed by the plaintiff.

No Loss Incurred

The court stated: “We hold no such recovery is allowed, for the simple reason that the injured plaintiff did not suffer any economic loss in that amount.”

Long-standing principles of law, codified in California in 1873, provide the measure of damages to a person is the amount that will compensate for the detriment that was caused. California has more than 100 years in developing an eminently equitable tort system designed to compensate individuals harmed by another’s action. The point is to make the plaintiff whole of the injuries suffered, not to provide the plaintiff with a windfall.

However, overturning *Howell* and well-established law will provide a plaintiff with just that: a windfall. Such a change in the law will artificially inflate litigation costs, encourage the filing of more lawsuits, and dramatically increase the rates for automobile, workers’ compensation, and general liability insurance to the detriment of individuals and employers alike.

Rushed Amendments

The CalChamber and a coalition of employer associations oppose the policy of the bill and also the approach being used to make such a dramatic change

in the law. Although the sponsor and the author of SB 1528 have directly stated their intent to overturn the *Howell* decision, the bill has yet to be amended with the final language.

With only a month left in the session once the Legislature returns in August, any final amendments made to the bill will leave little time for a thorough airing and debate of the proposed policy in committee or floor sessions. The coalition believes that avoiding these processes further undermines public trust in the process.

Key Vote

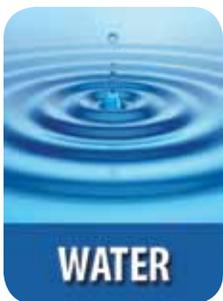
SB 1528 passed the Assembly Judiciary Committee on July 3, 6-4.

Ayes: Atkins (D-South Park/Golden Hill), Dickinson (D-Sacramento), Feuer (D-Los Angeles), B. Lowenthal (D-Long Beach), Monning (D-Carmel), Wiecekowski (D-Fremont).

Noes: **Gorell (R-Camarillo), Huber (D-El Dorado Hills), Jones (R-Santee), Wagner (R-Irvine).**

Staff Contact: **Jennifer Barrera**

Water Bond Vote Shifts to 2014



Governor Edmund G. Brown Jr. this week signed legislation delaying the water bond to the 2014 ballot.

The California Chamber of Commerce supported **AB 1422 (Perea;**

D-Fresno), which moves the vital 2012 water bond to the 2014 ballot to provide a better opportunity for the bond measure to pass.

The water bond is a critical part of the 2009 legislative package on water.

The bond will fund investments in water supply reliability, groundwater quality, Delta sustainability, recycling and conservation, storage (to provide water for the coequal goals of restoring the Delta ecosystem and creating a more reliable water supply for California), and watersheds.

Although voters agree that investments in water infrastructure and environmental restoration enhancements are needed, 2012 is not a year to pass a water bond, in part because of the current state of the economy.

The coalition supporting delaying the water bond included associations representing growers, builders, water agencies and municipal utilities.

CalChamber Calendar

Environmental Regulation Committee:

September 6, Santa Monica

Water Resources Committee:

September 6, Santa Monica

Fundraising Committee:

September 6, Santa Monica

Board of Directors:

September 6–7, Santa Monica

Public Affairs Council Retreat:

November 13–15, Laguna Beach

Next Alert: July 27

Governor Signs Legislation Impeding Foreclosure Process

'Homeowners Bill of Rights' May Hurt California's Recovery

California Governor Edmund G. Brown Jr. signed two bills on July 11 that could discourage investment in California's housing market and make capital more expensive for consumers.

Procedural Traps

California Chamber of Commerce-opposed **AB 278 (Eng; D-Monterey Park)** and **SB 900 (Leno; D-San Francisco)** create procedural traps to impede the foreclosure process and delay lenders' ability to recover collateral legitimately in foreclosure. The bills establish a private right of action that could result in costly litigation.

Labeled the "Homeowners Bill of Rights" by sponsor Attorney General Kamala Harris, the bills are likely to move the state closer to the type of lengthy judicial foreclosure process followed in places like Florida and New Jersey.

Despite amendments to the original versions of the bills, the bills the Governor signed could allow borrowers in default on their mortgages to have multiple opportunities to apply for a

loan modification in order to forestall legitimate foreclosures.

Articles Cite Issues

Recent articles in *The Sacramento Bee* and *The Orange County Register* point out many of the troubling issues these bills may create for Californians, including increased costs for borrowers and making it harder for distressed properties to work their way out of the system.

Bee political columnist Dan Walters quoted a blog by former Deutsche Bank economist Anthony Sanders: "The California foreclosure laws are misguided and damaging. . . The more the federal and state governments regulate mortgage lending, the less loans will be originated and only to the wealthiest households..."

Writing in the *Register*, Steven Greenhut, vice president of journalism at the Franklin Center for Government and Public Integrity, commented, "The real key to reform is letting the market sort itself out, not creating a vast expansion of damages that attorneys representing homeowners can seek."

Greenhut concluded: "...the only beneficiaries from the new Homeowner Bill of Rights will be private attorneys who gain a new target. These laws aren't about fixing the mortgage crisis. They are about special interests using government to help them get their piece of the action before the crisis goes away."

Economic Analysis

A recent economic analysis of the bills (see June 29 *Alert*) concluded that the vast majority of California homeowners may not be helped by the bills.

The study found that prolonging the foreclosure process may make it more costly for loan servicers to do business in California while helping only a tiny fraction of homeowners who are behind on payments. In addition, the study concluded that the bills may slow the housing recovery, ultimately reduce home values, and diminish the future availability of credit for California homebuyers.

The bills will go into effect January 1, 2013.

Staff Contact: Marti Fisher

CalChamber-Sponsored Seminars/Trade Shows

From Page 2

Logistics and Financial Client

Interchange. W. J. Byrnes. July 26, San Bruno. (415) 716-8189.

Webinar: New INCO Terms. U.S.

Department of Commerce. August 8. (202) 482-4422.

Export Regulations Seminar. Bureau of Industry and Security, Southern California Regional District Export Council, and U.S. Commercial Service in Southern California. August 8-9, Los Angeles. (949) 660-1688.

Hong Kong Food Expo. Hong Kong Trade Development Council. August 16-20, Hong Kong, China. (310) 973-3175.

CA Cleantech Company Trade Mission to China. El Camino College Center for International Trade Development (CITD). August 20-September 2, China. (310) 973-3161.

Access China. World Trade Center San Diego. September 5-13, Xiamen, Nanjing, Changzhou, and Shanghai, China. (619) 615-0868, ext.118.

Pan African Global Trade Conference. Africa-U.S. Chamber of Commerce. September 6-7, Carson. (626) 321-7041.

Green Construction Trade Mission to Brazil. Bay Area CITD. September 9-15, São Paulo and Rio de Janeiro, Brazil.

Expoalimentaria 2012. Exporters

Association, Ministry of Agriculture, Ministry of External Relations, Prom Peru. September 19-21, Lima, Peru. Trade Mission to the UK. U.S. Commercial Service. October 15-17, London.

Eco Expo Asia 2012. El Camino CITD. October 26-30, Hong Kong, China. (310) 973-3132.

Asia Wine Expo 2012. MP Asia Pte Ltd. MEREBO Messe Marketing. November 1-3, Suntec, Singapore.

Nagoya Export Trade Mission 2012. Aichi Prefectural Government, City of Nagoya, and Nagoya Chamber of Commerce and Industry. November 7-10, Nagoya, Japan. (310) 732-3838.

‘Job Killers’ Increasing Energy Costs Remain Alive for Consideration in August



Two California Chamber of Commerce-**opposed** “job killer” bills that increase energy costs, including fuel prices on consumers and businesses, passed their respective Senate

and Assembly policy committees last week.

AB 1532 (J. A. Pérez; D-Los Angeles) and **SB 1572 (Pavley; D-Agoura Hills)** allocate funds from an illegal tax to various programs that are not necessary to cost-effectively implement the market-based trading mechanism under AB 32, the 2006 climate change law.

The bills will now head to the Senate and Assembly Appropriations committees.

A third bill, **AB 2404 (Fuentes; D-Los Angeles)**, which is identical to the bills above, was held on the Assembly Appropriations Suspense File on May 25.

Lacks Authority

In opposing the bills, the CalChamber

has pointed out that the California Air Resources Board (ARB) lacks authority and has been unable to justify the need to raise billions of dollars in revenue for the purposes anticipated in the bills.

ARB’s plan to impose a “cap-and-tax” will hurt jobs, and increase costs to the state and consumers. AB 32 was not intended to be a revenue source. If the state moves forward with a billion-dollar auction, the impacts on the state’s economy would be devastating.

Entities subject to the illegal tax include manufacturers, public agencies, universities, refineries, food processors and others. The impact on these entities will be severe and on top of the higher fuel and energy costs due to other climate change regulations.

Not only is an auction unnecessary for a successful cap-and-trade program, but the planned collection and distribution of auction revenues raises legal uncertainties.

Key Votes

● AB 1532 passed the Senate

Environmental Quality Committee, 5-2, on July 2.

Ayes: Hancock (D-Berkeley), Kehoe (D-San Diego), A. Lowenthal (D-Long Beach), Pavley (D-Agoura Hills), Simitian (D-Palo Alto).

Noes: **Blakeslee (R-San Luis Obispo), Strickland (R-Thousand Oaks).**

● SB 1572 passed the Assembly Natural Resources Committee, 6-3, on July 2.

Ayes: Brownley (D-Santa Monica), Chesbro (D-North Coast), Dickinson (D-Sacramento), Huffman (D-San Rafael), Monning (D-Carmel), Skinner (D-Berkeley).

Noes: **Grove (R-Bakersfield), Halderman (R-Fresno), Knight (R-Antelope Valley).**

Updates

For updates on the remaining “job killer” bills, visit www.CAJobKillers.com.
Staff Contact: Brenda M. Coleman

Opposition Stops Proposal Jeopardizing Arbitration

From Page 1

strikes the agreements as unenforceable/unconscionable due to SB 491.

Either outcome significantly drives up costs. However, for existing contracts that already include class action waivers, SB 491 would have invalidated the contracts and forced the parties into class action litigation.

Key Vote

SB 491 failed to pass the Assembly Judiciary Committee on July 3 on a vote of 5-4.

Ayes: Dickinson (D-Sacramento), Feuer (D-Los Angeles), Lowenthal (D-Long Beach), Monning (D-Carmel), Wieckowski (D-Fremont).

Noes: **Gorell (R-Camarillo), Huber (D-El Dorado Hills), Jones (R-Santee), Wagner (R-Irvine).**

Absent/abstaining/not voting: Atkins (D-South Park/Golden Hill).

Staff Contact: Jennifer Barrera

They won't know unless you tell them.
Write your legislator.

calchambervotes.com

Job Creator Bills Win Approval in Assembly Policy Committees

From Page 1

SB 1139: Establishes Framework

SB 1139 encourages job growth by creating regulatory certainty for Carbon Capture and Storage (CCS) projects.

In addition, the bill requires the California Air Resources Board to establish methodologies that would recognize these projects as important compliance instruments under AB 32, thereby providing further incentive for economic investment in this safe and proven method of capture and storage.

California is aggressively working to meet its ambitious environmental goals set forth by AB 32, The California Global Warming Solutions Act of 2006.

SB 1139 helps realize these goals by recognizing the important role that CCS projects play in achieving overall greenhouse gas emission reductions. Establishing a regulatory framework for the planning, construction, and operation of CCS projects will enable several projects to move forward that have been stalled due to existing regulatory uncertainties that were identified by the California Energy Commission and the Public Utilities Commission. Removing the gaps in the permitting process sends the confidence signal necessary to spur investment in CCS projects.

SB 1099: Regulatory Certainty

SB 1099 provides that all regulations must go into effect quarterly on January 1, April 1, July 1 or October 1, while still allowing for the adoption of emergency regulations when necessary.

The bill also requires the Office of Administrative Law (OAL) to make available on its website a list of regulations awaiting implementation. State agencies must post on their website each regulation filed with the Secretary of State and provide OAL with electronic links to those regulations.

Each year, state agencies draft and implement numerous regulations that go into effect 30 days after being filed



with the Office of the Secretary of State. Keeping track of these regulations throughout the year presents a difficult challenge for California businesses, especially small businesses that employ small staffs and have limited resources.

The current regulatory process often results in businesses being out of compliance and administrative penalties being levied.

SB 1099 addresses this issue by creating a single, reliable source for businesses to learn about any pending regulations.

SB 1402: Workforce Needs

SB 1402 reworks the Economic and Workforce Development program to help it better meet its objectives in light of significant funding cuts in recent years.

Over the last five years, funding for the program has fallen by more than 40%, making it harder for program managers to meet market needs and coordinate with the various entities working toward the same mission.

SB 1402 establishes a revised program to operate until January 1, 2018. The revisions include making the program more accountable by strengthening the evaluation framework for grants and programs; and encouraging better integration and communication with career technical education programs.

Long-term and short-term programs to be funded include advanced transportation, biotechnology, environmental technologies, health care delivery and international trade.

Reauthorizing the redesigned program will help ensure that students continue

to have access to a program targeted toward employable career paths, and that employers have access to a growing pool of qualified workers trained in the subjects in highest demand.

Key Votes

● **SB 1139** unanimously passed the Assembly Natural Resources Committee on July 2, 8-0.

Ayes: Brownley (D-Santa Monica), Chesbro (D-North Coast), Dickinson (D-Sacramento), Grove (R-Bakersfield), Halderman (R-Fresno), Huffman (D-San Rafael), Knight (R-Antelope Valley), Monning (D-Carmel).

Absent/abstaining/not voting: Skinner (D-Berkeley).

● **SB 1099** passed the Assembly Business, Professions and Consumer Protection Committee on a unanimous vote of 9-0 on June 19.

Ayes: Allen (D-Santa Rosa), B. Berryhill (R-Ceres), Butler (D-Los Angeles), Eng (D-Monterey Park), Hagman (R-Chino Hills), Hayashi (D-Hayward), Hill (D-San Mateo), Ma (D-San Francisco), Smyth (R-Santa Clarita).

● **SB 1402** passed two policy committees on July 3 with no opposition.

The 6-0 vote in the Assembly Jobs, Economic Development and the Economy Committee was:

Ayes: Beall (D-San Jose), Block (D-San Diego), Grove (R-Bakersfield), Hueso (D-San Diego), Morrell (R-Rancho Cucamonga), V. M. Pérez (D-Coachella).

The 8-0 vote in the Assembly Higher Education Committee was:

Ayes: Block (D-San Diego), Brownley (D-Santa Monica), Fong (D-Cupertino), Galgiani (D-Livingston), Lara (D-Los Angeles), Miller (R-Corona), Olsen (R-Modesto), Portantino (D-La Cañada Flintridge).

Absent/abstaining/not voting: Achadjian (R-San Luis Obispo).

Staff Contacts: Brenda M. Coleman, Marc Burgat, Amy Mmagu

Visit www.calchamber.com for products and services to help you do business in California.

CalChamber Status Update Report on Major Legislation for Business

The following list summarizes top priority bills for the California Chamber of Commerce and their status as of July 6, when the Legislature began its summer recess, plus updates on bills signed by the Governor before *Alert* went to print.

Within each subject area, the list presents bills in order of priority with the highest priorities at the top.

The CalChamber will publish a second status report in September, showing the

status of priority legislation when the Legislature begins its final recess on August 31.

September 30 is the last day for the Governor to sign or veto bills passed by the Legislature on or before August 31. The CalChamber will publish its final status report, showing the ultimate fate of priority bills sent to the Governor this year, in October.

Bills signed by the Governor will

become law on January 1, 2013. Urgency measures went into effect immediately upon being signed.

Each fall, the CalChamber also publishes a record of legislators' votes on key bills affecting the California business climate. Generally, the bills selected for the vote record have appeared in one of the status reports. This year's vote record is scheduled to be published on October 26.

Federal bills are marked with an *.

Status of bills as of July 6, 2012, when the Legislature began its summer recess. Dates listed are the date the bill was assigned to a committee, the latest date of committee action, the next hearing date or when the bill reached the floor, unless action is stated.

| Subject—CalChamber Position | Status |
|---|--|
| Agriculture and Natural Resources | |
| New State Goals for Forestry. AB 2424 (Portantino; D-La Cañada Flintridge) Increases costs of timber production by requiring equal consideration of good forestry management practices and environmental benefits in the state's forestry goals mission. Oppose/ Job Killer . | Assembly Natural Resources Hearing Canceled 5/7/12; Failed Deadline |
| Structural Changes. AB 2402 (Huffman; D-San Rafael) Potentially increases the cost and difficulty to do business in the state by shifting authority from an appointed commission to the Department of Fish and Game to list threatened and endangered species. Oppose. | Senate Appropriations Hearing 8/6/12 |
| Private Right of Action. SB 1148 (Pavley; D-Agoura Hills) Inappropriately interferes with land use management decisions by creating a private right of action allowing citizens to sue as "trustees for fish and wildlife" for violations of the Fish and Game Code and imposes new strict liability provisions. Oppose. | Passed Assembly Water, Parks and Wildlife 6/26/12 |
| Fines. AB 2179 (Allen; D-Santa Rosa) Inappropriately creates a bounty hunter mentality by expanding ability of Department of Fish and Game to impose higher penalties without due process. Oppose. | Senate Appropriations Hearing 8/6/12 |
| Property Ownership. AB 2226 (Hueso; D-San Diego) Protects private property rights by preventing the Coastal Commission from misclassifying ownership to prevent lawful development. Support. | Failed Passage in Senate Judiciary 6/19/12 |
| Wildfire. AB 2556 (Allen; D-Santa Rosa) Potentially increases the chance of wildfires by restricting utilities from properly managing vegetation around power lines and subjects businesses to additional damages from fire. Oppose. | Held in Assembly Appropriations Suspense File 5/25/12; Failed Deadline |
| Infrastructure Improvements. SB 580 (Wolk; D-Davis) Stops infrastructure projects (utility, roads or water) from occurring within state park boundaries and opens up lawsuit opportunities by those alleging the use is incompatible with park purposes. Oppose. | Passed Assembly Water, Parks and Wildlife 6/26/12 |
| Grocery Stores. AB 2586 (Hueso; D-San Diego) Interferes with business management decisions in grocery stores by seeking to prescribe product placement based on "healthy" aspects. Oppose. | Assembly Agriculture Hearing Canceled 5/2/12; Failed Deadline |
| Civil Penalties. AB 1675 (Bonilla; D-Concord) Punishes bad actors by increasing penalties for farm labor contractor violations to include civil penalties. Support. | Senate Appropriations Hearing 8/6/12 |

| Subject—CalChamber Position | Status |
|--|---|
| Driver's License: Ag Equipment. AB 1516 (Alejo; D-Salinas) Helps farmers and ranchers by making technical changes relating to gross vehicle weight of light-duty truck and trailer combinations and minor changes to the Class A license requirements. Support. | Held in Assembly Appropriations 5/25/12; Failed Deadline |
| Ag Equipment. AB 1758 (Valadao; R-Hanford) Reduces costs to agriculturalist by classifying hay stack retrievers as ag equipment. Support. | Assembly Transportation Hearing Canceled 4/24/12; Failed Deadline |
| Fees. AB 1989 (Carter; D-Rialto) Increases cost of doing business by imposing a \$2 fee on the sale of bicycles to fund State Parks maintenance. Oppose. | Assembly Water, Parks and Wildlife Hearing Canceled 4/24/12; Failed Deadline |
| Pesticide Ban. AJR 29 (Allen; D-Santa Rosa) Hampers farmers' productivity by banning a pesticide used to control mites in bee colonies without a scientific basis. Oppose. | Assembly Agriculture Hearing Canceled 6/6/12 |
| Nitrates. AB 2174 (Alejo; D-Salinas) Helps farmers by providing technical assistance on fertilizer use from previously restricted research funds. Support. | Passed Senate 7/6/12 |
| Banking/Finance | |
| Impedes Economic Recovery. AB 278 (Eng; D-Monterey Park) Establishes a private right of action that could result in costly litigation which could discourage investment in California's housing market and make capital more expensive for consumers while creating procedural traps to impede the foreclosure process and delay lenders' ability to recover collateral legitimately in foreclosure. Oppose/ Job Killer . | Signed 7/11/12 |
| Impedes Economic Recovery. SB 900 (Leno; D-San Francisco) Establishes a private right of action that could result in costly litigation which could discourage investment in California's housing market and make capital more expensive for consumers while creating procedural traps to impede the foreclosure process and delay lenders' ability to recover collateral legitimately in foreclosure. Oppose/ Job Killer . | Signed 7/11/12 |
| Impedes Economic Recovery. AB 1602 (Eng; D-Monterey Park) Delays the recovery of California's housing market by allowing all borrowers, including strategic defaulters and investors, to abuse the loan modification process to forestall legitimate foreclosures. Oppose/ Job Killer . | Assembly Banking and Finance Hearing Canceled 4/16/12; Failed Deadline |
| Impedes Economic Recovery. AB 2425 (Mitchell; D-Los Angeles) Delays the economic recovery of California's housing market by allowing borrowers, including strategic defaulters and investors, to interrupt the foreclosure process to forestall legitimate foreclosures. Oppose/ Job Killer . | Assembly Banking and Finance Hearing Canceled 4/16/12; Failed Deadline |
| Impedes Economic Recovery. SB 1470 (Leno; D-San Francisco) Delays the recovery of California's housing market by allowing all borrowers, including strategic defaulters and investors, to abuse the loan modification process to forestall legitimate foreclosures. Oppose/ Job Killer . | Senate Banking and Financial Institutions Hearing Canceled 4/17/12; Failed Deadline |
| Impedes Economic Recovery. SB 1471 (DeSaulnier; D-Concord) Delays the economic recovery of California's housing market by allowing borrowers, including strategic defaulters and investors, to interrupt the foreclosure process to forestall legitimate foreclosures. Oppose/ Job Killer . | Senate Banking and Financial Institutions Hearing Canceled 4/17/12; Failed Deadline |
| Removes Impediment to Purchase Foreclosed Property. AB 2610 (Skinner; D-Berkeley) As amended, requires new owners to honor only bona fide leases, in conformance with federal law. Support. | Senate Appropriations Hearing 8/6/12 |
| Removes Impediment to Purchase Foreclosed Property. SB 1473 (Hancock; D-Berkeley) As amended, requires new owners to honor only bona fide leases, in conformance with federal law. Support. | Passed Assembly Judiciary 7/3/12 |

| Subject—CalChamber Position | Status |
|--|--|
| Delays Housing Market Recovery. AB 1599 (Feuer; D-Los Angeles) Discourages purchase of foreclosed properties because of vague language translation requirements for mortgage documents. Oppose. | Passed Senate Judiciary 7/3/12 |
| Loan Modification. AB 1950 (Davis; D-Los Angeles) Protects the integrity of the loan modification process by prohibiting upfront fees for loan modification assistance. Support. | Passed Senate Judiciary 7/3/12 |
| California Environmental Quality Act (CEQA) | |
| CEQA Reform. AB 890 (Olsen; R-Modesto) Improves safety and roadway conditions that expedite goods and people movement by exempting roadway projects from the California Environmental Quality Act process. Support/ Job Creator . | Passed Senate Environmental Quality 7/2/12 |
| Alleviates Unnecessary Delays. AB 2577 (Galgiani; D-Livingston) Reduces project delays by ensuring timely public comments in the California Environmental Quality Act process. Support/ Job Creator . | Assembly Natural Resources Hearing Canceled 5/7/12; Failed Deadline |
| CEQA Reform. AB 2245 (Smyth; R-Santa Clarita) Maximizes state funding and promotes tourism by exempting bikeways from the California Environmental Quality Act process. Support/ Job Creator . | Passed Senate Environmental Quality 7/2/12 |
| Complicates Building Construction. SB 52 (Steinberg; D-Sacramento) Inappropriately mandates the use of one private green building standard (LEED) rather than utilizing the state's own standard (CalGreen) that has been through the appropriate regulatory process. Oppose Unless Amended. | Failed Passage in Assembly Jobs, Economic Development and the Economy 7/3/12 |
| Expedited Permitting. AB 2564 (Ma; D-San Francisco) Expedites permitting for maintenance and upgrades for natural gas pipelines throughout the state. Support. | Passed Assembly Natural Resources 7/2/12 |
| Reduces Regulatory Burdens. SB 973 (Vargas; D-San Diego) Before amendments, would have supported tourism by exempting events with a park use or special events permit from the California Environmental Quality Act (CEQA) process. Now allows a CEQA categorical exemption for an annual fireworks display. Support and job creator status removed due to amendments. No Position. Former Job Creator . | Failed Passage in Assembly Natural Resources 7/2/12; Reconsideration Granted |
| Climate Change | |
| Illegal Tax Increase. AB 1532 (J. A. Pérez; D-Los Angeles) Increases energy costs, including fuel prices, on consumers and businesses by allocating funds from an illegal tax to various programs that are not necessary to cost-effectively implement the market-based trading mechanism under AB 32. Oppose/ Job Killer . | Passed Senate Environmental Quality 7/2/12 |
| Illegal Tax Increase. SB 1572 (Pavley; D-Agoura Hills) Increases energy costs, including fuel prices, on consumers and businesses by allocating funds from an illegal tax to various programs that are not necessary to cost-effectively implement the market-based trading mechanism under AB 32. Oppose/ Job Killer . | Passed Assembly Natural Resources 7/2/12 |
| Illegal Tax Increase. SB 535 (De León; D-Los Angeles) Increases energy costs, including fuel prices, on consumers and businesses by allocating funds from an illegal tax to various programs that are not necessary to cost-effectively implement the market-based trading mechanism under AB 32. Oppose/ Job Killer . | Assembly Appropriations Suspense File 8/25/11 |
| Illegal Tax Increase. AB 2404 (Fuentes; D-Los Angeles) Increases energy costs, including fuel prices, on consumers and businesses by allocating funds from an illegal tax to various programs that are not necessary to cost-effectively implement the market-based trading mechanism under AB 32. Oppose/ Job Killer . | Held in Assembly Appropriations Suspense File 5/25/12; Failed Deadline |

| Subject—CalChamber Position | Status |
|--|---|
| Climate Change Tax Increase. SB 237 (Wolk; D-Davis) Increases costs and discourages job growth by implementing unlimited fees and taxes under a cap-and-trade system. Oppose. (2011 Job Killer) | Held in Senate Appropriations Suspense File 1/19/12; Failed Deadline |
| Increases Energy Costs. AB 1186 (Skinner; D-Berkeley) Increases energy costs on consumers and businesses by allocating funds that should be used to mitigate ratepayer impact from the state’s cap-and-trade program to fund unnecessary and duplicative energy efficiency programs. Oppose. | Senate Appropriations Hearing 8/6/12 |
| California Global Warming Solutions Act of 2006: Offsets. AB 2563 (Smyth; R-Santa Clarita) Encourages cost-effective emission reductions and helps businesses meet their AB 32 goals by promoting the development of offsets in the cap-and-trade program. Support. | Passed Assembly Natural Resources 6/18/12 |
| Education | |
| Better Workforce Development. SB 1402 (Lieu; D-Torrance) Helps improve alignment of the state’s workforce needs and education resources by reauthorizing the Economic and Workforce Development program within the California Community College system. Support/ Job Creator. | Passed Assembly Jobs, Economic Development and the Economy 7/3/12 |
| Career Pathways. SB 1070 (Steinberg; D-Sacramento) Reauthorizes and improves the career technical education pathways initiative to provide high school students with better access to quality educational programs that prepare them for college and the workforce. Support. | Passed Assembly Education 6/27/12 |
| Improved Education. SB 1456 (A. Lowenthal; D-Long Beach) Increases academic success by providing support services to students on the front end of their education experience in order to help them achieve academic or career goals. Support. | Passed Assembly Higher Education 6/19/12 |
| Elections and Fair Political Practices | |
| Political Speech. AB 1648 (Brownley; D-Santa Monica) Substantially minimizes the voice of California job creators in the election process by making significant, unnecessary, and overly burdensome changes to disclosures that are already required in political advertisements. Oppose. | Assembly Floor |
| Political Speech. AB 1148 (Brownley; D-Santa Monica) Substantially minimizes the voice of California job creators in the election process by making significant, unnecessary and overly burdensome changes to disclosures that are already required on campaign advertisements and slate mailers. Oppose. | Failed Passage in Assembly 1/31/12; Failed Deadline |
| Corporation Political Contributions. AB 2050 (Allen; D-Santa Rosa) Curtails the voice of employers and their participation in the election process by prohibiting corporations from making political contributions to any state or local candidate. Oppose. | Assembly Judiciary Hearing Canceled 4/17/12; Failed Deadline |
| Corporation and Shareholder Detriment. SB 982 (Evans; D-Santa Rosa) Places certain corporations and their shareholders at an economic disadvantage by mandating reporting and notification requirements for political expenditures with enforcement by a civil cause of action for failure to meet the mandate. Oppose. | Senate Banking and Financial Institutions Hearing Canceled 4/17/12; Failed Deadline |
| Energy | |
| Reduces Energy Costs. AB 1755 (Perea; D-Fresno) Fairly allocates and reduces energy costs for business by authorizing a fixed per-customer charge among all rate payers. Support/ Job Creator. | Senate Appropriations Suspense File 6/25/12 |
| Project Streamlining. AB 1073 (Fuentes; D-Los Angeles) Promotes the use of cost-efficient energy by allowing a solar facility to convert from solar thermal technology to photovoltaic technology without having to file a new application. Support/ Job Creator. | Signed—Chapter 14 (urgency) |

| Subject—CalChamber Position | Status |
|---|---|
| Reduces Energy Costs. SB 971 (Cannella; R-Ceres) Reduces energy costs and promotes renewable energy by eliminating the penalty on utilities that use clean, renewable hydroelectric as part of their energy generation mix. Support/ Job Creator . | Failed passage in Senate Energy, Utilities and Communications 4/24/12; Failed Deadline |
| Reduces Energy Costs. AB 1771 (Valadao; R-Hanford) Reduces energy costs and promotes renewable energy by considering specified hydroelectric generation facilities in the definition of a renewable energy resource. With April 19, 2012 amendments, AB 1771 is no longer considered a job creator. Support. Former Job Creator . | Failed Passage in Assembly Natural Resources 4/26/12; Failed Deadline |
| Increased Energy Costs. AB 1990 (Fong; D-Cupertino) Increases energy costs to ratepayers by mandating the creation of a new feed in tariff, placing renewable energy in the state’s most impacted and disadvantaged communities, duplicating current and cost effective programs that are already in place. Oppose. | Passed Senate Energy, Utilities and Communications 7/3/12 |
| Electricity Ratepayer Tax. AB 723 (Bradford; D-Gardena) Continues high cost of energy by extending a tax, commonly referred to as the Public Goods Charge, on electricity ratepayers in the investor-owned utility territories an additional eight years. Oppose. | Failed Passage in Senate Energy, Utilities and Communications 7/3/12; Reconsideration Granted |
| Ratepayer Benefits. AB 2514 (Bradford; D-Gardena) Provides transparency on the costs and benefits of Net Energy Metering (NEM) by requiring a study of NEM and the effect on all ratepayer classes. Support. | Passed Senate Energy, Utilities and Communications 7/3/12 |
| California Alternate Rates for Energy (CARE) Audits. SB 1207 (Fuller; R-Bakersfield) Reduces energy cost shifts by authorizing more audits and requiring energy savings assessments of high usage CARE customers. Support. | Passed Assembly Utilities and Commerce 6/25/12 |
| Reduced Regulatory Burdens. AB 2559 (Buchanan; D-Alamo) Reduces the time and costs associated with permitting by providing expedited permitting for gas pipeline safety upgrades throughout the state. Support. | Senate Appropriations Hearing 8/6/12 |
| Limits Qualified Candidates. SB 981 (Yee; D-San Francisco) Restricts the ability to hire the most qualified candidates at the California Public Utilities Commission and industry by placing an inappropriate two-year hiring restriction. Oppose. | Held in Senate Appropriations Suspense File 5/24/12; Failed Deadline |
| Increased Energy Costs. AB 2341 (Williams; D-Santa Barbara) Increases costs to ratepayers and complicates renewable energy planning by requiring all investments in the distribution grid be compatible with “optimal deployment” while failing to define the term. Oppose. | Failed Passage in Assembly Utilities and Commerce 4/23/12; Failed Deadline |
| Retroactive Penalties. AB 861 (Hill; D-San Mateo) Imposes inappropriate and unrelated retroactive penalties on energy utility officers thereby interfering with the operating decisions made by utilities. Oppose. | Senate Appropriations Hearing 8/6/12 |
| Environmental Regulation | |
| Polystyrene Food Container Ban. SB 568 (A. Lowenthal; D-Long Beach) Threatens thousands of manufacturing jobs within the state by inappropriately banning all food vendors from using polystyrene foam food service containers, ignoring the numerous environmental benefits associated with polystyrene products. Oppose/ Job Killer . | Assembly Inactive File 9/8/11 |
| Hydraulic Fracturing. AB 591 (Wieckowski; D-Fremont) Imposes unnecessary and overly onerous requirements on operators and service providers using hydraulic fracturing treatment. Oppose. | Placed on Senate Appropriations Suspense File 7/2/12 |

| Subject—CalChamber Position | Status |
|---|--|
| Hydraulic Fracturing Ban. AB 972 (Butler; D-Los Angeles) Arbitrarily prohibits the increased use of safe, proven hydraulic fracturing technology to develop supplies of oil and natural gas vital to California's economy. Oppose. | Senate Appropriations Hearing 8/6/12 |
| Excessive and Costly Mandate. SB 1118 (Hancock; D-Berkeley) Establishes a new bureaucracy with unlimited fee authority and an onerous system for the collection and processing of used mattresses. Oppose. | Passed Assembly Natural Resources 7/2/12 |
| Recycled Food/Beverage Containers. AB 837 (Nestande; R-Palm Desert) Unfairly establishes a system of patchwork enforcement by allowing any city, county or the state to impose civil liability for a violation of a recycled content advertising claim, imposing a competitive disadvantage upon California businesses, and creating a disincentive for using recycled materials. Oppose. | Passed Senate Environmental Quality 6/18/12 |
| Increases Energy Costs. SB 1054 (Pavley; D-Agoura Hills) Delays investments in oil and gas projects by placing unnecessary and burdensome requirements on drilling companies before commencement of any hydraulic fracking project in the state. Oppose. | Failed Passage in Senate 5/31/12 |
| Fuels (Not Air Related) | |
| Increased Transportation Costs. SB 1455 (Kehoe; D-San Diego) Before amendments, would have increased costs on consumers and businesses by forcing a dramatic, unrealistic and costly increase in the use of alternative fuels and vehicles by codifying a target of 26% alternative fuel use by 2022. Opposition removed due to amendments. Neutral. | Passed Assembly Transportation 6/25/12 |
| Government Procurement | |
| Unconstitutional Limit on International Trade. AB 1543 (Alejo; D-Salinas) Increases the cost of state contracts by imposing an unlawful prohibition on state and local governments from contracting with businesses that use component parts and materials from other countries in construction projects and to manufacture goods. Oppose/ Job Killer. | Assembly Business, Professions and Consumer Protection Hearing Canceled 4/17/12; Failed Deadline |
| Project Labor Agreements. AB 1804 (Valadao; R-Hanford) Promotes job and economic growth by freeing up local funds through elimination of penalties on local government that prohibit project labor agreements. Support/ Job Creator. | Failed Passage in Assembly Local Government 4/11/12; Failed Deadline |
| Harms Private Employers. SB 252 (Vargas; D-San Diego) Before amendments, would have created risk of financial and competitive damage to public and private firms by requiring the disclosure of sensitive information. Opposition removed due to amendments. No Position. | Assembly Public Employees, Retirement and Social Security Hearing Canceled 7/3/12 |
| Health Care | |
| Health Care Expenses Tax Deductions. AB 1510 (Garrick; R-Carlsbad) Encourages job growth through freeing small businesses to invest in business growth instead of spending limited resources on health care expenses, by entitling individuals, including the self-employed, to a state tax deduction for contributions to a Health Savings Account (HSA) in conformity with federal tax law. Support/ Job Creator. | Held in Assembly Revenue and Taxation 5/14/12 |
| Limits Choice for Small Business. SB 1431 (De León; D-Los Angeles) Severely limits small employers' opportunity to select the most appropriate, affordable health care coverage for their employees as self-insurance by regulating stop-loss insurance for small employers, most notably to require the employer to bear an unreasonable level of claims costs before stop-loss coverage applies. Oppose. | Passed Assembly Health 7/3/12 |
| Increased Health Care Premiums. SB 1313 (Lieu; D-Torrance) Establishes new and unnecessary burdensome marketing and advertising requirements for health plans, health insurers and agents. Oppose. | Held in Senate Appropriations Suspense File 5/14/12; Failed Deadline |

| Subject—CalChamber Position | Status |
|--|--|
| Increases Health Care Coverage Premiums. AB 1800 (Ma; D-San Francisco) Could increase health care coverage premiums for employers by imposing out-of-pocket requirements that are inconsistent with, and in excess of the federal Patient Protection and Affordable Care Act. Oppose. | Senate Appropriations Hearing 8/6/12 |
| Wellness Programs. AB 1636 (Monning; D-Carmel) Seeks to undermine important wellness incentive provisions of the federal Patient Protection and Affordable Care Act designed to improve health and reduce medical costs. Oppose. | Senate Appropriations Hearing 8/6/12 |
| Increased Costs. AB 2152 (Eng; D-Monterey Park) Imposes onerous and unnecessary notification and disclosure requirements which could increase health insurance premiums and limit choice. Oppose. | Placed on Senate Appropriations Suspense File 7/2/12 |
| Increased Costs: Mandated Mental Health Benefit Coverage. AB 154 (Beall; D-San Jose) Increases health insurance premiums and increases the ranks of the uninsured by mandating that all health policies cover an expanded list of mental health services. Oppose. | Failed Passage in Senate Health 6/27/12; Reconsideration Granted |
| Increased Costs: Mandated Autism Benefit Coverage. AB 171 (Beall; D-San Jose) Increases health insurance premiums and increases the ranks of the uninsured by mandating that all health policies cover screening, diagnosis and treatment for autism. Oppose. | Senate Health Hearing Canceled 6/26/12 |
| Increased Costs: Health Care Mandate. AB 369 (Huffman; D-San Rafael) Increases health care premiums by eliminating current cost controls and unraveling consumer protections in the use of prescription pain medicines by eliminating the practice of step therapy. Oppose. | Senate Appropriations Hearing 8/6/12 |
| Increased Costs: Health Care Mandate. AB 1000 (Perea; D-Fresno) Increases health care premiums by limiting co-payments for one type of pharmaceutical—orally administered anti-cancer medications. Oppose. | Senate Appropriations Hearing 8/6/12 |
| Curbs Illegal Drug Manufacturing. AB 1280 (Hill; D-San Mateo) Curbs the illegal manufacture of methamphetamine by making it more difficult to purchase pseudoephedrine (PSE) by implementing a statewide electronic tracking program that monitors all California over-the-counter PSE purchases to prevent purchases beyond federal limits. Support. | Senate Appropriations 2/9/12 |
| Increased Costs. AB 2252 (Gordon; D-Menlo Park) Before amendments, would have increased premiums to employers for dental insurance by requiring dental plans to create and distribute an unnecessarily large number of notices to dental providers. Opposition removed due to amendments. No Position. | Senate Appropriations Hearing 8/6/12 |
| Housing/Land Use | |
| Land Use Planning. AB 1897 (Campos; D-San Jose) Before amendments, would have impeded development by increasing the cost of development and created project delays by requiring that general plans incorporate concepts related to healthy food access and urban agriculture. Now incorporates healthy food access into general plans. Removed job killer status due to amendments. Oppose. Former Job Killer. | Senate Governance and Finance Hearing Canceled 6/28/12 |
| Provides Development Opportunities. AB 2485 (Hueso; D-San Diego) Promotes private-public partnerships by allowing the Department of Transportation to contract with private companies for the operation of rest areas in conjunction with the development of a retail establishment. Support/ Job Creator. | Failed Passage in Assembly Transportation 4/24/12; Failed Deadline |
| Thwarts Development. AB 1627 (Dickinson; D-Sacramento) Restricts new development by imposing an inappropriate Vehicle Miles Traveled (VMT) standard on projects and conflicts with current law. Oppose. | Assembly Business, Professions and Consumer Protection Hearing Canceled 4/17/12; Failed Deadline |

| Subject—CalChamber Position | Status |
|---|--|
| Industrial Safety and Health | |
| Increased Costs and Unreasonable Requirements. AB 2346 (Butler; D-Los Angeles) Could increase the price of food and force growers to move their crop production to other states and countries, thereby hurting California exports, by creating excessive, unnecessary new rules regarding heat illness prevention with unreasonable consequences for violations. Oppose/ Job Killer . | Senate Appropriations Hearing 8/6/12 |
| Unreasonable Employer Liability. AB 2676 (C. Calderon; D-Montebello) Creates criminal penalties for violation of new vague statute regarding protection of agricultural workers from heat illness, which overlaps and contradicts existing Cal/OSHA heat illness prevention regulations. Oppose. | Senate Appropriations Hearing 8/6/12 |
| International Relations/Trade | |
| Enhanced Driver License. AB 2113 (Hueso; D-San Diego) Encourages international trade and tourism by authorizing the Department of Motor Vehicles to issue enhanced driver licenses to U.S. citizens to expedite legal traffic at the border. Support/ Job Creator . | Held in Assembly Appropriations Suspense File 5/25/12; Failed Deadline |
| Costly Standards on Insurance Companies. AB 2160 (Blumenfeld; D-San Fernando Valley) Raises insurance rates on businesses by subjecting insurance companies to unconstitutional standards regarding investments. Oppose. | Passed Senate Insurance 6/28/12 |
| *Ex-Im Bank. HR 2072 (Gary Miller; R-Diamond Bar). Prevents the loss of U.S. jobs to foreign competitors by reauthorizing the Export-Import Bank of the United States (Ex-Im). Support. | President Signed 5/30/12 |
| *Russia Permanent Normal Trade Relations (PNTR). Permits the U.S. to take advantage of the many market opening and transparency commitments that form Russia's accession package to the World Trade Organization by extending PNTR with Russia. Support. | Pending Congressional Action |
| Labor and Employment | |
| Exposure to Costly Discrimination Litigation. AB 1450 (Allen; D-Santa Rosa) Subjects employers to unjustified charges of discrimination for legitimately inquiring into an applicant's most recent employment history. Oppose/ Job Killer . | Senate Appropriations Hearing 8/6/12 |
| Expansion of Discrimination Litigation. AB 1999 (Brownley; D-Santa Monica) Makes it virtually impossible for employers to manage their employees and exposes them to a higher risk of litigation by expanding the Fair Employment and Housing Act to include a protected classification for any person who is, perceived, or associated with a family caregiver. Oppose/ Job Killer . | Senate Appropriations Hearing 8/6/12 |
| Expansion of Protected Leave Requirements for California Employers. AB 2039 (Swanson; D-Oakland) Creates a burdensome, California-only mandated benefit that significantly expands the category of individuals with serious health conditions for whom an employee can take a leave of absence beyond what is currently included under the federal Family Medical Leave Act. Oppose/ Job Killer . | Senate Appropriations Hearing 8/6/12 |
| Increased Cost on Agricultural Employers. AB 1313 (Allen; D-Santa Rosa) Drives up the cost of commodities to consumers by removing the existing overtime exemption allowed for agricultural employers. Oppose/ Job Killer . | Senate Appropriations Hearing 8/6/12 |
| Automatic Minimum Wage Increase. AB 1439 (Alejo; D-Salinas) Increases the cost of doing business on California employers by annually indexing the minimum wage rate upwards according to the percentage of inflation even during times of an economic downturn. Oppose/ Job Killer . | Held in Assembly Appropriations Suspense File 5/25/12; Failed Deadline |
| Targeted Burden on Companies with Call Centers. AB 2217 (Pan; D-Sacramento) Discourages businesses from even locating a call center in California by requiring the business to adhere to overreaching mandates. Oppose/ Job Killer . | Failed Passage in Assembly Labor and Employment 4/18/12; Failed Deadline |

| Subject—CalChamber Position | Status |
|--|--|
| <p>Improper Characterization of Private Employees to Allow Potential Card Check Unionization. AB 1808 (Williams; D-Santa Barbara) Significantly expands the definition of “public employee” to include employees of any private employer where a public agency “shares” in the employment decisions of those private employees, thereby subjecting private employers to petitions of recognition from public employee unions. Oppose/Job Killer.</p> | <p>Assembly Public Employees, Retirement and Social Security Hearing Canceled 4/24/12; Failed Deadline</p> |
| <p>Inappropriate Wage Liens. AB 2517 (Eng; D-Monterey Park) Creates a dangerous and unfair precedent in the wage and hour arena by allowing employees in certain industries to file liens on an employer’s real property or any property where work was performed, based on an alleged but unproven wage claim. Oppose/Job Killer.</p> | <p>Failed Passage in Assembly 5/31/12</p> |
| <p>Reliance on State Agencies’ Written Advice. SB 1374 (Harman; R-Huntington Beach) Protects employers from inappropriate litigation by affirming they can rely upon the state government to provide them with information regarding how to comply with the law. Sponsor/Co-Sponsor/Job Creator.</p> | <p>Failed Passage in Senate Judiciary 5/8/12</p> |
| <p>Limits Frivolous Litigation. AB 1789 (Morrell; R-Rancho Cucamonga) Eliminates the threat of frivolous litigation with regard to ambiguous provisions of the Industrial Welfare Commission Wage Orders that have not been substantively reviewed or revised for the past 10 years. Sponsor/Co-Sponsor/Job Creator.</p> | <p>Failed Passage in Assembly Labor and Employment 4/18/12</p> |
| <p>Reduction of Frivolous Meal Period Litigation. AB 2176 (Logue; R-Linda) Reduces costly litigation regarding meal periods for commercial drivers who transport hazardous materials. Support/Job Creator.</p> | <p>Assembly Labor and Employment Hearing Postponed 4/30/12; Failed Deadline</p> |
| <p>Reduces Wage-and-Hour Competitive Disadvantage for California Employers. SB 1114 (Dutton; R-Rancho Cucamonga) Lowers costly daily overtime requirement for California employers by requiring payment of overtime only after 10 hours in a workday. Support/Job Creator.</p> | <p>Failed Passage in Senate Labor and Industrial Relations 4/11/12</p> |
| <p>Workplace Flexibility for Small Employers. SB 1115 (Dutton; R-Rancho Cucamonga) Alleviates the burden of unnecessary regulations by allowing an employer with 10 or fewer employees to implement an alternative workweek schedule at the request of the employees. Support/Job Creator.</p> | <p>Failed Passage in Senate Labor and Industrial Relations 5/9/12</p> |
| <p>Reduction of Frivolous Meal Period Litigation. SB 1362 (LaMalfa; R-Richvale) Reduces costly litigation regarding meal periods for commercial drivers who are regulated by federal law. Support/Job Creator.</p> | <p>Senate Labor and Industrial Relations Hearing Canceled 4/9/12; Failed Deadline</p> |
| <p>Expansion of Discrimination Lawsuits. AB 1740 (V. M. Pérez; D-Coachella) Increases the burden on California employers to conduct business and exposes them to a higher risk of litigation by creating a protected classification for employees who are victims of domestic violence, sexual assault, or stalking and imposes a burden on employers to accommodate such individuals. Oppose.</p> | <p>Held in Assembly Appropriations Suspense File 5/25/12; Failed Deadline</p> |
| <p>Payroll Card Ban. AB 51 (Yamada; D-Davis) Imposes significant burdens and restrictions on employers with regard to the use of payroll cards that will discourage any employer from utilizing this method of payment as an option for their employees. Oppose.</p> | <p>Senate Banking and Financial Institutions Hearing Canceled 7/6/11</p> |
| <p>Workplace Privacy Protections. AB 1844 (Campos; D-San Jose) Preserves existing employer rights to conduct workplace investigations with regard to personal social media. Support/Former Job Creator.</p> | <p>Passed Senate Labor and Industrial Relations 6/27/12</p> |
| <p>Exposure to Wage Statement Litigation. AB 1744 (B. Lowenthal; D-Long Beach) Mandates a new category of information into itemized wage statements, thereby potentially exposing employers to new wage-and-hour litigation for good faith administrative errors. Oppose.</p> | <p>Senate Appropriations Hearing 8/6/12</p> |
| <p>Increased Exposure to Itemized Wage Statement Penalties. SB 1255 (Wright; D-Inglewood) Reduces the burden of proof an employee must prove to obtain a secondary level of penalties for good faith administrative errors on an itemized wage statement. Oppose Unless Amended.</p> | <p>Passed Assembly Labor and Employment 6/20/12</p> |

| Subject—CalChamber Position | Status |
|--|---|
| <p>Increased Statutory Penalties for Labor Code Violations. AB 2099 (Cedillo; D-Los Angeles) Increases the statutory fine for employers and any supervisor or employee of the employer who “neglects” to comply with the Labor Code or Industrial Welfare Commission Orders. Oppose.</p> | <p>Passed Senate Labor and Industrial Relations 6/13/12</p> |
| <p>Onerous Wage-and-Hour Mandates for Individual Homeowners. AB 889 (Ammiano; D-San Francisco) Requires individual homeowners who hire “domestic work employees” to comply with onerous wage-and-hour mandates that even sophisticated businesses in California struggle to satisfy, thereby discouraging such homeowners from retaining the services of these domestic work employees. Oppose.</p> | <p>Held in Senate Appropriations Suspense File 8/25/11</p> |
| <p>Public Employee Bill of Rights. AB 1655 (Dickinson; D-Sacramento) Significantly expands public employee rights and protections at the disadvantage of the private sector, potentially increasing costs to state. Oppose.</p> | <p>Held in Assembly Appropriations Suspense File 5/25/12; Failed Deadline</p> |
| <p>Trade Secret Information. AB 1855 (Torres; D-Pomona) Before amendments, would have unreasonably forced employers who contract for warehouse workers to divulge their trade secret information contained in a contract in order to obtain the reasonable presumption that their contracts are lawful. Opposition removed due to amendments. No Position.</p> | <p>Passed Senate Labor and Industrial Relations 6/27/12</p> |
| <p>Legal Reform and Protection</p> | |
| <p>Anti-Arbitration Legislation. SB 491 (Evans; D-Santa Rosa) Creates uncertainty for businesses regarding the enforceability of arbitration agreements and dramatically increases litigation costs by encouraging more class actions and potentially pushing more cases into the courts. Oppose/Job Killer.</p> | <p>Failed Passage in Assembly Judiciary 7/3/12</p> |
| <p>Inflates Litigation and Insurance Costs. SB 1528 (Steinberg; D-Sacramento) Artificially inflates medical damage awards in personal injury cases by allowing an injured party to recover expenses never actually incurred, which will ultimately increase legal costs as well as insurance rates. Oppose/Job Killer.</p> | <p>Passed Assembly Judiciary 7/3/12</p> |
| <p>Court Inefficiency. AB 1208 (C. Calderon; D-Montebello) Creates uncertainty, inefficiency and unpredictability for litigants, further aggravating California’s reputation as a bad place to do business, by decentralizing control of trial court funds. Oppose/Job Killer.</p> | <p>Passed Assembly 1/30/12</p> |
| <p>Increases Class Action Fairness. AB 2043 (Wagner; R-Irvine) Helps prevent meritless class actions by allowing defendants an equal right to appeal a court order granting certification of a class. Sponsor/Co-Sponsor/Job Creator.</p> | <p>Failed Passage in Assembly Judiciary 4/24/12</p> |
| <p>Limitations on Depositions. AB 1875 (Gatto; D-Los Angeles) Harms businesses and potentially increases litigation costs by forcing parties to justify any additional time needed to depose a witness beyond the proposed seven-hour cap. Oppose.</p> | <p>Passed Senate Judiciary 7/3/12</p> |
| <p>Uniform Requirement. AB 2389 (B. Lowenthal; D-Long Beach) Imposes costly uniform requirements and penalties on employers who utilize independent contractors to perform in-home services on their behalf and exposes such employers to potential litigation. Oppose.</p> | <p>Senate Appropriations Hearing 8/6/12</p> |
| <p>New Liability and Costs to Businesses. AB 1775 (Wieckowski; D-Fremont) Creates threat of liability for employers who fail to properly calculate the proper rate for wage garnishment of debtor employees and hurts businesses by limiting their ability to collect on debts owed. Oppose.</p> | <p>Passed Senate Judiciary 6/19/12</p> |
| <p>New Liability for Car Dealers. AB 1534 (Wieckowski; D-Fremont) Unfairly targets a specific industry and increases its costs by imposing an ongoing notice requirement on buy-here-pay-here dealers to label all used vehicles with specific information, including subjective term identified as the vehicle’s reasonable market value. Oppose.</p> | <p>Senate Appropriations Hearing 8/6/12</p> |
| <p>Inappropriate Employer Reporting. SB 1208 (Leno; D-San Francisco) Inappropriately requires employers to publicize retirement benefits for former employees at private companies. Oppose.</p> | <p>Passed Assembly Judiciary 7/3/12</p> |

| Subject—CalChamber Position | Status |
|--|--|
| Establishes a Legislative Monopoly. AB 2218 (Williams; D-Santa Barbara) Hurts manufacturers and drives up costs for consumers by mandating a single technology patented by a competitor in the industry. Oppose. | Passed Senate Judiciary 7/3/12 |
| Reduces Vexatious Litigation. AB 2274 (Lara; D-Los Angeles) Reduces harassing tactics and frivolous claims by removing a loophole in protections afforded by the vexatious litigant statute. Support. | Passed Senate Judiciary 6/26/12 |
| Discourages Frivolous Class Actions. AB 1954 (Nestande; R-Palm Desert) Protects consumers from unscrupulous attorneys and discourages shakedown class action lawsuits by requiring plaintiff's attorneys to notify potential plaintiffs that they may be liable for attorney's fees if the defendant prevails. Support. | Failed Passage in Assembly Judiciary 5/8/12 |
| Undermines Contract Principles. AB 2305 (Huffman; D-San Rafael) Harms franchisors and franchisees alike, making a number of unnecessary changes to the law governing franchise agreements, many of which are contrary to basic contracting and legal principles. Oppose. | Failed Passage in Assembly Business, Professions and Consumer Protection 4/24/12 |
| Lowers Cost of Civil Appeals. AB 2377 (Huber; D-El Dorado Hills) Appropriately gives judges discretion to set the amount a party may be required to pay to stay a civil judgment and pursue an appeal. Support. | Failed Passage in Assembly Judiciary 5/8/12 |
| Harms Housing Market. AB 2557 (Feuer; D-Los Angeles) Incentivizes litigation against new home owners and banks for property damage and blight caused by a prior tenant. Oppose. | Failed Passage in Assembly 5/31/12 |
| Discourages Settlements. AB 2570 (Hill; D-San Mateo) Discourages settlement agreements in certain cases by prohibiting the parties from including a provision in the agreement to not file a complaint or lodge a dispute with the Department of Consumer Affairs against the licensee. Oppose Unless Amended. | Senate Appropriations Hearing 8/6/12 |
| Lowers Cost of Civil Appeals. SB 1478 (Harman; R-Huntington Beach) Appropriately caps the amount a party may be asked to set aside in order to file a civil appeal at \$25 million for businesses, and \$1 million for individuals and small businesses. Support. | Failed Passage in Senate Judiciary 5/8/12 |
| False Claims Act. AB 2492 (Blumenfield; D-San Fernando Valley) Before amendments, would have limited a prevailing defendant's ability to rightfully recoup costs when wrongly accused of defrauding the government. Now expands California's already-robust False Claims Act to ensure the state continues to receive federal dollars for Medicare programs. Opposition removed due to amendments. No Position. | Passed Senate Appropriations 7/2/12 |
| Discourages Settlement Agreements. AB 2149 (Butler; D-Los Angeles) Before amendments, would have inappropriately interfered in the contractual relationship between two parties by allowing the sharing of certain information contained in settlement agreements. Opposition and job killer status removed due to amendments. No Position. Former Job Killer. | Passed Senate Judiciary 6/19/12 |
| Local Government | |
| Low- and Moderate-Income Housing Redevelopment Funds. SB 654 (Steinberg; D-Sacramento) Encourages construction and infrastructure investment by allowing the host city or county of a dissolving redevelopment agency to retain funds for affordable housing projects. Support. | Passed Senate 1/31/12 |
| Project Labor Agreement Prohibitions. SB 829 (Rubio; D-East Bakersfield) Decreases local construction and infrastructure investment by prohibiting state funding for a charter city that prohibits the use of project labor agreements. Oppose. | Signed—Chapter 11 |
| Sidewalk Repairs. AB 2231 (Fuentes; D-Los Angeles) Protects businesses from increased costs by requiring local governments to receive voter approval before changing any ordinance that would make businesses responsible for sidewalk repair. Support. | Senate Appropriations Hearing 8/6/12 |

| Subject—CalChamber Position | Status |
|--|---|
| Limits Access to the Tax Assessment Appeals Process. AB 404 (Gatto; D-Los Angeles) Before amendments, severely limited businesses' ability to challenge tax assessments by barring contingency fee arrangements. Opposition removed due to amendments. No Position. | Passed Senate Governance and Finance 7/3/12 |
| Temporary Postponement of the Dissolution of Redevelopment Agencies. SB 659 (Negrete McLeod; D-Chino) Before amendments, would have provided for a more orderly dissolution of California's 425 redevelopment agencies by postponing their dissolution from February 1, 2012, until April 15, 2012. Significantly amended to deal with another subject so support removed. No Position. | Passed Assembly Health 7/3/12 |
| Other | |
| Mandated Pensions for Private Employers. SB 1234 (De León; D-Los Angeles) Subjects employers to significant cost, fiduciary responsibilities and liability with no commensurate benefit to employees by mandating that all private non-unionized employers who do not offer a retirement benefit enroll their employees in a government-created defined benefits retirement plan. Oppose. | Passed Assembly Public Employees, Retirement and Social Security 7/3/12 |
| Metal Theft Penalties. SB 1387 (Emmerson; R-Hemet) Discourages metal thefts through increased penalties. Support. | Passed Assembly Public Safety 7/3/12 |
| Metal Theft Prevention. AB 2298 (Ma; D-San Francisco) Increases metal theft enforcement activities reducing losses to the business and agricultural communities by creating a Metal Theft Task Force Program which when funded will help local law enforcement and district attorneys. Support. | Passed Senate Public Safety 7/3/12 |
| Beverage Bans. AB 1746 (Williams; D-Santa Barbara) Limits business opportunities by banning certain beverages on school sites. Oppose. | Held in Assembly Appropriations Suspense File 5/25/12 |
| Discourages Entrepreneurs. AB 1678 (Monning; D-Carmel) Chills business investments in mobile food vendors by restricting where they can operate. Oppose. | Assembly Health 3/12/12; Failed Deadline |
| Unauthorized Use of Bond Fines. SB 633 (Huff; R-Diamond Bar) Provides certainty and transparency in bond fund use by allowing the Department of Finance to audit bond fund expenditures and halt allocation in cases of abuse. Support. | Failed Passage in Assembly Business, Professions and Consumer Protection 6/19/12; Reconsideration Granted |
| Grocery Stores. AB 2322 (Gatto; D-Los Angeles) Grows retail grocery stores in underserved areas through advanced planning of community needs. Support. | Passed Senate 7/6/12 |
| F-35 Program Funding. AJR 37 (Knight; R-Antelope Valley) Encourages job growth in California through continued federal funding of the F-35 Joint Strike Fighter Program. Support. | Passed Assembly 5/7/12 |
| Metal Theft Reporting. AB 391 (Pan; D-Sacramento) Before amendments, would have reduced metal and other kinds of theft by funding a more efficient data base through a fee on pawnbrokers and junk recyclers. Support removed due to amendments. No Position. | Passed Assembly Business, Professions and Consumer Protection 7/3/12 |
| Federal Food Program. AB 2280 (Lara; D-Los Angeles) Allows vendors to rectify violations and remain in Women Infants and Children Supplemental Nutrition (WIC) program by bringing California law into conformity with federal law regarding WIC vendor enforcement activities. Support. | Senate Appropriations Hearing 8/6/12 |
| Increased Funding for Export-Related Small Businesses. SB 1465 (Yee; D-San Francisco) Before amendments, would have facilitated investments and increased funding in export-related small businesses in California by creating an Export Financing Advisory Board under the California Pollution Control Financing Authority to advise government officials on export financing trends and encourage investments. Support removed due to amendments. No Position. | Passed Assembly Health 7/3/12 |

| Subject—CalChamber Position | Status |
|--|--|
| Privacy and Confidentiality | |
| Consumer Information. SB 1384 (Simitian; D-Palo Alto) Further limits the ability of employers to legitimately use background reports to verify an applicant’s information by allowing consumers to place freezes (similar to freezes on credit checks) on consumer reports containing information on employment history, evictions, criminal conduct, among other types of information. Oppose. | Placed on Senate Inactive File 6/7/12 |
| Statutes of Limitations. SB 999 (LaMalfa; R-Richvale) Exposes businesses to unjustifiable liability by unnecessarily extending the statute of limitations for the unauthorized commercial use of a person’s name, signature, photograph, or likeness on an Internet website. Oppose. | Senate Judiciary Hearing Canceled 5/3/12; Failed Deadline |
| Mandated Reporters. AB 1817 (Atkins; D-South Park/Golden Hill) Saves high tech companies resources by allowing a designated trained employee to be the mandated reporter to law enforcement on suspected child abuse information found on computers for all technicians employed by a company. Support. | Senate Appropriations Hearing 8/6/12 |
| Public Records. SB 1000 (Yee; D-San Francisco) Before amendments, would have eliminated the current balance between the importance of public disclosure and the need to protect proprietary information submitted to the California Public Utilities Commission. Now narrowed to address records needed to investigate accidents. Opposition removed due to amendments. Neutral. | Failed Passage in Assembly Utilities and Commerce 6/25/12 |
| Regulatory Reform | |
| Creates Regulatory Certainty. SB 1099 (Wright; D-Inglewood) Provides certainty for business by creating a predictable and easy-to-track implementation schedule for new regulations and provides language of new regulations online for easier access. Support/ Job Creator . | Passed Assembly Business, Professions and Consumer Protection 6/19/12 |
| Administrative Practices. AB 1612 (Lara; D-Los Angeles) Promotes government accountability and a transparent process by requiring proposed new residential building standards to include the cost of compliance, potential benefits of the proposed standard and the underlying model used to achieve those estimates. Support/ Job Creator . | Senate Appropriations Hearing 8/6/12 |
| Increases Regulatory Certainty. AB 2091 (B. Berryhill; R-Ceres) Provides certainty and the ability for businesses to meet government mandates by requiring that new technology required to implement a new regulation is available and affordable. Support/ Job Creator . | Failed Passage in Assembly Business, Professions and Consumer Protection 4/24/12 |
| Provides Accountability for Expensive Regulation. AB 1982 (Gorell; R-Camarillo) Provides flexibility for business by extending the time when they are required to comply with new regulations by an additional 60 days. Also provides accountability by requiring regulations with a significant economic impact to be reviewed by the Legislature before implementation. Support/ Job Creator . | Held in Assembly Appropriations Suspense File 5/25/12; Failed Deadline |
| Creates Regulatory Certainty. SB 1139 (Rubio; D-East Bakersfield) Advances the state’s environmental policies and promotes job creation by reducing the regulatory burdens for the permitting process of carbon capturing and storage projects. Support/ Job Creator . | Passed Assembly Natural Resources 7/2/12 |
| Regulatory Certainty. SB 1127 (Vargas; D-San Diego) Removes regulatory overlap and creates statewide consistency in the regulation of a consumer product. Support. | Failed Senate Environmental Quality 4/16/12 |
| Taxation | |
| Creates Inequity in the Tax Structure. AB 2408 (Skinner; D-Berkeley) Harms struggling small businesses and start-ups by repealing the Net Operating Loss (NOL) carry back deduction, a lifeline that helps employers stay afloat, retain employees, and continue investing in their businesses in an economic downturn. Oppose/ Job Killer . | Passed Senate Governance and Finance 7/3/12 |
| Unreasonable and Duplicative Tax Penalties for Employers. SB 950 (Alquist; D-Santa Clara) Forces taxpayers to overpay their taxes in order to avoid severe penalties. Oppose/ Job Killer . | Senate Governance and Finance Hearing Canceled 3/28/12; Failed Deadline |

| Subject—CalChamber Position | Status |
|---|--|
| More Manufacturing Jobs. AB 1911 (Donnelly; R-Twin Peaks) Encourages employers to maintain and expand their manufacturing operations in California by providing a permanent, partial sales-and-use tax exemption for purchases of manufacturing equipment. Support/ Job Creator . | Held in Assembly Revenue and Taxation 5/14/12 |
| More Manufacturing/R&D Jobs. AB 1972 (Huber; D-El Dorado Hills) Encourages employers to maintain and expand their manufacturing operations in California by providing a full sales-and-use tax exemption for purchases of manufacturing and research and development equipment made through December 31, 2018. Support/ Job Creator . | Held in Assembly Revenue and Taxation 5/14/12 |
| Film Credit Extension. AB 2026 (Fuentes; D-Los Angeles) Protects jobs in the film industry by extending the film tax credit for five years, until July 1, 2020. Support/ Job Creator . | Assembly Appropriations Hearing Postponed 5/25/12 |
| Film Credit Extension. SB 1167 (R. Calderon; D-Montebello) Protects jobs in the film industry by extending the film tax credit for five years, until July 1, 2020. Support/ Job Creator . | Senate Appropriations Hearing 8/6/12 |
| Tax Break for Small Businesses. AB 1605 (Garrick; R-Carlsbad) Reduces upfront costs for small businesses by eliminating the minimum franchise tax for the first year the business is in operation. Support/ Job Creator . | Held in Assembly Revenue and Taxation 5/14/12 |
| \$1 Billion Tax Increase. AB 1500 (J. A. Pérez; D-Los Angeles) Raises taxes for many California employers by making the single sales factor apportionment method mandatory in order to fund college tuition and fees. Oppose. | Passed Assembly Appropriations 5/25/12 |
| \$1 Billion Tax Increase. SB 1505 (DeSaulnier; D-Concord) Raises taxes for many California employers by making the single sales factor apportionment method mandatory in order to supplant general fund revenues now appropriated to the Department of Veterans Affairs. Oppose. | Held in Senate Veterans Affairs 4/26/12 |
| Lowers Voter Threshold. ACA 18 (Swanson; D-Oakland) Exposes businesses and other taxpayers to higher taxes at the local level by reducing local voter threshold to impose parcel taxes. Oppose. | Passed Assembly Revenue and Taxation 6/18/12 |
| Invades Taxpayer Privacy. AB 2439 (Eng; D-Monterey Park) Stigmatizes employers by requiring the Franchise Tax Board to disclose the taxes paid to the state by publicly traded corporations when requested by members of the public. Oppose. | Senate Appropriations Hearing 8/6/12 |
| Offers to Compromise. SB 1548 (Wyland; R-Escondido) Extends the existing Offer to Compromise program that allows a taxpayer to negotiate a reduced payment of an existing, undisputed tax obligation due to the taxpayer's insufficient financial ability to pay. Support. | Passed Assembly Revenue and Taxation 7/2/12 |
| Potential Confusion to Taxpayers. AB 2323 (Perea; D-Fresno) Imposes administrative burden on the Board of Equalization (BOE) to publish a formal opinion on its website for all non-consent cases that exceed \$500,000, even though such cases may not be precedential, thereby creating potential confusion for taxpayers as well as delay in BOE proceedings. Oppose. | Placed on Senate Appropriations Suspense File 7/2/12 |
| Reimbursement of Improper Charges. AB 2225 (Perea; D-Fresno) Allows any taxpayer to file with the Board of Equalization a claim for reimbursement of bank charges and third party check charges incurred as a direct result of an improper levy, notice to withhold, or collection action by the BOE. Support. | Passed Senate Governance and Finance 7/3/12 |
| Underground Economy. SB 1185 (Price; D-Los Angeles) Establishes the Centralized Intelligence Partnership Act, bringing representatives of state tax agencies together as an advisory committee to help fight the underground economy and protect legitimate businesses. Support. | Passed Assembly Public Safety 7/3/12 |
| Protects Existing Enterprise Zones. AB 484 (Alejo; D-Salinas) Helps ensure that businesses located within enterprise zones now seeking reauthorization can continue to receive uninterrupted benefits while the enterprise zone program is being reviewed. Support. | Failed Passage in Senate Governance and Finance 7/3/12 |
| Interest Rates on Overpayments. AB 2048 (Donnelly; R-Twin Peaks) Provides certainty and fairness by requiring interest on overpayments to the state to be determined in the same manner as interest on underpayments. Support. | Held in Assembly Appropriations Suspense File 5/25/12; Failed Deadline |

| Subject—CalChamber Position | Status |
|---|--|
| Eases Taxpayer Compliance. AB 2059 (Gorell; R-Camarillo) Instructs the Board of Equalization to create a use-tax estimate table to help taxpayers comply, and limits the number of small businesses that must register with the BOE under the sales and use tax reporting law. Support. | Held in Assembly Revenue and Taxation 4/23/12; Failed Deadline |
| Penalties on Overpayment of Taxes. AB 1475 (Committee on Budget) Among other provisions, unfairly penalizes taxpayers who overstate their liabilities by subjecting them to a 20% penalty for requesting a refund. Oppose Unless Amended. | Passed Senate Budget and Fiscal Review 6/14/12 |
| Tax Liability. SB 1419 (Correa; D-Santa Ana) Eliminates existing tax liability for businesses when the tax liability is deemed uncollectible by the Board of Equalization. Support. | Held in Senate Appropriations 5/24/12; Failed Deadline |
| Interest on Tax Liability. SB 1420 (Correa; D-Santa Ana) Reduces the potential tax burden on businesses by allowing the Board of Equalization to relieve interest due on an existing tax liability under extraordinary circumstances. Support. | Held in Senate Appropriations 5/24/12; Failed Deadline |
| Stigmatizes Employers Using Tax Incentives. AB 318 (Skinner; D-Berkeley) Before amendments, would have stigmatized California employers for taking advantage of investment incentives by requiring the Franchise Tax Board to provide private tax information in a searchable online database for publicly traded corporations that claim these incentives. Opposition removed due to amendments. No Position. | Passed Senate Governance and Finance 6/13/12 |
| Targeted Tax on Services. AB 1963 (Huber; D-El Dorado Hills) Before amendments, would have imposed a new sales-and-use tax based on numerous services, disadvantaging California businesses that would not benefit by the proposed reduction in other tax rates. Opposition and job killer status removed due to amendments. No Position. Former Job Killer. | Passed Senate Governance and Finance 7/3/12 |
| Targeted Tax on Services. AB 2540 (Gatto; D-Los Angeles) Before amendments, would have imposed a new sales-and-use tax on numerous services, disadvantaging small businesses that may not necessarily benefit from the proposed tax exemption for the first \$10,000 in business income. Opposition and job killer status removed due to amendments. No Position. Former Job Killer. | Assembly Revenue and Taxation 4/26/12; Failed Deadline |
| Penalties on Overpayment of Taxes. SB 1015 (Committee on Budget and Fiscal Review) Before amendments, would have unfairly penalized taxpayers who overstated their liabilities by subjecting them to a 20% penalty for requesting a refund. Opposition removed due to amendments. No Position. | Signed—Chapter 37 |
| Telecommunications | |
| Internet-Based Services. SB 1161 (Padilla; D-Pacoima) Provides certainty and creates a level playing field for California business by assuring that Voice over Internet Protocol- and Internet Protocol-enabled services will not be regulated at the state level but rather at the federal level. Support/ Job Creator. | Passed Assembly Utilities and Commerce 6/18/12 |
| Regulatory Conformity and Increased Broadband Access. SB 379 (Fuller; R-Bakersfield) Encourages economic growth and productivity by modernizing rural communications networks by aligning California’s regulatory priorities with federal priorities. Support. | Passed Assembly Utilities and Commerce 6/18/12 |
| Transportation and Infrastructure | |
| Reduces Trucking Industry Shortage of Qualified Drivers. AB 2659 (Blumenfield; D-San Fernando Valley) Increases the pool of qualified truck drivers by allowing the Department of Motor Vehicles to waive the Skills Test portion of the commercial drivers license process for military veterans who meet specific federal criteria regarding driving experience. Support. | Senate Appropriations Hearing 8/6/12 |
| Transportation Project Funding. AB 1446 (Feuer; D-Los Angeles) Creates construction jobs and accelerates transportation and infrastructure-related projects by permitting voters to continue a previously approved funding mechanism. Support. | Senate Appropriations Hearing 8/6/12 |

| Subject—CalChamber Position | Status |
|---|--|
| Infrastructure Master Plan. SB 907 (Evans; D-Santa Rosa) Creates and sustains jobs by requiring the creation of a strategic master plan for statewide infrastructure financing and development. Support. | Assembly Jobs, Economic Development and the Economy Hearing Canceled 7/2/12 |
| Delayed Infrastructure Projects. AB 441 (Monning; D-Carmel) Before amendments, delayed infrastructure projects by requiring the California Transportation Commission to include health and health equity factors in regional transportation plans, conflicting with existing law that already addresses similar factors by creating two different sets of guidelines that would have led to litigation, delays and setbacks in transportation projects. Opposition removed due to amendments. No Position. | Passed Senate Transportation and Housing 6/12/12 |
| Water Supply and Quality | |
| Delta Plan. AB 1884 (Buchanan; D-Alamo) Inappropriately disrupts the co-equal goals of the 2009 water package by broadly exempting many activities in the Delta from the plan. Oppose. | Assembly Water, Parks and Wildlife Hearing Canceled 4/9/12 |
| Water Boards—Ex Parte. SB 965 (Wright; D-Inglewood) Provides business and agricultural communities the opportunity to have extensive technical and fiscal discussions with water board members outside the regulatory hearing process thus expediting understanding about the ramification of regulations. Support. | Passed Assembly Governmental Organization 6/28/12 |
| Water Boards—Ex Parte. AB 2063 (Alejo; D-Salinas) Provides business and agricultural communities the opportunity to have extensive technical and fiscal discussions with water board members outside the regulatory hearing process thus expediting understanding about the ramification of regulations. Support. | Failed Passage in Senate Environmental Quality 7/2/12; Reconsideration Granted |
| Water Boards. SB 964 (Wright; D-Inglewood) Helps business by revealing the cost of complying with certain regulatory actions by requiring the state and regional water boards conduct a cost benefit analysis when drafting permits or waste discharge requirements affecting more than one person or business. Requires the water boards adhere to the Administrative Procedures Act process, the same as other regulatory boards. Support. | Failed Passage in Senate Environmental Quality 4/23/12 |
| Bond Delay. AB 1422 (Perea; D-Fresno) Delays the vital 2012 water bond to the 2014 ballot to provide a better opportunity for passage. Support. | Signed—Chapter 74 |
| Oceanside Facilities. AB 2595 (Hall; D-Los Angeles) Expedites permitting of desalination plants by requiring the Ocean Protection Council to streamline the current permitting process. Support. | Passed Senate Natural Resources and Water 6/26/12 |
| Bar Pilot Pay Raise. AB 2287 (Swanson; D-Oakland) Increases costs to businesses shipping through the San Francisco Port by giving shipping pilots a huge unwarranted pay raise. Oppose. | Assembly Appropriations 5/2/12; Failed Deadline |
| Peer Review. SB 1306 (Blakeslee; R-San Luis Obispo) Helps business and agriculture by ensuring that stormwater discharge permit requirements are scientifically valid by subjecting them to external peer review. Support. | Failed Passage in Assembly Environmental Safety and Toxic Materials 6/19/12; Reconsideration Granted |
| New Water Policy. AB 685 (Eng; D-Monterey Park) Increases the cost of water for business and agriculture by changing the state’s water goals to specify affordable water for everyone without regard to cost. Oppose. | Senate Appropriations 1/13/12 |
| Stormwater. AB 2117 (Gorell; R-Camarillo) Eases regulatory burden on business by conforming new state stormwater regulations to federal standards. Support. | Held in Assembly Appropriations Suspense File 5/25/12; Failed Deadline |
| Flow Criteria. AB 1813 (Buchanan; D-Alamo) Imposes expensive and redundant government studies regarding water that would be paid for by business and agricultural permittees. Oppose. | Assembly Water, Parks and Wildlife Hearing Canceled 4/19/12; Failed Deadline |

| Subject—CalChamber Position | Status |
|--|--|
| Delta Project. AB 2422 (B. Berryhill; R-Ceres) Requires unnecessary and redundant studies regarding conveyance projects through the Delta. Oppose. | Held in Assembly Appropriations Suspense File 5/25/12; Failed Deadline |
| Levee Maintenance Funding. SB 200 (Wolk; D-Davis) Allows business to expand and grow in certain areas of the state by providing assistance with necessary levee repairs. Support. | Passed Assembly Water, Parks and Wildlife 6/12/12 |
| Water Supply Reliability. SB 250 (Rubio; D-East Bakersfield) Stabilizes water supply reliability for the state by requiring Department of Water Resources to complete conveyance facilities including the Bay Delta Conservation Plan by 2013 and aids business long-term planning. Support. | Assembly Water, Parks and Wildlife Hearing Postponed 6/26/12 |
| Delta. AB 1095 (Buchanan; D-Alamo) Inappropriately overrides co-equal goals negotiated and adopted in the 2009 water package designed to balance statewide water supply reliability and Delta needs. Before amendments, was a job creator that would have reduced regulatory burdens. Oppose. Former Job Creator. | Failed Passage in Senate Natural Resources and Water 7/3/12; Reconsideration Granted |
| Delta Conveyance. AB 2000 (Huber; D-El Dorado Hills) Obstructs new Delta conveyance by adding conditions that must be met before construction. Oppose. | Failed Passage in Assembly Water, Parks and Wildlife 4/24/12 |
| Water Supply Reliability. AB 2421 (B. Berryhill; R-Ceres) Potentially jeopardizes statewide water supply reliability by prematurely allowing projects before the comprehensive long-term management plan is adopted. Oppose. | Held in Assembly Appropriations Suspense File 5/25/12; Failed Deadline |
| Workers' Compensation | |
| Costly Workers' Compensation Attorney's Fees Increase. AB 1687 (Fong; D-Cupertino) Unnecessarily increases costs and incentivizes litigation by permitting the Workers' Compensation Appeals Board (WCAB) to award attorney's fees to an applicant who challenges a utilization review decision regarding a future medical treatment award. Oppose. | Senate Appropriations Hearing 8/6/12 |
| Increased Workers' Comp Frictional Costs. AB 1145 (Cedillo; D-Los Angeles) Increases frictional costs in the workers' compensation system by creating a two-tiered system for the supplemental job displacement voucher. Oppose. | Placed on Senate Appropriations Suspense File 6/25/12 |
| Elimination of Double Reimbursement for Workers' Compensation Spinal Surgeries. SB 959 (Lieu; D-Torrance) Lowers employer and workers' compensation system costs by eliminating separate reimbursement for implantable devices used in spinal surgeries. Support. | Placed on Assembly Inactive File 6/25/12 |
| Expands Costly Presumptions. AB 808 (Skinner; D-Berkeley) Increases workers' compensation costs for public and private hospitals by presuming certain diseases and injuries are caused by the workplace, and establishes precedent for expanding presumptions into the private sector. Oppose. | Senate Appropriations Hearing 8/6/12 |
| Inappropriately Permits Acupuncturists to Make Disability Determinations. AB 2072 (Eng; D-Monterey Park). Before amendments, would have permitted acupuncturists, who lack knowledge, education and training in all bodily systems, to perform the comprehensive assessment of an individual's health status and functional capacity for the purposes of making disability determinations in the workers' compensation system. Opposition removed due to amendments. No Position. | Held in Assembly Appropriations Suspense File 5/25/12; Failed Deadline |

ALERT

CALIFORNIA CHAMBER OF COMMERCE

P.O. BOX 1736 SACRAMENTO, CA 95812-1736
(916) 444-6670 FACSIMILE (916) 444-6685
www.calchamber.com

Helping California Business Do BusinessSM

Periodicals
Postage
PAID
Sacramento, CA

ADDRESS SERVICE REQUESTED

ALERT
WWW.CALCHAMBER.COM

CALIFORNIA CHAMBER OF COMMERCE

JULY 13, 2012 • PAGE 24



Do-it-yourself employee handbook software plus a bonus download with helpful guidelines



An employee handbook is one of the best ways to clearly communicate workplace policies and protect your business from employee lawsuits. CalChamber's 2012 Employee Handbook Software makes it easy to customize and format policies that comply with California and federal laws. The software's new and updated policies for 2012 include timekeeping and meal and rest breaks, political activity, job sharing, social media and more.

"Our bonus download provides pointers for creating an effective employee handbook."

Erika Frank, J.D.
CalChamber
General Counsel &
Employment Law Expert

Buy now and you'll also receive "Employee Handbook Tips From CalChamber's Experts," a free download that covers handbook best practices.

Preferred and Executive members receive their 20% discount. Own the 2011 software version? Call (800) 331-8877 for special pricing.



Windows-Only CD
or Download: \$199.99

ORDER by 7/31/12 at calchamber.com/EHS or call (800) 331-8877. Use priority code EHBA.