

# ALERT

VOLUME 38, NUMBER 27 • SEPTEMBER 14, 2012



## Illegal Tax Hike ‘Job Killers’ Await Action by Governor

*Unnecessary New Heat Illness Mandate Also Pending*



Three illegal tax increases, all “job killers” that will boost energy costs, are awaiting action by the Governor after passing the Legislature on the closing day of the session.

Also on the Governor’s desk is a costly workplace mandate “job killer” that could increase the price of food.

The four California Chamber of Commerce-**opposed** “job killer” bills were among 32 identified this year.

### Fuel Price Increases

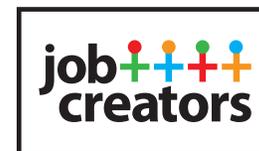
Just days before the end of the session, amendments to CalChamber-opposed **AB 1186 (Skinner; D-Berkeley)** turned the bill into a “job killer.”

Like **AB 1532 (J. A. Pérez; D-Los Angeles)** and **SB 535 (De León; D-Los Angeles)**, AB 1186 aims to use revenue from an illegal tax in the cap-and-trade program.

The program will increase energy costs, including fuel prices, on consumers and businesses by imposing a multibillion-

*See Illegal: Page 23*

## Job Creator Bills Pass Legislature to Governor



In the closing weeks of the legislative session, the Legislature passed seven

California Chamber of Commerce-**supported** job creator bills.

Legislation creating regulatory certainty was signed by the Governor this week (see story on **SB 1099–Wright; D-Inglewood**, Page 23).

### Pending

The Governor has until September 30 to take action on the following job creators:

- **AB 890 (Olsen; R-Modesto)**

### Reduces Regulatory Burdens —

Improves safety and roadway conditions that expedite goods and people movement by exempting roadway projects from the California Environmental Quality Act process.

- **AB 1612 (Lara; D-Los Angeles)**

**Administrative Practices** — 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.

- **AB 2026 (Fuentes; D-Sylmar)**

**Film Credit Extension** — Protects jobs in the film industry by extending the film tax credit for two years, until July 1, 2017.

- **AB 2245 (Smyth; R-Santa Clarita)**

**CEQA Reform** — Maximizes state funding and promotes tourism

*See Job: Page 4*

## Legislature Sends Disability Access, Workers’ Comp Reforms to Governor



### SUPPORT

(ADA) and to reduce employer workers’ compensation costs to support benefit increases for injured workers is on the Governor’s desk.

**SB 1186 (Steinberg; D-Sacramento/Dutton; R-Rancho Cucamonga)** also promotes increased compliance with disability accessibility building codes throughout the state.

**SB 863 (De León; D-Los Angeles)** potentially reduces underlying costs

California Chamber of Commerce-**supported** legislation to limit frivolous litigation connected with the Americans with Disabilities Act

and represents a balanced approach to issues within the California workers’ compensation system.

### Disability Access

SB 1186 was developed over the last four months in discussions by the authors, their staffs and a working group including the CalChamber.

Among other things, SB 1186:

- Prohibits prelitigation “demands for money” by attorneys.

- Puts into place new provisions to prevent “stacking” of multiple claims to increase statutory damages.

- Reduces statutory damages and provides litigation protections for defendants who correct violations.

- Establishes priorities for the

*See Legislature: Page 3*

### Inside

Status Report on Major Bills: Pages 5–22

## Labor Law Corner

# Pay Period, Payday Basic Requirements, Exemptions Set in Labor Code



**Barbara Wilber**  
HR Adviser

We pay semi-monthly on the first and 15th, but our payroll periods vary each month and there is usually a 10-day wait between the end of the payroll period and the payday. When the month has five weeks, there is a longer period before the payday. Is this OK?

It appears from your description that the pay periods and corresponding

paydays may not conform to the requirements found in the California Labor Code, Section 204 (a), which establishes the specific requirements that are relevant to most industries:

*“204 (a) All wages, other than those mentioned in Section 201, 201.3, 202, 204.1, or 204.2, earned by any person in any employment are due and payable twice during each calendar month, on days designated in advance by the employer as the regular paydays. Labor performed between the 1st and 15th days, inclusive, of any calendar month shall be paid for between the 16th and the 26th day of the month during which the labor was performed, and labor performed between the 16th and the last day, inclusive, of any calendar month, shall be paid for between the 1st and 10th day of the following month. However, salaries of executive, administrative, and professional employees of employers covered by the Fair Labor Standards Act, as set forth pursuant to Section 13(a) (1) of the Fair Labor Standards Act, as amended through March 1, 1969, in Part 541 of Title 29 of the Code of Federal Regulations, as that part now reads or may be amended to read at any time hereafter, may be paid once a month on or before the 26th day of the month during which the labor was performed if the entire month’s salaries, including the unearned portion between the date of payment and the last day of the month, are paid at that time.”*

*“(d) The requirements of this section shall be deemed satisfied by the payment of wages for weekly, biweekly, or semimonthly payroll if the wages are paid not more than seven calendar days following the close of the payroll period.”*

The pay plan described in your question does not designate a payday within seven days after the end of the payroll period pursuant to 204 (d).

## Other Exemptions

Further exemptions to the basic requirement exist as follows:

*“204(c) Employees covered by a collective bargaining agreement.*

*“204.1 Commission wages paid to any person employed by an employer licensed as a vehicle dealer by the Department of Motor Vehicles.*

*“205 Employees in agricultural, viticulture, and horticultural pursuits, in stock or poultry raising, and in household domestic service, when the employees in such employments are boarded and lodged by the employer. Also, employees working for a farm labor contractor.*

*“205.5 Agricultural employees as defined in Section 1140.4.”*

## Review Sections

The list above is not all-inclusive; therefore, review the various sections to determine which particular rule applies to your industry and employee classification.

*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](http://www.hrcalifornia.com).*

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## Deviations

Anticipating that employers may want to pay more frequently or use a different schedule, deviations from this basic requirement are allowed as stated in 204 (d):

 CalChamber

**CalChamber Post-Election  
Public Affairs Council Meeting**



November 14–15, 2012 | Montage Resort | Laguna Beach, California



## Legislature Sends Disability Access, Workers' Comp Reforms to Governor



### SUPPORT

*From Page 1*  
California Commission on Disabled Accessibility that promote and facilitate disability access compliance.

California has 40% of the nation's ADA lawsuits but only 12% of the country's disabled population.

SB 1186 is an urgency measure that would take effect immediately upon being signed.

#### Workers' Compensation

SB 863 provides employers with cost-saving proposals that reduce frictional costs while providing injured workers with needed benefit increases.

In addition, the administration has committed to an expeditious regulatory process that seeks to achieve the full extent of the projected savings associated with SB 863.

In an August 31 news release, Governor Edmund G. Brown Jr. commended the Legislature for "an extraordinary workers' compensation reform bill that helps injured workers and averts an imminent crisis of skyrocketing rates. Again, Republicans have joined Democrats to work together—perhaps, a

portent of good things to come."

CalChamber recognizes that the California workers' compensation system is on an unsustainable trajectory. In particular, cost pressures in the system have mitigated much of the savings realized in the last round of reforms.

As a result, California employers' premiums are increasing as the overall cost of the system continues to rise. CalChamber also acknowledges that benefits for some injured workers are inadequate and, therefore, supports a benefit increase where appropriate.

SB 863 addresses both of these issues: it offers proposals that reduce system costs in order to offset a benefit increase. Specifically, SB 863 addresses the lien epidemic, shortens the medical-legal process, implements an independent medical review system and streamlines the permanent disability schedule. These proposals reduce frictional costs by reducing delays in the system and litigation. Additionally, the bill provides injured workers an increase in permanent disability benefits.

CalChamber, however, has been concerned that the savings in SB 863 may not be adequate to match the benefit increase. Savings projections of this bill by Bickmore Risk Services and the Workers' Compensation Insurance

Rating Bureau both show a small margin between the projected savings and costs associated with benefit increases.

SB 863 includes many proposals that could not be priced because they are not legislatively self-executing. The savings from these proposals will be a function of an effective regulatory implementation.

As such, CalChamber sought and received a commitment from the administration to timely and effectively implement the regulations critical to achieving the savings contained in the reform proposal, as well as devoting the necessary resources and people to get the job done. This commitment gives CalChamber and employers the certainty needed to support SB 863.

SB 863, along with the administration's commitment, meets CalChamber's goal of preserving a balanced workers' compensation system that provides fair benefits to injured workers at a low cost to employers, while minimizing friction to the system.

#### Action Needed

The CalChamber is urging members to contact the Governor and ask him to **sign SB 1186 and SB 863**. Sample letters are available at [www.calchambervotes.com](http://www.calchambervotes.com).  
**Staff Contacts: Jennifer Barrera, Jeremy Merz**

## CalChamber Announces Positions on November Ballot Measures



The California Chamber of Commerce has announced its positions on the November ballot measures:

● **Proposition 30:** Temporary Taxes to Fund

Education. Guaranteed Local Public Safety Funding. Initiative Constitutional Amendment. *No Position.*

● **Proposition 31:** State Budget. State and Local Government. Initiative Constitutional Amendment and Statute. *Support.*

● **Proposition 32:** Prohibits Political Contributions by Payroll Deduction. Prohibitions on Contributions to Candidates. Initiative Statute. *No Position.*

● **Proposition 33:** Changes Law to Allow Auto Insurance Companies to Set Prices Based on a Driver's History of Insurance Coverage. Initiative Statute. *No Position.*

● **Proposition 34:** Death Penalty Repeal. Initiative Statute. *No Position.*

● **Proposition 35:** Human Trafficking. Penalties. Sex Offender Registration. Initiative Statute. *No Position.*

● **Proposition 36:** Three Strikes Law. Sentencing for Repeat Felony Offenders.

Initiative Statute. *No Position.*

● **Proposition 37:** Genetically Engineered Foods. Mandatory Labeling. Initiative Statute. *Oppose.*

● **Proposition 38:** Tax for Education and Early Childhood Programs. Initiative Statute. *Oppose* (CalChamber signed ballot arguments against. See July 27 *Alert*.)

● **Proposition 39:** Tax Treatment for Multistate Businesses. Clean Energy and Energy Efficiency Funding. Initiative Statute. *Oppose.*

● **Proposition 40:** Redistricting. State Senate Districts. Referendum. *Support* (CalChamber signed ballot arguments in support. See August 10 *Alert*.)

# Governor Signs Pension Reform Legislation

*'Good First Step Toward Improving Economic Certainty'*

Governor Edmund G. Brown Jr. this week signed a bipartisan-supported pension reform bill that has the potential to save billions of taxpayer dollars by capping benefits, increasing the retirement age, stopping abusive practices and requiring state employees to pay at least half their pension costs.

According to the Governor's news release, the pension reform law, AB 340 (Furutani; D-South Los Angeles County), requires current state employees and all new public employees to pay for at least 50% of their pensions and establishes this as the norm for all public workers in California.

Importantly, these new reforms eliminate state-imposed barriers that have prevented local governments from increasing employee contributions. The new law also bans abusive practices used to enhance pension payouts.

## 'Good First Step'

The pension reform agreement came together in the final days of the legislative session last month. CalChamber President and CEO Allan Zarembeg called the reform agreement "a good first step toward improving economic

certainty in California. Equal sharing of pension costs, restructuring retirement formulas and ending abuses are all victories for taxpayers."

Zarembeg commented that "Additional work...needs to be done to achieve all 12 points of the comprehensive plan outlined by the Governor last October. Governance reforms, restraining annuitant health care costs, and robust implementation of defined contribution plans are necessary components of a complete solution. A defined contribution component as part of a hybrid pension plan is essential to enable state and local agencies to better manage their risk and minimize costs to taxpayers."

## Pension Costs

Pension costs for the state are at an all-time high, including billions more in obligations from a 1999 law that retroactively increased pensions for thousands of state workers—and that lawmakers were promised wouldn't cost the state anything to pay for more generous pensions.

Even as education, public safety and health care programs have been slashed in recent years, pension costs continue to

rise to cover this unfunded liability.

Pension costs also are the fastest-growing expenditure for city and county governments. In 1999, pension costs were 4.1% of aggregate municipal spending; by 2011, that figure had more than doubled to 9.6%. Between 1999 and 2010, pension spending grew at 11.4% per year, twice the growth rate for education, public safety, parks, health and sanitation.

The Governor's original proposal called for a hybrid plan that would include a reduced defined benefit component and a defined contribution component to be managed professionally to reduce the risk of employee investment loss.

For more information on the new pension reform laws, see the links in the CalChamber Top Story on September 13.

## Job Creator Bills Await Action by Governor

*From Page 1*

by exempting bike lanes in existing roadways from the California Environmental Quality Act process.

### ● SB 1161 (Padilla; D-Pacoima)

**Internet-Based Services** — 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.

### ● SB 1197 (R. Calderon; D-Montebello) Film Credit Extension

— Protects jobs in the film industry by extending the film tax credit for two years, until July 1, 2017.

### ● SB 1402 (Lieu; D-Torrance)

**Better Workforce Development** — 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.

For more information about other job creators, visit [www.calchamber.com/jobcreators](http://www.calchamber.com/jobcreators).

Staff Contact: Marc Burgat

## Fox News Political Commentator Presents Observations on Presidential Campaign



Tucker Carlson, a veteran journalist and political commentator for the Fox News Channel, presents anecdotes on the presidential campaign at the dinner gathering of the CalChamber Board of Directors on September 6.

# 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 when the Legislature adjourned the session on August 31. Action taken by the Governor before *Alert* went to print is also reported.

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

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 go 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 for October 26.

Federal bills are marked with an \*.

Status of bills as of August 31, 2012, when the Legislature adjourned for the year. Dates listed are for last legislative action. Bills that have not gone to the Governor are dead.

Subject—CalChamber Position	Status
<b>Agriculture and Natural Resources</b>	
<b>New State Goals for Forestry.</b> 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/ <b>Job Killer</b> .	Assembly Natural Resources Hearing Canceled 5/7/12
<b>Structural Changes.</b> AB 2402 (Huffman; D-San Rafael) Before amendments, potentially increased 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. Opposition removed due to amendments. No Position.	To Governor
<b>Private Right of Action.</b> SB 1148 (Pavley; D-Agoura Hills) Before amendments, inappropriately interfered 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 imposed new strict liability provisions. Opposition removed due to amendments. No Position.	To Governor
<b>Fines.</b> AB 2179 (Allen; D-Santa Rosa) Inappropriately creates a bounty hunter mentality by expanding the ability of Department of Fish and Game to impose higher penalties without due process. Oppose.	Senate Inactive File 8/31/12
<b>Property Ownership.</b> 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
<b>Wildfire.</b> 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
<b>Infrastructure Improvements.</b> 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.	Held in Assembly Appropriations Suspense File 8/16/12
<b>Timberland Conversions.</b> SB 455 (Pavley; D-Agoura Hills) Burdens timberland owners with new costly and complicated government programs. Unfairly imposes unachievable mitigation requirements for conversions. Oppose.	Assembly Inactive File 8/27/12

Subject—CalChamber Position	Status
<b>Grocery Stores.</b> 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
<b>Civil Penalties.</b> AB 1675 (Bonilla; D-Concord) Punishes bad actors by increasing penalties for farm labor contractor violations to include civil penalties. Support.	To Governor
<b>Driver’s License: Ag Equipment.</b> 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
<b>Ag Equipment.</b> AB 1758 (Valadao; R-Hanford) Reduces costs to agriculturalists by classifying hay stack retrievers as ag equipment. Support.	Assembly Transportation Hearing Canceled 4/24/12
<b>Fees.</b> 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
<b>Pesticide Ban.</b> AJR 29 (Allen; D-Santa Rosa) Before amendments, hampered farmers’ productivity by banning a pesticide used to control mites in bee colonies without a scientific basis. Opposition removed due to amendments. Neutral.	Senate Rules 8/28/12
<b>Nitrates.</b> AB 2174 (Alejo; D-Salinas) Helps farmers by providing technical assistance on fertilizer use from previously restricted research funds. Support.	Signed—Chapter 198
<b>Banking/Finance</b>	
<b>Impedes Economic Recovery.</b> 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/ <b>Job Killer</b> .	Signed—Chapter 86
<b>Impedes Economic Recovery.</b> 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/ <b>Job Killer</b> .	Signed—Chapter 87
<b>Impedes Economic Recovery.</b> 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/ <b>Job Killer</b> .	Assembly Banking and Finance Hearing Canceled 4/16/12
<b>Impedes Economic Recovery.</b> 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/ <b>Job Killer</b> .	Assembly Banking and Finance Hearing Canceled 4/16/12
<b>Impedes Economic Recovery.</b> 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/ <b>Job Killer</b> .	Senate Banking and Financial Institutions Hearing Canceled 4/17/12
<b>Impedes Economic Recovery.</b> 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/ <b>Job Killer</b> .	Senate Banking and Financial Institutions Hearing Canceled 4/17/12
<b>Removes Impediment to Purchase Foreclosed Property.</b> AB 2610 (Skinner; D-Berkeley) As amended, requires new owners to honor only bona fide leases, in conformance with federal law. Support.	To Governor

Subject—CalChamber Position	Status
<b>Removes Impediment to Purchase Foreclosed Property.</b> SB 1473 (Hancock; D-Berkeley) As amended, requires new owners to honor only bona fide leases, in conformance with federal law. Support.	Assembly Inactive File 8/30/12
<b>Delays Housing Market Recovery.</b> AB 1599 (Feuer; D-Los Angeles) Before amendments, discouraged purchase of foreclosed properties because of vague language translation requirements for mortgage documents. Opposition removed due to amendments. No Position.	To Governor
<b>Loan Modification.</b> AB 1950 (Davis; D-Los Angeles) Protects the integrity of the loan modification process by prohibiting upfront fees for loan modification assistance. Support.	To Governor
<b>California Environmental Quality Act (CEQA)</b>	
<b>CEQA Reform.</b> 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/ <b>Job Creator</b> .	To Governor
<b>Alleviates Unnecessary Delays.</b> AB 2577 (Galgiani; D-Livingston) Reduces project delays by ensuring timely public comments in the California Environmental Quality Act process. Support/ <b>Job Creator</b> .	Assembly Natural Resources Hearing Canceled 5/7/12
<b>CEQA Reform.</b> AB 2245 (Smyth; R-Santa Clarita) Maximizes state funding and promotes tourism by exempting bike lanes in existing roadways from the California Environmental Quality Act process. Support/ <b>Job Creator</b> .	To Governor
<b>Complicates Building Construction.</b> 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
<b>Expedited Permitting.</b> AB 2564 (Ma; D-San Francisco) Expedites permitting for maintenance and upgrades for natural gas pipelines throughout the state. Support.	To Governor
<b>Reduces Regulatory Burdens.</b> 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. <b>Former Job Creator</b> .	Failed Passage in Assembly Natural Resources 7/2/12
<b>Climate Change</b>	
<b>Illegal Tax Increase.</b> 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/ <b>Job Killer</b> .	To Governor
<b>Illegal Tax Increase.</b> AB 1186 (Skinner; D-Berkeley) 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/ <b>Job Killer</b> .	To Governor
<b>Illegal Tax Increase.</b> 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/ <b>Job Killer</b> .	Assembly Second Reading 8/31/12
<b>Illegal Tax Increase.</b> 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/ <b>Job Killer</b> .	To Governor

Subject—CalChamber Position	Status
<b>Illegal Tax Increase.</b> 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/ <b>Job Killer</b> .	Held in Assembly Appropriations Suspense File 5/25/12
<b>Climate Change Tax Increase.</b> SB 237 (Wolk; D-Davis) Increases costs and discourages job growth by implementing unlimited fees and taxes under a cap-and-trade system. Oppose. ( <b>2011 Job Killer</b> )	Held in Senate Appropriations Suspense File 1/19/12
<b>California Global Warming Solutions Act of 2006: Offsets.</b> 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.	Held in Assembly Appropriations Suspense File 8/16/12
<b>Education</b>	
<b>Better Workforce Development.</b> 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/ <b>Job Creator</b> .	To Governor
<b>Career Pathways.</b> 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.	To Governor
<b>Improved Education.</b> 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.	To Governor
<b>Undermines Teacher Evaluation Systems.</b> AB 5 (Fuentes; D-Los Angeles) Undermines the current teacher evaluation system by requiring the governing board of a school district to bargain collectively with teachers over review standards, thereby allowing teachers unions to trade their financial priorities for lower performance expectations. Oppose.	Senate Third Reading 8/30/12
<b>Elections and Fair Political Practices</b>	
<b>Political Speech.</b> 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
<b>Corporation Political Contributions.</b> 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
<b>Corporation and Shareholder Detriment.</b> 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
<b>Political Speech.</b> AB 1648 (Brownley; D-Santa Monica) Before amendments, substantially minimized 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. No Position.	Senate Rules 8/21/12
<b>Energy</b>	
<b>Reduces Energy Costs.</b> AB 1755 (Perea; D-Fresno) Fairly allocates and reduces energy costs for business by authorizing a fixed per-customer charge among all ratepayers. Support/ <b>Job Creator</b> .	Senate Inactive File 8/30/12

Subject—CalChamber Position	Status
<b>Project Streamlining.</b> 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/ <b>Job Creator.</b>	Signed—Chapter 14 (urgency)
<b>Reduces Energy Costs.</b> 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/ <b>Job Creator.</b>	Failed passage in Senate Energy, Utilities and Communications 4/24/12
<b>Reduces Energy Costs.</b> 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. <b>Former Job Creator.</b>	Failed Passage in Assembly Natural Resources 4/26/12
<b>Increased Energy Costs.</b> 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.	Senate Inactive File 8/31/12
<b>Electricity Ratepayer Tax.</b> 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.	Held in Senate Appropriations Suspense File 8/16/12
<b>Ratepayer Benefits.</b> 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.	To Governor
<b>California Alternate Rates for Energy (CARE) Audits.</b> SB 1207 (Fuller; R-Bakersfield) Reduces energy cost shifts by authorizing more audits and requiring energy savings assessments of high usage CARE customers. Support.	To Governor
<b>Reduced Regulatory Burdens.</b> 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.	To Governor
<b>Limits Qualified Candidates.</b> 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
<b>Increased Energy Costs.</b> 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
<b>Inappropriate Penalties.</b> AB 861 (Hill; D-San Mateo) Before amendments, imposed inappropriate penalties on energy utility officers thereby interfering with the operating decisions made by utilities. Opposition removed due to amendments. No Position.	To Governor
<b>Environmental Regulation</b>	
<b>Polystyrene Food Container Ban.</b> 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/ <b>Job Killer.</b>	Failed passage in Assembly 8/31/12
<b>Hydraulic Fracturing.</b> AB 591 (Wieckowski; D-Fremont) Imposes unnecessary and overly onerous requirements on operators and service providers using hydraulic fracturing treatment. Oppose.	Held in Senate Appropriations Suspense File 8/16/12

Subject—CalChamber Position	Status
<b>Hydraulic Fracturing Ban.</b> 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.	Held in Senate Appropriations Suspense File 8/16/12
<b>Excessive and Costly Mandate.</b> 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.	Senate refused to concur in Assembly amendments 8/31/12
<b>Recycled Food/Beverage Containers.</b> 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.	To Governor
<b>Increases Energy Costs.</b> 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
<b>Fuels (Not Air Related)</b>	
<b>Increased Transportation Costs.</b> 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.	Senate refused to concur in Assembly amendments 8/31/12
<b>Government Procurement</b>	
<b>Unconstitutional Limit on International Trade.</b> 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/ <b>Job Killer</b> .	Assembly Business, Professions and Consumer Protection Hearing Canceled 4/17/12
<b>Project Labor Agreements.</b> 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/ <b>Job Creator</b> .	Failed Passage in Assembly Local Government 4/11/12
<b>Harms Private Employers.</b> 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
<b>Health Care</b>	
<b>Health Care Expenses Tax Deductions.</b> 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/ <b>Job Creator</b> .	Held in Assembly Revenue and Taxation 5/14/12
<b>Limits Choice for Small Business.</b> 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.	Assembly Inactive File 8/28/12
<b>Increased Health Care Premiums.</b> 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 5/24/12

Subject—CalChamber Position	Status
<b>Increases Health Care Coverage Premiums.</b> 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.	Held in Senate Appropriations Suspend File 8/16/12
<b>Increased Health Coverage Premiums.</b> SB 703 (Hernandez; D-West Covina) Drives up the cost of health care coverage for private payers resulting from underpayment of providers in the Basic Health Plan program established by this bill. Oppose.	Held in Assembly Appropriations Suspend File 8/16/12
<b>Wellness Programs.</b> 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.	Held in Senate Appropriations Suspend File 8/16/12
<b>Increased Costs.</b> AB 2152 (Eng; D-Monterey Park) Imposes onerous and unnecessary notification and disclosure requirements which could increase health insurance premiums and limit choice. Oppose.	To Governor
<b>Increased Costs: Mandated Mental Health Benefit Coverage.</b> 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
<b>Increased Costs: Mandated Autism Benefit Coverage.</b> 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
<b>Increased Costs: Health Care Mandate.</b> 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.	To Governor
<b>Increased Costs: Health Care Mandate.</b> AB 1000 (Perea; D-Fresno) Increases health care premiums by limiting co-payments for one type of pharmaceutical—orally administered anti-cancer medications. Oppose.	To Governor
<b>Curbs Illegal Drug Manufacturing.</b> 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
<b>Increased Costs.</b> 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.	To Governor
<b>Housing/Land Use</b>	
<b>Land Use Planning.</b> 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. <b>Former Job Killer.</b>	Senate Governance and Finance Hearing Canceled 6/28/12
<b>Provides Development Opportunities.</b> 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/ <b>Job Creator.</b>	Failed Passage in Assembly Transportation 4/24/12

Subject—CalChamber Position	Status
<p><b>Thwarts Development.</b> 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.</p>	<p>Assembly Business, Professions and Consumer Protection Hearing Canceled 4/17/12</p>
<p><b>Industrial Safety and Health</b></p>	
<p><b>Increased Cost of Food.</b> 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 unprecedented and excessive consequences for perceived and actual violations of heat illness prevention regulations. Oppose/<b>Job Killer</b>.</p>	<p>To Governor</p>
<p><b>Unreasonable Employer Liability.</b> 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.</p>	<p>To Governor</p>
<p><b>Insurance</b></p>	
<p><b>Reduced Administrative Burden.</b> SB 1212 (R. Calderon; D-Montebello) Facilitates the streamlining of document management for businesses by providing the option to choose electronic delivery of some insurance documents. Support.</p>	<p>Assembly Judiciary Hearing Canceled 8/28/12</p>
<p><b>International Relations/Trade</b></p>	
<p><b>Enhanced Driver License.</b> 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/<b>Job Creator</b>.</p>	<p>Held in Assembly Appropriations Suspend File 5/25/12</p>
<p><b>Costly Standards on Insurance Companies.</b> AB 2160 (Blumenfeld; D-San Fernando Valley) Raises insurance rates on businesses by subjecting insurance companies to unconstitutional standards regarding investments. Oppose.</p>	<p>To Governor</p>
<p><b>*Ex-Im Bank.</b> 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.</p>	<p>President Signed 5/30/12</p>
<p><b>*Russia Permanent Normal Trade Relations (PNTR).</b> 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.</p>	<p>Pending Congressional Action</p>
<p><b>Labor and Employment</b></p>	
<p><b>Exposure to Costly Discrimination Litigation.</b> AB 1450 (Allen; D-Santa Rosa) Before amendments, subjected employers to unjustified charges of discrimination for legitimately inquiring into an applicant's most recent employment history. No Position/<b>Former Job Killer</b>.</p>	<p>To Governor</p>
<p><b>Expansion of Discrimination Litigation.</b> 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/<b>Job Killer</b>.</p>	<p>Held in Senate Appropriations Suspend File 8/16/12</p>
<p><b>Expansion of Protected Leave Requirements for California Employers.</b> 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/<b>Job Killer</b>.</p>	<p>Held in Senate Appropriations Suspend File 8/16/12</p>

Subject—CalChamber Position	Status
<b>Increased Cost on Agricultural Employers.</b> 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/ <b>Job Killer</b> .	Assembly refused to concur in Senate amendments 8/31/12
<b>Automatic Minimum Wage Increase.</b> 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/ <b>Job Killer</b> .	Held in Assembly Appropriations Suspense File 5/25/12
<b>Targeted Burden on Companies with Call Centers.</b> 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/ <b>Job Killer</b> .	Failed Passage in Assembly Labor and Employment 4/18/12
<b>Improper Characterization of Private Employees to Allow Potential Card Check Unionization.</b> 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/ <b>Job Killer</b> .	Assembly Public Employees, Retirement and Social Security Hearing Canceled 4/24/12
<b>Inappropriate Wage Liens.</b> 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/ <b>Job Killer</b> .	Failed Passage in Assembly 5/31/12
<b>Reliance on State Agencies’ Written Advice.</b> 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/ <b>Job Creator</b> .	Failed Passage in Senate Judiciary 5/8/12
<b>Limits Frivolous Litigation.</b> 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/ <b>Job Creator</b> .	Failed Passage in Assembly Labor and Employment 4/18/12
<b>Reduction of Frivolous Meal Period Litigation.</b> AB 2176 (Logue; R-Linda) Reduces costly litigation regarding meal periods for commercial drivers who transport hazardous materials. Support/ <b>Job Creator</b> .	Assembly Labor and Employment Hearing Postponed 4/30/12
<b>Reduces Wage-and-Hour Competitive Disadvantage for California Employers.</b> 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/ <b>Job Creator</b> .	Failed Passage in Senate Labor and Industrial Relations 4/11/12
<b>Workplace Flexibility for Small Employers.</b> 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/ <b>Job Creator</b> .	Failed Passage in Senate Labor and Industrial Relations 5/9/12
<b>Reduction of Frivolous Meal Period Litigation.</b> SB 1362 (LaMalfa; R-Richvale) Reduces costly litigation regarding meal periods for commercial drivers who are regulated by federal law. Support/ <b>Job Creator</b> .	Senate Labor and Industrial Relations Hearing Canceled 4/9/12
<b>Expansion of Discrimination Lawsuits.</b> 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.	Held in Assembly Appropriations Suspense File 5/25/12
<b>Payroll Card Ban.</b> 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.	Senate Banking and Financial Institutions Hearing Canceled 7/6/11
<b>Workplace Privacy Protections.</b> AB 1844 (Campos; D-San Jose) Preserves existing employer rights to conduct workplace investigations with regard to personal social media. Support/ <b>Former Job Creator</b> .	To Governor

Subject—CalChamber Position	Status
<p><b>Exposure to Wage Statement Litigation.</b> AB 1744 (B. Lowenthal; D-Long Beach) Before amendments, mandated a new category of information into itemized wage statements, thereby potentially exposing employers to new wage-and-hour litigation for good faith administrative errors. Opposition removed due to amendments. No Position.</p>	To Governor
<p><b>Increased Exposure to Itemized Wage Statement Penalties.</b> SB 1255 (Wright; D-Inglewood) Before amendments, reduced 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. Opposition removed due to amendments. No Position.</p>	To Governor
<p><b>Increased Statutory Penalties for Labor Code Violations.</b> AB 2099 (Cedillo; D-Los Angeles) Before amendments, increased 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. Opposition removed due to amendments. No Position.</p>	Senate Third Reading 8/27/12
<p><b>Onerous Wage-and-Hour Mandates for Individuals and Families.</b> AB 889 (Ammiano; D-San Francisco) Requires individuals and families 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 individuals from retaining the services of these domestic work employees. Oppose.</p>	To Governor
<p><b>Public Employee Bill of Rights.</b> 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>	Held in Assembly Appropriations Suspense File 5/25/12
<p><b>Trade Secret Information.</b> 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>	To Governor
<b>Legal Reform and Protection</b>	
<p><b>Anti-Arbitration Legislation.</b> 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/<b>Job Killer.</b></p>	Failed Passage in Assembly Judiciary 7/3/12
<p><b>Inflates Litigation and Insurance Costs.</b> 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/<b>Job Killer.</b></p>	Failed Passage in Assembly 8/31/12
<p><b>Court Inefficiency.</b> 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/<b>Job Killer.</b></p>	Senate Rules 1/31/12
<p><b>Increases Class Action Fairness.</b> 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/<b>Job Creator.</b></p>	Failed Passage in Assembly Judiciary 4/24/12
<p><b>ADA Reform.</b> SB 1186 (Steinberg; D-Sacramento) Seeks to limit frivolous litigation regarding technical violations concerning disability access by reducing statutory damages, increasing pleading requirements, and banning pre-litigation, monetary demand letters. Support.</p>	To Governor
<p><b>Limitations on Depositions.</b> 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>	To Governor

Subject—CalChamber Position	Status
<b>Uniform Requirement.</b> 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.	To Governor
<b>New Liability and Costs to Businesses.</b> 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.	To Governor
<b>New Liability for Car Dealers.</b> 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.	To Governor
<b>Inappropriate Employer Reporting.</b> SB 1208 (Leno; D-San Francisco) Inappropriately requires employers to publicize retirement benefits for former employees at private companies. Oppose.	Failed Passage in Assembly 8/21/12
<b>Establishes a Legislative Monopoly.</b> 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.	Senate Inactive File 8/30/12
<b>Reduces Vexatious Litigation.</b> 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.	To Governor
<b>Discourages Frivolous Class Actions.</b> 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
<b>Undermines Contract Principles.</b> 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
<b>Lowers Cost of Civil Appeals.</b> 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
<b>Harms Housing Market.</b> 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
<b>Discourages Settlements.</b> AB 2570 (Hill; D-San Mateo) Before amendments, discouraged 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. Opposition removed due to amendments. No Position.	To Governor
<b>Lowers Cost of Civil Appeals.</b> 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
<b>False Claims Act.</b> 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.	To Governor

Subject—CalChamber Position	Status
<b>Discourages Settlement Agreements.</b> 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. <b>Former Job Killer.</b>	To Governor
<b>Local Government</b>	
<b>Low- and Moderate-Income Housing Redevelopment Funds.</b> 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.	Assembly Housing and Community Development 4/16/12
<b>Project Labor Agreement Prohibitions.</b> 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
<b>Sidewalk Repairs.</b> 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.	Held in Senate Appropriations Suspense File 8/16/12
<b>Limits Access to the Tax Assessment Appeals Process.</b> 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.	Failed Passage in Senate 8/29/12
<b>Temporary Postponement of the Dissolution of Redevelopment Agencies.</b> 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.	Signed—Chapter 267
<b>Other</b>	
<b>Mandated Pensions for Private Employers.</b> SB 1234 (De León; D-Los Angeles) Before amendments, subjected 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. Opposition removed due to amendments. No Position.	To Governor
<b>Metal Theft Penalties.</b> SB 1387 (Emmerson; R-Hemet) Discourages metal thefts through increased penalties and more stringent proof of ownership for certain items. Support.	To Governor
<b>Beverage Bans.</b> 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
<b>Discourages Entrepreneurs.</b> AB 1678 (Monning; D-Carmel) Chills business investments in mobile food vendors by restricting where they can operate. Oppose.	Assembly Health 3/12/12
<b>Unauthorized Use of Bond Fines.</b> 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
<b>Grocery Stores.</b> AB 2322 (Gatto; D-Los Angeles) Grows retail grocery stores in underserved areas through advanced planning of community needs. Support.	To Governor
<b>F-35 Program Funding.</b> AJR 37 (Knight; R-Antelope Valley) Encourages job growth in California through continued federal funding of the F-35 Joint Strike Fighter Program. Support.	Resolution Chapter 80

Subject—CalChamber Position	Status
<b>Metal Theft Reporting.</b> 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.	Signed—Chapter 172
<b>Federal Food Program.</b> 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.	To Governor
<b>Increased Funding for Export-Related Small Businesses.</b> 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.	To Governor
<b>Metal Theft Prevention.</b> AB 2298 (Ma; D-San Francisco) Originally increased metal theft enforcement activities that would have reduced losses to the business and agricultural communities. Drastically amended to deal with a different subject. No Position.	To Governor
<b>Privacy and Confidentiality</b>	
<b>Consumer Information.</b> 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
<b>Medical Privacy.</b> AB 439 (Skinner; D-Berkeley) Allows judicial discretion when imposing fines for inadvertent disclosures of medical records within a business-to-business transmittal in which no harm was done and all reasonable safeguards were in place. Support.	To Governor
<b>Mandated Training.</b> AB 1525 (Allen; D-Santa Rosa) Burdens retailers with unwarranted mandated training requirements for employees handling certain minor financial transmissions such as moneygrams, etc. Oppose.	To Governor
<b>Statutes of Limitations.</b> 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
<b>Mandated Reporters.</b> AB 1817 (Atkins; D-South Park/Golden Hill) Before amendments, saved 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 removed due to amendments. Neutral.	To Governor
<b>Public Records.</b> 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
<b>Regulatory Reform</b>	
<b>Creates Regulatory Certainty.</b> 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/ <b>Job Creator</b> .	Signed—Chapter 295

Subject—CalChamber Position	Status
<b>Administrative Practices.</b> 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/ <b>Job Creator</b> .	To Governor
<b>Increases Regulatory Certainty.</b> 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/ <b>Job Creator</b> .	Failed Passage in Assembly Business, Professions and Consumer Protection 4/24/12
<b>Provides Accountability for Expensive Regulation.</b> 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/ <b>Job Creator</b> .	Held in Assembly Appropriations Suspense File 5/25/12
<b>Creates Regulatory Certainty.</b> 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/ <b>Job Creator</b> .	Held in Assembly Appropriations Suspense File 8/16/12
<b>Regulatory Certainty.</b> 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
<b>Taxation</b>	
<b>Creates Inequity in the Tax Structure.</b> AB 2408 (Skinner; D-Berkeley) Harms struggling small businesses and start-ups by repealing the Net Operating Loss (NOL) carryback deduction, a lifeline that helps employers stay afloat, retain employees, and continue investing in their businesses in an economic downturn. Oppose/ <b>Job Killer</b> .	Senate Third Reading 8/7/12
<b>Unreasonable and Duplicative Tax Penalties for Employers.</b> SB 950 (Alquist; D-Santa Clara) Forces taxpayers to overpay their taxes in order to avoid severe penalties. Oppose/ <b>Job Killer</b> .	Senate Governance and Finance Hearing Canceled 3/28/12
<b>More Manufacturing Jobs.</b> 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/ <b>Job Creator</b> .	Held in Assembly Revenue and Taxation 5/14/12
<b>More Manufacturing/R&amp;D Jobs.</b> 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/ <b>Job Creator</b> .	Held in Assembly Revenue and Taxation 5/14/12
<b>Film Credit Extension.</b> AB 2026 (Fuentes; D-Los Angeles) Protects jobs in the film industry by extending the film tax credit for two years, until July 1, 2017. Support/ <b>Job Creator</b> .	To Governor
<b>Film Credit Extension.</b> SB 1197 (R. Calderon; D-Montebello) Protects jobs in the film industry by extending the film tax credit for two years, until July 1, 2017. Support/ <b>Job Creator</b> .	To Governor
<b>Film Credit Extension.</b> SB 1167 (R. Calderon; D-Montebello) Protects jobs in the film industry by extending the film tax credit for two years, until July 1, 2017. Support/ <b>Job Creator</b> .	Held at Assembly Desk 8/21/12
<b>Tax Break for Small Businesses.</b> 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/ <b>Job Creator</b> .	Held in Assembly Revenue and Taxation 5/14/12
<b>\$1 Billion Tax Increase.</b> 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.	Urgency clause refused adoption in Senate 9/1/12

Subject—CalChamber Position	Status
<b>\$1 Billion Tax Increase.</b> 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
<b>Lowers Voter Threshold.</b> 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.	Refused adoption in Assembly 8/31/12
<b>Lowers Vote Requirement.</b> ACA 21 (Feuer; D-Los Angeles) Amends the state Constitution to lower the vote requirement for approval of parcel taxes from two-thirds to 55% of voters. Oppose.	Assembly Third Reading 8/20/12
<b>Lowers Vote Requirement.</b> ACA 23 (Perea; D-Fresno) Amends the state Constitution to lower the vote requirement for approval of special taxes used for local transportation projects from two-thirds to 55% of voters. Oppose.	Assembly Inactive File 8/22/12
<b>Invades Taxpayer Privacy.</b> AB 2439 (Eng; D-Monterey Park) Stigmatizes employers by requiring the Franchise Tax Board to publicly disclose the taxes paid to the state by publicly traded corporations. Oppose.	Senate Inactive File 8/31/12
<b>Offers to Compromise.</b> 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.	Signed—Chapter 285
<b>Potential Confusion to Taxpayers.</b> 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.	To Governor
<b>Reimbursement of Improper Charges.</b> AB 2225 (Perea; D-Fresno) Before amendments, allowed 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 removed due to amendments. No Position.	Senate Rules 8/27/12
<b>Underground Economy.</b> 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.	Held in Assembly Appropriations Suspense File 8/16/12
<b>Protects Existing Enterprise Zones.</b> 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
<b>Interest Rates on Overpayments.</b> 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
<b>Eases Taxpayer Compliance.</b> 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
<b>Penalties on Overpayment of Taxes.</b> 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
<b>Tax Liability.</b> 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
<b>Interest on Tax Liability.</b> 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

Subject—CalChamber Position	Status
<p><b>Stigmatizes Employers Using Tax Incentives.</b> 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.</p>	To Governor
<p><b>Targeted Tax on Services.</b> 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. <b>Former Job Killer.</b></p>	To Governor
<p><b>Targeted Tax on Services.</b> 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. <b>Former Job Killer.</b></p>	Assembly Revenue and Taxation 4/26/12
<p><b>Penalties on Overpayment of Taxes.</b> 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.</p>	Signed—Chapter 37
<h2 style="color: red;">Telecommunications</h2>	
<p><b>Internet-Based Services.</b> 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/<b>Job Creator.</b></p>	To Governor
<p><b>Regulatory Conformity and Increased Broadband Access.</b> 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.</p>	To Governor
<h2 style="color: red;">Transportation and Infrastructure</h2>	
<p><b>Reduces Trucking Industry Shortage of Qualified Drivers.</b> AB 2659 (Blumenfeld; 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.</p>	To Governor
<p><b>Transportation Project Funding.</b> 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.</p>	To Governor
<p><b>Infrastructure Master Plan.</b> 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.</p>	Assembly Jobs, Economic Development and the Economy Hearing Canceled 7/2/12
<p><b>Delayed Infrastructure Projects.</b> 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.</p>	To Governor

Subject—CalChamber Position	Status
<b>Water Supply and Quality</b>	
<b>Delta Plan.</b> 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
<b>Water Boards—Ex Parte.</b> 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.	To Governor
<b>Water Boards—Ex Parte.</b> 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
<b>Water Boards.</b> 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
<b>Bond Delay.</b> 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
<b>Oceanside Facilities.</b> AB 2595 (Hall; D-Los Angeles) Expedites permitting of desalination plants by requiring the Ocean Protection Council to streamline the current permitting process. Support.	Held in Senate Appropriations Suspense File 8/16/12
<b>Bar Pilot Pay Raise.</b> 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
<b>Peer Review.</b> 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
<b>New Water Policy.</b> 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.	To Governor
<b>Stormwater.</b> 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
<b>Flow Criteria.</b> 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
<b>Delta Project.</b> 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
<b>Levee Maintenance Funding.</b> 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.	To Governor
<b>Water Supply Reliability.</b> 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

Subject—CalChamber Position	Status
<p><b>Delta.</b> 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. <b>Former Job Creator.</b></p>	<p>Failed Passage in Senate Natural Resources and Water 7/3/12</p>
<p><b>Delta Conveyance.</b> AB 2000 (Huber; D-El Dorado Hills) Obstructs new Delta conveyance by adding conditions that must be met before construction. Oppose.</p>	<p>Failed Passage in Assembly Water, Parks and Wildlife 4/24/12</p>
<p><b>Water Supply Reliability.</b> 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.</p>	<p>Held in Assembly Appropriations Suspense File 5/25/12</p>
<p><b>Drinking Water.</b> AB 403 (Alejo; D-Salinas) Provides funding to find a solution for communities that lack safe drinking water. Support.</p>	<p>Senate Appropriations 8/31/12</p>
<p><b>Drinking Water.</b> AB 2238 (Perea; D-Fresno) Changes definition of emergency to allow use of certain funds to study and resolve the lack of safe drinking water in the Central Valley. Support.</p>	<p>Senate Appropriations 8/31/12</p>
<p><b>Workers' Compensation</b></p>	
<p><b>Workers' Compensation System Reform.</b> SB 863 (De León; D-Los Angeles) Offsets necessary increases in permanent disability benefits and potentially lowers system costs for employers by reducing delays and litigation in the system, addressing the lien epidemic, shortening the medical-legal process, implementing an independent medical review system and streamlining the permanent disability schedule. Support.</p>	<p>To Governor</p>
<p><b>Costly Workers' Compensation Attorney's Fees Increase.</b> 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.</p>	<p>To Governor</p>
<p><b>Increased Workers' Comp Frictional Costs.</b> 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.</p>	<p>To Governor</p>
<p><b>Elimination of Double Reimbursement for Workers' Compensation Spinal Surgeries.</b> SB 959 (Lieu; D-Torrance) Lowers employer and workers' compensation system costs by eliminating separate reimbursement for implantable devices used in spinal surgeries. Support.</p>	<p>Assembly Inactive File 8/30/12</p>
<p><b>Expands Costly Presumptions.</b> 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.</p>	<p>Senate Inactive File 8/30/12</p>
<p><b>Inappropriately Permits Acupuncturists to Make Disability Determinations.</b> 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.</p>	<p>Held in Assembly Appropriations Suspense File 5/25/12</p>

## Regulatory Certainty Bill to Become Law



A California Chamber of Commerce-supported job creator bill that helps create

regulatory certainty for businesses was signed by Governor Edmund G. Brown Jr. on September 11.

**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.

### Quarterly Effective Dates

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.

### Single Information Source

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

For updates on the remaining job creator bills, visit [www.calchamber.com/jobcreators](http://www.calchamber.com/jobcreators).

**Staff Contact: Marc Burgat**

## Illegal Tax Hike ‘Job Killers’ Await Action by Governor

*From Page 1*

dollar auction that is not necessary to cost-effectively implement the market-based trading mechanism under AB 32, the 2006 climate change law.

AB 1186 creates an unfunded program, the School Energy Efficiency and Greenhouse Gas Reduction Fund, with the expectation of accessing revenue from the cap-and-trade program. The bill also is duplicative of existing programs currently funded by ratepayers, including energy efficiency programs that fund retrofitting school buildings.

AB 1532 and AB 535 specify other uses for the auction revenues and both bills must be signed in order to go into effect.

### ‘Cap-and-Tax’

In opposing AB 1186, AB 1532 and SB 535, the CalChamber has pointed out that the plan of the California Air Resources Board (ARB) 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. The decision to move forward with a multibillion-dollar auction will have devastating impacts on the state’s economy.

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.

Imposing an auction goes well beyond the ARB’s authority and runs contrary to the requirements expressly stated in AB 32, which is that of maximizing benefits and minimizing what the ARB describes as leakage risks and costs—the potential for businesses and jobs to move out of state.

### Costly Workplace Mandate

On August 29, legislators sent to the Governor **AB 2346 (Butler; D-Los Angeles)**. The bill 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 unprecedented and excessive consequences for perceived and actual violations of heat illness prevention regulations.

Updates, news links, videos, contributions link

Among the onerous provisions of AB 2346 is one creating a broad new private right of action even when Cal/OSHA has found no violation.

Cal/OSHA attests to the success of California’s first-in-the-nation heat illness prevention regulations in attaining increased compliance in outdoor places of employment throughout the state. Agricultural employers have made enormous strides in compliance and created unprecedented public-private partnerships. There is no reason for AB 2346.

### Action Needed

The CalChamber is urging its members to contact the Governor and ask him to **veto AB 1186, AB 1532, SB 535 and AB 2346**.

Sample letters are available at [www.calchambervotes.com](http://www.calchambervotes.com).  
**Staff Contacts: Brenda M. Coleman, Marti Fisher**

# ALERT

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## Your Guide to Trends and Court Decisions Impacting California Employers

Think it's OK to have Aunt Sally run the register a few nights a week? Why not, she's retired and likes to help. Actually, Aunt Sally's willingness to help can land her employer in trouble if she isn't treated like other employees. Using family or friends to perform work may violate state labor codes by not paying minimum wage, for example, or by failing to follow state statutes that require overtime pay.

That's just one example of the relevant articles you'll read in *California Employer Update*. The in-depth newsletter tackles complicated employment laws, making them easy to understand and apply to your business. Subscribers appreciate the insight and best practices from CalChamber's HR compliance experts each month.



Subscribe to CalChamber's *California Employer Update* newsletter by 9/30/12 and receive a \$10 Starbucks Card.

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