

CalChamber Vote Record: Major Bills 2008

This report for the second year of the 2007-08 legislative session focuses on California legislators' floor votes on bills of priority to the California Chamber of Commerce.

This is the 33rd vote record the CalChamber has compiled. The CalChamber publishes this report in response to numerous requests by member firms and local chambers of commerce that would like a gauge by which to measure their legislator's performance.

To help readers assess legislators' vote records, the charts group bills in five areas: employment law, environmental regulation, health care, legal and taxation.

Partial Picture

No vote record can tell the entire story of a legislator's attitude and actions on issues important to business. Each year, legislators cast thousands of votes on thousands of proposed laws. To fully evaluate your legislative representative, consult the legislative journals and examine your legislator's votes in committee and on floor issues. You can view these via links at www.calchambervotes.com.

A number of anti-business bills were rejected by legislators in policy or fiscal committees, thus stopping proposals before they reached the floor for a vote. The vote record does not capture these votes.

Most bills in this report cover major business issues that are of concern to both small and large companies.

The CalChamber recognizes that there are many bills supported or opposed by business that are not included in this vote record and analysis.

Factors Considered

The CalChamber considered the following factors in selecting vote record bills:

- The bills and votes reflect legislators' attitudes toward private enterprise, fiscal responsibility and the business climate.
- Each bill was a priority for the CalChamber in a particular field. Priority bills have appeared in the "Status Report" sections of *Alert*.

● The bills were voted upon by either the full Senate or Assembly. This year the vote record covers 14 votes in the Senate and 15 votes in the Assembly.

● Unless otherwise noted, final floor votes are shown. Concurrence votes and conference report votes are considered final votes.



When 'Not Voting' Helps

Sometimes a legislator is unwilling to vote against a colleague, but is willing to support the CalChamber's opposition to a bill. In such cases, a legislator may abstain from voting, which will hinder passage of a bill, just as a "no" vote does.

To recognize that not voting can aid the CalChamber's opposition to a bill, the vote record includes the number of times legislators did not vote "aye" on a CalChamber-opposed bill in the total for the column listing actions "in accord with" the CalChamber's position, if the legislator was not absent for the day.

Priority Bills

Employment Law

● **AB 2279 (Leno; D-San Francisco)** **Employee Safety Risk.** Hurts employee safety and employers' right to maintain drug-free workplace policies and exposes employers to potential litigation by prohibiting employers from refusing to hire applicants or fire current workers who use medical marijuana. Passed

Senate August 20, 21-15. Assembly concurred in Senate amendments August 29, 41-34. Vetoed. CalChamber Opposed/**Job Killer**.

● **AB 2716 (Ma; D-San Francisco) Employer Benefit Mandate.**

Unreasonably expands employer's costs and liability by mandating a specific paid sick leave policy. Passed Assembly May 28, 45-33. Held in Senate Appropriations August 7. CalChamber Opposed/**Job Killer**.

● **SB 1115 (Migden; D-San Francisco) Workers' Compensation Reform Roll Back.**

Increases workers' compensation costs and rolls back the workers' compensation reforms from 2004 by making apportionment very difficult to prove. Passed Senate March 10, 23-13. Passed Assembly August 19, 46-31. Vetoed. CalChamber Opposed/**Job Killer**.

● **SB 1583 (Corbett; D-San Leandro) Independent Contractors.** Establishes new penalties and liability for independent contractor misclassification, rather than the much-needed clarification for who is and who is not an independent contractor, by creating joint and

several liability penalizing advisors who work with businesses on the complex task of determining worker status. Passed Assembly August 14, 44-30. Passed Senate August 20, 21-14. Vetoed. CalChamber Opposed.

● **SB 1717 (Perata; D-Oakland) Workers' Compensation Reform Roll Back.** Increases workers' compensation costs and rolls back the workers' compensation reforms from 2004 by arbitrarily doubling permanent disability benefits and altering the 15 percent bump up/down provision in current law. Passed Senate May 27, 23-14. Passed Assembly August 29, 46-31. Vetoed. CalChamber Opposed/**Job Killer**.

Environmental Regulation

● **AB 2447 (Jones; D-Sacramento) Construction Job Loss.** Severely limits residential and commercial development to a degree that it could virtually shut down any suburban development in certain areas of California by prohibiting the approval of development in fire-risk

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areas without a mitigating finding by the city or county. Passed Senate August 22, 21-17. Passed Assembly August 30, 42-31. Vetoed. CalChamber Opposed/**Job Killer.**

- **AB 2558 (Feuer; D-Los Angeles)**

Climate Change Tax. Assesses an unconstitutional tax on businesses and consumers statewide by imposing a tax by a majority vote on either motor vehicles or vehicle fuel. Passed Assembly May 27, 42-33. Placed on Senate Inactive File August 25. CalChamber Opposed/**Job Killer.**

- **AB 2939 (Hancock; D-Berkeley)**

Building Cost Increases. Increases costs to developers by encouraging adoption of building standards written by private entities whose process is not open to public input or scrutiny consideration. Passed Senate August 30, 22-18. Assembly concurred in Senate amendments August 31, 44-32. Vetoed. CalChamber Opposed.

- **SB 1165 (Kuehl; D-Santa Monica)**

Infrastructure and Construction Jobs Loss. Jeopardizes economic growth by restricting environmental impact statements to a five-year lifetime which will delay permitting of the project and open the door for frivolous lawsuits in an attempt to block the project. Failed Senate May 29, 17-18. CalChamber Opposed/**Job Killer.**

Health Care

- **SB 840 (Kuehl; D-Santa Monica)**

Government-Run Health Care. Creates a new government-run, multibillion-dollar socialized health care system financed from a yet-to-be-specified tax increase. Passed Assembly August 29, 44-32. Passed Senate August 31, 22-14. Vetoed. CalChamber Opposed/**Job Killer.**

- **SB 1440 (Kuehl; D-Santa Monica)**

Reduced Medical Services. Imposes an arbitrary medical cost ratio of 85

percent on health care service plans and health insurers, leading potentially to less service to plan subscribers rather than more and eliminating low-cost products. Passed Assembly August 19, 46-31. Passed Senate August 31, 23-15. Vetoed. CalChamber Opposed.

Legal

- **AB 1394 (Krekorian; D-Burbank)**

Trademarks. Improves protections of trademark owner rights and consumer health and safety by strengthening California laws against trafficking of fake products such as auto parts, prescription drugs and children's toys. Passed Senate August 25, 35-0. Assembly concurred in Senate amendments August 29, 78-0. Signed by Governor – Chapter 431. CalChamber Sponsored/Supported/**Job Creator.**

- **SB 1113 (Migden; D-San Francisco)**

Incentive to Sue. Expands reward to plaintiffs for costs of litigation stemming from private attorney general actions while providing no cost recovery for those who must defend themselves against such actions, even if those actions are found to be baseless. Passed Assembly August 27, 42-33. Passed Senate August 29, 22-14. Vetoed. CalChamber Opposed/**Job Killer.**

- **SB 1608 (Corbett; D-San Leandro)**

Advancing Disability Access. Comprehensive reform that increases public access for individuals with disabilities while reducing unwarranted litigation, including by encouraging use of state-certified disability access specialists and establishing court procedure for early judicial review of lawsuit claims. Passed Assembly August 19, 77-1. Passed Senate August 28, 37-0. Signed by Governor – Chapter 549. CalChamber Supported/**Job Creator.**

Taxation

- **AB 1848 (Ma; D-San Francisco)**

Income Tax: Withholding. Greatly increases cost of doing business in

Key to Using This Section

Y means voted for bill.

N means voted against bill.

- means not voting “aye” on a CalChamber-opposed bill.

- means not voting or absent.

Boldface type indicates votes in accord with CalChamber position.

Red column headings are “job killer” bills.

Green column headings are “job creator” bills.

The last three columns are a tabulation of votes in accord with the CalChamber position, not in accord with the CalChamber and not voting or absent.

California and increases business tax administrative burden by requiring companies to track state tax liability and collect taxes from outside companies and independent contractors. Passed Assembly May 29, 41-33. Failed Senate August 20, 16-20. CalChamber Opposed.

- **SB 974 (Lowenthal; D-Long Beach)**

Tax on Freight Movement. Increases the cost of shipping goods and makes California less competitive by imposing an illegal per-container tax in the ports of Long Beach, Los Angeles and Oakland. Passed Assembly July 15, 46-24. Passed Senate August 5, 22-10. Vetoed. CalChamber Opposed/**Job Killer.**

How did your legislator vote? See for yourself.

calchambervotes.com

2008 Senate Vote Record

	Employment Law	AB 2279 - Employee Safety Risk AB 2716 - Employer Benefit Mandate SB 1115 - Workers' Comp Apportionment SB 1583 - Independent Contractors SB 1717 - Permanent Disability	Environmental Regulation	AB 2447 - Construction Job Loss AB 2558 - Climate Change Tax	Health Care	Legal	Taxation	In Accord with CalChamber	Not in Accord with CalChamber	Not Voting or Absent
Aanestad, Samuel (R)	N	No Senate floor vote.	N N N N	N	N N N N N N	Y N Y Y	N N N N * N	14 13	0 0	0 0
Ackerman, Dick (R)	N		N N N N	N	N N N N N N	Y N Y Y	N N N N * N	13 2	0 12	0 0
Alquist, Elaine (D)	Y	Y Y Y Y		Y	N N N N N N	Y N Y Y	Y Y Y Y	14 14	0 0	0 0
Ashburn, Roy (R)	N	N ● N N		N	N N N N N N	Y N Y Y	N N N N * N	14 14	0 0	0 0
Battin, Jim (R)	N	N ● N N		N	N N N N N N	Y N Y Y	N N N N * N	14 14	0 0	0 0
Calderon, Ron (D)	●	● Y Y ●		N	Y N	Y Y	Y N Y Y	10 4	4 0	0 0
Cedillo, Gilbert (D)	Y	Y Y Y Y		Y	Y N ●	Y Y	Y Y Y Y	4 4	10 10	0 0
Cogdill, Dave (R)	N	N N N N		N	Y N	N N	Y N Y Y	13 2	1 12	0 0
Corbett, Ellen (D)	Y	Y Y Y Y		Y	Y Y	Y Y	Y Y Y Y	7 9	7 4	1 1
Correa, Lou (D)	N	● Y Y		N	N N	● Y	Y ● —	N Y	Y Y	0 0
Cox, Dave (R)	N	N N N N		N N N N	N N N N	Y N Y Y	N N N N	14 2	0 0	0 0
Denham, Jeff (R)	N	* N N N		N N N N	N N N N	Y N Y Y	N N N N	13 2	0 0	1 0
Ducheny, Denise Moreno (D)	Y	Y ● Y ●		N N ●	Y Y Y Y	Y Y Y Y	● Y Y	7 14	7 0	0 0
Dutton, Bob (R)	N	N N N N		N N N N	N N N N	Y N Y Y	N N N N	14 2	0 0	0 0
Florez, Dean (D)	Y	Y Y Y Y	Y	Y Y	Y Y Y Y	Y Y Y Y	Y Y Y Y	2 12	0 0	0 0
Harman, Tom (R)	N	N N N N	N	N N N N	N N N N	Y N Y Y	N N N N	14 14	0 0	0 0
Hollingsworth, Dennis (R)	N	N N N N	N	N N N N	N N N N	Y N Y Y	N N N N	14 14	0 0	0 0
Kehoe, Christine (D)	Y	Y Y Y Y	Y	Y Y Y Y	Y Y Y Y	— Y Y	Y Y Y Y	1 1	12 12	1 0
Kuehl, Sheila James (D)	Y	Y Y Y Y	Y	Y Y Y Y	Y Y Y Y	Y Y Y Y	Y Y Y Y	2 2	12 12	0 0
Lowenthal, Alan (D)	Y	Y Y Y Y	Y	Y Y Y Y	Y Y Y Y	Y Y Y Y	Y Y Y Y	2 2	12 12	0 0
Machado, Mike (D)	●	Y N Y	Y	N Y	● Y	Y Y Y Y	Y Y	6 6	8 8	0 0
Maldonado, Abel (R)	N	N N N N	N	N N N N	N N N N	Y N Y Y	N N N N	14 13	0 1	0 0
Margett, Bob (R)	N	N N N N	●	N N N N	N N N N	Y Y Y Y	N N N Y	13 13	1 1	0 0
McClintock, Tom (R)	N	N N N N		N N N N	N N N N	Y Y Y Y	N N N N	13 13	1 1	0 0
Migden, Carole (D)	Y	Y ● Y	Y	Y Y	Y Y	Y Y —	Y Y	2 2	11 11	1 1
Negrete McLeod, Gloria (D)	Y	Y Y Y Y	Y	N ●	Y Y	Y ● Y	N Y	6 6	8 8	0 0
Oropeza, Jenny (D)	Y	Y Y Y Y	Y	Y Y	Y Y	Y Y Y Y	Y Y	2 2	12 12	0 0
Padilla, Alex (D)	Y	Y Y Y Y	Y	Y ●	Y Y	Y Y Y Y	● Y	4 4	10 10	0 0
Perata, Don (D)	Y	Y Y Y Y	Y	Y Y	Y Y	Y Y Y Y	Y Y	2 2	12 12	0 0
Ridley-Thomas, Mark (D)	Y	Y Y Y ●	Y	Y Y	Y Y	— Y Y	● —	3 3	9 9	2 2
Romero, Gloria (D)	Y	Y Y Y Y	Y	Y Y	Y Y	Y Y Y Y	Y ●	3 3	11 11	0 0
Runner, George C. (R)	●	N N N N	N	N N N N	N N N N	Y ● Y	N ●	14 14	0 0	0 0
Scott, Jack (D)	Y	Y Y Y Y	Y	Y Y	Y Y	— Y Y	Y Y	1 1	12 12	1 0
Simitian, Joe (D)	Y	Y Y Y Y	Y	Y Y	Y Y	Y Y Y Y	Y Y	2 2	12 12	0 0
Steinberg, Darrell (D)	Y	Y Y Y Y	Y	Y Y	Y Y	— Y Y	Y Y	1 1	12 12	1 1
Torlakson, Tom (D)	Y	Y Y Y Y	Y	Y ●	Y Y	Y Y Y Y	Y Y	3 3	11 11	0 0
Vincent, Edward (D)	*	Y * Y	*	Y Y	* *	Y Y Y *	* *	0 0	5 5	9 9
Wiggins, Patricia (D)	Y	Y Y Y Y	Y	Y Y	Y Y	Y Y Y Y	Y Y	2 2	12 12	0 0
Wyland, Mark (R)	N	● N N	N	N N	— —	Y N Y Y	N N N N	12 12	0 0	2 2
Yee, Leland (D)	Y	Y Y Y Y	Y	Y N	Y ● Y	Y N Y Y	N Y	6 6	8 8	0 0

*Absent due to illness.

CalChamber Best Business Votes

Legislators are listed in descending order according to how often they voted in accord with the California Chamber of Commerce positions (first number) versus how often their votes were not in accord with the CalChamber's position (second number) in 2008. Total votes may not match the vote record because the tally for not voting or absent is not included in this list.

80% or more with CalChamber 60%-79% with CalChamber 40%-59% with CalChamber Less than 40% with CalChamber

Senate

Aanestad, Samuel (R)	14-0
Ashburn, Roy (R)	14-0
Battin, Jim (R)	14-0
Cox, Dave (R)	14-0
Dutton, Bob (R)	14-0
Harman, Tom (R)	14-0
Hollingsworth, Dennis (R)	14-0
Maldonado, Abel (R)	14-0
Runner, George C. (R)	14-0
Ackerman, Dick (R)	13-0
Denham, Jeff (R)	13-0
Cogdill, Dave (R)	13-1
Margett, Bob (R)	13-1
McClintock, Tom (R)	13-1
Wyland, Mark (R)	12-0
Calderon, Ron (D)	10-4
Correa, Lou (D)	9-4
Ducheny, Denise Moreno (D)	7-7
Machado, Mike (D)	6-8
Negrete McLeod, Gloria (D)	6-8
Yee, Leland (D)	6-8
Cedillo, Gilbert (D)	4-10
Padilla, Alex (D)	4-10
Ridley-Thomas, Mark	3-9
Romero, Gloria (D)	3-11
Torlakson, Tom (D)	3-11
Migden, Carole (D)	2-11
Alquist, Elaine (D)	2-12
Corbett, Ellen (D)	2-12
Florez, Dean (D)	2-12
Kuehl, Sheila James (D)	2-12
Lowenthal, Alan (D)	2-12
Oropeza, Jenny (D)	2-12
Perata, Don (D)	2-12
Simitian, Joe (D)	2-12
Wiggins, Patricia (D)	2-12
Kehoe, Christine (D)	1-12
Scott, Jack (D)	1-12
Steinberg, Darrell (D)	1-12
Vincent, Edward (D)	0-5*

Assembly

Adams, Anthony (R)	15-0
Aghazarian, Greg (R)	15-0
Benoit, John J. (R)	15-0
Blakeslee, Sam (R)	15-0
Cook, Paul (R)	15-0
DeVore, Chuck (R)	15-0
Duvall, Mike (R)	15-0
Emmerson, Bill (R)	15-0
Fuller, Jean (R)	15-0
Gaines, Ted (R)	15-0
Garcia, Bonnie (R)	15-0
Garrick, Martin (R)	15-0
Horton, Shirley (R)	15-0
Jeffries, Kevin (R)	15-0
Keene, Rick (R)	15-0
La Malfa, Doug (R)	15-0
Maze, Bill (R)	15-0
Nakanishi, Alan (R)	15-0
Niello, Roger (R)	15-0
Silva, Jim (R)	15-0
Smyth, Cameron (R)	15-0
Spitzer, Todd (R)	15-0
Strickland, Audra (R)	15-0
Villines, Michael (R)	15-0
Walters, Mimi (R)	15-0
Berryhill, Tom (R)	14-0
Plescia, George (R)	14-0
Anderson, Joel (R)	14-1
Huff, Bob (R)	14-1
Houston, Guy (R)	13-0
Tran, Van (R)	13-0
Galgiani, Cathleen (D)	11-4
Parra, Nicole (D)	10-5
Calderon, Charles (D)	5-8
Wolk, Lois (D)	5-10
Runner, Sharon (R)	4-0*
Caballero, Anna Marie (D)	4-10
Arambula, Juan (D)	4-11
Carter, Wilmer Amina (D)	4-11
Fuentes, Felipe (D)	4-11
Portantino, Anthony (D)	4-11
Núñez, Fabian (D)	3-11

*Absent due to illness on one or more votes.