

ALERT

Recap at Summer Break Shows Mixed Results

More Battles Ahead When Legislators Return



A review of action on major legislation for business before the Legislature began its summer recess last week shows both good and disappointing outcomes for the employer community.

On the plus side was the passage of California Chamber of Commerce-supported job creator education and film tax credit bills as part of the state budget package (see [June 29 Alert](#)), as well as a

CalChamber-sponsored job creator that enables businesses to avoid hiring repeat sexual harassment offenders.

In addition, strong opposition from the CalChamber and its coalitions of business/industry groups and local chambers of commerce helped stop several job killer bills or provided pressure to secure amendments removing the more onerous provisions of job killers and other CalChamber-opposed proposals.

Still, a number of employment-related job killers continue to move in the Legislature and a costly privacy bill increasing business liability was signed into law and

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CalChamber Seeking Cleanup Suggestions on Newly Adopted Privacy Bill



The California Chamber of Commerce is seeking comments from members on the practical implications of the newly signed privacy legislation, enacted to avert a costly battle

against an initiative that was headed for a spot on the November ballot.

The CalChamber and a coalition of businesses and other organizations opposed the legislation, [AB 375 \(Chau; D-Monterey Park/Hertzberg; D-Van Nuys\)](#), as representing a serious threat to the California economy.

Unlike the initiative, however, the legislation can be amended before it goes into effect in 2020. Changes to the initiative if it had passed, would have entailed another vote of the people.

AB 375 imposes many costly and poorly defined mandates on businesses. For example, the bill provides “consumers” with the right to request that a business delete their personal information, but the definition of consumer is so broad that it could apply to employees of a business. AB 375 also creates a private right of action for consumers in the event of a data breach that will result in a barrage of class action lawsuits because it allows for the

See CalChamber Seeking: Page 4

CalChamber Helps Present Prop. 65 Workshop



Photos by Sara Espinosa

Anthony Samson (left), Arnold & Porter, and CalChamber Policy Advocate Adam Regele (right) discuss Proposition 65 enforcement issues and impacts on the food and retail industries at a July 11 workshop in Sacramento. The CalChamber joined the California League of Food Producers in presenting the workshop. See story at www.calchamber.com.

Inside

Major Bills Status Update:
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Labor Law Corner

Smelly Smoker Can Be Cause for Discipline, But Remember Other Rights



Dana Leisinger
HR Adviser

Our employee is a smoker and comes in from breaks reeking of cigarette smoke. What can I do? Also, can I ask applicants if they smoke to avoid this problem in the future?

First, an employee can be disciplined for “reeking” of cigarette smoke. The discipline would be based on the unprofessionalism and offensiveness of a person smelling of cigarettes.

Often employees sit in their cars and smoke, which exacerbates the problem. However, that is not the employer’s problem, it’s the employee’s challenge.

Some people are allergic to cigarette smoke—which can be yet another difficulty for the employer.

Laws changed in 2016 expanding smoking bans. Consequently, there are no longer smoking break rooms. The new law has extended the ban of vaporizers as smoking, and has gotten rid of most of the exemptions that were permitted in certain work environments.

Also, smokers are not entitled to additional breaks so that they can smoke. The employer can hold employees to their two rest breaks and the lunch break. Indeed, the employer has the right to ban smoking on any company premises.

It should be remembered, however, that smoking is a legal activity, and individuals are entitled to smoke on their own time. Employees are protected to engage

in lawful activity on their own time pursuant to Labor Code sections 96(k) and 98.6.

Many employers prefer not to hire smokers; however, it is impermissible to ask an applicant if he/she smokes. Smoking is considered a physical concern, and the Americans with Disabilities Act (ADA) prohibits any questions about smoking.

Although smoking is on the decline per the Centers for Disease Control and Prevention, it is likely a company will hire a smoker at some point in time, and making it clear what people are and are not entitled to is critical.

Column based on questions asked by callers on the Labor Law Helpline, 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.

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CalChamber-Sponsored Seminars/Trade Shows

More at www.calchamber.com/events.

Labor Law

Leaves of Absence: Making Sense of It All. CalChamber. August 10, Oakland. (800) 331-8877.

HR Boot Camp. CalChamber. August 21, Sacramento; September 5, Long Beach. (800) 331-8877.

Lead the Charge: Preventing Sexual Harassment in Your California Workplace. CalChamber. September 17, Pasadena. (800) 331-8877.

HR Checklist for California Supervisors. CalChamber. September 20, Webinar. (800) 331-8877.

Business Resources

13th Annual Prop. 65 Conference. Prop. 65 Clearinghouse. September 24, San Francisco. (415) 385-4364. Special rate for CalChamber members.

International Trade

Opportunities in Peru’s Construction Sector. U.S. Commercial Service and Peruvian Chamber of Construction. July 17, Webinar.

ExporTech Los Angeles. Los Angeles Harbor College. July 17, August 21. Wilmington, CA. (310) 984-0728.

Export University 2018. Milken Institute and District Export Council. Starts July 27, Los Angeles.
Brazil Passenger Rail Technologies – Reverse Trade Mission: Business Briefing. U.S. Trade and Development
See CalChamber-Sponsored: Page 6

CalChamber Calendar

Water Committee:

September 6, Dana Point

ChamberPAC Advisory Committee:

September 6, Dana Point

Board of Directors:

September 6–7, Dana Point

International Trade Breakfast:

September 6, Dana Point

Public Affairs Conference:

November 27–28, Huntington Beach

Next Alert: July 27



CalChamber Outlines Positions to Date on November Ballot Propositions



So far, the California Chamber of Commerce has taken positions on six of the 12

propositions that will appear on the November ballot.

Below is a recap of those positions.

Other measures will be considered when the CalChamber Board meets in September.

• **Proposition 3: Initiative Bond Act for Water: Support**

This \$8.877 billion state general obligation bond sponsored by Gerald Meral, director of the Natural Heritage Institute, would finance various infrastructure projects and improvements to water safety and quality, watershed and fisheries, habitat protection programs, water conveyance, groundwater sustainability and storage, and surface water storage and dam repairs.

• **Proposition 5: Protect Proposition 13 Savings: Support**

Sponsored by the California Association of Realtors, the People's Initiative to Protect Proposition 13 Savings allows homeowners over age 55 to transfer their property tax basis to a replacement residence anywhere in the state.

• **Proposition 6: Repeal Gas Tax: Oppose**

The proposition will repeal the CalChamber-supported transportation taxes adopted

by the Legislature in 2017 (SB 1), including higher gasoline and diesel excise taxes, a new tax on vehicles and a new tax on zero-emission vehicles. Passage of Proposition 6 will reduce spending on state and local transportation projects by nearly \$5 billion a year, eliminating funds already flowing to cities and counties to fix potholes, make safety improvements, ease traffic congestion, upgrade bridges and improve public transportation.

• **Proposition 8: Price Controls on Private Dialysis Clinics: Oppose**

The United Healthcare Workers is the sponsor of this attempt to set price controls for privately operated kidney dialysis treatment. The measure is intended to create leverage on dialysis clinics to unionize their staff. Its passage will increase costs by shifting dialysis treatments from clinics to more expensive venues, such as emergency rooms or hospitals.

• **Proposition 9: Three States Initiative: Oppose**

Divides California into three new states: Northern California (40 northern and rural counties anchored by the San Francisco Bay Area); California (six central coast counties, including Los Angeles); and Southern California (the 12 remaining southern and San Joaquin Valley counties). Congress would have to approve the formation of the three new states.

• **Proposition 10: Repealing Rent Control Limitations: Oppose**

Misnamed by its tenant advocate supporters as the "Affordable Housing Act," the

measure proposes to repeal the Costa-Hawkins Rental Housing Act of 1995, which placed limits on locally enacted rent control laws. The measure is sponsored by the president of the Los Angeles AIDS Healthcare Foundation.

To Be Considered

Still to be considered by the CalChamber Board are:

• Proposition 1: \$4 billion veterans and affordable housing bond act.

• Proposition 2: Asks voters to ratify the use of revenues being generated by the so-called millionaire's tax approved in 2004 for county mental health programs for permanent housing for the homeless in advance of a \$2 billion bond for that purpose.

• Proposition 4: \$1.5 billion bond for construction, expansion and renovation of children's hospitals.

• Proposition 7: Authorizes Legislature to approve year-round daylight saving time by a two-thirds vote if federal government allows.

• Proposition 11: Requires on-call meal and rest breaks for private sector ambulance employees.

• Proposition 12: Sets new minimum space requirements for veal calves, breeding pigs and egg-laying hens, including cage-free environment for egg-laying hens starting January 1, 2022. Forbids knowing sale of veal, pork or eggs derived from animals not confined in accordance with the requirements.

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requires clean-up amendments (see story on [Page 1](#)).

Many positive and negative proposals will face critical hearings in the fiscal committees of both the Senate and Assembly when legislators return from their summer break in August.

Protection from Serial Harassers

Governor Edmund G. Brown Jr. signed on July 9 a CalChamber-sponsored job creator bill that protects sexual harassment victims and employers from being sued for defamation.

AB 2770 (Irwin; D-Thousand Oaks) codifies case law to ensure victims of sexual harassment and employers are not sued for defamation by the alleged harasser when a complaint of sexual harassment is made and the employer conducts its internal investigation. This bill also provides additional protections

to employers by expressly allowing employers to inform potential employers about the sexual harassment investigation and findings. The bill has been tagged as a job creator because reducing the cost of frivolous litigation allows an employer to utilize these financial resources to grow its workforce.

AB 2770 passed the Legislature with unanimous bipartisan support.

CalChamber sponsored AB 2770 because alleged harassers are not only suing victims, but also filing suit against employers for defamation. Such lawsuits put employers in an impossible position as they have an affirmative duty to take reasonable steps to prevent and promptly correct harassment.

Even worse, if the alleged harasser's employment is then terminated, or the alleged harasser resigns, employers are put in an even more difficult position. The company has knowledge of the

harassing activity and yet its hands are tied. If the company tells a potential employer that the employee was accused of harassing conduct, the company is on the hook for a defamation claim. If the company stays silent, the harasser is then free to victimize more individuals at his/her next job without anyone at the new company ever knowing about the unacceptable behavior.

AB 2770 will protect employers and allow them to warn potential employers about an individual's harassing conduct during a reference check without the threat of a defamation lawsuit.

Status Update

For more information on the many bills the CalChamber is tracking on behalf of members and the business community, see the Status Update Report on Pages 7-27 of this *Alert*.

CalChamber Seeking Cleanup Suggestions on Newly Adopted Privacy Bill

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award of significant statutory damages with no requirement of proof of injury.

See the [video](#) of CalChamber Policy Advocate Sarah Boot outlining business concerns about AB 375 at www.calchamber.com/videos.

Before the passage of AB 375, the CalChamber and coalition voiced serious concerns with the private right of action in the bill as it exposes California businesses to massive, additional liability without providing any corresponding benefits to consumers.

The CalChamber identified similar language in another bill this year, **SB 1121 (Dodd; D-Napa)**, as a job killer.

SB 1121 now has been designated as the technical clean-up vehicle for AB 375.

Problems with AB 375

In a letter to legislators, the CalCham-

ber and coalition urged them to fix problems with AB 375 that include but are not limited to:

- the issues surrounding enforcement;
- definitions of personal information and sale;
- consumer transparency and access;
- the right to delete information;
- certain opt-in rights;
- the mandated "opt out" button;
- the creation of rights like the European Union's General Data Protection Regulation (GDPR) in language that differs from the GDPR;
- the Attorney General's regulatory process; and
- confusing language that will be difficult for businesses and consumers to understand.

Flawed Initiative

The CalChamber-opposed initiative

removed from the ballot would have placed extraordinary restrictions on business use of personal information. It shifted away from the longstanding focus on protecting sensitive information to propose restrictions on how businesses use any personally identifiable consumer information. It also increased the incentives for filing class action lawsuits, covered all business sectors and would have been especially harmful to the data-driven economy that generates a significant portion of state revenue.

Given the extreme difficulty of amending a flawed proposal adopted via the initiative process, the CalChamber and coalition consider the legislative process preferable for a law that applies to businesses and technology, which are constantly evolving for the betterment of California.

Staff Contact: Sarah Boot

U.S. Chamber Analysis

\$5.6 Billion in California Exports Target of Trade Retaliation for U.S. Import Tariffs



California exports of more than \$5.6 billion are the targets of retaliatory tariffs from major trading partners

in response to new U.S. tariffs on imported goods, according to an analysis released July 2 by the U.S. Chamber of Commerce.

China, the European Union, Mexico and Canada have already retaliated or announced plans to retaliate with billions of dollars in tariffs on U.S.-made products.

CalChamber Concerns

The California Chamber of Commerce is concerned over the impact that U.S.-imposed tariffs could have on international trade and the state's economy. Increasing tariffs will have adverse consequences and fails to consider the impact on our allies and trading partners.

The U.S. Chamber analysis was compiled using data on state exports from the U.S. Department of Commerce and data on U.S. exports subject to foreign tariffs from the official government sources of China, the EU, Mexico and Canada.

Although trade is a nationally determined policy issue, its impact on California is immense. California exports to more than 225 foreign markets.

Raising tariffs can result in higher prices to the consumer for the specific product protected and in limited choices of products for consumers. Further, it can cause a net loss of jobs in related industries, retaliation by U.S. and California trading partners, and violates the spirit of our trade agreements.

Threat to State Exports

The U.S. Chamber analysis found that:

- \$562 million in California exports to Canada are targeted for retaliation.
- \$699 million in California exports to Mexico are targeted for retaliation.

- \$4 billion in California exports to China are targeted for retaliation.

- \$383 million in California exports to the EU are targeted for retaliation.

The CalChamber continues to pursue a free trade-based agenda in 2018. CalChamber has long supported free trade worldwide, expansion of international trade and investment, fair and equitable market access for California products abroad, and elimination of disincentives that impede the international competitiveness of California business.

According to a California state government international trade and investment study, "International trade and investment is a major economic engine for the state of California that broadly benefits businesses, communities, consumers and state government... Califor-

nia's economy is more diversified than ever before, and the state's prosperity is tied to exports and imports of both goods and services by California-based companies, to exports and imports through California's transportation gateways, and to inflows and outflows of human and capital resources."

Trade offers the opportunity to expand the role of California's exports. In its broadest terms, trade can literally feed the world and raise the living standards of those around us.

Full Analysis

The analysis is available online at www.thewrongapproach.com. State-specific fact sheets are available for download, as is the full U.S. data set.
Staff Contact: Susanne T. Stirling

California Jobs Supported by Trade 4,869,200

Total State Exports Threatened by New Tariffs \$5,629,070,575

Total Exports to Canada Threatened by New Tariffs \$561,828,188



- Bread, Pastry, Cakes, etc. and Puddings **\$83,883,987**
- Sauces, etc., Mixed Condiments and Seasonings **\$56,330,053**
- Seats with Wooden Frames, Upholstered **\$42,923,631**

Total Exports to China Threatened by New Tariffs \$3,984,901,733



- Motor Vehicles with Only Electric Motor **\$1,374,792,617**
- Passenger Vehicle, Over 3,000 cc **\$483,895,522**
- Passenger Vehicle, 1,500 to 3,000 cc **\$411,466,916**

Total Exports to EU Threatened by New Tariffs \$383,406,339



- Eye Make-up Preparations: **\$77,145,413**
- Nuts of Iron or Steel. **\$55,667,339**
- Women's or Girls' Trousers, etc. Not Knit, Cotton **\$48,252,725**

Total Exports to Mexico Threatened by New Tariffs \$698,934,315



- Food Preparations **\$122,234,429**
- Cheese of All Kinds, Grated or Powdered **\$76,933,917**
- Apples, Fresh **\$70,111,772**

Source: U.S. Chamber of Commerce

Congress Quietly Renews Key Tool to Speed Approval of Trade Deals



Trade promotion authority (TPA) was renewed for another three years by Congress on July 1, continuing until

2021 the important process to speed negotiation and approval of U.S. trade agreements.

TPA allows the White House to submit trade deals to Congress for a straight up-or-down vote without any amendments.

The TPA legislation establishes strong rules for trade negotiations and congressional approval of trade pacts, and delivers trade agreements that boost U.S. exports and create American jobs.

“Extension of TPA is critical to negotiating accountable, enforceable and reciprocal trade deals that will benefit American workers, farmers and ranchers,” U.S. Trade Representative Robert Lighthizer said in a statement welcoming the renewal. “The Trump administration is pursuing a number of potential bilateral free trade agreements, and TPA extension means we may continue to aggressively pursue these opportunities.”

On March 21, President Donald Trump formally requested a three-year extension of TPA to negotiate free trade agreements that he can submit to Congress under fast track approval procedures.

Neither the U.S. House of Representatives nor the U.S. Senate passed a resolution of disapproval in the three months after the President submitted his request, a lack of action that smoothed the way

for continuation of the TPA legislation.

Congress last passed trade promotion authority in 2015 in one of the hardest-fought congressional trade battles in years.

Background

Trade is an important engine for U.S. economic growth and jobs. With more than 30% of U.S. gross domestic product (GDP) tied to international trade and investment, 95% of the world’s population abroad, and more than one in five U.S. jobs supported by trade, U.S. engagement in the international marketplace is more important to the nation’s economy than ever.

Passage of TPA can help Congress and the President work together to forge new and beneficial trade agreements for the United States.

TPA (formerly called fast track trade negotiating authority) is the process by which Congress gives authority to the President and/or U.S. Trade Representative to enter into trade negotiations in order to lower U.S. export barriers.

Traditionally, following the conclusion of negotiations for a trade agreement, enabling legislation is submitted to Congress for approval. Once legislation is submitted, under TPA, both houses of Congress will vote “yes” or “no” on the agreement with no amendments, and do so within 90 session days (not to be confused with a treaty, which is “ratified” by the U.S. Senate).

During negotiations, however, there is a process for sufficient consultation with Congress.

CalChamber Position

The California Chamber of Commerce, in keeping with long-standing policy, enthusiastically supports free trade worldwide, expansion of international trade and investment, fair and equitable market access for California products abroad and elimination of disincentives that impede the international competitiveness of California business.

The CalChamber therefore supports the extension of trade promotion authority so that the President of the United States may negotiate new multilateral, sectoral and regional trade agreements ensuring that the United States may continue to gain access to world markets, resulting in an improved economy and additional employment of Americans. Such authority involves trade-related issues only and encourages industry consultation during future trade negotiations.

Reasons for Position

U.S. trading partners in Canada, Europe, Latin America and Asia are actively negotiating with other countries to achieve preferential market access.

America’s standing as a world leader depends directly upon its competitive success in the global economy. Increased market access achieved through trade agreements has historically played a major role in our nation’s success as the world’s leading exporter.

Staff Contact: [Susanne T. Stirling](#)

CalChamber-Sponsored Seminars/Trade Shows

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Agency. August 13, San Francisco.
(757) 342-2149.

Hong Kong Food Expo. CalAsian Chamber. August 14–20, Hong Kong.
(916) 389-7470.

Vehicle Aftermarket Trade Mission to Chile. Auto Care Association and

International Trade Administration. August 21–22, Chile. (301) 654-6664.
83rd Thessaloniki International Fair.

HELEXPO. September 8–16, Thessaloniki, Greece.

Brazil Fintech Roadshow. Fintech. September 17-19, São Paulo, Brazil.
(772) 388-6496.

2018 U.S.-Taiwan Business Day. Bureau of Foreign Trade, Ministry of Economic Affairs and Taiwan External Trade Development Council. October 4, Taipei, Taiwan. (408) 988-5018, ext. 202.

China International Import Expo. China International Import Export Bureau. November 5–10, Shanghai, China.

CalChamber Status Update Report on Major Legislation for Business

The following list summarizes top priority bills for the California Chamber of Commerce and their status as of July 6, when the Legislature began its summer recess.

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

The CalChamber will publish a second status report in September, showing the status of priority legislation when

the Legislature begins its final recess on August 31.

September 30 is the last day for the Governor to sign or veto bills passed by the Legislature and in the Governor's possession on or after September 1.

The CalChamber will publish its final status report, showing the ultimate fate of bills sent to the Governor this year, in October.

Bills signed by the Governor will

become law on January 1, 2019. Urgency, tax and budget-related 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 to be published on October 19.

Status of legislative action on bills as of July 6, 2018. Dates listed are the date the bill was assigned to a committee, the latest date of committee action, the next hearing date or when the bill reached the floor, unless action is stated.

Subject—CalChamber Position	Status
Agriculture, Food and Natural Resources	
Lawsuit Exposure. AB 1335 (Bonta; D-Oakland) Increases frivolous liability claims and exposes beverage manufacturers and food retailers to fines and penalties by mandating state-only labeling requirements for sugar-sweetened drinks. Oppose.	Senate Appropriations Hearing 8/6/18
Product Ban. AB 2422 (Bloom; D-Santa Monica) Increases costs to businesses to exterminate pests by banning pesticides containing anticoagulants. Oppose	Assembly Water, Parks & Wildlife 4/11/18; Failed Deadline
Land Use Restrictions. AB 2528 (Bloom; D-Santa Monica) Potentially limits private land use by expanding areas protected for non-endangered species. Punishes landowners who managed their lands in a way to enhance the habitat of nearby species. Oppose Unless Amended.	Senate Appropriations Hearing 8/6/18
Migratory Birds. AB 2627 (Kalra; D-San Jose) Restricts land use by imposing new requirements on the take on migratory nongame birds. Oppose	Senate Appropriations Hearing 8/6/18
Defensible Space. AB 1954 (Patterson; R-Fresno) Encourages rural landowners to clear vegetation and timber within 300 feet of a habitable structure without the need for a costly Timber Harvest Plan in order to reduce the spread of wildfires. Support.	Senate Floor 7/2/18
Coastal Agriculture. AB 2754 (Levine; D-San Rafael) Helps agriculture operations stay viable in the coastal zone by clarifying their practices are not development activities but rather ongoing and routine maintenance. Support.	Assembly Natural Resources 3/19/18; Failed Deadline
Timber Harvest Plans. AB 2889 (Caballero; D-Salinas) Expedites the permitting process for a Timber Harvesting Plan (THP). Directs the Department of Forestry to provide guidance and assistance to THP applicants. Support.	Senate Appropriations Hearing 8/6/18
Small Business Grants. AB 2335 (Ting; D-San Francisco) Encourages small food stores located in low-income communities to stock fresh fruits and vegetables through grants for refrigeration units. Support.	Held in Senate Appropriations Suspense File 7/2/18

Subject—CalChamber Position	Status
Burdensome Regulations. SB 1414 (Beall; D-San Jose) Imposes additional and unnecessary regulations on one company regarding its Timber Harvest Plans. Oppose.	Senate Appropriations Suspense File 5/22/18; Failed Deadline
Eggs. AB 3021 (Levine; D-San Rafael) Requires all eggs produced and sold in California to be from cage-free hens by 2024. Levels the playing field for producers in California by incorporating federal standards into state law and staggering implementation. Support.	Held in Senate Appropriations Suspense File 7/2/2018

Air Quality

Vehicle Ban. AB 1745 (Ting; D-San Francisco) Bans the sale of combustion engine vehicles in the state by prohibiting the registration of a new vehicle in the state after 2040 unless it is a zero-emission vehicle. Oppose/ Job Killer 2018.	Assembly Transportation 1/16/18; Failed Deadline
Refrigerant Ban. SB 1013 (Lara; D-Bell Gardens) Imposes a costly policy for banning certain fluorinated gasses without transparency and without consideration of alternative methods by exempting the rulemaking process from the Administrative Procedures Act. Opposition removed June 4, 2018 due to amendments. No Position.	Assembly Appropriations 6/25/18

Banking and Finance

Costly Litigation Against Small Employers. AB 2527 (Muratsuchi; D-Torrance) Exposes small businesses who are seeking financial investors in their company to devastating class action litigation by banning the use of arbitration agreements, which is preempted by the Federal Arbitration Act, prohibiting class action waivers, allowing for the award of treble damages, punitive damages, and attorney’s fees, and interferes with contractual negotiations between sophisticated parties by dictating the choice of forum and choice of law for such litigation. Oppose/ Job Killer 2018.	Assembly Banking & Finance 3/5/18; Failed Deadline
Redundant Requirements. SB 818 (Beall; D-San Jose) Before amendments, reinstated onerous unfair paperwork requirements on banks dealing with foreclosures when no crisis exits and is duplicative of federal law. Opposition removed due to June 21, 2018 amendments. No Position.	Assembly Appropriations 6/26/18
Translation of Documents. SB 1201 (Jackson; D-Santa Barbara) Before amendments, opened banks up to liability for misunderstood loan modification documents written in non-English languages prepared by the banks. Opposition removed due to amendments agreed to in Senate Banking and Financial Institutions Committee. No Position.	Assembly Appropriations 6/26/18

California Environmental Quality Act (CEQA)

Increases Costs and CEQA Litigation. AB 2447 (Reyes; D-Grand Terrace) Before amendments, invited more litigation and increased the complexity and cost of California Environmental Quality Act (CEQA) compliance by 1) requiring local agencies to make a finding as to the discriminatory intent or effect of a proposed project, 2) forcing the local agency to incorporate all oral and written comments from the scoping process into the environmental review document regardless of its accuracy or relevancy, and 3) allocating responsibility for identifying what constitutes a “subject land use” for which new notice provisions will apply to the Office of Environmental Health Hazard Assessment. Job killer tag removed due to April 26, 2018 amendments. Opposition removed due to May 25, 2018 amendments. No Position/ Former Job Killer 2018.	Senate Appropriations Hearing 8/6/18
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Subject—CalChamber Position	Status
<p>Expedites CEQA Process. AB 2341 (Mathis; R-Visalia) Simplifies the environmental review process under the California Environmental Quality Act for refurbishing, converting, repurposing, or replacing existing buildings by stating that lead agencies are not required to perform an aesthetic impacts analysis for such projects so long as they meet certain criteria. Support.</p>	<p>Senate Environmental Quality 6/14/18</p>
<p>Expedites CEQA Process for Santa Rosa Post-Wildfire. AB 2267 (Wood; D-Healdsburg) Exempts from the requirements of the California Environmental Quality Act for five years the adoption or approval of amendments to the Downtown Station Area Specific Plan for the City of Santa Rosa and exempts the approval of residential projects that are consistent with the amended Downtown Station Area Specific Plan. Support.</p>	<p>Senate Appropriations Hearing 8/6/18</p>
<p>Streamlines CEQA. AB 3030 (Caballero; D-Salinas) Incentivizes investment in California Opportunity Zones by creating a statutory exemption for affordable housing and mixed-use projects that meet very specific environmental qualifying criteria, thereby balancing environmental protection with much-needed economic development in some of California’s poorest communities. Support.</p>	<p>Senate Appropriations Hearing 8/6/18</p>
<p>Promotes Housing Development. AB 1804 (Berman; D-Palo Alto) Expedites infill development by expanding the existing California Environmental Quality Act exemption for infill projects to unincorporated areas already surrounded by urbanized land uses and populations. Support.</p>	<p>Senate Appropriations Hearing 8/6/18</p>
<p>Expedites and Reduces Costs for Roadway Repair and Maintenance Projects. AB 1901 (Obornolte; R-Big Bear Lake) Streamlines infrastructure development by extending indefinitely, the current CEQA exemption for certain roadway repair and maintenance projects. Support.</p>	<p>Senate Environmental Quality 6/20/18</p>
<p>Reforms CEQA. AB 2782 (Friedman; D-Glendale) Improves environmental review under the California Environmental Quality Act by authorizing lead agencies to more comprehensively analyze the pros and cons of a project by considering specific economic, legal, social, technological, or other benefits of, and negative impacts of denying, the proposed project. Support.</p>	<p>Senate Appropriations Hearing 8/6/18</p>
<p>Expedites Transportation Projects. AB 1905 (Grayson; D-Concord) Streamlines the construction of transportation projects by precluding a court from enjoining construction due to a challenge under the California Environmental Quality Act when certain conditions have been satisfied. Support</p>	<p>Assembly Natural Resources 2/5/18; Failed Deadline</p>
<p>Expedites Housing Projects. AB 2856 (Melendez; R-Lake Elsinore) Streamlines the construction of housing projects by precluding a court from enjoining construction due to a challenge under the California Environmental Quality Act when certain conditions have been satisfied. Support.</p>	<p>Assembly Natural Resources 3/8/18; Failed Deadline</p>
<p>Extends CEQA Streamlining Benefits to Community Plans. SB 948 (Allen; D-Santa Monica) Streamlines the environmental review process under CEQA for community plans that, among other requirements, do not result in any additional net greenhouse gas emissions and will result in a minimum investment of \$100,000 in California. Support.</p>	<p>Senate Judiciary 4/19/18; Failed Deadline</p>
<p>Increases Transparency in CEQA Litigation. SB 1052 (Bates; R-Laguna Niguel) Requires the disclosure of the identity of a person or entity that contributes in excess of \$100 toward a CEQA cause of action and that failure to disclose shall result in a dismissal of the action or denial of attorneys’ fees. Support</p>	<p>Senate Environmental Quality 4/18/18; Failed Deadline</p>
<p>Streamlines CEQA Litigation. SB 1340 (Glazer; D-Contra Costa) Streamlines the CEQA litigation process for much needed housing projects by requiring Judicial Council to adopt a rule requiring courts to fully adjudicate CEQA actions and proceedings relating to any housing project within 270 days of certifying the environmental review document. Support.</p>	<p>Senate Judiciary 4/10/18; Failed Deadline</p>

Subject—CalChamber Position	Status
<p>Increases Transparency and Expedites CEQA Process. SB 1341 (Glazer; D-Contra Costa) Requires the disclosure of the identity of a person or entity that contributes in excess of \$1,000 toward a CEQA cause of action but allows a court to withhold the public disclosure if confidentiality clearly outweighs the public interest in disclosure. Also precludes a litigant from challenging a housing project included in a plan or project that already has been approved following a full CEQA review except on limited grounds. Support.</p>	<p>Senate Environmental Quality 4/4/18; Failed Deadline</p>

Climate Change

<p>Zero-Emission Vehicles. SB 1014 (Skinner; D-Berkeley) Before proposed amendments, imposed unnecessary burdens on transit network carrier drivers by requiring all miles delivered by transit network carriers to be delivered by zero-emission vehicles. Opposition removed due to proposed amendments. No Position.</p>	<p>Assembly Appropriations 7/5/18</p>
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Corporate Governance

<p>Unconstitutional Board Mandate for Publicly Traded Corporations. SB 826 (Jackson; D-Santa Barbara) Requires a publicly traded corporation to satisfy quotas regarding the number of women on its board or face significant penalties, which is likely unconstitutional, a violation of California’s Civil Rights statute, and a violation of the internal affairs doctrine for publicly held corporations. Oppose.</p>	<p>Assembly Appropriations 6/26/18</p>
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Crime

<p>New Penalty. AB 1065 (Jones-Sawyer; D-South Los Angeles) Helps limit retailers’ losses from thefts by strengthening penalties by creating a new Organized Retail Crime felony in California law. Support.</p>	<p>Senate Floor 5/29/18</p>
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Economic Development/Local Government

<p>Statewide Economic Development Strategic Action Plan. AB 2596 (Cooley; D-Rancho Cordova) Requires the Governor’s Office of Business and Economic Development (GO-Biz) to lead the preparation of a California Economic Development Strategic Action Plan, with the goal of creating a process by which the office can identify economic challenges that confront the state. Support.</p>	<p>Senate Appropriations Hearing 8/6/18</p>
<p>Extended Alcohol Hours. SB 905 (Wiener; D-San Francisco) Creates pilot program giving six cities the ability to extend alcohol sales to 4 a.m. after meeting certain criteria. Support.</p>	<p>Assembly Appropriations 7/3/18</p>

Education

<p>Career Technical Education. AB 1808 (Committee on Budget) Incorporates job creator policy from AB 1743, which extends and improves the Career Technical Education Incentive Grant program, which provides students with necessary training and education to prepare them for a variety of career options. Support.</p>	<p>Signed 6/27/18—Chapter 32</p>
<p>Career Technical Education. AB 1809 (Committee on Budget) Incorporates job creator policy from SB 1243, which establishes the California STEM (Science, Technology, Engineering and Mathematics) Pathways Grant Program, providing \$10 million for selected schools to create public-private partnerships to prepare students for high-skilled, high-demand jobs in technology, manufacturing, health care and finance. Support.</p>	<p>Signed 6/27/18—Chapter 33</p>
<p>Career Technical Education. AB 1743 (O’Donnell; D-Long Beach) Extends and improves the Career Technical Education Incentive Grant program, which provides students with necessary training and education to prepare them for a variety of career options. Policy included in signed budget trailer bill (see AB 1808). Support/Job Creator 2018.</p>	<p>Senate Education 6/7/18</p>

Subject—CalChamber Position	Status
<p>Career Technical Education. SB 1243 (Portantino; D-La Cañada Flintridge) Appropriates \$25 million to create the California State Pathways in Technology program, to create public-private partnerships to prepare students for high-skilled, high-demand jobs in technology, manufacturing, health care and finance. Policy included in signed budget trailer bill (see AB 1809). Support/Job Creator 2018.</p>	<p>Assembly Higher Education 6/7/18</p>
<p>Career Technical Education. SB 842 (Committee on Budget and Fiscal Review) Incorporates job creator policy from SB 1243, which establishes the California STEM Pathways Grant Program, providing \$10 million for selected schools to create public-private partnerships to prepare students for high-skilled, high-demand jobs in technology, manufacturing, health care and finance. Policy included in signed budget trailer bill (see AB 1809). Support.</p>	<p>Assembly Floor 6/14/18</p>
<p>Career Technical Education. SB 843 (Committee on Budget and Fiscal Review) Incorporates job creator policy from AB 1743, which extends and improves the Career Technical Education Incentive Grant program, which provides students with necessary training and education to prepare them for a variety of career options. Policy included in signed budget trailer bill (see AB 1808). Support.</p>	<p>Assembly Floor 6/14/18</p>
<p>Onerous Disclosure Requirements. AB 2361 (Weber; D-San Diego) Imposes onerous disclosure requirements on contractors of the University of California that will force public reporting of proprietary information as well as personal employee data, with the threat of barring the contractor from bidding on any contract for five years if the contractor makes a mistake or omission. Oppose.</p>	<p>Senate Appropriations Hearing 8/6/18</p>
<p>Aerospace Institute. SB 1356 (Wilk; R-Antelope Valley) Contingent upon a budget appropriation, would create an Aerospace Institute at the Antelope Valley College through a public-private partnership. This partnership will allow California to locally develop the talent needed to meet the workforce needs of the global aerospace manufacturing industry. Support.</p>	<p>Assembly Appropriations 6/19/18</p>
<p>Education Accountability. AB 3188 (Thurmond; D-Richmond) Encourages schools to prioritize both career and college preparation for students which will help reduce drop out rates, increase graduation rates, and better prepare students for the workforce. Support.</p>	<p>Senate Floor 7/2/18</p>
<p>Probationary Teachers. AB 1220 (Weber; D-San Diego) Increases from two to three years the probationary period for new teachers, and for those teachers whose probation is extended to a third year, adds a directed individualized professional improvement plan to increase the prospect for classroom success. Support.</p>	<p>Senate Education 6/26/18</p>

Elections and Fair Political Practices

<p>Prohibits Compensation on a Per Signature Basis. AB 1947 (Low; D-Campbell) Denies the right to address grievances with government through initiatives, referendums and recalls by making it a misdemeanor for a person to pay for signature collection on a per-signature basis for state or local initiatives, referendums or recall petitions. Oppose</p>	<p>Held in Senate Appropriations Suspense File 6/25/18</p>
<p>Prohibits Compensation on a Per Signature Basis. SB 1394 (Newman; D-Fullerton) Denies the right to address grievances with government through initiatives, referendums and recalls by making it a misdemeanor for a person to pay for signature collection on a per-signature basis for state or local initiatives, referendums or recall petitions. Oppose</p>	<p>Assembly Elections and Redistricting 6/11/18; Failed Deadline</p>

Energy

<p>Threatens Energy Reliability. AB 127 (Committee on Budget) Threatens energy reliability and will lead to the elimination of jobs by mandating the closure of the Aliso Canyon Natural gas storage facility. Oppose Unless Amended/Two Year Job Killer.</p>	<p>Senate Budget and Fiscal Review 2/15/18</p>
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Subject—CalChamber Position	Status
Energy Efficiency and Grid Reliability. AB 813 (Holden; D-Pasadena) Increases efficiency and reliability of energy grid by allowing for sale of excess energy and options for meeting peak energy usage. Following 2018 gut and amend, 2017 oppose unless amended changed. Support.	Senate Appropriations Hearing 8/6/18
Increased Energy Costs. SB 100 (de León; D-Los Angeles) Increases the cost of energy by creating an ambiguous zero-carbon energy by 2045 planning goal and requirements for regulatory agencies in the state. Oppose.	Assembly Utilities & Energy 7/3/18
Mandates Perfection. AB 1552 (Quirk-Silva; D-Fullerton) Imposes a monetary penalty on public utility companies for late paying an invoice from small businesses or minority owned small businesses without regard for the reason. Oppose.	Senate Energy, Utilities & Communications 4/19/18; Failed Deadline
Increased Rates. SB 64 (Wieckowski; D-Fremont) Arbitrarily imposes severe limitations on the operation of energy-generating facilities and unnecessarily increases costs for ratepayers by creating a short list of facilities subject to immediate shutdown with only 24 hours' notice on days when forecasts predict air quality will not attain state/federal standards. Also jeopardizes state's ability to maintain a reliable electric grid when demand is high while ignoring other air pollution sources. Oppose.	Assembly Appropriations 7/3/18
Increased Costs. AB 893 (E. Garcia; D-Coachella) Will substantially increase rates to California ratepayers by requiring procurement of a large amount—3,500 megawatts—of additional geothermal power. Favors one technology over all others in meeting renewable portfolio standard goals, threatening existing renewable jobs and creating a procurement process outside of the current “least-cost, best-fit” competitive procurement process. Creates incentives for utilities to purchase out-of-state power to satisfy the 3,500 MW mandate, threatening even more California jobs. Oppose.	Senate Appropriations Hearing 8/6/18
Increased Energy Costs. AB 2431 (Weber; D-San Diego) Increases the cost of energy by expanding the pool of applicants eligible to receive intervenor compensation to include school districts and community colleges. Oppose.	Held in Assembly Appropriations Suspense File 5/16/18; Failed Deadline
Increased Energy Cost. AB 3232 (Friedman; D-Glendale) Before amendments, would have increased the cost of energy by adding an additional greenhouse gas emissions target on top of already-existing energy efficiency targets. Opposition removed due to May 29, 2018 amendments. No Position.	Senate Appropriations Hearing 8/6/18
Increased Energy Costs. AB 3001 (Bonta; D-Oakland) Increases compliance costs by changing the definition of cost-effectiveness in order to favor non-fossil forms of energy. Oppose.	Assembly Natural Resources 3/12/18; Failed Deadline
Equal Application of Renewable Definition. AB 2809 (Patterson; R-Fresno) Current law allows only small hydroelectric facilities to qualify as renewables under the Renewable Portfolio Standard. Expands the definition of hydroelectric-powered renewables to include existing and future facilities, allowing more flexible procurement and keeping rates lower. Support.	Assembly Utilities & Energy 3/8/18; Failed Deadline
Provides Energy Certainty. AB 1879 (Santiago; D-Los Angeles) Provides certainty to business by allowing a natural gas supplier to provide a new natural gas connection to homes and businesses in the state. Support.	Senate Appropriations Hearing 8/6/18

Environmental Regulation

Redundant and Unnecessary Oil Well Testing. AB 3146 (Holden; D-Pasadena) Ignores existing federal, state and local air district compliance/enforcement regulations already in place by requiring duplicative and costly testing and monitoring requirements for idle oil wells. Oppose.	Assembly Floor 5/29/18; Failed Deadline
Jeopardizes Existing and Future Energy Production. SB 834 (Jackson; D-Santa Barbara) Takes away California's ability to produce its own resources in state lands by repealing existing authority from the California State Lands Commission to issue, renew, modify or extend a lease or conveyance for oil and natural gas production if the lease would result in an increase of production from federal waters. Oppose.	Assembly Appropriations 6/25/18

Subject—CalChamber Position	Status
<p>Jeopardizes Existing and Future Energy Production. AB 1775 (Muratsuchi; D-Torrance) Takes away California’s ability to produce its own resources in state lands by repealing existing authority from the California State Lands Commission to issue, renew, modify or extend a lease or conveyance for oil and natural gas production if the lease would result in an increase of production from federal waters. Oppose.</p>	<p>Senate Appropriations Hearing 8/6/18</p>
<p>Undermines California Office of Spill Prevention and Response. AB 2864 (Limón; D-Goleta) Before amendments, provided the California Coastal Commission with regulatory authority, rather than an advisory role, equal to that of the California Department of Fish and Wildlife Office of Spill Prevention and Response despite the Commission having no institutional experience or staff expertise to play such a role. Opposition removed due to May 25, 2018 amendments. No Position.</p>	<p>Senate Appropriations Hearing 8/6/18</p>
<p>Sidesteps Safer Consumer Products Program Process. AB 2787 (Quirk; D-Hayward) Despite Department of Toxic Substances Control deciding not to regulate and removing lead-based fish tackle from its Draft 2018-20 Priority Product Work, before amendments, this bill politically rather than scientifically would have banned such tackle to the detriment of anglers, jobs, and at a potential loss of recreational fishing-related expenditures in the state. Opposition removed due to May 25, 2018 amendments. No Position.</p>	<p>Senate Rules 7/5/18</p>
<p>Increases Costs On Microfiber Products. AB 2379 (Bloom; D-Santa Monica) Prematurely imposes new costly and misinformed labeling requirements on polyester microfiber products when scientific and academic research on the root cause of emissions from non-apparel textile sources is uncertain. It also places enormous liability on retailers who would be required under this bill to ensure that every piece of clothing sold into the California market that contains 50% synthetic material to have these California-only labels in two places. Oppose.</p>	<p>Assembly Inactive File 6/4/18; Failed Deadline</p>
<p>Increased Costs for Hazardous Waste Operators. AB 2094 (Kalra; D-San Jose) Imposes unnecessary new costs on hazardous waste permit operators and further delays permit processing by arbitrarily increasing the frequency of inspections for hazardous waste facilities rather than focusing on improving the existing inspection process. Oppose.</p>	<p>Senate Appropriations Hearing 8/6/18</p>
<p>Expands Lead Paint Liability. AB 2803 (Limón; D-Goleta) Extends public nuisance liability far beyond the seminal case-law regarding lead paint pigment public nuisance liability to apply to any residential home in the State of California where lead paint is found either inside or outside the home. Oppose.</p>	<p>Senate Appropriations 6/20/18</p>
<p>Improves Hazardous Waste Permitting Process. AB 2606 (Fong; R-Bakersfield) Expedites the hazardous waste permitting process and decreases costs for hazardous permit applicants by deeming a hazardous waste permit renewal application approved if the California Department of Toxic Substances Control (DTSC) has not taken action on the application within 90 days after submission and if certain conditions are met, and by capping the amount DTSC can charge a permit applicant for such permits. Support.</p>	<p>Senate Appropriations Hearing 8/6/18</p>
<p>Creates Uncertainty and Increases Potential Litigation Regarding Environmental Standards. SB 49 (de León; D-Los Angeles) Creates uncertainty by giving broad and sweeping discretion to State agencies to adopt rules and regulations more stringent than the federal rules and regulations in effect on January 19, 2017 through an expedited administrative procedure without public participation or input, and increases the potential for costly litigation by creating private rights of action under California law, when a State agency takes the foregoing discretionary action. Oppose/Two Year Job Killer.</p>	<p>Assembly Rules 9/12/17</p>
<p>Increased Permitting Fees and Delayed Permitting. SB 774 (Leyva; D-Chino) Exposes permittees to unknown, increased fees by providing the Department of Toxic Substances Control (DTSC) a blank check to impose additional fees on permittees to implement and perform its statutory requirements when its primary sources of funding have structural deficits and creates substantial uncertainty and delay of facility permitting by interjecting a new board into the organizational structure. Oppose/Two Year Job Killer.</p>	<p>Assembly Inactive File 9/14/17</p>

Subject—CalChamber Position	Status
<p>Acute Toxicity Study Bill. AB 2474 (Quirk; D-Hayward) A positive first step toward reducing the number of products that are treated as hazardous waste when disposed of at retail by requiring the California Department of Toxic Substances Control to evaluate whether either or both of specified tests can be adapted to be appropriate for use in identifying substances as hazardous waste or extremely hazardous waste. Support.</p>	Senate Appropriations Hearing 8/6/18
<p>Reduces Consumer Product Hazardous Waste. AB 2660 (Quirk; D-Hayward) Allows surplus consumer products to be donated or recycled by making explicit that a retail location in California may transport surplus consumer products to a reverse distribution location in compliance with applicable shipping regulations. Support.</p>	Senate Environmental Quality 5/3/18; Failed Deadline
<p>Unnecessary Hazardous Waste Regulation. AB 3138 (Muratsuchi; D-Torrance) Before amendments, imposed increased and unnecessary costs on stationary sources by imposing a punitive \$25,000 per day civil or administrative liability on a person or stationary source that violates either the provisions of a risk management plan or other Hazardous Materials Management provisions, even if the violation was unintentional. Opposition removed due to May 25, 2018 amendments. No Position.</p>	Senate Floor 6/28/18

Government Contracting

<p>Targeted Tax on Contractors. AB 2560 (Thurmond; D-Richmond) Unfairly targets one category of taxpayers to fund a benefit for all of the state by imposing a tax on contractors for the privilege of doing business with the Department of Corrections and Rehabilitation, and requires the contractor to absorb the cost while maintaining a price of lowest responsible bidder. Oppose/Job Killer 2018.</p>	Failed Passage in Assembly Revenue & Taxation 4/16/18
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Health Care

<p>Government-Run Health Care. SB 562 (Lara; D-Bell Gardens) Penalizes responsible employers and individuals and results in significant new taxes on all Californians and California businesses by creating a new single-payer government-run, multibillion-dollar health care system financed by an unspecified and undeveloped “revenue plan.” Oppose/Two Year Job Killer.</p>	Assembly Desk 7/14/17; Failed Deadline
<p>Health Care Price Controls. AB 3087 (Kalra; D-San Jose) Jeopardizes employers negotiating power and access to care, ignores the drivers of health care costs, and adds another layer of bureaucracy by creating an appointed commission to impose price controls on health care providers and insurers. Oppose/Job Killer 2018.</p>	Held in Assembly Appropriations Suspense File 5/23/18; Failed Deadline
<p>Increases Health Care Premiums. AB 2384 (Arambula; D-Kingsburg) Before amendments, increased health care premiums by mandating medication-assisted treatment for opioid use disorders and by eliminating all quality control and cost containment mechanisms. Job killer tag removed due to June 14, 2018 amendments, but CalChamber remains opposed. Oppose/Former Job Killer 2018.</p>	Senate Appropriations Hearing 8/6/18
<p>Arbitration Discrimination. SB 538 (Monning; D-Carmel) Before amendments, unfairly and unlawfully discriminated against arbitration agreements by restricting the formation of antitrust arbitration agreements in hospital contracts, leading to costly litigation over preemption by the Federal Arbitration Act. Opposition and job killer status removed due to June 11, 2018 amendments. No Position/Former Job Killer 2018.</p>	Assembly Health 6/11/18; Failed Deadline
<p>Increases Health Care Premiums. SB 399 (Portantino; D-La Cañada Flintridge) Increases costs and undermines the ability of health care issuers to promote and manage applied behavioral analysis for children with autism by making a number of changes to how the autism services are provided. Oppose.</p>	Assembly Appropriations 6/20/18

Subject—CalChamber Position	Status
<p>Unreasonable Administrative Cost Cap. AB 2499 (Arambula; D-Kingsburg) Before amendments, potential loss of access by small businesses and individuals to agents who assist in their selection of health plans and management of their coverage, jeopardized proactive fraud prevention efforts and potentially would have driven insurers out of the market by reducing the amount of the premium that can be used to support the insurer’s administrative activities. Opposition removed due to June 18, 2018 amendments. No Position.</p>	Senate Floor 7/3/18
<p>Increases Health Care Premiums. AB 2643 (Irwin; D-Thousand Oaks) Increases health care premiums by expanding locations where dental general anesthesia is covered as a benefit. Oppose</p>	Held in Assembly Appropriations Suspense File 5/16/18; Failed Deadline
<p>Inappropriate Expansion of Attorney General Authority. AB 2874 (Thurmond; D-Richmond) Sets an unacceptable precedent and inappropriate interference by the Attorney General in the financial operation of a private business by requiring both non-profit and for-profit hospitals to receive the Attorney General’s consent to close or eliminate supplemental services. Oppose.</p>	Assembly Floor 5/25/18; Failed Deadline
<p>Increases Health Insurance Premiums. AB 2193 (Maienschein; R-San Diego) Increases health care costs by driving up health care premiums requiring insurers to develop and make available case management for enrollees who may have maternal mental health conditions. Oppose Unless Amended.</p>	Senate Appropriations Hearing 8/6/18
<p>Innovative Health Care. AB 1795 (Gipson; D-Carson) Reduces health care costs with no adverse patient outcomes by allowing paramedics with enhanced training and oversight to transport people to a behavioral health facility or a sober center instead of a hospital emergency room. Support.</p>	Held in Assembly Appropriations Suspense File 5/16/18; Failed Deadline
<p>Medical Loss Ratio. SB 1008 (Skinner; D-Berkeley) Perpetuates the belief that the medical loss ratio is appropriate for dental coverage and beneficial to the consumer by including it on the uniform benefit form. Oppose Unless Amended.</p>	Assembly Appropriations 7/3/18
<p>Avoids Unnecessary Costs. AB 2741 (Burke; D-Inglewood) Offers individuals, families and employers a cost-effective preventive approach to the issue of over-prescribing of opiates by limiting opiate prescriptions to minors with exceptions to provide physicians discretion to meet the needs of their patient. Support.</p>	Senate Business, Professions & Economic Development 5/17/18; Failed Deadline
<p>Pharmacy Access. SB 1442 (Wiener; D-San Francisco) Before amendments, threatened access to pharmacy services by requiring a pharmacist to be assisted by at least one other employee at all times regardless of unforeseen circumstances. Opposition removed due to June 21, 2018 amendments. No Position.</p>	Assembly Appropriations 6/21/18

Housing and Land Use

<p>Lowers Vote Requirement for New Tax Increases. ACA 4 (Aguiar-Curry; D-Winters) Unnecessarily reduces the voter threshold from two-thirds to 55% for local governments to enact special taxes, including parcel taxes, for the purpose of improving public infrastructure and affordable housing, which creates an opportunity for discriminatory and higher taxes to be imposed against disfavored industries and commercial property owners. Oppose/Two Year Job Killer.</p>	Assembly Local Government 4/24/17
<p>Targeted Retail Industry Tax Increase. ACA 11 (Caballero; D-Salinas) Exposes the retail industry to increased taxes by imposing a quarter-cent sales tax increase to fund affordable housing and homeless shelters, without creating greatly needed market rate housing. Oppose/Two Year Job Killer.</p>	Assembly Housing and Community Development 8/22/17
<p>Amends Unlawful Detainer and Eviction Notice Process. AB 2343 (Chiu; D-San Francisco) Before amendments, would have driven up the cost of providing rental housing in the state by tripling the amount of notice a landlord is required to provide a tenant in order to begin a lawful eviction process, extending the due date for rent to the middle of the month, and allowing a tenant who has joined a “tenant association” to stop paying rent merely by claiming landlord retaliation. Opposition removed due to June 25, 2018 amendments. No Position.</p>	Senate Floor 7/3/18

Subject—CalChamber Position	Status
<p>Imposes New Penalties for Cannabis Violations. AB 2164 (Cooley; D-Rancho Cordova) Before amendments, provided authority to local governments to impose new fines and penalties on any person responsible for a continuing violation pertaining to building, plumbing, electrical or other zoning issue relating to the cultivation of cannabis with no right of appeal for the property owners, who may have no knowledge that their tenants are violating local and state laws. Opposition removed due to May 29, 2018 amendments. No Position.</p>	Senate Floor 7/2/18
<p>Promotes Transit-Oriented Development. SB 827 (Wiener; D-San Francisco) Promotes the construction of much-needed residential housing by up-zoning areas around public transit facilities in order to address California’s housing crisis by increasing housing stock. Support.</p>	Senate Transportation & Housing 4/9/18; Failed Deadline
<p>Streamlines Permitting for New Accessory Dwelling Units. SB 831 (Wieckowski; D-Fremont) Promotes affordable housing by requiring local agencies to waive permitting fees typically charged for new Accessory Dwelling Units (ADU), also known as granny or in-law units, and streamlines the ADU permitting process by requiring local agencies to decide on any new ADU application within 60 days or else the application is automatically approved. Support.</p>	Assembly Local Government 6/20/18; Failed Deadline
<p>Improves Assessment for State Housing Needs. SB 828 (Wiener; D-San Francisco) Strengthens the Regional Housing Needs Assessment (RHNA) by increasing state-level oversight over local and regional housing obligations. Support.</p>	Assembly Appropriations 7/2/18
<p>Expedites Housing Construction. AB 2973 (Gray; D-Merced) Expedites housing construction in certain jurisdictions by extending the expiration date of existing and unexpired tentative maps, vesting tentative maps, and parcel maps that relate to the construction of single or multifamily housing by 24 months for jurisdictions that remain economically depressed. Support.</p>	Senate Appropriations Hearing 8/6/18
<p>Promotes Fairness in Housing Construction. AB 2913 (Wood; D-Healdsburg) Provides that a permit would remain valid if the work on the site authorized by that permit is commenced within 3 years after its issuance, or if the work authorized on the site by the permit is suspended or abandoned for a period of up to 3 years after the time the work is commenced. Support.</p>	Senate Transportation & Housing 7/3/18
<p>Spurs Housing Development. AB 3194 (Daly; D-Anaheim) Encourages much needed residential housing construction in California by closing two loopholes often used by local governments to deny extending the protections of the Housing Accountability Act. Support.</p>	Senate Floor 7/5/18
<p>Housing Fee Transparency. SB 1296 (Glazer; D-Contra Costa) Promotes public transparency and accountability in the housing development process by allowing agencies and members of the public to compare and analyze fees across jurisdictions in order to determine the reasonableness and purpose of any given fee in relation to the housing costs. Fee transparency provides a clear understanding as to what fees should be anticipated and how those fees will be applied to a proposed housing development project. The historical opacity and variability of development fees across jurisdictions are widely believed to be significant factors inhibiting more housing construction in the state and pushing housing costs higher. Support.</p>	Held in Senate Appropriations Suspense File 5/7/18; Failed Deadline
<p>Development Fee Disclosure. AB 3147 (Caballero; D-Salinas) Requires that a city, county, and city and county provide at the time an application is deemed complete a good faith statement disclosing the amount of impact and development fees applicable to the proposed housing development project. The disclosure of fees at the time a housing project application is deemed complete will provide greater certainty to developers and result in more cost-effective development. Support.</p>	Held on Assembly Appropriations Suspense File 5/23/18; Failed Deadline

Subject—CalChamber Position	Status
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Immigration

<p>New Labor Code Penalties. AB 2732 (Gonzalez Fletcher; D-San Diego) Creates new onerous requirements for employers to provide a worker bill of rights document to all employees, have them sign it, give them a copy of the signed document, and keep the original for three years. Non-compliance with these provisions could result in penalties up to \$10,000. Oppose.</p>	<p>Senate Appropriations Hearing 8/6/18</p>
<p>Foreign Labor Contractors: Agriculture. AB 1913 (Kalra; D-San Jose) Regulates agriculture foreign labor contractors on top of currently comprehensive rules regulating recruitment and employment. Oppose.</p>	<p>Assembly Floor 5/25/18; Failed Deadline</p>

Industrial Safety and Health

<p>Hotel Worker Panic Buttons. AB 1761 (Muratsuchi; D-Torrance) Creates unworkable requirements for paid leave, allows for a patchwork of state and local rules and unnecessary signage in regards to providing protection for hotel employees working alone and the provision of panic buttons. Job killer status removed due to May 9, 2018 amendments, but CalChamber remains opposed unless amended. Oppose Unless Amended/Former Job Killer 2018.</p>	<p>Senate Appropriations Hearing 8/6/18</p>
<p>Usurps Cal/OSHA Priorities. AB 2963 (Kalra; D-San Jose) Requires Cal/OSHA to treat as a serious violation a rule that does not constitute any violation of Cal/OSHA rules, and redirects Cal/OSHA resources, which will undermine existing Cal/OSHA priorities. As a result of a blood lead level of employees reported to the Department of Public Health, the bill requires a workplace inspection by Cal/OSHA within three days, as if a serious violation has been reported where none exists. Oppose.</p>	<p>Senate Appropriations Hearing 8/6/18</p>
<p>Expensive Public Database. AB 2334 (Thurmond; D-Richmond) Before amendments, the bill sought to publicly shame employers by disclosing for public review on a searchable website, each employer’s injury and illness records, that can be misconstrued and distorted in a manner that does not reflect employers’ commitment to the safety of their employees while providing no advancement of worker safety. Opposition removed due to May 25, 2018 amendments. No Position.</p>	<p>Senate Appropriations Hearing 8/6/18</p>
<p>Valley Fever Awareness. AB 1789 (Salas; D-Bakersfield) Creates a common sense approach to alert construction employees about Valley Fever in areas where it is most commonly contracted by creating a framework for employers to provide Valley Fever Awareness training to all construction employees in Valley Fever-prone areas of the state. Support.</p>	<p>Held in Assembly Appropriations Suspense File 4/4/18; Failed Deadline</p>

Labor and Employment

<p>Significant Expansion of Harassment Discrimination and Retaliation Liability. SB 1300 (Jackson; D-Santa Barbara) Significantly increases litigation by allowing a plaintiff to sue for failure to prevent harassment or discrimination when no harassment or discrimination occurs, limits the use of severance agreements, and prohibits the use of a general release or nondisparagement clause in employer/employee contracts. Oppose/Job Killer 2018.</p>	<p>Assembly Appropriations 6/27/18</p>
<p>Disclosure of Company Pay Data. SB 1284 (Jackson; D-Santa Barbara) Unfairly requires California employers to submit pay data to the Department of Industrial Relations, creating a false impression of wage discrimination or unequal pay where none exists and, therefore, subjecting employers to unfair public criticism, enforcement measures, and significant litigation costs to defend against meritless claims. Oppose/Job Killer 2018.</p>	<p>Assembly Appropriations 6/26/18</p>

Subject—CalChamber Position	Status
<p>Wage Statement Penalties. AB 2613 (Reyes; D-Grand Terrace) Imposes another layer of Labor Code penalties for wage and hour violations in addition to the penalties already available under the Private Attorneys General Act (PAGA) and imposes personal liability onto employees who have no control over the actual payment of wages. Oppose/Job Killer 2018.</p>	<p>Assembly Inactive File 6/4/18; Failed Deadline</p>
<p>Portable Benefits for the Gig Economy. AB 2765 (Low; D-Campbell) Imposes onerous and costly mandates on companies in the gig economy labeled as the “digital marketplace” by adding them under the provisions of the Fair Employment and Housing Act (FEHA), expanding the protected classifications under FEHA for contractors of the digital marketplace to include “familial status,” and creates further confusion and uncertainty regarding the use and classification of independent contractors. These new mandates will dramatically increase the amount of frivolous litigation under FEHA and the Private Attorneys General Act (PAGA) for the digital marketplace. Oppose/Job Killer 2018.</p>	<p>Assembly Labor & Employment 3/22/18; Failed Deadline</p>
<p>Extension of Statute of Limitations. AB 1870 (Reyes; D-Grand Terrace) Unnecessarily extends the statute of limitations from one year to three years for all discrimination, harassment and retaliation claims filed with the Department of Fair Employment and Housing. Oppose Unless Amended.</p>	<p>Held in Senate Appropriations Suspense File 7/2/18</p>
<p>Healthy Workplaces, Healthy Families Act. AB 2841 (Gonzalez Fletcher; D-San Diego) Amends the Healthy Workplaces, Healthy Families Act to extend the number of paid sick days employers are required to provide from 3 days to 5 days. Oppose.</p>	<p>Held in Assembly Appropriations Suspense File 4/25/18; Failed Deadline</p>
<p>Sexual Harassment. AB 3081 (Gonzalez Fletcher; D-San Diego) Places in the Labor Code additional, often duplicative, sexual harassment protections and training requirements, which are already protected under the Fair Employment and Housing Act (FEHA), exposing employers to additional liability, including Private Attorneys General Act (PAGA) claims. The bill mandates leave of absence protections for employees and their “family members,” asserting sexual harassment violations without mandating the same notice requirement that applies to other similar types of leave. The bill also expands labor contractor joint liability for sexual harassment, which is inappropriate in light of the inability to objectively verify and ensure that a contractor’s workers do not engage in such activity. Oppose.</p>	<p>Senate Appropriations Hearing 8/6/18</p>
<p>Sexual Harassment Employer/Employee Protection. AB 2770 (Irwin; D-Thousand Oaks) Codifies case law to ensure victims of sexual harassment and employers are not sued for defamation by the alleged harasser when a complaint of sexual harassment is made and the employer conducts its internal investigation. This bill also provides additional protections to employers by expressly allowing employers to inform potential employers about the sexual harassment investigation and findings. Reducing the cost of frivolous litigation allows an employer to utilize these financial resources to grow its workforce. Sponsor/Job Creator 2018.</p>	<p>Signed—Chapter 82</p>
<p>Significant Expansion of the Fair Employment and Housing Act (FEHA). AB 1938 (Burke; D-Inglewood) Creates a new protected classification under the Fair Employment and Housing Act (FEHA) for “familial status,” which will significantly increase the amount of frivolous litigation against employers and ultimately hamper their ability to conduct business and manage their employees. Oppose Unless Amended.</p>	<p>Assembly Labor & Employment 2/5/18; Failed Deadline</p>
<p>Private Attorneys General Act (PAGA) Reform. AB 2016 (Fong; R-Bakersfield) Mitigates the financial threat of frivolous litigation by requiring that plaintiffs provide a more detailed account of the allegations in the required Private Attorneys General Act (PAGA) notice, allowing an employer to utilize these financial resources to grow their workforce instead. Support/Job Creator 2018.</p>	<p>Assembly Labor & Employment 2/12/18; Failed Deadline</p>
<p>Private Attorneys General Act (PAGA) Reform. AB 2907 (Flora; R-Ripon) Provides employers with a reasonable opportunity to cure specific Labor Code violations before being subject to costly and frivolous litigation under the Labor Code Private Attorneys General Act (PAGA), allowing an employer to invest this financial savings into growing its workforce. Support/Job Creator 2018.</p>	<p>Assembly Labor & Employment 3/22/18; Failed Deadline</p>

Subject—CalChamber Position	Status
<p>Sexual Harassment Leave Requirement. AB 2366 (Bonta; D-Oakland) Mandates a leave of absence protection for employees asserting sexual harassment violations without mandating the same notice requirement that applies to other similar types of leave. Significantly expands leave of absence protections for victims of sexual assault, stalking, domestic violence, and now, sexual harassment victims to their “family members,” which is broadly defined. (Provisions incorporated into AB 3081). Oppose.</p>	<p>Held in Assembly Appropriations Suspense File 5/16/18; Failed Deadline</p>
<p>Lactation Accommodation. SB 937 (Wiener; D-San Francisco) Significantly amends current law regarding lactation accommodations by implementing new location standards, employer policy requirements, document retention, new construction requirements and supplementary Labor Code penalties. Oppose Unless Amended.</p>	<p>Assembly Appropriations 6/26/18</p>
<p>Lactation Accommodation. AB 1976 (Limón; D-Goleta) Establishes a new mandate regarding lactation accommodations whereby the employer must make a reasonable effort to provide a location other than a bathroom for the employee to express breastmilk, even though this could create an undue hardship on employers with limited space. Oppose Unless Amended.</p>	<p>Senate Appropriations Hearing 8/6/18</p>
<p>Disclosure of Personal Contact Information. AB 2455 (Kalra; D-San Jose) Requires the state to turn over personal information of registered home care aides to unions for the purpose of organizing. Oppose.</p>	<p>Senate Appropriations Hearing 8/6/18</p>
<p>Sexual Harassment Complaint Document Retention. AB 1867 (Reyes; D-Grand Terrace) Before amendments, created a confusing mandate whereby employers with 50 or more employees must maintain internal complaint records of employee complaints alleging sexual harassment for a minimum of 5 years after the last day of employment of the complainant or any alleged harasser named in the complaint, whichever is later. Opposition removed due to June 21, 2018 amendments. No Position.</p>	<p>Senate Appropriations Hearing 8/6/18</p>
<p>Flexible Meal Period Schedule. AB 2509 (Waldron; R-Escondido) Provides non-exempt employees, who work a traditional 8-hour day schedule, the opportunity to request an on-duty meal period in order to leave work 30 minutes earlier, which helps accommodate employee requests, retain employees, and offer more flexible work arrangements. Sponsor/Job Creator 2018</p>	<p>Assembly Labor & Employment 3/15/18; Failed Deadline</p>
<p>Flexible Workweek. AB 1173 (Harper; R-Huntington Beach) Provides employers with the opportunity to accommodate employees’ needs as well as business demands by allowing employees to request a voluntary, flexible workweek agreement that can be repealed by the employee at any time with proper notice. Support</p>	<p>Assembly Labor & Employment 1/11/18; Failed Deadline</p>
<p>Janitorial Workers Training Requirements. AB 2079 (Gonzalez Fletcher; D-San Diego) Mandates additional registration, enforcement, and training requirements on employers and individuals in the janitorial business. Oppose.</p>	<p>Senate Floor 7/3/18</p>
<p>Flexible Workweek. AB 2482 (Voepel; R-Santee) Allows for an employee-selected flexible work schedule and relieves employers of the administrative cost and burden of adopting an alternative work-week schedule per division, which accommodates employees, helps retain employees, and allows the employer to invest these savings into growing its workforce. Support/Job Creator 2018.</p>	<p>Assembly Labor & Employment 3/5/18; Failed Deadline</p>
<p>Joint Liability. SB 1402 (Lara; D-Bell Gardens) Requires customers of a motor carrier service provider to be jointly and severally liable with the motor carrier for unpaid wages, unreimbursed expenses, damages and penalties, including applicable interest. Oppose.</p>	<p>Assembly Appropriations 6/26/18</p>
<p>Criminal Background Checks. SB 1412 (Bradford; D-Gardena) Prohibits employers in specific industries from seeking particular conviction history information of an applicant, creating a conflict with federal law requirements. Oppose Unless Amended.</p>	<p>Assembly Appropriations 7/3/18</p>
<p>Imposes New One-Sided Attorney’s Fee Recovery. AB 2946 (Kalra; D-San Jose) Undermines the essence of the Division of Labor Standards Enforcement (DSLE) complaint process by requiring a one-sided attorney’s fee provision that will incentivize further litigation. Oppose.</p>	<p>Assembly Floor 5/25/18; Failed Deadline</p>

Subject—CalChamber Position	Status
Additional Employer Regulations. AB 2212 (Ting; D-San Francisco) Requires food processors that sell direct to consumers to undergo redundant and superfluous regulations regarding food handler card requirements. Oppose.	Assembly Health 3/19/18; Failed Deadline
CalWORKs Participation. SB 926 (Skinner; D-Berkeley) Before amendments, allowed a participant in the CalWORKs program to refuse to comply with the program based on the participant’s independent determination that the employer-provided schedule is too unpredictable. Opposition removed due to May 26, 2018 amendments. No Position.	Assembly Appropriations 6/26/18
General Contractor Wage-and-Hour Liability. AB 1565 (Thurmond; D-Richmond) Prevents general contractor liability for wage theft that the subcontractor committed if the general contractor already paid the subcontractor in full and was not involved in the wage theft. Gutted and amended May 24, 2018. No Position.	Senate Floor 7/3/18

Legal Reform and Protection

Ban on Settlement Agreements and Arbitration Agreements. AB 3080 (Gonzalez Fletcher; D-San Diego) Significantly expands employment litigation and increases costs for employers and employees by banning settlement agreements for labor and employment claims as well as arbitration agreements made as a condition of employment, which is likely preempted under the Federal Arbitration Act and will only delay the resolution of claims. Banning such agreements benefits the trial attorneys, not the employer or employee. Oppose/ Job Killer 2018.	Senate Appropriations Hearing 8/6/18
Liability Expansion. AB 2074 (Bonta; D-Oakland) Creates an unprecedented basis for tort liability in California by imposing joint and several liability on any company in the stream of commerce for injury caused by a product, even though those companies did not create the product, know of the harm it posed, or cause the harm suffered. Oppose.	Assembly Inactive File 6/4/18; Failed Deadline
Interference with Contracts. AB 1902 (Levine; D-San Rafael) Discourages and reduces “personal service contracts” as defined, by unfairly increasing the contract price for these services based upon an undefined and unspecified “area income” rate that presumably will include wages from different industries and different occupations that are not comparable to personal services. It also provides the Department of Industrial Relations with extraordinary authority to value companies, determine “similar services” to be included under the provisions of this bill, and what constitutes “area income.” Oppose/ Job Killer 2018.	Held in Assembly Appropriations Suspense File 5/2/18; Failed Deadline
Disclosure of Trade Secrets and Increased Litigation. AB 889 (M. Stone; D-Scotts Valley) Unnecessarily changes the definition of what information qualifies as a “trade secret” and will essentially force the disclosure of confidential, trade secret information in civil litigation based upon an unproven allegation that a product is defective, which will force companies into unjustified costly settlements as well as overwhelm the judiciary with motions and hearings by parties seeking to protect their trade secrets. Oppose.	Assembly Floor 1/8/18; Failed Deadline
Liability Expansion. AB 2995 (Carrillo; D-Los Angeles) Significantly expands tort liability for lead paint by stating that any amount of lead paint on the interior or exterior of the home is an injury to the property for which damages can be recovered. Oppose.	Assembly Floor 5/3/18; Failed Deadline
Confidentiality Provisions. AB 3109 (M. Stone; D-Scotts Valley) Specifies the limitations of a non-disclosure provision in a settlement agreement for claims involving sexual harassment and assault, so that the Legislature, courts, or administrative agencies can resolve disputes or policy debates involving these issues. Support.	Senate Floor 7/3/18
Employee-Union Agent Evidentiary Privilege. AB 3121 (Kalra; D-San Jose) Creates a new evidentiary privilege that is one-sided and will provide a union representative with an unfair opportunity to preclude relevant evidence during litigation regarding labor disputes or collective bargaining, that may ultimately result in the miscarriage of justice. Oppose.	Senate Floor 6/21/18

Subject—CalChamber Position	Status
<p>Confidentiality Provisions. SB 820 (Leyva; D-Chino) Limits the ability to informally resolve civil cases that include an allegation of harassment or failure to prevent harassment, which will encourage defendants to pursue a trial on the merits of such cases to prove such claims lack merit and clear any public concerns regarding reputation, thereby increasing the burden on the trial courts. Oppose.</p>	Assembly Floor 7/5/18
<p>Allocation of Judgeships. SB 38 (Roth; D-Riverside) Increases the number of judges on the Fourth District Court of Appeal in Riverside/San Bernadino to ensure timely resolution of disputes. Support.</p>	Held in Assembly Appropriations Suspense File 6/27/18
<p>International Commercial Arbitration. SB 766 (Monning; D-Carmel) Clarifies that out-of-state attorneys and attorneys from foreign jurisdictions may apply to appear and represent parties in international commercial disputes hosted in California, which will create a greater opportunity for California to host these proceedings and provide business opportunities for the state. Support.</p>	To Governor
<p>Economic Barrier. AB 2192 (M. Stone; D-Scotts Valley) Before amendments, limited publishers' ability to recoup costs on time, effort, and money invested into peer-reviewed manuscripts that are based upon research developed through state grants by mandating such publications are free and open to the public within 6 months of completion, which would have jeopardized quality of these manuscripts and the continued investment in such manuscripts. Opposition removed due to April 5, 2018 amendments. No Position.</p>	Senate Appropriations Hearing 8/6/18
<p>Housing Costs. AB 2353 (Frazier; D-Discovery Bay) Reduces the threat of ongoing litigation against homebuilders for alleged construction defects, which will reduce cost for builders and costs for homes in California. Support.</p>	Senate Floor 7/3/18
<p>Litigation Exposure. AB 2648 (Friedman; D-Glendale) Carves out "water contamination" claims from the statute of repose, which could create significant and retroactive liability and costly litigation against property owners, developers, contractors, architects, engineers and other service providers. Oppose.</p>	Assembly Judiciary 4/12/18; Failed Deadline
<p>Individual Liability. SB 1038 (Leyva; D-Chino) Before amendments, unfairly imposed individual liability on a supervisor employee for making personnel and management decisions that are a part of the supervisor's duties, placing the supervisor in a conflict of interest with the employer, and subjecting the individual to financial harm. Opposition removed due to June 25, 2018 amendments. No Position.</p>	Assembly Floor 7/5/18

Marijuana

<p>Medical Marijuana in Employment. AB 2069 (Bonta; D-Oakland) Undermines employer's ability to provide a safe and drug-free workplace by requiring employers to provide a reasonable accommodation to employees who use marijuana for a disability or medical purposes, exposing employers to costly and unnecessary litigation under the Fair Employment and Housing Act (FEHA) whenever the employer terminates an employee who has created a safety hazard in the workplace. Oppose/Job Killer 2018.</p>	Held in Assembly Appropriations Suspense File 5/16/18; Failed Deadline
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Other

<p>Cigarette Filter Ban. AB 2308 (M. Stone; D-Scotts Valley) Increases the cost to manufacturers and puts California at a disadvantage by banning single-use filtered cigarettes in the state. Oppose.</p>	Assembly Governmental Organization 5/2/18; Failed Deadline
<p>Seismic Safety. AB 2681 (Nazarian; D-Sherman Oaks) Before amendments, caused devaluation of properties in some parts of the state by listing them as vulnerable to earthquake damage on a list at the Office of Emergency Services open to the public. Opposition removed due to April 12, 2018 amendments. No Position.</p>	Senate Appropriations Hearing 8/6/18

Subject—CalChamber Position	Status
Privacy and Technology	
<p>California Consumer Privacy Act of 2018. AB 375 (Chau; D-Monterey Park/Hertzberg; D-Van Nuys). This bill, effective January 1, 2020, would require businesses to do the following, among many other things, upon the request of a consumer: inform the consumer as to what personal information (PI) is being collected about them and whether their PI is being sold and to whom; provide to the consumer the categories and specific pieces of PI the business has collected about that consumer; delete any PI collected from the consumer; and permit the consumer to opt-out of or to opt-in to the sale of their PI, depending on age of the consumer. This bill also creates significant class action liability for a company in the wake of a data breach, creating a private right of action for any consumer whose data has been breached to sue for significant statutory damages without any proof of injury required. Although CalChamber opposed this bill, we preferred it to the privacy ballot initiative, which was much worse and has since been pulled from the ballot due to the passage of AB 375.</p>	<p>Signed 6/28/2018—Chapter 55</p>
<p>Technical Clean-Up Vehicle. SB 1121 (Dodd; D-Napa) Originally removed the requirement of economic injury for standing to bring a claim in California against a company for a data breach, undermining the intent of voters, and drastically increasing liability for companies without providing any corresponding benefit to California consumers. Now being developed as a technical clean-up bill for AB 375. CalChamber working with members and other affected parties to create a list of technical fixes that need to be included in SB 1121. Position Pending/Former Job Killer 2018.</p>	<p>Assembly Privacy & Consumer Protection 7/3/18</p>
<p>Connected Devices. AB 1906 (Irwin; D-Thousand Oaks) Beginning on January 1, 2020, requires manufacturers of connected devices to equip those devices with reasonable security features appropriate to the nature of the device. Opposition removed due to May 9, 2018 amendments. No Position.</p>	<p>Senate Appropriations Hearing 8/6/18</p>
<p>Connected Devices. SB 327 (Jackson; D-Santa Barbara) Before amendments, imposed onerous, duplicative and premature data security and notification mandates on manufacturers and retailers of devices that connect to the Internet. Opposition removed due to January 11, 2018 amendments. No Position.</p>	<p>Assembly Appropriations 7/3/18</p>
<p>Digital Commercial Health Monitoring. AB 2935 (Chau; D-Monterey Park) Requires digital commercial health monitoring operators to post a notice and obtain a consumer’s affirmative consent to share, sell or disclose the information to a third party. Oppose Unless Amended.</p>	<p>Senate Judiciary 7/3/18</p>
<p>Unmanned Aircraft Systems (UAS). SB 347 (Jackson; D-Santa Barbara) Creates inconsistencies with federal law and risks stunting UAS growth and its associated economic benefits by restricting operations and navigation of UAS and delegating regulation to the California Department of Transportation. Oppose.</p>	<p>Assembly Privacy & Consumer Protection 6/5/18; Failed Deadline</p>
<p>Third-Party Sharing by Places of Lodging and Bus Companies. SB 1194 (Lara; D-Bell Gardens) Prevents private businesses from sharing guest and passenger information without a court-issued warrant, subpoena, or order except as specified. Opposition removed due to June 20, 2018 amendments that carve out third-party sharing for business purposes. No Position.</p>	<p>Assembly Privacy & Consumer Protection 7/3/18</p>
<p>Online Sales. AB 2511 (Chau; D-Monterey Park) Requires online retailers to take reasonable steps to verify the age of the purchaser and to refrain from delivering proscribed products to persons under 18. Opposition removed due to June 14, 2018 amendments. No Position.</p>	<p>Senate Appropriations 7/3/18</p>
<p>Automated Technology or “Bots.” SB 1001 (Hertzberg; D-Van Nuys) Makes it unlawful for any person to use a bot with the intention of misleading and without disclosing that it is a bot and is not a natural person. Opposition removed due to June 21, 2018 amendments. No Position.</p>	<p>Assembly Appropriations 6/26/18</p>

Subject—CalChamber Position	Status
Spam Emails. AB 2546 (Chau; D-Monterey Park) Before amendments, broadened the definition of spam email and imposed new regulations on businesses communicating with customers or sending marketing emails. Opposition removed due to May 29, 2018 amendments. No Position.	Senate Appropriations Hearing 8/6/18
Blockchain Technology Working Group. AB 2658 (Calderon; D-Whittier) Requires the Secretary of the Government Operations Agency to appoint a blockchain working group, on or before July 1, 2019, to evaluate the use of the technology. Support.	Senate Appropriations Hearing 8/6/18
Social Media Working Group. SB 1424 (Pan; D-Sacramento) Requires the Attorney General to establish an advisory committee to study the problem of false information on internet-based social media platforms and to make recommendations. Opposition removed due to May 10, 2018 amendments. No Position.	Assembly Appropriations 6/26/18
Privacy Policies. AB 2182 (Levine; D-San Rafael) Requires the Department of Justice to maintain a website with links to businesses' internet privacy policies. Opposition removed due to May 25, 2018 amendments. No Position.	Senate Appropriations Hearing 8/6/18
Bot Advertising. AB 1950 (Levine; D-San Rafael) Requires sellers of digital advertising to verify that buyers are natural persons. Oppose.	Assembly Privacy & Consumer Protection 2/8/18; Failed Deadline
Privacy in Annual Disclosures. AB 1781 (Steinorth; R-Rancho Cucamonga) Requires the Secretary of State to exempt resident addresses and personal signatures contained within certain corporate annual statements from being published online in order to prevent fraud and identity theft. Support.	Held in Assembly Appropriations Suspense File 4/25/18; Failed Deadline
Unmanned Aircraft Systems (UAS). SB 1355 (Hill; D-San Mateo) Prohibits use of drones above the grounds of a prison or jail. Oppose.	Assembly Appropriations 6/26/18
Driver License Information. AB 2769 (Cooper; D-Elk Grove) Prohibits businesses from storing driver license information for more than 24 hours without prior written consent. Concerns were removed based on April 19, 2018 narrowing amendments. No Position.	Senate Appropriations Hearing 8/6/18

Product Regulation

Misinformed Chemical Regulation. AB 2998 (Bloom; D-Santa Monica) Imposes an overly broad chemical regulatory regime by restricting the sale of any “flame retardant chemical” used in juvenile products, mattresses, or upholstered furniture, even for chemistries not yet invented or evaluated by regulatory authorities. Oppose.	Senate Appropriations Hearing 8/6/18
Risks California Jobs and Limits Consumer Options. SB 1249 (Galgiani; D-Stockton) Creates an unworkable framework that could harm manufacturers and severely handicap American cosmetic exports and American jobs by going far beyond the initially proposed alignment of California law with current European regulations banning animal testing on cosmetic products or ingredients. Oppose.	Assembly Appropriations 7/2/18
Sidesteps Safer Consumer Products Program Process. AB 958 (Ting; D-San Francisco) Politically rather than scientifically identifies certain chemicals used in food packaging as priority products under the Safer Consumer Products program, and directs the Department of Toxic Substances Control (DTSC) to adopt regulations with regard to those chemicals, unless it determines there is insufficient data to conduct and complete the priority product evaluation and regulatory process. If DTSC makes the foregoing determination, it must pursue the data necessary to conduct and complete the evaluation and regulatory process. Oppose.	Senate Floor 6/26/18

Subject—CalChamber Position	Status
<p>Stifles Innovation for Electronic and Appliance Products. AB 2110 (Eggman; D-Stockton) Mandates the disclosure of intellectual property and threatens consumer security and safety by requiring original equipment manufacturers of electronics and appliances sold in the State of California to provide independent repair providers with diagnostic and repair information, software, tools, and parts. Oppose.</p>	<p>Assembly Privacy & Consumer Protection 4/5/18; Failed Deadline</p>
<p>Misguided Cleaning Product Procurement Mandate. AB 2570 (Nazarian; D-Sherman Oaks) Imposes a misguided cleaning product procurement mandate on California public schools by requiring schools to purchase and use “environmentally preferable cleaning products,” which exclude critical product certification alternatives and the use of disinfectant products to prevent disease and infection. Oppose.</p>	<p>Senate Appropriations Hearing 8/6/18</p>
<p>Endorses Controversial Proposition 65 Listing Process. SCR 100 (Lara; D-Bell Gardens) Endorses the controversial Labor Code listing mechanism under Prop. 65 by urging the Office of Environmental Health Hazard Assessment to list processed meat as a Prop. 65 carcinogen based on a determination made by the International Agency for Research on Cancer. Oppose.</p>	<p>Senate Environmental Quality 4/9/18</p>
<p>Labeling. AB 2632 (Santiago; D-Los Angeles) Protects consumer product and food manufacturers from lawsuits by clarifying package labeling requirements regarding the amount of product and packaging. Support.</p>	<p>Senate Floor 7/3/18</p>
<p>Provides Ingredient Information to Salon Employees. AB 2775 (Kalra; D-San Jose) Ensures that ingredient information is readily available to every salon employee and customer by requiring professional cosmetic products manufactured on or after July 1, 2020, to have a label affixed on the container that satisfies all of the labeling requirements for any other cosmetic pursuant to the federal Food, Drug, and Cosmetic Act and the federal Fair Packaging and Labeling Act. Support.</p>	<p>Senate Appropriations Hearing 8/6/18</p>
<p>Clarifies Cleaning Product Right to Know Act. AB 2901 (Committee on Environmental Safety and Toxic Materials) Provides greater clarity for implementation of the 2017 Cleaning Product Right to Know Act by making minor technical changes to certain terminology. Support.</p>	<p>Signed—Chapter 28</p>

Public Employees’ Retirement System

<p>Public Employee Retirement Systems Investment Policy. AB 2571 (Gonzalez Fletcher; D-San Diego) Seeks to publicly shame investment managers and the hospitality companies in which they invest, by forcing them to submit an annual report subject to a public review, that discloses employee wage information according to gender, ethnicity, and race, exposing such companies to costly litigation. Oppose/Job Killer 2018.</p>	<p>Assembly Public Employees, Retirement & Social Security 3/19/18; Failed Deadline</p>
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Recycling

<p>Burdensome Mandate on Beverage Containers. AB 2779 (M. Stone; D-Scotts Valley) Drives up the cost of beverages, imposes impractical technology requirements, and reverses a decade-long trend of reducing the amount of plastic in PET bottles by requiring that the cap of any single-use plastic beverage container be tethered to the container. Oppose.</p>	<p>Assembly Inactive File 6/4/18; Failed Deadline</p>
<p>Burdensome Mandate on Beverage Containers. AB 319 (M. Stone; D-Scotts Valley) Drives up the cost of beverages and imposes impractical technology requirements by requiring that the cap of a single-use plastic beverage container be tethered or affixed to the container. Oppose.</p>	<p>Assembly Floor 1/10/18; Failed Deadline</p>
<p>New Recycling/Composting Requirements. SB 1335 (B. Allen; D-Santa Monica) Forces food service facilities operating in California state agencies or facilities to stop using disposable food service ware by 2021 unless 75% or more of the packaging can be recycled or composted. Since the mandated recycle/compost rate is not achievable within the time frame allotted, the bill serves as a “de facto” ban on single-use cups, take-out containers, plates, trays and bowls in all state facilities. Oppose Unless Amended.</p>	<p>Assembly Appropriations 7/2/18</p>

Subject—CalChamber Position	Status
<p>New Recycling Organization for Beverage Containers. SB 168 (Wieckowski; D-Fremont) Increases beverage container manufacturers’ costs and creates uncertainty by establishing a new organization requiring them to develop and submit a plan and budget for recycling of beverage containers similar to that of the Used Mattress Recovery and Recycling Act, including the establishment of a stewardship fee to fund the costs of implementing the program. Oppose.</p>	<p>Assembly Appropriations 7/5/18</p>

Regulatory Reform

<p>Regulatory Reform. AB 2671 (Fong; R-Bakersfield) Promotes greater accountability, transparency, improved efficiency and modernization of regulations by requiring agencies to review their regulations, as well as to submit major regulations to the Legislature for review, which paves the way to effective and least burdensome regulations. Support.</p>	<p>Held in Assembly Appropriations Suspense File, 5/9/18; Failed Deadline</p>
<p>Regulatory Reform. AB 2971 (Calderon; D-Whittier) Will save taxpayer dollars, streamline government operations, improve public services, and reduce duplication and waste without compromising public policy goals of regulations by requiring state agencies to review all existing regulations to identify overlap, duplication, inconsistencies or provisions that are out of date, and report the findings to the Legislature. Support.</p>	<p>Held in Assembly Appropriations Suspense File, 5/2/18; Failed Deadline</p>
<p>State Agency Modernization. AB 2087 (Waldron; R-Escondido) Enhances California’s ability to deliver services by improving and updating our state’s information technology systems to take advantage of modern technologies. Support.</p>	<p>Senate Appropriations Hearing 8/6/18</p>

Taxation

<p>Tax on Services. SB 993 (Hertzberg; D-Van Nuys) Imposes a 3% tax on services purchased by businesses in California, with some exceptions, adding another layer of taxes onto California companies, raising costs, and putting them at a competitive disadvantage. Oppose/Job Killer 2018.</p>	<p>Senate Governance & Finance 5/16/18</p>
<p>Increased Tax Rate. SB 1398 (Skinner; D-Berkeley) Threatens to significantly increase the corporate tax rate on publicly held corporations and financial institutions up to 15% according to the wages paid to employees in the United States, and threatens to increase that rate by 50% thereafter, if the corporation or institution reduces its workforce in the United States and simultaneously increases its contractors. Oppose/Job Killer 2018.</p>	<p>Senate Governance & Finance 3/8/18</p>
<p>Targeted Tax on High Earners. AB 2351 (Eggman; D-Stockton) Unfairly increases the personal income tax rate from 13.3% — which is already, by far, the highest income tax rate in the country — to 14.3% for one category of taxpayers (including sole proprietors), who already pay half of California’s income taxes, forcing them to mitigate these costs through means that include reducing workforce, in order to provide more funding for higher education. Oppose/Job Killer 2018.</p>	<p>Assembly Revenue & Taxation 4/16/18</p>
<p>Middle Class Fiscal Relief Act. ACA 22 (McCarty; D-Sacramento) Unnecessarily increases California’s 8.84% corporate tax rate, already one of the highest in the nation, to 18.84%, which will encourage companies to leave the state and discourage companies from expanding or relocating here. Oppose/Job Killer 2018.</p>	<p>Assembly Print 1/18/18</p>
<p>Extension of Film Tax Credits. SB 951 (Mitchell; D-Los Angeles) Before being incorporated into SB 871, a budget trailer bill, extended California’s current tax credit for motion picture and television productions, which has a sunset date of July 1, 2020, for an additional five years, continuing the success of this tax credit, which has brought more film and television production jobs to this state and has increased business to California companies that supply productions with goods and services. Support/Job Creator 2018.</p>	<p>Assembly Revenue & Taxation Hearing 8/6/18</p>

Subject—CalChamber Position	Status
<p>Extension of Film Tax Credits. AB 1734 (Calderon; D-Whitter) Before being incorporated into SB 871, a budget trailer bill, extended California’s current tax credit for motion picture and television productions, which has a sunset date of July 1, 2020, for an additional five years, continuing the success of this tax credit, which has brought more film and television production jobs to this state and has increased business to California. Support/Job Creator 2018.</p>	Senate Governance & Finance 6/7/18
<p>Extension of Film Tax Credits. SB 832 (Portantino; D-La Cañada Flintridge) Extends California’s current tax credit for motion picture and television productions, which has a sunset date of July 1, 2020, for an additional five years, continuing the success of this tax credit, which has brought more film and television production jobs to this state and has increased business to California companies that supply productions with goods and services. Support/Job Creator 2018.</p>	Held in Senate Appropriations Suspense File 5/25/18
<p>Extension of Film Tax Credits. AB 2936 (Nazarian; D-Sherman Oaks) Extends California’s current tax credit for motion picture and television productions, which has a sunset date of July 1, 2020, for an additional five years, continuing the success of this tax credit, which has brought more film and television production jobs to this state and has increased business to California companies that supply productions with goods and services. Support/Job Creator 2018.</p>	Held in Assembly Appropriations Suspense File 5/25/18
<p>Extension of Film Tax Credits. SB 871 (Committee on Budget and Fiscal Review) Extends California’s current tax credit for motion picture and television productions, which has a sunset date of July 1, 2020, for an additional five years, continuing the success of this tax credit, which has brought more film and television production jobs to this state and has increased business to California companies that supply productions with goods and services. Support.</p>	Signed 6/27/18—Chapter 54
<p>Extension of Film Tax Credits. AB 1837 (Committee on Budget) Extends California’s current tax credit for motion picture and television productions, which has a sunset date of July 1, 2020, for an additional five years, continuing the success of this tax credit, which has brought more film and television production jobs to this state and has increased business to California companies that supply productions with goods and services. Support.</p>	Senate Inactive File 7/5/18
<p>Opioid Medication Excise Tax. AB 2486 (McCarty; D-Sacramento/Gallagher (R-Yuba City). Unfairly targets one category of taxpayer, manufacturers and distributors of opioid medication in California, to raise money for opioid prevention and rehabilitation programs, which will raise their costs, limit their workforce, and increase prices for drugs crucial to California’s vulnerable population, including those in need of medically assisted treatment for substance abuse. Oppose.</p>	Senate Health 6/13/18
<p>Abatement of Taxes. AB 2503 (Irwin; D-Thousand Oaks) Extinguishes annual taxes (and related interest and penalties) that continue to improperly accrue to businesses that no longer exist, because they failed to complete the paperwork necessary for dissolution. Support.</p>	Senate Appropriations Hearing 8/6/18
<p>Expedited Return of Tax Overpayment. AB 2855 (Brough; R-Dana Point) Expedites tax refund adjustments of net operating loss (NOL) carrybacks, so businesses would have timely access to capital that can be reinvested into the economy. Support.</p>	Senate Appropriations Hearing 8/6/18
<p>Abatement of Timeliness Penalty. SB 1082 (Bradford; D-Gardena) Allows the Franchise Tax Board to waive select timeliness penalties imposed on taxpayers who have no prior compliance problems. Support.</p>	Held in Senate Appropriations Suspense File 4/30/18

Telecommunications

<p>Net Neutrality. SB 822 (Wiener; D-San Francisco) Preempted by federal law and opens the door to a patchwork of unworkable state regulations that will stymie innovation and potentially undermine the backbone of California’s internet economy. Oppose.</p>	Assembly Appropriations 6/26/18
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Subject—CalChamber Position	Status
<p>Net Neutrality. SB 460 (de León; D-Los Angeles) Preempted by federal law and opens the door to a patchwork of unworkable state regulations that will stymie innovation and potentially undermine the backbone of California’s internet economy. Oppose.</p>	<p>Assembly Communications & Conveyance 6/1/18; Failed Deadline</p>

Tourism

<p>Tourism Stimulus. AB 986 (Gallagher; R-Yuba City) Helps reverse California’s unprecedented decline in recreational fishing participation, which will increase jobs and tourism in the areas that depend on sport fishing, by reducing fishing license fees for veterans. Support.</p>	<p>Senate Appropriations Hearing 8/6/18</p>
<p>Tourism Stimulus. SB 518 (Berryhill; R-Twain Harte) Helps reverse California’s unprecedented decline in recreational fishing participation, which will increase jobs and tourism in the areas that depend on sport fishing, by changing the way fishing licenses are issued. Support.</p>	<p>Held in Assembly Appropriations Suspense File 6/27/18</p>

Transportation and Infrastructure

<p>Lowers Vote Requirement for Tax Increases. SCA 6 (Wiener; D-San Francisco) Unnecessarily reduces the voter threshold from two-thirds to 55% for local governments to enact special taxes, including parcel taxes, for the purpose of providing transportation services, which creates an opportunity for discriminatory and higher taxes to be imposed against disfavored industries and commercial property owners. Oppose/Two Year Job Killer.</p>	<p>Held in Senate Appropriations Suspense File 5/25/17</p>
<p>Impedes Regulatory Efforts. AB 87 (Ting; D-San Francisco) Potentially impedes efforts to adopt regulations guiding autonomous vehicle testing by codifying language for regulations before the current rulemaking process is complete. Oppose Unless Amended.</p>	<p>Senate Appropriations Hearing 8/6/18</p>
<p>Streamlines Requirements. SB 1080 (Roth; D-Riverside) Streamlines driver licensing requirements for active duty military and their families so they can begin earning extra income through ride-sharing without unnecessary fees and delays. Support.</p>	<p>Assembly Appropriations 6/25/18</p>
<p>Encourages Development. AB 427 (Muratsuchi; D-Torrance) Encourages economic development by creating the California Aerospace and Aviation Commission to support the health and competitiveness of California’s aerospace manufacturing sector. Support.</p>	<p>Senate Appropriations Hearing 8/6/18</p>

Water Supply and Quality

<p>Delta Stewardship Council. AB 1876 (Frazier; D-Discovery Bay) Impedes progress toward achieving a balanced water supply/quality solution in the delta by abolishing the broad-based Delta Stewardship Council and rolling its authority to the much narrower in perspective Delta Protection Commission. Oppose.</p>	<p>Assembly Water, Parks & Wildlife 1/29/18; Failed Deadline</p>
<p>Irrigation Water. AB 2828 (Friedman; D-Glendale) Increases the costs of produced water used by farmers to irrigate crops. Undermines and circumvents existing regulations covering water quality and safety. Oppose.</p>	<p>Assembly Environmental Safety & Toxic Materials 3/8/18; Failed Deadline</p>
<p>Land Use. AB 2975 (Friedman; D-Glendale) Before amendments, restricted adjacent and nearby private property owners’ use of their lands by automatically giving any federally delisted wild and scenic rivers protection under the state act, but retaining federal elements. Opposition removed due to May 29, 2018 amendments. No Position.</p>	<p>Senate Appropriations Hearing 8/6/18</p>

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