

Final Status Report on Major Business Bills

The following list summarizes the final status of California Chamber of Commerce priority bills that were sent to the Governor this year.

The CalChamber will publish a record of legislators' votes on key bills affect-

ing the California business climate on November 1. Generally, the bills selected for the vote record have appeared in one of the status reports.

Bills signed by the Governor will become law on January 1, 2020 unless

otherwise stated. Urgency, tax and budget-related measures go into effect immediately upon being signed, so the date the bill was signed is noted.

Subject—CalChamber Position

Status

Agriculture, Food and Resources

Endangered Species Exemption. SB 62 (Dodd; D-Napa) Saves agricultural operations time and resources by extending the safe harbor provision to 2024 for accidental take of an endangered species during lawful routine and ongoing agricultural activities. Support.	Signed—Chapter 137
Agriculture Economy. AB 417 (Arambula; D-Fresno) Helps agriculture and rural economies target investments, attract and retain businesses, and gather information on various local assets that will lead to improved economic conditions. Support.	Vetoed
Migratory Birds. AB 454 (Kalra; D-San Jose) Before amendments, restricted land use by imposing new requirements on the taking of birds that are not endangered. Opposition removed due to May 16, 2019 amendments. Neutral.	Signed—Chapter 349
Farmworker Housing. AB 1783 (Robert Rivas; D-Hollister) Imposes a more rigorous process on the development of farmworker housing than all other types of affordable housing development by restricting the location of such housing and who can manage the housing. Oppose.	Signed—Chapter 866

Air Quality

Targeted Mandate that Will Increase Transportation Costs. SB 44 (Skinner; D-Berkeley) Before amend- ments, severely impacted transportation costs by directing CARB to develop a strategy to reduce all motor vehicle emissions by 40% by 2030 and 80% by 2050 by disproportionally targeting diesel medium- and heavy-duty trucks. Threatened jobs by requiring an immediate strategy for reduction of diesel vehicles without sufficient alternate technology. Opposition and job killer tag removed due to May 1, 2019 amend- ments that require CARB to first consult with the Department of Transportation, the State Energy Resources Conservation and Development Commission, and GO-Biz to develop recommended goals and be consistent with the state's Sustainable Freight Plan. It also requires CARB to identify advantages to fleets for early adop- tion. These amendments better align meeting California's ambitious climate goals with ensuring the state's continued economic vitality. CalChamber now supports the bill. Support/Former Job Killer 2019.	Signed—Chapter 297
Creates Regulatory Burdens. AB 423 (Gloria; D-San Diego) Before amendments, proposed to unnecessar- ily increase the authority of a local air district to collect additional data, required additional monitoring, and required additional reporting from businesses, much of which is duplicative of existing authority, resulting in increased costs. Opposition removed due to August 30, 2019 amendments. No Position.	Signed—Chapter 744



Status

Banking and Finance

Significant Risk to Taxpayer Dollars and Community Investment. AB 857 (Chiu; D-San Francisco) Before amendments, jeopardized taxpayer dollars, community banks, and funding for small businesses that create jobs in local communities, by allowing the creation of local public banks which will impose significant costs and risks to taxpayer revenue for operations and capital, as well as unfairly compete with local community banks. Job killer tag removed due to recent amendments but CalChamber still opposes as public banks	Signed—Chapter 442
nity banks. Job killer tag removed due to recent amendments but CalChamber still opposes as public banks would compete with existing commercial banks. Oppose/Former Job Killer 2019.	

California Environmental Quality Act (CEQA)

CEQA Exemption for Fire Prevention. SB 632 (Galgiani; D-Stockton) Temporarily exempts from CEQA any fire prevention vegetation treatment activities conducted pursuant to the Board of Forestry and Fire Protection Programmatic Environmental Impact Report. Support.	Signed—Chapter 411
Expedites CEQA Process to Rebuild Housing. AB 430 (Gallagher; R-Nicolaus) Establishes a streamlined, ministerial approval process for certain housing developments that will be constructed in specified counties if certain criteria are met. Support.	Signed—Chapter 745
CEQA Exemption for Fire Safety. AB 394 (Obernolte; R-Big Bear Lake) Temporarily exempts projects or activities from CEQA recommended by the State Board of Forestry and Fire Protection that provide critical fire safety egresses for existing residential subdivisions. Support.	Vetoed

Climate Change

Encourages Technological Innovation. AB 1195 (O'Donnell; D-Long Beach) Allows credit under the Low Carbon Fuel Standard to innovative crude technologies, including carbon capture and sequestration, energy storage, and renewable natural gas or biogas. Creates jobs by encouraging the development of new technology to meet California's ambitious climate change goals. Support/ Job Creator 2019 .	Vetoed
Improves Transparency. AB 1237 (Aguiar-Curry; D-Winters) Provides additional transparency by requiring agencies receiving greenhouse gas funds to post recipients online in an easy-to-access format. Support.	Signed—Chapter 357
Waives Transparency Requirements. SB 85 (Committee on Budget and Fiscal Review) Contains trailer bill language that waives, without adequate justification, open meeting laws for advisory committee on cap and trade, which can result in a lack of public input and decisions being made in secret without adequate peer and public review. Oppose.	Signed 6/27/19— Chapter 31

Crime



Status

Economic Development/Local Government

Chapter 803

Education

Career Technical Education. AB 1303 (O'Donnell; D-Long Beach) Before amendments, increased fund- ing for the Career Technical Education Incentive Grant program, which provides students with relevant, industry-aligned skills training and instruction to prepare them for California's changing job market. As amended June 24, 2019 to deal with school facilities, CalChamber has no position. No Position/Former Job Creator 2019.	Signed—Chapter 541
Workforce Coordination. AB 23 (Burke; D-Inglewood) Establishes the Business Workforce Coordination Unit, which will help provide California with a workforce that is employment-ready and trained in industry sectors that have the greatest workforce needs. Support/Job Creator 2019.	Vetoed
Education Accountability. AB 1240 (Weber; D-San Diego) Encourages schools to prioritize both career and college preparation for students, which will help reduce dropout rates, increase graduation rates, and better prepare students for the workforce. Support.	Signed—Chapter 783

Elections and Fair Political Practices

Prohibits Compensation on a Per Signature Basis. AB 1451 (Low; D-Campbell) Makes 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. The current process serves as a check and balance on government. By making it harder to qualify ballot measures, Californians would be denied the right to address grievances with government through initiatives, referendums and recalls. Oppose.	Vetoed
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Energy

Promotes Transparency. AB 1083 (Burke; D-Inglewood) Increases transparency and guides development of energy policy by having the California Council on Science and Technology review and provide analysis on pending legislation, thereby disclosing impacts to ratepayers. Support.	Signed—Chapter 818
Significant Rate Increase. SB 70 (Nielsen; R-Tehama) Before amendments, threatened significant increases in energy rates by requiring that most utility lines be buried underground. Conflicts with other laws mandating flexibility in climate adaptation and designed to maximize prevention in the most cost-effective manner. Opposition removed due to April 30, 2019 amendments. Neutral.	Signed—Chapter 400



Status

Environmental Regulation

Negatively Impacts Water Management and Increases Litigation. SB 1 (Atkins; D-San Diego) Undermines current state efforts to move forward with Voluntary Agreements through a rigid approach to water management that fails to appreciate science-based decision-making to manage and provide reliable water supplies for California and protect, restore, and enhance the ecosystems of the Bay-Delta and its tributaries. It further increases the potential for costly litigation by forcing a federal agency to operate the Central Valley Project subject to the California Endangered Species Act when that state law is preempted by the federal Endangered Species Act. It further creates significant regulatory uncertainty and litigation risks to regulated entities by giving certain state agencies authority to adopt rules and regulations without any of the Administrative Procedure Act safeguards when the agency, in its discretion, determines that the federal rules and regulations in effect on January 19, 2017 are "less protective" than existing federal law. Oppose/Job Killer 2019.	Vetoed
Promotes Foreign Oil Imports. AB 1440 (Levine; D-San Rafael) Before amendments, discouraged in-state production of oil and gas in favor of even more foreign oil imports by eliminating the duty of the California Division of Oil, Gas, and Geothermal Resources to develop oil and gas wisely in California. Opposition removed due to May 29, 2019 amendments. No Position.	Vetoed
Hazardous Materials Business Plans Submittals. AB 1429 (Chen; R-Yorba Linda) Allows hazardous waste facilities that are not required to submit tier II information, to submit Hazardous Materials Business Plans one time every three years unless those facilities exceed federal reporting thresholds, in which case, annual reporting would be mandatory. Support.	Signed—Chapter 66
Acute Toxicity Study Bill. AB 733 (Quirk; D-Hayward) Provides the California Department of Toxic Substances Control (DTSC) with authority to evaluate whether alternative tests can be used to identify whether substances are hazardous waste or extremely hazardous waste, which is a positive first step toward reducing the number of products that are treated as hazardous waste when disposed of at retail. Support.	Vetoed

Health

Large Group Rate Review. AB 731 (Kalra; D-San Jose) Threatens employers with higher premiums by driving up administrative costs and imposing a burdensome rate and methodologies review process for health plans and insurers in the large group market. Oppose.	Signed—Chapter 807
Health Benefit Mandate. AB 744 (Aguiar-Curry; D-Winters) Increases health care premiums for employers and enrollees by eliminating the cost savings benefit of telehealth and requiring telehealth services to be reimbursed on the same basis and to the same extent as in-person medical services. Oppose.	Signed—Chapter 867
Increases Health Care Costs. SB 227 (Leyva; D-Chino) Increases health care costs by imposing arbitrary and significant additional fines specifically for hospital violations of nurse-to-patient staffing ratios and staffing assignments that are already reviewed by the Department of Public Health and penalized if violated. Oppose.	Signed—Chapter 843
Increases Health Care Premiums. SB 163 (Portantino; D-La Cañada Flintridge) Increases costs and undermines the ability of health care issuers to promote and manage applied behavorial analysis for children with autism by making a number of changes to how the autism services are provided. Oppose.	Vetoed
Health Care Coverage Mandate. SB 600 (Portantino; D-La Cañada Flintridge) Increases health care premi- ums by mandating coverage for fertility preservation services due to infertility caused by necessary medical treatment. Oppose.	Signed—Chapter 853



Status

Housing and Land Use

Statewide Rent Caps. AB 1482 (Chiu; D-San Francisco) Before amendments, placed rent caps on all rental housing in the State of California, including new construction, regardless of whether costs from utilities increase or capital improvements are made, thereby disincentivizing maintenance on existing units and new housing construction. Opposition removed due to September 5, 2019 amendments. No Position.	Signed—Chapter 597
Costly Rental Mandate. SB 329 (Mitchell; D-Los Angeles) Imposes additional and unnecessary costs on rental property owners by prohibiting rental property owners from refusing to accept tenants because they have a Section 8 voucher. Oppose.	Signed—Chapter 600
Streamlines Housing Development. SB 330 (Skinner; D-Berkeley) Incentivizes more housing development by providing fee certainty for housing development projects by prohibiting local jurisdictions from changing fees midway through the development permitting process. Support.	Signed—Chapter 654
Promotes Construction of Accessory Dwelling Units (ADU). SB 13 (Wieckowski; D-Fremont) Encourages more affordable housing by limiting what development impact fees typically charged for new ADUs can be levied and precludes local jurisdictions from adopting overly restrictive local provisions, such as owner-occupant requirements. Support.	Signed—Chapter 653
Photovoltaic Housing Mandate Relief. AB 178 (Dahle; R-Bieber) Allows victims of natural disasters whose homes were damaged or destroyed to rebuild without having to install costly photovoltaic panels that will only raise the already-heavy cost to rebuild. Support.	Signed—Chapter 259
Requires Disability Access in New Home Construction. SB 280 (Jackson; D-Santa Barbara) Before amend- ments, mandated new building standards requiring disability access design features in all new single-family homes. At a time when California is struggling with a historic housing crisis, legislative mandates calling for the redesign of all single-family homes will only serve to drive up new home costs. Opposition removed due to April 10, 2019 amendments. Neutral.	Signed—Chapter 640
Wildfires: Defensible Space Education. SB 190 (Dodd; D-Napa) Requires the State Fire Marshal to produce educational and application tools that will increase public awareness and implementation of vital fire safety measures that will help California residents maintain adequate defensible space around their structures. Support.	Signed—Chapter 404

Immigration

New Labor Code Requirement. AB 589 (Gonzalez; 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, keep the original for three years, and post the document. Additionally, creates civil fine and duplicative misdemeanor liability for conduct that is already a felony under California law and prohibited federally. Oppose.	Vetoed
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Industrial Safety and Health

Usurps Cal/OSHA Prioritization. AB 35 (Kalra; D-San Jose) Requires a workplace investigation by Cal/ OSHA, within three days, whenever the Department of Public Health records an employee's blood lead level at 20 micrograms, a level well below present regulatory standards. Also redirects Cal/OSHA resources by compelling full investigations when such may not be necessary and will undermine existing Cal/OSHA priori- ties. Oppose Unless Amended.	Signed—Chapter 710
ues. Oppose Oness Amended.	



Subject—CalChamber Position	Status
Targeted Employer Training. AB 203 (Salas; D-Bakersfield) Seeks to address a regional safety concern regarding Valley Fever by requiring a targeted training program for employees in industries and occupations that are most at risk. Support.	Signed—Chapter 712
Insurance	<u>.</u>

Insurance Issues Presentations for New Legislators. AB 1591 (Cooley; D-Rancho Cordova) Creates	Vetoed
semi-annual presentations by Insurance Commissioner to legislative committees with jurisdiction over insur-	
ance to provide critical information regarding role of National Association of Insurance Commissioners in	
setting insurance standards. Support.	

Labor and Employment

Independent Contractor Status. AB 5 (Gonzalez; D-San Diego) The <i>Dynamex</i> decision should not be a one size fits all and the professions and individuals identified in AB 5 should be exempted from its application; however, additional, similarly situated industries/professions/and independent contractors should also be included in the exemptions. Support If Amended.	Signed—Chapter 296
Unfair Expansion of Penalties Against an Employer for Alleged Wage Violation. AB 673 (Carrillo; D-Los Angeles) Before amendments, unfairly penalized an employer twice for the same Labor Code violation and created a new private right of action, allowing three different avenues of recovery for the same alleged violation while reducing revenue to the State. Opposition and job killer tag removed due to May 24, 2019 amendments. No Position/ Former Job Killer 2019 .	Signed—Chapter 716
Expansion of Job-Protected Leave. AB 1478 (Carrillo; D-Los Angeles) Significantly amends current law regarding job-protected leave for jury duty, victims of a crime, domestic violence, sexual assault or stalking by creating a new private right of action for potential employer violations. Oppose.	Vetoed
Extension of Statute of Limitations. AB 9 (Reyes; D-San Bernardino) 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.	Signed—Chapter 709
Sexual Harassment Retaliation Requirements. AB 171 (Gonzalez; D-San Diego) Places additional and duplicative, sexual harassment protections in the Labor Code, which are already protected under the Fair Employment and Housing Act (FEHA), exposing employers to additional liability including Private Attorneys General Act (PAGA) claims. Oppose.	Vetoed
Labor Contractor Joint Liability. AB 170 (Gonzalez; D-San Diego) Before amendments, expanded joint liability for labor contractors to all employment-related harassment claims. There is no basis for holding a business that contracts for services statutorily liable for the harassment of another's employees when there is no way in which that contractor can engage or force a labor contract company to comply with provisions of the Fair Employment and Housing Act or the Labor Code. Opposition removed due to September 10, 2019 amendments. No Position.	Signed—Chapter 415
Lactation Accommodation. SB 142 (Wiener; D-San Francisco) Significantly amends current law regarding lactation accommodations by implementing new location standards, employer policy requirements, document retention and supplementary Labor Code penalties. Oppose.	Signed—Chapter 720
Call Centers. AB 1677 (Weber; D-San Diego) Improperly seeks to penalize California companies who move their call centers out of the country. Oppose.	Vetoed



Subject—CalChamber Position	Status
Imposes New One-Sided Attorney's Fee Recovery. AB 403 (Kalra; D-San Jose) Undermines the essence of the Division of Labor Standards Enforcement (DLSE) complaint process by requiring a one-sided attorney's fee provision that will incentivize further litigation. Oppose.	Vetoed
Prevailing Wage. AB 520 (Kalra; D-San Jose) Codifies a limited definition of the term "de minimis" to determine what level of public subsidy triggers prevailing wage requirements on an otherwise private project, over- turning the established practice of viewing the subsidy in the context of the entire project. Oppose.	Vetoed
Wage and Hour Penalties. SB 688 (Monning; D-Carmel) Before amendments, imposed Labor Code penal- ties for wage violations in addition to the penalties already available under the Private Attorneys General Act (PAGA), and imposed personal liability for even unintentional or minor violations. Opposition removed due to April 25, 2019 amendments. No Position.	Signed—Chapter 723
Janitorial Workers Training Requirements. AB 547 (Gonzalez; D-San Diego) Before amendments, unnecessarily mandated additional registration, enforcement, and training requirements on employers and individuals in the janitorial business. Opposition removed due to September 6, 2019 amendments. No Position.	Signed—Chapter 715
Legal Reform and Protection	
Ban on Arbitration Agreements. AB 51 (Gonzalez; D-San Diego) Significantly expands employment litigation and increases costs for employers and employees by banning 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. Governor Brown vetoed a similar measure last year and stated it "plainly violates federal law." Oppose/Job Killer 2019.	Signed—Chapter 711
Local Enforcement of Fair Employment and Housing Act. SB 218 (Bradford; D-Gardena) Creates uncer- tainty, inconsistency, and confusion with regard to the application and interpretation of the Fair Employment and Housing Act by allowing Los Angeles County to create a local agency with enforcement authority. Oppose.	Vetoed
Attack on Arbitration. SB 707 (Wieckowski; D-Fremont) Discourages the use of arbitration by subjecting employers to significant monetary, evidentiary, and criminal sanctions if the company fails to pay any cost or fee associated with arbitration, even if there is a valid fee dispute. Oppose.	Signed—Chapter 870
Ban on No-Rehire Provisions. AB 749 (Mark Stone; D-Scotts Valley) Unnecessarily bans the use of no-re- hire provisions in settlement agreements for all employees, including those who have engaged in unlawful or egregious behavior. Oppose.	Signed—Chapter 808
Small Business Notice. AB 1607 (Boerner Horvath; D-Encinitas) Provides notice to businesses at the time they get their license of the Gender Tax Repeal Act so that they can avoid predatory and costly lawsuits. Sponsor/Co-Sponsor.	Signed—Chapter 293

Privacy and Cybersecurity

Largely Exempts Employment Data. AB 25 (Chau; D-Monterey Park) Largely exempts employee, job applicant, and contractor data from the California Consumer Privacy Act, which is a necessary fix to prevent huge, additional compliance costs for businesses for something never intended by this law designed for "consumers" and is necessary to prevent negative, unintended consequences. Support.	igned—Chapter 763
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Subject—CalChamber Position	Status
Provides Two Clarifications of CCPA's Definition of "Personal Information. " AB 874 (Irwin; D-Thousand Oaks) Adds reasonableness standard to the CCPA's definition of personal information to avoid requiring businesses to compile consumer data in a way that would be hugely wasteful and harmful to consumer privacy. It also eliminates an unconstitutional limitation on business dissemination of publicly available government records from the definition of personal information. Support.	Signed—Chapter 748
Exempts Business-to-Business Dealings from CCPA. AB 1355 (Chau; D-Monterey Park) In addition to a number of technical fixes, ensures that communications between businesses providing services or products to each other as well as the memorialization of such transactions will be largely exempt from the CCPA. Support.	Signed—Chapter 757
Expansion of the California Consumer Privacy Act's (CCPA) Private Right of Action. AB 1130 (Levine; D-San Rafael) Expands the CCPA's onerous private right of action, which requires no proof of injury. Oppose Unless Amended.	Signed—Chapter 750
Removes Burdensome Requirement for Some Businesses. AB 1564 (Berman; D-Palo Alto) For businesses that operate only online, this bill removes the CCPA requirement to provide a 1-800 number for consumers to exercise their CCPA rights, which is burdensome and in many circumstances is not a safe way to verify a consumer's identity. Support.	Signed—Chapter 759
Protects Consumer Access to Vehicle Safety Information. AB 1146 (Berman; D-Palo Alto) Reasonable fix to the California Consumer Privacy Act (CCPA) to ensure consumers exercising their rights to sale and deletion of data under the CCPA do not find themselves unable to receive information regarding necessary vehicle repairs relating to warranty work or a safety recall. Support.	Signed—Chapter 751
Creation of Onerous and Unnecessary Burdens for Online Marketplaces. AB 1790 (Wicks; D-Oakland) Before amendments, weakened protections against counterfeits and fraud on online marketplaces and required online marketplaces to impose and enforce an insurance mandate on all sellers, including small or occasional sellers, which is burdensome and unrealistic. Opposition removed due to September 6, 2019 amendments. Neutral.	Signed—Chapter 635

Recycling

Unattainable Recycling Content Mandate. AB 792 (Ting; D-San Francisco) Before amendments, required manufacturers of plastic beverage containers sold in California to meet an impossible 75% recycling content requirement by 2030 or pay fines. The amount of available rPET in the marketplace does not support any percentage requirement for recycled content in plastic containers above 25%. Opposition removed due to September 10, 2019 amendments. No Position.	Vetoed
Raises Costs for Carpet Manufacturing. AB 729 (Chu; D-San Jose) Harms the Carpet America Recovery Effort (CARE) Program, which has seen a 29% improvement in carpet recycling, by replacing the current carpet stewardship 35-cent assessment per cubic yard of carpet with a complicated, difficult-to-calculate and potentially costly differential assessment, thereby directly contradicting the process that CalRecycle approved in February 2019 and raising the cost of manufacturing new carpet in California. Oppose.	Signed—Chapter 680

Regulatory Reform

	Signed—Chapter 854
issue business licenses to establish a procedure to reduce licensing fees for businesses affected by emergencies	
to help California businesses rebuild after disasters. Support/Job Creator 2019.	



Status

Taxation

Unnecessary Commission to Study Tax Expenditures. SB 468 (Jackson; D-Santa Barbara) Before amend- ments, repealed several of California's most popular and most important tax exemptions and expenditures, which would raise taxes by \$20 billion. Job killer status removed due to May 7, 2019 amendments that elimi- nate the automatic repeal of these tax exemptions. CalChamber remains Oppose Unless Amended because bill will create an unnecessary commission to study tax expenditures that will cause uncertainty for businesses. Oppose Unless Amended/Former Job Killer 2019.	Vetoed
Disaster Relief to Homeowners and Businesses Seeking to Rebuild. AB 885 (Irwin; D-Thousand Oaks) Provides greatly needed assistance to victims of natural disasters who choose to reconstruct destroyed homes and business structures on the original site of the disaster, by exempting this reconstruction from being assessed at a higher tax rate. Support.	Vetoed

Telecommunications

Creates Patchwork of State Laws and Enforcement to Address Illegal Robocalls. SB 208 (Hueso; D-San Diego) Unnecessarily regulates carriers' efforts to combat illegal robocalls in California even though the industry is already working hard with the Federal Communications Commission to solve the problem of robocalls, and adding a layer of CPUC regulation will complicate efforts to stop illegal robocalls by creating a patchwork of state laws. Oppose.	Signed—Chapter 471
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Transportation and Infrastructure

Water Supply and Quality

Barrier to Water Supply. SB 307 (Roth; D-Riverside) Prohibits new projects in a specific part of the state by adding more unnecessary and unreasonable permit requirements for water conveyance, preventing development of the new much-needed water supplies. Oppose.	Signed—Chapter 169
ment of the new much-needed water supplies. Oppose.	