

ALERT

3 Job Killer Bills Stopped in Fiscal Committees

AB 2374 Removed From Job Killer List



Three California Chamber of Commerce **job killer** bills missed last week’s deadline to pass out of their fiscal committees and are dead for the year.

Also stopped was a CalChamber-opposed bill that would have created a central repository of businesses that train artificial intelligence (AI).

Removed from Job Killer List

AB 2374 (Haney; D-San Francisco), was amended May 16 and the CalChamber is removing it from the Job Killer list. Before amendments, the bill imposed new statutory joint liability on business of any size that contracts for janitorial services if a contractor violates the Displaced Janitor Opportunity Act and placed new mandates on those businesses that should be assigned to the contractor.

The May 16 amendments removed the joint liability portion of the bill and made other changes. The CalChamber remains opposed unless amended to the bill due to the requirement that an awarding authority must provide certain notifications to a union representing another entity’s employees.

Job Killers Stopped

The following three bills are dead for the year:

- **AB 2200 (Kalra; D-San Jose):** Forced all Californians into a new untested state government health plan, with no ability to opt out, while eliminating Medicare for California seniors and increased taxes at least \$250 billion a year on workers, income, jobs, goods and services.

- **AB 2751 (Haney; D-San Francisco):** Prohibited any employee working for an employer of any size from contacting another employee outside of their normal work hours except in very narrow circumstances and would have subjected employers to costly litigation for any dispute as to whether the communication was permissible.

- **SB 903 (Skinner; D-Berkeley):** Prohibited the use of per- and poly-fluorinated substances (PFAS) in all commercial and consumer products by 2032 unless the California Department of Toxic Substances Control (DTSC) was petitioned and made an affirmative determination that the PFAS in a particular product was an unavoidable use. Because of the breadth and scope of PFAS use, including in aerospace, lithium ion batteries, medical devices, automotive and semiconductors, to name a few, the regulatory program established was unworkable and ultimately would lead to a ban on critically important products or otherwise made certain products less safe.

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Anti-Business Legislation Stalls for Year



OPPOSE

expressed concerns with will not move forward.

The CalChamber moved from an “oppose” position to “neutral” on a bill dealing with rodenticide pesticides when the private right of action component was removed.

Bills Stopped

The following bills have been stopped:

Agriculture

- **Oppose: SB 1153 (Hurtado; D-Sanger):** Would have banned hedge funds from purchasing, acquiring, leasing, or holding a controlling interest in agricultural land.

Energy

- **Oppose: SB 938 (Min; D-Irvine):** Would have imposed burdensome and redundant reporting requirements that could lead to privacy concerns for employees.

- **Oppose: AB 1550 (Bennett; D-Ventura):** Would have codified the “three pillars” concept in California, effectively risking billions of dollars

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*Labor Law Corner***On-Boarding Activities: Best to Wait for Employee's First Day of Work**

Erika Barbara
Senior Employment
Law Counsel

When we start a new employee, their first day is spent completing on-boarding paperwork and trainings. Can we streamline the process by having them do all that from home before they report for their first day of work?

Employers may be tempted to ask new hires to complete on-boarding activities, such as filling out paperwork and completing trainings, from home so that employees can begin working immediately when they arrive on their first day.

Best practice, however, is to have employees complete those activities as part of a new hire orientation process that takes place when the employee first reports to work — not before.

Employees Must Be Paid for All Hours Worked

First, and most importantly, if employees are completing on-boarding activities before their first day of work, they will need to be paid. This is because the time spent on those activities, at your direction as the employer, would be considered “hours worked” — and employees must be paid for all hours worked.

Under California law, “hours worked” is defined as time that an employee is subject to the control of their employer (even if they are not actually performing work) or time that an employee is “suffered or permitted to work.”

Increasingly, [California courts](#) are scrutinizing employer policies and practices that function to deprive employees of pay for such time — even arguably small amounts of time.

Thus, if employees are performing on-boarding activities (or any work) prior to their first day, you should take appro-

priate steps to ensure that employees are properly paid for the time spent on those activities.

Your non-exempt employees will need to track all time spent performing the activities and you must pay them for that time.

Exempt employees will not need to track the time spent on the activities (because they are paid on a salary basis), but they still will need to be paid for their time. Having exempt employees perform work prior to their first day is especially problematic given the general rule that if exempt employees perform any work in a work week, they must be paid for the entire work week.

Failing to track and properly pay employees for all time spent on these activities prior to their first day of work can create potential liability, including for unpaid wages and penalties. Waiting until employees report to work on their first day and are on the clock and being paid, is a best practice to eliminate that risk.

Include On-Boarding Activities in New Hire Orientation

Second, there are benefits to conducting these on-boarding activities as part of

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Labor and Employment

Leaves of Absence. CalChamber. May 30–31, August 8–9, Online. (800) 331-8877.

Wage & Hour Essentials: Laws for Non-Exempt Employees. CalChamber. June 13, Online. (800) 331-8877.

Wage & Hour Essentials: Exempt Employee Requirements. CalChamber. June 20, Online. (800) 331-8877.

HR Boot Camp. CalChamber. August 22–23, Online. (800) 331-8877.

International Trade

Export Documentation & Logistics Webinar Series. U.S. Department of Commerce. May 28, Online.

Private Sector Opportunities During Ukrainian Reconstruction. Governor's Office of Business and Economic Development (GO-Biz), Consulate

General of Ukraine in San Francisco and U.S. Commercial Service. June 5, San Francisco. patricia.utterback@gobiz.ca.gov.

EXIM 2024 Annual Conference. Export-Import Bank of the United States. June 6–7, Washington, D.C. registrar@cmpinc.net.

Farnborough International Air Show: California Pavilion. GO-Biz. July 18–22, Farnborough, United Kingdom. patricia.utterback@gobiz.ca.gov.

Rebuild Ukraine 2024: Business in Ukraine and Poland. GO-Biz. November 12–15, Warsaw, Poland. patricia.utterback@gobiz.ca.gov.

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The Workplace

Update on California Indoor Heat Regulations



In Episode 195 of The Workplace podcast, CalChamber Associate General Counsel Matthew Roberts and Senior Policy

Advocate Robert Moutrie discuss the newest developments in California's indoor heat illness regulations.

With summer around the corner, the impact of warming temperatures on work sites is something employers will soon contend with, Roberts says in introducing the podcast.

In 2016, the California Legislature directed the California Division of Occupational Safety and Health (Cal/OSHA) to develop indoor heat illness standards.

Currently, the agency is crafting revisions in a 15-day change order that was sent out on May 13, including an exemption for state prisons, Moutrie explains. The board is expected to vote on the regulations sometime in June.

Indoor Heat Threshold

The upcoming regulations will affect employers that have a structure/indoor work site in California that gets hotter than 82 degrees.

Generally, office spaces are air conditioned, so the temperature won't rise above the 82-degree threshold. However, employers should pay attention to spaces such as buildings, sheds, kitchens and other areas that are not air conditioned, Roberts says.

Employer Requirements

Similar to outdoor heat regulations, the new indoor heat regulations require employers to provide cool drinking water, create an area where an employee can cool down, and give employees cooldown breaks. In addition, the regulation requires someone to monitor employees while they're taking a cooldown break.

Employers also will need to offer training, maintain temperature records and record heat index temperatures frequently, Moutrie says.

Moreover, taking the temperature of a room is different than gauging its heat index, which measures other factors such as humidity. This means that employers will need to purchase a more advanced tool than a thermometer to record the temperature of an indoor space.

Another variable employers should be on the lookout for is "restrictive clothing."

"If you're in a place, you're in a foundry, you're in some other space where you're wearing heavier safety equipment that prevents heat from leaving, those workplaces are going to have lower temperature thresholds, because Cal/OSHA is trying to account for the weight of those clothes," Moutrie says.

Storage Sheds

The indoor heat illness regulations include an exemption for storage sheds and other outdoor spaces used to store things. However, if the storage space briefly gets above 95 degrees and an employee briefly steps into it, then the indoor heat rules are triggered and the employer must comply with the regulation, Moutrie explains.

Anticipated Rollout

The regulations will likely pass in June. Once they pass, the rules will go to the California Office of Administrative Law (OAL), where they will be reviewed. While the review period typically takes weeks, the OAL has been asked to expedite the review.

Employers may see the regulations take effect as early as the first half of July, Moutrie says.

How Employers Can Prepare

Moutrie encourages businesses that can afford an attorney to consult with legal counsel on how best to prepare for these new regulations. An attorney can analyze a particular business and give feedback on how to properly record temperatures, how to implement engineering controls to lower temperatures in the work space and locate cooldown areas.

The cooldown space requirement is an issue that was discussed a lot during the rulemaking process as some small businesses don't have complete control of their premises, Moutrie says.

For example, a restaurant that rents space in a building may have space for a kitchen and space for customers outside, but it may not have a spare room that could be used as a cooldown space. The CalChamber, he says, worked hard to negotiate with Cal/OSHA to make sure there was an option of creating a cooldown space outside.

So, if you're an employer with limited space, it's important to start thinking about these requirements now, Moutrie stresses.

Anti-Business Legislation Stalls for Year

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in investment money for hydrogen development.

• **Oppose: AB 2619 (Connolly; D-San Rafael):** Would have undone a multi-year public stakeholder process, perpetuated a massive cost shift, and led to a less reliable grid.

• **Oppose: AB 2870 (Muratsuchi; D-Torrance):** Would have removed

methane crediting from the Low Carbon Fuel Standard (LCFS).

• **AB 2623 (Arambula; D-Fresno):** While not formally opposed to the bill, the CalChamber had concerns with AB 2623 because it would have bypassed the SB 905 rulemaking process on carbon capture, utilization and storage (CCUS).

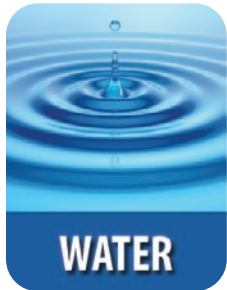
Opposition Removed

• **Neutral: AB 2552 (Friedman;**

D-Glendale): Before amendments, banned two rodenticide pesticides and originally created an expansive new private right of action that threatened businesses and created incentives for frivolous lawsuits.

Staff Contacts: Brenda Bass, Brady Van Engelen

Analysis Shows Delta Conveyance Project Benefits for Water Reliability, Economy Far Outweigh Cost



The state's cost-benefit analysis of the Delta Conveyance Project (DCP) shows the project is a net benefit for Californians.

In a recent report, the California Department of Water Resources (DWR) estimates the DCP will provide \$2.20 in benefits for every \$1 spent.

While the cost of the project is estimated at \$20.1 billion, "doing nothing" will cost California billions of dollars and jeopardizes the water source for millions of state residents and more than 750,000 acres of farmland, the report stated.

Investment in Future

"The benefit-cost analysis underscores the fact that this project is a real investment in California's future, potentially bringing billions in economic advantages to the state," said California Chamber of Commerce President and CEO Jennifer Barrera. "California's economy relies on the success of its private sector businesses and agricultural operations which are dependent on stable, reliable water supplies. Improving California's water system and its infrastructure through the Delta Conveyance Project is mission critical for California's economic future."

In a statement, the DWR affirmed the benefit-cost analysis provides a compel-

ling financial rationale for the construction of the DCP.

"Twenty-seven million people rely on these surface water supplies that support a \$2.3 trillion economy in California," said Karla Nemeth, DWR director. "There is a very real cost to do nothing. It is vastly more efficient and economical to avoid declining supplies. Water shortages, mandatory restrictions, land fallowing and job loss all impact our state and local economies."

The Sacramento-San Joaquin Delta is central to an aging system of dirt levees, aqueducts and pipes that delivers water to homes, farms and businesses throughout the state. The system is at risk of collapse if there is a major earthquake or flood and salinity caused by sea level rise threatens water quality.

Water Supply

The DWR said the DCP will give water managers more flexibility, adding the ability to capture more water during high rains.

For example, if the DCP had been in operation between January 1–May 9, 2024, the state could have captured about 909,000 acre-feet of water, enough to supply more than 9.5 million people or more than 3.1 million households for one year.

\$200 Million for Delta Community Projects

The DWR report noted that \$200 million in funding has been set aside for

the DCP's Community Benefits Program, recognizing that while the benefits of the project are in other parts of California, the construction effects are local.

This program includes a grant fund for local projects, business development set aside for job training and local business utilization, and potential "leave-behinds" like broadband or other infrastructure.

Later this year, the DWR will publish a draft implementation plan for community review and input. It will include details about funding criteria and program administration.

Californians for Water Security

The CalChamber is a member of Californians for Water Security, a growing coalition of more than 12,000 California citizens and more than 80 organizations representing business leaders, labor, family farmers, local governments, water experts, infrastructure groups, taxpayer associations, and others who support the plan to fix California's broken water distribution system.

The coalition is waging an active advertising, grassroots lobbying, social media and public advocacy campaign to support this important project to fix California's aging water distribution infrastructure and improve water reliability and security throughout the state.

For more information on Californians for Water Security, visit www.watersecurityca.com.

Staff Contact: Brenda Bass

On-Boarding Activities: Best to Wait for Employee's First Day of Work

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a [new hire orientation process](#) that begins when the employee reports for their first day of work.

The on-boarding process is about more than just completing forms — it's your chance to welcome the employee into the workplace and set the tone for their employment.

You can do so by creating a new hire orientation process that not only ensures that employees properly complete new hire paperwork and training, but also

provides the opportunity for the company to review with the employee and explain the employee handbook and key workplace policies, such as your [harassment prevention policy](#); provide necessary training, such as mandatory harassment prevention training; and answer any questions the employee may have about the company's policies and practices.

Your new hire orientation process also should ensure that employees receive all legally required new hire forms and pamphlets.

Unsure what to provide? CalChamber's [New Hire Guide](#) can help; it contains forms and pamphlets that must be provided to new hires, as well as other resources.

Column based on questions asked by callers on the Labor Law Helpline, a service to California Chamber of Commerce preferred members and above. 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.

CalChamber Seeks Delay, Adjustments to Climate Emissions Reporting



The California Chamber of Commerce and a coalition of organizations are asking

for a delay in the rulemaking for the climate emissions reporting mandated by legislation signed last year, considering its impact on the business community, particularly smaller firms based in California.

Given the costs and concerns voiced by several sources about the accuracy of emissions data, depending on how it is calculated, the CalChamber and coalition asked in a letter to the Governor that the rulemaking timeline be delayed and the reporting requirements adjusted for **SB 253** (Wiener; D-San Francisco; Chapter 382, Statutes of 2023).

The groups emphasize that despite adding substantial cost to doing business in California, the SB 253 reporting requirements will do nothing to reduce emissions. The letter cautions against proceeding too quickly in implementing SB 253 “as the economic impacts will be felt immediately and will be ongoing.”

Delay Rulemaking Process

Currently, the rulemaking process at the California Air Resources Board (CARB) is set to begin on January 1, 2025. Given the funding delay due to the state’s fiscal troubles, similarly delaying the rulemaking process seems reasonable to give CARB time to align resources

with SB 253’s implementation requirements, the CalChamber and coalition said.

Pushing out the reporting timelines for one calendar year will ensure reporting entities can set aside adequate resources to comply with the law. The added time also will allow reporting efforts to mature in an area that still is developing.

Data Reporting Questions

The CalChamber and coalition cited the experiences of federal and state entities as support for the request to delay and adjust emissions reporting under SB 253.

- The U.S. Securities and Exchange Commission (SEC) decided in its March rulemaking to exclude mandating Scope 3 emissions because they could not be measured accurately.

- The California State Teachers Retirement System (CalSTRS) reported earlier this month that they would have to delay reporting their emissions data because they found a “colossal data error” in their existing reporting, according to news articles.

The agenda for the CalSTRS May Investment Committee meeting noted that calculating Scope 1 (direct) and Scope 2 (indirect) emissions are appropriate choices and pointed to a “current market consensus” that the methods of accounting for Scope 3 emissions “are still under debate...and any emissions data produced would likely not be reliable or useful for decision making.”

Similarly, the California Public Employees Retirement System (CalPERS) said in a 2022 letter to the SEC that “there

is uncertainty in determining Scope 3 emissions.”

Proposed Revisions to Reporting

The CalChamber and coalition have suggested amendments that will streamline and add consistency to reporting while minimizing the fiscal impacts that would be passed along to the small business community:

- Revise the definition of Scope 1 and Scope 2 emissions to better align with current emissions reporting requirements. Even with the proposed changes, the number of entities reporting direct and indirect emissions would be roughly 10 times greater than those currently obligated to report.

- Instead of requiring CARB to develop and adopt regulations to require reporting entities to disclose all Scope 3 emissions every year, base reporting on materiality (one option supported by proponents of more emissions reporting) or obtainability.

- Allow reporting to be provided at the parent company level rather than requiring it to be done multiple times at the subsidiary level, which is inefficient and will add cost with no added value.

- Allow CARB to survey available reporting standards earlier and permit additional reporting standards for compliance, thereby easing reporting requirements for many organizations and providing additional pathways to compliance.

Staff Contact: Brady Van Engelen



Navigating California Business Just Got Easier!

Running a business in California is demanding. CalChamber understands and offers ways to ease your burden. Join us to save and optimize your operations.

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CalChamber-Hosted Briefing Emphasizes Carbon Capture/Storage as Urgent, Needed



As California looks ahead to ambitious 2045 carbon neutrality goals, it is no longer realistic to believe that the state can meet them without innovative bridge technologies like carbon capture and storage (CCS).

In a letter to the Chair of the California Air Resources Board (CARB), Governor Gavin Newsom concurred with the Intergovernmental Panel on Climate Change that “there is no path to carbon neutrality without carbon capture and sequestration.”

CCS may be a newer technology here in California, but it has a long track record of successful projects in other states and worldwide.

Recognizing this critical juncture in California’s climate journey, CalChamber formed the California Carbon Partnership, a diverse coalition dedicated to

California Carbon Partnership

advocating and educating for the immediate and swift deployment of CCS.

On May 15, CalCarbon Partnership and the Bay Area Council co-sponsored a policy briefing featuring leading experts who discussed CCS technology and its role in helping California meet its climate goals. The panelists were:

- **Matthew Botill**, California Air Resources Board;
- **Steve Bohlen**, Lawrence Livermore National Laboratory;
- **Dr. Sarah Saltzer**, Stanford Center for Carbon Storage; and
- **Ben Grove**, Clean Air Task Force.

Later that evening, the CalChamber hosted a roundtable dinner discussion with the panelists, lawmakers from the Senate and Assembly, and representatives from member companies.

An Essential Tool

Globally, the U.S. Environmental Protection Agency, the European Commission, and the United Nations recognize CCS as a viable technology for reducing greenhouse gas (GHG)

emissions. The California Air Resources Board’s Scoping Plan, *A Roadmap to Achieving Carbon Neutrality by 2045*, recognizes CCS as “an essential tool” to reducing GHG and meeting the state’s climate goals.

Botill, who represented CARB on the panel, spoke to how CCS can complement other low-carbon technologies and renewable energy resources to reduce carbon emissions for local communities.

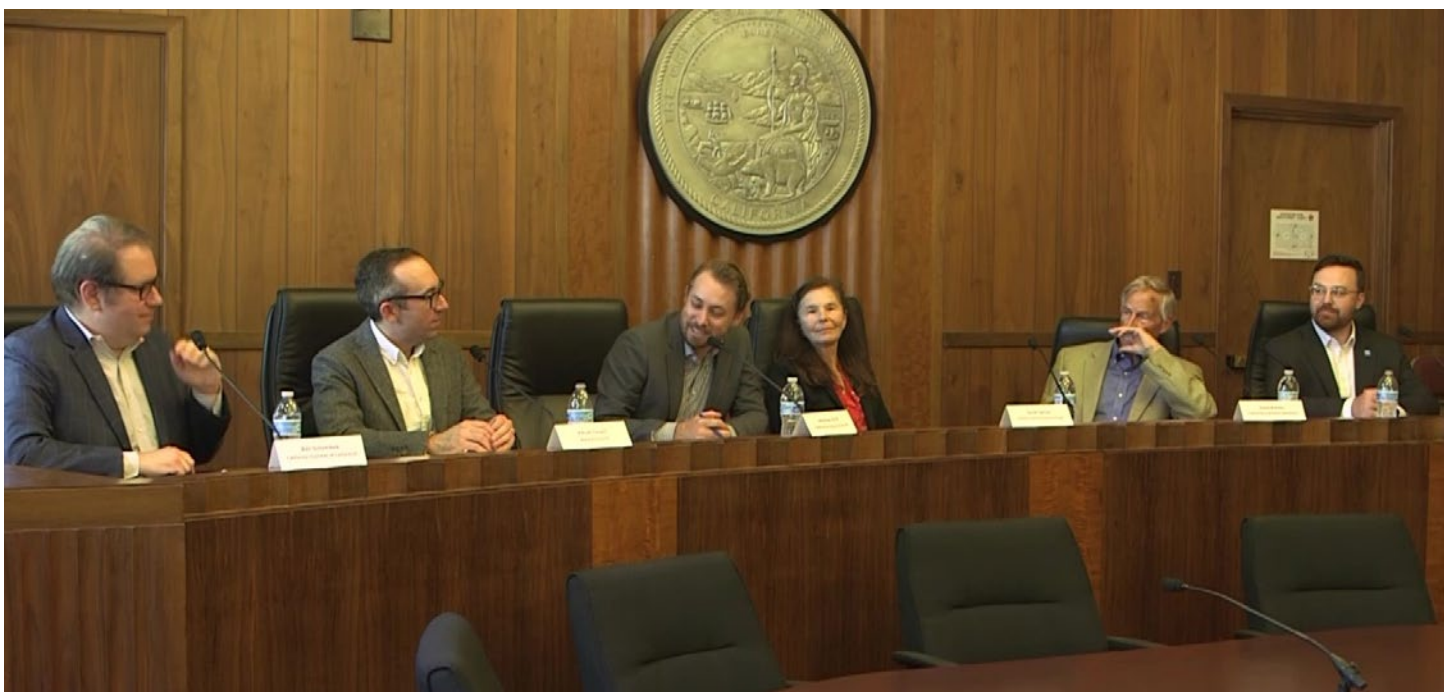
“We need CCS and we need carbon dioxide removal in California to get to carbon neutrality,” Botill said. “It’s now just a matter of: can we do it quick enough to get to carbon neutrality?”

He continued, “I view this technology as a huge opportunity for California to show once again how we can be a leader on climate mitigation approaches.”

Proven Track Record

CCS is a safe, proven technology that is primed for adoption in California. “CCS is not a new technology; this is a proven technology,” Saltzer emphasized.

See Briefing Emphasizes: Page 7



(From left) Ben Golombek, CalChamber; Adrian Covert, Bay Area Council; Matthew Botill, California Air Resources Board; Sarah Saltzer, Stanford Center for Carbon Storage; Steve Bohlen, Lawrence Livermore National Laboratory; Ben Grove, Clean Air Task Force.

Briefing Emphasizes Carbon Capture/Storage as Urgent, Necessary

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“We’ve been doing CCS projects since the 1970s,” she said.

More than 200 CCS projects are in operation or development around the world, including [The Illinois Clean Fuels Project](#) in the United States and the [Gorgon Project](#) in Australia.

“We know how to do the capture, we know how to transport, we know how to store it,” Saltzer said. “It’s clearly something that we need to do in California. It’s an integral part of the scoping plan. We need to do a lot of it by 2030 and a whole lot more of it by 2045.”

Economic and Environmental Benefits

“CCS projects need to concurrently serve the needs of three main groups,” said Grove when speaking to the co-benefits of projects. “They need to reduce emissions. They need to serve

the climate. They also need to make economic sense for project developers.”

Grove continued, “There is potential for these projects to have two benefits: In addition to reducing emissions, they conserve the needs of local communities if done right, and also have some local air quality benefits.”

He added, “The economic, social, and environmental needs of landowners and local host communities also need to be served by this technology for these projects to be successful.”

Primed and Ready To Go

“California is fortunate to have excellent geology for geologic sequestration of CO₂,” said Bohlen. “In fact, from the Colorado Front Range Rockies, West California has by far the lion’s share of storage capacity to safely and deeply store CO₂.”

California is facing the reality that CCS

projects are ready to go, but without the state’s support, they risk missing out on federal and private investment dollars available now. “There are just enormous opportunities for the workforce, for rethinking how we do business,” said Bohlen.

California has multiple CCS projects in various stages of development, including the [Carbon TerraVault](#) and [Carbon-Frontier](#) projects in Kern County.

State and federal policymakers must work together to progress toward California’s 2045 climate goals. Well-designed regulatory frameworks and policies that enable the competitive development of CCS will enhance California’s capacity to implement CCS technologies quickly and efficiently.

Learn more about the CalCarbon Partnership by visiting calcarbonpartnership.com.

Staff Contact: [Ben Golombek](#)



Matthew Botill, California Air Resources Board



Sarah Saltzer, Stanford Center for Carbon Storage



Ben Grove, Clean Air Task Force



Steve Bohlen, Lawrence Livermore National Laboratory

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Tourism Spending in California Reaches Record High



Travel spending in California reached a new record in 2023 as

visitors from around the world flocked to the Golden State.

According to a [new report](#) released by Visit California, the state's tourism economy generated \$150.4 billion in travel spending last year, surpassing the prior record \$144.9 billion spent in 2019 before the pandemic halted travel.

Tourism created 64,900 new jobs in California in 2023, bringing total industry employment to 1.15 million (98% of pre-pandemic employment levels).

Benefit to Local Economies

The resurgence of travel in California

continues to drive the growth of local economies throughout the state. Travel spending exceeded 2019 levels in 34 of California's 58 counties.

Three of California's four international gateways — San Diego, Orange and Los Angeles counties — exceeded 2019 travel spending levels, while San Francisco was near recovery at a level of more than 97%.

In addition to visitor spending and jobs, the tourism industry provided \$12.7 billion in tax revenue to support public services at the state and local levels.

International visitors spent \$24.3 billion in California in 2023, a 38% increase over 2022, but still 15% below the \$28.6 billion peak in 2018.

International travel to California is forecast to return to 2019 levels sometime this year.

Resilient and Sustainable Future

To continue driving responsible growth while guiding the industry toward a more resilient and sustainable future, California will release comprehensive regional strategic tourism plans in late 2023.

Distinct plans for each of California's 12 tourism regions will provide an actionable roadmap for the responsible development of tourism in the state over the next decade.

These regional plans will examine the full range of tourism issues—including workforce development, environmental challenges, infrastructure needs and destination brand perceptions—to inform business decisions and inspire partnerships with local governments and nonprofits aimed at building a more sustainable future for the industry.

3 Job Killer Bills Stopped in Fiscal Committees

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Oppose Bill Stopped

Also dead for the year is [AB 3204](#) ([Bauer-Kahan](#); [D-Orinda](#)).

This bill would have created a central repository of businesses that train AI using personal data for 1,000 or more individuals or households. The bill was overbroad, burdensome, and unnecessary given the

protections that already exist under the California Consumer Privacy Act (CCPA) that require entities training AI to respect privacy rights of the consumers to whom that information belongs.



Leaves



of Absence

Join us for a two half-day virtual seminar

May 30 - 31, 2024



Part 1: 9 a.m. to 12:30 p.m. PT

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