

# ALERT

CALIFORNIA CHAMBER OF COMMERCE

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## Governor Vetoes Final 'Job Killer' Proposals

In keeping with his policy of promoting jobs and the California economy, Governor Arnold Schwarzenegger has vetoed the final three California Chamber-opposed "job killer" bills sent to him by the Legislature.

The last of the "job killers" included:

- **SB 1489 (Ducheny; D-San Diego)**, which would have invited unlimited "fishing expeditions" by the Attorney General under numerous statutes.

- **SB 1523 (Alarcón; D-San Fernando Valley)**, which would have stifled economic development by adding an "economic impact report" prior to the superstore retailer approval process.

- **AB 1012 (Nation; D-San Rafael)**, which would have disrupted California's transportation fuels market by mandating the sale of alternative fuel vehicles and would have resulted in significant gas price spikes.

### Attorney General Lawsuits

SB 1489 would have, in effect, created a "blank check" for the Attorney General's office to pursue lawsuits against businesses.

The unprecedented Attorney General self-funding mechanism created by the bill would have eroded the impartiality of the Attorney General's office, injecting financial outcome as a factor in prosecutorial decisions.

The bill would have forced defendant

companies to pay all the investigation and lawsuit costs, including attorneys' fees, when the Attorney General "prevails." The term "prevail" could have included settlements, changes in operation by the defendant or even a miniscule monetary award.

SB 1489 applied to numerous types of cases, including lawsuits under the Unruh Civil Rights Act, the Fair Employment and Housing Act, corporate securities laws, environmental laws and public nuisance laws.

The bill would have applied retroactively to any lawsuits pending as far back as 2003 or 2004.

Governor Schwarzenegger explained that he vetoed the bill because if the Attorney General "needs additional resources, the existing budget process enables him to seek augmentation. For example, the 2006-07 Budget Act appropriated an additional \$1 million for climate change initiative litigation."

### Anti-Competition

While the intent of SB 1523 was to promote market competition and economic development in communities, the practical effect of such a measure would have been the exact opposite.

By requiring the approval of an economic impact report before approval of a development project that includes a superstore retailer, SB 1523 would have created a system of costly hurdles

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## New Television Ads Highlight Need for Infrastructure Bonds

The campaign for Propositions 1A-1E, the infrastructure measures supported by the California Chamber of Commerce, this week launched a series of new television ads that will run until election day.

Funding from the bond measures, Propositions 1B-1E, will help the state invest in much-needed improvements to its infrastructure for transportation, housing, education facilities and flood control/disaster preparedness. Proposition 1A will ensure that revenues from gasoline taxes Californians pay at the pump will be used for transportation purposes, as voters intended when they approved Proposition 42 in 2002.

### Strategic Growth Plan

The package is part of the Governor's Strategic Growth Plan.

The 30-second commercials began airing in Los Angeles, San Diego, Santa Barbara and Palm Springs markets on October 18. The television commercials can be viewed at [www.plan4ourfuture.org](http://www.plan4ourfuture.org).

The television ads work together with the campaign's statewide radio and direct mail program in informing voters about the details of the measures — Proposi-

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## Labor Law Corner

# Final Paychecks: Various Rules for Due Date, Delivery, Penalties



**Ellen Savage**  
Labor Law Consultant

*One of my employees just quit without notice. When is her final paycheck due? If she does not show up to pick up her final check, should I mail it? What happens if the check doesn't get to the employee on time?*

Final paychecks are subject to a vari-

ety of rules regarding due date, delivery methods and penalties for late payment.

### Final Paycheck Due Date

The amount of notice given by a quitting employee determines when the final paycheck is due.

The following rules apply:

- An employee who quits without giving any notice is entitled to her/his final wages within 72 hours of quitting.
- An employee who gives less than 72 hours notice is entitled to her/his final wages within 72 hours of when the notice was given.
- An employee who gives more than 72 hours notice and actually works until the planned final day is entitled to her/his final paycheck on the last day of work.

The 72 hours an employer is given to prepare a final check for a quitting employee includes weekends, holidays and other times the business may be closed.

If you use a payroll service or your

payroll department is out-of-state, you should have an in-house method to cut a final paycheck to meet these deadlines.

### Check Delivery Options

An employee who quits on the spot or with less than 72 hours notice may pick up her/his final pay at your place of business or is legally entitled to request that her/his final paycheck be mailed to her/him. If the employee requests the final paycheck be mailed, the date of mailing is considered the date of payment.

Although not required by law, it is prudent to ask the employee to put her/his request in writing, including a current mailing address. A fax or e-mail would suffice. The employee's written request then can be kept in her/his personnel file in case you are later required to prove the employee asked to have final wages mailed.

It also is prudent to send the check in  
*See Final: Page 4*

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*Ann A. Amioka*

Ann Amioka  
Vice President, Communications  
September 15, 2006



# Help Raise Awareness of Key State Issues: Communicate with Employees about Ballot



Employers have an important role to play every election season by communicating with your employees about the

ballot measures that affect your business.

If you're feeling inundated by television commercials and political mailers, you might be tempted to ask why you should add to what could be information overload for the voters among your employees. In fact, your voice could be the one that breaks through the din to have an impact.

## Role for Employers

The employer has a role in simply getting employees to participate in the political process. Research shows that employees trust their employer's assessment on how a public policy proposal affects the well-being of the company, and you have the ability to communicate your concerns, as long as you keep in mind some basic dos and don'ts.

As the California Chamber's brochure states, you can communicate with your employees, stockholders and their families about your company's support for or opposition to ballot measures. Moreover, you can encourage these groups to support or oppose the measures.

To convey your message, you can use e-mail, regular mail, bulletin boards, phone banks or employee meetings.

As a reminder, you cannot put any political messages in or on employees' payroll envelopes, so avoid paycheck

stuffers. Also remember that you cannot control or direct the political activities of your employees by threatening discharge or loss of employment. You cannot coerce employees to take a position nor reward or punish them for their political activities or beliefs (or threaten to do so).

The Chamber's "Guidelines for Political Communications to Employees" brochure summarizes these and other key points. It is available on the Chamber's website at [www.calchamber.com/guidelines](http://www.calchamber.com/guidelines).

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## Commentary By Donna F. Tuttle

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### Big Issues on Ballot

I hope that after brushing up on the dos and don'ts of political communications with your employees, you will feel comfortable taking the next step and passing along information about the impact of this November's ballot measures. Once again, the ballot is loaded with propositions that will have a tremendous

approved Proposition 42 in 2002.

We also need to stop a slew of anti-business proposals that will increase costs for business and consumers by boosting taxes on targeted industries, create a new statewide real property parcel tax and curtail the ability of business to educate voters about issues, including ballot measures, that affect businesses of all sizes.

Brief overviews of the November propositions, the Chamber's positions and the reasons for those positions appeared as a special report in the September 29 *Alert*. Our positions also are clearly outlined on the Chamber's website at [www.calchamber.com/ballotpositions](http://www.calchamber.com/ballotpositions). Please feel free to share this information with your employees and fellow voters.

### Communication Is Key

The Chamber is emphasizing the importance of communicating about the ballot measures because we firmly believe that the choices will be clear for an informed voter. I urge you to help educate your employees about the issues you consider crucial for your business and communicate your positions.

Simply by communicating your perspective, you can make a difference and help raise awareness about the importance of the election. And by becoming informed and exercising their right to vote — whatever their decision — your employees can

make a difference too.

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*Simply by communicating your perspective, you can make a difference and help raise awareness about the importance of the election.*

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impact on the future of the California economy and our jobs climate.

We have an opportunity to approve bond measures that will help the state make long overdue investments in our transportation, education, housing and flood control infrastructure. In addition, we can close a loophole in state law to assure that the gasoline tax consumers pay at the pump is used for transportation purposes, as voters intended when they

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*Donna F. Tuttle, 2006 chair of the California Chamber of Commerce Board of Directors, is co-owner and chairman of Elmore Tuttle Sports Group, Manhattan Beach.*

## Final Paychecks: Various Rules for Due Date, Delivery, Penalties

*From Page 2*

a way that allows you to prove it actually was received, either by registered mail or some other delivery method requiring a signature-verifying receipt.

An employee who gives more than 72 hours notice does *not* have a legal right to have her/his final paycheck sent by mail. Preparing a final paycheck and making it available for the employee to pick up at your place of business, in the county where the work was performed, is all that is necessary.

It is not uncommon for an employee who has given more than 72 hours notice to call in sick on the scheduled final day of work and ask that her/his final paycheck be mailed. When this happens, you are under no legal obligation to mail the check and may simply hold it for the employee to pick up. If you choose to mail the check, you should get the employee's request in writing (including a current mailing address) and have proof the paycheck was delivered.

### Late Paycheck Penalties

If final wages are not available within

the legal time limits, your former employee may file a claim with the Division of Labor Standards Enforcement for waiting time penalties.

The waiting time penalty is an amount equal to the employee's daily rate of pay for each day the wages remain unpaid, up to a maximum of 30 calendar days. Penalties accrue not only on the days that the employee might have worked, but also on non-workdays.

If the employee quits with less than 72 hours notice and asks for her/his check to be mailed, the California Labor Code says the date of mailing is considered the date of payment. As long as the check is mailed on time, a delay in the mail system would not cause waiting time penalties to accrue.

There is no such protection for employers who choose to mail checks to employees who quit with more than 72 hours notice. Because the Labor Code does not entitle these employees to receive their checks by mail, it is silent on whether the date of payment is the date of mailing or the date the check is received. You therefore should use caution if you

decide to put a final paycheck in the mail in this situation.

*The Labor Law Helpline is a service to California Chamber preferred and executive members. For expert explanations of labor laws and Cal/OSHA regulations, not legal counsel for specific situations, call (800) 348-2262 or submit your question at [www.hrcalifornia.com](http://www.hrcalifornia.com).*

## Seminars/Trade Shows

For more information on the seminars listed below, visit [www.calchamber.com/events](http://www.calchamber.com/events).

### Business Resources

Delta Vision Workshop. Water Education Foundation. November 8, Los Angeles. (916) 444-6240.

### Labor Law

Managing Leaves of Absence Recorded Web Seminar. California Chamber of Commerce. Through October 31. (800) 331-8877. [www.calbizcentral.com](http://www.calbizcentral.com).

## California Chamber Positions on November Ballot Measures

Ballot Number	Subject	Chamber Position
Proposition 1A .....	Transportation funding protection .....	Support
Proposition 1B .....	Transportation bond.....	Support
Proposition 1C .....	Housing bond.....	Support
Proposition 1D .....	Education facilities bond .....	Support
Proposition 1E.....	Disaster preparedness and flood prevention bond .....	Support
Proposition 83 .....	Increased penalties for sex offenders.....	No Position
Proposition 84 .....	Drinking water, flood protection, coastal protection bond .....	Support
Proposition 85 .....	Waiting period/parental notification of minor's abortion .....	No Position
Proposition 86 .....	Cigarette tax hike to pay for unrelated medical costs.....	Oppose
Proposition 87 .....	Tax on California oil production .....	Oppose
Proposition 88 .....	New statewide real property parcel tax .....	Oppose
Proposition 89 .....	Corporate income tax hike to pay for publicly financed political campaigns .....	Oppose
Proposition 90 .....	Increased government regulation costs/barriers to siting power facilities/eminant domain restrictions.....	Oppose



# California Chamber Vote Record on Major Business Legislation for 2006

This report for the second year of the 2005-06 legislative session focuses on California legislators' floor votes on bills of priority to the California Chamber of Commerce.

This is the 31st vote record the Chamber has compiled. The Chamber publishes this report in response to numerous requests by member firms and local chambers of commerce that would like a gauge by which to measure their legislator's performance.

To help readers assess legislators' vote records, the charts group together bills in seven main issue areas: economic development, education, employer/employee relations, excessive litigation, health care, resource regulation, and taxes and fees.

## Partial Picture

No vote record can tell the entire story of a legislator's attitude and actions on issues important to business. Each year, legislators cast thousands of votes on thousands of proposed laws. To fully evaluate your legislative representative, consult the legislative journals and examine your legislator's votes in committee and on floor issues. You can view these on the legislative counsel's website at [www.leginfo.ca.gov](http://www.leginfo.ca.gov).

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

Two bills sponsored by the Chamber to improve state labor laws were rejected by the first policy committee to review them. Those committee votes appear on Page 11.

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

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

## Factors Considered

The Chamber considered the following factors in selecting bills for the vote record:

- The bills and votes reflect legislators' attitudes toward private enterprise, fiscal responsibility and the business climate.

- Each bill was a priority for the Chamber in a particular field. Priority bills have appeared in the "Status Report" sections of *Alert*.

- The bills were voted upon by either the full Senate or Assembly. This year the vote record covers 16 votes in the Senate and 17 votes in the Assembly.



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

## When 'Not Voting' Helps

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

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

was not absent for the day.

## Priority Bills

### *Economic Development*

- **AB 2987 (Núñez; D-Los Angeles)**

#### **- Telecommunications Competition.**

Encourages competition in the video services market, leading to lower prices, enhances investment in our telecommunications infrastructure and creates jobs by removing city-by-city franchising requirements that have prevented new competitors from entering the television entertainment services market. Passed Senate August 30, 33-4. Assembly concurred in Senate amendments August 31, 68-7. Signed by Governor - Chapter 700, Statutes of 2006. Chamber supported.

- **SB 1436 (Figueroa; D-Fremont)**

#### **- Small Business: Improved Access to Government.**

Seeks to re-establish Small Business Ombudsman program to improve small businesses' access to information on proposed regulations affecting their businesses. Passed Senate May 11, 34-1. Passed Assembly, August 17, 78-0. Signed by Governor - Chapter 234, Statutes of 2006. Chamber supported.

### *Education*

- **AB 1381 (Núñez; D-Los Angeles)**

#### **- School District Governance: Los Angeles Unified School District.**

Gives the Los Angeles mayor and a council of mayors additional means by which to measure pupil achievement in the Los Angeles Unified School District. Passed Senate August 28, 23-14. Assembly concurred in Senate amendments August 29, 43-24. Signed by Governor - Chapter 299, Statutes of 2006. Chamber supported.

- **AB 2975 (Hancock; D-Berkeley)**

#### **- Public Schools: State and Federal Accountability.**

Undermines the effectiveness of the high school exit exam by lowering California student proficiency standards. Passed Assembly May 31, 45-33. Passed Senate August 16, 21-17. Vetoes. Chamber opposed.

### *Employer/Employee Relations*

- **AB 1884 (Chu; D-Monterey Park)**

*See Next Page*

## California Chamber Vote Record on Major Business Legislation for 2006

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**- Unemployment Insurance Compensation Benefits: Strikers.** Increases the cost of doing business in California by forcing California employers to subsidize a strike against their own company by providing unemployment insurance benefits to workers unemployed due to a strike. Passed Assembly May 31, 44-35. Passed Senate August 16, 23-15. Vetoed. Chamber opposed/job killer.

● **SB 815 (Perata; D-Oakland)**

**- Workers' Compensation Reform Rollback.** Rolls back recent workers' compensation reforms by arbitrarily doubling the permanent disability payments over three years without sound data with which to base the increase. Passed Assembly August 30, 44-33. Senate concurred in Assembly amendments August 31, 23-14. Vetoed. Chamber opposed/job killer.

● **SB 1162 (Cedillo; D-Los Angeles)**

**- Automatic Minimum Wage Increases.** Increases the cost of doing business without regard to the state's economy by increasing the minimum wage with annual automatic increases. Passed Senate June 1, 25-14. Significantly amended in the Assembly to deal with another subject. Chamber opposed/job killer.

**Excessive Litigation**

● **AB 2371 (Levine; D-Van Nuys)**

**- Increases Litigation Costs.** Eliminates an employer's ability to mandate the use of the far less expensive and faster process of arbitration rather than court to resolve discrimination claims under the California Fair Employment and Housing Act. Failed passage in Assembly May 31, 38-39. Chamber opposed.

● **SB 832 (Perata; D-Oakland)**

**- Punitive Damages.** Hampers needed reforms to California's out-of-control punitive damages system by establishing 75 percent of all punitive damages awards as a source of state funding for the next five years. Passed Assembly August 31, 43-36. Senate concurred in Assembly amendments August 31, 24-14. Vetoed. Chamber opposed.

● **SB 1489 (Ducheny; D-San Diego) - Government Agency Potential Harassment of Employers.** Invites unlimited "fishing expeditions" by the Attorney General under numerous statutes, including the Unruh Civil Rights Act and environmental laws, by making defendant

companies pay all the investigation and lawsuit costs, including attorneys' fees, if the Attorney General "prevails." The term "prevail" could include settlements, changes in operation by the defendant or even a minuscule monetary award. Passed Assembly August 28, 44-35. Senate concurred in Assembly amendments August 31, 22-14. Vetoed. Chamber opposed/job killer.

**Health Care**

● **SB 840 (Kuehl; D-Santa Monica) - Government-Run Health Care.**

Imposes a government-run health care system on all Californians. Passed Assembly August 28, 45-33. Senate concurred in Assembly amendments August 31, 24-13. Vetoed. Chamber opposed/job killer.

● **SB 1414 (Migden; D-San Francisco) - Health Care Tax.** Imposes a tax on employers with over 10,000 employees to spend the equivalent of 8 percent of their total payroll on health care or pay the equivalent amount to the state. Passed Assembly August 30, 41-37. Senate concurred in Assembly amendments August 31, 23-17. Vetoed. Chamber opposed/job killer.

**Resource Regulation**

● **AB 32 (Núñez; D-Los Angeles)**

**- Halts Economic Growth.** Increases costs for California businesses, makes them less competitive and discourages economic growth with little or no proven environmental benefit by adopting an arbitrary cap on carbon emissions. Passed Senate August 30, 23-14. Assembly concurred in Senate amendments August 31, 47-32. Signed by Governor - Chapter 488, Statutes of 2006. Chamber opposed/job killer.

● **AB 1012 (Nation; D-San Rafael)**

**- Fuel Mandate.** Disrupts California's transportation fuels market by mandating the sale of scarce alternative fuel vehicles and will result in significant gas price spikes. Passed Senate August 29, 21-18. Assembly concurred in Senate amendments August 31, 43-36. Vetoed. Chamber opposed/job killer.

● **AB 1899 (Wolk; D-Davis) - Halts Economic Growth.** Prohibits development in the Central Valley by requiring the creation of a 200-year flood standard that is currently impossible to achieve. Passed Assembly May 31, 42-35. No Senate floor vote. Chamber opposed.

● **AB 1925 (Blakeslee; R-San Luis**

### Key to Using This Section

Y means voted for bill.

N means voted against bill.

● means not voting "aye" on a California Chamber-opposed bill.  
— means not voting or absent.

**Boldface type indicates votes in accord with Chamber position.**

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

**Obispo) - Energy: Electricity: Carbon Dioxide.** Requires the Energy Resources Conservation and Development Commission to submit a report to the Legislature with recommendations on strategies and incentives to reduce carbon dioxide emissions during the generation of electricity. Passed Senate August 28, 39-0. Assembly concurred in Senate amendments August 29, 78-0. Signed by Governor - Chapter 471, Statutes of 2006. Chamber supported.

**Taxes and Fees**

● **AB 1614 (Ruskin; D-Palo Alto)**

**- Limited Liability Companies.** Retroactively changes, back to 2001, the fee for limited liability companies in a manner that violates the Constitution. Passed Senate August 30, 23-13. Assembly concurred in Senate amendments August 31, 41-35. Vetoed. Chamber opposed.

● **SB 927 (Lowenthal; D-Long Beach) - Ports: Goods Movement Consumer Fee.** Increases the cost of exporting and importing goods in California by assessing a \$60 fee per container processed through the Los Angeles and Long Beach ports. Passed Assembly August 30, 42-35. Senate concurred in Assembly amendments August 31, 22-16. Vetoed. Chamber opposed/job killer.

## 2006 Senate Vote Record

	<b>Economic Development</b> AB 2987 - Telecommunications SB 1436 - Small Business	<b>Education</b> AB 1381 - LA School District AB 2975 - Proficiency Standards	<b>Employer/Employee Relations</b> AB 1884 - UI for Strikers SB 815 - Workers' Comp: Rollback SB 1162 - Minimum Wage/Indexing	<b>Excessive Litigation</b> AB 2371 - Employment Arbitration SB 832 - Punitive Damages SB 1489 - Employer Harassment	<b>Health Care</b> SB 840 - Government-Run SB 1414 - Health Care Tax	<b>Resource Regulation</b> AB 32 - Carbon Emissions AB 1012 - Fuel Mandate AB 1899 - Flood Standard AB 1925 - Emissions Reductions	<b>Taxes and Fees</b> AB 1614 - Limited Liability Companies SB 927 - Ports: Goods Movement Fee	<b>Total in Accord with Chamber</b>	<b>Not in Accord with Chamber</b>	<b>Not Voting or Absent</b>
Aanestad, S. (R)	Y Y	N N	N N N	Failed passage in Assembly.	N N	N N	N N	15	1	0
Ackerman, D. (R)	Y Y	N N	N N N		N N	N N	N N	15	1	0
Alarcón, R. (D)	Y Y	Y Y	Y Y Y		Y Y	Y Y	Y Y	4	12	0
Alquist, E. (D)	Y Y	Y ●	Y Y Y		Y Y	Y Y	Y Y	5	11	0
Ashburn, R. (R)	Y Y	Y N	N N N		N N	N N	N N	16	0	0
Battin, J. (R)	Y Y	N N	N N N		N ●	N N	N N	15	1	0
Bowen, D. (D)	— Y	Y N	Y Y Y		Y Y	Y Y	Y Y	4	11	1
Cedillo, G. (D)	Y Y	Y Y	Y Y Y		Y ●	● Y	● Y	8	8	0
Chesbro, W. (D)	N Y	Y Y	Y Y Y		Y Y	Y Y	Y Y	2	13	1
Cox, D. (R)	Y Y	N N	N N N		N N	N N	N N	15	1	0
Denham, J. (R)	Y Y	N N	N N N	Failed passage in Assembly.	N N	● N	N N	15	1	0
Ducheny, D. (D)	Y —	Y Y	Y Y Y		Y Y	Y Y	Y N	4	11	1
Dunn, J. (D)	N Y	Y Y	Y Y Y		Y Y	Y Y	Y Y	3	13	0
Dutton, B. (R)	Y Y	— N	N N N		N N	N N	N N	15	0	1
Escutia, M. (D)	Y Y	Y Y	Y Y Y		Y Y	Y Y	Y Y	4	12	0
Figueroa, L. (D)	Y Y	— Y	● Y Y		Y Y	Y Y	Y ●	5	10	1
Florez, D. (D)	Y Y	N Y	Y ● Y		● ●	Y Y	Y N	8	8	0
Harman, T. (R)*	Y *	N N	N N *		N N	● N	N N	13*	1*	0
Hollingsworth, D. (R)	Y N	N N	N N N		N N	N N	N N	14	2	0
Kehoe, C. (D)	Y Y	Y Y	Y Y Y		Y Y	Y Y	Y Y	4	12	0
Kuehl, S. (D)	Y Y	Y Y	Y Y Y	Failed passage in Assembly.	Y Y	Y Y	Y Y	4	12	0
Lowenthal, A. (D)	Y Y	Y Y	Y Y Y		Y Y	Y Y	Y Y	5	11	0
Machado, M. (D)	Y Y	— N	Y Y Y		Y Y	Y N	Y N	7	8	1
Maldonado, A. (R)	Y Y	N N	N N N		N N	N N	N N	15	1	0
Margett, B. (R)	Y Y	N N	N N N		N N	N N	N N	15	1	0
McClintock, T. (R)	Y Y	N N	N N N		N N	N N	N N	15	1	0
Migden, C. (D)	N Y	Y Y	● Y Y		Y Y	Y Y	Y Y	4	12	0
Morrow, B. (R)	— —	N N	N N N		N N	N N	● N	13	1	2
Murray, K. (D)	Y Y	Y Y	Y Y Y		Y Y	Y N	● Y	6	10	0
Ortiz, D. (D)	Y Y	Y Y	Y ● Y		Y ●	Y Y	Y Y	6	10	0
Perata, D. (D)	Y Y	Y Y	Y Y Y	Failed passage in Assembly.	Y Y	Y Y	Y Y	4	12	0
Poochigian, C. (R)	Y Y	N N	N N N		N N	N N	N N	15	1	0
Romero, G. (D)	Y Y	Y Y	Y Y Y		Y Y	Y Y	Y Y	4	12	0
Runner, G. (R)	Y —	Y N	N ● N		● N	N N	N N	15	0	1
Scott, J. (D)	Y Y	Y Y	Y Y Y		Y Y	Y Y	Y Y	4	12	0
Simitian, J. (D)	Y Y	Y ●	Y Y Y		Y Y	Y Y	Y Y	6	10	0
Soto, N. (D)	Y —	Y Y	Y Y Y		Y Y	Y Y	Y Y	3	12	1
Speier, J. (D)	N Y	N Y	Y Y Y		Y Y	Y Y	Y Y	2	14	0
Torlakson, T. (D)	— Y	Y Y	Y Y Y		Y Y	Y Y	Y Y	3	12	1
Vincent, E. (D)	Y Y	Y Y	Y Y Y		Y Y	Y Y	Y Y	4	12	0

\*Sworn into office June 12, 2006.

# 2006 Assembly Vote Record

	<b>Economic Development</b> AB 2987 - Telecommunications SB 1436 - Small Business	<b>Education</b> AB 1381 - LA School District AB 2975 - Proficiency Standards	<b>Employer/Employee Relations</b> AB 1884 - UI for Strikers SB 815 - Workers' Comp: Rollback SB 1162 - Minimum Wage/Indexing	<b>Excessive Litigation</b> AB 2371 - Employment Arbitration SB 832 - Punitive Damages SB 1489 - Employer Harassment	<b>Health Care</b> SB 840 - Government-Run SB 1414 - Health Care Tax	<b>Resource Regulation</b> AB 32 - Carbon Emissions AB 1012 - Fuel Mandate AB 1899 - Flood Standard AB 1925 - Emissions Reductions	<b>Taxes and Fees</b> AB 1614 - Limited Liability Companies SB 927 - Ports: Goods Movement Fee	<b>Total in Accord with Chamber</b>	<b>Not in Accord with Chamber</b>	<b>Not Voting or Absent</b>
Aghazarian, G. (R)	Y Y	— N	N N	N N N	N N	N N N Y	N N	16	0	1
Arambula, J. (D)	Y Y	Y ●	● Y	Y Y Y	Y Y	Y Y Y Y	Y Y	6	11	0
Baca, J. (D)	Y Y	Y Y	Y Y	Y Y Y	Y Y	Y N Y Y	Y Y	5	12	0
Bass, K. (D)	Y Y	Y Y	Y Y	Y Y Y	Y Y	Y Y Y Y	Y Y	4	13	0
Benoit, J. (R)	Y Y	N N	N N	N N N	N N	N N N Y	N N	16	1	0
Berg, P. (D)	N Y	Y Y	Y Y	Y Y Y	Y Y	Y Y Y Y	Y Y	3	14	0
Bermúdez, R. (D)	Y Y	Y Y	Y Y	Y Y Y	Y Y	Y Y Y Y	Y Y	4	13	0
Blakeslee, S. (R)	Y Y	N N	N N	N N N	N N	N N N Y	N N	16	1	0
Bogh, R. (R)	Y Y	N N	N N	N N N	N N	N N N Y	N N	16	1	0
Calderon, R. (D)	Y Y	Y Y	Y Y	N N N	Y N	Y N ● Y	N Y	11	6	0
Canciamilla, J. (D)	N Y	N Y	N N	N N N	Y N	Y N Y Y	N N	11	6	0
Chan, W. (D)	— Y	Y Y	Y Y	Y Y Y	Y Y	Y Y Y Y	Y Y	3	13	1
Chavez, E. (D)	Y Y	Y Y	Y Y	N N Y	Y N	Y Y Y Y	N Y	8	9	0
Chu, J. (D)	Y Y	Y Y	Y Y	Y Y Y	Y Y	Y Y Y Y	Y Y	4	13	0
Cogdill, D. (R)	Y Y	N N	N N	N N N	N N	N N N Y	N N	16	1	0
Cohn, R. (D)	Y Y	Y Y	Y Y	N Y Y	Y Y	Y Y Y Y	Y Y	5	12	0
Coto, J. (D)	Y Y	Y Y	Y Y	Y Y Y	Y Y	Y Y Y Y	Y Y	4	13	0
Daucher, L. (R)	Y Y	N N	N N	N N N	N N	N N N Y	N N	16	1	0
De La Torre, H. (D)	Y Y	Y Y	Y Y	Y Y Y	Y Y	Y Y Y Y	Y Y	4	13	0
DeVore, C. (R)	Y Y	N N	N N	N N N	N N	N N N Y	N N	16	1	0
Dymally, M. (D)	Y Y	N Y	Y Y	Y Y Y	Y Y	Y Y Y Y	Y Y	3	14	0
Emmerson, B. (R)	Y Y	— N	N N	N N N	N N	N N N Y	N N	16	0	1
Evans, N. (D)	Y Y	Y Y	Y Y	Y Y Y	Y Y	Y Y Y Y	Y Y	4	13	0
Frommer, D. (D)	Y Y	Y Y	Y Y	N Y Y	Y Y	Y Y Y Y	Y Y	5	12	0
Garcia, B. (R)	Y Y	— N	N N	N N N	N N	N N N Y	N N	16	0	1
Goldberg, J. (D)	Y Y	— Y	Y Y	Y Y Y	Y Y	Y Y Y Y	Y Y	3	13	1
Hancock, L. (D)	N Y	Y Y	Y Y	Y Y Y	Y Y	Y Y Y Y	Y Y	3	14	0
Haynes, R. (R)	Y Y	N N	N N	N N N	N N	N N N Y	N N	16	1	0
Horton, J. (D)	Y Y	Y Y	Y Y	Y Y Y	Y Y	Y Y Y Y	Y Y	4	13	0
Horton, S. (R)	Y Y	N N	N N	N N N	N N	Y N N Y	N N	15	2	0
Houston, G. (R)	Y Y	N N	N N	N N N	N N	N N N Y	N N	16	1	0
Huff, B. (R)	Y Y	N N	N N	N N N	N N	N N N Y	N N	16	1	0
Jones, D. (D)	Y Y	Y Y	Y Y	Y Y Y	Y Y	Y Y Y Y	Y Y	4	13	0
Karnette, B. (D)	Y Y	Y Y	Y Y	Y Y Y	Y Y	Y Y Y Y	Y Y	4	13	0
Keene, R. (R)	Y Y	N N	N N	N N N	N N	N N N Y	N N	16	1	0
Kleh, J. (D)	Y Y	Y Y	Y Y	Y Y Y	Y ●	Y Y Y Y	Y Y	5	12	0
Koretz, P. (D)	Y Y	— Y	Y Y	Y Y Y	Y Y	Y Y Y —	Y Y	2	13	2
La Malfa, D. (R)	Y Y	N N	N N	N N N	N N	N N N Y	N N	16	1	0
La Suer, J. (R)	Y Y	N N	N N	N N N	N N	N N N Y	N N	16	1	0
Laird, J. (D)	Y Y	Y Y	Y Y	Y Y Y	Y Y	Y Y Y Y	Y Y	4	13	0

Passed Assembly as a different subject.



# 2006 Assembly Vote Record

	<b>Economic Development</b> AB 2987 - Telecommunications SB 1436 - Small Business	<b>Education</b> AB 1381 - LA School District AB 2975 - Proficiency Standards	<b>Employer/Employee Relations</b> AB 1884 - UI for Strikers SB 815 - Workers' Comp: Rollback SB 1162 - Minimum Wage/Indexing	<b>Excessive Litigation</b> AB 2371 - Employment Arbitration SB 832 - Punitive Damages SB 1489 - Employer Harassment	<b>Health Care</b> SB 840 - Government-Run SB 1414 - Health Care Tax	<b>Resource Regulation</b> AB 32 - Carbon Emissions AB 1012 - Fuel Mandate AB 1899 - Flood Standard AB 1925 - Emissions Reductions	<b>Taxes and Fees</b> AB 1614 - Limited Liability Companies SB 927 - Ports: Goods Movement Fee	<b>Total in Accord with Chamber</b>	<b>Not in Accord with Chamber</b>	<b>Not Voting or Absent</b>
Leno, M. (D)	Y Y	Y Y	Y Y	Y Y Y	Y Y	Y Y Y Y	Y Y	4	13	0
Leslie, T. (R)	N Y	— N	N N	N N N	N N	N N N Y	N •	15	1	1
Levine, L. (D)	Y Y	Y Y	Y Y	Y Y Y	Y Y	Y Y Y Y	Y Y	4	13	0
Lieber, S. (D)	Y Y	Y Y	Y Y	Y Y Y	Y Y	Y Y Y Y	Y Y	4	13	0
Lieu, T. (D)	Y Y	Y Y	Y Y	Y Y Y	Y Y	Y Y Y Y	Y Y	4	13	0
Liu, C. (D)	Y Y	— Y	Y Y	Y Y Y	Y Y	Y Y Y Y	Y Y	3	13	1
Matthews, B. (D)	Y Y	Y Y	N N	N N N	N N	N Y N Y	Y N	14	3	0
Maze, B. (R)	Y Y	— N	N N	N N N	N N	N N N Y	N N	16	0	1
McCarthy, K. (R)	Y Y	N N	N N	N N N	N N	N N N Y	N N	16	1	0
Montañez, C. (D)	Y Y	Y Y	Y Y	Y Y Y	Y Y	Y Y Y Y	Y Y	4	13	0
Mountjoy, D. (R)	Y Y	— N	N N	N N N	N N	N N N Y	N N	16	0	1
Mullin, G. (D)	N Y	Y Y	Y Y	Y Y Y	Y Y	Y Y Y Y	Y Y	3	14	0
Nakanishi, A. (R)	Y Y	— N	N N	N N N	N N	N N N Y	N N	16	0	1
Nation, J. (D)	— Y	Y Y	Y Y	Y Y Y	N Y	Y Y Y Y	Y Y	4	12	1
Nava, P. (D)	Y Y	Y Y	Y Y	Y Y Y	Y Y	Y Y Y Y	• Y	5	12	0
Negrete McLeod, G. (D)	— Y	Y Y	Y Y	Y Y Y	Y Y	Y Y N Y	• N	6	10	1
Niello, R. (R)	— Y	Y N	N N	N N N	N N	N N N Y	N N	16	0	1
Núñez, F. (D)	Y Y	Y Y	Y Y	Y Y Y	Y Y	Y Y Y Y	Y Y	4	13	0
Oropeza, J. (D)	Y —	N Y	Y Y	Y Y Y	Y Y	Y Y Y Y	Y Y	2	14	1
Parra, N. (D)	N Y	Y N	N •	N N N	• N	N N N Y	N N	16	1	0
Pavley, F. (D)	Y Y	Y Y	Y Y	Y Y Y	Y Y	Y Y Y Y	Y Y	4	13	0
Plescia, G. (R)	Y Y	N N	N N	N N N	N N	N N N Y	N N	16	1	0
Richman, K. (R)	Y Y	N N	N N	N N N	N N	N N • Y	N N	16	1	0
Ridley-Thomas, M. (D)	Y Y	— Y	Y Y	Y Y Y	Y Y	Y Y Y Y	Y Y	3	13	1
Runner, S. (R)	Y Y	N N	N N	N N N	N N	N N N Y	N N	16	1	0
Ruskin, I. (D)	N Y	Y Y	Y Y	Y Y Y	Y Y	Y Y Y Y	Y Y	3	14	0
Saldaña, L. (D)	Y Y	Y Y	Y Y	Y Y Y	Y Y	Y Y Y Y	Y Y	4	13	0
Salinas, S. (D)	Y Y	Y Y	Y Y	Y Y Y	Y Y	Y Y Y Y	Y Y	4	13	0
Spitzer, T. (R)	Y Y	Y N	N N	N N N	N N	N N N Y	N N	17	0	0
Strickland, A. (R)	Y Y	N N	N N	N N N	N N	N N N Y	N N	16	1	0
Torrico, A. (D)	Y Y	Y Y	Y Y	• Y Y	Y Y	Y N N Y	Y N	8	9	0
Tran, V. (R)	Y Y	— N	N N	N N N	N N	N N N Y	N N	16	0	1
Umbert, T. (D)	Y Y	Y •	Y Y	Y Y Y	Y Y	Y Y Y Y	• •	7	10	0
Vargas, J. (D)	Y Y	Y Y	Y •	• Y Y	Y Y	Y Y • Y	Y Y	7	10	0
Villines, M. (R)	Y Y	N N	N N	N N N	N N	N N N Y	N N	16	1	0
Walters, M. (R)	Y Y	N N	N N	N N N	N N	N N N Y	N N	16	1	0
Wolk, L. (D)	Y Y	Y Y	Y Y	• Y Y	Y N	Y Y Y Y	Y Y	6	11	0
Wyland, M. (R)	Y Y	N N	N N	N N N	N N	N N N Y	N N	16	1	0
Yee, L. (D)	Y Y	Y Y	Y Y	Y Y Y	Y Y	Y Y Y Y	Y Y	4	13	0

Passed Assembly as a different subject.

# California Chamber Best Business Votes

Legislators are listed in descending order according to how often they voted in accord with the California Chamber of Commerce position (first number) versus how often their votes were not in accord with the Chamber's position (second number) in 2005. Total votes may not match the vote record because the tally for not voting or absent is not included in this list.

80% or more with Chamber	60%-79% with Chamber	40%-59% with Chamber	Less than 40% with Chamber
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## Senate

Ashburn, Roy (R)	16-0
Dutton, Bob (R)	15-0
Runner, George (R)	15-0
Aanestad, Samuel (R)	15-1
Ackerman, Dick (R)	15-1
Battin, Jim (R)	15-1
Cox, Dave (R)	15-1
Denham, Jeff (R)	15-1
Maldonado, Abel (R)	15-1
Margett, Bob (R)	15-1
McClintock, Tom (R)	15-1
Poohigian, Charles (R)	15-1
Hollingsworth, Dennis (R)	14-2
Harman, Tom (R)*	13-1
Morrow, Bill (R)	13-1
Cedillo, Gilbert (D)	8-8
Florez, Dean (D)	8-8
Machado, Mike (D)	7-8
Murray, Kevin (D)	6-10
Ortiz, Deborah (D)	6-10
Simitian, Joseph (D)	6-10
Figueroa, Liz (D)	5-10
Alquist, Elaine (D)	5-11
Lowenthal, Alan (D)	5-11
Bowen, Debra (D)	4-11
Ducheny, Denise Moreno (D)	4-11
Alarcón, Richard (D)	4-12
Escutia, Martha (D)	4-12
Kehoe, Christine (D)	4-12
Kuehl, Sheila James (D)	4-12
Migden, Carole (D)	4-12
Perata, Don (D)	4-12
Romero, Gloria (D)	4-12
Scott, Jack (D)	4-12
Vincent, Edward (D)	4-12
Soto, Nell (D)	3-12
Torlakson, Tom (D)	3-12
Dunn, Joe (D)	3-13
Chesbro, Wes (D)	2-13
Speier, Jackie (D)	2-14

## Assembly

Spitzer, Todd (R)	17-0
Aghazarian, Greg (R)	16-0
Emmerson, Bill (R)	16-0
Garcia, Bonnie (R)	16-0
Maze, Bill (R)	16-0
Mountjoy, Dennis (R)	16-0
Nakanishi, Alan (R)	16-0
Niello, Roger (R)	16-0
Tran, Van (R)	16-0
Benoit, John J. (R)	16-1
Blakeslee, Sam (R)	16-1
Bogh, Russ (R)	16-1
Cogdill, Dave (R)	16-1
Daucher, Lynn (R)	16-1
DeVore, Chuck (R)	16-1
Haynes, Ray (R)	16-1
Houston, Guy (R)	16-1
Huff, Bob (R)	16-1
Keene, Rick (R)	16-1
La Malfa, Doug (R)	16-1
La Suer, Jay (R)	16-1
McCarthy, Kevin (R)	16-1
Parra, Nicole (D)	16-1
Plescica, George (R)	16-1
Richman, Keith (R)	16-1
Runner, Sharon (R)	16-1
Strickland, Audra (R)	16-1
Villines, Michael (R)	16-1
Walters, Mimi (R)	16-1
Wyland, Mark (R)	16-1
Leslie, Tim (R)	15-1
Horton, Shirley (R)	15-2
Matthews, Barbara (D)	14-3
Calderon, Ron (D)	11-6
Canciamilla, Joseph (D)	11-6
Chavez, Ed (D)	8-9
Torricco, Alberto (D)	8-9
Umberg, Thomas (D)	7-10
Vargas, Juan (D)	7-10

Negrete McLeod, Gloria (D)	6-10
Arambula, Juan (D)	6-11
Wolk, Lois (D)	6-11
Baca, Joe (D)	5-12
Cohn, Rebecca (D)	5-12
Frommer, Dario (D)	5-12
Kleh, Johan (D)	5-12
Nava, Pedro (D)	5-12
Nation, Joe (D)	4-12
Bass, Karen (D)	4-13
Bermúdez, Rudy (D)	4-13
Chu, Judy (D)	4-13
Coto, Joe (D)	4-13
De La Torre, Hector (D)	4-13
Evans, Noreen (D)	4-13
Horton, Jerome (D)	4-13
Jones, Dave (D)	4-13
Karnette, Betty (D)	4-13
Laird, John (D)	4-13
Leno, Mark (D)	4-13
Levine, Lloyd (D)	4-13
Lieber, Sally (D)	4-13
Lieu, Ted (D)	4-13
Montañez, Cindy (D)	4-13
Núñez, Fabian (D)	4-13
Pavley, Fran (D)	4-13
Saldaña, Lori (D)	4-13
Salinas, Simon (D)	4-13
Yee, Leland (D)	4-13
Chan, Wilma (D)	3-13
Goldberg, Jackie (D)	3-13
Liu, Carol (D)	3-13
Ridley-Thomas, Mark (D)	3-13
Berg, Patty (D)	3-14
Dymally, Mervyn (D)	3-14
Hancock, Loni (D)	3-14
Mullin, Gene (D)	3-14
Ruskin, Ira (D)	3-14
Koretz, Paul (D)	2-13
Oropeza, Jenny (D)	2-14

\*Senator Tom Harman (R) - Sworn into office June 12, 2006.

# Chamber-Sponsored Labor Law Proposals Get Ax in Assembly Policy Committee

Party-line votes of the Assembly Labor and Employment Committee this year killed two California Chamber-sponsored bills to improve state labor laws.

● **AB 2217 (Villines; R-Clovis) - 4-Day Workweek** would have helped employees achieve greater flexibility in work schedules by allowing individual workers to request and their employers to mutually agree to a four-day workweek.

● **AB 2277 (Villines; R-Clovis) - Plain Language Workplace Posters** would have reduced confusion and increased understanding of workplace rights and responsibilities by requiring all workplace posters to be written simply and in plain language.

Both bills failed to pass Assembly Labor and Employment on April 19 on votes of 2-6 (see box). Reconsideration was granted, but the bills were not considered again this year.

Testimony by the Chamber, employers and employees highlighted the need for

## Assembly Labor and Employment Committee

### Votes on AB 2217, AB 2277

#### Ayes

**Houston (R-Livermore)**  
**Nakanishi (R-Lodi)**

#### Noes

**Chan (D-Oakland)**  
**Chu (D-Monterey Park)**  
**Klehs (D-Castro Valley)**  
**Koretz (D-West Hollywood)**  
**Laird (D-Santa Cruz)**  
**Leno (D-San Francisco)**

the scheduling flexibility offered by AB 2217 (see April 21 *Alert*).

In sponsoring AB 2277, the Chamber pointed out that plain and simple language in workplace rules would ensure that employers know how to comply with the law and help employees know if

workplace rights have been violated (see April 21 *Alert*).

The Chamber will continue to support sensible changes in state labor laws and regulations aimed at making the workplace easier to administer.

## New Ads Highlight Need for Infrastructure Bonds

*From Page 1*

tions 1A through 1E — by answering the question, “What’s in it for me?”

The ads identify for the viewers the kinds of improvements they will see, such as new lanes on local congested freeway segments, improvements to major freeway interchanges, and improvement to light rail and commuter rail.

### Proposition Summaries

Following are brief summaries of the infrastructure propositions.

● **Proposition 1A: Transportation Funding Protection. Legislative Constitutional Amendment.** Protects transportation funding for traffic congestion relief projects, safety improvements and local streets and roads. Prohibits the state sales tax on motor vehicle fuels from being used for any purpose other than transportation improvements. Authorizes loans of these funds only in the case of severe state fiscal hardship. Requires loans of

revenues from state sales tax on motor vehicle fuels to be fully repaid within three years. Restricts loans to no more than twice in any 10-year period.

● **Proposition 1B: Highway Safety, Traffic Reduction, Air Quality and Port Security Bond Act of 2006.** A \$19.9 billion bond measure to fund safety improvements and repairs to state highways and local roads, reduce freeway congestion, improve seismic safety of local bridges, expand public transit, reduce air pollution and improve anti-terrorism security at shipping ports.

● **Proposition 1C: Housing and Emergency Shelter Trust Fund Act of 2006.** A \$2.9 billion bond measure to provide homeownership assistance for the disabled, military veterans, working families and others.

● **Proposition 1D: Kindergarten-University Public Education Facilities Bond Act of 2006.** A \$10.4 billion bond measure to provide needed funding to re-

lieve public school, college and university overcrowding, and repair older facilities, improve earthquake safety and fund vocational educational facilities in public schools.

● **Proposition 1E: Disaster Preparedness and Flood Prevention Bond Act of 2006.** A \$4.1 billion bond measure to rebuild and repair California’s most vulnerable flood control structures to protect homes and prevent loss of life from flood-related disasters and protect California’s drinking water supply system by rebuilding vulnerable Delta levees.

For more information on the Rebuild California Plan on the November 7 election ballot, visit: [www.plan4ourfuture.org](http://www.plan4ourfuture.org).

For more information on the Chamber’s positions on the November ballot measures, see the September 29 issue of *Alert* or visit [www.calchamber.com/ballotpositions](http://www.calchamber.com/ballotpositions).

Staff Contact: Jeanne Cain

# President Signs U.S.-Oman Trade Pact



President George W. Bush has signed the California Chamber of Commerce-supported U.S.-Oman Free Trade Agreement (FTA) Implementation Act.

As the FTA takes effect, California manufacturers, agricultural producers and service providers will see reduced tariffs in numerous areas.

Oman is the fifth Middle Eastern country to sign an FTA with the United States, following Bahrain, Jordan, Morocco and Israel. The United States is seeking to encompass all willing countries in the Middle East to create a historic Middle East Free Trade Agreement (MEFTA) by 2013.

The U.S. House of Representatives approved the U.S.-Oman FTA in July.

## Trade Statistics

California is currently the seventh

largest state exporter to Oman. California exports to Oman were slightly more than \$14 million in 2004 and rose to more than \$20 million in 2005.

Bilateral trade between the United States and Oman reached nearly \$750 million in 2004 and grew to nearly \$1.1 billion in 2005. U.S. exports to Oman totaled \$329 million in 2004 and reached \$593 million in 2005, with significant growth in sales of aircraft and vehicles.

The FTA will provide increased market share for U.S. manufacturers and service providers. It will broaden and strengthen the bilateral commercial relationship between the United States and Oman beyond the \$1.2 billion generated in two-way trade in 2005. Under the FTA, 100 percent of bilateral trade in consumer and industrial products will be duty-free.

## California Benefits

For California manufacturers, the U.S.-Oman FTA eliminates immediately 100 percent of tariffs on current bilateral trade in consumer and industrial goods, including tariffs on California's key products, such as machinery, transportation

equipment, chemicals and metal products. Remaining tariffs will be eliminated within 10 years.

For California's agricultural producers, the U.S.-Oman FTA provides immediate duty-free treatment for current U.S. agricultural exports in 87 percent of the tariff lines, benefiting California's meat, processed food and other agricultural industries. Remaining tariffs will be phased out over 10 years.

For California's service providers, the U.S.-Oman FTA will provide non-discriminatory access and open up key service markets, benefiting California's financial, telecommunication, entertainment, audiovisual and other key service providers.

## Chamber Position

The Chamber, 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.

**Staff Contact: Susanne Stirling**

# Governor Schwarzenegger Vetoes Final 'Job Killer' Proposals

*From Page 1*

that these retailers would have had to overcome before opening a new facility in a city or county.

SB 1523 would have sent a clear message to retailers across the country that they are not welcome in California even though communities and shoppers want the option to shop at "big box" retailers and welcome the lower prices.

In his veto message, Governor Schwarzenegger commented, "Adding a new hurdle, approval of an economic impact report prior to approval of a development project that includes such a retailer, will only limit the authority of local communities to decide what kind of retail projects they want to embrace. As is often the case, a one-size-fits-all approach from Sacramento will take away choices that communities have to decide whether a particular development fits their communities."

## Fuel Mandate

AB 1012 would have required the California Air Resources Board (ARB) to adopt rules to mandate that a specified percentage of vehicles sold in the state be "Clean Air Vehicles" and that fueling stations be equipped or converted to supply "clean alternative fuel."

Mandating the sale of scarce alternative fuels such as ethanol and bio-diesel and potentially displacing conventional fueling infrastructure would have been severely harmful to California's transportation fuels market.

The effects this mandate would have had on the price of fuel in California would have been substantial. Mandates have historically led to higher, not lower, prices. They force the market to supply and consumers to buy products regardless of price. With only a limited supply of such fuels in the nation, Californians

certainly would have suffered from higher fuel prices under AB 1012.

In his veto message, the Governor said he strongly supports the goal of increasing California's use of alternative transportation fuels, but AB 1012 "is counterproductive to several major initiatives already underway."

In addition, because alternative fuels are taxed at half the rate of gasoline and diesel, the bill would have cost California more than \$1.2 billion in transportation funding, the Governor wrote. "As we incorporate more of these fuels into our transportation system, we need to plan for and mitigate the impact on funding to support our transportation system."

**Staff Contacts: Kyla Christoffersen  
John Hooper  
Moirra Topp**



# Final Status Report on Major Business Bills

The following list summarizes the final status of top priority bills for the California Chamber of Commerce that were sent to the Governor or acted upon by Congress or the President.

In this issue, the Chamber is publishing a record of legislators' votes on key bills affecting California's business climate. Generally, the bills selected for the Chamber's vote record have appeared

in one of the status reports.

A bill listing a chapter number has been signed and will become law on January 1, 2007.

Federal bills are marked with an \*.

Status of bills as of October 20, 2006.

Subject and Bill — Chamber Position	Status
<b>Agriculture and Natural Resources</b>	
<b>Farmworker Housing.</b> SB 1802 (Ducheny; D-San Diego) permits growers to build housing for up to 36 farmworkers in group quarters to alleviate chronic farmworker housing shortages. Support.	Chapter 520
<b>Air and Waste Management</b>	
<b>Halts Economic Growth.</b> AB 32 (Núñez; D-Los Angeles) increases costs for California businesses, makes them less competitive and discourages economic growth with little or no proven environmental benefit by adopting an arbitrary cap on carbon emissions. Oppose/ <b>Job Killer</b> .	Chapter 488
<b>Biomonitoring.</b> SB 1379 (Perata; D-Oakland) would have made California unfriendly to business by establishing a biomonitoring program that could generally lead to the elimination or reduction of use of certain chemicals that have not been scientifically proven harmful, based on mere detection. Amended to remove opposition. <b>Former Job Killer</b> .	Chapter 599
<b>Fuel Mandate.</b> AB 1012 (Nation; D-San Rafael) disrupts California's transportation fuels market by mandating the sale of scarce alternative fuel vehicles and will result in significant gas price spikes. Oppose/ <b>Job Killer</b> .	Vetoed
<b>Lead Plumbing.</b> AB 1953 (Chan; D-Oakland) enacts a drastic and unrealistic reduction in the maximum level of lead in plumbing products and fixtures. Oppose.	Chapter 853
<b>Oil Conservation, Efficiency and Alternative Fuels Act.</b> SB 757 (Kehoe; D-San Diego) mandates that all state agencies consider fuel efficiency when making rules and regulations. Neutral.	Vetoed
<b>Brownfields.</b> SB 989 (Senate Environmental Quality Committee) encourages investment in brownfields by limiting the liability associated with clean-up of contaminated properties. Support.	Chapter 510
<b>Air Pollution: District Compliance Program.</b> AB 2823 (Ruskin; D-Palo Alto) leads to inconsistent enforcement, multiple interpretations and abuse of public nuisance laws by requiring the posting of all violations. Oppose.	Vetoed
<b>Environmental Rulemaking Oversight.</b> SB 849 (Escutia; D-Norwalk) bypasses normal legislative and public review process for developing regulations by vesting broad authority to direct public health research and regulatory programs in a new Interagency Office of Environmental Health Tracking. Oppose	Vetoed
<b>Corporate Governance</b>	
<b>Corporations: Uncontested Election of a Listed Corporation.</b> SB 1207 (Alarcón; D-San Fernando Valley) establishes a new voting rule for uncontested director elections that gives shareholders greater control. No Position.	Chapter 871

Subject and Bill — Chamber Position	Status
<b>Education</b>	
<b>Public Schools: State and Federal Accountability.</b> AB 2975 (Hancock; D-Berkeley) undermines the effectiveness of the high school exit exam by lowering California student proficiency standards. Oppose.	Vetoed
<b>School District Governance: Los Angeles Unified School District.</b> AB 1381 (Núñez; D-Los Angeles) gives the Los Angeles mayor and a council of mayors additional means by which to measure pupil achievement in the Los Angeles Unified School District. Support.	Chapter 299
<b>Career Technical Education: School District Reporting.</b> SB 560 (Migden; D-San Francisco) appropriately places an emphasis on career technical education (CTE) programs by requiring school districts to provide the Department of Education information regarding the state of CTE at the district's high schools. Support.	Vetoed
<b>Employee Relations</b>	
<b>Minimum Wage.</b> AB 1835 (Lieber; D-Mountain View) increases the cost of doing business by raising the state minimum wage to \$7.50 in 2007 and to \$8 in 2008, giving California the highest minimum wage rate in the nation. Oppose/ <b>Former Job Killer.</b>	Chapter 230
<b>Automatic Minimum Wage Increases.</b> SB 1162 (Cedillo; D-Los Angeles) originally increased the cost of doing business without regard to the state's economy by increasing the minimum wage with annual automatic increases. Significantly amended to deal with another subject. No Position/ <b>Former Job Killer.</b>	Vetoed
<b>Excessive Litigation.</b> AB 2555 (Oropeza; D-Long Beach) negatively distinguishes California from the rest of the country by exposing every business to excessive litigation and increases the cost of doing business by mandating excessive damage awards and new civil penalties for gender pay equity violations. Oppose.	Vetoed
<b>Employment Practices.</b> AB 2095 (Niello; R-Fair Oaks) makes common-sense, clarifying changes to recently enacted supervisor anti-sexual harassment training requirements that will simplify compliance with the new law. Support.	Chapter 737
<b>New Overtime Lawsuits.</b> AB 2536 (Montañez; D-San Fernando) establishes stringent new overtime requirements on employers of personal attendants, along with creating a new right of these workers to sue for liquidated damages for overtime violations. Oppose.	Vetoed
<b>Port Owner-Operators: Anti-Trust Immunity.</b> SB 1213 (Dunn; D-Garden Grove) unreasonably attempts to give anti-trust immunity protections to port owner-operator truck drivers so that they may collectively set prices for services. Oppose.	Vetoed
<b>Employment-Based Lawsuits: New Ability to File.</b> SB 1745 (Kuehl; D-Santa Monica) exposes employers to new employment-related lawsuits based on information the employer is forbidden to ask the employee about. Oppose.	Vetoed
<b>Labor Contractors: Farm Labor Contractors. New Paystub Mandates.</b> AB 2327 (Arambula; D-Fresno) requires all paystubs issued by farm labor contractors to include legal name of business that contracted with the business for services. Oppose.	Vetoed
<b>Child Care: Provider Organization: Representation.</b> SB 697 (Kuehl; D-Santa Monica) reduces availability of child care options for employees by forcing private in-home daycare providers to become union members if they participate in any state program and forces third parties to be union bookkeepers for purposes of collecting union dues from the day care providers. Oppose.	Vetoed

Subject and Bill — Chamber Position	Status
<b>Energy</b>	
<b>Increases Electricity Costs.</b> SB 1368 (Perata; D-Oakland) limits the available power sources to meet California's energy demands while substantially increasing the price of electricity to consumers and businesses by establishing an unattainable greenhouse gas emission performance standard. Oppose/ <b>Job Killer.</b>	Chapter 598
<b>Electricity: Self-Generation Incentive Program.</b> AB 2778 (Lieber; D-Mountain View) compromises the state's energy supply by arbitrarily restricting certain technologies from being eligible to receive funding through the Self-Generation Incentive Program (SGIP). Oppose.	Chapter 617
<b>Electric Transmission Corridors.</b> SB 1059 (Escutia; D-Norwalk) enables the California Energy Commission to identify the most appropriate locations for new transmission lines. Support.	Chapter 638
<b>Public Utilities: Energy Efficiency.</b> AB 2021 (Levine; D-Van Nuys) helps California achieve its energy-saving targets by requiring municipal utilities to invest in cost-effective, energy-efficient technologies. Support.	Chapter 734
<b>Energy: Electricity: Carbon Dioxide.</b> AB 1925 (Blakeslee; R-San Luis Obispo) requires the Energy Resources Conservation and Development Commission to submit a report to the Legislature with recommendations on strategies and incentives to reduce carbon dioxide emissions during the generation of electricity. Support.	Chapter 471
<b>Capital Facilities Fees.</b> AB 2951 (Goldberg; D-Los Angeles) clarifies the law governing capital facilities fees to avoid the potential shift of costs associated with the capital facilities fee onto other businesses and ratepayers. Support.	Chapter 866
<b>Health</b>	
<b>Government-Run Health Care.</b> SB 840 (Kuehl; D-Santa Monica) imposes a government-run health care system on all Californians. Oppose/ <b>Job Killer.</b>	Vetoed
<b>Health Care Tax.</b> SB 1414 (Migden; D-San Francisco) imposes a tax on employers with over 10,000 employees to spend the equivalent of 8 percent of their total payroll on health care or pay the equivalent amount to the state. Oppose/ <b>Job Killer.</b>	Vetoed
<b>Health Care: Employer Coverage: Disclosure.</b> AB 1840 (J. Horton; D-Inglewood) creates public access website to list employers with employees participating in public assistance health care programs on a "list of shame." Oppose.	Vetoed
<b>Health Care Mandate.</b> AB 2012 (Emmerson; R-Redlands) increases health care premiums by mandating health care plans that cover orthotic or prosthetic devices provide the same amount of this benefit as provided for other health plan benefits. Oppose.	Chapter 756
<b>Health Care Mandate.</b> SB 1223 (Scott; D-Pasadena) increases health care premiums by mandating that health care plans cover up to \$1,000 for hearing aids for children. Oppose.	Vetoed
<b>Hospital Seismic Retrofit.</b> SB 1661 (Cox; R-Fair Oaks) avoids potential hospital closures by permitting a hospital to request a two-year extension for seismic safety retrofit construction. Support.	Chapter 679
<b>Discount Drug Program.</b> AB 2911 (Núñez; D-Los Angeles) shifts the cost of prescription medicines from the state to the private sector by imposing cost controls on medicines purchased for Medi-Cal recipients. Oppose.	Chapter 619
<b>Prescription Drugs: Importation: Procurement.</b> AB 2877 (Frommer; D-Glendale) establishes the California Rx Prescription Drug Service Web Site Program, administered by the Department of Health Services, to provide information to California residents about options for obtaining affordable prescription drugs. Neutral.	Chapter 720

Subject and Bill — Chamber Position	Status
<b>Housing and Land Use</b>	
<b>Halts Economic Growth.</b> AB 2641 (Coto; D-San Jose) Former job killer originally would have halted development indefinitely by requiring open-ended consultation and ultimate land use decision by an advocacy commission for Native Americans. Now requires the identified descendents of Native American human remains to make recommendations or preferences for treatment of those remains within 48 hours of being granted access to a Native American burial site. Neutral/ <b>Former Job Killer.</b>	Chapter 863
<b>Regulatory Hurdles.</b> SB 1523 (Alarcón; D-San Fernando Valley) stifles economic development by adding an economic impact report prior to the superstore retailer approval process. Oppose/ <b>Job Killer.</b>	Vetoed
<b>Affordable Housing Development Impediment.</b> SB 44 (Kehoe; D-San Diego) originally would have slowed the development process by adding yet another element to be included within general plans and increased opportunities for “anti-growth” litigation. Significantly amended to deal with another subject by a different author. No Position/ <b>Former Job Killer.</b>	Chapter 623
<b>Native American Artifacts.</b> SB 1395 (Ducheny; D-San Diego) originally could have delayed California Environmental Quality Act (CEQA) exempt projects by requiring a special CEQA notice and new consultation with tribes if project may affect cultural or spiritual site. Amended to require tribes be notified if an emergency or railroad grade project exempt from CEQA uncovers Native American artifacts. Neutral.	Vetoed
<b>Hazardous Substance Release: Vapor Intrusion.</b> AB 2092 (Hancock; D-Berkeley) potentially stigmatizes entire neighborhoods and makes it increasingly difficult to attract crucial investment dollars to revitalize underserved communities by creating a statewide, publicly accessible list of properties with known or potential vapor intrusion before the risks of those intrusions are understood. Oppose.	Vetoed
<b>Mello-Roos Districts.</b> SB 1432 (Lowenthal; D-Long Beach) reduces available funding for necessities such as basic infrastructure needs by inappropriately expanding the use of Mello-Roos taxes. Oppose.	Vetoed
<b>Model Zoning Ordinance.</b> SB 1509 (Soto; D-Ontario) promotes solutions to urban housing needs by calling for the development of a model residential mixed-use zoning ordinance for use by interested cities and counties. Support.	Vetoed
<b>Insurance</b>	
<b>Insurance: Community Investments.</b> AB 925 (Ridley-Thomas; D-Los Angeles) increases insurance premiums by mandating the reporting of incomplete information on an insurer’s community investments and does nothing to improve the insurance market. Oppose.	Chapter 456
<b>International Relations/Trade</b>	
<b>Trade Policy.</b> SB 1513 (Romero; D-Los Angeles) improves business competitiveness in global markets by developing a comprehensive international trade and investment policy for California. Support.	Chapter 663
<b>*U.S.-Oman Free Trade Agreement.</b> A bilateral free trade agreement that will foster increased trade and investment between both countries. This agreement is an important step in President Bush’s plan to create a Middle East Free Trade Area by 2013. Support.	Signed by President 9/26/06
<b>Legal Protection and Reform</b>	
<b>Government Agency Potential Harassment of Employers.</b> SB 1489 (Ducheny; D-San Diego) invites unlimited “fishing expeditions” by the Attorney General under numerous statutes, including the Unruh Civil Rights Act and environmental laws, by making defendant companies pay all the investigation and lawsuit costs, including attorneys’ fees, if the Attorney General “prevails.” The term “prevail” could include settlements, changes in operation by the defendant or even a miniscule monetary award. Oppose/ <b>Job Killer.</b>	Vetoed



Subject and Bill — Chamber Position	Status
<b>Attorneys' Fees/Penalty.</b> SB 1818 (Alarcón; D-San Fernando Valley) unfairly chills the ability of large retailers to challenge local government actions, such as ordinances or regulations, in the courts. Oppose.	Vetoed
<b>Punitive Damages.</b> SB 832 (Perata; D-Oakland) hampers needed reforms to California's out-of-control punitive damages system by establishing 75 percent of all punitive damages awards as a source of state funding for the next five years. Oppose.	Vetoed
<b>Political Affairs</b>	
<b>Initiative Petitions.</b> AB 2946 (Leno; D-San Francisco) denies the check and balance on the legislative branch by the public by limiting the use of paid signature gatherers critical for successfully sponsoring a referendum. Oppose.	Vetoed
<b>Privacy and Confidentiality</b>	
<b>Identity Information.</b> SB 768 (Simitian; D-Palo Alto) originally jeopardized the use of technologies that ensure the safety and security of identity information by limiting use of developing radio frequency identification devices (RFID) in government identity documents. Amended to require a study of RFIDs in government documents. Neutral.	Vetoed
<b>Crime.</b> AB 2886 (Frommer; D-Glendale) increases fines and penalties for identity theft, classifies mail theft as a wobbler and expands venue to counties where the victim resides. Support.	Chapter 522
<b>Rebates.</b> SB 1737 (Figueroa; D-Fremont) imposes unrealistic and burdensome requirements on companies offering consumer rebates. Oppose.	Vetoed
<b>Small Business</b>	
<b>Small Business Advocate: Study of Regulatory Impact on Small Business.</b> AB 2330 (Arambula; D-Fresno) helps protect ability of small businesses to maintain and create jobs by requiring a study of the cost impact of state regulations on California small businesses. Support.	Chapter 232
<b>Small Business: Improved Access to Government.</b> SB 1436 (Figueroa; D-Fremont) seeks to re-establish Small Business Ombudsman program to improve small businesses' access to information on proposed regulations affecting their businesses. Support.	Chapter 234
<b>Emergency Preparedness.</b> AB 3058 (Committee on Jobs, Economic Development and the Economy) instructs Office of Small Business Advocate to help prepare "Small Business Emergency/Disaster Preparedness" handbook. Support.	Chapter 233
<b>Taxation</b>	
<b>Tax Increase.</b> SB 663 (Migden; D-San Francisco) increases taxes on multinational companies that do business in California by taxing investment income earned outside the United States. Oppose.	Chapter 22
<b>Streamlined Taxes.</b> AB 970 (Torrico; D-Newark) eliminates unnecessary tax reporting burden and waste by streamlining the tax-filing process for out-of-state board of director members who must pay California taxes merely because they attend a board meeting in California. Sponsor/Co-Sponsor.	Chapter 343
<b>Tax Burden Increase and Penalties.</b> AB 675 (Klehs; D-Castro Valley) once again disadvantages California businesses by creating burdensome, complicated and unnecessary new tax reporting requirements for publicly traded California corporations of all sizes, with penalties up to \$50,000 for failure to comply. Oppose.	Vetoed

Subject and Bill — Chamber Position	Status
<b>Limited Liability Companies.</b> AB 1614 (Ruskin; D-Palo Alto) retroactively changes, back to 2001, the fee for limited liability companies in a manner that violates the Constitution. Oppose.	Vetoed
<b>Tax Increase.</b> SB 308 (Simitian; D-Palo Alto) increases taxes by creating a new fee to be imposed by counties on every real estate recording in order to fund the Elder and Dependent Adult Financial Abuse Prevention Trust Fund. Oppose.	Vetoed
<b>Enterprise Zones.</b> AB 1550 (Arambula; D-Fresno) continues a tax credit to businesses while their enterprise zone is pending redesignation. Support.	Chapter 718
<b>Tax Assessment: High Tech Equipment.</b> AB 2182 (Mullin; D-South San Francisco) helps ensure high tech and biopharmaceutical equipment is not over-taxed by updating valuation methods to more accurately reflect today's rapid advancements in technology. Support.	Chapter 417
<b>Telecommunications</b>	
<b>Telecommunications Competition.</b> AB 2987 (Núñez; D-Los Angeles) encourages competition in the video services market, leading to lower prices, enhances private investment in our telecommunications infrastructure and creates jobs by removing city-by-city franchising requirements that have prevented new competitors from entering the television entertainment services market. Support.	Chapter 700
<b>Tourism</b>	
<b>Touch-Screen Devices.</b> AB 768 (Nation; D-San Rafael) originally imposed costly new mandates on the travel industry that did not take into account a lack of technology for retrofitting travel kiosks, but has been amended to conform with more reasonable federal accessibility requirements. Neutral.	Chapter 546
<b>Tourism Promotion.</b> AB 2592 (Leno; D-San Francisco) enhances the industry-funded program to promote tourism in California by adjusting the makeup of the California Travel and Tourism Commission, which oversees use of the program funds, to assure geographical diversity and by permitting the gaming industry to participate in the voluntary assessment to fund the program. Support.	Chapter 790
<b>Transportation</b>	
<b>Ports: Goods Movement Consumer Fee.</b> SB 927 (Lowenthal; D-Long Beach) increases the cost of exporting and importing goods in California by assessing a \$60 fee per container processed through the Los Angeles and Long Beach ports. Oppose/ <b>Job Killer.</b>	Vetoed
<b>Transportation Facilities.</b> AB 521 (Runner; R-Lancaster) provides necessary clarification to the public private partnership legislation passed earlier this year by ensuring that the required legislative review occur within 60 days of submittal and that the Legislature's action be in the form of a resolution. Support.	Chapter 542
<b>Hydrogen Alternative Fuel.</b> SB 1505 Lowenthal (D-Long Beach) hinders efforts to develop hydrogen as a transportation fuel by locking in statute overly prescriptive standards. Oppose	Chapter 877
<b>Unemployment Insurance/State Disability Insurance</b>	
<b>Unemployment Insurance Compensation Benefits: Strikers.</b> AB 1884 (Chu; D-Oakland) increases the cost of doing business in California by forcing California employers to subsidize a strike against their own company by providing unemployment insurance benefits to workers unemployed due to a strike. Oppose/ <b>Job Killer.</b>	Vetoed

Subject and Bill — Chamber Position	Status
<b>Unemployment Insurance Benefit Expansion: Strikers.</b> AB 2209 (Pavley; D-Agoura Hills) increases the cost of doing business in California by forcing employers, in essence, to subsidize a strike against their company by creating a new monetary penalty payment equivalent to all lost wages and benefits that employers must pay directly to all workers unemployed due to the strike. Oppose/ <b>Job Killer</b> .	Vetoed
<b>Water Supply and Quality</b>	
<b>Water.</b> SB 1640 (Kuehl; D-Santa Monica) imposes a new groundwater monitoring and reporting requirement that is locally funded. Oppose.	Vetoed
<b>Workers' Compensation</b>	
<b>Workers' Compensation Reform Rollback.</b> SB 815 (Perata; D-Oakland) rolls back recent workers' compensation reforms by arbitrarily doubling the permanent disability payments over three years without sound data with which to base the increase. Oppose/ <b>Job Killer</b> .	Vetoed
<b>Workers' Compensation: Designation of Physician.</b> AB 2068 (Nava; D-Santa Barbara) increases the cost of workers' compensation by expanding the definition of personal physician to include a medical group. Oppose.	Chapter 819
<b>Proof of Insurance Coverage.</b> AB 1883 (De La Torre; D-South Gate) potentially exposes employers to enforcement action if the published information regarding their workers' compensation coverage is inaccurate and used for a coverage enforcement program. Oppose.	Vetoed
<b>Acupuncture.</b> AB 2287 (Chu; D-Monterey Park) creates an unfounded legislative edict that could lead to escalating, unchecked cost for acupuncture in workers' compensation treatment outside of evidence-based medical guidelines and in potential conflict of statutory medical guidelines. Oppose.	Vetoed
<b>Apportionment: Presumptions.</b> AB 1368 (Umberg; D-Santa Ana) mandates substantial new costs for local governments, allowing peace officers injured on the job to receive permanent disability payments for injuries incurred off the job. Oppose.	Chapter 836
<b>California Insurance Guarantee Association.</b> AB 3072 (Committee on Insurance) will prevent excess unnecessary expenses in workers' compensation by allowing the employer-funded California Insurance Guarantee Association (CIGA) to issue currently authorized bonds at a later date, instead of incurring bond liability and expense before it is needed. Employers fund CIGA to guarantee workers' compensation claims in the event of insolvency. Support.	Chapter 112
<b>Increased Workers' Compensation Costs.</b> AB 1862 (Vargas; D-San Diego) increases workers' compensation premiums and interferes with contractual relationships between private parties by requiring insurance carriers to honor provisions of contracts that they did not negotiate. Oppose.	Vetoed
<b>Inpatient Burn Diagnoses: Reimbursement Review.</b> AB 2942 (Koretz; D-West Hollywood) mandates higher reimbursement rates for treatment of burn patients, bypassing the Inpatient Hospital Fee Schedule established through recent bipartisan reforms, establishing a new reimbursement scheme that would upset the current actuarial assessment by insurance companies, leading to higher insurance premiums for employers. Oppose.	Vetoed

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