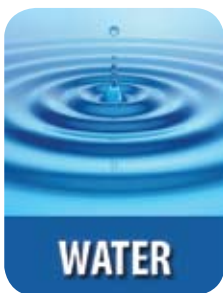


# ALERT

VOLUME 35, NUMBER 31 • NOVEMBER 6, 2009



## Legislature Adopts Package to Address Water Crisis



In a culmination of months of discussions, the California Legislature adopted legislation Wednesday morning to address the state's water crisis.

Funding for the package depends on voter approval of an \$11.14 billion bond to be placed on the November 2010 ballot.

"California's business community is grateful that the Legislature has approved a pathway to long-term supply, reliability and ensuring a safe drinking water supply for our state," said CalChamber President and CEO Allan Zaremborg.

"A solution to California's long-neglected water crisis is crucial for our

future. A clean, reliable water supply for all Californians will protect our quality of life, our economy, our job climate and California's agricultural resources for generations to come.

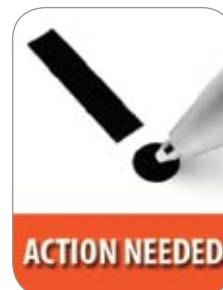
"We applaud those who steadfastly provided critical leadership on this issue over the past several years."

At a state Capitol press conference the afternoon following legislative approval of the water bills, Governor Arnold Schwarzenegger and legislative leaders described the package as a comprehensive one that will resolve long-standing water infrastructure issues.

The Governor said the package will provide for water storage, both above-ground and below, a canal to protect the Sacramento-San Joaquin Delta, fixing the Delta ecosystem, groundwater monitoring and water rights.

*See Legislature: Page 13*

## CalChamber: Mind Economy When Designing 'Green Chemistry' Program



The California Chamber of Commerce is urging members to speak out about a state program affecting nearly all firms that manufacture or sell consumer products in the state.

The CalChamber is asking members to contact state officials and let them know that California's developing "green chemistry" program needs to be designed so that the regulations are practicable, cost-efficient, based on sound science and developed in a way that protects the state's economy from further harm.

On October 2, the California Department of Toxic Substances Control (DTSC) released its second "straw proposal" for regulations to implement 2008 legislation creating the state's Green Chemistry Initiative—AB 1879 (Feuer; D-Los Angeles, Chapter 559) and SB 509 (Simitian; D-Palo Alto, Chapter 560).

A core element of the law calls for an analysis of "safer" alternatives to "chemicals of concern" in consumer products.

### Sweeping Impact

Although the straw proposal is not a formal regulation at this time, the

*See CalChamber: Page 13*

## CalChamber Council Hears Reform Comments



U.S. Senate candidate Carly Fiorina (left) and gubernatorial candidate Meg Whitman offer their perspectives on job creation and government accountability at the CalChamber Public Affairs Council retreat on "Reforming California." See story, more photos on Page 3.

### Inside

- Vote Record: Pages 7–12
- Poster Update: Page 15

## *Labor Law Corner*

# Holiday Season Scheduling: Weigh Requirements, Fairness, Morale



**Michelle Galbraith**  
Helpline Consultant

*What legal requirements should I consider in planning staffing over the holiday season?*

Employers may be surprised to learn that no federal or state law requires private businesses to provide paid time off for holidays, or to offer premium pay to employees who work on a holiday. Many employers do provide paid

holidays and premium pay for work on holidays, but this practice is solely at their discretion.

Employers should therefore evaluate their staffing needs at the beginning of each year, designate holidays, and set rates of pay for employees who take those days off as well as for those who work.

### **Paying for Work on Holidays**

Employers whose businesses stay open over holidays must determine the rate of pay for non-exempt employees working on a holiday. Exempt employees must be paid their full salary for any week in which they perform any work, regardless of whether they work on a holiday.

If a non-exempt employee works on a paid holiday, the employer must pay him or her, in essence, double time (the hours normally scheduled to work on the holiday plus the hours actually worked), or give the employee another day off because of contract principles.

Courts have held that a policy of giving a particular day off with pay creates a contract between employer and employee. If the employer subsequently requires a non-exempt employee to work on that day, the employer must compensate the non-exempt employee for the loss of that paid day off.

*See Holiday: Page 6*

## **CalChamber-Sponsored Seminars/Trade Shows**

More information at  
[www.calchamber.com/events](http://www.calchamber.com/events).

### **International Trade**

U.S.-India Chief Executive Officer Forum. U.S. Commerce Department. November 2–30. Washington, D.C., (202) 482-2955.

Footwear and Leather Exhibition 2009. Sri Lanka Consulate. November 6–9, Colombo, Sri Lanka. (212) 387-0214.

Israel Catalog Show. U.S. Commercial Service. November 10–12, Tel Aviv, Israel.

Global Smart Energy. Monterey Bay International Trade Association (MBITA). November 13, Monterey. (831) 335-4780.

Vietnam Investment Forum. Deputy Prime Minister and Minister of Education Nguyen Thien Nhan. November 16, San Francisco. (415) 986-8808.

FICOD. American Chamber of Commerce in Spain. November 17–19, Madrid, Spain.

Medica 2009. U.S. Commercial Service. November 18–21, Dusseldorf, Germany. (858) 467-7039.

Silicon Valley Open Doors Investment Conference. American Business Association of Russian Professionals. December 9–10, Mountain View. (408) 480-3190.

### **Labor Law**

HR 101: Intro to HR Administration. CalBizCentral. December 3,

Sacramento. (800) 331-8877.  
HR 201: California Labor Law Update. CalBizCentral. December 2, Sacramento; January 13, 2010, Glendale; January 14, Costa Mesa; January 15, San Diego; January 20, San Jose; January 21, Emeryville; January 28, Live Webinar. (800) 331-8877.

## **CalChamber Calendar**

*Business Services Committee:*

December 3, San Francisco

*Taxation Committee:*

December 3, San Francisco

*Education Committee:*

December 3, San Francisco

*Water Committee:*

December 3, San Francisco

*Fundraising Committee:*

December 3, San Francisco

*Board of Directors:*

December 3–4, San Francisco

*International Trade Breakfast:*

December 4, San Francisco

*Annual Meeting:*

December 4, San Francisco

### **California Chamber Officers**

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Home page: [www.calchamber.com](http://www.calchamber.com).*



**Next Alert:  
November 20**

# CalChamber Public Affairs Council Retreat Offers Key Insights on Reforming California

"Reforming California" was the focus of the California Chamber of Commerce Public Affairs Council retreat, held October 28–30 at the Westin Verasa in Napa.

With one of the highest turnouts ever for the retreat, the conference was marked by lively discussions on topics such as the 2010 initiative reform measures, the gubernatorial race and legislative elections. The retreat also covered the Commission on the 21st Century Economy, and the insiders' perspective on the water deal being negotiated at the time and passed this week.

The conference opened on October 28 with an evening reception hosted by Napa Mayor Jill Techel and several city council members who briefed the group on economic development in Napa.

New Public Affairs Council Chair Gillian Zucker, a CalChamber Board member and president of the Auto Club Speedway in Fontana, presided over the three-day gathering. Also attending were CalChamber Board Chair Fred Ruiz, co-chairman and co-chief executive officer of Ruiz Foods, and CalChamber Board members Viktor Rzeteljski, area managing partner, KPMG LLP, and Steve Eggert, principal, St. Anton Partners, LLC.

## Mark Baldassare

The October 29 program kicked off with Mark Baldassare, president and CEO of the Public Policy Institute of California, presenting statewide polling data about the major initiative reforms proposed for California government.

His report found that Californians are concerned about the economy and the direction of the state, hold state officials in low esteem, and distrust their state government.

Most Californians say the budget situation is a big problem and the budget process needs major changes. In terms of previous reforms, voters say term limits and Proposition 13 have been positives and give mixed reviews to fiscal and governance reforms.

## Reforms/Bills/Taxes

The first panel of the day was an informative discussion about reforming California, moderated by Allan

Zaremberg, CalChamber president and CEO. Panelists included former California State Assembly Speaker Bob Hertzberg of G24 Innovations and co-chairperson of California Forward; former state Senator Steve Peace, currently a senior policy adviser with Brownstein Hyatt Farber Schreck; Jim Wunderman, president and CEO of the Bay Area Council; Adam Mendelsohn, partner, Mercury Public Affairs and political strategist for Governor Schwarzenegger; and Dan Weintraub, an independent journalist and former columnist for *The Sacramento Bee*.

Following the first panel, Jeanne Cain,

CalChamber executive vice president for public policy, summarized the final status of top priority bills for the business community from the 2009 legislative session. She noted that Governor Arnold Schwarzenegger vetoed all CalChamber-identified "job killer" bills. Cain also offered insight on the current special legislative sessions.

The second panel of the day discussed the various proposals put forth by the Commission on the 21st Century Economy, giving special attention to the business net receipts tax. Kyla Christofersen, CalChamber's legal and taxation

*See CalChamber: Page 4*

Photos by Aaron Lambert



Gillian Zucker



Mark Baldassare



Discussing approaches to reforming California (clockwise from top left) Bob Hertzberg, Steve Peace, Jim Wunderman, Adam Mendelsohn and Dan Weintraub.



## CalChamber Retreat Offers Key Insights on Reforming California

*From Page 3*

policy advocate, led the panel, which included Senator George Runner (R-Antelope Valley); Santa Cruz County Treasurer/Tax Collector Fred Keeley; Bill Hauck, president of the California Business Roundtable; Lenny Goldberg, executive director of the California Tax Reform Association; and Joel Fox, president of the Small Business Action Committee.

### 2010 Gubernatorial Election

The third panel discussed the 2010 gubernatorial election, marking the first time that all five campaigns were in the same room, which sparked a spirited discussion moderated by Rob Lapsley, CalChamber vice president of public affairs.

Panelists included Steve Glazer, senior adviser to the Jerry Brown for Governor campaign; Rob Stutzman, principal of Stutzman Public Affairs and representing the Meg Whitman campaign; Jim Bognet, campaign manager for the Steve Poizner for Governor campaign; Garry South, principal of the Garry South Group and representing the Gavin Newsom campaign; Jamie Fisfis, president of Chariot LLC and representing the Tom Campbell campaign; and Mark Barabak, a reporter with the *Los Angeles Times*.

The next day, Newsom announced he was withdrawing from the Governor's

race, citing commitment to his family and responsibilities at city hall.

### Water

The final panel of the day looked at the economics of water. Valerie Nera, CalChamber policy advocate on agriculture, resources and privacy, led the panel, which included Assemblyman Jared Huffman (D-San Rafael), former California Secretary of State Bill Jones, CalChamber Board member and also a former Assembly Republican leader; Mike McGowan, chairman of the Yolo County Board of Supervisors; and Jonas Minton, water policy adviser to the Planning and Conservation League.

### Carly Fiorina

More than 130 attended a special dinner on October 29 at the Culinary Institute of America at Greystone. The special guest speaker was Carly Fiorina, chairman and CEO, Carly Fiorina Enterprises, who declared her candidacy for U.S. Senate this week. She was CEO at Hewlett-Packard from 1999 to 2005.

Before joining HP, Fiorina served as an executive vice president at AT&T, and helped to coordinate the spinoff and initial public offering of Lucent.

Fiorina offered insights on water, the Endangered Species Act, the federal budget deficit, job creators and government accountability.

### Meg Whitman

Almost 200 local and state chamber members attended a presentation by featured guest speaker Meg Whitman, gubernatorial candidate. Whitman discussed the importance of creating jobs, cutting spending and fixing education.

She said that Californians need a government that doesn't stand in the way of success and her No. 1 goal is to create at least 2 million private-sector jobs by 2015.

On spending, Whitman reminded the group that during her 30 years in business, she was held accountable to meet the bottom line and will hold California accountable as well. She talked about the importance of publicizing performance goals and results and using the power of the veto pen to reduce the size of government.

Whitman said she plans to lead the charge on education to put more control in the hands of local educators and parents. She said she wants to put more dollars directly into the classroom instead of costly bureaucrats.

### Legislative Elections/Initiatives

The final panel of the conference on October 30 evaluated the 2010 legislative elections and specifically looked at whether the Democrats can get to a two-thirds veto-proof majority and the impact that would have on California businesses. Darryl Sragow, a JobsPAC consultant and a partner with Sonnenschein Nath & Rosenthal LLP, moderated the panel, which included Assemblyman Sam Blakeslee (R-San Luis Obispo), Gale Kaufman of Kaufman Campaign Consultants, David Howard of the California Association of Realtors and Joe Shumate, a political consultant for JobsPAC.

Rick Claussen, a partner with Goddard-Claussen, closed the conference with a presentation about how initiatives on the 2010 ballot pose major threats to the business community.

More photos and additional follow-up coverage on the retreat appear on the CalChamber website at [www.calchamber.com/publicaffairs](http://www.calchamber.com/publicaffairs).

Planning for the June 15, 2010 conference is already underway. For additional information on the council and how to become a member, please contact Rob Lapsley at [rob.lapsley@calchamber.com](mailto:rob.lapsley@calchamber.com).



Gubernatorial candidate advisers spar (clockwise from top left): Steve Glazer, Jerry Brown campaign; Rob Stutzman, Meg Whitman campaign; Jim Bognet, Steve Poizner campaign; Garry South, Gavin Newsom campaign; Jamie Fisfis, Tom Campbell campaign; and Mark Barabak, *Los Angeles Times*.

# Baja California Governor Highlights Partnership Opportunities with State

California and Baja share a dynamic border, long history and should continue to work together as partners, José Guadalupe Osuna Millán, the Governor of Baja California, told a luncheon gathering at the California Chamber of Commerce on October 20.

Baja California became one of 31 Mexican states in 1953. The state has a population of approximately 3 million and the capital is Mexicali. Baja has a strong focus on tariff-free export-oriented manufacturing.

## Trade Overview

Mexico continues to be California's No. 1 export market. California exports to Mexico increased in 2008 from \$17.7 billion to \$20.5 billion. Mexico purchases 15 percent of all California exports.

California's exports to Mexico are driven by computers and transportation equipment, which account for 37 percent of all California exports to Mexico. Key exports to Mexico showing growth in 2008 include processed foods and plastic products.

In a report cited by the Public Policy Institute of California, it is noted that the value of property, plant and equipment owned by Mexican companies in California is now estimated at \$1.2 billion.

## Baja in a Global Perspective

Mexico ranks as the 13th largest economy in the world and the second strongest in Latin America, according to the International Monetary Fund.

Baja California is Mexico's window to the world, Governor Osuna said. This enables Mexico to reach the Asian market, the European market and the African market, and as a result makes Baja the busiest port of entry in the world, with 30.9 million vehicles per year.

As the 10th largest exporting country and the eighth largest importing country in the world, Mexico has 12 free trade agreements with 44 countries, giving Mexico access to some of the "bigger and stronger markets," Governor Osuna explained.

"Baja borders the first global economy



Photo by Aaron Lambert

Larry Dicke (left), CalChamber Executive Vice President, Finance and Chief Financial Officer and José Guadalupe Osuna Millán, Governor of Baja California at the CalChamber International Luncheon Forum on October 20.

in the world," Governor Osuna said, referencing the North American Free Trade Agreement (NAFTA). "Baja is a neighbor of the state of California, which is the most dynamic state in the entire United States."

## Foreign Direct Investment

In 2008, Baja received \$1.4 billion in Foreign Direct Investment (FDI), according to the Mexican Ministry of Economy. Governor Osuna anticipates that the state will receive a similar amount of FDI this year. The largest contributor of FDI to Baja is the United States, but other large contributors include Japan, Korea and Spain.

## Areas of Opportunity

Governor Osuna highlighted areas of opportunity in Baja, including new infrastructure, binational border crossings, strategic projects and renewable energies.

Governor Osuna explained that Baja is in the process of upgrading existing infrastructure at several ports and airports, and expanding the state's railways in an effort to expedite the movement of goods and people.

The Governor took a moment to

elaborate on the importance of the Puerto de Colonet to Baja, but promised that the port will "not be competing in any way whatsoever with Long Beach or any of the other ports in California, but rather it will be complementing these sea ports; once California again has the volume of trade that they expect on a short term, Colonet will be a wonderful alternative. This will allow us to use these ports more efficiently and take advantage of the infrastructure, reduce wait time and reduce the cost of transportation."

Governor Osuna thanked California Governor Arnold Schwarzenegger for his help in securing a presidential permit that will allow the state to build a new port of entry to Baja California, specifically to Tijuana, and will be called Otay East. Baja is also working on expanding the San Ysidro port of entry.

"Northbound into the U.S. we have 24 northbound lanes. In contrast, there are only six lanes southbound into Mexico and this needs to be expanded," the Governor explained.

Baja has built two wind energy parks in La Rumorosa, which has a capacity to produce approximately 750 megawatts.

"We are setting the example,"

*See Baja: Page 6*

## Baja California Governor Highlights Partnership Opportunities with State

*From Page 5*

Governor Osuna said. "Our government has already invested \$26 million for a 10 megawatt plant and that energy will be used to help the poorest families in Mexicali to reduce their electricity bills."

### Memorandum of Understanding

After addressing the CalChamber, Governor Osuna met with Governor Schwarzenegger to sign a Memorandum of Understanding (MOU) to continue to build upon their cooperative efforts on important issues in the California-Baja California border region. Specifically in the agreement, they commit both states to work together in the areas of economic development, commerce, tourism, environmental protection, border crossings, security and civil protection, health, renewable energy and agriculture.

Governor Schwarzenegger and Governor Osuna have previously collaborated on important issues facing their states, including the fight against climate change. At Governor Schwarzenegger's Global Climate Summit in November 2008, both governors joined global leaders from six countries to sign a declaration to acknowledge the threats of global warming on natural resources and economic prosperity, and called on states and provinces to build and strengthen cooperative efforts to implement strategies that can immediately reduce greenhouse gas emissions in advance of the next global agreement on climate change.

### Governor Osuna

José Guadalupe Osuna Millán was elected Governor of Baja California in 2007. Previously, he served as director of public investments and assistant secretary

of public investments for the government of Baja California.

The Governor has also served as the state director of real estate and director of the State Public Utilities Commission in Tijuana, as well as serving as the mayor of Tijuana. Further, the Governor has served as representative in Congress from the State of Baja California.

Governor Osuna received his B.A. in economics from the Universidad Autónoma de Baja California (UABC) and a master's degree in industrial economics from the Instituto Politécnico Nacional (IPN).

### More on Web

To view Governor Osuna's PowerPoint presentation and a video of his talk, visit [www.calchamber.com/international](http://www.calchamber.com/international).  
Staff Contact: Susanne Stirling

## Holiday Season Scheduling: Weigh Requirements, Fairness, Morale

*From Page 2*

Businesses normally compensate for lost holidays by either granting the employee another paid day off or by paying holiday wages plus the employee's normal wages. A premium pay-for-holidays strategy may benefit the employer in the long run by improving employee morale and reducing absenteeism.

In addition, an offer of premium pay may entice employees to volunteer to work on a holiday. Employers who staff their businesses over a holiday with volunteers will avoid the challenging issue of selecting employees to work on that holiday.

In some instances, however, employers will not find enough volunteers, and will have to mandate holiday work for some employees.

Many employers resort to a seniority system for determining holiday work assignments. However, relying strictly on seniority, either years of service or rank within the company, may hurt employee morale when junior employees discover they get tapped to work every holiday.

For fairness' sake, employers should instead consider random or rotating

holiday work assignments, or limiting the number of time off requests that will be granted on particular days in a first come, first served manner.

### Wages During Holiday Shutdowns

Although the majority of California employers will close their offices only for Christmas Day, some employers choose to close their offices for the business week between Christmas and New Year's Day.

Holiday shutdowns affect wages differently for exempt and non-exempt employees. Non-exempt employees don't receive pay for any day they do not work, but exempt employees must be paid for any week in which they perform any work.

This year, with Christmas Eve falling on a Thursday and New Year's Day arriving the following Friday, many businesses will close for a full workweek (generally 12:01 a.m. Sunday—midnight the following Saturday). But depending on the timing of Christmas and the duration of the shutdown, employers may owe exempt employees a full week's wages for only a partial week of work.

In addition, employers may not require

exempt employees to use vacation during a partial week shutdown. If the shutdown is for a full week, or if the affected employees are non-exempt, employers should still weigh the risks of mandating vacation time.

If a mandatory vacation policy would require non-Christian employees to use many of their accrued vacation days for holiday celebrations they don't observe, those employees could allege that the policy unfairly discriminates against them.

Such a claim is unlikely to succeed, particularly if the employer accommodates those employees' requests to celebrate other religious holidays. Still, to best preserve employee morale and reduce the possibility of discrimination claims, employers should make holiday vacation use optional whenever possible.

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



# CalChamber Vote Record: Major Bills 2009

This report for the first year of the 2009-2010 legislative session focuses on California legislators' floor votes on bills of priority to the California Chamber of Commerce.

This is the 34th vote record the CalChamber has compiled. The CalChamber publishes this report in response to numerous requests by member firms and local chambers of commerce that would like a gauge by which to measure their legislator's performance.

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

## Partial Picture

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

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

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

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

## Factors Considered

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

- The bills and votes reflect legislators' attitudes toward private enterprise, fiscal responsibility and the business climate.
- Each bill was a priority for the CalChamber in a particular field. Priority

bills have appeared in the "Status Report" sections of *Alert*.

- The bills were voted upon by either the full Senate or Assembly. This year the vote record covers 13 votes in the Senate and 13 votes in the Assembly.

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



## When 'Not Voting' Helps

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

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

## Priority Bills

### Economic Development

- **AB 222 (Adams; R-Hesperia) Green Energy.** Encourages new investment and job creation by allowing conversion of solid waste to energy at a biorefinery to count toward meeting the

state mandate that 20 percent of energy come from renewable sources by 2010. Passed Assembly June 1, 54-13. Pending in Senate Environmental Quality Committee. CalChamber Supported/**Job Creator**

- **AB 333 (Fuentes; D-Sylmar) New Home Construction.** Facilitates the smooth recovery of the housing market by extending the life of active tentative subdivision maps and parcel maps for a period of two years. Passed Assembly May 28, 76-0. Passed Senate July 9, 34-0. Signed by Governor — Chapter 18.

CalChamber Supported/**Job Creator**

- **SB 827 (Wright; D-Inglewood) Supports Construction of Vital Projects.** Formerly SB 696 (Wright; D-Inglewood) Prevents the loss of thousands of jobs and keeps businesses in California by re-establishing the South Coast Air Quality Management District's credit bank. Passed Senate May 18, 36-0. Passed Assembly September 12, 45-21. Senate concurred in Assembly amendments September 12, 27-9. Signed by Governor — Chapter 206. CalChamber Supported/**Job Creator.**

### Employment Law

- **AB 527 (Fuentes; D-Sylmar)**

**Payroll Records.** Creates an unreasonable burden-shifting scheme giving an unfair advantage to employees in unpaid wage disputes before the Labor Commissioner by creating a presumption that all records are false where the Labor Commissioner finds that two records were falsified, effectively precluding an employer's ability to present its case. Passed Assembly April 20, 44-28. Passed Senate September 3, 23-16. Assembly concurred in Senate amendments September 10, 46-29. Vetoed. CalChamber Opposed.

- **AB 943 (Mendoza; D-Artesia)**

### Hampers Employment Decisions.

Unduly restricts the ability of businesses to use all legally available information in employment decisions, including consumer credit reports. Passed Assembly May 28, 49-30. Passed Senate September 3, 24-14. Assembly concurred in Senate amendments September 9, 49-29. Vetoed. CalChamber Opposed/**Job Killer.**

*See CalChamber: Next Page*

# CalChamber Vote Record: Major Bills 2009

*From Previous Page*

● **SB 789 (Steinberg; D-Sacramento)**  
**Increased Agricultural Costs.**

Undermines the process that now guarantees, through secret-ballot elections, a fair vote and the expression of agricultural employees' true sentiments on the selection of a collective bargaining representative. This act will hurt California's businesses by driving up costs, making employers less competitive in a global market. Passed Senate April 23, 23-14. Passed Assembly August 27, 47-29. Vetoed. CalChamber Opposed/**Job Killer**.

**Environmental Regulation**

● **AB 479 (Chesbro; D-Arcata)**  
**Expanded Waste Bureaucracy.** Gives the California Integrated Waste Management Board new and potentially broad authority to impose programs to achieve a statewide solid waste diversion rate of 75 percent by 2020. Passed Assembly June 2, 41-32. Held in Senate Appropriations Suspense File August 27. CalChamber Opposed/**Job Killer**.

● **AB 1404 (De León; D-Los Angeles)**  
**Discourages Emission Reductions.** Significantly increases business costs and threatens state jobs and businesses by severely limiting the amount of offsets California industries can use to meet their greenhouse gas emission goals. Passed Assembly June 3, 45-30. Passed Senate September 11, 21-19. Assembly concurred in Senate amendments September 12, 44-29. Vetoed. CalChamber Opposed/**Job Killer**.

● **SB 722 (Steinberg; D-Sacramento)**  
**Increases Liability.** Chills the voluntary carbon offset market by creating a private right of action and requiring offset providers to adhere to ambiguous standards. Passed Senate May 14, 21-15. Placed on Assembly Inactive File September 11. CalChamber Opposed.  
**Health Care**

● **AB 2 (De La Torre; D-South Gate)**  
**Health Insurance Litigation.** Drives up the cost of health care premiums and increases the number of uninsured by establishing litigation as the only

meaningful approach to resolving disputes over rescinding coverage. Passed Assembly June 3, 45-26. Passed Senate September 8, 24-13. Assembly concurred in Senate amendments September 10, 49-26. Vetoed. CalChamber Opposed/**Job Killer**.

**Legal**

● **AB 335 (Fuentes; D-Sylmar)**  
**Government Interference with Private Contracts.** Discourages out-of-state companies from hiring California residents, such as entertainers, sports figures, executives, telecommuters and traveling employees, by doing away with the ability of such companies to require employment disputes be handled in the company's home state rather than in California. Passed Assembly May 18, 45-30. Passed Senate September 1, 22-15. Assembly concurred in Senate amendments September 9, 48-29. Vetoed. CalChamber Opposed.

● **AB 793 (Jones; D-Sacramento)**  
**Unreasonable New Liability for Employers.** Imposes unfair and costly litigation burden on California employers by unreasonably expanding employer liability in workplace lawsuits far beyond the federal Lilly Ledbetter Fair Pay Act of 2009. Passed Assembly May 18, 49-28. Passed Senate September 4, 24-16. Vetoed. CalChamber Opposed Unless Amended/**Job Killer**.

● **SB 367 (Negrete McLeod; D-Chino)**  
**Prevents Meritless Litigation.** Helps prevent meritless litigation against California businesses that give discounts to consumers who have lost their jobs or pay in the economic downturn by clarifying that such discounts are not a form of discrimination under the Unruh Civil Rights Act. Passed Senate, May 14, 38-0. Urgency clause adopted, passed Assembly September 2, 78-0. Senate adopted urgency clause, concurred in Assembly amendments October 14, 35-0. Signed by Governor — Chapter 641. CalChamber Supported.

**Taxation**

● **AB 1580 (C. Calderon; D-Montebello)**  
**New Tax Penalty.**

## Key to Using This Section

Y means voted for bill.  
N means voted against bill.  
● means not voting "aye" on a CalChamber-opposed bill.  
— means not voting or absent.

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

**Red column headings are "job killer" bills.**

**Green column headings are "job creator" bills.**

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

Reduces complexity and waste in tax reporting and administration by conforming many California tax provisions to recent changes in federal tax law, but without amendments, would also impose a harsh, unfair new penalty on taxpayers. Passed Assembly May 28, 76-0. Passed Senate September 4, 22-17. Assembly concurred in Senate amendments September 10, 44-30. Vetoed. CalChamber Opposed Unless Amended.

● **SB 401 (Wolk; D-Davis)**  
**Unreasonable Taxpayer Penalty.** Unfairly penalizes tax-compliant taxpayers by creating a new penalty that, while aimed at abusive tax avoidance behavior, is so broad and vague it would penalize legitimate tax liability management. Passed Senate June 2, 22-15. Placed on Assembly Inactive File September 9. CalChamber Opposed.

**How did your legislator vote? See for yourself.**

**calchambervotes.com**



# 2009 Senate Vote Record

	Economic Development	AB 222 Green Energy	AB 333 New Home Construction	SB 827 Vital Projects	Employment Law	AB 527 Payroll Records	AB 943 Hampers Employment Decisions	SB 789 Increased Agricultural Costs	Environmental Regulation	AB 479 Expanded Waste Bureaucracy	AB 1404 Discourages Emission Reductions	SB 722 Increases Liability	Health Care	AB 2 Health Insurance Litigation	Legal	AB 335 Government Interference	AB 793 Unreasonable New Liability	SB 367 Prevents Meritless Litigation	Taxation	AB 1580 New Tax Penalty	SB 401 Unreasonable Taxpayer Penalty	In Accord with CalChamber	Not in Accord with CalChamber	Not Voting or Absent
Aanestad, S. (R)	In Senate Environmental Quality Committee.	Y	Y		N	N	N		Held in Senate Appropriations Suspense File.	N	N		●	N	N	Y	N	N	N	N	N	13	0	0
Alquist, E. (D)		Y	—		Y	Y	Y			Y	Y		Y	Y	Y	Y	Y	Y	Y	Y	Y	2	10	1
Ashburn, R. (R)		—	Y		N	N	N			N	N	N	N	N	N	N	Y	N	N	N	N	12	0	1
Benoit, J. (R)		Y	Y		N	N	N			N	N	N	N	N	N	N	Y	N	N	N	N	13	0	0
Calderon, R. (D)		—	Y		N	Y	Y			N	Y	Y	Y	Y	Y	Y	—	Y	Y	Y	Y	Y	3	8
Cedillo, G. (D)		Y	Y		Y	Y	Y			Y	—		Y	N	●	Y	Y	Y	Y	Y	Y	4	8	1
Cogdill, D. (R)		Y	Y		N	N	N			Y	N	N	N	N	Y	Y	Y	Y	N	N	N	13	0	0
Corbett, E. (D)		—	N		Y	Y	Y			Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	1	11	1
Correa, L. (D)		Y	Y		N	N	Y			N	N	N	●	Y	Y	N	—	N	N	N	N	10	2	1
Cox, D. (R)		Y	Y		N	N	N			N	N	N	N	N	N	N	Y	N	N	N	N	13	0	0
Denham, J. (R)		Y	Y		N	N	N			N	N		N	N	N	N	Y	N	N	N	N	13	0	0
DeSaulnier, M. (D)		Y	N		Y	Y	Y			Y	Y	Y	Y	Y	—	Y	Y	Y	Y	Y	Y	2	10	1
Ducheny, D. (D)		Y	Y		Y	Y	—			Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	3	9	1
Dutton, B. (R)		Y	Y		N	N	N			N	N	N	N	N	N	N	Y	N	N	N	N	13	0	0
Florez, D. (D)		Y	Y		Y	Y	Y			Y	Y	Y	Y	Y	Y	Y	—	Y	Y	Y	Y	2	10	1
Hancock, L. (D)		Y	N		Y	Y	Y			Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	●	N	3	10	0
Harman, T. (R)		—	Y		●	●	—			N	N		N	N	N	N	Y	N	N	N	N	11	0	2
Hollingsworth, D. (R)		Y	Y		N	N	N			N	N	N	N	N	N	N	Y	N	N	N	N	13	0	0
Huff, B. (R)		Y	Y		N	N	N			N	N	N	N	N	N	N	Y	N	N	N	N	13	0	0
Kehoe, C. (D)		Y	—		Y	Y	Y			Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	2	10	1
Leno, M. (D)		Y	N		Y	Y	Y			Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	2	11	0
Liu, C. (D)		Y	N		Y	Y	Y			Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	2	11	0
Lowenthal, A. (D)		Y	N		Y	Y	Y			Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	2	11	0
Maldonado, A. (R)		Y	Y		N	Y	N			N	Y		N	N	N	N	Y	N	N	N	N	11	2	0
Negrete McLeod, G. (D)		Y	—		Y	Y	Y			N	Y		●	Y	Y	Y	Y	N	Y	Y	5	7	1	
Oropeza, J. (D)		—	Y		Y	Y	Y			Y	Y	Y	Y	Y	—	Y	Y	Y	Y	Y	Y	1	9	3
Padilla, A. (D)		Y	Y		Y	Y	Y			Y	●	Y	Y	Y	Y	Y	—	Y	Y	Y	Y	3	9	1
Pavley, F. (D)		Y	N		Y	Y	Y			Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	2	11	0
Price, C. (D)*		Y	Y		Y	Y	*			Y	*	Y	Y	Y	Y	Y	Y	Y	Y	*	3	7	0	
Romero, G. (D)		Y	Y		Y	●	Y			Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	4	9	0
Runner, G. (R)		Y	Y		N	N	N			N	N		N	N	N	N	Y	N	●	Y	13	0	0	
Simitian, J. (D)		Y	—		Y	Y	Y			Y	Y	Y	Y	Y	Y	Y	Y	●	Y	Y	3	9	1	
Steinberg, D. (D)		Y	Y		Y	Y	Y			Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	3	10	0	
Strickland, T. (R)		Y	Y		N	N	N			N	N		Y	N	N	N	Y	N	N	N	12	1	0	
Walters, M. (R)		Y	Y		N	N	N			N	N		N	N	N	N	Y	N	N	N	13	0	0	
Wiggins, P. (D)		Y	N		Y	Y	Y			Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	2	11	0
Wolk, L. (D)		—	Y		Y	Y	Y			Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	2	10	1
Wright, R. (D)		Y	Y		Y	Y	Y			N	●	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	5	8	0
Wyland, M. (R)		Y	Y		N	N	N			N	N	N	N	N	N	N	Y	N	N	N	13	0	0	
Yee, L. (D)		Y	N		Y	Y	Y			Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	2	11	0

\* Sworn into office in Senate on June 8, 2009.

# 2009 Assembly Vote Record

	Economic Development	AB 222 Green Energy	AB 333 New Home Construction	SB 827 Vital Projects	Employment Law	AB 527 Payroll Records	AB 943 Hampers Employment Decisions	SB 789 Increased Agricultural Costs	Environmental Regulations	AB 479 Expanded Waste Bureaucracy	AB 1404 Discourages Emission Reductions	SB 722 Increases Liability	Health Care	AB 2 Health Insurance Litigation	Legal	AB 335 Government Interference	AB 793 Unreasonable New Liability	SB 367 Prevents Meritless Litigation	Taxation	AB 1580 New Tax Penalty	SB 401 Unreasonable Taxpayer Penalty	In Accord with CalChamber	Not in Accord with CalChamber	Not Voting or Absent
Adams, A. (R)	Y	Y	Y		N	N	N		N	N			Y			N	N	Y		N		12	1	0
Ammiano, T. (D)	—	Y	N		Y	Y	Y		Y	Y			Y			Y	Y	Y		Y		2	10	1
Anderson, J. (R)	Y	Y	Y		N	N	N		N	N			N			N	N	Y		N		13	0	0
Arambula, J. (I)	Y	Y	N		Y	Y	Y		Y	Y			Y			Y	Y	Y		Y		3	10	0
Bass, K. (D)	Y	Y	—		Y	Y	Y		Y	Y			Y			Y	Y	Y		Y		3	9	1
Beall, J. (D)	N	Y	N		Y	Y	Y		Y	Y			Y			Y	Y	Y		Y		2	11	0
Berryhill, B. (R)	Y	Y	Y		N	N	N		N	N			N			N	N	Y		N		13	0	0
Berryhill, T. (R)	Y	Y	Y		N	N	N		N	N			•			N	N	Y		N		13	0	0
Blakeslee, S. (R)	Y	Y	Y		N	N	N		N	N			N			N	N	Y		N		13	0	0
Block, M. (D)	—	Y	—		Y	Y	Y		—	Y			Y			Y	Y	Y		•		3	7	3
Blumenfield, B. (D)	N	Y	Y		Y	Y	Y		Y	Y			Y			Y	Y	Y		Y		3	10	0
Bradford, S. (D)*	*	*	Y		*	*	*		*	Y			Y			Y	*	*	*	Y		1	3	0
Brownley, J. (D)	N	Y	N		Y	Y	Y		Y	Y			Y			Y	Y	Y		Y		2	11	0
Buchanan, J. (D)	N	Y	N		•	Y	Y		•	•			Y			Y	Y	—		•		5	7	1
Caballero, A. (D)	Y	Y	N		Y	Y	Y		Y	•			Y			Y	Y	Y		N		5	8	0
Calderon, C. (D)	Y	Y	Y		Y	Y	Y		•	Y			•			Y	Y	Y		Y		6	7	0
Carter, W. (D)	—	Y	Y		Y	Y	Y		Y	Y			Y			Y	Y	Y		Y		3	9	1
Chesbro, W. (D)	N	Y	N		•	Y	Y		Y	Y			Y			Y	Y	Y		Y		3	10	0
Conway, C. (R)	Y	Y	Y		N	N	N		N	N			N			N	N	Y		N		13	0	0
Cook, P. (R)	Y	Y	Y		N	N	N		N	N			N			N	N	Y		N		13	0	0
Coto, J. (D)	Y	Y	Y		Y	Y	Y		Y	Y			Y			Y	Y	Y		Y		4	9	0
Davis, M. (D)	Y	Y	Y		Y	Y	Y		Y	Y			Y			Y	Y	Y		•		5	8	0
De La Torre, H. (D)	Y	Y	—		Y	Y	Y		Y	Y			Y			Y	Y	Y		Y		3	9	1
De León, K. (D)	Y	Y	—		Y	Y	Y		Y	Y			Y			Y	Y	Y		Y		3	9	1
DeVore, C. (R)	Y	Y	Y		N	N	N		N	N			N			N	N	Y		N		13	0	0
Duvall, M. (R)**	Y	—	**		**	**	N		N	**			**			**	N	Y		**		5	0	1
Emmerson, B. (R)	Y	Y	Y		N	N	N		N	N			N			N	N	Y		N		13	0	0
Eng, M. (D)	—	Y	—		Y	Y	Y		Y	Y			Y			Y	—	Y		Y		2	8	3
Evans, N. (D)	Y	—	—		Y	Y	—		Y	Y			Y			Y	Y	Y		Y		2	8	3
Feuer, M. (D)	N	Y	N		Y	Y	Y		Y	Y			Y			Y	Y	Y		Y		2	11	0
Fletcher, N. (R)	Y	Y	Y		N	N	N		N	N			N			N	N	Y		N		13	0	0
Fong, P. (D)	—	Y	—		Y	Y	Y		Y	Y			Y			Y	Y	Y		Y		2	9	2
Fuentes, F. (D)	Y	Y	Y		Y	Y	Y		Y	•			Y			Y	Y	Y		Y		5	8	0
Fuller, J. (R)	Y	Y	Y		N	N	N		N	N			N			N	N	Y		N		13	0	0
Furutani, W. (D)	Y	Y	—		Y	Y	Y		Y	Y			Y			Y	Y	Y		Y		3	9	1
Gaines, T. (R)	Y	Y	Y		N	N	N		N	N			N			N	N	Y		N		13	0	0
Galgiani, C. (D)	Y	Y	Y		•	Y	•		Y	•			•			•	Y	Y		Y		9	4	0
Garrick, M. (R)	Y	Y	Y		N	N	N		N	N			N			N	N	Y		N		13	0	0
Gilmore, D. (R)	Y	Y	Y		N	N	N		N	N			N			N	Y	Y		N		12	1	0
Hagman, C. (R)	Y	Y	Y		N	N	N		N	N			N			N	N	Y		N		13	0	0

\* Sworn into office on September 10, 2009. \*\* Resigned from office on September 9, 2009.

# 2009 Assembly Vote Record

	Economic Development	AB 222 Green Energy	AB 333 New Home Construction	SB 827 Vital Projects	Employment Law	AB 527 Payroll Records	AB 943 Hampers Employment Decisions	SB 789 Increased Agricultural Costs	Environmental Regulations	AB 479 Expanded Waste Bureaucracy	AB 1404 Discourages Emission Reductions	SB 722 Increases Liability	Health Care	AB 2 Health Insurance Litigation	Legal	AB 335 Government Interference	AB 793 Unreasonable New Liability	SB 367 Prevents Meritless Litigation	Taxation	AB 1580 New Tax Penalty	SB 401 Unreasonable Taxpayer Penalty	In Accord with CalChamber	Not in Accord with CalChamber	Not Voting or Absent
Hall, I. (D)	Y	Y	Y		Y	Y	Y		•	•			Y		Y	Y	Y	Y	Y			6	7	0
Harkey, D. (R)	Y	Y	Y		N	N	N		N	N			N		N	N	Y		N			13	0	0
Hayashi, M. (D)	N	Y	Y		Y	Y	Y		Y	Y			Y		Y	Y	Y	Y	Y			3	10	0
Hernandez, E. (D)	Y	Y	Y		Y	Y	Y		Y	Y			Y		Y	Y	Y	Y	Y			4	9	0
Hill, G. (D)	—	Y	N		Y	Y	Y		Y	Y			Y		Y	Y	Y	Y	Y			2	10	1
Huber, A. (D)	Y	Y	N		N	N	Y		N	N			N		N	Y	Y	Y	N			10	3	0
Huffman, J. (D)	N	Y	N		Y	Y	Y		Y	Y			Y		Y	Y	Y	Y	Y			2	11	0
Jeffries, K. (R)	Y	Y	Y		N	N	N		N	N			•		N	N	Y	Y	N			13	0	0
Jones, D. (D)	N	Y	—		Y	Y	Y		Y	Y			Y		Y	Y	Y	Y	Y			2	10	1
Knight, S. (R)	Y	Y	Y		N	N	N		N	N			N		N	N	Y	Y	N			13	0	0
Krekorian, P. (D)	—	Y	—		Y	Y	Y		Y	Y			Y		Y	Y	Y	Y	Y			2	9	2
Lieu, T. (D)	—	Y	Y		Y	Y	Y		Y	Y			Y		Y	Y	Y	Y	Y			3	9	1
Logue, D. (R)	Y	Y	Y		N	N	N		N	N			N		N	N	Y	Y	N			13	0	0
Lowenthal, B. (D)	—	Y	N		Y	Y	Y		Y	Y			Y		Y	Y	Y	Y	Y			2	10	1
Ma, F. (D)	Y	Y	N		Y	Y	Y		Y	Y			Y		Y	Y	Y	Y	Y			3	10	0
Mendoza, T. (D)	Y	—	Y		Y	Y	Y		N	Y			Y		Y	Y	Y	Y	Y			4	8	1
Miller, J. (R)	Y	Y	Y		N	N	N		N	N			N		N	N	Y	Y	N			13	0	0
Monning, B. (D)	—	Y	N		Y	Y	Y		Y	Y			Y		Y	Y	Y	Y	Y			2	10	1
Nava, P. (D)	—	Y	N		Y	Y	Y		Y	Y			Y		Y	Y	Y	Y	Y			2	10	1
Nestande, B. (R)	Y	—	Y		N	N	N		N	N			N		N	N	Y	Y	N			12	0	1
Niello, R. (R)	Y	Y	Y		N	N	N		N	N			N		N	N	Y	Y	N			13	0	0
Nielsen, J. (R)	Y	Y	Y		N	N	N		N	N			N		N	N	Y	Y	N			13	0	0
Perez, J. (D)	—	Y	N		Y	Y	Y		Y	Y			Y		Y	Y	Y	Y	Y			2	10	1
Perez, M. (D)	Y	Y	Y		Y	Y	Y		N	Y			Y		Y	Y	Y	Y	•			6	7	0
Portantino, A. (D)	Y	Y	N		Y	Y	Y		•	Y			Y		Y	Y	Y	Y	Y			4	9	0
Ruskin, I. (D)	N	Y	N		Y	Y	Y		Y	Y			Y		Y	Y	Y	Y	Y			2	11	0
Salas, M. (D)	—	Y	N		Y	Y	Y		Y	Y			Y		Y	Y	Y	Y	Y			2	10	1
Saldaña, L. (D)	N	Y	—		Y	Y	—		Y	Y			Y		Y	—	Y	Y	Y			2	8	3
Silva, J. (R)	Y	Y	Y		N	N	N		N	N			N		N	N	Y	Y	N			13	0	0
Skinner, N. (D)	N	Y	N		Y	Y	Y		Y	Y			Y		Y	Y	Y	Y	Y			2	11	0
Smyth, C. (R)	Y	Y	Y		N	N	N		N	N			N		N	N	Y	Y	N			13	0	0
Solorio, J. (D)	Y	Y	Y		Y	Y	Y		•	•			Y		Y	Y	Y	Y	•			7	6	0
Strickland, A. (R)	Y	Y	Y		N	N	N		N	N			N		N	N	Y	Y	N			13	0	0
Swanson, S. (D)	N	Y	Y		Y	Y	Y		Y	Y			Y		Y	Y	Y	Y	Y			3	10	0
Torlakson, T. (D)	Y	Y	Y		Y	Y	Y		Y	Y			Y		Y	Y	Y	Y	Y			4	9	0
Torres, N. (D)	Y	Y	—		Y	Y	Y		Y	Y			Y		Y	Y	Y	Y	Y			3	9	1
Torrico, A. (D)	Y	Y	—		Y	Y	Y		Y	Y			Y		Y	Y	Y	Y	Y			3	9	1
Tran, V. (R)	Y	Y	Y		N	N	N		N	N			N		N	N	Y	Y	N			13	0	0
Villines, M. (R)	Y	Y	Y		N	N	N		N	N			N		N	N	Y	Y	N			13	0	0
Yamada, M. (D)	Y	Y	N		Y	Y	Y		•	Y			Y		Y	Y	Y	Y	Y			4	9	0

Placed on the Assembly Inactive File September 11.

Placed on the Assembly Inactive File September 9.



# CalChamber Best Business Votes

Legislators are listed in descending order according to how often they voted in accord with the California Chamber of Commerce positions (first number) versus how often their votes were not in accord with the CalChamber's position (second number) in 2009. Total votes may not match the vote record because the tally for not voting or absent is not included in this list.

80% or more with CalChamber

60%-79% with CalChamber

40%-59% with CalChamber

Less than 40% with CalChamber

## Senate

Aanestad, Samuel (R)	13-0
Benoit, John J. (R)	13-0
Cogdill, Dave (R)	13-0
Cox, Dave (R)	13-0
Denham, Jeff (R)	13-0
Dutton, Bob (R)	13-0
Hollingsworth, Dennis (R)	13-0
Huff Bob (R)	13-0
Runner, George C. (R)	13-0
Walters, Mimi (R)	13-0
Wyland, Mark (R)	13-0
Ashburn, Roy (R)	12-0
Strickland, Tony (R)	12-1
Harman, Tom (R)	11-0
Maldonado, Abel (R)	11-2
Correa, Lou (D)	10-2
Negrete McLeod, Gloria (D)	5-7
Wright, Roderick (D)	5-8
Cedillo, Gilbert (D)	4-8
Romero, Gloria (D)	4-9
Price, Curren D.* (D)	3-7
Calderon, Ron (D)	3-8
Ducheny, Denise Moreno (D)	3-9
Padilla, Alex (D)	3-9
Simitian, Joe (D)	3-9
Hancock, Loni (D)	3-10
Steinberg, Darrell (D)	3-10
Alquist, Elaine (D)	2-10
DeSaulnier, Mark (D)	2-10
Florez, Dean (D)	2-10
Kehoe, Christine (D)	2-10
Wolk, Lois (D)	2-10
Leno, Mark (D)	2-11
Liu, Carol (D)	2-11
Lowenthal Alan, (D)	2-11
Pavley, Fran (D)	2-11
Wiggins, Patricia (D)	2-11
Yee, Leland (D)	2-11
Oropeza, Jenny (D)	1-9
Corbett, Ellen (D)	1-11

## Assembly

Anderson, Joel (R)	13-0
Berryhill, Bill (R)	13-0
Berryhill, Tom (R)	13-0
Blakeslee, Sam (R)	13-0
Conway, Connie (R)	13-0
Cook, Paul (R)	13-0
DeVore, Chuck (R)	13-0
Emmerson, Bill (R)	13-0
Fletcher, Nathan (R)	13-0
Fuller, Jean (R)	13-0
Gaines, Ted (R)	13-0
Garrick, Martin (R)	13-0
Hagman, Curt (R)	13-0
Harkey, Diane (R)	13-0
Jeffries, Kevin (R)	13-0
Knight, Steve (R)	13-0
Logue, Dan (R)	13-0
Miller, Jeff (R)	13-0
Niello, Roger (R)	13-0
Nielsen, Jim (R)	13-0
Silva, Jim (R)	13-0
Smyth, Cameron (R)	13-0
Strickland, Audra (R)	13-0
Tran, Van (R)	13-0
Villines, Michael (R)	13-0
Nestande, Brian (R)	12-0
Adams, Anthony (R)	12-1
Gilmore, Danny (R)	12-1
Huber, Alyson (D)	10-3
Galgiani, Cathleen (D)	9-4
Solorio, Jose (D)	7-6
Calderon, Charles (D)	6-7
Hall, Isadore (D)	6-7
Perez, Manuel (D)	6-7
Duvall, Mike (R)***	5-0
Buchanan, Joan (D)	5-7
Caballero, Anna Marie (D)	5-8
Davis, Mike (D)	5-8
Fuentes, Felipe (D)	5-8
Mendoza, Tony (D)	4-8
Coto, Joe (D)	4-9
Hernandez, Ed (D)	4-9

Portantino, Anthony (D)	4-9
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\*Sworn into office in Senate on June 8, 2009.

\*\*Sworn into office on September 10, 2009.

\*\*\*Resigned from office on September 9, 2009.

# CalChamber Calls for Protecting Economy in Design of 'Green Chemistry' Program



*From Page 1*  
program described would have sweeping ramifications on virtually all industry sectors in California that manufacture or sell consumer products in the

state, subjecting an estimated 10,000 chemicals and millions of consumer products to the proposed regulatory scheme. The proposal does not reflect the intent of the legislation creating the green chemistry program.

Some of the product categories specifically mentioned by DTSC include:

- products intended for infants and children like toys, clothing and furnishings;
- products for use in K-12 schools;
- personal care products, such as cosmetics;
- clothing, shoes, linens and textiles;
- cleaning products, fragrance, scent, deodorizers;
- home furnishings;
- food preparation, storage, packaging, pots and pans, utensils and bags.

## Costly Process

Essentially, the proposal requires manufacturers and importers of consumer products for sale in California to identify whether their product contains a "chemical of concern." If so, the business must go through a detailed and costly regulatory process to determine whether there are alternative ways to make the product without the chemical in question.

If the business cannot identify or chooses not to implement an alternative, the consumer product containing the chemical of concern would be banned in subsequent years.

The straw proposal contains no provision for insignificant levels of "chemicals of concern," so the mere presence of such a chemical—regardless of potential or severity of exposure—places the chemical on the path for eventual phase-out.

For example, wood with detectable levels of formaldehyde and car batteries that contain corrosive acid eventually would be banned unless a safer alternative were identified and implemented. Solar panels in which trace amounts of certain metals might be detectable also could be scheduled for a ban.

## Alliance Seeks Changes

The CalChamber is pointing out that California's business community cannot afford to implement the proposed approach as it is unworkably broad, prohibitively expensive, and would lead to significant damage to California's fragile economy.

The CalChamber and many other business organizations and trade groups representing some of California's leading employers have formed the Green Chemistry Alliance to seek changes to the proposed draft regulations.

The alliance is working to promote a workable and practical approach that is grounded in generally accepted scientific principles and follows the intent and vision of the law.

## Action Needed

The CalChamber is urging its members to let officials know that the state must take a more reasoned approach to green chemistry and support the proposed draft regulations offered by the Green Chemistry Alliance.

For a sample letter, visit [www.calchambervotes.com](http://www.calchambervotes.com).  
**Staff Contact: Robert Callahan**

# Legislature Adopts Package to Address Water Crisis

*From Page 1*

The bond authorization appears in SBX7 2 (Cogdill; D-Modesto). Bond funding includes \$3 billion for new water storage (including reservoirs), more than \$2 billion for Delta restoration, \$500 million for groundwater cleanup and \$500 million for water recycling and conservation. Drought relief and watershed protection projects also are included.

Accompanying legislation, SBX7 1 (Simitian; D-Palo Alto and Steinberg; D-Sacramento), creates a seven-member council to develop a comprehensive management plan for the Delta by 2012.

The conservation provisions include a 20 percent statewide per capita reduction in water use by 2020, with water agencies not meeting the targets being ineligible for state grants and loans. Not all water

districts would have to meet the requirement. Farm water suppliers would have to submit efficiency plans.

Water agencies would be required to report water levels in underground basins or risk losing grants for non-compliance.

The package gives state water regulators more power to police illegal water diversions. Specific penalties are to be added later by the Legislature.

**Staff Contact: Valerie Nera**

**They won't know unless you tell them.  
Write your legislator.**

**[calchambervotes.com](http://calchambervotes.com)**

# CalChamber Joins with State Panel to Facilitate Training for Employees

The California Chamber of Commerce and the Employment Training Panel (ETP) have joined forces in a newly announced partnership that will result in customized job skills training programs for members' employees throughout the state.

"In this difficult economy, California employers need to have access to training that will improve the skills and productivity of our workforce and help keep our state's companies competitive," said CalChamber President and CEO Allan Zaremberg. "Our partnership with ETP will help employees, employers and our state's competitiveness overall."

The new partnership allows the CalChamber to work directly with its members to provide streamlined strategic training programs. The goal is to expand access to ETP training dollars, increase member participation, and deliver a large menu of quality training programs throughout the state.

Working with ETP, the CalChamber will act as the marketer, trainer and administrator for a broad range of employers so that each employer does not have to apply separately for training funds through the ETP.

"ETP recognizes that it must play an important role in the state's economic

revitalization," said ETP Executive Director Brian McMahon. "Partnering with CalChamber significantly expands our ability to reach businesses throughout the state."

The program is funded through employer contributions to the Employment Training Tax and targets firms threatened by out-of-state and international competition.

The ETP program has provided over \$1 billion to train more than 720,000 workers in over 75,000 companies since its inception in 1983.

For more information, visit the ETP website at [www.etp.ca.gov](http://www.etp.ca.gov).

## CalChamber Urges Business: Be Aware of Misleading Solicitation Letters

The California Chamber of Commerce is urging its members to be aware of misleading solicitation letters sent to California businesses encouraging them to comply with their California Corporations Code filing obligations by submitting fees and documents to a third party rather than by filing directly with the Secretary of State.

These solicitations are not being made by the office of the California Secretary of State and are not being made by or on behalf of any governmental entity.

The solicitations request that a fee and a completed form be submitted in order for the business to comply with applicable California or other law.

### What to Watch For

The solicitations tend to have one or more of the following characteristics:

- Appear similar to a Secretary of State Statement of Information form;
- Contain an official-looking seal;
- Quote a specific statute or other law on the form to be filled out and returned;
- Imply that failing to return the form and pay the requested fee may place the entity in legal jeopardy, or might cause the entity's filings with the California Secretary of State to be in default or non-compliant status;
- Contain a reference to a "file number," "Corp Number," "Corporation

Number," or "Control Number" that does not match the number assigned to the entity by the California Secretary of State;

- Reference or quote Corporations Code sections inapplicable to the type of entity being solicited, such as code sections applicable to corporations when soliciting a limited liability company;

- Reference an "annual fee" or "annual payment" rather than a filing fee and payment that is in excess of the filing fee for a Statement of Information;

- Provide an estimated processing time for "minutes" to be prepared and mailed to the entity;

- Indicate the submitted information will be treated as private and confidential.

These companies have no affiliation with the California Secretary of State and no business is required to go through another company in order to file its documents with the Secretary of State.

### Forms/Instructions

Statement of Information forms and instructions are available through the Secretary of State website. The fee required to file the statement is \$25 for California domestic stock and foreign corporations, and \$20 for California non-profit corporations and all limited liability companies. Also, the Statement of Information can be submitted for filing

directly by mail to: Secretary of State, Statement of Information Unit, P.O. Box 944230, Sacramento, CA 94244-2300; in person at 1500 11th Street, Sacramento, CA 95814; or, for most corporations, by using a credit card through the Internet at <https://businessfilings.sos.ca.gov/>.

California businesses in receipt of a solicitation letter that seems misleading or confusing can mail a written complaint along with the entire solicitation (including the solicitation letter, the outer and return envelopes, and all related documents) to the California Attorney General's office, Public Inquiry Unit, P.O. Box 944255, Sacramento, CA 94244-2550. A complaint form, which can be completed online and printed to mail, is available on the California Attorney General's website at [www.ag.ca.gov/consumers/general.php](http://www.ag.ca.gov/consumers/general.php).

A news release from the office of the Secretary of State reminds businesses that submitting the fees and filings required by the Corporations Code to a third party for filing with the Secretary of State does not meet the business entity's statutory obligation to file a Statement of Information with the Secretary of State. The release also notes that each business entity is required to keep records, books and minutes of its proceedings, however, these items are not filed with the Secretary of State.



## Workplace Poster Needs Updating Due to EEOC Notice Change

A new mandatory change to the Equal Employment Opportunity Commission (EEOC) notice in the **Employment Notices Poster** must be posted by November 21.

CalBizCentral, the source for California business and human resource compliance products, presented by the California Chamber of Commerce, is providing this supplement to download and post next to the **2009 Employment Poster**. The supplement is available on the overview tab for the **California Employment Notices Poster**.

The change is required by the Genetic Information Nondiscrimination Act (GINA), signed by President George W. Bush on May 21, 2008. **Employers must begin to comply with GINA on November 21.**

On October 22, 2009, the content of the posting was provided by the EEOC as a supplement to the current version of the EEOC poster, dated August 2008.

Last spring, the EEOC sought comments on regulations, including a

new posting. The comment period is over, but the regulations have not yet been finalized.

According to a white paper prepared by the Executive Office of the President, Office of Management and Budget, GINA is designed to prohibit the improper use of genetic information in health insurance and employment. GINA prohibits group health plans and health insurers from denying coverage to a healthy individual or charging that person higher premiums based solely on a genetic predisposition to developing a disease in the future. The legislation also bars employers from using individuals' genetic information when making hiring, firing, job placement or promotion decisions.

CalBizCentral will update its **2010 Employment Notices Poster** with this new required update, along with any additional changes from government agencies. Businesses may pre-order their **2010 Employment Notices Poster** at [www.calbizcentral.com](http://www.calbizcentral.com).

**"EEO is the Law" Poster Supplement**  
Private Employers, State and Local Governments, Educational Institutions, Employment Agencies and Labor Organizations revisions

*The Disability section is revised as follows:*

**DISABILITY**  
Title I and Title V of the Americans with Disabilities Act of 1990, as amended, protect qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship.

*The following section is added:*

**GENETICS**  
Title II of the Genetic Information Nondiscrimination Act of 2008 protects applicants and employees from discrimination based on genetic information in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. GINA also restricts employers' acquisition of genetic information and strictly limits disclosure of genetic information. Genetic information includes information about genetic tests of applicants, employees, or their family members; the manifestation of diseases or disorders in family members (family medical history); and requests for or receipt of genetic services by applicants, employees, or their family members.

*The EEOC contact information is revised as follows:*

The U.S. Equal Employment Opportunity Commission (EEOC), 1800-400-4000 (toll-free) or 1-800-606-6800 (full-time TTY number for individuals with hearing impairments). EEOC field office information is available at [www.eeoc.gov](http://www.eeoc.gov) or in most telephone directories in the U.S. Government or Federal Government section. Additional information about EEOC, including information about charge filing, is available at [www.eeoc.gov](http://www.eeoc.gov).

**Employers Holding Federal Contracts or Subcontracts section revisions**

*The Individuals with Disabilities section is revised as follows:*

**INDIVIDUALS WITH DISABILITIES**  
Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship. Section 503 also requires that Federal contractors take affirmative action to employ and advance in employment qualified individuals with disabilities at all levels of employment, including the executive level.

*The Vietnam Era, Special Disabled Veterans section is revised as follows:*

**DISABLED, RECENTLY SEPARATED, OTHER PROTECTED, AND ARMED FORCES SERVICE MEDAL VETERANS**  
The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212, prohibits job discrimination and requires affirmative action to employ and advance in employment disabled veterans, recently separated veterans (within three years of discharge or release from active duty), other protected veterans (veterans who served during a war or in a campaign or expedition for which a campaign badge has been authorized), and Armed Forces service medal veterans (veterans who, while on active duty, participated in a U.S. military operation for which an Armed Forces service medal was awarded).

*The following section is added:*

**RETALIATION**  
Retaliation is prohibited against a person who files a complaint of discrimination, participates in an OFCCP proceeding, or otherwise opposes discrimination under these Federal laws.

*The OFCCP contact information is revised as follows:*

The Office of Federal Contract Compliance Programs (OFCCP), U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20540, 1-800-367-6251 (toll-free) or (202) 693-1327 (TTY). OFCCP may also be contacted by e-mail at [OFCCP@public.dod.gov](mailto:OFCCP@public.dod.gov), or by calling an OFCCP regional or district office, listed in most telephone directories under U.S. Government, Department of Labor.

*Mandatory Supplement to EEOC 9/02 and OFCCP 8/08 "EEO is the Law" Poster*

**Mandatory Poster Supplement available at**  
[www.calbizcentral.com](http://www.calbizcentral.com).

## Federal Agency Delays Enforcement Date for 'Red Flags' Rule Again

At the request of members of Congress, the Federal Trade Commission (FTC) has extended the deadline for enforcement of the Red Flags Identity Theft Rule again.

The new enforcement deadline is June 1, 2010.

The "red flags" rule requires many businesses and organizations to implement a written Identity Theft Prevention Program to detect the warning signs—or "red flags"—of identity theft in day-to-day operations. The financial regulatory agencies, including the FTC, developed the rule, which was mandated by the Fair and Accurate Credit Transactions Act of 2003 (FACTA).

The FTC previously delayed the enforcement of the "red flag" rule for entities under its jurisdiction until November 1, 2009. The FTC staff has continued to provide guidance to businesses within its jurisdiction, both through materials posted on the dedicated Red Flags Rule website, and in speeches and participation in seminars, conferences and other training events to numerous groups.

To assist further with compliance, FTC staff has worked with a number of trade associations that have chosen to develop model policies or specialized guidance for their members.

### Areas Unaffected

On October 30, the U.S. District Court for the District of Columbia ruled that the FTC may not apply the Red Flags Rule to attorneys. The recent announcement that the FTC will delay enforcement of the Rule until June 1, 2010, does not affect the separate timeline of that proceeding and any possible appeals. Nor does it

affect other federal agencies' ongoing enforcement for financial institutions and creditors subject to their oversight.

### Toll-Free Help

The FTC has established a toll-free helpline for businesses and consumers interested in learning more about the "red flag" rules: (877) FTC-HELP.

### Compliance Training

The California Chamber of Commerce is offering "red flags" compliance training. Information is available at [www.calbizcentral.com](http://www.calbizcentral.com).

Labor Law  
Answers Online  
[HRCalifornia.com](http://HRCalifornia.com)



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