

ALERT

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‘Job Killer’ Bills Awaiting Action by Governor Brown



In the closing days of the legislative year, four California Chamber of Commerce-opposed “job killer” bills passed the Legislature.

One “job killer” passed the Legislature in June and was vetoed by the Governor on June 28.

The following bills await action by Governor Edmund G. Brown Jr.:

Costly Workplace Mandates

● **AB 22 (Mendoza; D-Artesia) Hampers Employment Decisions:** Unfairly limits private employers’ ability to use consumer credit reports for legitimate employment purposes, such as those positions that have direct and unsupervised access to any amount of cash and/or valuable non-financial assets.

● **AB 1155 (Alejo; D-Watsonville) Erodes Workers’ Comp Reforms:** Increases costs and lawsuits in the workers’ compensation system by

See ‘Job Killer’: Page 4

Bill Requiring Economic Analysis of Regulations Moves to Governor’s Desk



SUPPORT

A California Chamber of Commerce-supported bill that requires a standard economic impact analysis for major regulations be done at the beginning

of the regulatory process is headed to the Governor’s desk.

SB 617 (R. Calderon; D-Montebello/Pavley; D-Agoura Hills) reforms the regulatory process by requiring an economic analysis of all major regulations at the beginning of the regulatory process, thus providing more transparency and better data on which to base selection of the most cost-effective regulatory alternative.

This analysis will then drive the development and selection of regulations that fully meet the goals of the underlying statute while having the least negative impact on the state’s economy.

If the agency adopts anything other than the most cost-effective option, it must state on the record why and justify its choice.

Currently a proposed regulation’s fiscal analysis, if any, comes at the end of the process and is not based on uniform

See Bill: Page 23

State Treasurer Addresses CalChamber Board



California Treasurer Bill Lockyer discusses with the CalChamber Board of Directors at its September 2 meeting the fiscal challenges facing the state due to revenues coming in more slowly than anticipated.

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- Status Report on Major Bills: Pages 7–22

Labor Law Corner

Make-Up Time Generally Must Fall within Same Workweek as Time Lost



Gary Hermann
HR Adviser

Can make-up time be used in a workweek other than the workweek for which it is requested?

As a general rule, the answer is no.

An employer may approve a written request of an employee to make up work time that is or would be lost as a result of a personal obligation of the employee.

Not Overtime, Except...

The hours of that make-up work time may not be counted toward computing daily or weekly overtime, if they are worked in the same workweek in which the work time was lost, except for hours in excess of 11 hours of work in one day or 40 hours of work in one workweek.

If an employee knows in advance that he/she will be requesting make-up time for a personal obligation that will recur at a fixed time over a succession of weeks, the employee may ask to make up work time for up to four weeks in advance—provided, however, that the make-up work must be performed in the same week that the work time was lost.

An employee shall provide a signed written request for each occasion that the employee asks to make up work time pursuant to Labor Code Section 513.

Although an employer may inform an employee of this make-up time option, the employer is prohibited from encouraging or otherwise soliciting an employee to request the employer's approval to take personal time off and make up the work hours within the same workweek pursuant to this section.

Exception Requirements

In order to qualify for an exemption to

the overtime requirements, the make-up time must meet the following criteria:

- The employee must submit a signed written request to make up time that the employee would lose due to a personal obligation.

- Make-up hours worked in one day may not exceed 11 hours nor may the number of hours worked in one workweek exceed 40 hours.

The employee may request make-up time for a recurring personal obligation that is "fixed in time over a succession of weeks," provided a written request is made every four weeks.

As an enforcement policy, the Department of Labor Standards and Enforcement will not review the reason for the make-up time, so as to allow any employee to determine whether the need to take time off constitutes a "personal obligation" within the meaning of the statute.

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.

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Home page: www.calchamber.com.*

CalChamber-Sponsored Seminars/Trade Shows

More information at
www.calchamber.com/events.

Business Resources

Northern California Tour. Water Education Foundation. October 12–14, Sacramento. (916) 444-6240.

Licensing Executives Society Annual Meeting. Licensing Executives Society (USA and Canada). October 16–19, San Diego. (703) 836-3106.

San Joaquin River Restoration Tour. Water Education Foundation. November 2–3, Fresno. (916) 444-6240.

International Trade

Trade Mission to South Africa. U.S. Chamber of Commerce. September 19–23, South Africa. (202) 482-5496.
Cargo Loss: Natural Disasters and Piracy Theft. Women in International

Trade. September 21, Long Beach. (800) 514-6407.

International Trade Finance Workshop. Centers for International Trade

See CalChamber-Sponsored: Page 5

CalChamber Calendar

Taking Your Chamber's PAC to the Next Level: October 14, Orange

**Next Alert:
September 30**



CalChamber-Opposed Bill Brands Businesses with Scarlet Letter



OPPOSE

an independent contractor, and thereafter publicly humiliates any such employer for one year with severe sanctions awaits action by the Governor.

SB 459 (Corbett; D-San Leandro) creates additional uncertainty for employers that use independent contractors by imposing new penalties for the willful misclassification of someone as an independent contractor even though state agencies provide no clear or consistent definition of an independent contractor.

'Willful Misclassification'

Although the CalChamber appreciates the author's efforts to refine the definition of "willful," the bill still falls short of adequately protecting employers that are trying to comply with the law, yet mistakenly misclassify an individual as an independent contractor.

Specifically, courts often interpret the "knowing" standard to include "constructive knowledge," meaning the person "knew or should have known" that his/her actions were improper. This constructive knowledge standard may be appropriate when the law to which it applies is objective and well-defined. Such a standard is not proper, however, when applied to a subjective and ambiguous analysis, such as the classification of an individual as an employee versus an independent contractor.

Determining Status

Determining the status of a person as an independent contractor versus an employee is a daunting task for many businesses because of the subjective nature of the factors utilized in the analysis. Even state agencies admittedly do not agree on who qualifies as an independent contractor.

According to the California Department of Industrial Relations website: "There is no set definition of the term 'independent contractor' for all purposes, and the issue of whether a worker is an employee or independent contractor depends upon the particular area of law to be applied. For example, in a wage claim where employment status is an issue, DLSE [Division of Labor Standards Enforcement] will often use the five-prong economic realities test to decide the issue. However, in a separate matter before a different state agency with the same parties and same facts, and employment status again being an issue, that agency may be required to use a different test, for example, the 'control test,' which may result in a different determination. Thus, it is possible that the same individual will be considered an employee for purposes of one law and an independent contractor under another."

SB 459

CalChamber believes that the "willful" definition included in SB 459 needs to clarify that it applies only to those employers that purposefully and/or specifically intend to misclassify an individual as an independent contractor in order to avoid the law.

Moreover, the sanctions imposed against an employer found to have "willfully" misclassified an individual

under SB 459 are overzealous as the sanctions are not narrowly tailored to address the violation.

SB 459 requires an employer that has willfully misclassified an employee to:

- post a notice on the employer's website and/or any physical location in the state where it does business for one year;
- have the notice signed by an officer of the company; and
- state in the notice that the employer has committed a serious violation of the law.

Although CalChamber believes there should be consequences for employers who specifically intend to violate the law, public humiliation that could jeopardize the employer's future ability to continue business in California seems unnecessary.

Accordingly, CalChamber thinks the notice requirement should be limited in duration as well as disbursement, such as only to those individuals the employer seeks to classify as an independent contractor.

Action Needed

The CalChamber is calling on all employers to write Governor Edmund G. Brown Jr. and urge him to **veto SB 459**.

More information on SB 459 and a sample letter are available at www.calchambervotes.com.

Staff Contact: Jennifer Barrera

CalChamber Board Election to Go Electronic

The upcoming election to choose members of the California Chamber of Commerce Board of Directors will be conducted via e-mail and website this year.

Instead of receiving a paper ballot in the mail, key contacts of CalChamber member companies will receive an e-mail with links to the ballot and brief biographies of the

candidates for the CalChamber Board.

The ballot e-mail will launch on October 17, and members will have until November 1 to make their choices.

For information on adjusting spam filters to be sure you receive the ballot e-mail, please send your request to alert@calchamber.com.

Costly Workers' Comp Bill Fails in Senate



A California Chamber of Commerce-opposed "job killer" bill that would have increased workers' compensation costs failed to pass the Senate due to

insufficient votes.

AB 375 (Skinner; D-Berkeley) would have increased workers' compensation costs for public and private hospitals by presuming certain diseases and injuries are caused by the workplace, and established precedent for expanding presumptions into the private sector.

Expands Costly Presumptions

AB 375 created special rules for certain hospital employees by creating a legal presumption that any blood-borne infectious disease or methicillin-resistant staphylococcus aureus (MRSA) infection is related to employment.

No statistical evidence has been presented to show that workers'

compensation claims by hospital employees for exposure to MRSA or blood-borne illnesses are being inappropriately delayed or denied by employers or insurers.

The CalChamber contends that AB 375 would set a troubling precedent based solely on the existence of specific work-related risks for hospital workers.

The Legislature should not try to identify likely injuries for every occupation in the state with the goal of creating special rules for those employees. That approach is unrealistic for an insurance program that covers thousands of types of employees and employers.

Key Vote

AB 375 failed to pass the Senate on September 9, 20-16.

Ayes: Alquist (D-Santa Clara), Corbett (D-San Leandro), De León (D-Los Angeles), DeSaulnier (D-Concord), Evans (D-Santa Rosa), Hancock (D-Berkeley), Hernandez (D-West Covina), Kehoe (D-San Diego), Leno

(D-San Francisco), Lieu (D-Torrance), Liu (D-La Cañada Flintridge), A. Lowenthal (D-Long Beach), Padilla (D-Pacoima), Pavley (D-Agoura Hills), Price (D-Los Angeles), Simitian (D-Palo Alto), Steinberg (D-Sacramento), Vargas (D-San Diego), Wolk (D-Davis), Yee (D-San Francisco).

Noes: Anderson (R-El Cajon), T. Berryhill (R-Modesto), Blakeslee (R-San Luis Obispo), R. Calderon (D-Montebello), Cannella (R-Ceres), Dutton (R-Rancho Cucamonga), Emmerson (R-Hemet), Fuller (R-Bakersfield), Gaines (R-Roseville), Harman (R-Huntington Beach), Huff (R-Diamond Bar), LaMalfa (R-Richvale), Runner (R-Antelope Valley), Strickland (R-Thousand Oaks), Walters (R-Laguna Niguel), Wyland (R-Escondido).

No Vote Recorded: Correa (D-Santa Ana), Negrete McLeod (D-Chino), Rubio (D-East Bakersfield), Wright (D-Inglewood).

Staff Contact: Thomas Vu

'Job Killer' Bills Awaiting Action by Governor Brown

From Page 1

eroding the apportionment provision that protects an employer from paying for disability that did not arise from work.

Employee Benefit Mandates

● **AB 325 (B. Lowenthal; D-Long Beach) Unpaid Bereavement Leave:**

Requires an employer to provide employees with up to three days of unpaid bereavement leave and elevates the significance of the right to bereavement leave to the same level as the right to be free from racial or gender discrimination and harassment, thereby adding to California businesses' legal costs and responsibilities.

Inflated Liability Costs

● **AB 559 (Swanson; D-Oakland)**

Undermines Judicial Discretion:

Unreasonably increases business litigation costs by limiting judicial discretion to reduce or deny exorbitant attorneys fees in fair employment and housing claims that should have been raised in a limited civil proceeding.

Vetoed

Vetoed by the Governor on June 28 was:

● **SB 104 (Steinberg; D-Sacramento)**

This bill would have essentially eliminated a secret ballot election and replaced it with the submission of representation cards signed by more than 50 percent of the employees, and left employees susceptible to coercion and

manipulation by labor organizations.

CalChamber believes the current provisions of the Agricultural Labor Relations Act (ALRA) adequately protect the rights and interests of employees and employers, as well as unions.

The end-of-legislative year status of other "job killers" is available at www.calchamber.com/jobkillers.

Action Needed

The CalChamber is urging members to contact the Governor and ask him to veto the "job killer" bills listed above.

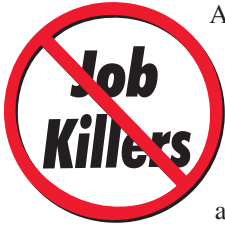
Sample letters are available at www.calchambervotes.com.

Staff Contact: Marc BURGAT

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

calchambervotes.com

Mandate to Retain Predecessor's Employees Fails to Pass Senate on Final Day of Session



A California Chamber of Commerce-opposed "job killer" bill that would have unfairly forced employers to hire a predecessor's employees and ensured

continued union representation failed to pass the Senate on September 10.

AB 350 (Solorio; D-Anaheim) inappropriately alters the employment relationship by requiring any successor contractor for "property services," defined as licensed security, building maintenance, window cleaning or food cafeteria services, to retain employees of the former contractor for a minimum of 60 days and thereafter offer continued employment unless the employees' performance during that period was unsatisfactory.

Jeopardizes Workplace Safety

In opposing the bill, the CalChamber noted that the amended AB 350 provided that a subsequent employer does not have to hire employees of the prior contractor who have been convicted of certain types of felonies. By specifying an exclusive list of such crimes, AB 350 implied that a subsequent employer would be required

to hire any felon not included on the list.

Assuming the bill would have allowed background checks, if the report revealed an individual had committed crimes not on the exclusive list in AB 350, the subsequent employer would have been forced to hire a known criminal and accept responsibility for any potential acts for which the employee had been convicted, such as theft, drug use or misdemeanor assault at the workplace.

AB 350 also would not have reduced the unemployment rate in California. Its mandate that a subsequent contractor of property services hire all the prior contractor's employees would have forced the subsequent contractor to either displace its existing workforce to take on the new employees; or eliminate positions it would have opened to new applicants in the industry, as those positions would have been filled by the prior contractor's employees.

The bill also was designed to ensure that an incumbent union elected as the bargaining representative for the prior contractor would remain the bargaining representative for the subsequent employer.

Key Vote:

AB 350 failed to pass the Senate September 10 on a vote of 17-18.

Ayes: Alquist (D-Santa Clara), Corbett

(D-San Leandro), De León (D-Los Angeles), DeSaulnier (D-Concord), Evans (D-Santa Rosa), Hancock (D-Berkeley), Hernandez (D-West Covina), Kehoe (D-San Diego), Leno (D-San Francisco), Lieu (D-Torrance), Negrete McLeod (D-Chino), Padilla (D-Pacoima), Price (D-Los Angeles), Simitian (D-Palo Alto), Steinberg (D-Sacramento), Vargas (D-San Diego), Yee (D-San Francisco).

Noes: Anderson (R-El Cajon), T. Berryhill (R-Modesto), Blakeslee (R-San Luis Obispo), Cannella (R-Ceres), Dutton (R-Rancho Cucamonga), Emmerson (R-Hemet), Fuller (R-Bakersfield), Gaines (R-Roseville), Harman (R-Huntington Beach), Huff (R-Diamond Bar), LaMalfa (R-Richvale), Pavley (D-Agoura Hills), Rubio (D-East Bakersfield), Runner (R-Antelope Valley), Strickland (R-Thousand Oaks), Walters (R-Laguna Niguel), Wolk (D-Davis), Wyland (R-Escondido).

No Vote Recorded: R. Calderon (D-Montebello), Correa (D-Santa Ana), Liu (D-La Cañada Flintridge), A. Lowenthal (D-Long Beach), Wright (D-Inglewood).

Staff Contact: Jennifer Barrera

CalChamber-Sponsored Seminars/Trade Shows

From Page 2

Development. September 23 and October 7, Sacramento. (916) 563-3200.

Start Your Own Import/Export Business. Learning Exchange. September 24, Sacramento. (916) 929-9200.

Business Opportunities in Los Angeles. Los Angeles Area Chamber. September 28, Los Angeles. (213) 580-7570.

Expanding Horizons 2011. Overseas Private Investment Corporation. September 29, Orange. (510) 628-0345

Advanced Management of Import/Export Businesses. Learning Exchange. October 1, Sacramento. (916) 929-9200.

Introduction to Global Exporting. California Manufacturing Technology Consulting. October 5, Torrance. (310) 263-3060.

Incoterms. Women in International Trade. October 19, Torrance. (800) 514-6407.

26th Trade Expo Indonesia. Trade Expo Indonesia. October 19-23, Kemayoran, Indonesia.

Gateway California. Northern California World Trade Center. October 26,

San Francisco. (916) 321-9124. District Export Council Conference. District Export Council. November 2-5, Las Vegas. (949) 283-1024. International Exhibit of Chemical Industry. Trust International Group. November 28-30, Alexandria, Egypt. WITmas. Women in International Trade. December 7, Long Beach. (916) 563-3200.

Labor Law

Determining Independent Contractor Status. CalChamber. September 19, On Demand. (800) 331-8877.

Bill Increasing Employer Litigation Costs Voted Down by Senate



California Chamber of Commerce-**opposed** legislation that would have undermined efficient dispute resolution and inflated legal costs failed to pass the Senate in the final days of the legislative session **AB 1062 (Dickinson;**

D-Sacramento), a “job killer,” would have significantly increased litigation costs for employers by eliminating the right to appeal a court order denying or dismissing a petition to compel arbitration if the plaintiff is over the age of 65 or a dependent adult.

The bill undermined enforcement of valid arbitration agreements, which means more cases would have gone to trial, taking four times longer than arbitration, on average.

Furthermore, by driving more non-meritorious claims into the courts, the bill would actually have increased the length of civil trials, delaying compensation to plaintiffs with legitimate grievances.

Increased Costs

The longer time translates into increased litigation costs for employers, leaving fewer resources to hire and retain employees, and discouraging employers from expanding in the state.

The only people who benefit from sending cases to trial rather than to arbitration are plaintiff’s attorneys, the sponsors of AB 1062. Employers, plaintiffs and taxpayers all benefit from the use of arbitration, as it saves money and provides faster relief while still protecting consumer and employee rights.

Key Vote

AB 1062 failed to pass the Senate on September 8, 15-21.

Ayes: Alquist (D-Santa Clara), Corbett (D-San Leandro), De León (D-Los Angeles), DeSaulnier (D-Concord), Evans (D-Santa Rosa), Hancock (D-Berkeley), Kehoe (D-San Diego), Leno (D-San Francisco), Liu (D-La Cañada Flintridge), A. Lowenthal (D-Long Beach), Padilla (D-Pacoima), Pavley (D-Agoura Hills), Simitian (D-Palo Alto), Steinberg

(D-Sacramento), Wolk (D-Davis).

Noes: Anderson (R-El Cajon), T. Berryhill (R-Modesto), Blakeslee (R-San Luis Obispo), Calderon (D-Montebello), Cannella (R-Ceres), Dutton (R-Rancho Cucamonga), Emmerson (R-Hemet), Fuller (R-Bakersfield), Gaines (R-Roseville), Harman (R-Huntington Beach), Hernandez (D-West Covina), Huff (R-Diamond Bar), LaMalfa (R-Richvale), Negrete McLeod (D-Chino), Price (D-Los Angeles), Runner (R-Antelope Valley), Strickland (R-Thousand Oaks), Walters (R-Laguna Niguel), Wright (D-Inglewood), Wyland (R-Escondido), Yee (D-San Francisco).

No Vote Recorded: Correa (D-Santa Ana), Lieu (D-Torrance), Rubio (D-East Bakersfield), Vargas (D-San Diego).

Following the vote, the bill was granted reconsideration. On September 9, Senator Noreen Evans requested the bill be placed on the Senate inactive file, which allows the bill to be reconsidered when the legislative session resumes in January.

Staff Contact: Mira Guertin

Comedian, Think Tank Chair Give CalChamber Board Food for Thought



Comedian Will Durst provides caustic commentary on current events at the dinner gathering of the CalChamber Board of Directors on September 1.



Michael Milken, chairman of the Milken Institute, a non-partisan economic think tank, explains to the CalChamber Board of Directors on September 2 how investment in human capital can help create the next ‘American century.’

CalChamber Status Update Report on Major Legislation for Business

The following list summarizes top priority bills for the California Chamber of Commerce and their status as of September 10, when the Legislature began its interim recess.

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

October 10 is the last day for the Governor to sign or veto bills passed by the Legislature on or before September 10. The CalChamber will publish its final status report, showing the ultimate fate of priority bills sent to the Governor this year, on October 14.

Each fall, the CalChamber also

publishes a record of legislators' votes on key bills affecting the California business climate. Generally, the bills selected for the vote record have appeared in one of the status reports. This year's vote record is scheduled to be published on October 28.

Federal bills are marked with an *.

Status of bills as of September 10, 2011, when the Legislature began its interim recess. Dates listed are the date the bill was assigned to a committee, the latest date of committee action or when the bill reached the floor, unless action is stated.

Subject—CalChamber Position	Status
Agriculture and Resources	
Penalties. SB 588 (Evans; D-Santa Rosa) Expands the Coastal Commission's authority by allowing the commission to impose a civil penalty for violations rather than having the Attorney General enforce the violations. Oppose.	Senate Judiciary 3/22/11; Failed 2011 Deadline
Penalties. AB 942 (Huber; D-El Dorado Hills) Redirects fines and penalty funds from agency programs that remediate pollution problems to the General Fund. Oppose.	Assembly Natural Resources 3/10/11; Failed 2011 Deadline
Infrastructure Improvements. SB 580 (Wolk; D-Davis) Stops infrastructure projects (utility, roads or water) from occurring within state park boundaries. Opens up lawsuit opportunities by those alleging the use is incompatible with park purposes. Oppose.	Failed passage in Assembly Water, Parks and Wildlife 6/28/11; Failed 2011 Deadline
Reporting. AB 1176 (Williams; D-Santa Barbara) Unsafely accelerates pesticide health reporting requirements and written control measures beyond what's in current law. Oppose.	Failed passage in Assembly Agriculture 5/4/11; Failed 2011 Deadline
Sea Level Rise. AB 752 (Brownley; D-Santa Monica) Increases cost to business by requiring premature and likely redundant planning for sea level rise as it relates to climate change on public trust lands. Oppose.	Senate Natural Resources and Water 6/28/11; Failed 2011 Deadline
Vertebrate Pest Control. AB 634 (Huber; D-El Dorado Hills) Provides farmers and ranchers an additional tool to help prevent vertebrate pests from destroying California's valuable agricultural products by allowing the use of carbon monoxide for vertebrate pest control purposes. Support.	To Governor
Pesticides in Schools. SB 394 (DeSaulnier; D-Concord) Unnecessarily bans certain pesticides from use on school grounds. Oppose.	Held in Senate Appropriations Suspense File 5/26/11; Failed 2011 Deadline
Vehicles: Load Inspections. AB 316 (Carter; D-Rialto) Before amendments, curtailed metal and agricultural thefts by expanding law enforcement's ability to inspect certain loads for contraband. Neutral.	To Governor
Banking/Finance	
New Tax. AB 935 (Blumenfield; D-San Fernando Valley) Imposes \$20,000 tax on banks per foreclosure with money distributed to a variety of community agencies and local causes unrelated to foreclosure. Oppose.	Failed Assembly Banking and Finance 4/25/11

Delays Residential Construction Industry Recovery. SB 729 (Leno; D-San Francisco) Hinders recovery of the residential construction industry by reducing the availability of credit due to delays in resolving delinquent loans by requiring lenders to determine a borrower's eligibility for a loan modification prior to the filing of a notice of default. Oppose.	Failed passage in Senate Banking and Financial Institutions 5/4/11; Failed 2011 Deadline
Stalls Economic Recovery. AB 1321 (Wieckowski; D-Fremont) Interferes with current process of recording mortgage documents in order to prolong the foreclosure process, delaying economic recovery. Oppose.	Held in Assembly 5/3/11; Failed 2011 Deadline
Impedes Economic Recovery. AB 645 (Davis; D-Los Angeles) Creates additional fiduciary liability for mortgage brokers for failure to counsel borrowers regarding mortgage options and to report subsequent defaults to credit reporting agencies. Oppose.	Assembly Banking and Finance 3/7/11; Failed 2011 Deadline
Impedes Economic Recovery. AB 643 (Davis; D-Los Angeles) Creates disincentive to mortgage lending by creating new complex mortgage counseling requirements for borrowers to be provided by brokers. Oppose.	Failed Assembly Banking and Finance 4/25/11; Failed 2011 Deadline
Impedes Economic Recovery. AB 406 (Davis; D-Los Angeles) Restricts access to capital by prohibiting balloon payments on adjustable rate mortgages, thereby limiting mortgage financing options and loan modifications. Oppose.	Failed Assembly Banking and Finance 4/25/11; Failed 2011 Deadline
Impedes Economic Recovery. AB 407 (Davis; D-Los Angeles) Restricts access to capital by banning pre-payment penalties in all mortgages, thereby restricting low-cost mortgage options for borrowers. Oppose.	Assembly Banking and Finance 3/3/11; Failed 2011 Deadline
California Financial Literacy Fund. AB 597 (Eng; D-Monterey Park) Makes a step toward improving the financial literacy of adults in California by authorizing the State Controller to establish the fund and convene an Advisory Committee for fund oversight made up of state agencies, non-profits and financial institution representatives. Support.	To Governor

Climate Change

Climate Change Tax Increase. SB 535 (De León; D-Los Angeles) Increases costs and discourages job growth by implementing unlimited fees and taxes under a cap-and-trade system. Oppose/ Job Killer .	Assembly Appropriations Suspense File 8/17/11; Failed 2011 Deadline
Discourages Emission Reductions. SB 246 (De León; D-Los Angeles) Prohibits finding the most cost-effective ways to reduce emissions, creates uncertainty and significantly increases business costs by imposing new and excessively burdensome requirements on the development and use of compliance offsets in a cap-and-trade program under AB 32. Oppose/ Job Killer .	Held in Senate Appropriations Suspense File 5/26/11; Failed 2011 Deadline
Climate Change Tax Increase. SB 237 (Wolk; D-Davis) Increases costs and discourages job growth by implementing unlimited fees and taxes under a cap-and-trade system. Oppose/ Job Killer .	Held in Senate Appropriations Suspense File 5/26/11; Failed 2011 Deadline
Expedited Environmental Review. AB 880 (V. M. Pérez; D-Coachella) Streamlines the California Environmental Quality Act approval process for certain projects by allowing industries subject to compliance with greenhouse gas regulations under AB 32 to go through an expedited review through a focused environmental impact report. Support/ Job Creator .	Senate Environmental Quality 6/8/11; Failed 2011 Deadline
State Air Resources Board: Regulation. SB 533 (Wright; D-Inglewood) Creates a more clear and reasonable pathway for AB 32 compliance by requiring the California Air Resources Board (CARB) to provide appropriate implementation schedules and other notification requirements for regulations adopted by the CARB pursuant to AB 32. Support.	Held in Assembly Appropriations Suspense File 8/25/11; Failed 2011 Deadline
State Air Resources Board: Dispute Resolution. AB 1095 (B. Berryhill; R-Ceres) Creates a hearing board within the California Air Resources Board (CARB), which ensures a transparent process for reviewing disputes between regulated parties and the CARB and avoids costly and inefficient court cases. Support.	Senate Environmental Quality 6/22/11; Failed 2011 Deadline

Education

More College Graduates. SB 292 (Padilla; D-Pacoima) Before amendments, increased number of degrees earned at community college level, and guaranteed that more students eventually transfer to a baccalaureate program to help meet future demands of state's economy by improving transfer-degree program established by SB 1440 (Padilla) last year. Support.	See "Housing and Land Use" for new description and status of amended bill.
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High-Quality Curriculum. SB 611 (Steinberg; D-Sacramento) In combination with SB 612, increases high school graduation rates, improves the college and workforce readiness of those graduates and trains teachers to better prepare California's students to compete in a global economy by emphasizing education programs that provide students with real-world experience and rigorous coursework to help them engage and excel. Support.	To Governor
High-Quality Instruction. SB 612 (Steinberg; D-Sacramento) In combination with SB 611, increases high school graduation rates, improves the college and workforce readiness of those graduates and trains teachers to better prepare California's students to compete in a global economy by emphasizing education programs that provide students with real-world experience and rigorous coursework to help them engage and excel. Support.	To Governor
Teacher Quality. SB 355 (Huff; R-Diamond Bar) Improves the quality of teachers in California, and makes sure that, when schools must lay off teachers due to budget cuts, they have the ability to make cuts based on teacher quality, rather than just on seniority. Support.	Failed passage in Senate Education 5/11/11; Failed 2011 Deadline

Elections and Fair Political Practices

Check and Balance Denial. SB 168 (Corbett; D-San Leandro) 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
Delays Budget Reform Vote. SB 202 (Hancock; D-Berkeley) Inappropriately delays a statewide vote on an initiative to reform the state budget process by moving it from the 2012 ballot to the 2014 ballot and increases the costs of initiative campaigns by limiting their placement to November elections in even-numbered years. Oppose.	To Governor

Energy

Electricity Ratepayer Tax. AB 724 (Bradford; D-Gardena) Extends a tax, commonly referred to as the Public Goods Charge, on electricity ratepayers in the investor-owned utility territories an additional eight years. Oppose.	Failed Senate 9/10/11, Urgency Clause Refused Adoption
Electricity Ratepayer Tax. SBX1 28 (Padilla; D-Pacoima) Extends a tax, commonly referred to as the Public Goods Charge, on electricity ratepayers in the investor-owned utility territories an additional eight years. Oppose.	Senate Energy, Utilities and Communications 8/29/11; Special Session Closed
Electricity Tax. SB 585 (Kehoe; D-San Diego) Collects an additional \$200 million from investor-owned utility ratepayers for the California Solar Initiative to fund a shortfall in the program. Oppose.	To Governor
Electricity Tax. AB 1150 (V. M. Pérez; D-Coachella) Extends collection of Self-Generation Incentive Program (SGIP) funding from investor-owned utility ratepayers an additional three years. Oppose.	To Governor
Creates Regulatory Uncertainty. SJR 13 (Vargas; D-San Diego) Pre-empts the California Public Utility Commission's authority and calls upon the Secretary of the Department of Defense to reject Sempra Energy's construction of a cross-border transmission line. Oppose.	To Governor
Renewable Portfolio Standard. AB 391 (Pan; D-Sacramento) Allows locally owned public utilities to bank renewable credits while not allowing investor-owned utilities the same advantage. Oppose. See "Unemployment Insurance" for description of previous version of bill.	Senate Inactive File 9/9/11
Electricity Ratepayer Tax. AB 723 (Bradford; D-Gardena) Extends a tax, commonly referred to as the Public Goods Charge, on electricity ratepayers in the investor-owned utility territories an additional eight years. Oppose.	Senate Energy, Utilities and Communications 6/29/11
Electricity Ratepayer Tax. AB 1303 (Williams; D-Santa Barbara) Extends a tax, commonly referred to as the Public Goods Charge, on electricity ratepayers in the investor-owned utility territories, an additional eight years. Oppose.	Senate Energy, Utilities and Communications 7/7/11
Electricity Ratepayer Tax. SB 35 (Padilla; D-Pacoima) Imposes a tax on electricity ratepayers in the investor-owned utility territories to fund energy research. Oppose.	Assembly Natural Resources 7/11/11
Protects Ratepayer Funds. SB 939 (Wright; D-Inglewood) Streamlines the collection and allocation of funds collected for the Gas Consumption Surcharge Fund. Support.	Held in Assembly Appropriations Suspense File 8/25/11; Failed 2011 Deadline

Discourages Energy Independence. AB 37 (Huffman; D-San Rafael) Disrupts and discourages the advancement of energy independence and inhibits economic growth by requiring the California Public Utilities Commission (CPUC) to immediately suspend the deployment of advanced meters (smart meters) until the CPUC develops alternative smart meter options for customers. Oppose.	Assembly Utilities and Commerce 1/24/11
Energy Efficiency Standards. SB 454 (Pavley; D-Agoura Hills) Before amendments, expanded the police powers of the California Energy Commission related to energy efficiency standards. Opposition removed following amendments. Neutral	To Governor
Economic Impacts. Unfunded Mandate. AB 1180 (Bradford; D-Gardena) Before amendments, required the State Water Board to develop a report on the economic cost of the new once-through cooling policy for power plants on ratepayers. Removed support following amendments. No Position.	Senate Third Reading 7/11/11

Environmental Regulation

Polystyrene Food Container Ban. SB 568 (Lowenthal; D-Long Beach) Threatens thousands of manufacturing jobs within the state by inappropriately banning all food vendors from using polystyrene foam food service containers, ignoring the numerous environmental benefits associated with polystyrene products. Oppose/ Job Killer.	Assembly Inactive File 9/8/11
Increased Transportation Costs. AB 638 (Skinner; D-Berkeley) Increases costs on consumers and business by mandating an unrealistic reduction of petroleum fuel consumption with an unrealistic increase in alternative fuel consumption to 15% below 2003 levels by 2020. Oppose/ Job Killer.	Held in Assembly Appropriations Suspense File 5/27/11; Failed 2011 Deadline
Consumer Product Ban. AB 1319 (Butler; D-Marina del Rey) Prejudges the work product of the forthcoming, science-driven Green Chemistry Program by banning the use of bisphenol A (BPA) in specified consumer products. Oppose.	To Governor
Recycled Food/Beverage Containers. AB 837 (Nestande; R-Palm Desert) Unfairly establishes a system of patchwork enforcement by allowing any city, county or the state to impose civil liability for a violation of a recycled content advertising claim, imposing a competitive disadvantage upon California businesses, and creating a disincentive for using recycled materials. Oppose.	Senate Environmental Quality 6/20/11; Failed 2011 Deadline
Oil Spill Prevention and Administration Fees. AB 1112 (Huffman; D-San Rafael) Before amendments, would have enabled ongoing raids on Oil Spill Prevention and Response Programs by proposing a 60% increase in the assessment that supports the Office of Spill Prevention and Response. Opposition removed due to amendments. No Position.	To Governor
Hydraulic Fracturing. AB 591 (Wieckowski; D-Fremont) Imposes unnecessary and overly onerous requirements on operators and service providers using hydraulic fracturing treatment. Oppose.	Held in Senate Appropriations Suspense File 8/25/11; Failed 2011 Deadline
Hazardous Waste. SB 909 (LaMalfa; R-Richvale) Provides businesses and government that use treated wood products with the most cost-effective guidance and health-and-safety protection for disposing of treated wood waste, saving tens of millions of dollars each year in disposal costs. Support.	To Governor
Green Chemistry. SB 178 (Simitian; D-Palo Alto) Amplifies the Green Ribbon Science Panel's role in the development of green chemistry regulations at the Department of Toxic Substances Control without a correlating increase in process transparency and public oversight. Oppose unless amended.	Assembly Environmental Safety and Toxic Materials 4/28/11; Failed 2011 Deadline
Toxic Substances. SJR 3 (Pavley; D-Agoura Hills) Attempts to paint an incomplete and scientifically flawed picture of federal chemical policy by urging federal government to enact legislation to modernize the federal Toxic Substances Control Act of 1976. Oppose.	Resolution Chapter 62

Government Procurement

Harms Private Employers. SB 252 (Vargas; D-San Diego) Creates risk of financial and competitive damage to public and private firms by requiring the disclosure of sensitive information, and could lessen competition for state contracts and drive up state costs. Oppose.	Failed passage in Assembly Business, Professions and Consumer Protection 7/5/11; Failed 2011 Deadline
Bid Preference. SB 497 (Rubio; D-East Bakersfield) Increases the cost of state contracts by establishing a 5% bid preference for businesses with at least 90% of their employees residing in California who provide goods to the state. Oppose.	Held in Assembly Appropriations Suspense File 8/25/11; Failed 2011 Deadline

Bid Preference. SB 175 (Corbett; D-San Leandro) Increases the cost of state contracts and limits choice by establishing a 5% bid preference to businesses that use California-manufactured solar panels. Oppose.	Failed passage in Assembly Business, Professions and Consumer Protection 7/5/11; Failed 2011 Deadline
Targets Private Sector Contracts. AB 172 (Eng; D-Monterey Park) Before amendments, sought to eliminate outsourcing of government service contracts by posting all state contracts on line with employment numbers and costs, and also imposed severe penalties on employers for failing to provide agencies with the requested information by the deadline. Opposition removed due to amendments. No Position.	To Governor
Health	
Rate Regulation. AB 52 (Feuer; D-Los Angeles) Creates uncertainty and delays for employers by creating an unworkable complex rate approval and regulation process for employer-sponsored health coverage and adds implementation fees on health insurers to support a complex and regulated plan approval process. Oppose/ Job Killer.	Senate Inactive File 9/1/11
Government-Run Health Care. SB 810 (Leno; D-San Francisco) Creates a new government-run, multibillion-dollar socialized health care system supported by an unspecified “premium structure” to be determined by 2014 by prohibiting the sale of any private health care insurance. Oppose.	Senate Appropriations 5/19/11; Failed 2011 Deadline
Increased Costs: Health Care Mandate. SB 946 (Steinberg; D-Sacramento) Increases health care premiums by requiring health plan coverage beyond medically necessary treatment for autism by mandating coverage of services that are educational, academic, or custodial in nature. Oppose.	To Governor
Increased Costs: Health Care Mandate. SB 770 (Steinberg; D-Sacramento) Requires all health plans and health insurance plans to provide coverage for behavioral health treatment for autism. Oppose.	Assembly Appropriations Suspense File 8/25/11
Over-Reaching Regulation. AB 1083 (Monning; D-Carmel) Intends to conform Patient Protection and Affordable Care Act to California law, but instead goes beyond the Act, essentially eliminates “grandfathered plans,” and creates complexity for employers in obtaining health coverage. Oppose.	Senate Inactive File 9/8/11
Increased Costs: Mandated Autism Benefit Coverage. AB 171 (Beall; D-San Jose) Increases health insurance premiums and increases the ranks of the uninsured by mandating that all health policies cover screening, diagnosis and treatment for autism. Oppose.	Assembly Appropriations Suspense File 5/27/11; Failed 2011 Deadline
Increased Costs: Health Care Mandate. SB 166 (Steinberg; D-Sacramento) Requires all health plans and health insurance plans to provide coverage for behavioral intervention therapy for autism. Oppose.	Senate Health 4/27/11; Failed 2011 Deadline
Increased Costs. AB 310 (Ma; D-San Francisco) Increases health insurance premiums and increases the ranks of the uninsured by limiting co-pays and out-of-pocket expenses for prescriptions. Oppose.	Assembly Appropriations Suspense File 5/27/11; Failed 2011 Deadline
Increased Costs: Mandated Maternity Health Benefit Coverage. SB 222 (Evans; D-Santa Rosa) Increases health insurance premiums and contributes to increasing the ranks of the uninsured by mandating that all health insurance policies provide maternity coverage. Oppose.	To Governor
Increased Costs: Mandated Maternity Health Benefit Coverage. AB 185 (R. Hernández; D-West Covina) Increases health insurance premiums and increases the ranks of the uninsured by mandating that all health insurance policies provide maternity coverage. Oppose.	Assembly Appropriations Suspense File 5/27/11; Failed 2011 Deadline
Increased Costs: Mandated Maternity Health Benefit Coverage. SB 155 (Evans; D-Santa Rosa) Increases health insurance premiums and increases the ranks of the uninsured by mandating that all health insurance policies provide maternity coverage. Oppose.	Assembly Appropriations Suspense File 5/17/11; Failed 2011 Deadline
Increased Costs: Mandated Mental Health Benefit Coverage. AB 154 (Beall; D-San Jose) Increases health insurance premiums and increases the ranks of the uninsured by mandating that all health policies cover an expanded list of mental health services. Oppose.	Assembly Appropriations Suspense File 5/27/11; Failed 2011 Deadline
Increased Costs: Mandated Acupuncture Benefit Coverage. AB 72 (Eng; D-Monterey Park) Increases health insurance premiums and increases the ranks of the uninsured by mandating that all health policies cover acupuncture services. Oppose.	Assembly Appropriations Suspense File 5/27/11; Failed 2011 Deadline

Increased Costs: Health Care Mandate. AB 369 (Huffman; D-San Rafael) Increases health care premiums by eliminating current cost controls and unraveling consumer protections in the use of prescription pain medicines by eliminating the practice of step therapy. Oppose.	Assembly Appropriations Suspense File 5/27/11; Failed 2011 Deadline
Increased Costs: Health Care Mandate. AB 428 (Portantino; D-La Cañada Flintridge) Increases health care premiums by mandating fertility preservation services for specific circumstances. Oppose.	Assembly Appropriations Suspense File 5/27/11; Failed 2011 Deadline
Increased Costs: Health Care Mandate. AB 1000 (Perea; D-Fresno) Increases health care premiums by limiting co-payments for one type of pharmaceutical—orally administered anti-cancer medications. Oppose.	Assembly Appropriations Suspense File 5/27/11; Failed 2011 Deadline
Curbs Illegal Drug Manufacturing. AB 1280 (Hill; D-San Mateo) Seeks to curb the illegal manufacture of methamphetamine by making it more difficult to purchase pseudoephedrine (PSE). This bill implements a statewide electronic tracking program in retail outlets that monitors all California over-the-counter PSE purchases in real-time to prevent purchases beyond limits established by federal law. Support.	Held in Senate Appropriations Suspense File 8/15/11; Failed 2011 Deadline
Unreasonable Prescription Requirement. SB 315 (Wright; D-Inglewood) Increases the cost of health care coverage for everyone by forcing individuals to obtain a prescription for pseudoephedrine products that are now available without a prescription; by making them available exclusively by prescription, the state loses sales tax revenue. Oppose.	Senate Health 4/26/11; Failed 2011 Deadline
Increased Costs. SB 136 (Yee; D-San Francisco) Before gutted and amended, increased health care premiums by mandating that health policies cover smoking cessation services, unless the California Health Benefits Review Program finds there would be a net increase in state costs. Opposition removed due to amendments; now deals with an entirely different issue. No Position.	To Governor
Health Care Expenses Tax Deductions. AB 854 (Garrick; R-Carlsbad) Entitles individuals to a state tax deduction for contributions to a Health Savings Account (HSA) in conformity with federal tax law, allowing individuals to save tax-free dollars to pay near-term medical expenses and save for future longer-term medical costs. Support.	Held in Assembly Revenue and Taxation Suspense File 5/16/11
Housing and Land Use	
Stifles Economic Development. SB 469 (Vargas; D-San Diego) Undermines local land use discretion by mandating an additional and costly economic and community impact report prior to approving a permit to construct a large retail establishment. Oppose.	To Governor
Usurps Local Control. SB 833 (Vargas; D-San Diego) Undermines employer confidence in local land use decisions and sets a precedent for the Legislature to invalidate them based on arbitrary criteria. Oppose.	To Governor
California Environmental Quality Act (CEQA) Streamlining. SB 226 (Simitian; D-Palo Alto) Creates unnecessary litigation and increased costs for CEQA projects by attempting to ensure timely comments and streamlining the CEQA process for certain solar and infill development projects. Oppose unless amended.	To Governor
Stifles Economic Development. AB 742 (B. Lowenthal; D-Long Beach) Creates disincentives for businesses to locate or grow in California by usurping local land use control and by disregarding the existing regulatory approval process. Oppose.	Senate Rules 8/23/11
Expedited CEQA Judicial Review. SB 292 (Padilla; D-Pacoima) Establishes an administrative and judicial review process for the environmental impact report (EIR) approvals granted for the stadium project in Los Angeles. Previously supported as an entirely different bill (see “Education”). Support.	To Governor
CEQA Streamlining. AB 931 (Dickinson; D-Sacramento) Provides a broader exemption for infill housing under CEQA. Oppose unless amended.	Failed passage in Senate Environmental Quality 9/8/11
Regulatory Reform. SB 643 (Correa; D-Santa Ana) Helps provide a clearer understanding of the economic impacts of new housing regulations by requiring agencies to specifically cite their “estimated cost of compliance” associated with a proposed regulation and to make available the assumptions/analysis used in arriving at those estimated costs. Support.	Held in Assembly Appropriations Suspense File 8/25/11; Failed 2011 Deadline
New Home Construction. AB 208 (Fuentes; D-Sylmar) 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. Support.	Signed—Chapter 88 Urgency

Building Standards Commission. AB 930 (Gordon; D-Menlo Park) Adds a requirement that at least one commissioner on the Building Standards Commission be experienced and knowledgeable in green building design. Support.	To Governor
Environment: California Environmental Quality Act (CEQA). SB 241 (Cannella; R-Ceres) Facilitates job creation by giving a limited number of environmentally sound development projects protection from CEQA lawsuits. This benefit will allow projects that have met their CEQA requirements to break ground sooner, which will create badly needed jobs and spur economic growth. Support.	Failed passage in Senate Environmental Quality 5/2/11; Failed 2011 Deadline

Immigration

Electronic Employment Verification. AB 1236 (Fong; D-Cupertino) Avoids creation of a patchwork of inconsistent and incompatible state and local laws by prohibiting the State of California, and cities, counties or special districts from requiring employers to use the federal E-Verify system for electronic verification of employees' eligibility to work in the United States. Support.	To Governor
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Industrial Safety and Health

Undermines Employer Rights. SB 829 (DeSaulnier; D-Concord) Undermines employer rights in California Division of Occupational Safety and Health (Cal/OSHA) citations by allowing private parties to interfere with the appeals process, which could impose significant costs on employers, the Cal/OSHA Appeals Board and on Cal/OSHA. Oppose/ Job Killer.	Assembly Appropriations 8/17/11; Failed 2011 Deadline
Unwarranted Pre-emption. AB 553 (Monning; D-Carmel) Eliminates transparency and accountability in setting workplace exposures to hazardous substances by pre-empting California's Occupational Safety and Health Standards Board and Division of Occupational Safety and Health statutory authority to craft and adopt rational and science-based consensus standards. Oppose.	Held in Assembly Appropriations Suspense File 5/27/11; Failed 2011 Deadline
Unnecessary Regulation. SB 432 (De León; D-Los Angeles) Increases costs to lodging establishments by directing Cal/OSHA to regulate the use of sheets and cleaning tools for hotel/motel housekeepers. Oppose.	Assembly Appropriations Suspense File 8/25/11; Failed 2011 Deadline

Insurance

Increases Insurance Costs. AB 1063 (Bradford; D-Gardena) Forces a higher level of underinsured motorist coverage at a higher cost for motorists without offering them the opportunity to choose or reject this increased coverage. This eliminates the choice and flexibility of consumers to control the limits and cost for coverage. Oppose unless amended.	Assembly Rules 5/5/11; Failed 2011 Deadline
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International Relations/Trade

U.S.-South Korea Free Trade Agreement (FTA). SJR 4 (Harman; R-Huntington Beach) Asks Congress to approve the U.S.-South Korea FTA, which would lower tariffs and increase trade between the two countries. Support/ Job Creator.	Failed passage in Senate Business, Professions and Econ Development 6/13/11; Reconsideration Granted
Better Trade Promotion. SB 460 (Price; D-Los Angeles) Supports California's international trade efforts by giving the Business Transportation and Housing Agency more authority over trade promotion, and requires the organizing of a statewide business partnership for international trade and promotion. Support/ Job Creator.	Held in Assembly Appropriations Suspense File 8/25/11; Failed 2011 Deadline
Encourages Foreign Investment. SCR 33 (Price; D-Los Angeles) Encourages foreign direct investment in California by promoting more access to EB-5 visas. Support.	Resolution Chapter 60
State Contracting. SB 861 (Corbett; D-San Leandro) Forbids the state from contracting for goods from companies that violate federal law dealing with conflict minerals from the Democratic Republic of Congo. Opposition removed due to amendments. Neutral.	To Governor
*U.S.-Colombia Free Trade Agreement. A bilateral free trade agreement that will lower tariffs and foster increased trade between both countries. The agreement also will increase momentum toward lowering trade barriers and set a positive example for other small economies in the Western Hemisphere. Support.	Pending Congressional Action

<p>*U.S.-Korea Free Trade Agreement. A bilateral free trade agreement that will lower tariffs and foster increased trade between both countries and is a critical element of the U.S. strategy to liberalize trade through multilateral, regional and bilateral initiatives. Support.</p>	<p>Pending Congressional Action</p>
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<p>*U.S.-Panama Free Trade Agreement. A bilateral free trade agreement that will lower tariffs and foster increased trade between both countries. The agreement also will increase momentum toward lowering trade barriers and set a positive example for other small economies in the Western Hemisphere. Support.</p>	<p>Pending Congressional Action</p>
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Labor and Employment

<p>Paid Sick Leave Mandate. AB 400 (Ma; D-San Francisco) Unreasonably expands both public and private employers' costs and liability by mandating employers to provide paid sick leave for employees. Oppose/Job Killer.</p>	<p>Held in Assembly Appropriations Suspense File 5/27/11; Failed 2011 Deadline</p>
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<p>Employee Safety Risk. SB 129 (Leno; D-San Francisco) Undermines employers' ability to provide a safe and drug-free workplace by establishing a protected classification for employees who utilize medical marijuana. Oppose/Job Killer.</p>	<p>Senate Inactive File 6/2/11; Failed 2011 Deadline</p>
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<p>Hampers Employment Decisions. AB 22 (Mendoza; D-Artesia) Unfairly limits private employers' ability to use consumer credit reports for legitimate employment purposes, such as those positions that have direct and unsupervised access to any amount of cash and/or valuable non-financial assets. Oppose/Job Killer.</p>	<p>To Governor</p>
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<p>Automatic Minimum Wage Increase. AB 10 (Alejo; D-Watsonville) Creates uncertainty by imposing an automatic indexing of the minimum wage based on inflation that fails to take into account the current economic status of the state. Oppose/Job Killer.</p>	<p>Held in Assembly Appropriations Suspense File 5/27/11; Failed 2011 Deadline</p>
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<p>Costly Employee Retention Mandate. AB 350 (Solorio; D-Anaheim) Inappropriately alters the employment relationship by requiring any successor contractor for "property services," defined as licensed security, building maintenance, window cleaning or food cafeteria services, to retain employees of the former contractor for a minimum of 60 days and thereafter offer continued employment unless the employees' performance during that period was unsatisfactory. Oppose/Job Killer.</p>	<p>Failed Passage in Senate 9/10/11</p>
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<p>Increased Agricultural Costs. SB 104 (Steinberg; D-Sacramento) Attempts to limit employees' ability to independently and privately vote for unionization in the workplace, by essentially eliminating a secret ballot election and replacing it with the submission of representation cards signed by over 50% of the employees, which leaves employees susceptible to coercion and manipulation by labor organizations. Oppose/Job Killer.</p>	<p>Vetoed</p>
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<p>Family and Medical Leave Expansion. AB 59 (Swanson; D-Alameda) Creates an increased burden on employers and makes a California-only mandated benefit different than the federal family leave act by significantly expanding the category of individuals with serious health conditions for whom an employee can take a leave of absence. Oppose/Job Killer.</p>	<p>Held in Assembly Appropriations Suspense File 5/27/11; Failed 2011 Deadline</p>
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<p>Unpaid Bereavement Leave. AB 325 (B. Lowenthal; D-Long Beach) Adds to California businesses' legal costs and responsibilities by requiring an employer to provide employees with up to three days of unpaid bereavement leave and elevating the significance of the right to bereavement leave to the same level as the right to be free from racial or gender discrimination and harassment. Oppose/Job Killer.</p>	<p>To Governor</p>
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<p>Unreasonable Government Intrusion Into Employer/Employee Relationship. AB 508 (Swanson; D-Alameda) Unreasonable government intrusion upon an employer's right to hire and/or terminate employees, by forcing an employer who wants to receive a bid preference for public contracts for solid waste handling or recycling, to agree to hire the prior contractors' employees. Oppose.</p>	<p>Senate Appropriations 6/23/11; Failed 2011 Deadline</p>
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<p>Ban on Payroll Cards. SB 931 (Evans; D-Santa Rosa) Essentially prohibits financial institutions from charging fees related to the use of payroll cards, thereby imposing a de facto ban on the product and eliminating employers' ability to offer this cost-beneficial option for paying wages to employees. Oppose.</p>	<p>To Governor</p>
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<p>Payroll Cards. AB 51 (Yamada; D-Davis) Imposes significant burdens and restrictions on employers with regard to the use of payroll cards that will discourage any employer from utilizing this method of payment as an option for their employees. Oppose.</p>	<p>Senate Banking and Financial Institutions 6/23/11; Failed 2011 Deadline</p>
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<p>Interference with Employment Contracts. AB 267 (Swanson; D-Alameda) Limits parties' right to contract by characterizing any non-California choice of forum clauses and/or choice of law clauses in employment contracts as void and unenforceable, unless additional compensation is paid to include such provisions. Oppose.</p>	<p>To Governor</p>
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Duplicative and Burdensome Notice Requirement on Employers. AB 469 (Swanson; D-Alameda) Before amendments, would have imposed a burdensome and duplicative notice requirement on employers that could subject them to potential litigation. Opposition removed due to amendments. No Position.	To Governor
New Liability for Using Independent Contractors. SB 459 (Corbett; D-San Leandro) Creates additional uncertainty for employers who use independent contractors by imposing new penalties for the willful misclassification of someone as an independent contractor even though state agencies provide no clear or consistent definition of an independent contractor. Oppose.	To Governor
Attack on the Independent Contractor Relationship. AB 950 (J. A. Pérez; D-Los Angeles) Directly attacks the independent contractor relationship by deeming drayage truck operators as employees of the persons who contract for their services. Oppose.	Assembly Inactive File 6/2/11; Failed 2011 Deadline
Onerous Wage-and-Hour Mandates for Individual Homeowners. AB 889 (Ammiano; D-San Francisco) Requires individual homeowners who hire “domestic work employees” to comply with onerous wage-and-hour mandates that even sophisticated businesses in California struggle to satisfy, thereby discouraging such homeowners from retaining the services of these domestic work employees. Oppose.	Held in Senate Appropriations Suspense File 8/25/11; Failed 2011 Deadline
Bone Marrow/Organ Donation Leave. SB 272 (DeSaulnier; D-Concord) Clarifies the requirements of paid bone marrow and/or organ donation leave, to provide employers with certainty as to how this leave should be implemented. Sponsor/Co-Sponsor.	Signed—Chapter 147
Personnel Records Inspection. AB 1399 (Committee on Labor and Employment) Imposes overly burdensome restrictions and demands on employers by requiring an employer to maintain personnel records for four years, allowing current or former employees to inspect the records within 21 days of a written or oral request, and imposing a \$750 penalty as well as attorneys fees for failure to maintain the records or allow an inspection. Oppose.	Held in Assembly Appropriations Suspense File 5/27/11; Failed 2011 Deadline
Alternative Workweek Schedules. SB 378 (Dutton; R-Rancho Cucamonga) Provides significant benefits and flexibility for employers and employees who want to implement alternative workweek schedules. Sponsor/Co-Sponsor.	Senate Labor and Industrial Relations 2/24/11; Failed 2011 Deadline
Meal Periods. SB 389 (Dutton; R-Rancho Cucamonga) Provides employers certainty with regard to meal periods and rest periods by stating that the exclusive remedy for a missed meal period or rest period is one hour of pay at the employee’s regular rate of pay. Support.	Senate Labor and Industrial Relations 5/4/11
Employers: Good Faith Defense. SB 883 (Correa; D-Santa Ana) Provides employers who rely in good faith upon and in conformity with the opinions, interpretations, guidance, advice, or orders of the Division of Labor Standards Enforcement with an affirmative defense against claims challenging the validity of the employer’s wage-and-hour practices on such issues. Sponsor/Co-Sponsor.	Senate Labor and Industrial Relations 3/10/11; Failed 2011 Deadline
Punitive Administrative Penalties. AB 240 (Bonilla; D-Concord) Allows the Labor Commissioner of the Division of Labor Standards Enforcement (DLSE), a politically influenced position and agency, the authority to award liquidated damages pursuant to any complaint brought before the DLSE that alleges payment of less than the minimum wage. Oppose.	Signed—Chapter 272
Liability Exposure to Farmers. AB 243 (Alejo; D-Watsonville) Improperly attempts to create joint liability for farmers by requiring farm labor contractors to print on employee pay stubs the name and address of the entity that contracted with the farm labor contractor. Oppose.	To Governor
Written Commission Agreements. AB 1396 (Committee on Labor and Employment) Before amendments, subjected employers to triple damages for failure to set forth commission agreements in writing. Neutral.	To Governor
Wage Disputes: Waiver of Claims. AB 1286 (Fuentes; D-Sylmar) Significantly undermines and discourages the efficient resolution of wage-and-hour litigation through negotiated settlements. Oppose.	Assembly Labor and Employment 4/28/11; Failed 2011 Deadline

Legal Reform and Protection

Undermines Efficient Dispute Resolution. AB 1062 (Dickinson; D-Sacramento) Significantly increases litigation costs for employers by eliminating the right to appeal a court order denying or dismissing a petition to compel arbitration if the plaintiff is over the age of 65 or a dependent adult, thereby driving more cases into the courts. Oppose/ Job Killer.	Senate Inactive File 9/9/11
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Undermines Judicial Discretion. AB 559 (Swanson; D-Alameda) Unreasonably increases business litigation costs by limiting judicial discretion to reduce or deny exorbitant attorneys fees in fair employment and housing claims that should have been raised in a limited civil proceeding. Oppose Unless Amended/ Job Killer .	To Governor
Court Inefficiency. AB 1208 (C. Calderon; D-Montebello) Creates uncertainty, inefficiency and unpredictability for litigants, further aggravating California's reputation as a bad place to do business, by decentralizing control of trial court funds. Oppose/ Job Killer .	Assembly 5/27/11; Failed 2011 Deadline
Technology Sector Liability. SB 242 (Corbett; D-San Leandro) Worsens California's reputation as a highly litigious state by exposing tech-sector employers to unlimited civil liability, and creates an unworkable regulatory scheme with which Internet companies must comply. Oppose/ Job Killer .	Failed passage in Senate 6/2/11
Undermines MICRA Liability Protections. SB 558 (Simitian; D-Palo Alto) Encourages plaintiffs' attorneys to bring actions under the California Elder Abuse and Dependent Adult Civil Protection Act (EADACPA) and avoid limits placed on recovery of damages for pain and suffering, by lowering the evidentiary standard for proving elder abuse under the EADACPA. Oppose.	Held in Assembly Appropriations Suspense File 8/25/11
Unnecessarily Harms State Tourism. AB 753 (Monning; D-Carmel) Potentially bankrupts rental car companies in the event a vehicle model in their fleet is subject to a federal recall, whether or not the recall poses an imminent harm to renters. Oppose.	Senate Appropriations 8/15/11; Failed 2011 Deadline
Unjust Litigation. AB 1207 (Furutani; D-South Los Angeles County) Increases unjustified litigation by removing the statute of limitations in lawsuits for any claims related to exposure to a pollutant or hazardous substance. Oppose.	Assembly Judiciary 4/28/11; Failed 2011 Deadline
Clarifies Civil Procedure. AB 1403 (Committee on Judiciary) In part, amends the Code of Civil Procedure to provide certainty for parties by establishing a deadline, in the absence of one set by the court, for accepting or rejecting a conditional order with an addition or reduction of damages. Support.	To Governor
Harms Landlords. AB 934 (Feuer; D-Los Angeles) Undoes the holding of <i>Action Apartment Association v. Santa Monica Rent Control Board</i> (2007), which indirectly protected landlords from suit under a local ordinance regulating harassing eviction notices for tenants. Oppose.	Failed passage in Assembly 6/3/11
Stops Frivolous Litigation. SB 603 (T. Berryhill; R-Modesto) Protects employers from frivolous lawsuits by expanding the definition of a "vexatious litigant" to include plaintiffs represented by an attorney. Support.	Failed passage in Senate Judiciary 5/10/11; Failed 2011 Deadline
Stops Frivolous Litigation. AB 20 (Halderman; R-Fresno) Discourages frivolous lawsuits over alleged residential construction defects by requiring an attorney to notify clients or potential clients that evidence of the construction defect must be disclosed to potential buyers in a subsequent sale of the property. Support.	Failed passage in Assembly Judiciary 3/15/11; Failed 2011 Deadline
Punitive Damages. AB 158 (Halderman; R-Fresno) Helps improve California's rock-bottom legal climate by protecting manufacturers, distributors and sellers of products from punitive damages if those products meet government requirements, unless there is sufficient evidence that an individual or entity intentionally withheld or misrepresented information from a regulating agency. Support.	Failed passage in Assembly Judiciary 3/15/11; Failed 2011 Deadline
Civil Damages. AB 556 (Wagner; R-Irvine) Requires the judge, rather than the jury, to determine the amount of a punitive damages award once the jury has decided punitive damages are warranted in a civil case. Support.	Failed passage in Assembly Judiciary 3/22/11; Failed 2011 Deadline
Class Action Litigation. AB 271 (Nestande; R-Palm Desert) Brings fairness to class action lawsuits in California by allowing a party to appeal an order granting or denying class action certification at the discretion of the appellate court. Support.	Failed passage in Assembly Judiciary 3/22/11; Failed 2011 Deadline
Limits Attorneys Fees. SB 287 (Fuller; R-Bakersfield) Protects auto dealers by limiting the circumstances under which a plaintiff can obtain attorneys fees and costs in actions dealing with the legality of an automobile sales contract. Support.	Senate Judiciary 2/24/11; Failed 2011 Deadline
New Lawsuits Against Small Business. SB 111 (Yee; D-San Francisco) Before amendments, could have resulted in new shakedown lawsuits against business establishments by making it a strict liability violation of the Unruh Civil Rights Act, subject to minimum damages of \$4,000, if a business limits the use of a customer's language, even if unintentionally. Removed opposition due to amendments. No Position/ Former Job Killer .	Vetoed

Legal Burden for Rental Car Companies. AB 621 (C. Calderon; D-Montebello) Before amendments, required car rental companies to accept service of process for international renters who purchase supplemental liability coverage, and to notify them of service. Opposition removed due to amendments. No Position.	To Governor
Business-to-Business Contract Rights. SB 684 (Corbett; D-San Leandro) Before amendments, unnecessarily limited the freedom of businesses to negotiate choice-of-law provisions in contracts governing workers' compensation claims. Opposition removed due to amendments. No Position.	To Governor
Promotes Arbitration. AB 456 (Wagner; R-Irvine) Before amendments, required courts to suspend proceedings, after motion of one of the parties, to allow for arbitration according to a self-executing arbitration agreement. Support removed due to amendments. No Position.	To Governor

Local Government

Disincorporates the City of Vernon. AB 46/AB 781 (J. A. Pérez; D-Los Angeles) Eliminates a charter city that is set up to serve industrial enterprises in an efficient and cost-effective way. Oppose.	AB 46 – Refused Passage in Senate 8/29/11; AB 781 – Senate Inactive File 8/29/11
Local Government Bankruptcies. AB 506 (Wieckowski; D-Fremont) Before amendments, added an unnecessary layer of bureaucracy for local government entities that need to file for bankruptcy and could, potentially, have increased costs to the business community and the state. Opposition removed due to amendments. Neutral.	To Governor
Anti-Privatization of Public Services. AB 438 (Williams; D-Santa Barbara) Excludes private sector from contracting to provide library services by establishing burdensome requirements on local governments that operate library systems, and creates a bad precedent for future efforts to privatize services. Oppose.	To Governor

Other

Retail Restrictions. SB 331 (Padilla; D-Pacoima) Severely restricts retailers from growing their businesses in California by limiting the sale of a legal product in a legal venue. Oppose.	Senate Governance and Finance 5/4/11; Failed 2011 Deadline
Self-Serve Checkout. AB 183 (Ma; D-San Francisco) Unnecessarily prohibits the cost-saving process of self-service checkout of alcoholic beverages and slows checkout at retailers. Oppose.	To Governor
Reduces Costs. AB 6 (Fuentes; D-Sylmar) Reduces costs associated with, and simplifies the reporting system for, both CalFresh and CalWORKs and maximizes critical federal nutrition benefits for needy families. Support.	To Governor
Food Labeling. AB 88 (Huffman; D-San Rafael) Intends to require state-only labeling on genetically engineered salmon. Oppose.	Failed passage in Assembly Appropriations 5/18/11; Failed 2011 Deadline
Food Safety. SB 303 (Padilla; D-Pacoima) Clarifies which food facilities are subject to food safety training rules and who can offer the certification courses. Safety training reduces the incidence of food-borne illness, which reduces liability for restaurants. Support.	Signed—Chapter 233 Urgency
Clarification of Definition. SB 32 (Leno; D-San Francisco) Adds clarity to the definition of “rectifier” within the Alcoholic Beverage Control Act by excluding any on-sale licensee that colors, flavors or blends distilled spirits or wine products on the licensed premises. Support.	To Governor

Privacy and Confidentiality

Regulatory Burden. SB 761 (A. Lowenthal; D-Long Beach) Creates an unnecessary, unenforceable and unconstitutional regulatory burden on Internet commerce by indirectly regulating virtually all businesses that collect, use or store information from a website. Oppose/ Job Killer .	Senate Appropriations 5/10/11; Failed 2011 Deadline
Online Transaction Authentication. AB 1080 (C. Calderon; D-Montebello) Mandates a regressive and unworkable online transaction authentication system for companies that process online financial transactions. Also establishes a new private right of action to recover actual damages. Oppose.	Assembly Judiciary 5/9/11; Failed 2011 Deadline

Identity Theft. SB 208 (Alquist; D-Santa Clara) Authorizes restitution for expenses for a period of three years to monitor an identity theft victim's credit report and for the costs to repair the victim's credit. Support.	Signed—Chapter 45
Credit Cards: Zip Codes. AB 1219 (Perea; D-Fresno) Amended from a broad-based bill to a bill that provides clarification for those instances when an entity that accepts credit cards may not request certain types of personal identification information (PII) to complete the transaction. Specifically, this bill exempts from the prohibition against collecting and retaining PII when the PII is used solely for preventing fraud, theft or identify theft in a sales transaction at a retail motor fuel dispenser or retail motor fuel payment island automated cashier. Neutral.	To Governor

Regulatory Reform

Regulatory Reform. SB 617 (R. Calderon; D-Montebello) Reforms the regulatory process by requiring an economic analysis of all major regulations at the beginning of the regulatory process, thus providing more transparency and better data on which to base selection of most cost-effective regulatory alternative. Support.	To Governor
Process Reform. SB 14 (Wolk; D-Davis) Improves the operation of state agencies through performance-based budgeting. The periodic review provided by this bill will ensure that agencies and their programs remain up to date and relevant, serving the most important needs in California and preserving scarce public resources. Support.	To Governor
Reforms Burdensome Regulations. SB 396 (Huff; R-Diamond Bar) Creates an ongoing process to review old regulations and establish a process to keep regulations up to date, including analysis of costs, relevance and need for updating to become more effective or less burdensome. Support.	Failed passage in Senate Environmental Quality 5/2/11; Failed 2011 Deadline
Reforms Burdensome Regulations. SB 400 (Dutton; R-Rancho Cucamonga) Adds specific cost and job impacts analysis and an assessment of alternatives during the process of adopting, amending or repealing a regulation. Support.	Failed passage in Senate Environmental Quality 5/2/11; Failed 2011 Deadline
Imposes Regulatory Review Process. SB 366 (R. Calderon; D-Montebello) Imposes a regulatory review process that would take agency time and resources yet is not designed to solve any of the significant problems with the California regulatory environment. No Position.	Senate Governmental Organization 2/24/11

Taxation

Multiple Tax Increases. SBX1 23 (Committee on Budget and Fiscal Review) Mischaracterized "budget trailer bill" that is not necessary to implement the state budget. Rather, this bill creates uncertainty for taxpayers by providing 58 counties, over 70 community college districts, and over 1,000 school districts, subject to voter approval, the authority to impose and/or increase a local tax on all products and services. Oppose/ Job Killer .	Assembly Revenue and Taxation 8/18/11; Special Session Closed
Multiple Tax Increases. SB 653 (Steinberg; D-Sacramento) Creates uncertainty by providing 58 counties and over 1,000 school districts, subject to voter approval, the authority to impose and/or increase a tax on all products and services. Oppose/ Job Killer .	Senate Inactive File 8/22/11
Split Roll Property Tax. AB 448 (Ammiano; D-San Francisco) Undermines the protections of Proposition 13 by redefining the term "change of ownership" for legal entities so that reassessment of such property occurs when, cumulatively, there is a transfer of 100% of the ownership interests in a rolling three-year period. Oppose/ Job Killer .	Assembly Revenue and Taxation 9/9/11
Hidden Tax Increase. AB 832 (Ammiano; D-San Francisco) Imposes a hidden tax on software with a majority vote bill by making it virtually impossible for the owner to show that bundled software is eligible for a property tax exemption. Oppose/ Job Killer .	Assembly Inactive File 6/2/11; Failed 2011 Deadline
Small Business Tax Increase. AB 1239 (Furutani; D-South Los Angeles County) Targeted tax increase on higher income brackets, which will have a detrimental impact on small start-up businesses and discourage growth of such companies in California. Oppose/ Job Killer .	Assembly Appropriations 5/17/11
Small Business Tax Increase. AB 1130 (Skinner; D-Berkeley) Targeted tax increase on higher income brackets, which will have a detrimental impact on small start-up businesses and discourage growth of such companies in California. Oppose/ Job Killer .	Assembly Appropriations 5/17/11

Targeted Oil Tax. AB 1326 (Furutani; D-South Los Angeles County) Creates a targeted tax on the oil and natural gas industry in order to fund the California Higher Education Endowment Corporation, thereby discouraging oil production in this state, which may lead to the loss of more jobs. Oppose.	Held in Assembly Revenue and Taxation Suspense File 5/16/11
Creates Employer Tax Credit Uncertainty. SB 364 (Yee; D-San Francisco) Eliminates the incentive effect of future-enacted tax credits by imposing a penalty on California employers who claim the credit and subsequently experience a loss in employment greater than 10 percent in a single year, whether or not the reduction of employees is connected to the effectiveness of the incentive. Oppose.	To Governor
Targeted Tax. SB 330 (Padilla; D-Pacoima) Unfair targeted tax on tobacco industry, a declining revenue source, to fund new government spending programs. Oppose.	Senate Health 2/24/11
Soda Tax. AB 669 (Monning; D-Carmel) Imposes a targeted tax of \$0.01 per fluid ounce excise tax on distributors of bottled sweetened beverages, sweetened beverages and concentrate, the revenue of which shall be used for childhood obesity programs. Oppose.	Assembly Revenue and Taxation 5/3/11
Tobacco Tax. AB 1218 (Pan; D-Sacramento) Imposes a targeted tax on tobacco products by eliminating a tax deduction for advertisement. Oppose.	Assembly Revenue and Taxation 4/11/11
Dependent Health Care Conformity. AB 36 (Perea; D-Fresno) Conforms with federal law regarding the treatment of employee premium payments for adult children health care coverage as non-taxable income. Support.	Signed—Chapter 17 Urgency
Mutual Investment Fund Conformity. AB 1423 (Perea; D-Fresno) Provides conformity to federal law regarding the taxable treatment of mutual fund investment companies, so as to provide such California-based companies with certainty. Support.	To Governor
Income Taxes: Single Sales Factor. SB 116 (De León; D-Los Angeles) Discourages business growth in California by raising taxes on certain employers with substantial investments in the state in order to fund several other small incentives related to hiring, manufacturing and education (AB 1935 in 2009–10). Oppose.	Refused Passage in Senate 9/10/11
Penalties. SB 342 (Wolk; D-Davis) Precludes businesses from utilizing a contingent fee arrangement to pursue and/or challenge a tax issue before the Board of Equalization, Franchise Tax Board, or court of law, thereby denying businesses that do not have the financial ability to pay such fees upfront the ability to obtain tax relief from an invalid or improperly calculated tax. Oppose.	Senate Judiciary 5/4/11; Failed 2011 Deadline
Stigmatizes Employers Using Tax Incentives. AB 318 (Skinner; D-Berkeley) Stigmatizes California employers for taking advantage of investment incentives by requiring the Franchise Tax Board to provide private tax information in a searchable online database for publicly traded corporations that claim these incentives. Oppose.	Assembly Revenue and Taxation 5/3/11; Failed 2011 Deadline
Undermines Economic Development. AB 1278 (Hill; D-San Mateo) Discourages economic expansion by limiting the ability of employers relocating within the state to take advantage of incentives available through the enterprise zone program. Oppose.	Assembly Jobs, Economic Development and the Economy 8/23/11
Local Fee Assessment. SB 223 (Leno; D-San Francisco) Before amendments, would likely have increased taxes on business and consumers by providing 58 counties with new taxing authority to impose, pursuant to voter approval, a local vehicle license fee, the revenue of which was to be used for general county purposes. Removed opposition due to amendments. No Position.	To Governor
Discourages Investment. SB 508 (Wolk; D-Davis) Creates uncertainty for California employers making long-term investment decisions by requiring all future tax credits to sunset after no more than 10 years. “Job killer” provision amended, but CalChamber still opposes. Oppose/ Former Job Killer.	To Governor
Telecommunications	
Creates Unenforceable Requirements. SB 905 (Wolk; D-Davis) Attempts to add unenforceable requirements in regards to “cramming” (unauthorized charges appearing on consumer telephone bills) and ignores the realities of billing inquiries. Oppose.	Failed passage in Senate Energy, Utilities and Communications 5/3/11; Failed 2011 Deadline

Tourism

Unequal Opportunities. AB 42 (Huffman; D-San Rafael) Creates an uneven playing field in the bidding process in favor of non-profit organizations over private for-profit companies and would result in a loss of revenue for the state. Oppose unless amended.

To Governor

Transportation and Infrastructure

Assistance for Local Infrastructure Financing. AB 893 (V. M. Pérez; D-Coachella) Creates more infrastructure projects and jobs in small and rural communities by authorizing the California Infrastructure Bank to help these areas locate and negotiate financing options, including public-private partnership projects with private companies. Support/**Job Creator**.

Held in Senate Appropriations Suspense File 8/25/11; Failed 2011 Deadline

Unconstitutional Tax on Sale of Motor and Diesel Fuel. SB 791 (Simitian; D-Palo Alto) Before closing-night amendments to change subject to requiring that mammogram reports include specified information, had been gutted and amended in late August to authorize metropolitan planning organizations to impose a special tax—mischaracterized as a “fee”—on the sale of motor and diesel fuel with approval by only a majority vote of the people, rather than the constitutionally required two-thirds. No position on final amendments, but oppose motor and diesel fuel tax.

To Governor

Infrastructure Financing. SB 475 (Wright; D-Inglewood) Creates private sector construction-related jobs and investment in infrastructure by providing local governments more flexibility and authority to use public-private partnerships. Support/**Job Creator**.

Failed passage in Assembly Local Government 6/29/11; Failed 2011 Deadline

Stalls Public-Private Partnership and Design-Build Projects. AB 294 (Portantino; D-La Cañada Flintridge) Makes private investment in infrastructure more difficult by placing barriers to the use of public-private partnerships and design-build, costing jobs and increasing costs of projects. Reauthorizes use of design-sequencing as an alternative to design-build. Oppose.

Senate Inactive File 9/2/11

Costly Employer Mandate. SB 582 (Yee; D-San Francisco) Raises employer costs and opens them to potential liability by authorizing metropolitan planning organizations and air quality management districts to mandate employers to offer commuter benefit programs to employees. Oppose.

Vetoed

Increased Shipping Costs. AB 907 (Ma; D-San Francisco) Increases the costs to ship goods and costs to ports and employers by allowing a substantial increase in the rates charged by the San Francisco Bar Pilots. Oppose.

Failed passage in Senate Governmental Organization 6/14/11; Failed 2011 Deadline

Port Infrastructure Investments. SB 830 (Wright; D-Inglewood) Authorizes tax credits for port infrastructure investments, pending Franchise Tax Board approval that enough revenue is generated from the investments. Support.

Failed passage in Senate Governance and Finance 5/4/11; Failed 2011 Deadline

Public Contracts: Local Agencies. SB 693 (Dutton; R-Rancho Cucamonga) Creates private sector construction-related jobs and investment in infrastructure by giving local governments more authority to use public-private partnerships. Support.

Senate Transportation and Housing 5/2/11; Failed 2011 Deadline

Infrastructure Master Plan. SB 907 (Evans; D-Santa Rosa) Provides a strategic plan on infrastructure investment, which would create and sustain jobs in the long run, by creating a commission that will determine how to best build new and rehabilitate existing infrastructure and how to best finance the efforts. Support.

Assembly Jobs, Economic Development and the Economy 6/13/11; Failed 2011 Deadline

Public Works Plan. SB 468 (Kehoe; D-San Diego) Amended to apply only to San Diego Association of Governments (SANDAG), this bill allows SANDAG to adopt a public works plan, which coordinates all public works projects along a stretch of I-5 in the coastal zone in SANDAG jurisdiction with only one environmental impact report required, and allows SANDAG to operate a high-occupancy toll lane. Opposition removed due to amendments. Neutral.

To Governor

Unemployment Insurance

Increased Administration Costs of Unemployment Insurance Benefits. AB 391 (Pan; D-Sacramento) Before amendments, significantly shifted costs and resources used to administer the Unemployment Insurance Fund, potentially creating a disruption in the delivery of benefits to the unemployed. Also required Employment Development Department to provide in-person unemployment benefit assistance at a comprehensive one-stop career center. Oppose.

See “Energy” section for description of amended version and status at end of session.

Employer Tax Report. AB 226 (Solorio; D-Anaheim) Before amendments, assumed an unrealistic, limited scope of alternatives to bring California's Unemployment Trust Fund to solvency. No Position.	Senate Inactive File 9/9/11
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Water Supply and Quality

Peripheral Canal. AB 550 (Huber; D-El Dorado Hills) Impedes progress on the comprehensive Delta fix agreed to in 2009 by requiring redundant economic reviews and legislative interference in the design of future water systems. Oppose.	Assembly Water, Parks and Wildlife 3/25/11; Failed 2011 Deadline
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Water: Conveyance. SB 200 (Wolk; D-Davis) Hurts water supply reliability. Conditions construction of an isolated conveyance system unless unspecified conditions are met. Also imposes restrictions on water transfers through the state's facilities. Oppose.	Senate Natural Resources and Water 3/24/11; Failed 2011 Deadline
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Water Quality: Enforcement. AB 246 (Wieckowski; D-Fremont) Promotes inconsistent enforcement of water quality regulations, hindering business' compliance. Allows city or county attorneys to file cases that are handled by a single unit in the Attorney General's Office. Oppose.	Senate Inactive File 9/7/11
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New Water Policy. AB 685 (Eng; D-Monterey Park) Potentially changes the priority of state water policy by saying it is the right of every individual to have access to an affordable water supply and that the departments involved should help make it happen. Oppose.	Held in Senate Appropriations Suspense File 8/25/11; Failed 2011 Deadline
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Regional Boards. SB 900 (Steinberg; D-Sacramento) Allows more flexibility in an applicant's background when being considered for an appointment to a regional water board. Support.	Assembly Inactive File 7/1/11
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Recycled Water. AB 134 (Dickinson; D-Sacramento) Before amendments, allowed Sacramento Sanitation District to sell recycled water from an upgraded sanitation system without proper safeguards for downstream water rights holders. Neutral.	Signed—Chapter 212
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Recycled Water Pipelines. AB 83 (Jeffries; R-Lake Elsinore) Exempts from California Environmental Quality Act review projects that extend recycled water pipelines underneath public roads. Support.	Failed Passage in Assembly Natural Resources 4/11/11; Failed 2011 Deadline
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Property Rights. AB 359 (Huffman; D-San Rafael) Before amendments, abrogated private property rights by requiring landowners to affirmatively request written notification of proposed groundwater recharge area designation changes from multiple local agencies. Amended to remove opposition. Neutral.	To Governor
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Workers' Compensation

Expands Costly Presumptions. AB 375 (Skinner; D-Berkeley) Increases workers' compensation costs for public and private hospitals by presuming certain diseases and injuries are caused by the workplace and establishes precedent for expanding presumptions into the private sector. Oppose/ Job Killer.	Refused Passage in Senate 9/9/11
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Erodes Workers' Comp Reforms. AB 1155 (Alejo; D-Watsonville) Increases costs and lawsuits in the workers' compensation system by eroding the apportionment provision that protects an employer from paying for disability that did not arise from work. Oppose/ Job Killer.	To Governor
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Extension of Temporary Disability Benefit. AB 947 (Solorio; D-Anaheim) Increases costs to employers by broadening the definition of the types of injuries that qualify for an extended timeframe to receive temporary disability benefits, from 104 weeks to 240 weeks. Oppose.	To Governor
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Lowers Pharmaceutical Costs. AB 378 (Solorio; D-Anaheim) Lowers workers' compensation costs by establishing guidelines for dispensing compound drugs, the circumstances under which those drugs would be covered and the reimbursement amount, and removes the incentives for physicians to refer patients to pharmacies in which the physician or physician's family has a financial interest. Support.	To Governor
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Delays Workers' Compensation Cases. AB 584 (Fong; D-Cupertino) Causes delays in utilization review and increases costs by unnecessarily requiring utilization review physicians to be licensed in California. Oppose.	To Governor
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Increased Workers' Comp Costs. AB 211 (Cedillo; D-Los Angeles) Increases costs in the workers' comp system by establishing a flat \$6,000 supplemental job displacement voucher to cover retraining and skills enhancement for injured workers without clarifying the timeframe when the injured worker can start receiving the voucher. Oppose unless amended.	To Governor
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Lowers Frictional Costs in Workers' Compensation. AB 335 (Solorio; D-Anaheim) Brings an estimated savings of \$42 million to the workers' compensation system by requiring the workers' compensation administrative director (AD) to work with the Commission on Health and Safety and Workers' Compensation (CHSWC) to develop regulations regarding notices to injured workers; requires AD and CHSWC to develop and make accessible a booklet written in plain language about the workers' comp claims process; streamlines and simplifies other notices to employees. Support.	To Governor
Streamlines Workers' Comp System. AB 1426 (Solorio; D-Anaheim) Streamlines the workers' comp process and eliminates duplicative bureaucracy and inconsistency by eliminating the court administrator position. Support.	To Governor
Contains Workers' Compensation Costs. AB 1168 (Pan; D-Sacramento) Lowers costs for employers and insurers by establishing a fee schedule for vocational experts' services. Support.	To Governor
Use of Employers' Assessment for Unrelated Program. AB 436 (Solorio; D-Anaheim) Shifts funds from a program paid for by employers to assist injured workers that were employed by non-complying employers to a program entirely unrelated to workers' compensation. Oppose.	To Governor
Reduced Workers' Comp Litigation. SB 863 (Lieu; D-Torrance) Lowers employers workers' compensation costs by streamlining the liens process and limiting backlogs through implementing recommendations of the Commission on Health and Safety and Workers' Compensation. Support.	Assembly Inactive File 8/22/11
Ensures Contractors Have Coverage. AB 397 (Monning; D-Carmel) Seeks to address the underground economy problem by singling out contractors that do not have workers' compensation coverage but requiring contractors that are exempt from having coverage at the time they are licensed to certify they are still exempt or have gotten coverage at the time of their license renewal. Support.	To Governor
Raises Workers' Compensation Costs. SB 457 (R. Calderon; D-Montebello) Before amendments, raised workers' compensation costs to employers by circumventing the Official Medical Fee Schedule and increased delays in claims by allowing more liens. Opposition removed due to amendments. Neutral.	To Governor
Workers' Compensation Reporting Requirements. SB 826 (Leno; D-San Francisco) Before amendments, increased monetary and frictional costs by penalizing self-insured companies for even small mistakes in filings with the administrative director of the Division of Workers' Compensation. As amended, enforces existing law that requires self-insured companies report to the division certain workers' compensation-related information and places fines on them for failure to report. Neutral.	To Governor
State Compensation Insurance Fund Coverage. AB 228 (Fuentes; D-Sylmar) Before amendments, allowed the State Compensation Insurance Fund (SCIF) to purchase "reinsurance" to cover the facility of a California-based business located outside of the state. After amendments, forbids SCIF from advertising the ability to insure qualified employers under the law of any other state. No Position.	To Governor

Key to Status Descriptions

- **Assembly Third Reading:** Bill awaits action by full Assembly.
- **Chapter:** A bill listing a chapter number has been signed by the Governor and will become law on January 1, 2012, unless it is an urgency measure, which takes effect immediately.
- **Failed Deadline:** Missed the deadline to pass the house in which the bill was introduced; eligible to be considered next year.
- **Held in a committee:** No further action on bill.
- **Inactive File:** To be considered at a later date. One day's notice required to place bill back on daily agenda.
- **Senate Third Reading:** Bill awaits action by full Senate.
- **Suspense File:** Bills with fiscal impact are placed on the suspense file pending the Legislature's review of their overall financial impact.

Strong Opposition Keeps Ban on Foam Food Containers in Assembly



California Chamber of Commerce **opposed** legislation that threatens thousands of manufacturing jobs within the state through a polystyrene food container ban

failed to move in the Assembly in the closing days of the legislative session.

SB 568 (Lowenthal; D-Long Beach) inappropriately bans all food vendors from using polystyrene foam food service containers, ignoring the numerous environmental benefits associated with polystyrene products.

Polystyrene food service packaging requires less energy and resources to manufacture than comparable paper-based products, leaving a lighter footprint. For example, a polystyrene foam cup requires about 50% less energy to produce—and creates significantly fewer greenhouse gas emissions (GHG)—than a similar coated paper-based cup with its corrugated sleeve. Because these packaging products weigh less than their alternatives, they also result in fewer GHG emissions during transportation.

News Videos

The CalChamber highlighted SB 568 in the first installment of its news network project as legislators returned to Sacramento in August for the final month of the session.

In the news video, owners of a Sacramento café talked about how the proposed ban would drive up costs and require them to increase menu prices, something they had tried to avoid in a down economy because it could drive away customers.

Subsequent coverage of the bill by KTTV in Los Angeles included an interview with Joe Thompson, owner of Gold Rush Grille and Crisp Catering in Sacramento. He pointed out that the passage of SB 568 will increase his food packaging costs by two to three times his current rates.

“So for a business like mine, a small guy like me, you’re talking the difference of \$150 to \$250 a week in increased costs for the same product, which is a part-time employee that I either have to let go or a full-time employee I have to take down to part-time,” Thompson said.

Thompson made similar points in a Fox News interview.

Problems with Ban

In testimony and letters, CalChamber Policy Advocate Brenda M. Coleman warned that the polystyrene food container ban in SB 568 threatens manufacturing jobs within the state.

Problems the CalChamber highlighted with SB 568 included:

- **SB 568 creates an unfair and shortsighted recycling mandate for just polystyrene containers.** California’s bottle deposit program includes beverages packaged in glass, aluminum and plastic; a similar approach should be used when addressing take-out food packaging. The CalChamber would welcome a recycling discussion provided no one material is put at a competitive disadvantage.

- **Establishing an arbitrary 60% recycling rate in such a short time frame is not only unrealistic, but puts the fate of industry in the hands of local government.**

- **Thousands of good-paying manufacturing jobs at California-based companies that make**

polystyrene containers will be in jeopardy if SB 568 is passed. Payroll and property taxes will diminish and goods and services provided by suppliers, vendors and others will decline as well.

- **Restaurants, caterers, delis and other food providers will see their operating costs rise** as polystyrene containers cost two to three times less than replacement products, which in some cases do not perform as well, especially for very hot and cold food and beverages.

- **Focusing on a single material type does not reduce litter.** The city of San Francisco banned polystyrene containers but according to a 2008 litter audit conducted for the city, paper cup litter increased after the ban was enacted.

Assembly Appropriations Vote

On August 25, SB 568 passed the Assembly Appropriations Committee on a vote of 9-5:

Ayes: Blumenfield (D-San Fernando Valley), C. Calderon (D-Montebello), Campos (D-San Jose), Davis (D-Los Angeles), Fuentes (D-Sylmar), Gatto (D-Los Angeles), Hill (D-San Mateo), Lara (D-Los Angeles), Solorio (D-Anaheim).

Noes: Donnelly (R-Twin Peaks), Harkey (R-Dana Point), Nielsen (R-Gerber), Norby (R-Fullerton), Wagner (R-Irvine).

Absent/Abstaining/Not Voting: Bradford (D-Gardena), Hall (D-Los Angeles), Mitchell (D-Los Angeles).

On September 8, the bill was moved to the Assembly inactive file at the request of Assemblyman Charles Calderon.

Staff Contact: Brenda M. Coleman

Bill Requiring Economic Analysis of Regulations Goes to Governor

From Page 1
standards of analysis.

Economic growth and prosperity depends on a predictable and rational regulatory climate. SB 617 sends a message to investors and employers that California is taking a meaningful step in this direction by requiring a robust

economic analysis for major regulations.

Additionally, this bill provides for a more transparent regulatory process as well as oversight for state agencies that are involved in the process. These are sensible changes that are an important first step toward regulatory reform in California.

Action Needed

The CalChamber is calling on all employers to write Governor Edmund G. Brown Jr. and urge him to **sign SB 617**.

More information on SB 617 and a sample letter are available at www.calchambervotes.com.
Staff Contact: Marc Burgat

ALERT

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