



**FRESNO CHAMBER OF COMMERCE  
GOVERNMENT AFFAIRS COUNCIL**

**MEETING AGENDA  
WEDNESDAY, MAY 13, 2015  
12:00 P.M.**

**PRESIDING  
RUTH EVANS, CHAIR  
BRIAN DOMINGOS, VICE CHAIR**

**I. Call to Order and Roll Call**

**II. Approval of Minutes for April 8, 2015 meeting**

**III. Legislative Updates**

**IV. Issue Presentations**

- A. Construction Management Act - Lee Brand, Fresno City Council Member ACTION

**V. Legislative Items**

- |    |  |        |
|----|--|--------|
| A. | AB 590 (Dahle) Greenhouse Gas Reduction Fund                         | ACTION |
| B. | SB 251 (Roth) Civil rights: disability access                        | ACTION |
| C. | SB 406 (Jackson) Employment leave                                    | ACTION |
| D. | AB 359 (Gonzalez) Grocery workers                                    | ACTION |
| E. | AB 465 (Hernandez) Contracts against public policy                   | ACTION |
| F. | ACA 4 (Frazier) Local government transportation projects             | ACTION |
| G. | SCA 5 (Hancock) Local government: special taxes: voter approval      | ACTION |
| H. | SB 654 (De Leon) Hazardous waste: facilities permitting              | ACTION |
| I. | AB 1357 (Bloom) Children and Family Health Promotion Program         | ACTION |
| J. | AB 708 (Jones Sawyer) Consumer products: content information         | ACTION |
| K. | AB 19 (Chang) Governor's office of business and economic development | ACTION |
| L. | AB 866 (Garcia) Economic development: small business                 | ACTION |

**VI. Issue Tracking Update**

**Chair's Report – Ruth Evans**  
*State of the City, June 3<sup>rd</sup>*

**Adjourn**



**FRESNO CHAMBER OF COMMERCE  
GOVERNMENT AFFAIRS COUNCIL  
MEETING MINUTES**

**PRESIDING:  
RUTH EVANS, CHAIR  
BRIAN DOMINGOS, VICE CHAIR**

Committee:	Government Affairs Council
Chairperson:	Ruth Evans
Vice-Chair:	Brian Domingos
Meeting Date/Time:	April 8, 2015
Meeting Place:	Fresno Chamber of Commerce
Committee attendees:	Ruth Evans, Sieg Fischer, Bill Avakian, Brian Domingos, Lydia Zabrycki, Nick Amendola, John Taylor, Debbie Hunsaker, Al Smith, Larry Fortune, Ryan Jacobsen, Scott Miller
Committee absences:	Cam Maloy, Lorraine Salazar, Austin Ewell, Randy Dhindsa, Victoria Salisch
Staff:	Rachel Eslick

**CALL TO ORDER**

- **Chair Ruth Evans called the meeting to order at 12:07 p.m.**

**LEGISLATIVE UPDATES**

Christina Hall of Congressman Tom McClintock's office spoke about HR 1668, which she would present during the legislative portion of the meeting. Raj Rakkar of Assemblyman Henry Perea's office also had proposed bills to discuss, but would bring them up later in the agenda.

**APPROVAL OF MINUTES**

*Debbie Hunsaker made a motion to approve the March 13<sup>th</sup> minutes. Brian Domingos seconded the motion and it passed unanimously.*

**ISSUE PRESENTATION**

**Development Code**

Dan Zack from Fresno's Planning and Development Department presented a synopsis of the newly released Development Code. The current code was adopted in 1962, so the new version is a complete overhaul and attempts to streamline redundant information, omit outdated language and reflect the principals of the recently adopted General Plan. Zack said staff had dozens of meetings with private developers and community members to write this draft, which has a simpler, more user-friendly layout. The public review period is 60 days. The deadline to submit comments is June 1, 2015 at 5:00 p.m. Zack would like to work with the Fresno Chamber as it reviews the code to help answer questions and address concerns.

**LEGISLATIVE ITEMS**

- A. **AB 543 (Quirk) Proposition 65: exposure**  
*Larry Fortune made a motion to support this bill. Brian Domingos seconded the motion and it passed unanimously.*
- B. **AB 588 (Grove) Labor Code Private Attorneys General Act of 2004**  
*Brian Domingos made a motion to support this bill. Larry Fortune seconded the motion and it passed unanimously.*
- C. **AB 1038 (Jones) Workplace Flexibility Act of 2015**  
*Ryan Jacobsen made a motion to support this bill. Brian Domingos seconded the motion and it passed unanimously.*
- D. **AB 1468 (Baker) Civil Rights: disability access**  
Staff was directed to write a letter addressing all the proposed legislation to curb lawsuit abuse and send it to committees ASAP.  
*Larry Fortune made a motion to support this bill. Debbie Hunsaker seconded the motion and it passed unanimously.*
- E. **AB 1470 (Alejo) Working hours: overtime**  
Several council members requested further clarification on this bill because the available language was ambiguous. Details were emailed to the GAC which state the bill attempts to create a similar program as federal law which presumes that highly compensated employees earning at least \$100,000 are properly classified as exempt employees. Employees doing manual labor or other specified duties would not qualify.  
*Larry Fortune made a motion to support this bill. Nick Amendola seconded the motion and it passed 7-3.*
- F. **AB 463 (Chiu) Pharmaceutical Cost Transparency Act of 2015**  
Scott Shimamoto, Area Pharmacy Director for Kaiser Permanente presented this bill for support. He said it would shine a light on what's driving the price of prescription drugs and create public discussion. Further, he said government grants are being used to produce drugs, and the public deserves to know how that money is being spent. One particular drug that's receiving the most attention is Sovaldi, which treats Hepatitis C. Each pill is \$1,000. A full treatment costs \$84,000.  
*Lydia Zabrycki made a motion to oppose this bill and Sieg Fischer seconded the motion. It passed with Ryan Jacobsen taking a neutral position.*
- G. **HR 1668 (McClintock) Save Our Water Act**  
*Debbie Hunsaker made a motion to support this bill. Brian Domingos seconded the motion and it passed unanimously.*
- H. **SB 152 (Vidak) Personal income taxes: earned income credit**  
*Brian Domingos made a motion to support this bill. Al Smith seconded the motion and it passed unanimously.*
- I. **AB 1265 (Perea) Public Private Partnership Sunset Extension**  
*Sieg Fischer made a motion to support this bill. Brian Domingos seconded the motion and it passed with Debbie Hunsaker abstaining.*
- J. **AB 1176 (Perea) California Clean Fuel Partnership**  
*Brian Domingos made a motion to support this bill and Lydia Zabrycki seconded it. The motion passed unanimously.*
- K. **AB 857 (Perea) CA Clean Truck Act**  
*Sieg Fischer made a motion to support this bill. Brian Domingos seconded the motion and it passed unanimously.*
- L. **AB 722 (Perea) Small Business Access to Capital through Crowdfunding**

*Scott Miller made a motion to support this bill. Sieg Fischer seconded the motion and it passed unanimously.*

**M. AB 99 (Perea) Mortgage Debt Forgiveness for Californians**

*Scott Miller made a motion to support this bill. Larry Fortune seconded the motion and it passed unanimously.*

**N. AB 185 (Garcia) California New Markets Tax Credit**

*Debbie Hunsaker made a motion to support this bill. Brian Domingos seconded the motion and it passed unanimously.*

**O. AB 544 (Mullin) Income taxes: credits: research activities**

*Larry Fortune made a motion to support this bill. Sieg Fischer seconded the motion and it passed unanimously.*

**P. AB 546 (Leno) Health care coverage: rate review**

*Debbie Hunsaker made a motion to oppose this bill. Sieg Fischer seconded the motion and it passed unanimously.*

**ISSUE TRACKING UPDATE**

Staff provided an up-to-date list of issues the GAC has taken positions on so far in 2015 at the local, state and federal levels. As elected leaders vote on the issues, their votes are recorded on the sheets. The updated tracking sheets are also available online on the Fresno Chamber's website. The tracking sheets are included in every GAC packet to improve communication between the Chamber and the offices of our elected officials.

City positions – 3  
County positions – 2  
State positions – 24  
Federal positions – 4

**CHAIR'S REPORT**

Ruth Evans commented on how wonderful the Eggs & Issues event was with District Attorney Lisa Smittcamp on April 3<sup>rd</sup> and encouraged attendance at future breakfasts. The Chamber golf tournament is on May 4<sup>th</sup> and the State of the City with Mayor Swarengin is June 3<sup>rd</sup>. She also asked the GAC to mark their calendars for May 27<sup>th</sup> to attend Cal Chamber's Leg Day in Sacramento.

**ADJOURN**

- **Meeting adjourned at 1:34 p.m.**

May 13, 2015

<b>Construction Management Act</b>
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**Presenter** – Fresno City Councilmember Lee Brand

**Source** – Lee Brand

**Summary** – The overriding goal of this Act is to provide policies and practices to improve City construction planning and management for both General Fund and Enterprise Capital Projects.

Objectives of Act:

1. To implement policies and practices to provide more accountability for project management for General Fund/Enterprise Capital Projects;
2. To ensure that funds earmarked for General Fund Capital Projects are only spent on the specific project identified;
3. To enhance public works projects standards, qualifications and evaluation process to protect taxpayers;
4. To improve City facilities management through developing an accurate and timely inventory of City owned and leased facilities;
5. To better manage City assets by implementing a comprehensive facilities long-term plan;
6. To integrate an oversight board with the Enterprise Accountability and Oversight Act to review the implementation and management of General Fund Capital projects;
7. To identify and remove potential construction design defects early in the development process through a “Peer Review” process and earned value reports; and
8. To improve accountability and transparency in fiscal management of City Capital Projects through an annual audit of projects exceeding \$10 million.

Accomplishing the above stated objectives will provide effective City construction planning and fiscal management for capital projects protecting the best interests of the taxpayers.

*Language of the act is in a supplemental document.*

**Background** – When it comes to construction projects, the City of Fresno has a history of finishing late and over budget. In writing the Enterprise Oversight & Accountability Act before higher water rates were implemented, Brand realized the need for similar oversight and additional construction management guidelines for general fund capital projects.

**Staff Recommendation** – Support

**AB 590 (Dahle) Greenhouse Gas Reduction Fund**

**Source** –Leg Info, Cal Chamber, Rio Bravo Fresno

**Summary** – Would appropriate money from the greenhouse gas reduction fund (GGRF) into a Biomass State Cost Share Account:

2015 fiscal year - \$74 million

2016-17 fiscal year - \$118 million

2017-18, 2018-19, 2019-20 fiscal years - \$120 per year

The money would be available to the California Energy Commission (CEC) to maintain current biomass power and put idle facilities back online.

**Background** – Solar and wind energy have put biomass at an economic disadvantage because it costs money to run a plant, pay for the material, pay employees, etc. The changing energy economics have made it almost impossible for biomass plants to achieve long-term contracts with PG&E, effectively putting them out of business. The Covanta biomass plant in Mendota has already closed, meanwhile a plant in Fresno could shut down as soon as next August, leaving the County without any biomass plants.

Rio Bravo in Fresno employs 26 fulltime workers and indirectly employs about 75 people. With the closing of biomass plants, woody waste from our cities will end up in landfills and agricultural waste will be landfilled or open burned. The economic impact of higher disposal cost will be felt by every business in the County. The increased pollution from opening burning will impact the health of all our residence and be another reason for business to leave the valley.

While solar and wind farms don't cost money to operate, they aren't running 100% of the time because it's not always sunny and windy. Biomass does have an expense tied to it, but it is a very reliable and predictable source of energy. By 2020, when the state is mandated to procure 33% of its electricity from renewables, intermittents could account for about three-quarters of total renewables, which isn't a balanced approach. In the last 12 months alone, five California biomass facilities have closed due to expired contracts.

If passed, this bill would help bring back the plant that closed recently in Mendota and would keep plants in Fresno and Delano operational.

If the Chamber supports this bill, it would not be the first time it has supported using AB 32 money. The GAC previously supported AB 156 (Perea) which would provide funding for small cities and communities to apply for projects to be considered to receive cap and trade funding.

**Support** – Assemblywoman Kristin Olsen is a co-author. Associated Builders and Contractors of California, California Farm Bureau Federation and San Joaquin Valley Air Pollution Control District are among the roughly 60 organizations supporting this bill.

**Opposition** – Cal Chamber opposes this bill because it generally doesn't support AB 32 mandated carbon auctions, therefore believes this bill prematurely uses auction revenues to fund a biomass account. California Taxpayers Association also opposes AB 590.

**Status** – Assembly Appropriations

**Staff Recommendation** – Support

## LEGISLATIVE ITEMS

### ITEM B

May 13, 2015

<b>SB 251 (Roth) Civil rights: disability access</b>
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**Source** – Leg Info and Cal Chamber

**Summary** – SB 251 would limit frivolous claims regarding construction-related accessibility and give them an opportunity to resolve any identified issues. It encourages businesses to take proactive steps to become accessible by giving them 90 days from receipt of Certified Access Specialist (CAsp) to resolve any violations identified without being subject to statutory penalties or litigation costs. A business would also have 30 days to fix violations that do not impede access, such as signage and parking lot striping. SB 251 also requires the California Commission on Disability Access to post educational materials for business owners regarding how to comply with California’s construction-related accessibility standards as well as share the information with local agencies and departments. The bill would require landlords to notify tenants as to whether a building has been CAsp inspected and let them know who is liable for any alleged violations. Businesses would receive a tax credit for any access expenditures.

**Background** – Cal Chamber has identified SB 251 as a job creator because of the balanced approach it takes to both ensure disability access and limit the number of frivolous lawsuits threatened or filed that do not actually improve access. This is one of several disability access bills introduced in 2015 that aim to reduce frivolous litigation against businesses. AB 52 (Gray), SB 67 (Galgiani) and AB 1468 (Baker) are dead.

**Support** – Cal Chamber

**Opposition** – Unknown

**Status** – Senate Judiciary, Governance & Finance Committee hearing May 13<sup>th</sup>.

**Staff Recommendation** – Support

## LEGISLATIVE ITEMS

### ITEM C

May 13, 2015

<b>SB 406 (Jackson) Employment leave</b>
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**Source** – Leg Info and Cal Chamber

**Summary** – Would significantly expand California Family Rights Act (CFRA) by including more family members for whom leave may be taken (sibling, grandparent, grandchild, parent-in-law, etc.), reducing the small business exemption from 50 employees to five employees with 75 miles of the employee’s worksite, and removing an exemption that doesn’t currently allow both parents employed by the same company to each take 12 weeks of leave. This bill would depart from current federal law, creating a California-only program, thereby increasing costs and risk of litigation.

**Background** –According to the author, over 40% of the workforce is not eligible for California Family Rights Act because of the strict requirements. This bill aims to account for the diverse family make-ups in our state, allowing more people to take time off with pay and not risk losing their job when they return. Existing law (CFRA) entitles eligible employees of covered employers to take unpaid, job protected leave for specified family and medical reasons, such as bonding with a newborn or adopted child, caring for a family member with a serious health condition including parent, spouse and child, or taking time to get well from their own serious health condition. Similar bills have been reintroduced every legislative cycle since 2007.

**Support** – A number of organizations, including co-sponsors California Employment Lawyers Association, Equal Rights Advocates and The Legal Aid Society-Employment Law Center.

**Opposition** – Cal Chamber has identified this bill as a job killer. A number of organizations also oppose, including California Fresh Fruit Association, Family Business Association and Nisei Farmers League.

**Status** – Senate Appropriations

**Staff Recommendation** – Oppose

## LEGISLATIVE ITEMS

### ITEM D

May 13, 2015

<b>AB 359 (Gonzalez) Grocery Workers</b>
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**Source** – Leg Info and Cal Chamber

**Summary** – Would require a company that buys an existing grocery store and plans to operate a grocery store out of that facility to keep existing employees for 90 days and consider them for a permanent job thereafter. An employee could only be terminated for cause. Employer would have to recognize any bargaining agreements already in place during the 90 day period. This bill could increase litigation because of the increased record-keeping and paperwork, like requiring the incumbent owner to provide notice of sale and provide an accurate list of employees to successor employer. Further increased litigation could come from employees being terminated without cause, not hiring from the list provided, etc.



**Background** – A nearly identical law exists in Los Angeles and held up in the Supreme Court when challenged. A similar ordinance was enacted in three other California cities: Gardenia, San Francisco and Santa Monica. A law currently exists regarding successor contractors for janitorial employees, but the length of time is 60 days and the successor contractor is not required to pay the same wages or benefits as the incumbent contractor.

**Support** – United Food and Commercial Workers Union is a co-sponsor and says it will benefit approximately 383,900 grocery workers in California and protect them from losing their jobs to unpredictable store sales and purchases.

**Opposition** – Cal Chamber has identified this bill as a job killer because employers should be free to hire their own workers.

**Status** – Assembly Judiciary Committee hearing May 12<sup>th</sup>

**Staff Recommendation** – Oppose

## LEGISLATIVE ITEMS

### ITEM E

May 13, 2015

<b>AB 465 (Hernandez) Contracts against public policy</b>
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**Source** – Leg Info and Cal Chamber

**Summary** – Would drive up litigation costs for California employers as well as increase pressure on the judicial system by precluding mandatory employment arbitration agreements. Specifically, it would prohibit any person from requiring another person, as a condition of employment, to agree to the waiver of any legal right, penalty, forum or procedure for any employment law violations. The bill would prohibit a person from threatening, retaliating against, or discriminating against another person based on refusal to agree to such waiver and would provide that any such waiver required from an employee or potential employee as a condition of employment or continued employment is unconscionable, against public policy, and unenforceable. The bill would require that any waiver of a person's employment rights be knowing and voluntary and in writing, and expressly not made as a condition of employment. The employer would have the burden of proof to show the waiver was knowing and voluntary. The bill would apply to any waiver agreement after January 1, 2016 and would impose a \$10,000 penalty against the employer for each violation of its provisions plus reasonable attorney's fees awarded to the prevailing side.

**Background** – The Federal Arbitration Act may pre-empt this law, if passed. Existing law declares the negotiation of terms and conditions of labor should result from voluntary agreement between employer and employee. Existing law provides that any person who coerces or compels another person to enter into an agreement, written or verbal, not to join or become a member of any labor organization, as a condition of securing employment or continuing in employment, is guilty of a misdemeanor. AB 465 passed Assembly Labor & Employment by a 5-2 vote.

**Support** – American Civil Liberties Union of CA, Consumer Attorneys of California and SEIU, California are among the organizations supporting this bill.

**Opposition** – Cal Chamber has labeled this bill a job killer. Other organizations opposing AB 465 include California Apartment Association, California Farm Bureau Federation and National Federation of Independent Business.

**Status** – Assembly

**Staff Recommendation** – Oppose

## LEGISLATIVE ITEMS

### ITEM F

May 13, 2015

<b>ACA 4 (Frazier) Local government transportation projects</b>
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**Source** – Leg Info and Cal Chamber

**Summary** – Makes it easier to pass taxes by giving local government new authority to enact special taxes, including parcel taxes, by lowering the vote threshold from two-thirds to 55% for local transportation projects. This bill would add complexity and uncertainty to the current tax structure and pressure to increase taxes on commercial, industrial and residential property owners. It would be effective immediately after being chaptered.

**Background** – Existing law requires any special tax for transportation projects pass by two-thirds vote. Meanwhile, cities, counties and special districts that impose a general tax for general governmental purposes only need a majority of voters' approval. School bonds require 55% and require audits to ensure funds are spent only on the identified projects.

Fresno is a self-help county, having already passed Measure C.

An ACA is an Assembly Constitutional Amendment, which means that it would amend the State Constitution.

**Support** – California Transportation Commission, Sacramento Metropolitan Chamber of Commerce and Venture County Transportation Commission are among the organizations in support of ACA 4.

**Opposition** – Cal Chamber has identified this as a job killer bill. Additionally, California Taxpayers Association, Howard Jarvis Taxpayers Association and National Federation of Independent Business are among the organizations opposed to ACA 4.

**Status** – Assembly Revenue & Taxation Committee

**Staff Recommendation** – Oppose

May 13, 2015

<b>SCA 5 (Hancock) Local government: special taxes: voter approval</b>
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**Source** – Leg Info and Cal Chamber

**Summary** – Makes it easier to pass taxes by amending the State Constitution to allow local government to impose a local tax for school facilities with 55% of voter approval instead of the existing two-third vote. This bill would add complexity and uncertainty to the current tax structure and pressure to increase taxes on commercial, industrial and residential property owners. The ballot proposition would have to list all the programs and purposes to be funded, require a yearly independent audit and an oversight committee.

**Background** – Existing law requires any special tax pass by two-thirds vote. Meanwhile, cities, counties and special districts that impose a general tax for general governmental purposes only need a majority of voters' approval. School bonds require 55% and require audits to ensure funds are spent only on the identified projects.

This is a Senate Constitutional Amendment, which would amend the State Constitution and reverse 1978 reforms to keep taxes low.

**Support** – Unknown

**Opposition** – Cal Chamber has identified SCA 5 as a job killer.

**Status** – Senate Governance and Finance Committee

**Staff Recommendation** – Oppose

May 13, 2015

<b>Source</b> – Leg Info and Cal Chamber
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**Summary** – Would establish tighter deadlines for hazardous waste facilities to submit permit renewals and for the Department of Toxic Substances Control (DTSC) to process the applications. Instead of submitting paperwork 18 months prior to the expiration of a permit, the company would need to submit it at least two years ahead of time. DTSC would be required to respond within 36 months or the facility is deemed in violation of the Hazardous Waste Control Act (HWCA).

**Background** – According to a study, Permitting staffing has been reduced from 96 employees in 2007 to 25 employees in 2009. The current turnaround time on a permit application is just under five years. Last year, DTSC was granted \$1.2 million and eight limited-term positions to reduce the permitting application backlog. In the current budget year, it has asked for an additional \$1.6 million and 16 limiter-term positions over the next two years to address the problem.

Fresno Chamber opposed AB 812, almost identical to this bill, in August of 2014. It was vetoed by Governor Brown.

**Support** – Unknown

**Opposition** – Cal Chamber has identified AB 654 to be a job killer bill.

**Status** – Senate Appropriations

**Staff Recommendation** – Oppose

## LEGISLATIVE ITEMS

### ITEM I

May 13, 2015

<b>AB 1357 (Bloom) Children and Family Health Promotion Program</b>
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**Source** – Leg Info and Cal Chamber

**Summary** – Threatens jobs in beverage, retail and restaurant industries by arbitrarily and unfairly targeting certain beverages for a new tax in order to fund children’s health programs. Specifically, AB 1357 imposes a “health promotion fee” of \$0.02 per fluid ounce on bottled sugar sweetened beverages and concentrates. It establishes the Children and Family Health Promotion Fund, with money going to promote statewide diabetes and childhood obesity treatment and prevention activities and programs. The Board of Equalization would administer and collect the fee. If enacted, it would go into immediate effect.

**Background** – According to the author, the purpose of the bill is to reduce the public cost of diabetes and other obesity, heart disease and dental disease in California. It’s estimated diabetes alone adds an extra \$1.6 billion every year to state hospitalization costs. Meanwhile, federal funding for prevention education has been cut 22% in recent years. In November of 2014, Berkeley became the first city in the nation to adopt a soda tax as 75% of voters supported a penny-per-ounce tax on sugar sweetened beverages.

Senator Monning’s three previous versions of a sugar sweetened beverage tax failed in 2011, 2013 and 2014.

**Support** – American Heart Association is co-sponsoring this bill.

**Opposition** – Cal Chamber has identified AB 1357 as a job killer bill.

**Status** – Assembly Health

**Staff Recommendation** – Oppose

## LEGISLATIVE ITEMS

### ITEM J

May 13, 2015

<b>AB 708 (Jones-Sawyer) Consumer products: content information</b>
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**Source** – Leg Info and Cal Chamber

**Summary** – Would require manufacturers of “chemically formulated consumer products” (cleaning products) to disclose the 20 most prevalent ingredients contained by posting the information on the product label and on the manufacturer’s web site, without providing any confidential business information protections.

**Background** – Proposition 65 already requires the disclosure of any chemicals used known to cause birth defects or cancer. The author of the bill says the purpose is to warn consumers, who tend to overuse chemical household cleaning products because they want a clean home or perhaps they’re a professional house cleaner, to know exactly what they’re exposing themselves to. One common misconception is that every chemical is hazardous, which is false. Similar federal legislation was introduced in 2014, but did not move.

**Support** – Environmental Working Group and Breast Cancer Fund are co-sponsoring this bill.

**Opposition** – Cal Chamber, American Chemical Council and The American Cleaning Institute are among the organization opposed.

**Status** – Assembly Appropriations

**Staff Recommendation** – Oppose

## LEGISLATIVE ITEMS

### ITEM K

May 13, 2015

<b>AB 19 (Chang) Governor’s Office of Business and Economic Development: small businesses</b>
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**Source** – Leg Info and Cal Chamber

**Summary** – Requires review of regulation and the opportunity to amend those regulations to be less costly and less burdensome for small business, which still achieving the same policy

objectives. The Governor's Office of Business and Economic Development (GO-Biz), under the direction of the Small Business Advocate, would review regulations affecting small businesses adopted prior to January 1, 2016. The provisions would sunset January 1, 2021.

**Background** – The purpose of the bill is to bring relief to small businesses and make sure regulations aren't unnecessarily burdensome. Instead of accepting regulation as they come, this bill would allow advocates to offer alternatives or amendments to save jobs in California. One of the concerns is the feasibility of reviewing ALL regulations prior to January 1, 2016. An amendment under consideration would set a minimum number of reviews for each year.

**Support** – Co-authored by Assemblywoman Olsen and Senator Huff. Cal Chamber and a number of other organization support this bill.

**Opposition** – The Teamsters, UNITE-HERE, AFL-CIO, and Utility Workers Union of America are among the organizations opposed to this bill.

**Status** – Assembly Appropriations

**Staff Recommendation** – Support

## LEGISLATIVE ITEMS

### ITEM L

May 13, 2015

<b>AB 866 (Garcia) Economic development: small business</b>
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**Source** – Leg Info and Cal Chamber

**Summary** – This bill expands the duties of the Office of the Small Business Advocate (OSBA), in the Governor's Office of Business and Economic Development (GO-Biz), to include assisting state rulemaking agencies in identifying the aggregate number and size of businesses which may be affected by a new or amended regulation. Further, this bill requires a state agency that develops a small business compliance guide under the federal Small Business Regulatory Fairness Act, to notify the OSBA within 45 days after the guide becomes available to the public. The notice is also required to include information on how a small business or nonprofit organization can obtain a copy of the guide.

**Background** – The Office of Small Business Advocate (OSBA) serves as the primary advocate for California's small business community. The OSBA engages in outreach with small businesses through a variety of methods, including workshops and individual assistance to small business owners. OSBA also manages programs to assist small businesses with capital access and marketing. Additionally, OSBA collaborates with GO-Biz's Permit Assistance Unit to convene an Interagency Working Group that focuses on regulatory updates and small business outreach. This bill seeks to make the regulatory process more accessible to small businesses and requires OSBA to assist state agencies in their rule making process by providing information on the number and size of businesses within the industry sector that could be impacted by the regulation. Further, OSBA would assist the rulemaking agency in identifying key small business

stakeholder groups, which should be included in the public dissemination of information.

**Support – Cal Chamber**

**Opposition - Unknown**

**Status – Assembly Appropriations**

**Staff Recommendation – Support**

## TRACKING ISSUES

### FRESNO CITY

NO.	ISSUE	SUMMARY	GAC POSITION	STATUS	BAINES	BRAND	BRANDAU	CAPRIOG	OLIVIER	QUINTER	SORIA
1	Recharge Fresno	Implement water rate hike to fund water infrastructure projects	SUPPORT	Feb 26th vote	SUPPORT	SUPPORT	SUPPORT	SUPPORT	SUPPORT	OPPOSE	SUPPORT
2	Enterprise Oversight Act	Ensure transparency in major projects using rate payer dollars	SUPPORT	Feb 26th vote	SUPPORT	SUPPORT	SUPPORT	SUPPORT	SUPPORT	SUPPORT	SUPPORT
3	Smart & Final Development	Allow Smart & Final to build on Blackstone	SUPPORT	*position taken in 2014							

### FRESNO COUNTY

NO.	ISSUE	SUMMARY	GAC POSITION	STATUS	BORGEAS	MENDES	PACHECO	PEREA	POOCHIGIAN
1	Recharge Fresno	Refrain from sending 30-40 protest ballots to water rate hike	SUPPORT	VOTED 1/27/15	SUPPORT	SUPPORT	OPPOSE	SUPPORT	OPPOSE
2	Riverbend Sand & Gravel Project	619-acre aggregate construction material mining project along the Kings River	SUPPORT						

### STATE

NO.	BILLS	TITLE	SUMMARY	GAC POSITION	STATUS	PATTERSON	PEREA	BERRYHILL	CANNELLA	VIDAK
1	SB 5 (Vidak)	Transportation Fuel Exemption	Would eliminate the inclusion of transportation fuel in the cap and trade program	SUPPORT	Senate Environmental Quality					
2	AB 23 (Patterson)	Transportation Fuel Exemption	Would eliminate the inclusion of transportation fuel in the cap and trade program	SUPPORT	Failed in Assembly Natural Resources					
3	AB 54 (Olsen)	Construction Related Accessibility Claims	Would give businesses a 60 day cure period once a violation is found	SUPPORT	Senate Rules					
4	SB 3 (Leno)	Minimum Wage Act	Would raise minimum wage	OPPOSE	Senate Appropriations					
5	AB 11 (Gonzalez)	Paid Sick Days for In Home Health Workers	Would extend paid sick leave to in home healthcare workers	OPPOSE	Assembly Appropriations					

## STATE CONTINUED

6	AB 52 (Gray)	Public Accommodations: construction related accessibility claims	Would reduce damages assessed for ADA violations if area of noncompliance is fixed within 180 days	SUPPORT	Assembly Judiciary					
7	SB 67 (Galgiani)	Disability access: statutory damages	Would limit small businesses from statutory damage liability in ADA claims	SUPPORT	Senate Judiciary					
8	AB 156 (Perea)	Cal. Global Warming Solutions Act: investment plan	Would provide funding for small cities and communities to apply for projects to be included for consideration for cap & trade money	SUPPORT	Assembly Appropriations					
9	AB 1389 (Patterson)	Fair Contracts for California Farmworkers	Would allow farmworkers to attend mediation and override an ALRB contract decision by majority vote.	SUPPORT	Assembly Labor & Employment					
10	AB 842 (Patterson)	Double Payments for Health Care Coverage Fix	Would fix a problem that requires contractors to pay union health coverage on PLA jobs if the contractor is already paying ACA-approved coverage	SUPPORT	Failed Passage in Committee					
11	AB 612 (Patterson)	Minimum Franchise Tax Reduction for New Businesses	Would allow new businesses with gross receipts of 5k or less to pay half the minimum franchise tax in years one and two	SUPPORT	Assembly Revenue and Taxation					
12	AB 483 (Patterson)	Professional Licenses: Initial Licensure Fees	Would allow licensees to pay a pro-rated amount of their issuance fee so they wouldn't pay full renewal before one year has passed	SUPPORT	Assembly Appropriations					
13	AB 263 (Patterson)	Hazardous Material Testing Methods	Would direct the Dept of Toxic Substances to update its regulations for testing methods to align with federal standards	SUPPORT	Assembly Environmental Safety and Toxic Materials					
14	AB 335 (Patterson)	Air Resources Board Minor Violation Program	Would reinstate a program to issue a "notice to comply" for minor violations instead of immediate fines	SUPPORT	Failed Passage in Committee					
15	SB 127 (Vidak)	Water Quality, Supply and Infrastructure Improvement Act of 2014	Would streamline the environmental review process for projects funded by the Water Bond. Challenges to EIR under CEQA should be resolved within 270 days of report completion	SUPPORT	Senate Environmental Quality					
16	SB 8 (Hertzberg)	Taxation on Service Industry Businesses	Would create a sales tax on service industry businesses like auto repair shops, contractors, restaurants, yoga studios, etc	OPPOSE	Senate Governance & Finance					
17	SB 203 (Monning)	Safety Warning for Sugar Sweetened Beverages	Would mandate a safety warning on all beverages sweetened with sugar to read: CALIFORNIA STATE WARNING: drinking beverages with added sugar contributes to obesity, diabetes and tooth decay	OPPOSE	Senate Health					
18	SB 32 (Pavley)	Global Warming Solutions Act of 2006: emissions limit	Extends the greenhouse gas emissions limit to 80% below 1990 levels by 2050 and allows the state to establish benchmark limits for 2030 and 2040	OPPOSE	Senate Appropriations					



## STATE CONTINUED

19	SB 350 (De Leon)	Clean Energy and Pollution Reduction Act of 2015	Would set goals of 50% reduction in petroleum use, 50% utility power coming from renewable energy and 50% increase in energy efficiency in existing buildings by 2030	OPPOSE	Senate Appropriations					
20	AB 67 (Gonzalez)	Double Pay on the Holiday Act of 2015	Would require employers to pay employees at least double pay on Christmas and Thanksgiving.	OPPOSE	Assembly Appropriations					
21	AB 357 (Chiu)	Fair Scheduling Act of 2015	Would require employers to provide employees with work schedules two weeks ahead of time or face penalties for changes within that period of time	OPPOSE	Assembly Appropriations					
22	AB 970 (Nazarian)	Labor Commissioner: enforcement of employee claims	Would make the state enforce minimum wage laws in cities that have raised it above the state level. In these cities, there's already a local agency required to enforce and penalize employers who fail to pay minimum wage	OPPOSE	Assembly Third Reading					
23	AB 883 (Low)	Employment: public employee status	Prevents an employer from adequately researching an applicant's work history without the threat of litigation	OPPOSE	Assembly Appropriations					
24	AB 944 (Oberholte)	Unemployment compensation's benefits: hearing procedures	Would allow the unemployment insurance appeals board to conduct hearings over the phone instead of just in person, saving the state, employers and applicants time and money	SUPPORT	Assembly Insurance					
25	AB 543 (Quirk)	Proposition 65: exposure	Would amend Prop 65 to require scientific testing and proof of harm from chemical exposure before a business is required to provide a warning	SUPPORT	Assembly Environmental Safety and Toxic Materials					
26	AB 588 (Grove)	Labor Code Private Attorneys General Act of 2004	Would close loopholes that allow lawyers to sue businesses for minor paycheck stub mistakes	SUPPORT	Assembly Labor and Employment					
27	AB 1038 (Jones)	Workplace Flexibility Act	Would allow four ten hour workshifts at the request of an individual, nonexempt employee	SUPPORT	Assembly Labor and Employment					
28	AB 1468 (Baker)	Civil rights: disability access	Would presume compliance of ADA if the business received a close out letter from the State Architect and would allow a 60 day cure period to correct any violations from the notice date	SUPPORT	Assembly Judiciary					
29	AB 1470 (Alejo)	Working hours: overtime	Would presume exempt status from overtime for nonmanual labor employees earning at least \$100,000 per year	SUPPORT	Assembly Labor and Employment					
30	AB 463 (Chiu)	Pharmaceutical Cost Transparency Act	Would require drug manufacturers to provide more transparency for drugs that cost \$10,000 or more annually	SUPPORT	Assembly Health					
31	SB 152 (Vidak)	Personal incomes taxes: earned income credit	Would put money back into the pockets of low-income taxpayers by creating the refundable California Earned Income Tax Credit	SUPPORT	Senate Appropriations					
32	AB 1265 (Perea)	Public Private Partnership Sunset Extension	Would extend the existing P3 to continue indefinitely, which allows alternative transportation infrastructure funding, design and construction	SUPPORT	Assembly Appropriations					

## STATE CONTINUED

33	AB 1176 (Perea)	California Clean Fuel Partnership	Would require a majority of available funding, no less than 50%, of ARFVTP and AQIP to go to disadvantaged communities	SUPPORT	Assembly Appropriati ons						
34	AB 857 (Perea)	CA Clean Truck Act	Would expand incentives to support deployment of clean and low carbon heavy-duty vehicles involved in goods movement	SUPPORT	Assembly Appropriati ons						
35	AB 722 (Perea)	Small Business Access to Capital through Crowdfunding	Would offer startup and emerging small businesses new avenues for finding investors through crowdfunding	SUPPORT	Assembly Appropriati ons						
36	AB 99 (Perea)	Mortgage Debt Forgiveness for Californians	Would extend the tax relief on forgiveness of mortgage debt by conforming California law to Federal law	SUPPORT	Assembly Revenue and Taxation						
37	AB 185 (Garcia)	California New Markets Tax Credit	Would establish the California New Markets Tax Credit Program, authorizing up to \$200 million in tax credits to be deployed to small businesses in low-income tracts	SUPPORT	Assembly Revenue and Taxation						
38	AB 544 (Mullin)	Income taxes: credits: research activities	Would modernize California's research and development tax credit to encourage companies to increase investment funding	SUPPORT	Assembly in Desk Process						
39	SB 546 (Leno)	Health care coverage: rate review	Would mandate any increase to large-group health insurance rates to be filed for review	OPPOSE	Senate Appropriati ons						
40	AB 1017	Employers	Prohibits an employer from publishing a a job without listing the salary	OPPOSE	Assembly Appropriati ons						

## FEDERAL

NO.	BILLS	TITLE	SUMMARY	GAC POSITION	STATUS	COSTA	MCCLINTOCK	NUNES	VALADAO	FEINSTEIN	BOXER
1	HR 30	40 Hour Work Week	Redefines full time as 40 hours per week instead of 30 hours per week for the Affordable Care Act	SUPPORT	PASSED HOUSE	SUPPORT	SUPPORT	SUPPORT	SUPPORT		
2		Fuel Tax	Would raise the federal fuel tax to fund the Highway Trust Fund	OPPOSE							
3		Trade Promotion Authority	Procedural authorization to allow Trans Pacific Partnership, which opens the export market for more commerce with countries	SUPPORT							
4	HR 692 (McClintock)	Default Prevention Act	Would guarantee the U.S. Government's sovereign debt would be paid in full and on time under any circumstances - even during political gridlock	SUPPORT							
5	HR 1668 (McClintock)	Save Our Water Act	During times of declared drought, would amend the Endangered Species Act to suspend water releases for adjusting river water temperatures	SUPPORT							

2015 GAC ATTENDANCE												
MEMBER	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
AMENDOLA	0	0	0	X								
AVAKIAN	X	X	X	X								
DHINDSA	X	X	X	0								
DOMINGOS	X	X	X	X								
EVANS	0	X	X	X								
EWELL	0	X	0	0								
FISCHER	0	X	X	X								
FORTUNE	X	X	0	X								
HUNSAKER	X	X	0	X								
JACOBSEN	X	X	0	X								
MALLOY	X	0	0	0								
MILLER	X	X	0	X								
SALAZAR	X	X	X	0								
SALISCH	0	X	0	0								
SMITH	X	X	0	X								
TAYLOR	X	0	0	X								
ZABRYCKI	X	0	X	X								
Present "X"	A member who misses 3 consecutive meetings will be dropped											
Absent "0"	A member who misses 4 of 12 annual regular meetings will be dropped											