



## CHLA Legislative Status Report--By Position Taken Report Date: 9/6/2011

**AB 29** (John A. Pérez) Governor's Office of Business and Economic Development. (A-09/02/2011 [html](#) [pdf](#))

**Status:**09/02/2011-Read third time and amended. Ordered to second reading.

**Current Location:**09/02/2011-S SECOND READING

**Calendar Events:**09/06/11 15 SEN ASSEMBLY BILLS-SECOND READING FILE

**Summary:** Existing law provides for various state programs and services for the purpose of attracting and retaining businesses in the state. Existing law creates the Office of Small Business Advocate in the Office of Planning and Research in the Governor's office. This bill would create, within the Governor's office, the Governor's Office of Business and Economic Development, which would be administered by a director appointed by the Governor. The bill would require that the office serve the Governor as the lead entity for economic strategy and the marketing of California on issues relating to business development, private sector investment, and economic growth, and would authorize the office to exercise various powers, including, among others, to make recommendations to the Governor and the Legislature regarding policies, programs, and actions to advance statewide economic goals. The bill would create the California Business Investment Services Program, as specified, within the office, under the authority of the director, for the purpose of serving employers, corporate executives, business owners, and site location consultants who are considering California for business investment and expansion. The bill would also move the Office of Small Business Advocate to the Governor's Office of Business and Economic Development. This bill contains other existing laws.

Organization	Assigned	Position	Priority	Subject	Groups
CHLA	RHeim				

**SB 384** (Evans) Civil actions. (A-09/01/2011 [html](#) [pdf](#))

**Status:**09/01/2011-Read third time and amended. Ordered to third reading.

**Current Location:**09/01/2011-A THIRD READING

**Calendar Events:**09/06/11 91 ASM SENATE THIRD READING FILE

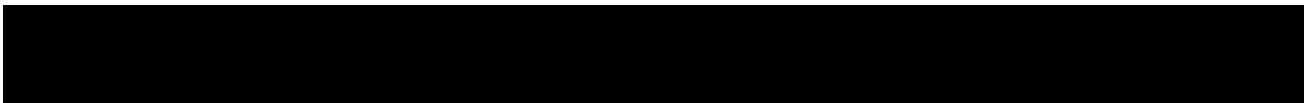
**Summary:** Existing law requires an attorney to provide a written advisory to a building owner or tenant with each demand for money or complaint for any construction-related accessibility claim, as specified. This bill would clarify that the requirement to provide the written advisory applies whether or not the attorney intends to file a complaint or eventually files a complaint in state or federal court, and would provide that a violation of this requirement may also subject the attorney to disciplinary action. This bill contains other related provisions and other existing laws.

Organization	Assigned	Position	Priority	Subject	Groups
CHLA	RHeim				

**SB 617** (Calderon) State government: financial and administrative accountability. (A-09/02/2011 [html](#) [pdf](#))

**Status:**09/02/2011-Read third time and amended. Ordered to third reading.

**Current Location:**09/02/2011-A THIRD READING



**Calendar Events:**09/06/11 108 ASM SENATE THIRD READING FILE

**Summary:** The Administrative Procedure Act governs the procedures for the adoption, amendment, or repeal of regulations by state agencies and for the review of those regulatory actions by the Office of Administrative Law. Existing law establishes procedures for notifying interested persons of the proposed adoption, amendment, or repeal of a regulation. Existing law establishes procedures a state agency is required to use to make a determination of whether a proposed administrative regulation or proposed amendment to an administrative regulation has the potential for significant, statewide adverse economic impact directly affecting California business enterprises. This bill would revise various provisions of the act with respect to the duties of the Office of Administrative Law and state agencies in the adoption, amendment, or repeal of regulations. The bill would also require each state agency to prepare a standardized regulatory impact analysis, as specified, with respect to the adoption, amendment, or repeal of a major regulation, as defined, that is proposed on or after January 1, 2013. The bill would require that the agency submit the analysis to the Department of Finance for review and comments, as specified, which would be required to be included with the notice of proposed action. This bill contains other related provisions and other existing laws.

Organization	Assigned	Position	Priority	Subject	Groups
CHLA	RHeim				

**SB 931 (Evans) Payroll cards.** (A-08/31/2011 [html](#) [pdf](#))

**Status:**08/31/2011-Read third time and amended. Ordered to third reading.

**Current Location:**08/31/2011-A THIRD READING

**Calendar Events:**09/06/11 151 ASM SENATE THIRD READING FILE

**Summary:** Existing law prohibits an employer from issuing in payment of wages due certain instruments, including an order, check, draft, note, memorandum, scrip, coupon, card, or other acknowledgment of indebtedness or redeemable instrument, unless specified requirements are satisfied. This bill would authorize an employer to pay an employee's wages by means of a payroll card, as defined, provided that specified requirements are satisfied. In addition, the bill would make a violation of its provisions a misdemeanor and would subject a violator to specified civil penalties. By creating new crimes, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

Organization	Assigned	Position	Priority	Subject	Groups
CHLA	RHeim				

## Neutral

**SB 474 (Evans) Commercial construction contracts: indemnity.** (A-09/01/2011 [html](#) [pdf](#))

**Status:**09/01/2011-Read third time and amended. Ordered to third reading.

**Current Location:**09/01/2011-A THIRD READING

**Calendar Events:**09/06/11 87 ASM SENATE THIRD READING FILE

**Summary:** Existing law provides that provisions in construction contracts, as defined, that purport to indemnify the promisee against liability for damages for death or bodily injury to persons, injury to property, or any other loss arising from the sole negligence or willful misconduct of the promisee or the promisee's agents who are directly responsible to the promisee, or for defects in design furnished by those persons, are against public policy and are void and unenforceable. Existing law provides that provisions in construction contracts with a public agency that purport to impose on the contractor, or relieve the public agency from, liability for the active negligence of the public agency are void and unenforceable. Existing law excepts from these provisions agreements to indemnify with professional engineers, among others. Existing law prescribes different requirements and prohibitions for residential construction contracts entered on and after January 1,

2009. This bill would provide, for construction contracts and amendments executed on and after January 1, 2013, that are not for residential construction or a direct contract with a public agency or the owner of private property , as specified , that purport to insure or indemnify, including the cost to defend, a general contractor, construction manager, or other subcontractor, by a subcontractor against liability for claims of death or bodily injury to persons, injury to property, or any other loss, damage, or expense are unenforceable to the extent the claims relate to the active negligence or willful misconduct of that general contractor, construction manager, or other subcontractor, or their other agents, as specified, or for defects in design furnished by those persons, or to the extent the claims do not arise out of the scope of work of the subcontractor in the written agreement between the parties. The bill would require that California law be applied to these contracts regardless of any choice-of-law rules that might otherwise apply. The bill would except certain contractual provisions and types of insurance from these provisions, including an agreement between a subcontractor and general contractor or construction manager as to the timing or immediacy of the defense and provisions for reimbursement of defense fees and costs, as specified. The bill would provide that waiver of these provisions is contrary to public policy, void, and unenforceable. This bill contains other related provisions.

Organization	Assigned	Position	Priority	Subject	Groups
CHLA	RHeim	Neutral			

**SB 684**      **(Corbett) Workers' compensation insurance: dispute resolution: arbitration clauses.** (E-09/02/2011 [html](#) [pdf](#))

**Status:**09/01/2011-Assembly amendments concurred in. (Ayes 24. Noes 15.) Ordered to engrossing and enrolling.

**Current Location:**09/01/2011-S ENROLLMENT

**Calendar Events:**

**Summary:** Existing law requires that a workers' compensation insurance policy or endorsement not be issued by an insurer unless the insurer files a copy of the form or endorsement with a rating organization and 30 days have expired from the date the form or endorsement is received by the Insurance Commissioner from the rating organization without notice from the commissioner, unless the commissioner gives written approval of the form or the endorsement prior to that time. This bill would require an insurer that intends to use a dispute resolution or arbitration agreement to resolve disputes arising in California out of a workers' compensation insurance policy or endorsement issued to a California employer, as defined, to disclose to the employer, contemporaneously with any written quote that offers to provide insurance coverage, that choice of law and choice of venue or forum may be a jurisdiction other than California and that these terms are negotiable between the insurer and the employer. The bill would require that the employer sign the disclosure, as evidence of receipt, when the employer accepts the offer of coverage. The bill would authorize the dispute resolution or arbitration agreement to be negotiated before any dispute arises. These provisions would apply to workers' compensation policies issued or renewed on or after July 1, 2012.

Organization	Assigned	Position	Priority	Subject	Groups
CHLA	RHeim JCaldwell	Neutral			

**Oppose**

**AB 22**      **(Mendoza) Employment: credit reports.** (A-09/01/2011 [html](#) [pdf](#))

**Status:**09/02/2011-Read second time. Ordered to third reading.

**Current Location:**09/02/2011-S THIRD READING

**Calendar Events:**09/06/11 183 SEN ASSEMBLY BILLS-THIRD READING FILE

**Summary:** The federal Fair Credit Reporting Act (FCRA) and the state Consumer Credit Reporting Agencies Act define and regulate consumer credit reports and authorize the use of

consumer credit reports for employment purposes, pursuant to specified requirements. The FCRA provides that it does not preempt state law, except as specifically provided or to the extent that state laws are inconsistent with its provisions. This bill would prohibit an employer or prospective employer, with the exception of certain financial institutions, from obtaining a consumer credit report, as defined, for employment purposes unless the position of the person for whom the report is sought is (1) a position in the state Department of Justice, (2) a managerial position, as defined, (3) that of a sworn peace officer or other law enforcement position, (4) a position for which the information contained in the report is required by law to be disclosed or obtained, (5) a position that involves regular access to specified personal information for any purpose other than the routine solicitation and processing of credit card applications in a retail establishment, (6) a position in which the person is or would be a named signatory on the employer's bank or credit card account, or authorized to transfer money or enter into financial contracts on the employer's behalf, (7) a position that involves access to confidential or proprietary information, as specified, or (8) a position that involves regular access to \$10,000 or more of cash, as specified. This bill contains other related provisions and other existing laws.

Organization	Assigned	Position	Priority	Subject	Groups
CHLA	RHeim	Oppose			

**AB 51** (Yamada) Payroll cards. (A-05/31/2011 [html](#) [pdf](#))  
**Status:**08/26/2011-Failed Deadline pursuant to Rule 61(a)(11). (Last location was B. & F. I. on 6/23/2011)  
**Current Location:**08/26/2011-S 2 YEAR  
**Calendar Events:**

**Summary:** Existing law prohibits an employer from issuing in payment of wages due certain instruments, including an order, check, draft, note, memorandum, scrip, coupon, card, or other acknowledgment of indebtedness or redeemable instrument, unless specified requirements are satisfied. This bill would authorize an employer to pay an employee's wages by means of a payroll card, as defined, provided that specified requirements are satisfied. In addition, the bill would make a violation of its provisions a misdemeanor and would subject a violator to specified civil penalties. By creating new crimes, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

Organization	Assigned	Position	Priority	Subject	Groups
CHLA	RHeim	Oppose			

**AB 197** (Monning) Recovery of wages: liquidated damages. (A-06/02/2011 [html](#) [pdf](#))  
**Status:**08/31/2011-In Assembly. Concurrence in Senate amendments pending. May be considered on or after September 2 pursuant to Assembly Rule 77.  
**Current Location:**08/31/2011-A CONCURRENCE  
**Calendar Events:**09/06/11 12 ASM UNFINISHED BUSINESS CONCURRENCE IN SENATE AMENDMENTS

**Summary:** Under existing law, in a court action to recover wages unpaid in violation of the minimum wage set by the Industrial Welfare Commission within the Department of Industrial Relations, the court may award liquidated damages to an employee equal to the amount of wages unlawfully unpaid, plus interest. This bill would increase the amount of liquidated damages that may be awarded to an employee to twice the amount of the wages unlawfully unpaid, plus interest. This bill contains other related provisions.

Organization	Assigned	Position	Priority	Subject	Groups
CHLA	RHeim	Oppose			

**AB 211** (Cedillo) Workers' compensation: permanent disability benefits. (E-09/02/2011

[html](#) [pdf](#))

**Status:**08/31/2011-In Assembly. Ordered to Engrossing and Enrolling.

**Current Location:**08/31/2011-A ENROLLMENT

**Calendar Events:**

**Summary:** Existing law establishes a workers' compensation system, administered by the Administrative Director of the Division of Workers' Compensation, to compensate an employee for injuries sustained in the course of his or her employment. Existing law, for injuries that cause permanent partial disability and occur on or after January 1, 2004, provides supplemental job displacement benefits in the form of a nontransferable voucher for education-related retraining or skill enhancement for an injured employee who does not return to work for the employer within 60 days of the termination of temporary disability, in accordance with a prescribed schedule based on the percentage of an injured employee's disability. Existing law provides an exception for employers who meet specified criteria. This bill would provide that the above provisions shall apply to injuries occurring on or after January 1, 2004, and before January 1, 2012. This bill contains other related provisions.

Organization	Assigned	Position	Priority	Subject	Groups
CHLA	RHeim JCaldwell	Oppose			

**AB 240** (Bonilla) Compensation recovery actions: liquidated damages. (E-08/26/2011 [html](#) [pdf](#))

**Status:**08/26/2011-Enrolled and presented to the Governor at 3 p.m.

**Current Location:**08/26/2011-A ENROLLED

**Calendar Events:**

**Summary:** Existing law authorizes the Labor Commissioner, who is the Chief of the Division of Labor Standards Enforcement, to investigate employee complaints and to provide for a hearing in any action to recover wages, penalties, and other demands for compensation properly before the commissioner or the division and to determine all matters arising under his or her jurisdiction. This bill would permit an employee to recover liquidated damages pursuant to a complaint brought before the Labor Commissioner alleging payment of less than the minimum wage fixed by an order of the Industrial Welfare Commission or by statute. This bill contains other related provisions and other existing laws.

Organization	Assigned	Position	Priority	Subject	Groups
CHLA	RHeim	Oppose			

**AB 267** (Swanson) Employment contracts. (E-09/02/2011 [html](#) [pdf](#))

**Status:**09/02/2011-Senate amendments concurred in. To Engrossing and Enrolling.

**Current Location:**09/02/2011-A ENROLLMENT

**Calendar Events:**

**Summary:** Existing law prohibits certain employment contract provisions as against public policy and declares provisions in certain construction contracts between a contractor and subcontractor for work in this state that purport to require dispute resolution between the parties to be commenced or determined outside of the state to be void and unenforceable. This bill would make void and unenforceable as against public policy any provision in an employment contract that requires an employee, as a condition of obtaining or continuing employment, to use a forum other than California, or to agree to a choice of law other than California law, to resolve any dispute with an employer regarding employment-related issues that arise in California, and would make related changes.

Organization	Assigned	Position	Priority	Subject	Groups
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CHLA

RHeim

Oppose

**AB 325** (Lowenthal, Bonnie) Employee's right to bereavement leave. (A-09/02/2011 [html](#) [pdf](#))

**Status:**09/02/2011-Read third time and amended. Ordered to second reading.

**Current Location:**09/02/2011-S SECOND READING

**Calendar Events:**09/06/11 24 SEN ASSEMBLY BILLS-SECOND READING FILE

**Summary:** Existing law provides employees with the right to take time off work without discharge or discrimination for a number of reasons. This bill would prohibit an employer from refusing to grant a request by any employee to take up to 3 days of bereavement leave or to interfere with or restrain an employee from doing so. This bill would authorize an employee who has been discharged, disciplined, or discriminated against for exercising his or her right to bereavement leave to bring a civil action against his or her employer for reinstatement, specified damages, and attorney's fees. The provisions of the bill would not apply to an employee who is covered by a valid collective bargaining agreement that provides for bereavement leave and other specified working conditions.

Organization	Assigned	Position	Priority	Subject	Groups
CHLA	RHeim	Oppose			

**AB 350** (Solorio) Displaced Janitor Opportunity Act. (A-09/02/2011 [html](#) [pdf](#))

**Status:**09/02/2011-Read third time and amended. Ordered to second reading.

**Current Location:**09/02/2011-S SECOND READING

**Calendar Events:**09/06/11 28 SEN ASSEMBLY BILLS-SECOND READING FILE

**Summary:** Existing law, the Displaced Janitor Opportunity Act, requires contractors and subcontractors, that are awarded contracts or subcontracts by an awarding authority to provide janitorial or building maintenance services at a particular job site or sites, to retain, for a period of 60 days, certain employees who were employed at that site by the previous contractor or subcontractor. The act requires the successor contractors and subcontractors to offer continued employment to those employees retained for the 60-day period if their performance during that 60-day period is satisfactory. The act authorizes an employee who was not offered employment or who has been discharged in violation of these provisions by a successor contractor or successor subcontractor, or an agent of the employee, to bring an action against a successor contractor or successor subcontractor in any superior court of the state having jurisdiction over the successor contractor or successor subcontractor, as specified. This bill would rename the act the Displaced Property Service Employee Opportunity Act and make the provisions of the act applicable to property services, which would consist of licensed security, as defined, window cleaning, food cafeteria and dietary services, janitorial services, and building maintenance services. This bill would exclude from the definitions of "contractor" and "subcontractor" specified types of food service providers. The bill also would make conforming changes.

Organization	Assigned	Position	Priority	Subject	Groups
CHLA	RHeim	Oppose			

**AB 469** (Swanson) Employees: wages. (A-08/29/2011 [html](#) [pdf](#))

**Status:**09/01/2011-In Assembly. Concurrence in Senate amendments pending. May be considered on or after September 3 pursuant to Assembly Rule 77.

**Current Location:**09/01/2011-A CONCURRENCE

**Calendar Events:**09/06/11 34 ASM UNFINISHED BUSINESS CONCURRENCE IN SENATE AMENDMENTS

**Summary:** Existing law authorizes the Labor Commissioner to investigate and enforce statutes and orders of the Industrial Welfare Commission that, among other things, specify the requirements for the payment of wages by employers. Existing law provides for criminal and civil penalties for violations of statutes and orders of the commission regarding

payment of wages. This bill would provide that in addition to being subject to a civil penalty, any employer who pays or causes to be paid to any employee a wage less than the minimum fixed by an order of the commission shall be subject to paying restitution of wages to the employee. This bill contains other related provisions and other existing laws.

Organization	Assigned	Position	Priority	Subject	Groups
CHLA	RHeim	Oppose			

**AB 559** (Swanson) Civil actions: costs. (E-09/02/2011 [html](#) [pdf](#))

**Status:**09/01/2011-In Assembly. Ordered to Engrossing and Enrolling.

**Current Location:**09/01/2011-A ENROLLMENT

**Calendar Events:**

**Summary:** Existing law provides that a prevailing party is entitled as a matter of right to recover costs in any action or proceeding, and specifies those items allowable as costs. Existing law provides that costs, or any portion of claimed costs, shall be as determined by the court, in its discretion, in a case other than a limited civil case, if the prevailing party recovers a judgment that could have been rendered in a limited civil case. This bill would exempt from that latter provision an action brought under the California Fair Employment and Housing Act.

Organization	Assigned	Position	Priority	Subject	Groups
CHLA	RHeim	Oppose			

**AB 947** (Solorio) Workers' compensation: temporary disability payments. (A-09/02/2011 [html](#) [pdf](#))

**Status:**09/02/2011-Read third time and amended. Ordered to second reading.

**Current Location:**09/02/2011-S SECOND READING

**Calendar Events:**09/06/11 16 SEN ASSEMBLY BILLS-SECOND READING FILE

**Summary:** Existing law generally requires employers to secure the payment of workers' compensation, including medical treatment, for injuries incurred by their employees that arise out of, or in the course of, employment. Existing law generally prohibits aggregate disability payments for a single injury occurring on or after January 1, 2008, causing temporary disability from extending for more than 104 compensable weeks within a period of 5 years from the date of injury. Under existing law, if an employee suffers from specified injuries or conditions, aggregate disability payments for a single injury occurring on or after April 19, 2004, causing temporary disability are prohibited from extending for more than 240 compensable weeks within a period of 5 years from the date of injury. This bill would add an injury or condition occurring on or after January 1, 2012, where surgery or recovery from surgery occurs after 104 weeks of temporary disability benefits have been paid, provided that specified conditions are met, to the injuries or conditions for which aggregate disability payments for a single injury causing temporary disability are prohibited from extending for more than 240 compensable weeks within a period of 5 years.

Organization	Assigned	Position	Priority	Subject	Groups
CHLA	RHeim	Oppose			

**AB 1396** (Committee on Labor and Employment) Employment contract requirements. (E-09/01/2011 [html](#) [pdf](#))

**Status:**09/01/2011-Enrolled and presented to the Governor at 3:30 p.m.

**Current Location:**09/01/2011-A ENROLLED

**Calendar Events:**

**Summary:** Existing statutory law, which has been held invalid by existing case law, requires an employer who has no permanent and fixed place of business in the state and who

enters into a contract of employment involving commissions as a method of payment with an employee for services to be rendered within the state to put the contract in writing and to set forth the method by which the commissions are required to be computed and paid. An employer who does not comply with those requirements is liable to the employee in a civil action for triple damages. This bill would, by January 1, 2013, make this contract requirement applicable to all employers entering into a contract of employment involving commissions as a method of payment with an employee for services to be rendered in the state. In addition, the bill would repeal the provision making an employer who violates this requirement liable in a civil action for triple damages.

Organization	Assigned	Position	Priority	Subject	Groups
CHLA	RHeim JCaldwell	Oppose			

**SB 104 (Steinberg) Labor representatives: elections.** (V-06/28/2011 [html](#) [pdf](#))

**Status:**06/28/2011-Vetoed by Governor

**Current Location:**06/28/2011-S VETOED

**Calendar Events:**09/06/11 52 SEN GOVERNOR'S VETOES

**Summary:** Existing law prohibits employers from engaging in unfair labor practices, including interfering in the election by agricultural employees of labor representatives to engage in collective bargaining for the designated bargaining units. Existing law also provides criminal and civil penalties for any employer or person who engages in unfair labor practices as determined by the Agricultural Labor Relations Board within the Labor and Workforce Development Agency and the courts. This bill would, instead, refer to the above-described secret ballot elections as elections occurring at polling sites. This bill would also permit agricultural employees, as an alternative procedure, to select their labor representatives by submitting a petition to the board accompanied by representation cards signed by a majority of the bargaining unit. The board would be required to conduct an immediate investigation to determine whether to certify the labor organization as the exclusive bargaining representative for the particular agricultural employees. Within 5 days after receiving a petition, the board would be required to make a nonappealable administrative decision. If the board determined that the representation cards meet specified criteria, then the labor organization would be certified as the exclusive bargaining representative. If the board determined that the representation cards were deficient, it would notify the labor organization of the deficiency and grant the labor organization 30 days to submit additional cards. This bill contains other related provisions and other existing laws.

Organization	Assigned	Position	Priority	Subject	Groups
CHLA	RHeim	Oppose			

**SB 299 (Evans) Employment: pregnancy or childbirth leave.** (A-08/31/2011 [html](#) [pdf](#))

**Status:**08/31/2011-Read third time and amended. Ordered to third reading.

**Current Location:**08/31/2011-A THIRD READING

**Calendar Events:**09/06/11 139 ASM SENATE THIRD READING FILE

**Summary:** Existing law prohibits employment discrimination based on sex or disability. This bill would also prohibit an employer from refusing to maintain and pay for coverage under a group health plan for an employee who takes that leave, as specified. This bill contains other related provisions and other existing laws.

Organization	Assigned	Position	Priority	Subject	Groups
CHLA	RHeim	Oppose			

**SB 432 (De León) Workplace safety: lodging establishments: housekeeping.** (A-

08/15/2011 [html](#) [pdf](#))

**Status:**08/26/2011-Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. SUSPENSE FILE on 8/18/2011)

**Current Location:**08/26/2011-A 2 YEAR

**Calendar Events:**

**Summary:** Existing law establishes the Occupational Safety and Health Standards Board within the Department of Industrial Relations and requires the standards board to adopt and, through the Division of Occupational Safety and Health, to enforce all occupational safety and health standards. Under existing law, a knowing or negligent violation of any standard, which is deemed to be a serious violation, constitutes a misdemeanor. This bill would require the standards board to adopt a standard , no later than December 1, 2012, relating to housekeeping in transient lodging establishments requiring the use of fitted sheets on beds or the use of an approved alternative to assist in sheet installation, as specified, and the use of long-handled tools for cleaning bathrooms. The bill would require the division to enforce the standard in the ordinary course of its duties pursuant to existing authority. This bill would require that the standard be operative as of September 1, 2013, and be fully complied with by December 31, 2015. This bill contains other related provisions and other existing laws.

Organization	Assigned	Position	Priority	Subject	Groups
CHLA	RHeim JCaldwell	Oppose			

**SB 459 (Corbett) Employment: independent contractors.** (A-09/02/2011 [html](#) [pdf](#))

**Status:**09/02/2011-Read third time and amended. Ordered to third reading.

**Current Location:**09/02/2011-A THIRD READING

**Calendar Events:**09/06/11 100 ASM SENATE THIRD READING FILE

**Summary:** Existing law prescribes comprehensive requirements relating to minimum wages, overtime compensation, and standards for working conditions for the protection of employees applicable to an employment relationship. This bill would prohibit willful misclassification, as defined, of individuals as independent contractors . The bill also would prohibit charging individuals who have been mischaracterized as independent contractors a fee or making deductions from compensation, as specified, where those acts would have violated the law if the individuals had not been mischaracterized . The bill would authorize the Labor and Workforce Development Agency to assess specified civil damages against , and would require the agency to take other specified disciplinary actions against, persons or employers violating these prohibitions . It would also require the agency to notify the Contractors' State License Board of a violator that is a licensed contractor, and require the board to initiate an action against the licensee. The bill would authorize an individual to file a complaint, as specified, to request the Labor Commissioner to issue a determination that a person or employer has violated these prohibitions with regard to the individual filing the complaint. The bill would authorize the Labor Commissioner to assess civil and liquidated damages against a person or employer based on a determination that the person or employer has violated these prohibitions. This bill contains other related provisions.

Organization	Assigned	Position	Priority	Subject	Groups
CHLA	RHeim	Oppose			

**SB 559 (Padilla) Discrimination: genetic information.** (E-08/25/2011 [html](#) [pdf](#))

**Status:**08/25/2011-Enrolled and presented to the Governor at 4 p.m.

**Current Location:**08/25/2011-S ENROLLED

**Calendar Events:**

**Summary:** The Unruh Civil Rights Act generally prohibits business establishments from discriminating on specified bases. This bill would further prohibit discrimination under the above-described provisions on the basis of genetic information, would define that

term, and would making conforming changes. This bill contains other related provisions and other existing laws.

Organization	Assigned	Position	Priority	Subject	Groups
CHLA	RHeim	Oppose			

**SB 575 (DeSaulnier) Smoking in the workplace.** (A-05/31/2011 [html](#) [pdf](#))

**Status:**08/26/2011-Failed Deadline pursuant to Rule 61(a)(11). (Last location was G.O. on 7/7/2011)

**Current Location:**08/26/2011-A 2 YEAR

**Calendar Events:**

**Summary:** Existing law prohibits smoking of tobacco products inside an enclosed space, as defined, at a place of employment. The violation of the prohibition against smoking in enclosed spaces of places of employment is an infraction punishable by a specified fine. This bill would expand the prohibition on smoking in a place of employment to include an owner-operated business, as defined. This bill contains other related provisions and other existing laws.

Organization	Assigned	Position	Priority	Subject	Groups
CHLA	RHeim JCaldwell	Oppose			

**SB 653 (Steinberg) Local taxation: counties: school districts: community college districts: county offices of education: general authorization.** (A-06/06/2011 [html](#) [pdf](#))

**Status:**08/22/2011-Ordered to inactive file on request of Senator Steinberg.

**Current Location:**08/22/2011-S INACTIVE FILE

**Calendar Events:**

**Summary:** The California Constitution prohibits the Legislature from imposing taxes for local purposes, but allows the Legislature to authorize local governments to impose them. This bill would authorize the governing board of any county or city and county, any school district, any community college district, and any county office of education subject to specified constitutional and voter approval requirements, to levy, increase, or extend a local personal income tax, transactions and use tax, vehicle license fee, and excise tax, including, but not limited to, an alcoholic beverages tax, a cigarette and tobacco products tax, a sweetened beverage tax, and an oil severance tax, as provided. This bill contains other related provisions.

Organization	Assigned	Position	Priority	Subject	Groups
CHLA	RHeim	Oppose			

**SB 829 (DeSaulnier) Division of Occupational Safety and Health: Occupational Safety and Health Appeals Board.** (A-07/01/2011 [html](#) [pdf](#))

**Status:**08/26/2011-Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. on 7/7/2011)

**Current Location:**08/26/2011-A 2 YEAR

**Calendar Events:**

**Summary:** Existing law establishes the Division of Occupational Safety and Health in the Department of Industrial Relations to enforce employment safety laws. Existing law authorizes the division to conduct hearings, inspections, and investigations regarding alleged violations of employment safety laws and to issue citations to employers. Existing law establishes the Occupational Safety and Health Appeals Board in the department and prescribes procedures for the appeals board to hear and decide employer appeals of the division's enforcement actions. This bill would revise and recast various provisions regarding citations issued by the department, the persons or entities who are authorized to participate as a party in an appeal before the appeals board, and the procedures that govern the appeals board in hearing and deciding

appeals. The bill also would make other related clarifying and conforming changes.

Organization	Assigned	Position	Priority	Subject	Groups
CHLA	RHeim	Oppose			

**SCA 15 (Hancock) Taxation: voter approval.** (I-07/14/2011 [html](#) [pdf](#))

**Status:**07/15/2011-From printer. May be acted upon on or after August 14.

**Current Location:**07/14/2011-S PRINT

**Calendar Events:**

**Summary:** The California Constitution requires that a change in state statute, passed by the Legislature, that results in a taxpayer paying a higher tax be imposed in an act that is passed with the approval of not less than 2/3 of the membership of each house of the Legislature. This measure would alternatively allow a change in state statute, passed by the Legislature, that results in a taxpayer paying a higher tax to be imposed in an act passed by a majority of the membership of each house of the Legislature, where that change becomes effective only when submitted to the voters and approved by a majority of the voters voting on that measure at a statewide election. This bill contains other related provisions.

Organization	Assigned	Position	Priority	Subject	Groups
CHLA	RHeim	Oppose			

## Support

**AB 166 (Cook) Corporation taxes: minimum franchise tax.** (I-01/20/2011 [html](#) [pdf](#))

**Status:**05/16/2011-In committee: Set, second hearing. Referred to REV. & TAX. suspense file. In committee: Set, second hearing. Held under submission.

**Current Location:**03/08/2011-A REV. & TAX SUSPENSE FILE

**Calendar Events:**

**Summary:** The Corporation Tax Law generally imposes a franchise tax on corporations doing business within the limits of this state, including a minimum franchise tax on specified corporations, as provided. This bill would eliminate the minimum franchise tax and make related technical amendments. This bill contains other related provisions.

Organization	Assigned	Position	Priority	Subject	Groups
CHLA	RHeim	Support			

**AB 226 (Solorio) Unemployment insurance: reporting requirements: status of funds.** (A-04/14/2011 [html](#) [pdf](#))

**Status:**07/12/2011-Read second time. Ordered to third reading.

**Current Location:**07/12/2011-S THIRD READING

**Calendar Events:**09/06/11 88 SEN ASSEMBLY BILLS-THIRD READING FILE

**Summary:** Existing unemployment insurance law requires the Employment Development Department to submit to the Legislature in May and October of each year a report on the status of the Unemployment Fund and the Unemployment Compensation Disability Fund, containing actual and forecasted information on each fund, as specified. This bill would additionally require the department, whenever the Unemployment Fund indicates a negative balance, to include in the status report on the Unemployment Fund the estimated impact on employers from the changes in a specified federal tax credit and the estimated amount the state is expected to pay in interest charges on any outstanding loan to the federal government .

Organization	Assigned	Position	Priority	Subject	Groups
CHLA	RHeim	Support			

**AB 304 (Knight) Income taxes: credits: hiring credit.** (A-05/25/2011 [html](#) [pdf](#))

**Status:**05/26/2011-Re-referred to Com. on REV. & TAX.  
**Current Location:**05/26/2011-A REV. & TAX  
**Calendar Events:**

**Summary:** The Personal Income Tax Law and the Corporation Tax Law authorize various credits against the taxes imposed by those laws, including a credit for an increase in qualified employees, for a qualified employer who employs 20 or fewer employees. This bill would, under both laws, for taxable years beginning on and after January 1, 2011, and before January 1, 2015, allow a credit to a qualified employer , which means an employer of 30 or more employees who are located in California , of either \$3,000 or \$5,000, as specified, for each qualified employee, as defined, employed by the qualified employer , as specified . This bill contains other related provisions.

Organization	Assigned	Position	Priority	Subject	Groups
CHLA	RHeim	Support			

**AB 1190** (Jeffries) Sales and use taxes: consumer: destination management company. (1-02/18/2011 [html](#) [pdf](#))

**Status:**05/16/2011-In committee: Set, second hearing. Referred to REV. & TAX. suspense file. In committee: Set, second hearing. Held under submission.

**Current Location:**03/21/2011-A REV. & TAX

**Calendar Events:**

**Summary:** The Sales and Use Tax Law imposes a tax on retailers measured by the gross receipts from the sale of tangible personal property sold at retail in this state, or on the storage, use, or other consumption in this state of tangible personal property purchased from a retailer for storage, use, or other consumption in this state. That law, with certain exceptions, defines a retailer as a seller that makes any retail sale of tangible personal property and as a person that makes more than 2 retail sales of tangible personal property during any 12-month period, and defines a retail sale as a sale of tangible personal property for any purpose other than resale in the regular course of business. This bill would provide, until January 1, 2016, that a qualified destination management company, as defined, is a consumer, and not a retailer, of tangible personal property it provides to its clients pursuant to a qualified contract, as defined, for destination management services, so that the sale of the tangible personal property to the destination management company is the retail sale subject to tax. This bill contains other related provisions and other existing laws.

Organization	Assigned	Position	Priority	Subject	Groups
CHLA	RHeim	Support			

**AB 1195** (Allen) Personal income and corporation taxes: hiring credit. (A-05/31/2011 [html](#) [pdf](#))

**Status:**08/25/2011-In committee: Held under submission.

**Current Location:**08/16/2011-S APPR. SUSPENSE FILE

**Calendar Events:**

**Summary:** The Personal Income Tax Law and the Corporation Tax Law authorize various credits against the taxes imposed by those laws, including a credit for taxable years beginning on or after January 1, 2009, in the amount of \$3,000 for each full-time employee hired by a qualified employer , until a cut off date in which a maximum cumulative credit of \$400,000,000 has been reached for all taxable years . Those laws define "qualified employer" as a taxpayer that employed 20 or fewer employees as of the last day of the preceding taxable year. This bill, under both laws, for taxable years beginning on or after January 1, 2011, would expand the definition of "qualified employer" to mean a taxpayer that employed 50 or fewer employees as of the last day of the preceding taxable year. This bill contains other related provisions.

Organization	Assigned	Position	Priority	Subject	Groups
CHLA	RHeim	Support			

**ABX1 3 (Logue) Regulations: 5-year review and report.** (I-12/06/2010 [html](#) [pdf](#))

Status:12/07/2010-From printer.

Current Location:12/06/2010-A PRINT

Calendar Events:

**Summary:** The Administrative Procedure Act generally sets forth the requirements for the adoption, publication, review, and implementation of regulations by state agencies. This bill would additionally require a state agency to review and report on regulations that it adopts or amends on and after January 1, 2012, 5 years after adoption, as specified. The bill would require that the review and report include 10 specified factors, including a summary of the written criticisms of the regulation received by the agency within the immediately preceding 5 years and the estimated economic, small business, and consumer impact of the regulation. The bill would require the Office of Administrative Law to make the review and report available on the office's Internet Web site. This bill contains other related provisions and other existing laws.

Organization	Assigned	Position	Priority	Subject	Groups
CHLA	RHeim	Support			

**ABX1 6 (Logue) Regulations: economic impacts review.** (I-12/06/2010 [html](#) [pdf](#))

Status:12/07/2010-From printer.

Current Location:12/06/2010-A PRINT

Calendar Events:

**Summary:** Existing law, the Administrative Procedure Act, governs the procedure for the adoption, amendment, or repeal of regulations by state agencies and for the review of those regulatory actions by the Office of Administrative Law. Existing law requires the Department of Finance to adopt and update, as necessary, instructions for inclusion in the State Administrative Manual that prescribe the methods that any agency shall use in making certain determinations relating to the impact of proposed regulations. Existing law also authorizes the department to review any estimate prepared pursuant to these provisions for content. This bill would additionally require the department to adopt and update instructions for inclusion in the State Administrative Manual that prescribe the methods that any agency shall use in making certain determinations, estimates, statements, and findings relating to the economic and cost impacts of a regulation on businesses and private individuals. The bill would require, instead of authorize, the department to review these determinations, estimates, statements, and findings for content. This bill would require the department, if it determines that an agency's determinations, estimates, statements, or findings are erroneous or otherwise inconsistent with the prescribed guidelines, criteria, or formats, to submit its determinations to the agency in the form of public comment to be considered by the agency, as specified. This bill contains other related provisions and other existing laws.

Organization	Assigned	Position	Priority	Subject	Groups
CHLA	RHeim	Support			

**SB 196 (Cannella) Regulations: economic analysis and review.** (A-07/05/2011 [html](#) [pdf](#))

Status:08/26/2011-Failed Deadline pursuant to Rule 61(a)(11). (Last location was RLS. on 7/5/2011)

Current Location:08/26/2011-S 2 YEAR

Calendar Events:

**Summary:** The Administrative Procedure Act governs the procedure for the adoption, amendment, or repeal of regulations by state agencies and for the review of those regulatory actions by the Office of Administrative Law. The act requires that state agencies proposing to adopt, amend, or repeal any administrative regulation assess the potential for adverse

economic impact on California business enterprises and individuals, as specified. This bill would require the standardized economic assessment to consider additional factors, such as the benefits of the regulation and the extent to which it will achieve regulatory and statutory objectives. The bill would require agencies preparing the economic assessment to request a review of the assessment by the University of California, and to include any review by the university with the assessment. The bill would require the Department of Finance to adopt regulations, on or before June 30, 2013, to guide agencies in conducting the standardized economic assessments, as specified. This bill contains other related provisions and other existing laws.

Organization	Assigned	Position	Priority	Subject	Groups
CHLA	RHeim	Support			

**SB 303 (Padilla) Food safety: food handlers.** (E-08/25/2011 [html](#) [pdf](#))

**Status:**08/25/2011-Enrolled and presented to the Governor at 4 p.m.

**Current Location:**08/25/2011-S ENROLLED

**Calendar Events:**

**Summary:** The California Retail Food Code provides for the regulation of health and sanitation standards for retail food facilities by the State Department of Public Health. Local health agencies are primarily responsible for enforcing this law. Violation of these provisions is a misdemeanor. This bill would, for purposes of the above-described food handler requirements, define a food facility to mean a food facility that sells food for human consumption to the general public, with certain exceptions. The bill would, instead, until January 1, 2012, require a food handler to obtain a food handler card from either a food protection manager certification organization or a specified training provider, and would require, commencing January 1, 2012, the card to be obtained only from a specified training provider. This bill contains other related provisions and other existing laws.

Organization	Assigned	Position	Priority	Subject	Groups
CHLA	RHeim	Support			

**SB 357 (Dutton) State Air Resources Board: regulations: obsolete equipment.** (A-06/20/2011 [html](#) [pdf](#))

**Status:**07/08/2011-Failed Deadline pursuant to Rule 61(a)(10). (Last location was NAT. RES. on 6/20/2011)

**Current Location:**07/08/2011-A 2 YEAR

**Calendar Events:**

**Summary:** The Administrative Procedure Act governs the procedure for the adoption, amendment, or repeal of regulations by state agencies and for the review of those regulatory actions by the Office of Administrative Law. The act requires that an agency identify, in the notice of proposed action for a regulation, an estimate, prepared in accordance with instructions adopted by the Department of Finance, of the cost or savings to a state agency. This bill would additionally require the state board to estimate the cost or savings to the state in revenues that are lost or gained as a result of a regulation adopted or amended by the state board imposing requirements relating to diesel-fueled heavy-duty on-road or off-road motor vehicles that would make equipment obsolete, where that equipment would otherwise have a remaining depreciable life. The bill would require the Franchise Tax Board to provide to the state board, and update every 5 years, the average tax rate to be applied to the amount of the estimated accelerated deduction due to reduced asset life attributable to the regulation for an increase in business depreciation. This bill contains other existing laws.

Organization	Assigned	Position	Priority	Subject	Groups
CHLA	RHeim	Support			

**SB 366 (Calderon) Regulations: agency review.** (I-02/15/2011 [html](#) [pdf](#))

**Status:**05/10/2011-Hearing postponed by committee. (Refers to 5/10/2011 hearing)

**Current Location:**02/24/2011-S G.O.

**Calendar Events:**

**Summary:** Existing law, the Administrative Procedure Act, governs the procedure for the adoption, amendment, or repeal of regulations by state agencies and for the review of those regulatory actions by the Office of Administrative Law. Existing law creates the State and Consumer Services; Business, Transportation and Housing; California Emergency Management; California Environmental Protection; California Health and Human Services; Labor and Workforce Development; Natural Resources; and Youth and Adult Correctional Agencies in state government with various duties to oversee the actions of state departments that are within those agencies. This bill would, until January 1, 2013, require each state agency, defined, to mean every state office, officer, department, division, bureau, board, and commission, except the California State University within 180 days of the effective date of the bill, to undertake specified actions in regards to the regulations that have been adopted by the state agency, including, among others, identifying any regulations that are duplicative, overlapping, inconsistent, or out of date, and adopting, amending, or repealing regulations to reconcile or eliminate any duplication, overlap, inconsistency, or out-of-date provisions, after conducting a publicly noticed hearing, as specified, and using procedures for adopting emergency regulations. This bill contains other related provisions and other existing laws.

Organization	Assigned	Position	Priority	Subject	Groups
CHLA	RHeim	Support			

**SB 389** (Dutton) Employment: meal periods. (A-05/04/2011 [html](#) [pdf](#))

**Status:**05/11/2011-Set, first hearing. Testimony taken. Further hearing to be set.

**Current Location:**05/04/2011-S L. & I.R.

**Calendar Events:**

**Summary:** Existing law requires employers to provide meal periods and rest periods, as specified. Existing law requires an employer who fails to provide a meal period or a rest period to pay the employee one additional hour of pay at the employee's regular rate of compensation for each workday that the meal or rest period is not provided. Under existing law, an employer who fails to provide a required meal period may be guilty of a misdemeanor. This bill would provide that the payment of that additional one hour of pay per workday in which the employer failed to provide a meal period or a rest period would constitute compliance with any requirement to provide an employee with a meal period or rest period and is the exclusive remedy for that failure to provide a meal period or rest period and would no longer constitute a misdemeanor. This bill contains other related provisions.

Organization	Assigned	Position	Priority	Subject	Groups
CHLA	RHeim	Support			

**SB 464** (Anderson) Property taxation: new construction exclusion: fire protection devices. (A-03/30/2011 [html](#) [pdf](#))

**Status:**04/06/2011-Set, first hearing. Hearing canceled at the request of author.

**Current Location:**03/30/2011-S G. & F.

**Calendar Events:**

**Summary:** The California Constitution generally limits ad valorem taxes on real property to 1% of the full cash value of that property. For purposes of this limitation, "full cash value" is defined as the assessor's valuation of real property as shown on the 1975-76 tax bill under "full cash value" or, thereafter, the appraised value of that real property when purchased, newly constructed, or a change in ownership has occurred. Pursuant to an authorization in the California Constitution, existing law excludes from classification as "newly constructed" the construction or installation of any fire sprinkler system, other fire

extinguishing system, fire detection system, or fire-related egress improvement that is constructed or installed in an existing building, as specified. This bill would expand this exclusion to include the construction or installation of any fire sprinkler system, other fire extinguishing system, and fire detection system in a new building, as defined, the construction or installation of which is completed on or after January 1, 2012. This bill would require the county assessor to administer this expansion, as provided, and to reduce the base year value of the new building by the value of the fire sprinkler system, other fire extinguishing system, and fire detection system, as specified. This bill contains other related provisions and other existing laws.

Organization	Assigned	Position	Priority	Subject	Groups
CHLA	RHeim	Support			

### Support\_If\_Amended

**AB 312** (Lowenthal, Bonnie) **Civil rights: homeless persons.** (V-08/05/2011 [html](#) [pdf](#))

Status:08/05/2011-Vetoed by the Governor

Current Location:08/05/2011-A VETOED

Calendar Events:09/06/11 73 ASM UNFINISHED BUSINESS GOVERNOR'S VETOES

**Summary:** Existing law sets forth various personal rights and provides that all persons within California have the right to be free from violence, or intimidation by the threat of violence, because of, among other characteristics, their race, color, religion, ancestry, national origin, political affiliation, or sex. Existing law further permits an individual whose exercise or enjoyment of specified personal rights has been interfered with to bring a civil action for damages, including actual damages, exemplary damages, attorney's fees, injunctive relief, and other appropriate relief. Existing law requires the Department of Fair Employment and Housing to receive, investigate, and conciliate complaints that an individual's personal rights have been violated. This bill would specify that homeless persons, as defined, are entitled to the personal rights set forth under existing law, and would provide that a homeless person has the right to be free from violence or intimidation by threat of violence directed against that person on the basis of that person's status as a homeless person. The bill would also provide that these provisions shall not be construed to enlarge or diminish an existing duty, if any, by an owner of residential rental or commercial property to protect a homeless person who is present on the property from violence or intimidation by threats of violence. The bill would provide that these provisions are not to be construed to prohibit or restrict a public agency from the lawful enforcement of any law, and a public agency would not be subject to civil liability for that lawful enforcement.

Organization	Assigned	Position	Priority	Subject	Groups
CHLA	RHeim JCaldwell	Support_If_Amended			

### Watch

**AB 71** (Huber) **Political Reform Act of 1974: lobbyists.** (A-06/23/2011 [html](#) [pdf](#))

Status:08/15/2011-In committee: Set, first hearing. Hearing canceled at the request of author.

Current Location:07/05/2011-S APPR.

Calendar Events:

**Summary:** Existing law, the Political Reform Act of 1974, requires the Secretary of State to establish and maintain on the Internet an updated Directory of Lobbyists, Lobbying Firms, and Lobbyist Employers. The act further requires lobbyist employers and persons making certain payments to influence legislative or administrative actions to file periodic reports disclosing, among other information, their lobbying interests. This bill would require that the online directory maintained by the Secretary of State also contain information regarding lobbying interests. The bill would require that the periodic reports filed by lobbyist employers and other persons contain, in addition to their lobbying

interests, the bill numbers of any legislation lobbied during the reporting period. The bill would also require the Secretary of State to display on his or her Internet Web site, within 90 days of the end of each calendar quarter, a list of the lobbying interests containing a specific reference to a bill number, accompanied by a list of all lobbyist employers who reported each of those lobbying interests, reported for the prior calendar quarter. This bill contains other related provisions and other existing laws.

Organization	Assigned	Position	Priority	Subject	Groups
CHLA	RHeim	Watch			

**AB 228**      **(Fuentes) State Compensation Insurance Fund: out-of-state risks.** (A-08/17/2011 [html](#) [pdf](#))

**Status:**09/02/2011-Re-referred to Com. on INS. pursuant to Assembly Rule 77.2.

**Current Location:**09/02/2011-A INS.

**Calendar Events:**

**Summary:**

Existing law creates the State Compensation Insurance Fund administered by a board of directors for the purpose of transacting workers' compensation insurance, insurance against the expense of defending any suit for serious and willful misconduct against an employer or his or her agent, and insurance for employees and other persons for the compensation fixed by the workers' compensation laws for employees and their dependents. Existing law authorizes the fund to insure a California employer against the employer's liability for workers' compensation benefits, under the law of any other state, for California employees temporarily working outside of California on a specific assignment if the fund insures the employer's other employees who work within California. This bill would expand that authorization so that the fund would be authorized to insure a qualified employer whose principal place of business is in California against the employer's liability for workers' compensation benefits, under the law of any other state, if the fund insured the employees who work within California, as specified. The bill would require the Department of Insurance, on or before March 1, 2015, to report to the Secretary of the Senate and the Chief Clerk of the Assembly regarding the experience of the fund in engaging in these transactions and make recommendations, as provided, and to post the report on the department's Internet Web site. The bill would prohibit the fund from initiating paid advertising or soliciting sponsorship of advertising campaigns to market or promote to prospective insureds the ability to insure qualified employers under the law of any other state and would make specified provisions inoperative on December 31, 2016.

Organization	Assigned	Position	Priority	Subject	Groups
CHLA	RHeim	Watch			

**AB 448**      **(Ammiano) Property taxation: change in ownership.** (A-03/31/2011 [html](#) [pdf](#))

**Status:**05/16/2011-In committee: Set, first hearing. Hearing canceled at the request of author.

**Current Location:**04/04/2011-A REV. & TAX

**Calendar Events:**

**Summary:**

The California Constitution generally limits ad valorem taxes on real property to 1% of the full cash value of that property. For purposes of this limitation, "full cash value" is defined as the assessor's valuation of real property as shown on the 1975-76 tax bill under "full cash value" or, thereafter, the appraised value of that real property when purchased, newly constructed, or a change in ownership has occurred. Existing property tax law specifies those circumstances in which the transfer of ownership interests in a corporation, partnership, limited liability company, or other legal entity results in a change in ownership of the real property owned by that entity, and generally provides that a change in ownership as so described occurs when a legal entity or other person obtains a controlling or majority ownership interest in the legal entity. Existing law also specifies other circumstances in which certain transfers of ownership interests in legal

entities result in a change in ownership of the real property owned by those legal entities. This bill would instead specify that when 100% of the ownership interests in a legal entity, as defined, are sold or transferred in a single transaction, as specified, the real property owned by that legal entity has changed ownership, whether or not any one legal entity or person that is a party to the transaction acquires more than 50% of the ownership interests. The bill would require the State Board of Equalization to notify assessors when a change in ownership as so described occurs. This bill contains other related provisions and other existing laws.

Organization	Assigned	Position	Priority	Subject	Groups
CHLA	RHeim	Watch			

**AB 592** (Lara) Employment: leave: interference, restraint, and denial. (A-08/31/2011 [html](#) [pdf](#))

Status:09/01/2011-Read second time. Ordered to third reading.

Current Location:09/01/2011-S THIRD READING

Calendar Events:09/06/11 146 SEN ASSEMBLY BILLS-THIRD READING FILE

**Summary:** Existing law, the Moore-Brown-Roberti Family Rights Act, makes it an unlawful employment practice for an employer, as defined, to refuse to grant a request by an eligible employee to take up to 12 workweeks of unpaid protected leave during any 12-month period (1) to bond with a child who was born to, adopted by, or placed for foster care with, the employee, (2) to care for the employee's parent, spouse, or child who has a serious health condition, as defined, or (3) because the employee is suffering from a serious health condition rendering him or her unable to perform the functions of the job. This bill would also make it an unlawful employment practice for an employer to interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right provided under the above provisions. This bill would also state that the changes made by this bill to the above provisions are declaratory of existing law. This bill contains other related provisions and other existing laws.

Organization	Assigned	Position	Priority	Subject	Groups
CHLA	RHeim	Watch			

**AB 619** (Halderman) Massage therapy. (C-08/03/2011 [html](#) [pdf](#))

Status:08/03/2011-Chaptered by the Secretary of State, Chapter Number 162, Statutes of 2011

Current Location:08/03/2011-A CHAPTERED

Calendar Events:

**Summary:** Existing law, until January 1, 2015, provides for the voluntary certification of massage practitioners and massage therapists by a nonprofit Massage Therapy Organization, as defined. Existing law requires the initial board of directors to, among other things, establish the organization. This bill would specify that the Massage Therapy Organization is to be known as the California Massage Therapy Council, as defined. This bill contains other related provisions and other existing laws.

Organization	Assigned	Position	Priority	Subject	Groups
CHLA	RHeim	Watch			

**AB 766** (Monning) Public works: payroll records. (E-09/02/2011 [html](#) [pdf](#))

Status:09/02/2011-Senate amendments concurred in. To Engrossing and Enrolling.

Current Location:09/02/2011-A ENROLLMENT

Calendar Events:

**Summary:** Existing law requires each contractor and subcontractor on a public works project to keep payroll records regarding his or her employees, and requires that these records contain information specified by the Division of Labor Standards Enforcement. Existing law requires certain personal identification information, as specified, to be removed

when certified payroll records are made available for inspection to the public or to a public agency. This bill would require nonredacted copies of certified payroll records to be provided, upon request, to any agency included in, and for the purposes of, the Joint Enforcement Strike Force on the Underground Economy, or to any law enforcement agency, but would require any copies of records or certified payroll made available for inspection and furnished upon request to the public by these agencies to be marked or redacted to prevent disclosure of an individual's name, address, and social security number. The bill would also provide that an employer is not liable in a civil action for any reasonable act or omission taken in good faith in compliance with these requirements . This bill contains other related provisions.

Organization	Assigned	Position	Priority	Subject	Groups
CHLA	RHeim	Watch			

**AB 1155 (Alejo) Workers' compensation.** (A-08/30/2011 [html](#) [pdf](#))

**Status:**08/31/2011-Read second time. Ordered to third reading.

**Current Location:**08/31/2011-S THIRD READING

**Calendar Events:**09/06/11 133 SEN ASSEMBLY BILLS-THIRD READING FILE

**Summary:** Existing law establishes a workers' compensation system, administered by the Administrative Director of the Division of Workers' Compensation, to compensate an employee for injuries sustained in the course of his or her employment. This bill would state the intent of the Legislature to prohibit the use of risk factors and specified characteristics to deny an injured worker his or her rightful benefit when disabled in the workplace. The bill would also state the intent of the Legislature to prohibit the apportionment of risk factors and characteristics without prohibiting the apportionment of documentable preexisting nonindustrial causes of disability or holding an employer liable for any percentage of permanent disability not directly caused by an injury arising out of and occurring in the course of employment. This bill contains other related provisions and other existing laws.

Organization	Assigned	Position	Priority	Subject	Groups
CHLA	RHeim	Watch			

**AB 1236 (Fong) Employment: hiring practices: electronic employment verification.** (A-03/31/2011 [html](#) [pdf](#))

**Status:**06/09/2011-Read second time. Ordered to third reading.

**Current Location:**06/09/2011-S THIRD READING

**Calendar Events:**09/06/11 83 SEN ASSEMBLY BILLS-THIRD READING FILE

**Summary:** The E-Verify Program of the United States Department of Homeland Security, in partnership with the United States Social Security Administration, enables participating employers to use the program, on a voluntary basis, to verify that the employees they hire are authorized to work in the United States. The bill would prohibit the state, or a city, county, city and county, or special district, from requiring an employer other than one of those government entities to use an electronic employment verification system except when required by federal law or as a condition of receiving federal funds.

Organization	Assigned	Position	Priority	Subject	Groups
CHLA	RHeim	Watch			

**AB 1388 (Wieckowski) Earnings withholding orders.** (A-06/10/2011 [html](#) [pdf](#))

**Status:**08/30/2011-Re-referred to Com. on JUD. pursuant to Assembly Rule 77.2.

**Current Location:**08/30/2011-A JUD.

**Calendar Events:**

**Summary:** Existing law requires an employer to withhold the amounts required by an earnings withholding order from all earnings of the employee payable for any pay period of the

employee that ends during the withholding period. Under existing law, the portion of the judgment debtor's earnings that the judgment debtor proves is necessary for the support of the judgment debtor or the judgment debtor's family supported in whole or in part by the judgment debtor is exempt from the levy of an earnings withholding order. This exemption is not available if the debt was incurred for the common necessities of life furnished to the judgment debtor or the family of the judgment debtor. This bill would delete that exception for the common necessities of life. This bill would, instead, provide an exception for a debt incurred pursuant to an order or award for the payment of attorney's fees in connection with certain family law proceedings. The bill would also make a conforming change .

Organization	Assigned	Position	Priority	Subject	Groups
CHLA	RHeim	Watch			

**AB 1407** (Committee on Judiciary) **Liability: social hosts: alcoholic beverages.** (A-06/27/2011 [html](#) [pdf](#))

**Status:**08/15/2011-Re-referred to Com. on JUD. pursuant to Assembly Rule 77.2.

**Current Location:**08/15/2011-A JUD.

**Calendar Events:**

**Summary:** Existing law generally prohibits a social host who furnishes alcoholic beverages to any person from being held legally accountable for damages suffered by that person, or for injury to the person or property of, or death of, any 3rd person, resulting from the consumption of those beverages. Existing law excepts from this prohibition claims against a parent, guardian, or another adult who knowingly furnishes alcoholic beverages at his or her residence to a person under 21 years of age and that furnishing the alcoholic beverages may be found to be the proximate cause of resulting injuries or death. This bill would revise the exception described above to permit a claim against a parent, guardian, or another adult for furnishing alcoholic beverages to a person whom he or she knows, or should have known, to be under 21 years of age and that furnishing the alcoholic beverages may be found to be the proximate cause of resulting injuries or death. The bill would permit a claim pursuant to these provisions to be brought by, or on behalf of, the person under 21 years of age or by a person who was harmed by the person under 21 years of age.

Organization	Assigned	Position	Priority	Subject	Groups
CHLA	RHeim	Watch			

**SB 20** (Padilla) **Food facilities: menu labeling.** (A-09/02/2011 [html](#) [pdf](#))

**Status:**09/02/2011-Read third time and amended. Ordered to third reading.

**Current Location:**09/02/2011-A THIRD READING

**Calendar Events:**09/06/11 107 ASM SENATE THIRD READING FILE

**Summary:** Existing law, the California Retail Food Code, requires, on and after January 1, 2011, each food facility in the state that operates under common ownership or control with at least 19 other food facilities with the same name in the state and that offers for sale substantially the same menu items or that meets other specified criteria to disclose calorie content information per standard menu item, as specified. The State Department of Public Health administers and local enforcement agencies enforce this code. Existing law provides that, on and after July 1, 2009, a food facility that violates these provisions is guilty of an infraction. This bill would repeal the above-described state calorie content disclosure requirements of the California Retail Food Code, and would require a food facility that is subject to the federal disclosure provisions for nutrient content information or was subject to the state calorie content disclosure requirements, as specified, to comply with these federal disclosure requirements and the regulations adopted pursuant thereto. It would also require the department or local enforcement agencies to enforce these provisions, as specified, and would make a violation thereof an infraction or civil

penalty. By expanding the definition of a crime and adding new local enforcement duties, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

Organization	Assigned	Position	Priority	Subject	Groups
CHLA	RHeim	Watch			

**SB 24** (Simitian) **Personal information: privacy.** (C-08/31/2011 [html](#) [pdf](#))

**Status:**08/31/2011-Chaptered by the Secretary of State, Chapter Number 197, Statutes of 2011

**Current Location:**08/31/2011-S CHAPTERED

**Calendar Events:**

**Summary:** Existing law requires any agency, and any person or business conducting business in California, that owns or licenses computerized data that includes personal information, as defined, to disclose in specified ways, any breach of the security of the system or data, as defined, following discovery or notification of the security breach, to any California resident whose unencrypted personal information was, or is reasonably believed to have been, acquired by an unauthorized person. This bill would require any agency, person, or business that is required to issue a security breach notification pursuant to existing law to fulfill certain additional requirements pertaining to the security breach notification, as specified. This bill contains other related provisions.

Organization	Assigned	Position	Priority	Subject	Groups
CHLA	RHeim	Watch			

**SB 105** (Yee) **Public safety: snow sport helmets.** (E-08/22/2011 [html](#) [pdf](#))

**Status:**08/22/2011-Enrolled and presented to the Governor at 10 a.m.

**Current Location:**08/22/2011-S ENROLLED

**Calendar Events:**

**Summary:** Existing law requires a person under 18 years of age to wear a properly fitted and fastened bicycle helmet while operating a bicycle or riding upon a bicycle as a passenger upon the streets or any other public bicycle path. This bill would require a person under 18 years of age to wear a properly fitted and fastened snow sport helmet while operating snow skis or a snowboard, or while riding upon a seat or other device that is attached to the snow skis or a snowboard, while participating in the sport of downhill skiing or snowboarding. The bill would impose a \$25 fine for a violation of this requirement. Because this bill would create a new crime, it would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

Organization	Assigned	Position	Priority	Subject	Groups
CHLA	RHeim	Watch			

**SB 111** (Yee) **Civil rights: language restrictions.** (E-08/22/2011 [html](#) [pdf](#))

**Status:**08/22/2011-Enrolled and presented to the Governor at 10 a.m.

**Current Location:**08/22/2011-S ENROLLED

**Calendar Events:**

**Summary:** The Unruh Civil Rights Act generally prohibits business establishments from discriminating on the basis of sex, race, color, religion, ancestry, national origin, disability, or medical condition. The act provides civil remedies for violations of its provisions. Under the California Fair Employment and Housing Act, it is an unlawful employment practice for an employer to adopt or enforce a policy that prohibits the use of any language in the workplace, except if that policy is justified by business necessity, as defined, and prescribed notice of the policy and consequences for violation of the policy is given to employees. This bill would make it a violation of the Unruh Civil Rights Act to adopt or enforce a policy that requires, limits, or prohibits the use of any language

in or with a business establishment, unless the policy is justified by a business necessity, as defined, and notification has been provided to persons subject to the language restriction or requirement of the circumstances and the time when the language restriction or requirement is to be observed and of the consequences for its violation. The bill would define business necessity to require, among other things, that the language restriction or requirement is necessary for the safe and efficient operation of the business and that an equally effective, but less discriminatory, alternative practice does not exist. The bill would provide for an award of damages, and attorney's fees as may be determined by the court, for a violation of its provisions.

Organization	Assigned	Position	Priority	Subject	Groups
CHLA	RHeim	Watch			

**SB 116**      **(De León) Income taxes: hiring credit: single sales factor: sales and use taxes: manufacturing exemption.** (A-09/02/2011 [html](#) [pdf](#))

**Status:**09/02/2011-Read third time and amended. Ordered to second reading.

**Current Location:**09/02/2011-S SECOND READING

**Calendar Events:**09/06/11 1 SEN SENATE BILLS-SECOND READING FILE

**Summary:**

The Corporation Tax Law imposes taxes measured by income and, in the case of a business with income derived from or attributable to sources both within and without this state, apportions the business income between this state and other states and foreign countries in accordance with a specified 4-factor formula based on the property, payroll, and sales within and without this state, except that in the case of an apportioning trade or business that derives more than 50% of its gross business receipts from conducting one or more qualified business activities, as defined, business income is apportioned in accordance with a specified 3-factor formula. Existing law, for taxable years beginning on or after January 1, 2011, authorizes a taxpayer required to apportion its business income in accordance with the 4-factor formula to make an annual election to have that business income apportioned in accordance with a single sales factor formula. That law also provides that sales of tangible and intangible personal property are in the state in accordance with specified criteria. This bill would , for taxable years beginning on or after January 1, 2012, revise the rules that determine whether a taxpayer is doing business within this state, revise the provisions that determine whether specified sales occur in this state, and require a taxpayer, except as provided, to apportion its income in accordance with a single sales factor. This bill contains other related provisions and other existing laws.

Organization	Assigned	Position	Priority	Subject	Groups
CHLA	RHeim	Watch			

**SB 278**      **(Gaines) Public safety: ski resorts.** (V-07/12/2011 [html](#) [pdf](#))

**Status:**07/12/2011-Vetoed by the Governor

**Current Location:**07/12/2011-S VETOED

**Calendar Events:**09/06/11 53 SEN GOVERNOR'S VETOES

**Summary:**

Existing law imposes regulations on certain facilities that are used for recreational activities, including, among others, skateboard parks and public swimming pools. This bill would require a ski resort to prepare an annual safety plan and, upon request, make the safety plan available to the public the same day the request is received. The bill would also require a ski resort to make available to the public, within 30 days of receipt of a request, a monthly report with specified details about any fatal incidents at the resort which resulted from a recreational activity. The bill would also require a ski resort to establish its own signage policy and its own safety padding policy for the resort. This bill contains other related provisions.

Organization	Assigned	Position	Priority	Subject	Groups

CHLA

RHeim

Watch

**SB 285**      **(Correa) Massage therapy instruction: fraud: criminal prosecutions.** (C-08/01/2011 [html](#) [pdf](#))

**Status:**08/01/2011-Chaptered by the Secretary of State, Chapter Number 149, Statutes of 2011

**Current Location:**08/01/2011-S CHAPTERED

**Calendar Events:**

**Summary:** Existing law provides for the certification of massage practitioners and massage therapists by a massage therapy organization and authorizes the legislative body of a city or county to enact ordinances providing for the licensing and regulation of the business of massage when carried on within the city or county. This bill would provide that a person who provides a certificate, transcript, diploma, or other document, or otherwise affirms that a person has received instruction in massage therapy knowing that the person has not received instruction in massage therapy or knowing that the person has not received massage therapy instruction consistent with that document or affirmation is guilty of a misdemeanor and is subject to specified penalties. By creating a new crime, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

Organization	Assigned	Position	Priority	Subject	Groups
CHLA	RHeim	Watch			

**SB 460**      **(Price) International trade marketing and promotion.** (A-07/13/2011 [html](#) [pdf](#))

**Status:**08/26/2011-Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. SUSPENSE FILE on 8/17/2011)

**Current Location:**08/26/2011-A 2 YEAR

**Calendar Events:**

**Summary:** Existing law authorizes the Business, Transportation and Housing Agency to, among other duties, engage in trade and foreign investment activities. This bill would additionally authorize the agency to coordinate international trade marketing and promotion activities. This bill contains other related provisions and other existing laws.

Organization	Assigned	Position	Priority	Subject	Groups
CHLA	RHeim	Watch			

**SB 530**      **(Wright) Taxation: direct broadcast satellite television service: tax.** (A-05/17/2011 [html](#) [pdf](#))

**Status:**05/26/2011-Held in committee and under submission.

**Current Location:**05/23/2011-S APPR. SUSPENSE FILE

**Calendar Events:**

**Summary:** Existing law imposes various taxes, including taxes on the privilege of engaging in certain activities. The Fee Collection Procedures Law, the violation of which is a crime, provides procedures for the collection of certain fees and surcharges. This bill would impose, until January 1, 2020, for the privilege of selling direct broadcast satellite television service, a tax on a direct broadcast satellite television service provider at the rate of 6% of its gross revenues, as defined. The tax would be administered by the State Board of Equalization and would be collected pursuant to the procedures set forth in the Fee Collection Procedures Law, as specified. The revenues from this tax would be deposited in the Local Safety and Protection Account established in the Transportation Tax Fund, a continuously appropriated fund, which is operative until July 1, 2011. By depositing revenues into a continuously appropriated fund, this bill would make an appropriation. This bill would reestablish the Local Public Safety Account in the Transportation Tax Fund on July 1, 2011. This bill would additionally require the Legislative Analyst's Office to conduct, and prepare a report on, the impact of the tax on direct broadcast satellite television service providers, as specified. This bill contains other related provisions and other existing laws.

Organization	Assigned	Position	Priority	Subject	Groups
CHLA	RHeim	Watch			

**SB 568 (Lowenthal) Recycling: polystyrene food containers.** (A-07/12/2011 [html](#) [pdf](#))

**Status:**08/26/2011-From committee: Do pass. (Ayes 9. Noes 5.) (August 25). Read second time. Ordered to third reading.

**Current Location:**08/26/2011-A THIRD READING

**Calendar Events:**09/06/11 126 ASM SENATE THIRD READING FILE

**Summary:** Existing law requires all rigid plastic bottles and rigid plastic containers sold in the state to be labeled with a code that indicates the resin used to produce the rigid plastic bottle or rigid plastic container. The California Integrated Waste Management Act of 1989, administered by the Department of Resources Recycling and Recovery, requires every rigid plastic packaging container, as defined, sold or offered for sale in this state to generally meet one of specified criteria. This bill would prohibit a food vendor, on and after January 1, 2016, from dispensing prepared food to a customer in a polystyrene foam food container and would define related terms. The bill would provide that a food vendor that is a school district is not required to comply with the bill's requirements until July 1, 2017, and would allow a food vendor that is a school district to dispense prepared food to a customer in a polystyrene foam food container after that date if the governing board of the school district elects to adopt a policy to implement a verifiable recycling program for polystyrene foam food containers, which would be renewable, as specified. The bill would also allow a food vendor to dispense prepared food to a customer in a polystyrene foam food container after January 1, 2016, in a city or county if the city or county elects to adopt an ordinance establishing a specified recycling program for polystyrene foam food containers, which would be operative, as specified.

Organization	Assigned	Position	Priority	Subject	Groups
CHLA	RHeim	Watch			

**SB 670 (Calderon) Occupancy taxes.** (I-02/18/2011 [html](#) [pdf](#))

**Status:**05/13/2011-Failed Deadline pursuant to Rule 61(a)(3). (Last location was RLS. on 3/3/2011)

**Current Location:**05/13/2011-S 2 YEAR

**Calendar Events:**

**Summary:** Existing law authorizes the legislative body of a city or county to impose an excise tax for the privilege of occupying a room or other living space in a hotel, inn, tourist home or house, motel, or other lodging, as provided. This bill would revise the authorization to provide that the tax is imposed on the rent, as defined, paid for the privilege of occupying a room or other living space in a hotel, inn, tourist home or house, motel, or other lodging, and would include charter cities within the scope of this authorization.

Organization	Assigned	Position	Priority	Subject	Groups
CHLA	RHeim	Watch			

**SB 783 (Dutton) Special access: liability.** (A-06/06/2011 [html](#) [pdf](#))

**Status:**07/05/2011-Set, first hearing. Failed passage in committee. (Ayes 2. Noes 3. Page 1735.)

**Current Location:**06/16/2011-S JUD.

**Calendar Events:**

**Summary:** Under existing law, a person, firm, or corporation that interferes with the access rights of a disabled individual is liable for the actual damages of each offense and any amount determined by a judge or jury of up to 3 times the amount of the actual damages, but in no case less than \$1,000. Existing law requires the State Architect to develop and submit for approval and adoption building standards for making buildings, structures, sidewalks, curbs, and related facilities accessible to, and usable by, persons with disabilities, as specified. This bill would establish notice requirements for an alleged aggrieved party to follow before bringing an action against a business for an alleged

violation of the above-described provisions. The bill would require that party to provide specified notice to the owner of the property, agent, or other responsible party where the alleged violation occurred. The bill would require that owner, agent, or other responsible party to respond within 30 days with a description of the improvements to be made or with a rebuttal to the allegations, as specified. If that owner, agent, or other responsible party elects to fix the alleged violation, the bill would provide 120 days to do so. The bill would provide that its provisions do not apply to claims for recovery of special damages for an injury in fact, and would authorize the court to consider previous or pending actual damage awards received or prayed for by the alleged aggrieved party for the same or similar injury. The bill would further state the intent of the Legislature to institute certain educational programs related to special access laws. This bill contains other related provisions.

Organization	Assigned	Position	Priority	Subject	Groups
CHLA	RHeim	Watch			

**SB 857** (Lieu) **Public employment: unlawful strike damages.** (E-09/02/2011 [html](#) [pdf](#))

**Status:**09/01/2011-Assembly amendments concurred in. (Ayes 24. Noes 15.) Ordered to engrossing and enrolling.

**Current Location:**09/01/2011-S ENROLLMENT

**Calendar Events:**

**Summary:**

Existing law establishes the Public Employment Relations Board (PERB). Under existing law, PERB has the power and duty to investigate an unfair practice charge and to determine whether the charge is justified and the appropriate remedy for the unfair practice. This bill would specify that PERB has no authority, in an action to recover damages due to an unlawful strike, to award strike-preparation expenses as damages, or to award damages for costs, expenses, or revenue losses incurred during, or as a consequence of, an unlawful strike. The bill would state that its provisions are declaratory of existing law and that it is not intended to modify existing law that authorizes a court to award damages for otherwise unlawful conduct committed during a strike.

Organization	Assigned	Position	Priority	Subject	Groups
CHLA	RHeim	Watch			