



**Board of Directors Meeting
South Bay City Council of Governments
Eileen Hupp, Chairman
Tuesday, September 10, 2019**

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| 1. Welcome | Eileen Hupp, Chair |
| a. Flag Salute | |
| 2. Self-Introductions and Sign-In | All Participants |
| 3. Approval of Minutes | Serena Josel, Secretary |
| 4. Industry Insights | |
| a. Faviola Ochoa- Southern CA Gas Company | |
| 5. Government Affairs Report | PEAR Strategies |
| a. Matrix Review- Suspense results | |
| b. ACA 1 (Aguiar-Curry) Lowers Voter Threshold to Increase Property Taxes from 2/3 to 55% for purposes of affordable housing and public infrastructure | |
| c. Latest on AB 5 (Gonzalez) Worker status: employees and independent contractors | |
| d. AB 1482 (Chiu) Tenancy: rent caps | |
| 6. Office Holders, Administrative Agencies and Community Partners - Please limit your reports to no more than 3 minutes. | |
| a. U.S. Chamber of Commerce - Jennings Imel and Vartan Dijhanian | |
| b. League of California Cities - Jeff Kiernan | |
| c. South Bay Cities Council of Governments - Hon. Olivia Valentine | |
| d. Office of Congresswoman Waters - Blanca Jimenez | |
| e. Office of Congressman Lieu – Aurelia Friedman | |
| f. Office of Senator Allen - Sam Liu | |
| g. Office of Senator Bradford - Nital Patel | |
| h. Office of Senator Lena Gonzalez- Tyler Curley | |
| i. Office of Assemblymember Burke - Robert Pullen-Miles | |
| j. Office of Assemblymember Gipson - Chris Wilson | |
| k. Office of Assemblymember Muratsuchi - Andrew DeBlock | |
| l. Office of Assemblymember O'Donnell – Sarah Patterson | |

- m. Office of Supervisor Hahn- Jennifer Lamarque
- n. City of Long Beach- Lou Baglietto
- 7. [Officeholder representatives, non-chamber members, and guests are respectfully asked to leave the meeting at this point]
- 8. Chair's Report Eileen Hupp
 - a. Formation of the Nominating Committee
- 9. Financial Report Elise Swanson Treasurer
 - a. Profit and Loss
 - b. Balance Sheet
- 10. Adjournment/Announcements All
 - a. Special thanks to The South Bay Cities Council of Governments for hosting us
 - b. Special thanks to the LAX Coastal Chamber for breakfast
 - c. **Next SBACC Meeting is Tuesday, October 1, 2019**
 - d. South Bay WIB - Chris Cagle
 - e. South Coast AQMD
 - f. Los Angeles Air Force Base

SBACC Status Report
Monday, September 09, 2019

Measure	Summary	Status / Location	Organization	Position
AB 5 Gonzalez D	<p>Worker status: employees and independent contractors.</p> <p>Would state the intent of the Legislature to codify the decision in the Dynamex case and clarify its application. The bill would provide that for purposes of the provisions of the Labor Code, the Unemployment Insurance Code, and the wage orders of the Industrial Welfare Commission, a person providing labor or services for remuneration shall be considered an employee rather than an independent contractor unless the hiring entity demonstrates that the person is free from the control and direction of the hiring entity in connection with the performance of the work, the person performs work that is outside the usual course of the hiring entity's business, and the person is customarily engaged in an independently established trade, occupation or business. (Amended: 9/6/2019 html pdf)</p>	<p>Status: 9/6/2019-Read third time and amended. Ordered to second reading. Hearing: 9/9/2019 #127 SENATE ASSEMBLY BILLS - SECOND READING FILE</p> <p>Location: 9/6/2019-S. SECOND READING</p>	SBACC	Oppose
AB 9 Reyes D	<p>Employment discrimination: limitation of actions.</p> <p>The California Fair Employment and Housing Act makes specified employment and housing practices unlawful, including discrimination against or harassment of employees and tenants, among others. Existing law authorizes a person claiming to be aggrieved by an alleged unlawful practice to file a verified complaint with the Department of Fair Employment and Housing within one year from the date upon which the unlawful practice occurred, unless otherwise specified. This bill would extend the above-described period to 3 years for complaints alleging employment discrimination, as specified. The bill would specify that the operative date of the verified complaint is the date that the intake form was filed with the Labor Commissioner. (Amended: 7/11/2019 html pdf)</p>	<p>Status: 9/5/2019-In Assembly. Concurrence in Senate amendments pending. May be considered on or after September 7 pursuant to Assembly Rule 77. Hearing: 9/9/2019 #42 ASSEMBLY CONCURRENCE IN SENATE AMENDMENTS</p> <p>Location: 9/5/2019-A. CONCURRENCE</p>	SBACC	Oppose
AB 23 Burke D	<p>Governor's Office of Business and Economic Development: Business Workforce Coordination Unit.</p> <p>Would establish the Business Workforce Coordination Unit in the Governor's Office of Business and Economic Development to engage industry and business on alignment of career technical education courses, workforce training programs, and preapprenticeship and apprenticeship programs with regional and local labor market demand, as specified. (Amended: 8/30/2019 html pdf)</p>	<p>Status: 9/3/2019-Read second time. Ordered to third reading. Hearing: 9/9/2019 #187 SENATE ASSEMBLY BILLS - THIRD READING FILE</p> <p>Location: 9/3/2019-S. THIRD READING</p>	SBACC	Support

AB 25 Chau D	California Consumer Privacy Act of 2018. The California Consumer Privacy Act of 2018, beginning January 1, 2020, grants consumers various rights with regard to their personal information held by businesses, including the right to request a business to disclose specific pieces of personal information it has collected and to have information held by that business deleted, as specified. The act requires a business to disclose and deliver the required information to a consumer free of charge within 45 days of receiving a verifiable consumer request from the consumer. The act prohibits a business from requiring a consumer to create an account with the business in order to make a verifiable consumer request. This bill would provide an exception to that prohibition by authorizing a business to require authentication of the consumer that is reasonable in light of the nature of the personal information requested in order to make a verifiable consumer request. (Amended: 9/6/2019 html pdf)	Status: 9/6/2019-Read third time and amended. Ordered to second reading. Hearing: 9/9/2019 #125 SENATE ASSEMBLY BILLS - SECOND READING FILE Location: 9/6/2019-S. SECOND READING	SBACC	Support
AB 36 Bloom D	Residential tenancies: rent control. The Costa-Hawkins Rental Housing Act prescribes statewide limits on the application of local rent control with regard to certain properties. This bill would modify those provisions to authorize an owner of residential real property to establish the initial and all subsequent rental rates for a dwelling or unit that has been issued its first certificate of occupancy within 20 years of the date upon which the owner seeks to establish the initial or subsequent rental rate, or for a dwelling or unit that is alienable separate from the title to any other dwelling unit or is a subdivided interest in a subdivision and the owner is a natural person who owns 10 or fewer residential units within the same jurisdiction as the dwelling or unit for which the owner seeks to establish the initial or subsequent rental rate, subject to certain exceptions. (Amended: 4/22/2019 html pdf)	Status: 4/25/2019-Re-referred to Com. on RLS. pursuant to Assembly Rule 96(a). Location: 4/25/2019-A. RLS.	SBACC	Oppose
AB 39 Muratsuchi D	Education finance: local control funding formula: aspirational funding level: reports. Current law requires funding pursuant to the local control funding formula to include, in addition to a base grant, supplemental and concentration grant add-ons that are based on the percentage of pupils who are English learners, foster youth, or eligible for free or reduced-price meals, as specified, served by the county superintendent of schools, school district, or charter school. Current law specifies the amount of the base grant in the 2013-14 fiscal year, as provided, and requires that amount to be adjusted for changes in cost of living in subsequent fiscal years. This bill would express the intent of the Legislature to increase the base grants to amounts equal to the national average per-pupil funding level, as provided. (Amended: 8/30/2019 html pdf)	Status: 9/3/2019-Read second time. Ordered to third reading. Hearing: 9/9/2019 #188 SENATE ASSEMBLY BILLS - THIRD READING FILE Location: 9/3/2019-S. THIRD READING	SBACC	Support

<p>AB 51 Gonzalez D</p>	<p>Employment discrimination: enforcement. Would prohibit a person from requiring any applicant for employment or any employee to waive any right, forum, or procedure for a violation of any provision of the California Fair Employment and Housing Act (FEHA) or other specific statutes governing employment as a condition of employment, continued employment, or the receipt of any employment-related benefit. The bill would also prohibit an employer from threatening, retaliating or discriminating against, or terminating any applicant for employment or any employee because of the refusal to consent to the waiver of any right, forum, or procedure for a violation of specific statutes governing employment. (Amended: 3/26/2019 html pdf)</p>	<p>Status: 9/5/2019-Read third time. Passed. Ordered to the Assembly. Location: 9/5/2019-A. DESK</p>	<p>SBACC</p>	<p>Oppose</p>
<p>AB 71 Melendez R</p>	<p>Employment standards: independent contractors and employees. Current case law establishes a three-part test, known as the “ABC” test, for determining whether a worker is considered an independent contractor for purposes of specified wage orders. Under this test, a worker is properly considered an independent contractor only if the hiring entity establishes; 1) that the worker is free from the control and direction of the hirer in connection with the performance of the work, both under the contract for performance of the work and in fact; 2) that the worker performs work outside the usual course of the hiring entity’s business; and 3) that the worker is customarily engaged in an independently established trade, occupation, or business of the same nature as the work performed for the hiring entity. This bill would, instead, require a determination of whether a person is an employee or an independent contractor to be based on a specific multifactor test, including whether the person to whom service is rendered has the right to control the manner and means of accomplishing the result desired, and other identified factors. (Amended: 2/25/2019 html pdf)</p>	<p>Status: 4/26/2019-Failed Deadline pursuant to Rule 61(a) (2). (Last location was L. & E. on 1/17/2019)(May be acted upon Jan 2020) Location: 4/26/2019-A. 2 YEAR</p>	<p>SBACC</p>	<p>Oppose</p>
<p>AB 161 Ting D</p>	<p>Solid waste: paper waste: proofs of purchase. Current law prohibits certain stores from providing a single-use carryout bag to a customer at the point of sale and prohibits full-service restaurants from providing single-use plastic straws to consumers unless requested by the consumer. This bill would require a business, as defined, that accepts payment through cash, credit, or debit transactions, subject to certain exceptions, to provide a proof of purchase to a consumer only at the consumer’s option and would prohibit a business from printing a paper proof of purchase if the consumer opts to not receive a proof of purchase, unless otherwise required by state or federal law. (Amended: 6/27/2019 html pdf)</p>	<p>Status: 8/30/2019-Failed Deadline pursuant to Rule 61(a) (12). (Last location was APPR. SUSPENSE FILE on 8/12/2019) (May be acted upon Jan 2020) Location: 8/30/2019-S. 2 YEAR</p>	<p>SBACC</p>	<p>Oppose</p>

<p>AB 171 Gonzalez D</p>	<p>Employment: sexual harassment. Current law prohibits an employer from discharging or in any manner discriminating or retaliating against an employee who is a victim of domestic violence, sexual assault, or stalking for taking time off work to obtain specified relief or because of the employee's status as a victim of domestic violence, sexual assault, or stalking, if the victim provides notice to the employer of the status or the employer has actual knowledge of the status. Current law authorizes an employee to file a complaint with the Division of Labor Standards Enforcement for a violation of these prohibitions within one year from the date of occurrence of the violation. Current law makes it a misdemeanor for an employer to refuse to rehire, promote, or restore an employee who has been determined to be so eligible by a grievance procedure or legal hearing. This bill would expand the scope of these provisions by defining "employer" for purposes of these provisions to mean any person employing another under any appointment or contract of hire and to include the state, political subdivisions of the state, and municipalities. (Amended: 7/3/2019 html pdf)</p>	<p>Status: 8/30/2019-From committee: Do pass. (Ayes 5. Noes 2.) (August 30). Read second time. Ordered to third reading. Hearing: 9/9/2019 #172 <i>SENATE ASSEMBLY BILLS - THIRD READING FILE</i> Location: 8/30/2019-S. THIRD READING</p>	SBACC	Oppose
<p>AB 202 Mathis R</p>	<p>Endangered species: conservation: California State Safe Harbor Agreement Program Act. Would delete the January 1, 2020, repeal date of the California State Safe Harbor Agreement Program Act, thereby extending the operation of the act indefinitely. Because submission of false, inaccurate, or misleading information on an application for a state safe harbor agreement under the act would be a crime, this bill would extend the application of a crime, thus imposing a state-mandated local program. (Amended: 2/26/2019 html pdf)</p>	<p>Status: 7/10/2019-Failed Deadline pursuant to Rule 61(a) (10). (Last location was N.R. & W. on 4/24/2019)(May be acted upon Jan 2020) Location: 7/10/2019-S. 2 YEAR</p>	SBACC	Support
<p>AB 245 Muratsuchi D</p>	<p>California Aerospace and Aviation Commission: establishment. Would establish, within the office, the California Aerospace and Aviation Commission consisting of 15 members, as specified, to serve as a central point of contact for businesses engaged in the aerospace and aviation industries and to support the health and competitiveness of these industries in California. The bill would require the commission to make recommendations on legislative and administrative action that may be necessary or helpful to maintain or improve the state's aerospace and aviation industries and would authorize the commission to engage in various other activities in undertaking its mission and responsibilities, as specified. (Amended: 5/17/2019 html pdf)</p>	<p>Status: 7/10/2019-Failed Deadline pursuant to Rule 61(a) (10). (Last location was G.O. on 6/17/2019)(May be acted upon Jan 2020) Location: 7/10/2019-S. 2 YEAR</p>	SBACC	Support

AB 345 Muratsuchi D	Oil and gas: operations: location restrictions. Would require, commencing January 1, 2020, all new oil and gas development or enhancement operation, as defined, that is not on federal land, to be located at least 2,500 feet from a residence, school, childcare facility, playground, hospital, or health clinic. The bill would authorize a city or county to require by ordinance that new oil and gas development or enhancement operation be located a larger distance away from a residence, school, childcare facility, playground, hospital, or health clinic than 2,500 feet. (Amended: 4/29/2019 html pdf)	Status: 5/17/2019-Failed Deadline pursuant to Rule 61(a) (5). (Last location was APPR. SUSPENSE FILE on 5/16/2019) (May be acted upon Jan 2020) Location: 5/17/2019-A. 2 YEAR	SBACC	Oppose
AB 394 Oberholte R	California Environmental Quality Act: exemption: egress route projects: fire safety. Would, until January 1, 2025, exempt from CEQA egress route projects undertaken by a public agency that are specifically recommended by the State Board of Forestry and Fire Protection that improve the fire safety of an existing subdivision if certain conditions are met. The bill would require the lead agency to hold a noticed public meeting to hear and respond to public comments before determining that a project is exempt. The bill would require the lead agency to file a notice of exemption with the Office of Planning and Research and with the clerk of the county in which the project will be located. (Amended: 9/6/2019 html pdf)	Status: 9/6/2019-Read third time and amended. Ordered to second reading. Hearing: 9/9/2019 #53 SENATE ASSEMBLY BILLS - SECOND READING FILE Location: 9/6/2019-S. SECOND READING	SBACC	Support
AB 403 Kalra D	Division of Labor Standards Enforcement: complaint. Current law authorizes a person who believes they have been discharged or otherwise discriminated against in violation of any law under the jurisdiction of the Labor Commissioner to file a complaint with the Division of Labor Standards Enforcement within 6 months after the occurrence of the violation.This bill would extend the period to file a complaint to within 2 years after the occurrence of the violation, except that violations of certain provisions may be filed within one year. This bill contains other related provisions and other current laws. (Amended: 5/16/2019 html pdf)	Status: 8/30/2019-From committee: Do pass. (Ayes 5. Noes 2.) (August 30). Read second time. Ordered to third reading. Hearing: 9/9/2019 #174 SENATE ASSEMBLY BILLS - THIRD READING FILE Location: 8/30/2019-S. THIRD READING	SBACC	Oppose

AB 430 Gallagher R	Housing development: Camp Fire Housing Assistance Act of 2019. Current law authorizes a development proponent to submit an application for a development permit that is subject to a streamlined, ministerial approval process and not subject to a conditional use permit if the development satisfies specified objective planning standards, including that the development is a multifamily housing development that contains 2 or more residential units. This bill would authorize a development proponent to submit an application for a residential development, or mixed-use development that includes residential units with a specified percentage of space designated for residential use, within the territorial boundaries or a specialized residential planning area identified in the general plan of, and adjacent to existing urban development within, specified cities that is subject to a similar streamlined, ministerial approval process and not subject to a conditional use permit if the development satisfies specified objective planning standards. (Enrolled: 9/6/2019 html pdf)	Status: 9/5/2019-Senate amendments concurred in. To Engrossing and Enrolling. Location: 9/5/2019-A. ENROLLMENT	SBACC	Support
AB 520 Kalra D	Public works: public subsidy. Current law defines “public works” to include, among other things, construction, alteration, demolition, installation, or repair work done under contract and paid for, in whole or in part, out of public funds, but exempts from that definition, among other projects, an otherwise private development project if the state or political subdivision provides, directly or indirectly, a public subsidy to the private development project that is de minimis in the context of the project. This bill would generally provide that a public subsidy is de minimis if it is both less than \$500,000 and less than 2% of the total project cost. The bill would specifically provide a public subsidy for a project that consists entirely of single family dwellings is de minimis if it is less than 2% of the total project cost. The bill would specify that these provisions do not apply to a project that was advertised for bid, or a contract that was awarded, before July 1, 2020. (Amended: 8/26/2019 html pdf)	Status: 9/5/2019-In Assembly. Concurrence in Senate amendments pending. May be considered on or after September 7 pursuant to Assembly Rule 77. Hearing: 9/9/2019 #20 ASSEMBLY CONCURRENCE IN SENATE AMENDMENTS Location: 9/5/2019-A. CONCURRENCE	SBACC	Oppose
AB 535 Brough R	Personal income taxes: credit: professional license fees. Would allow a credit against personal income taxes for each taxable year beginning on or after January 1, 2020, and before January 1, 2025, in an amount equal to the cost paid or incurred during the taxable year for an initial professional license fee. The bill also would include additional information required for any bill authorizing a new income tax credit. (Amended: 4/8/2019 html pdf)	Status: 4/29/2019-In committee: Set, first hearing. Hearing canceled at the request of author. Location: 3/21/2019-A. REV. & TAX	SBACC	Support

<p>AB 628 Bonta D</p>	<p>Employment: victims of sexual harassment: protections. Current law prohibits an employer from discharging or discriminating or retaliating against, an employee who is a victim of domestic violence, sexual assault, or stalking because of the employee's status as a victim, if the employer has notice or knowledge of that status. Current law additionally prohibits an employer with 25 or more employees from discharging, or discriminating or retaliating against, an employee who is a victim, in this regard, who takes time off to obtain specified services or counseling. This bill would extend these employment protections to victims of sexual harassment, as defined. The bill would also extend these employment protections to specified family members, as defined, of the victims for taking time off from work to provide assistance to the victims when seeking relief or obtaining those services and counseling, as specified. (Amended: 5/16/2019 html pdf)</p>	<p>Status: 5/29/2019-Read third time. Refused passage. (Ayes 36. Noes 15. Page 2130.). Motion to reconsider made by Assembly Member Bonta. Hearing: 9/9/2019 #137 ASSEMBLY MOTION TO RECONSIDER Location: 5/29/2019-A. THIRD READING</p>	SBACC	Oppose
<p>AB 720 Muratsuchi D</p>	<p>Community colleges: funding: instructional service agreements with public safety agencies. Current law provides a separate formula for the allocation of apportionments of state funds to community colleges, which uses the numbers of full-time equivalent students as its basis, for use for apportionments for noncredit instruction and instruction in career development and college preparation. This bill would provide that instruction by community college districts under instructional service agreements with public safety agencies, as defined, would be funded under the apportionment formula used for instruction in career development and college preparation. The bill would also make various nonsubstantive changes. (Amended: 4/11/2019 html pdf)</p>	<p>Status: 8/30/2019-Failed Deadline pursuant to Rule 61(a) (12). (Last location was APPR. SUSPENSE FILE on 7/1/2019) (May be acted upon Jan 2020) Location: 8/30/2019-S. 2 YEAR</p>	SBACC	Support

AB 731 Kalra D	Health care coverage: rate review. Current law requires a health care service plan or health insurer offering a contract or policy in the individual or small group market to file specified information, including total earned premiums and total incurred claims for each contract or policy form, with the appropriate department at least 120 days before implementing a rate change. Current law requires a health plan that exclusively contracts with no more than 2 medical groups in the state to disclose actual trend experience information in lieu of disclosing specified annual medical trend factor assumptions and projected trends, as specified. Existing law requires the Department of Managed Health Care to conduct an annual public meeting regarding large group rates. This bill, commencing July 1, 2020, would expand those requirements to apply to large group health care service plan contracts and health insurance policies, and would impose additional rate filing requirements on large group contracts and policies. (Amended: 8/30/2019 html pdf)	Status: 9/6/2019-In Assembly. Concurrence in Senate amendments pending. May be considered on or after September 8 pursuant to Assembly Rule 77. Hearing: 9/9/2019 #80 <i>ASSEMBLY CONCURRENCE IN SENATE AMENDMENTS</i> Location: 9/6/2019-A. CONCURRENCE	SBACC	Oppose
AB 764 Bonta D	Sugar-sweetened beverages: nonsale distribution incentives. Would regulate promotion and marketing activities related to sugar-sweetened beverages, as defined, by prohibiting a beverage company, as defined, manufacturer, or distributor, as defined, from giving or offering incentives or other financial support to compensate distributors or retailers for the cost of promotional offers, coupons, or other incentives offered to consumers for branded products of the beverage company. The bill would exempt from that prohibition contracts between a beverage company, manufacturer, or distributor and a theme or amusement park, zoo, other attraction, or professional sports stadium that include nonfood promotions. (Amended: 5/28/2019 html pdf)	Status: 5/28/2019-Read third time and amended. Ordered to third reading. Hearing: 9/9/2019 #141 <i>ASSEMBLY THIRD READING FILE - ASSEMBLY BILLS</i> Location: 5/20/2019-A. THIRD READING	SBACC	Oppose
AB 765 Wicks D	Health Checkout Aisles for Healthy Families Act. Would enact the California Healthy Checkout Aisles for Healthy Families Act, and would require a store, as defined, to make available only specified beverages, including milk and natural fruit and vegetable juice, in the checkout areas of the store. The bill would require the department and the local health agency having jurisdiction over the store to administer and enforce the act. The bill would make a violation of its provisions an infraction, and would require the first violation to result in a notice of violation. The bill would make the 2nd and 3rd violations within a 5-year period punishable by fines of not more than \$250 and \$500, respectively. (Amended: 4/10/2019 html pdf)	Status: 4/26/2019-Failed Deadline pursuant to Rule 61(a) (2). (Last location was HEALTH on 2/28/2019)(May be acted upon Jan 2020) Location: 4/26/2019-A. 2 YEAR	SBACC	Oppose

AB 766 Chiu D	Unsealed beverage container portion cap. Would prohibit a retailer from selling, offering for sale, or otherwise providing to a consumer an unsealed beverage container, as defined, that is able to contain more than 16 fluid ounces, except for an unsealed beverage container designated for the consumption of water. The bill would define retailer to mean any person, firm, corporation, or business that sells, offers for sale, or otherwise provides a sugar-sweetened beverage to a consumer. (Amended: 4/2/2019 html pdf)	Status: 4/26/2019-Failed Deadline pursuant to Rule 61(a) (2). (Last location was HEALTH on 2/28/2019)(May be acted upon Jan 2020) Location: 4/26/2019-A. 2 YEAR	SBACC	Oppose
AB 846 Burke D	Customer loyalty programs. Would prohibit the California Consumer Privacy Act of 2018 from being construed to prohibit a business from offering a different price, rate, level, or quality of goods or services to a consumer if the offering is in connection with a consumer's voluntary participation in a loyalty, rewards, premium features, discount, or club card program, as defined. The bill would prohibit a business from offering loyalty, rewards, premium features, discounts, or club card programs that are unjust, unreasonable, coercive, or usurious in nature. The bill would prohibit a business from selling the personal information of consumers collected as part of a loyalty, rewards, premium features, discounts, or club card program. (Amended: 9/6/2019 html pdf)	Status: 9/6/2019-Read third time and amended. Ordered to second reading. Hearing: 9/9/2019 #74 SENATE ASSEMBLY BILLS - SECOND READING FILE Location: 9/6/2019-S. SECOND READING	SBACC	Support
AB 882 McCarty D	Termination of employment: drug testing: medication-assisted treatment. Current law requires an employer who regularly employs 25 or more employees to reasonably accommodate any employee who voluntarily participates in an alcohol or drug rehabilitation program, provided the employer does not suffer undue hardship.This bill would prohibit an employer, regardless of the number of employees, from discharging an employee for testing positive for a drug that is being used as a medical-assisted treatment, under the care of a physician or licensed treatment program, as specified. (Introduced: 2/20/2019 html pdf)	Status: 4/26/2019-Failed Deadline pursuant to Rule 61(a) (2). (Last location was L. & E. on 3/4/2019)(May be acted upon Jan 2020) Location: 4/26/2019-A. 2 YEAR	SBACC	Oppose
AB 1066 Gonzalez D	Unemployment insurance: trade disputes: eligibility for benefits. Would restore eligibility for unemployment benefits after the first 3 weeks of a trade dispute for an employee who left work because of the trade dispute. The bill would also codify specified case law that holds that employees who left work due to a lockout by the employer, even if it was in anticipation of a trade dispute, are eligible for benefits. The bill would specify that the bill's provisions do not diminish eligibility for benefits of individuals deprived of work due to an employer lockout or similar action, as specified. (Amended: 8/30/2019 html pdf)	Status: 9/3/2019-Read second time. Ordered to third reading. Hearing: 9/9/2019 #196 SENATE ASSEMBLY BILLS - THIRD READING FILE Location: 9/3/2019-S. THIRD READING	SBACC	Oppose

AB 1083 Burke D	<p>Long-term plans and procurement plans: energy and energy infrastructure procurement requirements: California Council on Science and Technology.</p> <p>Would, until January 1, 2023, request the California Council on Science and Technology upon request by the chairperson of a fiscal committee or certain policy committees of either the Assembly or Senate, the Speaker of the Assembly, or the President pro Tempore of the Senate, to undertake and complete an analysis of the effects of legislation proposing to mandate procurement of electricity products, gas products, energy storage resources, or electrical or gas infrastructure by an electrical corporation, gas corporation, community choice aggregator, electric service provider, local publicly owned electric or gas utility, or any state-level energy procurement entity. (Amended: 9/6/2019 html pdf)</p>	<p>Status: 9/6/2019-Read third time and amended. Ordered to second reading. Hearing: 9/9/2019 #87 SENATE ASSEMBLY BILLS - SECOND READING FILE</p> <p>Location: 9/6/2019-S. SECOND READING</p>	SBACC	Support
AB 1195 O'Donnell D	<p>California Global Warming Solutions Act of 2006: Low-Carbon Fuel Standard regulations.</p> <p>Would require the State Air Resources Board, through a public process, to consider before January 1, 2023, allowing renewable natural gas or biogas that is delivered via a common carrier pipeline to a crude oil production or transport facility from a source that the state board determines directly reduces emissions of methane in the state to generate specified credits under the Low-Carbon Fuel Standard regulations. (Amended: 6/24/2019 html pdf)</p>	<p>Status: 9/6/2019-In Assembly. Concurrence in Senate amendments pending. May be considered on or after September 8 pursuant to Assembly Rule 77. Hearing: 9/9/2019 #116 ASSEMBLY CONCURRENCE IN SENATE AMENDMENTS</p> <p>Location: 9/6/2019-A. CONCURRENCE</p>	SBACC	Support
AB 1224 Gray D	<p>Disability insurance: paid family leave program.</p> <p>Current law establishes, within the state disability insurance program, the family temporary disability insurance program, also known as the paid family leave program, for the provision of up to 6 weeks of wage replacement benefits to workers who take time off work to care for a seriously ill family member or to bond with a minor child within one year of the birth or placement of the child in connection with foster care or adoption. Current law limits the temporary disability benefits paid under these provisions to not more than 6 weeks within any 12-month period. This bill would authorize up to 12 weeks of temporary disability benefits in a 12-month period, but would limit each disability benefit period to 6 weeks of temporary disability benefits. (Amended: 4/22/2019 html pdf)</p>	<p>Status: 5/17/2019-Failed Deadline pursuant to Rule 61(a) (5). (Last location was APPR. SUSPENSE FILE on 5/8/2019) (May be acted upon Jan 2020) Location: 5/17/2019-A. 2 YEAR</p>	SBACC	Oppose

<p>AB 1321</p> <p>Gipson D</p>	<p>Public lands: State Lands Commission: coastal ports: automated technology.</p> <p>Currentlaw specifies that the State Lands Commission has exclusive jurisdiction over all ungranted tidelands and submerged lands owned by the state, and of the beds of navigable rivers, streams, lakes, bays, estuaries, inlets, and straits, including tidelands and submerged lands or any interest in those lands, as described, which have been or may be acquired by the state by quitclaim, cession, grant, contract, otherwise from the federal government, or by any other means. Existing law also provides specific responsibilities for the commission with respect to the ports of Los Angeles and Oakland. This bill would require the commission, subject to the availability of resources, in collaboration with the Governor's Office of Business and Economic Development, to hold a series of meetings at or near California ports that operate on granted public trust lands to consider the impacts of automated technology at California's ports, as provided. (Amended: 8/13/2019 html pdf)</p>	<p>Status: 8/30/2019-From committee: Do pass. (Ayes 5. Noes 2.) (August 30). Read second time. Ordered to third reading.</p> <p>Hearing: 9/9/2019 #181 SENATE ASSEMBLY BILLS - THIRD READING FILE</p> <p>Location: 8/30/2019-S. THIRD READING</p>	<p>SBACC</p>	<p>Oppose</p>
<p>AB 1366</p> <p>Daly D</p>	<p>Voice over Internet Protocol and Internet Protocol enabled communications services: Next Generation 911 emergency communications system: reporting requirements.</p> <p>Current law, the Public Utilities Commission has regulatory authority over public utilities, including telephone corporations. Current law, until January 1, 2020, prohibits the commission, a department, an agency, or a political subdivision of the state from regulating Voice over Internet Protocol (VoIP) and Internet Protocol enabled service, as defined, except as required or delegated by federal law or as expressly directed to do so by statute. This bill would extend until January 1, 2022, the qualified prohibition upon the commission, a department, an agency, or a political subdivision of the state regulating VoIP and Internet Protocol enabled service, with the additional qualification that the commission, a department, an agency, or a political subdivision of the state would be authorized to exercise regulatory jurisdiction and control as expressly and specifically directed by the Legislature in the interest of public safety or consumer protection. (Amended: 9/6/2019 html pdf)</p>	<p>Status: 9/6/2019-Read third time and amended. Ordered to second reading.</p> <p>Hearing: 9/9/2019 #132 SENATE ASSEMBLY BILLS - SECOND READING FILE</p> <p>Location: 9/6/2019-S. SECOND READING</p>	<p>SBACC</p>	<p>Support</p>

<p>AB 1416 Cooley D</p>	<p>Business: collection and disclosures of consumer personal information. Would specify that the California Consumer Privacy Act of 2018 also does not restrict a business's ability comply with any rules or regulations adopted pursuant to and in furtherance of state or federal laws. The bill would establish an exception to the act for a business that provides a consumer's personal information to a government agency solely for the purposes of carrying out a government program, if specified requirements are met. (Amended: 5/6/2019 html pdf)</p>	<p>Status: 7/10/2019-Failed Deadline pursuant to Rule 61(a) (10). (Last location was JUD. on 6/12/2019)(May be acted upon Jan 2020) Location: 7/10/2019-S. 2 YEAR</p>	<p>SBACC</p>	<p>Support</p>
<p>AB 1478 Carrillo D</p>	<p>Employment discrimination. Current law authorizes an aggrieved employee to file a complaint with the Division of Labor Standards Enforcement of the Department of Industrial Relations. Current law, the Labor Code Private Attorneys General Act of 2004, authorizes an aggrieved employee on behalf of that employee and other current or former employees to bring a civil action to recover specified civil penalties, which would otherwise be assessed and collected by the Labor and Workforce Development Agency, for the violation of certain provisions affecting employees. The act prescribes specified civil penalties for violations brought under these provisions.This bill, as an alternative to filing a complaint with the division, would authorize an employee aggrieved under the provisions prohibiting specified types of discrimination described above to bring a private civil action against the employee's employer and would not require that employee to pursue any other remedy prior to bringing that action. (Amended: 9/6/2019 html pdf)</p>	<p>Status: 9/6/2019-Read third time and amended. Ordered to second reading. Hearing: 9/9/2019 #86 <i>SENATE ASSEMBLY BILLS - SECOND READING FILE</i> Location: 9/6/2019-S. SECOND READING</p>	<p>SBACC</p>	<p>Oppose</p>

<p>AB 1482</p> <p>Chiu D</p>	<p>Tenant Protection Act of 2019: tenancy: rent caps. Would, with certain exceptions, prohibit an owner, as defined, of residential real property from terminating a tenancy without just cause, as defined, which the bill would require to be stated in the written notice to terminate tenancy when the tenant has continuously and lawfully occupied the residential real property for 12 months, except as provided. The bill would require, for certain just cause terminations that are curable, that the owner give a notice of violation and an opportunity to cure the violation prior to issuing the notice of termination. The bill, if the violation is not cured within the time period set forth in the notice, would authorize a 3-day notice to quit without an opportunity to cure to be served to terminate the tenancy. The bill would require, for no-fault just cause terminations, as specified, that the owner, at the owner's option, either assist certain tenants to relocate, regardless of the tenant's income, by providing a direct payment of one month's rent to the tenant, as specified, or waive in writing the payment of rent for the final month of the tenancy, prior to the rent becoming due. This bill contains other related provisions and other existing laws. (Amended: 9/5/2019 html pdf)</p>	<p>Status: 9/6/2019-Withdrawn from committee. (Ayes 29. Noes 10.) Ordered to second reading. Hearing: 9/9/2019 #1 SENATE ASSEMBLY BILLS - SECOND READING FILE Location: 9/6/2019-S. SECOND READING</p>	<p>SBACC</p>	<p>Oppose</p>
<p>AB 1673</p> <p>Salas D</p>	<p>California Environmental Quality Act: judicial challenge: litigation transparency: identification of contributors. Would require a plaintiff or petitioner, in an action or proceeding brought pursuant to the act, to disclose the identity of any person or entity that contributes \$1,000 or more, as specified, toward the plaintiff's or petitioner's costs of the action or proceeding. The bill also would require the plaintiff or petitioner to identify any pecuniary or business interest related to the project or issues involved in the action or proceeding of those persons or entities. The bill would authorize a court to withhold publicly those disclosures if the court finds that the public interest in keeping that information confidential clearly outweighs the public interest in disclosure. (Amended: 4/11/2019 html pdf)</p>	<p>Status: 5/3/2019-Failed Deadline pursuant to Rule 61(a) (3). (Last location was NAT. RES. on 3/18/2019)(May be acted upon Jan 2020) Location: 5/3/2019-A. 2 YEAR</p>	<p>SBACC</p>	<p>Support</p>

AB 1779 Daly D	Recovery residences. Would establish, and require the State Department of Health Care Services to adopt and implement, minimum standards for counties receiving public funding for recovery residences, as defined. The bill would also require a state affiliate of the National Alliance for Recovery Residences (NARR) to deny an application for, or deny or revoke the recognition, registration, or certification of, and require a county behavioral health department to terminate a contract with, a recovery residence under certain circumstances, including if the recovery residence fails to meet the minimum standards. (Amended: 7/11/2019 html pdf)	Status: 8/30/2019-Failed Deadline pursuant to Rule 61(a) (12). (Last location was APPR. SUSPENSE FILE on 8/12/2019) (May be acted upon Jan 2020) Location: 8/30/2019-S. 2 YEAR	SBACC	Support
ACA 1 Aguiar-Curry D	Local government financing: affordable housing and public infrastructure: voter approval. The California Constitution prohibits the ad valorem tax rate on real property from exceeding 1% of the full cash value of the property, subject to certain exceptions. This measure would create an additional exception to the 1% limit that would authorize a city, county, city and county, or special district to levy an ad valorem tax to service bonded indebtedness incurred to fund the construction, reconstruction, rehabilitation, or replacement of public infrastructure, affordable housing, or permanent supportive housing, or the acquisition or lease of real property for those purposes, if the proposition proposing that tax is approved by 55% of the voters of the city, county, or city and county, as applicable, and the proposition includes specified accountability requirements. (Amended: 3/18/2019 html pdf)	Status: 8/19/2019-Read third time. Refused adoption. Motion to reconsider made by Assembly Member Aguiar-Curry. Hearing: 9/9/2019 #138 <i>ASSEMBLY MOTION TO RECONSIDER</i> Location: 5/20/2019-A. THIRD READING	SBACC	Oppose
ACA 14 Gonzalez D	University of California: support services: equal employment opportunity standards. Would enact the University of California Equal Employment Opportunity Standards Act, which would, effective January 1, 2021, except as specified, require the regents to ensure that all contract workers, as defined, who are paid to perform support services for students, faculty, patients, or the general public at any campus, dining hall, medical center, clinic, research facility, laboratory, or other university location, are at all times subject to and afforded the same equal employment opportunity standards, as defined, as university employees performing similar services. (Amended: 8/30/2019 html pdf)	Status: 9/3/2019-Read second time. Ordered to third reading. Hearing: 9/9/2019 #185 <i>SENATE ASSEMBLY BILLS - THIRD READING FILE</i> Location: 9/3/2019-S. THIRD READING	SBACC	Oppose

<p>SB 1 Atkins D</p>	<p>California Environmental, Public Health, and Workers Defense Act of 2019. Current state law regulates the discharge of air pollutants into the atmosphere. The Porter-Cologne Water Quality Control Act regulates the discharge of pollutants into the waters of the state. The California Safe Drinking Water Act establishes standards for drinking water and regulates drinking water systems. The California Endangered Species Act requires the Fish and Game Commission to establish a list of endangered species and a list of threatened species, and generally prohibits the taking of those species. This bill would, until January 20, 2025, require specified agencies to take prescribed actions regarding certain federal requirements and standards pertaining to air, water, and protected species, as specified. By imposing new duties on local agencies, this bill would impose a state-mandated local program. (Amended: 9/3/2019 html pdf)</p>	<p>Status: 9/4/2019-Read second time. Ordered to third reading. Hearing: 9/9/2019 #259 ASSEMBLY THIRD READING FILE - SENATE BILLS Location: 9/4/2019-A. THIRD READING</p>	SBACC	Oppose Unless Ammended
<p>SB 49 Skinner D</p>	<p>Energy: appliance standards and State Water Project assessment. Would require the Natural Resources Agency, in collaboration with the Energy Commission and the Department of Water Resources, to assess the opportunities and constraints for potential operational and structural upgrades to the State Water Project to aid California in achieving its climate and energy goals, and to provide associated recommendations consistent with specified purposes and California's energy goals. The bill would require that the assessment and recommendations include specified elements, including recommendations for state, federal, and other applicable funding sources, as specified. The bill would require that the assessment and recommendations be provided to the appropriate policy committees of the Legislature before January 1, 2022. This bill contains other related provisions and other existing laws. (Amended: 9/5/2019 html pdf)</p>	<p>Status: 9/5/2019-Read third time and amended. Ordered to third reading. Hearing: 9/9/2019 #203 ASSEMBLY THIRD READING FILE - SENATE BILLS Location: 9/3/2019-A. THIRD READING</p>	SBACC	Oppose
<p>SB 135 Jackson D</p>	<p>Paid family leave. Current law prohibits an employer with 50 or more employees in a 75-mile radius to refuse to grant an employee a request to take up to 12 weeks of unpaid leave for family care and medical leave if the employee worked 1,250 hours in the prior 12 months. Current law includes within "family care and medical leave" the birth, adoption, or foster care placement of a child and the serious health condition of the employee's child, parent, or spouse. This bill would expand the scope of those provisions to instead prohibit an employer with 5 or more employees to refuse to grant an employee a request to take up to 12 weeks of unpaid leave for family care and medical leave if the employee had 180 days of service with the employer. (Amended: 3/25/2019 html pdf)</p>	<p>Status: 6/4/2019-Failed Deadline pursuant to Rule 61(a) (8). (Last location was INACTIVE FILE on 5/30/2019) Location: 6/4/2019-S. 2 YEAR</p>	SBACC	Oppose

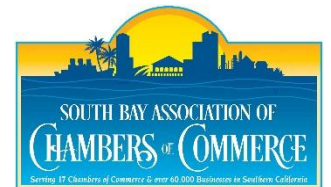
<p>SB 171 Jackson D</p>	<p>Employers: annual report: pay data. Would require, on or before March 31, 2021, and on or before March 31 each year thereafter, a private employer that has 100 or more employees and who is required to file an annual Employer Information Report under federal law, to submit a pay data report to the Department of Fair Employment and Housing that contains specified wage information. The bill would require the Department of Fair Employment and Housing to make the reports available to the Division of Labor Standards Enforcement upon request. (Amended: 7/5/2019 html pdf)</p>	<p>Status: 8/30/2019-Failed Deadline pursuant to Rule 61(a) (12). (Last location was APPR. SUSPENSE FILE on 8/14/2019) (May be acted upon Jan 2020) Location: 8/30/2019-A. 2 YEAR</p>	<p>SBACC</p>	<p>Support as Amended</p>
<p>SB 204 Dodd D</p>	<p>State Water Project: contracts. Would require the Department of Water Resources to provide at least 10 days' notice to the Joint Legislative Budget Committee and relevant policy and fiscal committees of the Legislature before holding public sessions to negotiate any potential amendment of a long-term water supply contract that is of projectwide significance with substantially similar terms intended to be offered to all contractors. The bill would require the department, before the execution of a specified proposed amendment to a long-term water supply contract and at least 60 days before final approval of such an amendment, to submit to the Joint Legislative Budget Committee and relevant policy and fiscal committees of the Legislature certain information regarding the terms and conditions of a proposed amendment of a long-term water supply contract and to submit a copy of the long-term contract as it is proposed to be amended. (Amended: 5/17/2019 html pdf)</p>	<p>Status: 7/10/2019-Failed Deadline pursuant to Rule 61(a) (10). (Last location was W.,P. & W. on 6/6/2019)(May be acted upon Jan 2020) Location: 7/10/2019-A. 2 YEAR</p>	<p>SBACC</p>	<p>Oppose</p>
<p>SB 210 Leyva D</p>	<p>Heavy-Duty Vehicle Inspection and Maintenance Program. Current law requires the State Air Resources Board, in consultation with the Bureau of Automotive Repair and a specified review committee, to adopt regulations requiring owners or operators of heavy-duty diesel motor vehicles to perform regular inspections of their vehicles for excessive emissions of smoke. Current law requires the state board, in consultation with the State Energy Resources Conservation and Development Commission, to adopt regulations requiring heavy-duty diesel motor vehicles to use emission control equipment and alternative fuels. This bill would require the state board, in consultation with the bureau and other specified entities, to implement a pilot program that develops and demonstrates technologies that show potential for readily bringing heavy-duty vehicles into an inspection and maintenance program. (Amended: 9/6/2019 html pdf)</p>	<p>Status: 9/6/2019-Read third time and amended. Ordered to third reading. Hearing: 9/9/2019 #289 ASSEMBLY THIRD READING FILE - SENATE BILLS Location: 9/6/2019-A. THIRD READING</p>	<p>SBACC</p>	<p>Oppose</p>

SB 332 Hertzberg D	Wastewater treatment: recycled water. Would declare, except in compliance with the bill's provisions, that the discharge of treated wastewater from ocean outfalls is a waste and unreasonable use of water. The bill would require each wastewater treatment facility that discharges through an ocean outfall and affiliated water suppliers to reduce the facility's annual flow as compared to the average annual wastewater discharge baseline volume, as prescribed, by at least 50% on or before January 1, 2030, and by at least 95% on or before January 1, 2040. The bill would subject the owner or operator of a wastewater treatment facility, as well as the affiliated water suppliers, to a civil penalty of \$2,000 per acre-foot of water above the required reduction in overall volume discharge for the failure to meet these deadlines. (Amended: 4/30/2019 html pdf)	Status: 5/17/2019-Failed Deadline pursuant to Rule 61(a) (5). (Last location was APPR. SUSPENSE FILE on 5/13/2019) (May be acted upon Jan 2020) Location: 5/17/2019-S. 2 YEAR	SBACC	Oppose
SB 621 Glazer D	California Environmental Quality Act: expedited judicial review: affordable housing projects: reports. Would require the Judicial Council, by July 1, 2020, to adopt a rule of court applicable to an action or proceeding brought to attack, review, set aside, void, or annul the certification of an environmental impact report for an affordable housing project, as defined, or the granting of an approval of an affordable housing project that requires the action or proceeding, including any potential appeals therefrom, to be resolved, to the extent feasible, within 270 days of the filing of the certified record of proceeding with the court. The bill would provide that these provisions do not apply to an affordable housing project if it is in certain locations. (Amended: 6/17/2019 html pdf)	Status: 7/10/2019-Failed Deadline pursuant to Rule 61(a) (10). (Last location was NAT. RES. on 6/6/2019)(May be acted upon Jan 2020) Location: 7/10/2019-A. 2 YEAR	SBACC	Support
SB 669 Caballero D	Water quality: Safe Drinking Water Fund. Would establish the Safe Drinking Water Fund in the State Treasury and would provide that moneys in the fund are continuously appropriated to the State Water Resources Control Board. The bill would require the state board to administer the fund to assist community water systems in disadvantaged communities that are chronically noncompliant relative to the federal and state drinking water standards and do not have the financial capacity to pay for operation and maintenance costs to comply with those standards, as specified. (Introduced: 2/22/2019 html pdf)	Status: 5/16/2019-May 16 hearing: Held in committee and under submission. Location: 5/13/2019-S. APPR. SUSPENSE FILE	SBACC	Support

SB 736 Umberg D	Creative Economy Incentive Act. Would, until January 1, 2031, establish the Creative Economy Incentive Act, which would be administered by GO-Biz, for the purpose of providing financial support to any nonprofit organization, city, county, special district, or any political subdivision of state or local government, including a department, agency, commission, district, joint powers authority, or a combination thereof for the purpose of assisting in financing a creative economy event, as defined. (Amended: 8/13/2019 html pdf)	Status: 8/30/2019-Failed Deadline pursuant to Rule 61(a) (12). (Last location was APPR. SUSPENSE FILE on 8/21/2019) (May be acted upon Jan 2020) Location: 8/30/2019-A. 2 YEAR	SBACC	Support
SB 749 Durazo D	California Public Records Act: trade secrets. Would provide that specified records of a private industry employer that are prepared, owned, used, or retained by a public agency are not trade secrets and are public records, including certain records relating to employment terms and conditions of employees working for a private industry employer pursuant to a contract with a public agency, records of compliance with local, state, or federal domestic content requirements, and records of a private industry employer's compliance with job creation, job quality, or job retention obligations contained in a contract or agreement with a state or local agency. (Amended: 9/6/2019 html pdf)	Status: 9/6/2019-Read third time and amended. Ordered to third reading. Hearing: 9/9/2019 #333 ASSEMBLY THIRD READING FILE - SENATE BILLS Location: 9/6/2019-A. THIRD READING	SBACC	Oppose
SCA 5 Hill D	Taxation: school districts: parcel tax. The California Constitution generally conditions the imposition of a special tax by a city, county, or special district, including a school district, upon the approval of 2/3 of the voters of the city, county, or special district voting on that tax. This bill would condition the imposition, extension, or increase of a parcel tax, as defined, by a school district or community college district upon the approval of 55% of its voters voting on the proposition, if the proposition meets specified requirements. The measure would also make conforming changes to related provisions. (Amended: 4/22/2019 html pdf)	Status: 5/21/2019-Ordered to inactive file on request of Senator Hill. Location: 5/21/2019-S. INACTIVE FILE	SBACC	Oppose

Total Measures: 51

Total Tracking Forms: 51



August 13, 2019

The Honorable Laura Friedman, Chair
Assembly Natural Resources Committee
1020 N Street, Room 164
Sacramento, CA 95814

RE: SB 1 (Atkins): California Environmental, Public Health, and Workers Defense Act of
2019: **Oppose Unless Amended**
Assembly Natural Resources Committee – July 8, 2019

Dear Chairwoman Friedman:

I am writing to express our opposition to SB 1 by President pro Tem Atkins, unless amended. Metropolitan supports the goal of SB 1 to protect California's environment and worker safety laws from any future rollbacks in federal law. However, if enacted as amended on July 1, SB 1 could have unintended consequences in several policy areas relevant to Metropolitan and our 26 member agencies.

Some of the language in SB 1 is extremely problematic. For example, the endangered species provisions go beyond statutes and regulations and include incidental take permits or biological opinions, including the biological opinions governing the coordinated operations of the State Water Project (SWP) and Central Valley Project (CVP) as they existed prior to the Trump Administration. The federal government is in the process of updating the federal biological opinions. California has initiated consultation separately under the California Endangered Species Act (CESA) that covers all species. If the state is required to adopt the standards from the previous biological opinions from 2008-09, that could constrain SWP operations and shift water supply costs from the federal CVP to SWP; create confusion for water managers; and prevent the state from using best available science to improve conditions for at-risk fish in the Delta in any new permit.

The amended bill also assumes that CESA applies to the federal CVP. That is an unsettled area of law, and it is likely that this language will lead to litigation. In the interim, SWP would bear the full costs of meeting the 2008-09 biological opinion requirements. These water supply costs would limit SWP's flexibility to implement the Voluntary Agreements that is the Newsom Administration's effort to update the Bay Delta Water Quality Control Plan to provide additional flows and fund new habitat and restoration efforts.

Another troubling aspect of SB 1 is that it would allow state agencies to adopt federal baseline standards with as little as 30-days' notice, precluding meaningful public comment.

We have had several meetings with the pro Tem's staff and the proponents of the bill to share our concerns and suggest amendments. For the reasons mentioned above, we must continue to oppose SB 1 unless amended. First, we propose striking the provision relating to biological opinions and the incidental take permits. Second, strike the provision that applies CESA to the Central Valley Project. Last, amend the "less protective" definition in SB 1 to apply to the relevant statutes.

The Honorable Laura Friedman
Page 2
August 13, 2019

We are committed to working with the author and the proponents of the bill to see if we can reach an agreement on amendments to address our concerns while maintaining the bill's stated goal. If you have any questions regarding our position on the measure or our suggested amendments, please do not hesitate to contact Kathy Viatella with the Metropolitan Water District of Southern California at kviatella@mwdh2o.com or by phone at (916) 650-2614.

Sincerely,

Jeff Kightlinger
General Manager
**Metropolitan Water
District of Southern
California**

Richard W. Hansen,
P.E.
*General Manager/ Chief
Engineer*
**Three Valleys
Municipal Water
District**

Alicia Berhow
*Senior Vice
President of
Government Affairs*
**Orange County
Business Council**

Shivaji Deshmukh
General Manager
**Inland Empire
Utilities Agency**

Leah
Skinner
Executive Director **La
Verne Chamber of
Commerce**

Jessica Duboff
Vice President **Los
Angeles Area Chamber
of Commerce**

Joe Cina
President/CEO
**Glendora Chamber of
Commerce**

Theresa Harvey
President & CEO
**North Orange
County Chamber**

Brian A. Dickinson
General Manager
**Water Department
City of Compton**

Monica Farias
Executive Director
**The Greater
West Covina
Business Association**

Ken Rausch
Chief Executive Officer
**El Monte / South El
Monte Chamber Of
Commerce**

Charley Wilson
*Executive Director &
CEO*
**Southern California
Water Coalition**

Matthew Litchfield
General Manager
**Three Valleys
Municipal Water
District**

Craig Miller
General Manager
**Western Municipal
Water District**

John Bosler
General Manager
**Cucamonga Valley
Water District**

Nina Jazmadarian
General Manager
**Foothill Municipal
Water District**

Bill Manis
President & CEO
**San Gabriel Valley
Economic Partnership**

Anthony Duarte
CEO
**Regional Chamber of
Commerce
San Gabriel Valley**

Bruce Channing
Executive Director
**Association of
California Cities
Orange County**

Eileen Hupp
President
**South Bay Association
of Chambers of
Commerce**

Charles Gale
Government Affairs
**Redondo Beach
Chambers of
Commerce**

cc: President pro Tem Toni Atkins
Members of the Assembly Natural Resources Committee
Elizabeth MacMillan, Consultant, Assembly Natural Resources Committee
Katie Sperla, Consultant, Assembly Republican Caucus



August 8, 2019

The Honorable Mike Gipson
California State Assembly
State Capitol, Room 3173
Sacramento, CA 95814

**SUBJECT: AB 1321 (GIPSON) PUBLIC LANDS: STATE LANDS COMMISSION: COASTAL
PORTS: AUTOMATED TECHNOLOGY
OPPOSE – AS AMENDED JUNE 17, 2019**

Dear Assembly Member Gipson:

We respectfully **OPPOSE AB 1321 (Gipson)**, which improperly inserts the State Lands Commission into an issue involving the use of automated technology at California ports.

While we understand that there is currently significant discussion regarding this issue and the Port of Los Angeles, we believe it is inappropriate to propose state legislation in this matter. It is our understanding that current lease provisions and collective bargaining agreements between employee representatives and port employers permit the introduction of automated technology of this sort, and do not require any other port, city or state approval. We are also concerned that such legislative action could interfere with efficient operations at our ports and result in further delays to our intermodal transportation system.

Moreover, we do not believe it is appropriate to task the State Lands Commission with opining whether automated technology at coastal ports will provide a “safe working environment” or will have unspecified economic and jobs impacts.

While existing law provides specific and narrow responsibilities to the Commission with respect to the ports of Los Angeles and Oakland, we believe that the matters set forth in **AB 1321** are well beyond the scope of the expertise, authority and jurisdiction of the State Lands Commission.

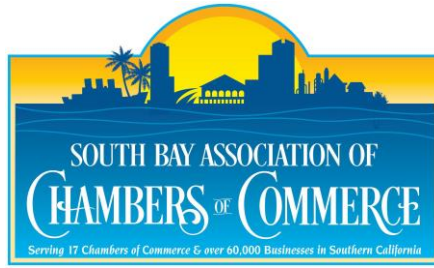
Finally, while we appreciate there may be overall concerns with the issue of automation, we do not believe it is prudent or appropriate to utilize state legislation to address these issues. Each individual disputed automation decision should not be the subject of state legislation. Instead, a more deliberative and comprehensive conversation about these general issues may be appropriate. We would note that, until recently amended, SB 730 (Stern) proposed to establish a Commission on the Future of Work to examine issues including automation. And in May of this year, Governor Newsom signed Executive Order N-11-19 establishing a Future of Work Commission to help prepare our state’s workforce and state government for changes in the economy. We believe such a holistic conversation is more appropriate than individual legislation seeking to regulate individual decisions regarding the use of automated technology.

For these reasons, we respectfully **OPPOSE AB 1321**.

Sincerely,

Eileen Hupp
SBACC Chair

Cc: Office of Senator Allen
Office of Senator Bradford
Office of Assemblymember Burke
Office of Assemblymember Gipson
Office of Assemblymember Muratsuchi
Office of Assemblymember O'Donnell



August 9, 2019

The Honorable Jay Obernolte
California State Assembly
State Capitol, Room 4116
Sacramento, CA 95814

**SUBJECT: AB 394 (OBERNOLTE) CALIFORNIA ENVIRONMENTAL QUALITY ACT: EXEMPTION:
FIRE SAFETY
SUPPORT – AS AMENDED APRIL 2, 2019**

Dear Assembly Member Obernolte:

We are pleased to **SUPPORT** your **AB 394 (Obernolte)** as amended, which would exempt from CEQA until January 1, 2025, egress route projects or activities undertaken by a public agency that are specifically recommended by the State Board of Forestry and Fire Protection that improve the fire safety of an existing subdivision.

Creating, improving and maintaining egress routes is literally a life or death issue. California has experienced record-breaking wildfires in 2017 and 2018, wreaking financial and human havoc on communities all across the state. The need for new and improved egress routes has never been greater for the people of California. **AB 394** is a narrowly tailored CEQA exemption that only applies to a limited set of projects carried out by public agencies, with the primary purpose of conducting fire safety egress projects, with a reasonable sunset period of 2025.

CEQA was initially passed to ensure that California's environment is considered before moving forward with a project. Unfortunately, CEQA too often is used to delay critical public works projects that could mean the difference between life or death for people impacted by devastating wildfires. Until significant changes are made to the underlying process, we support efforts to expedite the CEQA review process for critical public works projects, such as those specified in **AB 394**, which will expedite the creation, improvement or maintenance of egress routes in order to improve public safety in the event of a wildfire.

For these reasons, we are pleased to **SUPPORT AB 394 (Obernolte)**.

Sincerely,

Eileen Hupp
SBACC Chair

Cc: Office of Senator Allen
Office of Senator Bradford
Office of Assemblymember Burke
Office of Assemblymember Gipson
Office of Assemblymember Muratsuchi
Office of Assemblymember O'Donnell



August 9, 2019

The Honorable Ed Chau
California State Assembly
State Capitol, Room 5016
Sacramento, CA 95814

**SUBJECT: AB 25 (CHAU) CALIFORNIA CONSUMER PRIVACY ACT OF 2018
SUPPORT- AS AMENDED APRIL 12, 2019
SCHEDULED FOR HEARING – APRIL 23, 2019**

Dear Assemblymember Chau:

We are pleased to **SUPPORT** your **AB 25 (Chau)**, as amended April 12, 2019. **AB 25** makes a crucial fix to the California Consumer Privacy Act (CCPA) by clarifying that employees and job applicants acting in their professional capacities are not classified as “consumers” under the law.

Under the CCPA, the definition of a “consumer” is any California resident. Without the clarification offered by **AB 25**, this language could be interpreted to include employees and job applicants, which was not an intended outcome of the CCPA, a law designed to address the privacy of consumers.

Further, the CCPA’s operational costs for businesses of all sizes to include employees and job applicants would be exorbitant. For example, consider a family-owned restaurant serving 150 tables per day – without fixing this definition, that restaurant may have to operationalize the CCPA for its kitchen and wait staff in a business with high turnover and low profit margins.

Access to personal information in the employment context is already established in California law. However, as currently drafted, the CCPA would allow a separated spouse who is part of a household to gain access to payroll records. That cannot be what the legislature intended.

AB 25 also contains intent language “to clarify how a business shall comply with a consumer’s request for specific pieces of information in a privacy protective manner.” We are grateful for your leadership in pursuing this clarification as well. We share these concerns and we look forward to working with you and your office as well as the relevant stakeholders to develop language to meet the legislative intent of **AB 25**.

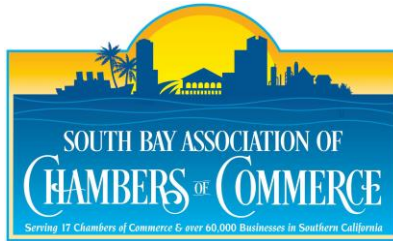
For these reasons, we **SUPPORT** your **AB 25**.

Sincerely,

Eileen Hupp

SBACC Chair

Cc: Office of Senator Allen
Office of Senator Bradford
Office of Assemblymember Burke
Office of Assemblymember Gipson
Office of Assemblymember Muratsuchi
Office of Assemblymember O'Donnell



August 9, 2019

TO: Members, Senate Judiciary Committee

SUBJECT: **AB 846 (BURKE) CUSTOMER LOYALTY PROGRAMS - SUPPORT**

We strongly support AB 846 (Burke). This bill rightfully provides clarification to the California Consumer Privacy Act (CCPA) by adding code section 1798.126 to the Civil Code which will ensure that loyalty and rewards programs can continue to operate once CCPA takes effect. It also maintains the consumer protections of CCPA that prohibit a business from discriminating against consumers who exercise their rights under the law.

As written today, Section 1798.123 and its interplay with other parts of the law leaves retailers, grocers, hotels and many other businesses questioning what we can and cannot do with our rewards programs. These opt-in programs are extremely popular with consumers who choose to belong to them. According to a recent study published by Forrester Research, 72% of American adults online belong to at least one loyalty program and the average consumer belongs to nine programs.

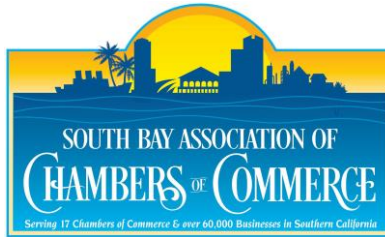
Although the authors of AB 375 stated that it was not their intent to eliminate loyalty programs, we are pleased that AB 846 makes it clear that businesses of all sizes can continue to offer an array of benefits including ongoing discounts, access to special events and/or free goods or services to customers who sign up for these programs. Loyalty programs are opt-in and voluntary. AB 846 maintains the consumer protections under the CCPA, and consumers can opt-out at any time. If consumers choose to cancel their memberships and have their information deleted, we will honor those requests.

For these reasons, we support AB 846 (Burke) and ask for an "aye" vote when it is heard in the Senate Judiciary Committee.

Sincerely,

Eileen Hupp
SBACC Chair

Cc: Office of Senator Allen
Office of Senator Bradford
Office of Assemblymember Burke
Office of Assemblymember Gipson
Office of Assemblymember Muratsuchi
Office of Assemblymember O'Donnell



**“UPDATED”
JOB KILLER**

August 9, 2019

The Honorable Lorena Gonzalez
California State Assembly
State Capitol Room 2114
Sacramento, CA 95814

**SUBJECT: AB 1066 (GONZALEZ) UNEMPLOYMENT INSURANCE: TRADE DISPUTES:
ELIGIBILITY FOR BENEFITS
OPPOSED/JOB KILLER - AS AMENDED MARCH 26, 2019**

Dear Assemblymember Gonzalez:

We respectfully **OPPOSE** your **AB 1066 (Gonzalez)** as a **JOB KILLER**, which would overturn more than 70 years of precedent by charging employers to provide unemployment insurance (UI) to workers during labor disputes.

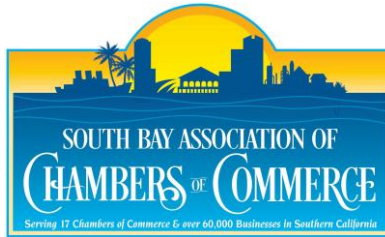
Generally speaking, unemployment insurance payments are intended to assist employees who, through no fault of their own, are forced to leave their employment. Employers fund these payments via an Unemployment Insurance Reserve Account (UI Account) with the Employment Development Department (EDD). Employers are required to pay into their UI Account annually based on their Experience Rating, which changes if more or less claims have been filed recently against the employer.¹ In other words – employers more or less fund unemployment for their own departed employees.

The benefit of this system is that it incentivizes employers to minimize turnover in their workforce and simultaneously ensures that employers only pay unemployment benefits to employees who were forced to leave employment through no fault of their own. **AB 1066**, on the other hand, creates a dangerous precedent for the payment of unemployment benefits.

Under existing law going back more than 70 years, UI benefits have not been available to striking employees so long as they remain away from work due to the trade dispute.² That policy is a good policy – unemployment is not intended to address labor disputes and labor disputes are not intended to influence unemployment. Other code sections also reflect this

¹ https://www.edd.ca.gov/pdf_pub_ctr/de231z.pdf.

² Unemployment Insurance Code § 1026; *W.R. Grace & Co. v. California Employment Comm'n*, 24 Cal. 2d 720, 731 (1944) (“It is not the function of the commission to evaluate the merits of a controversy between an employer and his employees; if a trade dispute exists and the employee leaves his work because of it, he may not receive benefits . . .”)



norm. For example, though the EDD must investigate labor disputes, it is legally prohibited from taking those findings into account in assessing unemployment benefits.³

The difference between labor disputes and unemployment is even more clear when the individual employees' positions are compared. The employee in a labor dispute, though temporarily on strike, has the right pursuant to their union contract to return to their position at the conclusion of the labor dispute. The employer is commonly compelled to hold that position open and allow them to return. In contrast, an employee who has been terminated has no right to claim a future position from their former employer – they are truly facing an uncertain future – which UI addresses by providing support while they look for new work. That is the long-standing norm of unemployment insurance.

AB 1066 would change this longstanding norm and require employers to pay unemployment benefits to striking employees after the first two weeks of a trade dispute. Notably, **AB 1066** contains no end date or qualifications for the receipt of such benefits. In effect, this means that any union could simply declare a trade dispute and strike and then enjoy 26 weeks of unemployment benefits.

Furthermore, because **AB 1066** contains no provisions regarding the merits of the trade dispute, even if the EDD were to investigate the trade dispute and determine that the employees' demands were simply impossible, it would not make any difference. As discussed above, the merits of the dispute are separated by law – so employees would be entitled to 26 weeks of unemployment benefits.

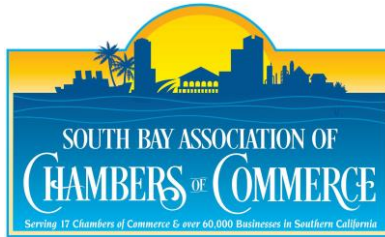
And, while **AB 1066** provides these benefits for employees, employers will be unable to negotiate as they will face the fear of simultaneous unemployment claims from *every striking worker* and long-term increases in their experience rating. Depending on the size of the union and employer, businesses could face hundreds or thousands of simultaneous claims for unemployment, driving up their experience rating and UI account payments for years to come. The 2003 grocery workers strike provides an example of the potential scale of the burden that **AB 1066** can create. 59,000 union workers went on strike for four and one-half months.⁴ Assuming those workers made, on average, approximately \$12/hour, or \$24,9600 per year,⁵ we can calculate the resulting cost to employers if **AB 1066** had been in effect: approximately \$226,560,000 – just under a quarter of a billion dollars.

In short, **AB 1066** will pull the EDD and unemployment benefits into the politics of labor disputes and incentivize striking by placing the entire cost of the strike on the employer, regardless of the merits of the labor dispute. Moreover, by both encouraging labor strikes by employees and placing significant costs on employers via their UI accounts, **AB 1066** poses a potentially existential threat to California employers who work with unions.

³ See Unemployment Ins. Code § 1262.5.

⁴ <https://www.nytimes.com/2004/02/28/us/grocery-workers-relieved-if-not-happy-at-strike-s-end.html>.

⁵ Salary of \$12/hour converted to \$2080/month for use in EDD calculator, available at: <https://www.edd.ca.gov/unemployment/UI-Calculator.htm>



For these reasons, we **OPPOSE** your **AB 1066** as a **JOB KILLER**.

Sincerely,

Eileen Hupp
SBACC Chair

Cc: Office of Senator Allen
Office of Senator Bradford
Office of Assemblymember Burke
Office of Assemblymember Gipson
Office of Assemblymember Muratsuchi
Office of Assemblymember O'Donnell

Sincerely,

cc: Legislative Affairs, Office of the Governor