

Good, Bad, Ugly

Legislative Update Tuesday, October 02, 2018

1. Good

[AB 472](#) **(Frazier D) Employer liability: small business and microbusiness.**

Current Text: Amended: 9/7/2017 [html](#) [pdf](#)

Introduced: 2/13/2017

Location: 8/31/2018-S. DEAD

Summary: Under current law, the California Occupational Safety and Health Act of 1973, the Division of Occupational Safety and Health investigates complaints that a workplace is not safe and may issue orders necessary to ensure employee safety. Under existing law, certain violations of that act or a standard, order, or special order authorized by the act are a crime. This bill would prohibit the division from commencing any enforcement action for any nonserious violation, as defined, against any employer where the employer is a small business or microbusiness, as defined, without first giving the employer written notice and providing the employer 30 days to correct the violation.

Position

Support

[AB 767](#) **(Quirk-Silva D) GO-Biz Information Technology.**

Current Text: Vetoed: 9/23/2018 [html](#) [pdf](#)

Introduced: 2/15/2017

Location: 9/23/2018-A. VETOED

Summary: Current law requires GO-Biz to establish an electronic online permit assistance center, called the California Government Online to Desktops (CalGold), through the Internet for use by any business or entity subject to a law or regulation to assist that business or entity with complying with those laws or regulations. Current law requires CalGold to be reviewed periodically, as specified. This bill would, among other things, provide for a GO-Biz Information Technology Unit within GO-Biz, which would create an online Internet platform, called the California Business Development Portal, that is comprised of 3 elements, including economic and business development-related digital information, the systems and processes used to manage that information, and a public interface capability, as prescribed.

Position

Support

[AB 916](#) **(Quirk-Silva D) Income taxes: California work opportunity tax credit.**

Current Text: Amended: 8/6/2018 [html](#) [pdf](#)

Introduced: 2/16/2017

Location: 8/31/2018-S. DEAD

Summary: The Personal Income Tax Law and the Corporation Tax Law allow various credits against the taxes imposed by those laws. This bill, for each taxable year beginning on or after January 1, 2019, and before January 1, 2026, would allow a credit against the taxes imposed under both laws to a qualified employer, as defined, in an amount equal to that allowed under the federal Work Opportunity Tax Credit, as modified. The bill would prohibit the credit from exceeding \$2,400 per qualified employee per taxable year.

Position

Support

[AB 1065](#) **(Jones-Sawyer D) Theft: aggregation: organized retail theft.**

Current Text: Chaptered: 9/27/2018 [html](#) [pdf](#)

Introduced: 2/16/2017

Location: 9/27/2018-A. CHAPTERED

Summary: Would, until January 1, 2021, create the crime of organized retail theft which would be defined as acting in concert with one or more persons to steal merchandise from one or more merchant's premises or online marketplace with the intent to sell, exchange, or return the merchandise for value, acting in concert with 2 or more persons to receive, purchase, or possess merchandise knowing or believing it to have been stolen, acting as the agent of another individual or group of individuals to steal merchandise from one or more merchant's premises or online marketplaces as part of a plan to commit theft, or recruiting, coordinating, organizing, supervising, directing, managing, or financing another to undertake acts of theft.

Position

Support

[AB 2596](#) (Cooley D) California Economic Development Strategic Action Plan.

Current Text: Vetoed: 9/28/2018 [html](#) [pdf](#)

Introduced: 2/15/2018

Location: 9/28/2018-A. VETOED

Summary: The Economic Revitalization Act establishes the Governor's Office of Business and Economic Development, also known as GO-Biz, to serve as the Governor's lead entity for economic strategy and the marketing of California on issues relating to business development, private sector investment, and economic growth. This bill would require the office to lead the preparation of a California Economic Development Strategic Action Plan, as specified, to commission a study to identify and evaluate economic development issues, and to create a comprehensive agenda and framework for inclusive statewide and regional economic growth. The bill would authorize the office to accept nonstate moneys for the purposes of commissioning the study and developing the action plan.

Position

Support

[SCA 8](#) (Moorlach R) Public employee retirement benefits.

Current Text: Introduced: 2/15/2017 [html](#) [pdf](#)

Introduced: 2/15/2017

Location: 8/31/2018-S. DEAD

Summary: Would permit a government employer to reduce retirement benefits that are based on work not yet performed by an employee regardless of the date that the employee was first hired, notwithstanding other provisions of the California Constitution or any other law. The measure would prohibit it from being interpreted to permit the reduction of retirement benefits that a public employee has earned based on work that has been performed, as specified. The measure would define government employer and retirement benefits for the purposes of its provisions.

Position

Support

2. Bad

[AB 1761](#) (Muratsuchi D) Employee safety: hotel workers.

Current Text: Amended: 7/2/2018 [html](#) [pdf](#)

Introduced: 1/4/2018

Location: 8/31/2018-S. DEAD

Summary: Would require, among other things, that a hotel employer, as defined, provide its employees, as defined, with a panic button, as specified, in order to summon immediate assistance when working alone in the guestroom. The bill would require a hotel employer to post a specified notice in each guestroom regarding these provisions. The bill would require a hotel employer to provide paid time off to an employee who is the victim of assault in order to contact the police, a counselor, medical professional, or an attorney.

Position

Oppose

[AB 2732](#) (Gonzalez Fletcher D) Employment: unfair immigration-related practices: janitorial workers: sexual violence and harassment prevention training.

Current Text: Vetoed: 10/1/2018 [html](#) [pdf](#)

Introduced: 2/15/2018

Location: 9/30/2018-A. VETOED

Summary: Would make it unlawful for an employer to knowingly destroy, conceal, remove, confiscate, or possess any actual or purported passport or other immigration document, or any other actual or purported government identification document of another person in the course of committing, or with the intent to commit, trafficking, peonage, slavery, involuntary servitude, or a coercive labor practice. The bill would impose specified civil and criminal penalties for a violation. The bill would also authorize the Labor Commissioner to issue a citation for a violation, as prescribed.

Position

Oppose

[AB 3081](#) (Gonzalez Fletcher D) Employment: sexual harassment.

Current Text: Vetoed: 10/1/2018 [html](#) [pdf](#)

Introduced: 2/16/2018

Location: 9/30/2018-A. VETOED

Summary: Current law requires a client employer, as defined, to share with a labor contractor, as defined, all civil legal responsibility and civil liability for all workers supplied by that labor contractor for

the payment of wages and the failure to obtain valid workers' compensation coverage. This bill would require a client employer to share with a labor contractor all civil legal responsibility and civil liability for harassment for all workers supplied by that labor contractor.

Position

Oppose

SCR 100 (Lara D) Safe Drinking Water and Toxic Enforcement Act of 1986: list of chemicals known to cause cancer or reproductive toxicity: processed meat.

Current Text: Amended: 4/9/2018 [html](#) [pdf](#)

Introduced: 2/12/2018

Location: 8/31/2018-S. DEAD

Summary: Would provide that the Legislature resolves that the Office of Environmental Health Hazard Assessment expeditiously review the International Agency for Research on Cancer monograph relating to processed meat and add "processed meat for consumption" to the list of chemicals known to the state to cause cancer or reproductive toxicity.

Position

Oppose

SJR 18 (Hueso D) Federal Tax Cuts and Jobs Act: repeal.

Current Text: Introduced: 1/31/2018 [html](#) [pdf](#)

Introduced: 1/31/2018

Location: 8/31/2018-S. DEAD

Summary: This measure would respectfully urge the Congress of the United States to act now to repeal the Tax Cuts and Jobs Act.

Position

Oppose

3. Ugly

AB 3080 (Gonzalez Fletcher D) Employment discrimination: enforcement.

Current Text: Vetoed: 10/1/2018 [html](#) [pdf](#)

Introduced: 2/16/2018

Location: 9/30/2018-A. VETOED

Summary: Would prohibit a person from, as a condition of employment, continued employment, the receipt of any employment-related benefit, or as a condition of entering into a contractual agreement, prohibiting an applicant for employment, employee, or independent contractor from disclosing to any person an instance of sexual harassment that the employee or independent contractor suffers, witnesses, or discovers in the workplace or in the performance of the contract, or otherwise opposing any lawful practice, or from exercising any right or obligation or participating in any investigation or proceeding with respect to unlawful harassment or discrimination.

Position

Oppose

ACA 22 (McCarty D) Middle Class Fiscal Relief Act.

Current Text: Introduced: 1/18/2018 [html](#) [pdf](#)

Introduced: 1/18/2018

Location: 8/31/2018-A. DEAD

Summary: This measure, for taxable years beginning on or after January 1, 2018, would impose a surcharge of 10% on the net income of all corporations that is over \$1,000,000. The measure would authorize the Legislature to increase or decrease the surcharge by a 2/3 vote of each house, as provided. The measure would require the deposit of those revenues, less refunds, into the Middle Class Fiscal Relief Fund, which would be created by the measure. Revenues in the fund would be allocated, upon appropriation by the Legislature, for specified purposes, including providing fiscal benefits to lower and middle-income Californians.

Position

Oppose

SB 100 (De León D) California Renewables Portfolio Standard Program: emissions of greenhouse gases.

Current Text: Chaptered: 9/10/2018 [html](#) [pdf](#)

Introduced: 1/11/2017

Location: 9/10/2018-S. CHAPTERED

Summary: The Legislature has found and declared that its intent in implementing the California Renewables Portfolio Standard Program is to attain, among other targets for sale of eligible renewable

resources, the target of 50% of total retail sales of electricity by December 31, 2030. This bill would revise the above-described legislative findings and declarations to state that the goal of the program is to achieve that 50% renewable resources target by December 31, 2026, and to achieve a 60% target by December 31, 2030.

Position

Oppose

SB 1300 (Jackson D) Unlawful employment practices: discrimination and harassment.

Current Text: Chaptered: 9/30/2018 [html](#) [pdf](#)

Introduced: 2/16/2018

Location: 9/30/2018-S. CHAPTERED

Summary: The California Fair Employment and Housing Act makes it an unlawful employment practice for an employer, labor organization, employment agency, apprenticeship training program, or any training program leading to employment, to engage in harassment of an employee or other specified person. FEHA also makes harassment of those persons by an employee, other than an agent or supervisor, unlawful if the entity, or its agents or supervisors, knows or should have known of this conduct and fails to take immediate and appropriate corrective action. This bill would specify that an employer may be responsible for the acts of nonemployees with respect to other harassment activity.

Position

Oppose

Total Measures: 15

Total Tracking Forms: 15