



September 26, 2017

The Honorable Edmund G. Brown
Governor, State of California
State Capitol
Sacramento, CA 95814

Dear Governor Brown,

The South Bay Area Chambers of Commerce respectfully **REQUEST** your **VETOS** on the following pieces of legislation currently before you.

AB 199- CHU - PUBLIC WORKS: PRIVATE RESIDENTIAL PROJECTS.

This bill would require private residential projects built on private property that are built pursuant to an agreement with the state or a political subdivision to meet the requirements for projects that are defined as “public works,” thus expanding the types of projects that must meet these requirements. By expanding the definition of a crime, this bill would impose a state-mandated local program. AB 199 would eliminate the long-standing residential exemption from prevailing wage rates and thereby make private, market-rate residential development a public work project for which a prevailing wage would be paid. This measure would have dramatic negative cost implications for newly constructed and privately financed housing in California.

AB 245 – GOMEZ – HAZARDOUS WASTE: ENFORCEMENT

This bill would include increased costs to hazardous waste permit operators. Imposes unnecessary and substantial new costs on hazardous waste permit applicants by requiring hazardous waste permit applicants to pay for a public hearing within 90 days of the submittal of a hazardous waste renewal application, notwithstanding the fact that current regulations and the California Environmental Quality Act already provide for multiple opportunities for public hearings.

AB 375 – CHAU - BROADBAND INTERNET ACCESS SERVICE PROVIDERS: CUSTOMER PRIVACY.

This bill would create a cumbersome, uncertain, and vague regulation of internet providers in California. This single-state approach is antithetical to the forward-looking policies that have made California a world leader in the Internet Age.

AB 450 – CHUI - EMPLOYMENT REGULATION: IMMIGRATION WORKSITE ENFORCEMENT ACTIONS.

This bill would impose various requirements on public and private employers with regard to federal immigration agency immigration worksite enforcement actions. Except as otherwise provided by federal law, the bill would prohibit an employer from providing a federal immigration enforcement agent access to a place of labor without a properly executed warrant and would prohibit an employer, or a person acting on behalf of the employer, from providing voluntary access to a federal government immigration enforcement agent to the employer’s employee records without a subpoena. The bill would require an employer to provide an employee, and the employee’s representative, a written notice containing specified information, in the language the employer normally uses to communicate employment information, of an immigration worksite enforcement action to be conducted by a federal immigration agency at the employer’s worksite, unless prohibited by federal law. The bill would require an employer to

provide to an affected employee, and to the employee's representative, a copy of the written federal immigration agency notice describing the results of an immigration worksite enforcement audit or inspection and written notice of the obligations of the employer and the affected employee arising from the action, as specified. The bill would prescribe penalties for failure to satisfy requirements and prohibitions of not less than \$10,000, and not more than \$25,000, for each violation, to be recoverable by the Labor Commissioner.

AB 890- MEDINA - LAND USE: PLANNING AND ZONING: INITIATIVES.

This bill outlaws Certain Local Land Use Initiatives. Eliminates Californians' local initiative power to pursue changes in land use by giving exclusive authority to city councils and county board of supervisors to adopt or amend land use plans, change specified land use or zoning designations, or allow more intensive land uses within existing land use or zoning designations.

AB 978 – LIMON - EMPLOYMENT SAFETY: INJURY AND ILLNESS PREVENTION PROGRAM.

Circumvents Regulatory Process. Mandates access for employees to access employer's illness and injury prevention program without regard to the current regulatory process and allows unaffiliated organizations to access employers documents.

AB 1179 – Kalra - HAZARDOUS WASTE FACILITIES: INSPECTIONS.

Increased Costs and Likely Processing Delays for Hazardous Waste Permit Operators. Prematurely and unnecessarily imposes new costs on hazardous waste permit operators and will likely result in further delays in permit processing by arbitrarily setting inspection frequencies for certain facilities and directing the Department of Toxic Substances Control (DTSC) to adopt regulations setting inspection frequencies for all facilities, notwithstanding the fact that DTSC is currently reforming its enforcement program at the regulatory level.

AB 1209 – GONZALEZ FLETCHER – EMPLOYERS: GENDER PAY DIFFERENTIALS.

This bill imposes a mandate on California employers to collect data on the mean and median salaries paid to men and women under the same job title or description without also considering any bona fide reason for differences in compensation, to publicly shame California employers and expose them to costly litigation for alleged wage disparity where no violation of the equal pay law exists.

AB 1250 JONES-SAWER – COUNTIES: CONTRACTS FOR PERSONAL SERVICES.

This bill seeks to severely limit options for city and county agencies to determine the most appropriate solution to providing efficient and effective public service, by establishing significant and costly obstacles for city and county contracting for personal services.

AB 1565 – THURMOND - WORK HOURS: OVERTIME COMPENSATION: EXECUTIVE, ADMINISTRATIVE, OR PROFESSIONAL EMPLOYEES.

Significant Cost Increase on Employers and Costly Litigation. Unnecessarily accelerates the minimum salary threshold for exempt employees, which will significantly increase costs especially on small employers, and changes the duties test that exempt employees must satisfy that will create confusion regarding how to classify employees as well as costly, class action litigation.

AB 1646 – MURATSUCHI - HAZARDOUS MATERIALS: UNIFIED PROGRAM AGENCY: INTEGRATED ALERTING AND NOTIFICATION SYSTEM.

This bill would require the risk management plan of a petroleum refinery to be posted on the Internet Web site of the Office of Emergency Services or on the Internet Web site of the UPA that has jurisdiction over the petroleum refinery. In addition to existing requirements for the contents of a risk management plan, the bill would require the plan to provide for a system of automatic notification for residents who live within a 5-mile radius of the petroleum refinery, an audible alarm system that can be heard within a 10-mile radius of the petroleum refinery, and an emergency alert system for schools, public facilities, hospitals, and residential care homes located within a 10-mile radius of the petroleum refinery. Because the bill would add to duties of a UPA, the bill would impose a state-mandated local program. The bill would require a petroleum refinery to implement those systems on or before January 1, 2019.

AB 1701 – THURMOND - LABOR-RELATED LIABILITIES: ORIGINAL CONTRACTOR.

This bill fairly imposes liability onto a direct contractor, as defined, for the wage and hour violations of a subcontractor that the direct contractor did not cause.

SB 33 – DODD – ARBITRATION AGREEMENTS.

This bill unfairly discriminates against arbitration agreements contained in contracts for goods and services and is likely preempted by the Federal Arbitration Act, which will lead to confusion and litigation, by prohibiting any mandatory arbitration agreement that requires an individual to waive any claims for fraud, identity theft, or wrongful use of personal identifying information.

SB 49 – DE LEON & STERN - CALIFORNIA ENVIRONMENTAL, PUBLIC HEALTH, AND WORKERS DEFENSE ACT OF 2017.

This bill creates Uncertainty and Increases Potential Litigation Regarding Environmental Standards. Creates uncertainty for businesses with respect to the federal environmental standards proposed to be incorporated into California law if backsliding occurs at the federal level and the standards/requirements to be adopted by State agencies, and increases the potential for costly litigation by creating private rights of action under California law when certain events occur.

SB 63 – JACKSON - UNLAWFUL EMPLOYMENT PRACTICE: PARENTAL LEAVE.

This bill Imposes New Maternity and Paternity Leave Mandate. Unduly burdens and increases costs of small employers with as few as 20 employees by requiring 12 weeks of protected employee leave for child bonding and exposes them to the threat of costly litigation.

SB 258 – LARA – CLEANING PRODUCT RIGHT TO KNOW ACT OF 2017.

This bill drives up the cost to consumers of cleaning products by requiring state-only ingredient disclosure on the labels of such products, which fails to protect confidential business information, exacerbates the “overwarning” problem, imposes vague requirements, and undermines existing consumer and worker protection laws and product innovation. The bill further imposes an unworkable secondary container labeling requirement on businesses.

SB 649 – HUESO – WIRELESS TELECOMMUNICATIONS FACILITIES.

This bill would define the term “small cell” as a particular type of telecommunications facility for these purposes. Under existing law, a city or county, as a condition of approval of an application for a permit for construction or reconstruction of a development project for a wireless telecommunications facility, may not require an escrow deposit for removal of a wireless telecommunications facility or any component thereof, unreasonably limit the duration of any permit for a wireless telecommunications facility, or require that all wireless telecommunications facilities be limited to sites owned by particular parties within the jurisdiction of the city or county, as specified. This bill would apply these prohibitions to the approval of small cell facilities as defined by this bill.

For these reasons, we respectfully **REQUEST** your **VETOS** when these bills come before you for consideration.

Sincerely,



Dan Hoffman,
SBACC Chair