



# San Mateo County Chamber of Commerce Alliance

## August 2014 Legislative Report

Prepared by:  
HCF, Jeremy Harris  
[jeremy@harrisfirm.biz](mailto:jeremy@harrisfirm.biz)  
714-264-9289

### Legislative Report

- AB 52 (Gatto – D) Native Americans: California Environmental Quality Act (CEQA)
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### General Election – November 4, 2014 – Summary of Ballot Measures **(Updated)**

- Proposition 43: Safe, Clean, and Reliable Drinking Water Supply Act of 2012
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- Proposition 49: Corporations. Political Spending. Federal Constitutional Protections. Legislative Advisory Question – **NEWLY ADDED SINCE LAST LEGISLATIVE REPORT**

# **Legislative Report**

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## **AB 52 (Gatto – D) Native Americans: California Environmental Quality Act (CEQA)**

### **Summary**

1. AB 52 would establish procedures and requirements under CEQA for the purpose of avoiding or minimizing impacts to tribal cultural resources.

### **Background**

2. AB 52 would require that public agencies must seek to avoid damaging effects to any tribal cultural resource.
3. To this end, under CEQA, a lead agency would be required to consult with a federally- recognized Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project, if the tribe has requested to be involved.
4. The consulting tribe or tribes would be able to propose mitigation measures to avoid or lessen potential significant impacts to a tribal cultural resource.
5. Agreed upon mitigations would be required to be included in the environmental impact report and in an adopted mitigation monitoring program.
6. These requirements would apply to projects that submit a notice of preparation or notice of negative declaration or mitigated negative declaration on or after January 1, 2015.
7. AB 52 would require the Native American Heritage Commission (NAHC), by July 1, 2016, to provide each federally- recognized tribe with a list of all public agencies, and their contact information, that may be a lead agency under CEQA within the geographic area with which the tribe is traditionally and culturally affiliated.
8. The NAHC would also be required to assist a lead agency in identifying the traditionally and culturally affiliated Native American tribes within a project area.
9. AB 52 would define a tribal cultural resource as a resource that meets one of several criteria, one of which is a resource that is listed on the NAHC's Sacred Lands File for which a tribe has submitted sufficient evidence demonstrating that the sacred places are of special religious or social significance.
10. AB 52 would require the Office of Planning and Research (OPR) to prepare and develop recommended amendments to the CEQA Guidelines to separate the consideration of paleontological resources from cultural resources and add the consideration of tribal cultural resources.
11. AB 52 has been labeled by the California Chamber of Commerce as a “job killer” piece of legislation.
12. AB 52 is schedule for a hearing in the Senate Appropriations Committee on 08/14/2014, John L. burton Hearing Room (4203).

### **Arguments in Support**

13. According to the author, "The premise that one culture's sacred sites and historical landmarks aren't given the same value as another culture basically amounts to cultural imperialism.
14. California has the most tribes in the nation, and we need to treat these areas with the dignity and respect they deserve." (Indian Country Today Media Network, "California Sacred Sites Bill Would Boost Protections but Exclude Some 50 Tribes," March 6, 2014.) The author further states, "...CEQA projects which impact tribal resources have experienced delays and inconsistencies as lead agencies attempt to work with tribes to address impacts on tribal resources.
15. Today CEQA projects are still being processed with no clarification as to a tribe's involvement concerning environmental impacts that affect tribes. This leaves applicant agencies without certainty as to the timing and viability of projects. The

inclusion of tribes in the CEQA process lacks uniformity, statewide, often leaving tribes, local agencies and developers frustrated with the process."

16. The author states that AB 52 seeks to achieve the following goals: set forth a process and scope that clarifies tribal government involvement in the CEQA process, including specific requirements and timing for tribal participation and preparation of documents and information; amend CEQA to include definition and standards for assessment and treatment of sacred places and TCRs; preserve existing confidentiality of cultural resources information; and preserve the lead agency's ability to approve using a statement of overriding consideration.

### **Arguments in Opposition**

17. Supporters, including Calchamber, argue and emphasize that a coalition headed by the Calchamber is not opposed to the goal of protecting tribal cultural sacred places or creating a tribal consultation process and appreciate the author's and proponents' engagement on these important issues.
18. To that end, many of the above named coalition worked closely with the Legislature and California tribes during the 2003-2004 legislative session to pass SB 18 (Burton), which established meaningful ongoing government to government consultation regarding the protection of cultural sacred places by requiring local city and county governments to consult with Native American tribes about proposed local land use planning decisions including the adoption of substantial amendments of general plans, specific plans, and the dedication of open space for the purpose of protecting cultural places.
19. While the coalition remains open to a dialogue about the ways in which the SB 18 process has been implemented and to improving the communication between tribes, local governments and project proponents, the coalition remains very concerned with AB 52's unfettered grant of power to the Native American Heritage Commission in the context of CEQA proceedings, the new complications the bill would create for environmental impact reviews under CEQA, and the costs this measure would impose on public and private projects throughout the state.

### **Supporting**

Agua Caliente Band of Cahuilla Indians Tribal Council  
Barona Band of Mission Indians  
California Tribal Business Alliance  
Habematolel Pomo of Upper Lake  
Koi Nation of Northern California  
Mechoopda Indian Tribe of Chico Rancheria  
Middletown Rancheria of Pomo Indians of California  
Pala Band of Mission Indians  
Paskenta Band of Nomlaki Indians of California

Pechanga Tribe  
Planning and Conservation League  
Rincon Band of Luiseno Indians  
Santa Ynez Band of Chumash Indians  
Tribal Alliance of Sovereign Indian Nations  
United Auburn Indian Community  
Viejas Band of Kumeyaay Indians  
Yocha Dehe Wintun Nation

### **Opposing**

American Council of Engineering Companies  
Associated Builders and Contractors of California  
Associated General Contractors  
Association of California Water Agencies  
California Association of Realtors  
California Building Industry Association  
California Business Properties Association  
California Cattlemen's Association  
California Chamber of Commerce

California Construction and Industrial Materials Association  
California Farm Bureau Federation  
California Manufacturers and Technology Association  
California Retailers Association  
California Wind Energy Association  
Independent Energy Producers  
Large-scale Solar Association  
Pacific Gas & Electric  
The California Rail Industry

### **Summary**

1. AB 935 would allow a person applying in-person for a driver's license or identification (ID) card on or after November 11, 2015 to request that the word "VETERAN" be printed on the face of the license or card, upon payment of an additional \$5 fee and presentation of a specified verification form indicating proof of veteran status.

### **Background**

2. Current law requires a driver's license issued by DMV to state the qualified class of the license and contain a distinguishing license number, the expiration date, the full name, age, mailing address, brief description, and photograph of the licensee, and space for a signature.
3. Driver's license applicants may also designate on the application whether they wish to register as an organ and tissue donor, and whether they have served in the U.S. Armed Forces and give consent to be contacted by the Department of Veterans Affairs regarding eligibility for state or federal veterans benefits. If a driver's license applicant wishes to be an organ and tissue donor, a pink "donor" dot will appear on his or her license.
4. Active duty, reserve, and retired members of the U.S. Armed Forces carry military identification cards.
5. The Department of Defense issues a Certificate of Release of Discharge From Active Duty (DD-214 form) to service members released from active duty.
6. The DD 214 form is a letter-sized document containing personal information and serves as official proof of service and veteran status.
7. Currently, 40 states offer a veteran designation on the driver's license, and several additional states are considering similar legislation. Some states require the DD-214 form, while others either require additional documentation or accept supplemental documentation.
8. Some states offer the veteran driver's license free of charge.
9. AB 935 would also authorize DMV to increase the fee to an amount up to \$15 by regulation for its reasonable costs in processing and issuing requests for the "VETERAN" designation.
10. Related Legislation: Three proposals have been introduced in recent years that would have provided for some form of a veteran designation on the face of the driver's license and ID card.
11. All of the following bills were held on the Suspense File in the Assembly Appropriations Committee: AB 1637 (Frazier), held under submission this year; AB 531(Frazier), held under submission last year; and AB 1725 (Lowenthal), held under submission in 2012.
12. AB 935 is currently set for hearing in Senate Appropriations Committee on 08/14/2014, John L. Burton Hearing Room (4203).

### **Arguments in Support**

13. Veterans' groups writing in support of AB 935 state that a veteran driver's license or identification card would provide a convenient way for a veteran to verify his or her military service to businesses, organizations, and events that provide military discounts to veterans. Indeed, hundreds of stores, restaurants, online websites, and other services offer military discounts to service members, retired military, veterans, spouses, and their families. It is doubtful that these establishments require a DD-214 in order to obtain the veteran discount.

### **Arguments in Opposition**

14. Opposition could argue that AB 935 creates a slippery slope in that requiring DMV to issue a special driver's license for veterans raises the question of whether various other groups will seek similar treatment. The state of Louisiana, for example, recently began issuing a driver's license, for an additional \$5 fee, with the words "I'm a Cajun" printed on it.

**Supporting**

American Federation of State, County, and Municipal Employees,  
AFL-CIO  
American Legion, Department of California (sponsor)  
AMVETS, Department of California (sponsor)  
California Association of County Veterans Service Officers (sponsor)  
California State Commanders Veterans Council (sponsor)  
California Police Chiefs Association  
California Professional Firefighters  
Los Angeles County Board of Supervisors  
Military Officers Association of American, California Council of Chapters  
Solano County Board of Supervisors  
Town of Danville  
VFW, Department of California  
Vietnam Veterans of America, California State Council

**Opposing**

None on file at this time.

## **General Election – November 4, 2014 – Summary of Ballot Measures (Updated)**

*Below are the November 4, 2014 General Election Ballot Measures as of August 11, 2014. The ballot measures are in summary form only with updates on current support and opposition organizations and individuals as of August 10, 2014. In future Legislative Reports, all qualified ballot measures will be included with full background and available supporting and opposing organizations/individuals. Not all ballot measures may be business oriented.*

### **Proposition 43: Safe, Clean, and Reliable Drinking Water Supply Act of 2012.**

#### **Summary**

The measure would enact the Safe, Clean and Reliable Drinking Water Supply Act, thus authorizing the issuance of bonds in the amount of \$11,140,000,000 for the purpose of financing a drinking water and water supply reliability program.

*The water bond has been rescheduled for election twice. Originally certified to be on the state's 2010 ballot, it was removed and placed on the 2012 ballot. On July 5, 2012, the state legislature approved a bill to take the measure off the 2012 ballot and put it on the 2014 ballot. Currently, the Legislature is reviewing potential pieces of legislation to amend and change the current ballot measure. More info will be provided in future reports.*

### **Proposition 44: Rainy Day Budget Stabilization Fund Act of 2014.**

#### **Summary**

The measure would alter the state's existing requirements for the Budget Stabilization Account (BSA), as established by Proposition 58. The BSA is a rainy day fund. Proposition 44 would also establish a Public School System Stabilization Account (PSSSA).

#### **Support**

California Democratic Party  
San Jose Mercury News

#### **Opposition**

Ellen Brown (Candidate for California Treasurer)  
Educate Our State

### **Proposition 45: Approval of Healthcare Insurance Rate Changes. Initiative Statute.**

#### **Summary**

Proposition 45 requires health insurance rate changes to be approved by Insurance Commissioner before taking effect and requires sworn statement by health insurer as to accuracy of information submitted to Insurance Commissioner to justify rate changes. Furthermore, Proposition 45 provides for public notice, disclosure and hearing on health insurance rate changes, and subsequent judicial review. Does not apply to employer large group health plans. Prohibits health, auto and homeowners insurers from determining policy eligibility or rates based on lack of prior coverage or credit history.

#### **Support**

Actual Systems Web Services  
AFSCME District Council 36  
AFSCME District Council 57  
AFSCME Local 685 - LA County Deputy Probation Officers  
AllCare Alliance  
California Alliance for Retired Americans  
California Democratic Party  
California Industrial Areas Foundation (IAF)  
California National Organization for Women (NOW)  
California Nurses Association (CNA)[8]  
California Partnership  
Campaign for a Healthy California  
Coalition for Economic Survival (CES)

Coalition of California Welfare Rights Organizations, Inc.  
Congress of California Seniors (CCS)  
Consumer Attorneys of California  
Consumer Federation of California  
Consumer Watchdog  
Courage Campaign  
Insurance Commissioner Dave Jones (D)  
Los Angeles Alliance for a New Economy (LAANE)  
Northern California Carpenters Union Regional Council  
Physicians for a National Health Program (PNHP) - California  
San Diego Hunger Coalition  
Superintendent of Public Instruction Tom Torlakson  
U.S. Senator Barbara Boxer (D)

## **Opposition**

American Academy of Pediatrics, California  
American College of Physicians California Services Chapter  
American Congress of Obstetricians and Gynecologists District IX  
American Nurses Association California  
Association of California Healthcare Districts  
Association of California Life and Health Insurance Companies  
Association of Northern California Oncologists  
California Association of Health Plans  
California Association of Health Underwriters  
California Association of Marriage and Family Therapists  
California Association of Rural Health Clinics  
California Chamber of Commerce  
California Chapter of the American College of Cardiology  
California Children's Hospital Association  
California Citizens Against Lawsuit Abuse  
California Hospital Association  
California Medical Association  
California Orthopaedic Association  
California Society of Plastic Surgeons  
California State Oriental Medical Association  
California Taxpayer Protection Committee  
California Urological Association  
California-Nevada Conference of Operating Engineers  
CAPG  
Civil Justice Association of California  
Employer Health Coalition  
Imperial County Building and Construction Trades Council  
International Brotherhood of Boilermakers  
International Brotherhood Of Electrical Workers - 9th District  
Los Angeles/Orange County Building and Construction Trades Council  
NAACP California  
Sailors' Union of the Pacific  
State Building and Construction Trades Council of California  
United Contractors  
William Jefferson Clinton Democrats

<b>Proposition 46: Drug and Alcohol Testing of Doctors. Medical Negligence Lawsuits. Initiative Statute.</b>
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## **Summary**

Proposition 46 requires drug and alcohol testing of doctors and reporting of positive test to the California Medical Board. Further, requires Board to suspend doctor pending investigation of positive test and take disciplinary action if doctor was impaired while on duty. Proposition 46 would also require doctors to report any other doctor suspected of drug or alcohol impairment or medical negligence and require health care practitioners to consult state prescription drug history database before prescribing certain controlled

substances. Lastly, would increase \$250,000 cap on pain and suffering damages in medical negligence lawsuits to account for inflation.

## **Support**

38 Is Too Late  
Consumer Attorneys of California  
Consumer Watchdog  
Organizations  
U.S. Senator Barbara Boxer (D)

## **Opposition**

A New PATH (Parents for Addiction Treatment & Healing)  
AFSCME California PEOPLE  
American Academy of Orthopaedic Surgeons  
American Academy of Pediatrics, California  
American Civil Liberties Union of California  
American Civil Liberties Union of San Diego and Imperial Counties  
American Civil Liberties Union of Southern California  
American Civil Liberties Union, Northern California  
American College of Emergency Physicians, California Chapter  
American College of Physicians California Services  
American College of Surgeons-Southern CA Chapter  
American Congress of Obstetricians & Gynecologists  
American Nurses Association, California  
American Osteopathic Association  
Association of California Healthcare Districts  
Association of Northern California Oncologists  
Association of Orthopedic Technologists of California  
Bay Area Council  
Boilermakers Local 1998  
Boilermakers Local 92  
CA Association of Neurological Surgeons  
CA Association of Oral and Maxillofacial Surgeons  
CA Chiropractic Association  
California Academy of Cosmetic Surgery  
California Academy of Eye Physicians and Surgeons  
California Academy of Family Physicians  
California Academy of Physician Assistants  
California Academy of Preventive Medicine  
California Ambulance Association  
California Ambulatory Surgery Association  
California Assisted Living Association  
California Association for Health Services at Home  
California Association for Nurse Practitioners  
California Association of Health Facilities  
California Association of Marriage and Family Therapists  
California Association of Nurse Anesthetists  
California Association of Oral and Maxillofacial Surgeons  
California Association of Physician Groups  
California Association of Psychiatric Mental Health Nurses in Advanced Practice  
California Association of School Business Officials  
California Chamber of Commerce  
California Chapter of the American College of Cardiology  
California Children's Hospital Association  
California Citizens Against Lawsuit Abuse  
California Clinical Laboratory Association  
California Dental Association  
California Dialysis Council



California Family Health Council  
 California Hospital Association  
 California Medical Association  
 California NAACP  
 California Neurology Society  
 California Nurse-Midwives Association  
 California Optometric Association  
 California Orthopaedic Association  
 California Orthotic & Prosthetic Association  
 California Orthotic & Prosthetic Association  
 California Otolaryngology Society  
 California Pharmacists Association  
 California Podiatric Medical Association  
 California Psychiatric Association  
 California Radiological Society  
 California Rheumatology Alliance  
 California School Boards Association  
 California School-Based Health Alliance  
 California Society of Addiction Medicine  
 California Society of Anesthesiologists  
 California Society of Anesthesiologists  
 California Society of Dermatology & Dermatologic Surgery  
 California Society of Health-System Pharmacists  
 California Society of Pathologists  
 California Society of Pediatric Dentistry  
 California Society of Periodontists  
 California Society of Plastic Surgeons  
 California State Building & Construction Trades Council  
 California State Oriental Medical Association  
 California Teachers Association  
 California Thoracic Society  
 California Urological Association  
 Children's Physicians Medical Group  
 Children's Specialty Care Coalition  
 Chinese Community Health Care Association  
 Civil Justice Association of California  
 Hemophilia Council of California  
 IBEW Local 11  
 IBEW Local Union 441  
 IBEW Local Union 477  
 IBEW Local Union 551  
 IBEW Ninth District  
 Infectious Disease Association of California  
 International Brotherhood of Boilermakers  
 Medical Oncology Association of Southern California  
 National Association of Social Workers—CA  
 NORCAP  
 Northern CA Chapter of the American College of Surgeons  
 Operating Room Nursing Council of California  
 Osteopathic Physicians & Surgeons of California  
 Partnership HealthPlan of California  
 Plumbers & Pipefitters Local 447  
 Plumbers & Pipefitters Local Union 228  
 Plumbers & Steamfitters Local Union 398  
 Plumbers and Pipefitters UA Local Union 442  
 Plumbers, Pipe and Refrigeration Fitters UA Local 246  
 San Diego Chapter of the American College of Surgeons  
 SEIU - Committee of Interns and Residents  
 SEIU 1000  
 SEIU United Long Term Care Workers (ULTCW)

SEIU-USWW (United Security Workers West)  
Service Employees International Union (SEIU) California  
Sheet Metal, Air, Rail and Transportation Workers (SMART), Sheet Metal Workers' Local Union No. 104  
Small School Districts' Association  
Society of OB/GYN Hospitalists (SOGH)  
Southern CA Pipe Trades DC 16  
Southern California HMO Podiatric Medical Society  
Southern California Pipe Trades Health & Welfare Fund  
Sprinkler Fitters UA Local 48  
Union of American Physicians and Dentists (AFSCME Local 206)  
Unions  
Valley Industry & Commerce Association

#### **Proposition 47: Criminal Sentences. Misdemeanor Penalties. Initiative Statute.**

##### **Summary**

Proposition 47 requires misdemeanor sentence instead of felony for petty theft, receiving stolen property, and forging/writing bad checks when value or amount involved is \$950 or less and misdemeanor sentence instead of felony for certain drug possession offenses. Allows felony sentence for these offenses if person has previous conviction for crimes such as rape, murder or child molestation or is a registered sex offender. Requires resentencing for persons serving felony sentences for these offenses unless court finds unreasonable public safety risk. Applies savings to mental health and drug treatment programs, K-12 schools, and crime victims.

##### **Support**

B. Wayne Hughes Jr., businessman and philanthropist  
California Democratic Party  
Former San Diego Police Chief William Lansdowne  
Jay Z  
Marin County Superintendent of Schools Mary Jane Burke  
San Francisco District Attorney George Gascón (D)

##### **Opposition**

No opposition at this time.

#### **Proposition 48: Referendum to Overturn Indian Gaming Compacts.**

##### **Summary**

If Proposition 48 is approved by the state's voters, it will ratify AB 277 (Ch. 51, Stats. 2013) and ratify two gaming compacts between California and, respectively, the North Fork Rancheria of Mono Indians, and the Wiyot Tribe. Proposition 48 would exempt execution of the compacts, certain projects, and intergovernmental agreements from the California Environmental Quality Act (CEQA). This measure is a veto referendum; this means that a "yes" vote is a vote to uphold or ratify the contested legislation (AB 277) that was enacted by the California State Legislature while a "no" vote is a vote to overturn AB 277.

##### **Support**

Governor Jerry Brown  
California Democratic Party

##### **Opposition**

Stand Up for California

#### **Proposition 49: Corporations. Political Spending. Federal Constitutional Protections. Legislative Advisory Question – NEWLY ADDED SINCE LAST LEGISLATIVE REPORT**

##### **Summary**

Proposition 49 asks voters whether the United States Congress shall propose, and the California Legislature ratify, an amendment or amendments to the United States Constitution to overturn *Citizens United v. Federal Election Commission* and other related judicial rulings. The suggested amendment would allow for the full regulation or limitation of campaign contributions and spending for the purpose of ensuring that all citizens, regardless of wealth, may express their views to one another and to make clear that the rights protected by the United States Constitution are the rights of natural persons only. If passed by voters, the California Secretary of State would be required to communicate the results of the measure to the U.S. Congress.