San Mateo County Chamber of Commerce Alliance

October 2014 Legislative Report

Prepared by:
HCF, Jeremy Harris
jeremy@harrisfirm.biz
714-264-9289

Final 2014 Legislative Status

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

- Proposition 1: Water Quality, Supply, and Infrastructure Improvement Act of 2014
- Proposition 2: Rainy Day Budget Stabilization Fund Act of 2014*
- Proposition 45: Approval of Healthcare Insurance Rate Changes. Initiative Statute
- Proposition 46: Drug and Alcohol Testing of Doctors. Medical Negligence Lawsuits Initiative Statute
- Proposition 47: Criminal Sentences. Misdemeanor Penalties. Initiative Statute
- Proposition 48: Referendum to Overturn Indian Gaming Compacts

Hidden Gas Tax Campaign

Final 2014 Legislative Status

The following legislative proposals (bills) have been provided in past Legislative Reports since January 2014 and have been updated with the most recent legislative status as of October 7, 2014.

Status Key:
Enacted – Legislature passed the bill and the Governor signed it into law.
Vetoed – Governor vetoed the bill.
Failed – Legislature did not pass the bill and send it to the Governor.
Pending – Legislature did not advance the bill or the bill did not advance out of committee. The bill could have also been amended heavily (gut and amend) and the summary may not reflect the title of the original bill. Consider pending as failed legislation.

AB 52

AUTHOR: Gatto [D]
TITLE: Native Americans: California Environmental Quality Act
STATUS: Enacted
SUMMARY:
Amends the California Environmental Quality Act. Specifies a project that may cause substantial adverse change in a tribal cultural resource is a project that may have an environmental effect. Requires the lead agency to begin consultation with a California Native American tribe traditionally and culturally connected with the project's geographic area. Specifies examples of mitigation measures that may be considered. Requires that tribes be provided with lead agencies in their area.

Agenda: August *08/01/2014*

AB 337

AUTHOR: Allen T [R]
TITLE: Economic Development: International Trade: Investments
STATUS: Enacted
SUMMARY:
Relates to economic development, international trade, investments and strategies for trade and investments. Requires a strategy to be based on current and emerging market conditions and the needs of investors, businesses, and workers to be competitive in global markets and to include a framework that enables the GO-Biz Office to evaluate the current needs of small and large firms. Authorizes the strategy, to the extend relevant and feasible, to be based on existing studies and reports.

Agenda: February *02/01/2014*

AB 935

AUTHOR: Frazier [D]
TITLE: Driver's Licenses: Veteran Designation
STATUS: Enacted
SUMMARY:
Allows an in-person applicant for a driver's license or identification card to request that the license or care be printed with the word veteran. Requires the applicant to present verification of veteran status on a specified form. Requires the county veterans service offices to verify an applicant's veteran status for these purposes. Authorizes an additional fee to a person who requests such designation.

Agenda: August *08/01/2014*

AB 1155

AUTHOR: Wilk [R]
TITLE: Insurance: Disclosure: Material Transactions
STATUS: Failed
SUMMARY:
Makes technical, nonsubstantive changes to provisions of existing law requiring every domestic incorporated insurer to file a report with the Insurance Commissioner disclosing material acquisitions and dispositions of assets or material nonrenewals, cancellations, or revisions of ceded reinsurance agreements unless agreements have been submitted to the commissioner for review. Provides that all reports are confidential.
Agenda: March *03/01/2014*

AB 1522

AUTHOR: Gonzalez [D]
TITLE: Employment: Paid Sick Days
STATUS: Enacted
SUMMARY:
Authorizes an employer to limit an employee's use of paid sick days. Prohibits an employer from discriminating or retaliating against an employee who requests paid sick days. Requires employers to satisfy specified posting and notice and recordkeeping requirements. Authorizes the imposition of fines for violations and the recovery of civil penalties, as well as attorney's fees, costs and interest. Provides that such provisions would not apply to certain categories of employees.
Agenda: March *03/01/2014*

AB 1634

AUTHOR: Skinner [D]
TITLE: Occupational Safety and Health: Violations
STATUS: Enacted
SUMMARY:
Prohibits the Division of Occupational Safety and Health from granting, for serious violations, a proposed modification to civil penalties for abatement or credit for abatement unless the employer has abated the violation or has submitted a related statement. Requires supporting evidence. Provides the statement and evidence must be received within a specified time period. Provides the conditions to prohibit a stay or suspension of an abatement requirement. Provides a condition to allow a stay or suspension.

Agenda: May *05/01/2014*

AB 1897

AUTHOR: Hernandez R [D]
TITLE: Labor Contracting: Client Liability
STATUS: Enacted
SUMMARY:
Requires a client employer to share with a labor contractor all civil legal responsibility and liability for all workers supplied by a contractor for the payment of wages and the failure to obtain workers' compensation coverage. Prohibits an employer from shifting to a labor contractor duties under workplace safety provisions. Excepts from the definition of labor contractor specified nonprofit, labor, and motion picture payroll services organizations and 3rd parties engaged in employee leasing arrangements.

Agenda: July *07/01/2014*

AB 2095

AUTHOR: Wagner [R]
TITLE: Employee Compensation and Itemized Statements
STATUS: Failed
SUMMARY:
Relates to existing law authorizing an employee to bring an action for injunctive relief to ensure compliance with employee record requirements. Prohibits an employee from receiving an award of costs and reasonable attorney's fees if the employer is the prevailing party and the court determines that the action was brought in bad faith.

Agenda: March *03/01/2014*

AB 2416

AUTHOR: Stone [D]
TITLE: Liens: Laborers and Employees
STATUS: Pending
SUMMARY:
Enacts the Wage Theft Recovery Act. Authorizes specified employees to request the Labor Commission record a wage lien upon real and personal property of an employer, or a property owner, for unpaid wages, other compensation owed the employee, and certain penalties, interest, and costs. Prescribes requirements relating to the recording and enforcement of the wage lien. Authorizes a procedure to release the lien by the employer, if the employer makes specified contentions. Requires a related report.
Agenda: July *07/01/2014*

AB 2604

AUTHOR: Brown [D]
TITLE: Workers Compensation Proceedings and Payment Delay
STATUS: Pending
SUMMARY:
Relates to the workers' compensation system. Requires that when payment of compensation has been unreasonably delayed or refused, either prior to or subsequent to the issuance of an award, the amount of the unreasonably delayed or refused payment be increased. Requires the appeals board to consider the amount of the original award, the reason for and length of the delay, and whether there were prior violations.

Agenda: April *04/01/2014*

AB 2617

AUTHOR: Weber [D]
TITLE: Civil Rights: Waiver of Rights
STATUS: Enacted
SUMMARY:
Relates to existing civil rights provisions. Prohibits a person from requiring a waiver of the protections afforded under those provisions as a condition of entering into a contract for the provision of goods or services, including the right to file and pursue a civil action. Requires any waiver of the protections afforded under those provisions to be knowing and voluntary, and in writing, and expressly not made as a condition of entering into the contract.

Agenda: July *07/01/2014*

AB 2618

AUTHOR: Perez J [D]
TITLE: Property and Business Improvement Areas: Assessment
STATUS: Enacted
SUMMARY:
Requires a management district plan to include, the name of the proposed district, a description of the boundaries of the district, and the total annual amount proposed to be expended for improvements, maintenance and operations, and debt service in each year of operation of the district. Requires a finding that the property within a district will receive a special benefit and total amount of all special benefits to be conferred on the properties within the property-based district.

Agenda: May *05/01/2014*

AB 2723

AUTHOR: Medina [D]
TITLE: Administrative Procedure: Small Businesses
STATUS: Vetoed
SUMMARY:
Defines cost impact for administrative purposes to include direct costs that an entity necessarily incurs in reasonable compliance with certain proposed actions. Provides a small business does not include landscape architect, architect, or a building designer with a specified amount of employees or a nonprofit with a maximum number of employees. Requires new regulations to consider new businesses creation or the elimination of sole proprietorships and small businesses.

Agenda: April *04/01/2014*

SB 371

AUTHOR: De Leon [D]
TITLE: Claims Against the State: Appropriation
STATUS: Enacted
SUMMARY:
Appropriates a specified amount from the General Fund to the Attorney General to pay specified judgments.

Agenda: February *02/01/2014*

SB 397

AUTHOR: Hueso [D]
TITLE: Vehicles: Enhanced Driver's License
STATUS: Pending
SUMMARY:
Authorizes the Department of Motor Vehicles to enter into a memorandum of understanding with a federal agency to facilitate travels within the western hemisphere pursuant to the federal Western Hemisphere Travel Initiative through the issuance of an enhanced driver's license, instruction permit, provisional license or identification card. Prohibits an employer from requiring an employee to use an enhanced driver's license or identification card as a condition of employment. Provides for an application fee.

Agenda: February *02/01/2014*

SB 837

AUTHOR: Steinberg [D]
TITLE: Early Childhood Education: Professional Development
STATUS: Pending
SUMMARY:
Allocates a certain amount of moneys appropriated in the Budget Act of 2014, for purposes of professional development stipends for teachers in transitional kindergarten and teachers in the State preschool program. Requires the State Department of Education to consult with various entities, including the California Community Colleges, for purposes of administering related provisions of existing law.

Agenda: February *02/01/2014*

SB 935

AUTHOR: Leno [D]
TITLE: Minimum Wage: Annual Adjustment
STATUS: Pending
SUMMARY:
Increases the minimum wage to various amounts over a period of years. Increases the minimum wage annually thereafter, to maintain employee purchasing power that is diminished by the rate of inflation during the previous year. Provides the adjustment would be calculated using the State Consumer Price Index. Prohibits the Industrial Welfare Commission from reducing the minimum wage and from adjusting the minimum wage if the average percentage of inflation was negative for the previous year.

Agenda: June, June *06/01/2014*

SB 1021

AUTHOR: Wolk [D]
TITLE: School Districts: Parcel Taxes
STATUS: Pending
SUMMARY:
Amends existing law that authorizes any school district to impose qualified special taxes. Provides that special taxes that apply uniformly include any special tax imposed on a per parcel basis, according to specified formula. Provides the allowable process for treatment of multiple parcels of real property by a school district.

Agenda: April *04/01/2014*

SB 1132

AUTHOR: Mitchell [D]
TITLE: Oil and Gas Well Stimulation Treatments
STATUS: Failed
SUMMARY:
Requires a specified scientific study to be conducted to consider additional elements and evaluate potential direct, indirect and cumulative health and environmental effects of onshore and offshore well stimulation and well stimulation treatment-related activities. Prohibits all well stimulation treatments until the Secretary of the Natural Resources Agency convenes a committee to review the scientific study, and that such stimulation will not create specified adverse public or environmental health impacts.

Agenda: April *04/01/2014*

SB 1351

AUTHOR: Hill [D]
TITLE: Payment Cards
STATUS: Pending
SUMMARY:
Requires retailers that accept a payment card to provide a means of processing card-present payment card transactions involving payment cards equipped with embedded microchips or other technology that is more secure than static magnetic stripe technology for card-present fraud prevention. Requires contracts between a financial institution and a payment card network to include a provision requiring a percentage of new or replacement cards sent to an address in the State to have more secure microchip.

Agenda: March *03/01/2014*

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

*Below are the November 4, 2014 General Election Ballot Measures as of October 6, 2014. Not all ballot measures maybe business oriented. Note: * Senate Bill 867 (Chapter 186, 2014) was signed by the Governor on August 11, 2014; changing Proposition 44 to 2. On August 11, 2014, Proposition 49 was removed from the ballot by order of the California Supreme Court and on August 13, 2014, Proposition 43 was removed from the ballot by the State Legislature and Governor.*

Update: Public Policy Institute of California (PPIC) polling data has been provided for the following Propositions: Proposition 1, Proposition 2, Proposition 45, Proposition 46, and Proposition 47. This information is denoted in "red italics."

Proposition 1: Water Quality, Supply, and Infrastructure Improvement Act of 2014

Summary

1. Proposition 1 would authorize $7.1 billion in general obligation bonds for state water supply infrastructure projects, such as public water system improvements, surface and groundwater storage, drinking water protection, water recycling and advanced water treatment technology, water supply management and conveyance, wastewater treatment, drought relief, emergency water supplies, and ecosystem and watershed protection and restoration. Also redirects $425 million in unsold general obligation bonds that were previously approved by voters for resource-related uses—to fund various water-related programs.

2. *PPIC Polling Data (9/8/2014 - 9/15/2014)*

Support	*Oppose*	*Undecided*	*Margin of Error*	*Sample Size*
58.0%	*29.0%*	*14.0%*	*+/-3.6*	*1,702*

Background

3. Proposition 1 would increased state bond repayment costs averaging $360 million annually over the next 40 years.

4. The measure would also save local governments as it relates to water projects, likely averaging a couple hundred million dollars annually over the next few decades.

5. On June 25, 2014, Governor Jerry Brown called on the Legislature to replace the previous $11.1 billion bond with a cheaper bond.

6. The Legislature passed AB 1471, which created Proposition 1 on August 13, 2014. The Assembly vote to pass AB 1471 was 77-2 in favor. The Senate passed AB 1471 37-0 in favor of AB 1471, which placed Proposition 1 on the November ballot.

7. Proposition 1 provides funding to 4 major areas of water issues and is also outlined in the picture below:
    a. Increase water supplies, b. protect and restore watersheds, c. improve water quality, and d. increase flood protection.

Figure 1
Uses of Proposition 1 Bond Funds

(In Millions)	
Water Supply	**$4,235**
• Dams and groundwater storage—cost share associated with public benefits.	$2,700
• Regional projects to achieve multiple water-related improvements (includes conservation and capturing rainwater).	810
• Water recycling, including desalination.	725
Watershed Protection and Restoration	**$1,495**
• Watershed restoration and habitat protection in designated areas around the state.	$515
• Certain state commitments for environmental restorations.	475
• Restoration programs available to applicants statewide.	305
• Projects to increase water flowing in rivers and streams.	200
Improvements to Groundwater and Surface Water Quality	**$1,420**
• Prevention and cleanup of groundwater pollution.	$800
• Drinking water projects for disadvantaged communities.	260
• Wastewater treatment in small communities.	260
• Local plans and projects to manage groundwater.	100
Flood Protection	**$395**
• Repairs and improvements to levees in the Delta.	$295
• Flood protection around the state.	100
Total	**$7,545**

8. The bond money would be available to state agencies for various projects and programs, as well as for loans and grants to local governments, private water companies, mutual water companies (where water users own the company), Indian tribes, and nonprofit organizations.

9. The measure includes several provisions that would affect how specific projects are chosen to receive bond funds.

10. The California Water Commission—an existing state planning and regulatory agency—would choose which water storage projects would be funded with the $2.7 billion provided in the bond for that use.

11. The Commission would not have to go through the state budget process to spend these funds.

12. For all other funding provided in the measure, the Legislature generally would allocate money annually to state agencies in the state budget process.

13. Of the $7.5 billion in funds made available by the measure, $5.7 billion is available only if recipients—mostly local governments—provide funding to support the projects. This matching requirement only applies to the water supply and water quality projects funded by the measure.

14. As included in previous Legislative Reports, the water bond has been rescheduled for election twice.

15. 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.

16. Proposition 1 is now the "water bond" ballot measure that was most recently called Proposition 43.

Arguments in Support

17. Supporters argue, "California is in a serve, multi-year drought and has an aging water infrastructure. That is why Republicans and Democrats and leaders from all over California came together in nearly unanimous fashion to place this fiscally responsible bond measure on the ballot…"

18. Supporters continued to say that Proposition 1 will help to grow California's economy due to water reliability, safeguard existing water supplies, store water when California receives rain, and is a much more fiscally responsible bond as compared to the previous bond measure.

Arguments in Opposition

19. Opponents argue that private owners of already public water ways will inflate prices when selling water to the public. Opponents continue that Proposition 1 includes the largest appropriation for new dams in the state's history… a number of dam projects that had been abandoned because of low water yield and financial infeasibility are being resurrected in response to the Bond's commitment of billions of taxpayer dollars for dams. If the Bond passes, fishermen and environmentalists can expect to find themselves spending decades fighting new dam schemes on rivers throughout the state.

20. Opponents further say that "California is staggering under a $777 billion debt and voters have already approved $128 billion in general fund Bonds that must be repaid by taxpayers. The Bond would add over $7 billion in taxpayer indebtedness that must be repaid with interest, which can easily double the original amount.

Support

(Partial List)

American Rivers
Association of California Water Agencies
Audubon California
California Alliance for Jobs
California Chamber of Commerce
California Farm Bureau Federation
Delta Counties Coalition
Ducks Unlimited
Fresno Irrigation District
Friant Water Authority
Los Angeles Area Chamber of Commerce
Metropolitan Water District of Southern California
Natural Resources Defense Council
Northern California Water Association
San Diego Water Authority
Silicon Valley Leadership Group
State Building and Construction Trades Council of California
The Nature Conservancy
Western Growers

Opposition

(Partial List)

California Sportfishing Protection Alliance
California Striped Bass Association
California Tax Reform Association
California Water Impact Network
Center for Biological Diversity
Central Delta Water Agency
Concerned Citizens Coalition of Stockton
Factory Farm Awareness Coalition
Food and Water Watch
Friends of the River
League Of Women Voters of California
Pacific Coast Federation of Fishermen's Associations
Restore the Delta
San Francisco Crab Boat Association
Sherman Island Duck Hunters Association
Sierra Club California
Small Boat Commercial Salmon Fishermens' Association
South Delta Water Agency
Southern California Watershed Alliance
Winnemem Wintu Tribe

*Proposition 2: Rainy Day Budget Stabilization Fund Act of 2014.

Summary

1. The measure would alter the state's existing requirements for the Budget Stabilization Account (BSA), as established by Proposition 58 (2004). The BSA is a rainy day fund. Proposition 2 is formerly known as Proposition 44.

2. *PPIC Polling Data (9/8/2014 - 9/15/2014)*

Support	*Oppose*	*Undecided*	*Margin of Error*	*Sample Size*
43.0%	*33.0%*	*24.0%*	*+/-3.6*	*1,702*

Background

3. Proposition 2 would require the director of finance to submit estimates of general fund revenues and expenditures for the ensuing fiscal year and the three fiscal years thereafter within ten days following the submission of proposed adjustments to the governor's budget.

4. Furthermore, require the controller to deposit annually into the BSA:
    a. 1.5 percent of general fund revenues and
    b. an amount equal to revenues derived from capital gains-related taxes in situations where such tax revenues are in excess of eight percent of general fund revenues.

5. Deposits to the BSA would begin by no later than October 1, 2015. Deposits would be made until the BSA balance reaches an amount equal to 10 percent of general fund revenues.

6. Proposition 2 would also require that from the 2015-2016 fiscal year until the 2029-2030 fiscal year, 50 percent of the revenues that would have otherwise been deposited into the BSA must be used to pay for fiscal obligations, such as budgetary loans and unfunded state-level pensions plans.

7. Starting with the 2030-2031 fiscal year, up to 50 percent of revenues that would have otherwise been deposited into the BSA may be used to pay specified fiscal obligations.

8. Permit the legislature to suspend or reduce deposits to the BSA and withdraw for appropriation from the BSA upon the governor declaring a budget emergency.

9. Create a distinct budget stabilization fund known as the "Proposition 98 Reserve" or Public School System Stabilization Account (PSSSA).

10. The PSSA would be funded by a transfer of capital gains-related tax revenues in excess of eight percent of general fund revenues. Funds would be appropriated from the PSSSA when state support for K-14 education exceeds the allocation of general fund revenues, allocated property taxes and other available resources.

11. The ballot measure was originally slated for the June 5, 2012 ballot. However, Senate Bill 202, which was enacted on October 7, 2011, moved the amendment to the 2014 ballot.

Arguments in Support

12. Supporters argue that Proposition 2 is desperately needed to impose fiscal responsibility on lawmakers. The State has seen its shares of peaks and valleys when it comes to the economy, thus creating surpluses and deficits. The State needs to have a plan in place for the surplus years to save and a fund to pull from in the lean years.

Arguments in Opposition

13. Educate Our State argues: "We could not escape from the fact that Proposition 2 and its connected statutory triggers were both unfair and fiscally irresponsible towards schools. When we realized no one in the political fray was willing to take on the Governor, who is backing Proposition 2, since he has a reputation for fiscal austerity and seems pretty sure to be reelected, we realized it was the job of parent volunteers to take the lead. Unlike politicians, lobbyists, and other special interests, we have nothing to lose."

Support
(Partial List)

Bay Area Council
Butte County Democratic Party
California Chamber of Commerce
California Democratic Party
California Farm Bureau Federation
California Forward Action Fund
California Republican Party
California State Association of Counties
Democratic Party of Orange County
Democratic Party of Sacramento County
Democratic Party of San Fernando Valley
Dr. Michael Kirst, President, California Board of Education Organizations
Fresno County Democrats
Fullerton Chamber of Commerce
Howard Jarvis Taxpayers Association
Jerry Brown, Governor (D)
League of California Cities
League of Women Voters of California
Los Angeles County Democratic Party
Neel Kashkari, Gubernatorial candidate (R)
Nevada County Republican Party
Republican Party of San Diego County
San Diego County Democratic Party
San Diego County Taxpayers Association
San Francisco Republican Party
San Jose Mercury News
State Building and Construction Trades Council of California
Western Growers

Opposition
(Partial List)

Ellen Brown (Candidate for California Treasurer)
Educate Our State
Evolve

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

Summary

1. Proposition 45 can best be summarized in the following way:

    a. A YES vote on this measure means: Rates for individual and small group health insurance would need to be approved by the Insurance Commissioner before taking effect.
    b. A NO vote on this measure means: State regulators would continue to have the authority to review, but not approve, rates for individual and small group health insurance.

2. *PPIC Polling Data (9/8/2014 - 9/15/2014)*

Support	*Oppose*	*Undecided*	*Margin of Error*	*Sample Size*
48.0%	*38.0%*	*14.0%*	*+/-3.6*	*1,702*

Background

3. Proposition 45 requires the Insurance Commissioner (the Commissioner) to approve rates for certain types of health insurance.

4. The rate approval process would be similar to a process that is currently used for other types of insurance, such as automobile and homeowner's insurance.

5. The measure also states that rates proposed after November 6, 2012 must be approved by the Commissioner, and payments based on rates in effect on November 6, 2012 are subject to refund.

6. There is some legal uncertainty about whether the Commissioner could require health insurance companies to issue refunds for health insurance no longer in effect.

7. The measure also broadly defines "rates" in a way that includes other factors beyond premiums, such as benefits, copayments, and deductibles.

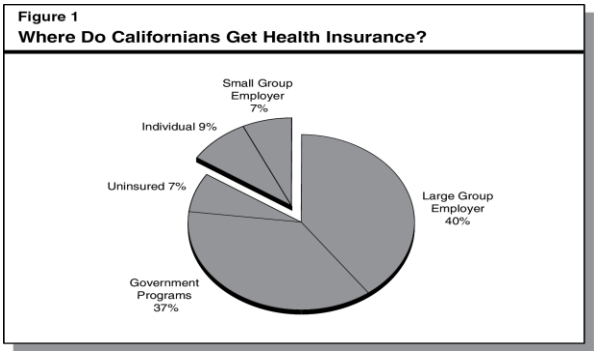
8. While there is some uncertainty regarding how this provision would be interpreted, it likely would not give the Commissioner any new authority to approve characteristics of health insurance products beyond premiums, such as the types of benefits covered.

9. Californians obtain health insurance in many different ways. Some individuals and families obtain it from government programs, such as Medicare or Medicaid (known as Medi-Cal in California).

10. Other individuals and families obtain job-based health insurance from their employers. Job-based coverage provided by companies with more than 50 employees is known as large group coverage.

11. Coverage provided by companies with 50 or fewer employees is known as small group coverage. Still other individuals and families purchase health insurance directly from a health insurance company (also known as individual health insurance).

12. This measure mainly applies to individual and small group health insurance—which covers roughly 6 million Californians, or 16 percent of the population.



13. Two ballot measure campaign committees have registered in support of Proposition 45:
    a. Consumer Watchdog Campaign - Yes on 45, A Coalition of Consumer Advocates, Attorneys, Policyholders, and Nurses
    b. Jones for Passage 2014 Insurance Rate Public Justification & Accountability Act

Arguments in Support

14. Supporters argue that, "premiums are going through the roof, a lot of people can't get health insurance at any price, benefits are going down, and company CEOs are getting rich…as the public wants accountability and transparency for the skyrocketing rates being charged."

Arguments in Opposition

15. Opponents argue that, "a special interest group is sponsoring the ballot measure and gives one individual new power to decide healthcare premiums, co-pays, deductibles and even the treatment options the insurance covers. Proposition 45 is flawed, deceptive and will ultimately increase costs to consumers."

Support

(Partial List)

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 Federation of Teachers (CFT)
California Industrial Areas Foundation (IAF)
California National Organization for Women (NOW)
California Nurses Association (CNA)
California Partnership
California School Employees Association (CSEA)
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)
Labor United for Universal Healthcare
Los Angeles Alliance for a New Economy (LAANE)
Northern California Carpenters Union Regional Council
Orange County Employees Association (OCEA)
Physicians for a National Health Program (PNHP) - California
San Diego Hunger Coalition
Superintendent of Public Instruction Tom Torlakson
U.S. Senator Barbara Boxer (D)
U.S. Senator Dianne Feinstein (D)
United Food and Commercial Workers (UFCW) Western States Council
United Teachers Los Angeles (UTLA)

Opposition

(Partial List)

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

Proposition 46: Drug and Alcohol Testing of Doctors. Medical Negligence Lawsuits. Initiative Statute.

Summary

1. Proposition 46 can best be summarized in the following way:

    a. A YES vote on this measure means: The cap on medical malpractice damages for such things as pain and suffering would be increased from $250,000 to $1.1 million and adjusted annually for future inflation. Health care providers would be required to check a statewide prescription drug database before prescribing or dispensing certain drugs to a patient for the first time. Hospitals would be required to test certain physicians for alcohol and drugs.
    b. A NO vote on this measure means: The cap on medical malpractice damages for such things as pain and suffering would remain at $250,000 and not be subject to annual inflation adjustments. Health care providers would not be required to check a statewide prescription database before prescribing or dispensing drugs. Hospitals would not be required to test physicians for alcohol and drugs.

2. *PPIC Polling Data (9/8/2014 - 9/15/2014)*

Support	*Oppose*	*Undecided*	*Margin of Error*	*Sample Size*
34.0%	*37.0%*	*29.0%*	*+/-4.8*	*467*

Background

3. This measure has several provisions that relate to health care provider conduct and patient safety. Specifically, the measure's primary provisions relate to medical malpractice, prescription drug monitoring, and alcohol and drug testing for physicians.

4. Proposition 46 would raise the cap on noneconomic damages for medical malpractice.

5. Beginning January 1, 2015, this measure adjusts the current $250,000 cap on noneconomic damages in medical malpractice cases to reflect the increase in inflation since the cap was established—effectively raising the cap to $1.1 million. The cap on the amount of damages would be adjusted annually thereafter to reflect any increase in inflation.

6. This measure requires health care providers, including physicians and pharmacists, to check Controlled Substance Utilization Review and Evaluation System (CURES) prior to prescribing or dispensing certain drugs to a patient for the first time.

7. Providers would be required to check the database for drugs that have a higher potential for abuse, including such drugs as OxyContin, Vicodin, and Adderall. If the check of CURES finds that the patient already has an existing prescription for one of these drug, the health care provider must determine if there is a legitimate need for another one.

8. This measure requires hospitals to conduct testing for drugs and alcohol on physicians who are affiliated with the hospital.

9. There are currently no requirements for hospitals to test physicians for alcohol and drugs.

10. The measure requires that testing be done randomly and in two specific instances:
    a. When a physician was responsible for the care and treatment of a patient within 24 hours prior to an adverse event. (Adverse events include such things as mistakes made during surgery, injuries associated with medication errors, or any event that causes the death or serious disability of a patient.)
    b. When a physician is the subject of a report of possible drug or alcohol use while on duty or failure to follow the appropriate standard of care (discussed below).

11. The hospital would be required to bill the physician for the cost of the test. The hospital would also be required to report any positive test results, or the willful failure or refusal of a physician to submit to the test, to the Board.

12. 4 ballot measure campaign committees are registered in support of Proposition 46 as of September 8, 2014:
    a. Consumer Watchdog Campaign - Yes on 45 and 46, A Coalition of Consumer Advocates, Attorneys and Nurses
    b. Consumer Watchdog Campaign - Yes on 46
    c. Families for Patient Safety
    d. Yes on Prop. 46, Your Neighbors for Patient Safety

Arguments in Support

13. Supporters argue that, "Medical malpractice costs (payments and insurance) represent only a very small fraction of health care costs.

14. In fact, California's medical malpractice cap has not reduced health care costs; indexing the cap will not raise costs because malpractice-related costs are such an infinitesimally small portion of health care costs. The CBO has found that the package of limitations on liability advocated by the AMA cannot possibly reduce healthcare costs by more than ½ of 1%. In contrast, the Affordable Care Act contains several reforms that are already reducing healthcare costs by more than that amount: Accountable Care Organizations, Patient-Centered Medical Homes, pay for performance initiatives, and bundled payments.

Arguments in Opposition

15. Opponents argue, "Trial lawyers drafted a November 2014 ballot measure seeking to change current law to file more medical lawsuits against health care providers. If they get their way, medical lawsuits and payouts will skyrocket. Someone will have to pay those costs. And that someone…is you.

16. Proposition 46 threatens People's Personal Privacy. Money isn't the only thing this ballot measure will cost you. It could cost you your personal privacy, and the doctors you trust and depend on. This measure forces doctors and pharmacists to use a massive statewide database filled with Californians' personal medical prescription information. A mandate government will find impossible to implement, and a database with no increased security standards to protect your personal prescription information from hacking and theft – none. And who controls the database? The government – in an age when government already has too many tools for violating your privacy."

Support
(Partial List)

38 Is Too Late
California Conference Board–Amalgamated Transit Union
California Teamsters Public Affairs Council
Congress of California Seniors
Consumer Attorneys of California
Consumer Federation of California
Consumer Watchdog
U.S. Senator Barbara Boxer (D)

Opposition
(Partial List)
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 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 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.

PPIC Polling Data (9/8/2014 - 9/15/2014)

Support	*Oppose*	*Undecided*	*Margin of Error*	*Sample Size*
62.0%	*25.0%*	*13.0%*	*+/-3.6*	*1,702*

Support

(Partial List)

A New PATH (Parents for Addiction Treatment & Healing)
AFL-CIO
AFSCME
Alliance of Californians for Community Empowerment
American Civil Liberties Union of California
B. Wayne Hughes Jr., businessman and philanthropist
California Association of Alcohol and Drug Program Executives, Inc.
California Democratic Party
California Federation of Teachers
California Labor Federation
California Teachers Association
Children's Defense Fund of California
Crime Survivors for Safety and Justice
Former San Diego Police Chief William Lansdowne
Jay Z
Latino Coalition for a Healthy California
Life After Uncivil Ruthless Acts (LAURA)
Los Angeles Metropolitan Churches
Marin County Superintendent of Schools Mary Jane Burke
NAACP – San Diego Branch
NAACP – San Jose Branch
PICO California
Progressive Christians Uniting
San Francisco District Attorney George Gascón (D)
SEIU California
The League of Women Voters of California
The Sentencing Project
The Women's Foundation
Victims/Survivors Network of Los Angeles
Victims/Survivors Network of San Diego

Opposition

(Partial List)

Birgit Fladager, Stanislaus County District Attorney
Bruce Haney, Trinity County Sheriff
California Coalition Against Sexual Assault
California Correctional Supervisors Association
California District Attorneys Association
California Peace Officers Association
California Police Chiefs Association[18]
California Retailers Association
California State Sheriffs Association
Crime Victims Action Alliance
Crime Victims United
David Eyster, Mendocino County District Attorney
David Hollister, Plumas County District Attorney
Dean Growdon, Lassen County Sheriff
Greg Hagwood, Plumas County Sheriff
Greg Strickland, Kings County District Attorney
John Anderson, Madera County Sheriff
John McMahon, San Bernardino County Sheriff-Coroner
John Robertson, Napa County Sheriff
Jon Lopey, Siskiyou County Sheriff
Kirk Andrus, Siskiyou County District Attorney
Mark Peterson, Contra Costa County District Attorney
San Diego Police Chief Shelley Zimmerman[17]
Stephen Wagstaffe, San Mateo County District Attorney[18]
Thomas Allman, Mendocino County Sheriff
Thomas Cavallero, Merced County Sheriff-Coroner
Thomas Cooke, Mariposa County District Attorney
Todd Riebe, Amador County District Attorney

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
(Partial List)

Governor Jerry Brown
California Democratic Party

Opposition
(Partial List)

Stand Up for California

Hidden Gas Tax Campaign

Summary

1. The hidden gas tax campaign is a coalition of industry and business partners organized by the California Drivers Alliance in order to prevent the expansion of the California Air Resources Board's (CARB) cap and trade program to include gas and diesel fuels by January 1, 2015.

Background

2. The California Drivers Alliance is working to educate drivers and consumers of gas and diesel fuels on what they deem a "hidden gas tax."

3. The Alliance estimates that by expanding CARB's cap and trade program to include gas and diesel fuels, it will increase the cost of gas from 16 cents per gallon to as much as 76 cents per gallon or more.

4. CARB's own economic analysis which was conducted in 2010, concludes that fuel prices could increase by 4% to 19% as a result of the regulations.

5. The same analysis as predicts that the per capita cost of gas will fall from $1,437 in 2012 to $1,012 in 2020.

6. AB 69 (Perea – D) was introduced earlier this year to delay by 3 years the inclusion of gas and diesel fuels in the cap and trade program.

7. AB 69 passed out of the State Assembly but failed to move forward in the State Senate.

8. Coalition partners include: California Water Alliance, Western Agricultural Processors Association, California Urban Partnership, Western States Petroleum Association, Madera County Economic Development Commission, and California Grocers Association to name a few.

9. In order for the legislature to act, legislation would need to be enacted in special session before January 1, 2015.