

CLEAR ADVOCACY

CLEAR COMMENTARY August 20, 2020



Just Another Week in California

As if the ongoing battle to flatten the COVID19 virus weren't enough, this week California was hit with a sustained blistering heatwave, thunderstorms bringing with them 11,000 lightning strikes that ignited 367 wildfires, of which 26 are considered major and forcing evacuation of dozens of communities. As if that weren't enough, the state's power grid struggled to keep up with demand and for the first time in 19 years, imposed rolling blackouts for several days during the worst of the heatwave.

And with that, we come to the fiscal committee deadline for the legislature and the always opaque Suspense File. As a refresher, the Suspense File is where any legislation costing the state more than a token amount to the state is sent, to be sorted out by legislative leadership which factors into the decision making process a host of considerations, such as cost (seriously), politics, priority to the author, and whether the author has been naughty or nice. Those bills failing approval are held by the committee, yielding a result providing thorny issues can be killed without the fingerprint of votes.

Those bills surviving this rite of passage are released to the floor, which sets the field of play for dealing with what are some of the toughest issues of the year.

The Assembly Appropriations Committee had 89 Senate bills on its Suspense file while the Senate held 180 Assembly Bills in Suspense and both committees acted on their respective files on August 20th.

Here are some of the tougher bills that survived Suspense and will face floor votes (and fights) starting next week and ending on August 31, the last day of the legislative session. We are also hearing a number of budget trailer bills could be amended with major policy considerations. Budget Trailer bills become effective upon signature of the Governor.

Senate Bill 1383 (Jackson) – Expands medical and family leave protections from employers with over 50 employees, to employers with over five employees. This is the mother of all floor fights. A top priority for the Governor and organized labor, over 100 business groups have coalesced to defeat the bill.

Senate Bill 977 (Monning) – Authorizes the Attorney General the authority to review and approve proposed acquisitions of health care facilities and practices by health care systems, hedge funds or private equity groups. Sponsored by the Attorney General on the heels of an acquisition settlement by Sutter Health, its supported by organized labor and the Pacific Business Group on Health, among a host of others. It's a top priority opposed by hospitals, the Medical Association and other providers, and the Chamber of Commerce.

Senate Bill 275 (Pan) – Requires the State itself and health care providers to stockpile a 90-day supply of PPE for distribution to health care and essential workers during a pandemic or public health emergency. This bill pits labor against many health care providers.

Senate Bill 793 (Hill) – Bans flavored tobacco and vaping products. Advocated by public health and consumer advocates, businesses, convenience store owners, Big Tobacco, and taxpayer organizations oppose. The interesting balance here is the potential loss of tax revenues during this uncertain economic time. Big tobacco is spending heavy on television and social media.

Senate Bill 1159 (Hill), Assembly Bill 196 (Gonzalez), and Assembly Bill 664 (Cooper) – Workers' Compensation. Each of these bills represent a varying approach to covering workers contracting COVID19 on the job. Labor most actively supports AB 196, while SB 1159 is a more moderated approach that codifies the Governor's expiring Executive Order. Workers' Comp is always one of the toughest cage matches for a vote.

Assembly Bill 1436 (Chiu) – Would provide temporary eviction relief to residential tenants and would allow mortgage borrowers to request forbearance resulting from COVID19-related financial distress. This fight pits public health, tenants, and consumer rights organizations against business, bankers, employers, and others. The Senate Judiciary

Committee hearing on this bill lasted for over six hours with hundreds flooding the phone lines in both support and opposition.

Assembly Bill 3262 (Stone) – Imposes product liability for online retail marketplaces. AB 3262 is intended to level the e-commerce playing field with traditional brick and mortar retailers and is sponsored by trial lawyers and labor. The very businesses seeming to benefit are in strident opposition based upon overreach and litigation vulnerability.

Assembly Bill 685 (Reyes) – Requires employers to provide multiple notices if an employee is contracts COVID19. Sponsored by labor and opposed by pretty much every employer stakeholder in the state. Look for significant amendments to this bill by week's end.

SB 54/AB 1080 – Major plastic ban bills. Establishes and provides CalRecycle with broad authority to develop all the major components of program without legislative oversight. Many flaws to legislation over standardization of program. No funding plan. The scope of bill is not limited to plastics. These bills were held up last year. Opponents want bills held until next session.

