



April 2, 2021

The Honorable Lorena Gonzalez
California State Assembly

RE: AB 286 (Gonzalez) Food delivery: fees and tips.

Position: OPPOSE

The **Southwest California Legislative Council** is an advocacy coalition comprised of representative members of the Temecula Valley, Murrieta/Wildomar, Lake Elsinore Valley, and Menifee Valley Chambers of Commerce representing more than 3,500 employers dedicated to promoting job growth, economic expansion, and preserving the overall global competitiveness of California.

The **SWCLC** must strongly **OPPOSE AB 286**. As amended, AB 286 purports to help restaurants and merchants. However, in fact, this bill will result in increased costs to consumers, reduced business and revenues for restaurants, and fewer income-earning opportunities for drivers.

AB 286 is a hidden tax on consumers and small businesses and would hurt the very restaurants it is intended to protect, including minority-owned businesses.

App-based delivery platforms connect restaurants, customers, and drivers. Fees are carefully balanced to reflect the mutual benefits to each party: fees on restaurants help pay for marketing, payment and insurance for drivers, customer service, and other services that help restaurants gain customers and grow business. Fees on customers reflect the convenience and value of the delivery service while also ensuring fair payment to drivers.

AB 286 would arbitrarily and permanently cap fees paid by restaurants and will force prices to rise on consumers in order to ensure adequate revenues to provide app-based delivery services. For instance, a 15% cap on a typical \$20 food order is \$3. That \$3 is insufficient to pay for the driver, insurance, marketing, credit card processing fees, customer support, technology, and costs of operating the platform.

Because of this, in communities that have passed these arbitrary fee caps, consumer prices have increased to compensate and ensure that app-based delivery remains viable. In cities that have implemented these arbitrary fee caps, consumer costs have immediately gone up by \$2-3 per order.

Higher prices are proven to reduce demand by as much as 30%, taking away customers and business from restaurants that are struggling to stay afloat during these challenging times. AB 286 will be particularly harmful to small independent restaurants trying to compete with larger chains that have their own marketing and even delivery services. Furthermore, while AB 286 purports to help restaurants struggling with the pandemic, it is permanent in nature and won't even go into effect until 2022.

And the higher prices also harm drivers working with app-based platforms, as reduced demand for services means fewer work opportunities for drivers, less income for drivers and reduced sales tax revenues for municipalities.

Finally, AB 286 is unnecessary. California recently passed legislation (AB 2149) that requires app-based platforms to enter into a contract with every restaurant and merchant they list on their app. As a result, every restaurant or merchant that utilizes app-based delivery services has voluntarily entered into an agreement with full transparency into the terms, fees, and benefits of partnering with these platforms.

For these and other reasons, the **Southwest California Legislative Council** must strongly **OPPOSE AB 286**, and ask for your **'NO'** vote when it comes before you for consideration.

Respectfully,



Adam A. Ruiz, Chair
adam@SRCAR.org



Gene Wunderlich, Legislative Liaison
gad@swcaladvocacy.com

cc:

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Assembly Committee on Privacy and Consumer Protection		
Assembly Member Ed Chau, Chair	916.319.2149	
Assembly Member Kevin Kiley, Vice Chair	916.319.2106	
Assembly Member Kelly Seyarto	916.319.2167	951.894.5053
Assembly Member Marie Waldron	916.319.2175	760.480.7516
Assembly Member Sabrina Cervantes	916.319.2160	
Assembly Member Jose Medina	916.319.2161	
California Chamber of Commerce	916.325.1272	



April 2, 2021

The Honorable Dave Cortese
California State Senate

RE: SB 31 (Cortese) – Decarbonization Programs Act

Position: OPPOSE

The **Southwest California Legislative Council** is an advocacy coalition comprised of representative members of the Temecula Valley, Murrieta/Wildomar, Lake Elsinore Valley, and Menifee Valley Chambers of Commerce representing more than 3,500 employers dedicated to promoting job growth, economic expansion, and preserving the overall global competitiveness of California.

The **SWCLC** must regrettably **OPPOSE SB 31 (Cortese)**. As amended, SB 31 would amend the principal goal of electric and natural gas utilities' resource planning and investment to include the decarbonization of existing and new buildings. While SB 31 is presented as an increase in funding for building decarbonization efforts, this bill actually limits the state's ability to reduce emissions from buildings by excluding renewable gas (RG) and singularly directing funding to electrification programs.

Unfortunately, state regulators seem to have already concluded that building decarbonization means building electrification, which stifles innovation and severely limits the tools we can use to fight climate change at a time when must leverage every tool available. We believe SB 31 will give state regulators free reign to fund electrification only efforts without fully evaluating the benefits of RG to achieve the climate policy imperative of net zero emissions and diminishing the prospects for achieving the climate policy imperatives. RG is a clean and affordable energy option that's available today. It's a smart fuel choice for all of us because it saves money, reduces our carbon footprint and provides a consistent source of reliable energy.

Numerous decarbonization pathways models recognize the need for a capable and robust gas grid to achieve decarbonization goals, including for reducing building emissions.

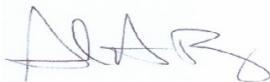
Rather than focusing on a singular pathway that cannot succeed, the state should include the necessary implements in its approach to decarbonization, including a capable gas grid. RG, including green hydrogen and biomethane, can play a vital role in accelerating the state's decarbonization efforts because RG is a drop-in replacement for traditional natural gas, and it can be used to decarbonize many sectors of the economy, including shipping, aviation, heavy-duty long-haul transportation, iron and steel production, and manufacturing processes that require high-temperature industrial heat such as aluminum, glass and cement.

In the recent past, regulators and decarbonization advocates have called for a ban on gas appliances. Bearing in mind that the vast majority of Californians currently use natural gas as their preferred affordable energy source for space and water heating, as well as cooking, electrifying end uses could increase annual utility bills almost \$900 more than in mixed-fuel homes. Most families cannot afford to shoulder this undue and onerous financial burden, particularly those experiencing hardships from the COVID-19 pandemic.

As our state is currently facing historic levels of homelessness and poverty, policies that would drastically increase the cost of building compliance and monthly utility bills, which negatively impact housing affordability, are misguided and regressive. The Legislature should oppose undefined, unchecked and unproven policies to identify, fund, and implement GHG reduction efforts that compromise affordability and eliminate customer choice, while stifling innovation and slowing decarbonization efforts. Lastly, the state should leverage the existing gaseous fuel delivery system, which possesses built-in resiliency (i.e., during natural disasters and wildfires), while maintaining customer choice.

For these and other reasons, the **Southwest California Legislative Council** must regretfully **OPPOSE SB 31**, and ask for your **'NO'** vote when it comes before you for consideration.

Respectfully,



Adam A. Ruiz, Chair
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April 4, 2021

The Honorable Josh Newman
California State Senate

RE: SB 623 (Newman) Electronic toll and transit fare collection systems.

Position: SUPPORT

The **Southwest California Legislative Council** is an advocacy coalition comprised of representative members of the Temecula Valley, Murrieta/Wildomar, Lake Elsinore Valley, and Menifee Valley Chambers of Commerce representing more than 3,500 employers dedicated to promoting job growth, economic expansion, and preserving the overall global competitiveness of California.

The **SWCLC** is pleased to **SUPPORT SB 623 (Newman)**. As introduced, SB 623 would clarify existing law to assure that operators of toll roads, bridges and express lanes statewide can perform the necessary operations to enforce toll policies, provide emergency road alerts to account holders and fulfill interoperability for seamless cross-agency billing around the state while maintaining strong privacy protections.

SB 623 it makes clear, consistent with the original legislative intent, that toll facilities are permitted to share necessary customer information with the Department of Motor Vehicles and other agencies to pursue toll collection and enforcement, and to share such information with other toll facilities to carry out the state mandate for interoperability (allowing one toll facility's customers to use any other toll facility within the state).

We know that customer privacy is a critical issue, and SB 623 was specifically drafted to preserve privacy and maintain the prohibition against the sale or other disclosure of personal information except for essential operating functions of toll facilities and transit fare payment systems. The bill retains the \$2,500 per violation penalty in current law and adds the requirement that a transportation agency describe in a "clear manner" within its privacy policy the process for providing opt-in consent and for revoking that consent.

Toll agencies across the state are currently the target of various lawsuits alleging that they are violating restrictions in current law from SB 1268 (Simitian, 2010) related to sharing personally identifiable information (which the law defines to include a license plate number) even though it would be impossible for toll agencies to operate without making use of such information when operating a toll facility. Because of the ambiguity in the current law, toll agencies are forced to weigh providing emergency alerts against potential lawsuits alleging billions in statutory damages. For instance, during the fall 2020 fires in Orange County, toll agencies felt that because of the potential litigation risk, they were not able to notify their customers about the wildfires that forced the closure of their roads. This bill would clarify that toll agencies are permitted to provide these emergency communications without fear of costly lawsuits.

Without the passage of SB 623, the operation of toll facilities could continue to be severely hindered by class action lawsuits that distort the Legislature's intent in order to try and seek billions in penalties. These lawsuits threaten the ability of agencies to meet payment obligations on bonds, to invest in future infrastructure improvements and the jobs they support and undermine the viability of toll facilities as a mode of travel, congestion management, and greenhouse gas reduction.

For these and other reasons, the **Southwest California Legislative Council** is pleased to **SUPPORT SB 623**, and ask for your **'YES'** vote when it comes before you for consideration.

Respectfully,



Adam A. Ruiz, Chair
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Gene Wunderlich, Legislative Liaison
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Senator Lena Gonzalez, Chair	916.651.4933	
Senator Patricia Bates, Vice Chair	916.651.4936	
Senator Melissa Melendez, Member	916.651.4128	951.894.3536
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SWCLC Southwest California Legislative Council

April 15, 2021

The Honorable Patricia Bates
California State Senate

RE: SB 760 (Bates) State highways: State Route 241: reduction.

Position: OPPOSE

The **Southwest California Legislative Council** is an advocacy coalition comprised of representative members of the Temecula Valley, Murrieta/Wildomar, Lake Elsinore Valley, and Menifee Valley Chambers of Commerce representing more than 3,500 employers dedicated to promoting job growth, economic expansion, and preserving the overall global competitiveness of California.

The **SWCLC** must regrettably **OPPOSE SB 760 (Bates)**. As introduced, SB 760 represents yet another attempt by one city to override a multi-year collaborative effort to address transportation corridor benefits for an entire region.

SB 760 supersedes and interferes with transportation decisions that have been made at the local level, and would effectively preclude our local cities and transportation agencies from evaluating potential regional solutions in the future. The **SWCLC**, our Chambers, and local businesses are all stakeholders impacted by the transportation decisions made regarding this important corridor and have voiced our concerns with similar attempts to limit the solution arrived at by the Transportation Corridor Agency (TCA), a public joint powers authority that works with all the cities in South Orange County to develop consensus solutions.

After years of effort and negotiation with numerous stakeholders including Caltrans, the Orange County Transportation authority, TCA, and others, three projects were identified as having the greatest positive impact on transportation needs within the region. They include:

- Un-tolled extension of Los Patrones Parkway
- I-5 HOV lane improvement from Avenida Pico south to the San Diego County line
- Gap closure/widening of a segment of the Ortega Highway

These processes to define mobility solutions were successful rendering further legislative interference unnecessary and counter-productive. Further, this bill may well undermine the goodwill and trust that was built up during years of effort. This multi-agency solution demonstrates that local issues can best be resolved by local jurisdictions. Ignoring this regional approach would set a bad precedent that would allow small special interest groups to halt regionally beneficial transportation projects.

For these and other reasons, the **Southwest California Legislative Council** must regrettably **OPPOSE SB 760**, and ask for your **'NO'** vote when it comes before you for consideration.

Respectfully,



Adam A. Ruiz, Chair
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Gene Wunderlich, Legislative Liaison
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SWCLC Southwest California Legislative Council

April 15, 2021

The Honorable Darrell Issa
United States House of Representatives
2300 Rayburn House Office Building
Washington, DC 20515

The Honorable Ken Calvert
United States House of Representatives
2205 Rayburn Building
Washington, DC 20515

RE: City of Temecula DePortola/Jedidiah Smith Roundabout Federal Funding Request in the Amount of \$800,000

Position: SUPPORT

The **Southwest California Legislative Council** is an advocacy coalition comprised of representative members of the Temecula Valley, Murrieta/Wildomar, Lake Elsinore Valley, and Menifee Valley Chambers of Commerce representing more than 3,500 employers dedicated to promoting job growth, economic expansion, and preserving the overall global competitiveness of California.

The **SWCLC** strongly **SUPPORTS** the City of Temecula's \$800,000 Federal Funding Request for the DePortola Road and Jedidiah Smith Road Roundabout ("DePortola/Jedidiah Smith Roundabout").

The DePortola/Jedidiah Smith Roundabout will address significant traffic delays and congestion issues at the DePortola Road and Jedidiah Smith Road intersection, improve traffic safety, and maintain the rural character of the area. Despite being in a low density residential neighborhood, DePortola Road is a heavy traveled arterial street adjacent to a busy commercial corridor and attracts a significant amount of pass-through traffic. A roundabout at this intersection will maintain the rural character of the community (in contrast to the installation of a new traffic signal), and alleviate the traffic delays and congestion within the City of Temecula

For these and other reasons, the **Southwest California Legislative Council** is pleased to **SUPPORT** Temecula's Jedidiah Smith Roundabout federal funding request, and respectfully request your support as well. Thank you for your consideration.

Respectfully,



Adam A. Ruiz, Chair
adam@SRCAR.org



Gene Wunderlich, Legislative Liaison
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cc: Betsy Lowery, City of Temecula

SWCLC Southwest California Legislative Council

April 15, 2021

The Honorable Darrell Issa
United States House of Representatives
2300 Rayburn House Office Building
Washington, DC 20515

The Honorable Ken Calvert
United States House of Representatives
2205 Rayburn Building
Washington, DC 20515

RE: Interstate 15/Temecula Parkway Interchange Landscape Enhancement Project Funding Request in the Amount of \$3.5 Million

Position: SUPPORT

The **Southwest California Legislative Council** is an advocacy coalition comprised of representative members of the Temecula Valley, Murrieta/Wildomar, Lake Elsinore Valley, and Menifee Valley Chambers of Commerce representing more than 3,500 employers dedicated to promoting job growth, economic expansion, and preserving the overall global competitiveness of California.

The **SWCLC** strongly **SUPPORTS** the City of Temecula's \$3.5 million funding request for the Interstate 15/SR 79 (Temecula Parkway) Interchange Landscape Enhancement Project ("Landscape Enhancement Project").

The Landscape Enhancement Project is the first phase of the I-15 Branding and Design Plan, which is the final component of the newly reconstructed and expanded the I-15/SR 79 (Temecula Parkway) \$56M Interchange project. The City of Temecula is the lead agency working with Caltrans to now complete and enhance the landscape at this interchange in collaboration with the Pechanga Band of Luiseño Indians and Visit Temecula Valley.

This interchange has been constructed near the confluence of Santa Margarita River, Murrieta Creek and Temecula Creek and the foot of Pu'éska Mountain; an area that is significant and holds profound cultural, historical and spiritual importance to Luiseño Indian People. It is imperative that the design of the landscape at this interchange is enhanced in a manner that is respectful to the Tribe's ancestral heritage. The City of Temecula is working with the Pechanga Tribe to ensure the Landscape Enhancement Project at this interchange is enhanced to reflect appropriate Native American landscape, sculptures and décor.

The Landscape Enhancement Project equitably complements the region's tourism industry. Economically, Pechanga Band of Luiseño Indians is a critical component of Temecula's Valley's tourism industry which is comprised of the Pechanga Resort & Casino, champion golf courses, Temecula Valley Wine Country and Old Town Temecula. The Pechanga Tribe has brought, and continues to bring, many economic opportunities to the Temecula Valley including the creation of thousands of jobs. A strong tribal economy also provides services that Tribal members need, and philanthropy to nonprofit organizations.

In summary, the Landscape Enhancement Project has strong communitywide support, and is significant both culturally and economically to the region. For these and other reasons, the **Southwest California Legislative Council** is pleased to **SUPPORT** Temecula's \$3.5 million funding request for the Interstate 15/SR 79 (Temecula Parkway) Interchange Landscape Enhancement Project, and respectfully request your support as well. Thank you for your consideration.

Respectfully,



Adam A. Ruiz, Chair
adam@SRCAR.org



Gene Wunderlich, Legislative Liaison
gad@swcaladvocacy.com

cc: Betsy Lowery, City of Temecula



April 15, 2021

The Honorable Bob Archuleta
California State Senate

RE: SB 662 (Archuleta) Energy: transportation sector: hydrogen.

Position: SUPPORT

The **Southwest California Legislative Council** is an advocacy coalition comprised of representative members of the Temecula Valley, Murrieta/Wildomar, Lake Elsinore Valley, and Menifee Valley Chambers of Commerce representing more than 3,500 employers dedicated to promoting job growth, economic expansion, and preserving the overall global competitiveness of California.

The **SWCLC** is pleased to **SUPPORT SB 662 (Archuleta)**. As amended, SB 662 would authorize gas corporations to file applications to help accelerate the buildout of hydrogen refueling stations for the purpose of increasing the amount of zero emission vehicles (ZEV) on the road to help the state achieve its ambitious climate change goals.

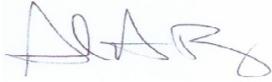
The transportation sector accounts for approximately 40 percent of the state's greenhouse gas emissions, the largest source sector, and more than 80 percent of its smog-forming (NOx) emissions. As such, the California Legislature has required the California Public Utilities Commission (CPUC) to direct electrical investor-owned utilities (IOUs) to invest in the electrification of the transportation sector. While these investments have proven to be a valuable resource in reducing barriers to entry for electric vehicles adoption, they are limited in scope and reach. SB 662 builds off that success by expanding to fuel cell electric vehicles (FCEVs). This is critical because FCEVs are the only zero emission option for some Californians and for heavy-duty applications.

While battery electric vehicles are a viable solution for some applications, they have limitations, including long charging times and range anxiety, or lack of range. FCEVs are the only zero emission option for many Californians who live in houses that require street parking or in multi-unit dwellings with no access to onsite charging infrastructure, which is a particular obstacle for lower-income customers. Additionally, FCEVs are the only zero emission option for many heavy-duty applications, because they do not have the same limitations as plug-in technologies such as range, weight, and charging time. These limitations preclude BEVs from operating in several heavy, high use applications and without other options, such as FCEVs, users will stick with the status quo of diesel trucks.

California is the clear leader in zero emission vehicles because it has invested in renewable energy and zero emission technologies, but in order to continue on this path, it should expand options to include FCEVs for the reasons mentioned above. Utility investment in the state's hydrogen refueling network is good policy for the state and it will build upon the success to date which in turn will continue to reduce harmful emissions and help the state's economy and climate goals.

For these and other reasons, the **Southwest California Legislative Council** is pleased to **SUPPORT SB 662**, and ask for your **'YES'** vote when it comes before you for consideration.

Respectfully,



Adam A. Ruiz, Chair
adam@SRCAR.org



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Senator Brian Dahle, Vice Chair	916.651.4901	
Senator Melissa Melendez, Member	916.651.4128	951.894.3536
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California Chamber of Commerce	916.325.1272	



April 19, 2021

The Honorable Ash Kalra
California State Assembly

RE: AB 1192 (Kalra) Employment information: worker metrics.

Position: OPPOSE

The *Southwest California Legislative Council* is an advocacy coalition comprised of representative members of the Temecula Valley, Murrieta/Wildomar, and Lake Elsinore Valley Chambers of Commerce representing more than 3,500 employers dedicated to promoting job growth, economic expansion, and preserving the overall global competitiveness of California.

The **SWCLC** must strongly **OPPOSE AB 1192 (Kalra)**. As amended April 5, 2021, AB 1192 has been labeled as a **JOB KILLER** by the CalChamber. AB 1192 forces employers to publicly disclose information regarding labor and employment issues for employees across the country, that will subject employers to unfair and unwarranted shaming, as well as subject employers to frivolous litigation and the loss of state benefits. This measure is a shameless ploy to use the power of the State to force companies to develop an extensive database to enable fishing expeditions in support of litigation or public relations campaigns.

AB 1192 Seeks to Publicly Shame Companies Regarding Wage and Benefits Data that Does not Violate the Law:

AB 1192 requires employers to report data regarding wages, benefits, scheduling, and safety for their entire United States workforce. The data would be published on the Labor and Workforce Development Agency's website by employer name. As set forth below, this snapshot of data regarding employees across the entire country will unfairly subject employers to unwarranted criticism.

AB 1192 requires employers to report wage and hour data according to race, ethnicity, and gender. There is no question that this data will show differences in compensation according to these categories, but that does not mean that such differences are discriminatory, unequal, or in any way a violation of the law. For example, an employer with a majority of its employees in states with lower minimum wage laws or areas with lower costs of living, will have lower pay. And, if those states have a higher number of women or racial minorities in its workforce than another area of the country, it will impact the data reported. Additionally, the equal pay laws in all states are not the same. California's equal pay law allows pay differences for bona fide reasons, such as seniority and experience. Other states have different standards or justifications for pay differences. Similarly, AB 1192 requires employers to identify the number of independent contractors it uses. Employers with a large workforce in California subject to AB 5 are likely to have different statistics than in a state that follows federal law or has a different standard. Even for those in California, whether the company uses independent contractors or not is likely determined by whether its industry was lucky enough to be included in one of the 100-plus exemptions to AB 5.

AB 1192 also provides that each company will be sorted into one of 24 industry groups. Companies within the same industry groups are compared to one another. Those 24 industry groups are broad, including categories such as Materials, Capital Goods, Media & Entertainment, and Consumer Services. Each encompasses a wide variety of different types of businesses.

In Media & Entertainment, the data for a production company that regularly uses daily hires or background performers and has unique scheduling needs would look significantly different from an advertising agency. In Capital Goods, companies engaged in aerospace & defense will look far different from those that manufacturer smaller, more specific products like electrical wires or trading companies. Under this bill, those companies could have state benefits or contracts withheld from them based on the apples-to-oranges comparisons that will result from these metrics.

While AB 1192 states that employers can basically provide footnotes for any discrepancies in pay or benefits to justify the differences, these footnotes will be lost in the headlines that Company A, provides lower pay to women than men or Company B has a high percentage of independent contractors. Publicly shaming companies is not the way in which to achieve higher, better paying jobs in California. Rather, it provides a significant incentive for employers to reduce their workforce to avoid this punitive mandate.

AB 1192 Requires Employers to Provide Data Regarding Benefits Not Required by Law to Further Shame Companies:

Three of the metrics employers would be required to report are the percentage of workers who are offered 12 weeks of short-term disability insurance or paid medical leave, 12 weeks of paid parental leave, or 12 weeks of paid caregiving leave. None of those leaves are required under California law. The California Family Rights Act (CFRA) requires 12-weeks of unpaid leave per year for certain qualifying reasons, including an employee's own medical conditions, caregiving, or baby bonding. Leave for caregiving is limited to certain family members. AB 1192 would publicly shame employers that do not offer far more than what is required by state law.

Similarly, one of the metrics concerns how far in advance employees are notified of their work schedules. While some local jurisdictions have predictive scheduling ordinances, there is no statewide requirement regarding how far in advance an employer must notify employees of their schedules. Publishing this data will shame employers that do not offer as much notice as others with no consideration for the varying needs of different businesses and no consideration for the fact that the company's scheduling practices are lawful.

AB 1192 Forces Employers to Request Personnel Information that Employees May Not Want to Provide:

The bill also requests information based on personnel data an employer is not allowed to require. An employer cannot require an employee to identify their race or gender. If the bill follows the federal EEO-1 guidance or the Department of Fair Employment and Housing (DFEH)'s SB 973 guidance, then for example where an employee does not disclose their race the employer must still report the information and essentially guess:

"...Employee self-identification is the preferred method of identifying race/ethnicity information. If an employee declines to state their race/ethnicity, employers must still report the employee according to one of the seven race/ethnicity categories, using — in this order — current employment records, other reliable records or information, or observer perception."

AB 1192 Forces Employers to Publicly Report Information that Could be Misused by Its Competitors:

The information could also be used by competitors. Competitors could use it to determine pay scales for specific companies and information about benefits provided and then use those statistics for recruitment, driving up costs for California employers and impeding their abilities to stay competitive.

AB 1192 Subjects Employers to Frivolous Litigation:

AB 1209 from 2017 would have required the publication of data from employers on mean wage differentials between male and female employees. In an article that year by Scott Rodd titled "Employer attorney concerned about lawsuits as wage data bill passes Legislature," published in the Sacramento Business Journal on September 13, 2017, a member of the plaintiff's bar stated:

“By posting this on the Secretary of State’s website, the government is basically giving us (plaintiff lawyers) the data we need to go in there and hammer companies,” said Galen T. Shimoda, attorney owner at Shimoda Law Corp.

Although the wage data cannot form the sole basis of a lawsuit, he believes the database will help set him “on the right track.” And while the purpose of the bill is not to spark litigation against large companies, Shimoda believes the government understands that litigation is a part of the corrective force needed to address wage disparity.

“With AB 1209 providing true statistics, it’s almost like the government is saying, ‘Here’s the basis, litigators — go for it, start filing,’” he said.

AB 1192 similarly requires an employer to report pay data and information about promotions that will give the false impression of pay disparity where none exists. Once the data is made public, a plaintiff’s attorney would simply have to review the companies with reported pay disparities or disparities in promotions and send a settlement demand or threaten litigation. If a company reports high numbers of independent contractors as compared to other companies, an attorney is sure to file a misclassification claim even if the use of contractors is lawful.

Governor Brown Vetoes a Prior Public Shaming Bill Because Plaintiff’s Attorneys Confirmed They Would Use The Data to File Lawsuits:

In 2017, Governor Brown vetoed AB 1209, which would have made similar pay data public. In his veto message he stated,

“While transparency is often the first step to addressing an identified problem, it is unclear that the bill as written, given its ambiguous wording, will provide data that will meaningfully contribute to efforts to close the gender wage gap. Indeed, I am worried that this ambiguity could be exploited to encourage more litigation than pay equity.” The version of this bill that eventually passed, SB 973 in 2020, intentionally did not include a publication provision. The DFEH may only publish that data in the aggregate, not data associated with specific companies.

Thus, publicly shaming companies for conduct that is not unlawful is simply unfair, will discourage growth in California and expose employers to costs associated with defending against meritless litigation.

AB 1192 Threatens Employers with Loss of State Benefits:

AB 1192 provides that the Legislature intends to establish a certification program that will allocate state contracts, tax benefits, and funding to those companies the LWDA deems as “high road employers” based on the data reported. Even if a company is operating lawfully and treating its employees well, the broad, ambiguous, and overall unhelpful data required by this bill will determine whether a company loses benefits or contracts it may have otherwise been awarded.

Employers Already Have Reporting Mandates Regarding Wage and Safety Information That is Not Subject to Public Shaming:

Just last year, California passed SB 973. SB 973 requires all California employers with 100 or more employees to report pay data by sex, race, ethnicity, and job category to the DFEH. Employers must also already comply with the federal Employer Information Report, otherwise known as the EEO-1 Report that also requires employers to report pay data according to sex, race, ethnicity, and job category. Not all data required under SB 973 is included on the EEO-1 reports, so employers must file both. Regarding safety, employers must already provide information about recordable injuries and fatalities to OSHA. Other companies such as those with federal or state contracts or in other specific industries also have their own special reporting requirements. These reports are for data purposes only, meaning they are sent to the state or federal government agencies, which then publishes the data in the aggregate. Any data published by OSHA is minimal and published years after it is reported. Comparatively, AB 1192 proposes to publish data according to employer for the purpose of publicly shaming companies.

AB 1192 May Violate the Commerce Clause By Imposing Labor Requirements on Out-of-State Workers:

AB 1192 raises constitutional concerns. The Dormant Commerce Clause of the United States Constitution forbids states from regulating activity in other states. See *Cotto Waxo Co. v. Williams*, 46 F.3d 790, 794 (8th Cir. 1995) (“[A] statute has extraterritorial reach when it necessarily requires out of-state commerce to be conducted according to in-state terms”); *Healy v. Beer Institute, Inc.*, 491 U.S. 324, 336 (1989) (“The critical inquiry is whether the practical effect of the regulation is to control conduct beyond the boundaries of the State.) Here, California is making certain benefits contingent on the compensation companies provide to workers in other states. Companies with workers in other states will be pressured to increase pay beyond what is required by minimum wage laws or the applicable cost of living, provide benefits not mandated by law, or reclassify workers as employees even where the use of an independent contractor is lawful. AB 1192 is essentially trying to impose California’s labor laws on out-of-state employees, which it cannot legally do.

For these and other reasons, the ***Southwest California Legislative Council*** must strongly **OPPOSE AB 1192 (Kalra) as a JOB KILLER**, and ask for your ‘NO’ vote when it comes before you for consideration.

Respectfully,



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SWCLC Southwest California Legislative Council

April 20, 2021

The Honorable Jose Medina
California State Assembly

RE: AB 927 (Medina) Public postsecondary education: community colleges: statewide baccalaureate degree pilot program.

Position: SUPPORT

The **Southwest California Legislative Council** is an advocacy coalition comprised of representative members of the Temecula Valley, Murrieta/Wildomar, and Lake Elsinore Valley Chambers of Commerce representing more than 3,500 employers dedicated to promoting job growth, economic expansion, and preserving the overall global competitiveness of California.

The **SWCLC** in pleased to **SUPPORT AB 927 (Medina)**. As amended April 12, 2021, AB 927 would indefinitely extend a successful pilot program that established a baccalaureate degree program at 15 community colleges.

Existing law, until July 1, 2026, authorizes the board of governors, in consultation with the California State University and the University of California, to establish a statewide baccalaureate degree pilot program. Existing law requires that program to consist of a maximum of 15 community college districts, with one baccalaureate degree pilot program each.

AB 927 would extend the operation of the statewide baccalaureate degree pilot program indefinitely. The bill would remove the requirements that the program consist of a maximum of 15 community college district programs and for a student to commence a program by the end of the 2022–23 academic year.

AB 927 would require a community college district seeking approval to offer a baccalaureate degree program to provide evidence of unmet workforce needs to the Chancellor of the California Community Colleges, as provided.

AB 927 would also establish the framework for Chancellors to apply and review each program as well as solicit input from both the Cal State and UC systems.

For these and other reasons, the **Southwest California Legislative Council** is please to **SUPPORT AB 927 (Medina)**, and ask for your **'YES'** vote when it comes before you for consideration.

Respectfully,



Adam A. Ruiz, Chair
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SWCLC Southwest California Legislative Council

April 20, 2021

The Honorable James Gallagher
California State Assembly

RE: AB 297 (Gallagher) Fire prevention

Position: SUPPORT

The **Southwest California Legislative Council** is an advocacy coalition comprised of representative members of the Temecula Valley, Murrieta/Wildomar, and Lake Elsinore Valley Chambers of Commerce representing more than 3,500 employers dedicated to promoting job growth, economic expansion, and preserving the overall global competitiveness of California.

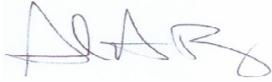
The **SWCLC** is pleased to **SUPPORT AB 297 (Gallagher)**. As introduced, AB 297 addresses several areas of existing law providing flexibility and incentive to homeowners and businesses to address the growing threat of wildfires across the state.

AB 297 actually impacts four different areas of existing law including:

- **The California Global Warming Solutions Act of 2006**
AB 297 would continuously appropriate \$480,000,000 and \$20,000,000 to the Department of Forestry and Fire Prevention and the California Conservation Corps, respectively, for fire prevention activities,
- **The Z'berg-Nejedly Forest Practice Act of 1973**
AB 297 would extend the state board's authorization to provide for the above exemption indefinitely. The bill would extend the distance of the fuelbreak to not more than 500 feet.
- **The California Environmental Quality Act (CEQA)**
AB 297 would exempt from the requirements of CEQA projects or activities related to forest health and fuel reduction that involve thinning overgrown brushes or trees 10 inches or less in diameter by mechanical thinning, pile burning, prescribed fire, and grazing.
- **The Personal Income Tax Law and the Corporation Tax Law**
AB 297 would require the California Competes Tax Credit Committee, in determining whether to enter an agreement with a taxpayer, to give priority to a taxpayer whose project or business enhances forest health and resiliency by utilizing timber harvested in California, including materials from forest health and fuel reduction projects.

For these and other reasons, the **Southwest California Legislative Council** is please to **SUPPORT AB 297 (Gallagher)**, and ask for your 'YES' vote when it comes before you for consideration.

Respectfully,



Adam A. Ruiz, Chair
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SWCLC Southwest California Legislative Council

April 20, 2021

The Honorable Dave Cortese
California State Senate

RE: SB 780 (Cortese) Local finance: public investment authorities.

Position: SUPPORT

The **Southwest California Legislative Council** is an advocacy coalition comprised of representative members of the Temecula Valley, Murrieta/Wildomar, Lake Elsinore Valley, and Menifee Valley Chambers of Commerce representing more than 3,500 employers dedicated to promoting job growth, economic expansion, and preserving the overall global competitiveness of California.

The **SWCLC** is pleased to **SUPPORT SB 780 (Cortese)**. As amended 4/16/2021, SB 780 seeks to reform, revitalize and improve a legislative body's ability to implement and/or utilize Enhanced Infrastructure Finance Districts (EIFD's) and Community Revitalization Investment Authorities (CRIA's).

After the elimination of redevelopment agencies, the state has tried to find effective solutions to spur economic development and build affordable housing in local communities. RDAs' dissolution deprived many local governments of the primary tool they used to eliminate physical and economic blight, finance new construction, improve public infrastructure, rehabilitate existing buildings, and increase the supply of affordable housing.

Enhanced Infrastructure Finance Districts (EIFD's) and Community Revitalization Investment Authorities (CRIA's) have shown promise, yet have proven to be overly cumbersome to establish and operate. SB 780 will successfully revitalize these tools, empowering local agencies to leverage their tax increment to spur the development of affordable housing and public infrastructure in their communities.

For these and other reasons, the **Southwest California Legislative Council** is pleased to **SUPPORT SB 780 (Cortese)**, and ask for your 'YES' vote when it comes before you for consideration.

Respectfully,



Adam A. Ruiz, Chair
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April 20, 2021

The Honorable Patricia Bates
California State Senate

RE: SB 668 (Bates) Property taxation: change in ownership: inheritance exclusion.

Position: SUPPORT

The *Southwest California Legislative Council* is an advocacy coalition comprised of representative members of the Temecula Valley, Murrieta/Wildomar, Lake Elsinore Valley, and Menifee Valley Chambers of Commerce representing more than 3,500 employers dedicated to promoting job growth, economic expansion, and preserving the overall global competitiveness of California.

The **SWCLC** is pleased to **SUPPORT SB 668 (Bates)**. As introduced, SB 668 seeks to delay and clarify implementation specifically of the intergenerational transfer portion of Prop 19, passed last year by California voters. The *Southwest California Legislative Council* **OPPOSED** Prop 19 precisely for the reasons called out in SB 668.

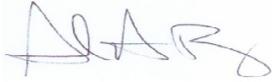
As you may recall, Prop 19 was a two part measure in which most people – including promoters and voters, focused on part 1, the expansion of existing Prop 60 and 90 processes allowing citizens over the age of 55 to transfer their Prop 13 tax base to any county in the state; to purchase a property of lesser, equal, or greater value; and to exercise the option more than once.

Part two limited the ability of a parent or grandparent to bequeath a property to the child or grandchild who would inherit that property with the stepped-up Prop 13 tax basis (currently limited to the first \$1,000,000 of property value), unless that inheritor moved into the property as their principle residence. As the state and counties moved to implement Prop 19, property owners discovered this second aspect of the proposition with some consternation. What happens if you leave the property to multiple family members – who qualifies as principle resident, why is the state trying to raise an estimated \$1 billion a year on the backs of our children and grandchildren?

Proponents emphasized the benefits of Part 1 of the Proposition, the tax portability provisions for seniors, but often neglected to mention Part 2, the loss of most intergenerational property transfer with severe tax implications. As a result people are experiencing some shock as their carefully planned portfolio with intergenerational housing options is not the safe family haven it has always been. This is one of the few measures that allow today's youth to build security for their families. Clarification while delaying the implementation of this provision would prove a strong economic benefit to the State of California.

For these and other reasons, the *Southwest California Legislative Council* is pleased to **SUPPORT SB 668 (Bates)**, and ask for your **'YES'** vote when it comes before you for consideration.

Respectfully,



Adam A. Ruiz, Chair
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Office of the Governor
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SWCLC Southwest California Legislative Council

April 20, 2021

The Honorable Lena Gonzalez
California State Senate

RE: SB 606 (Gonzalez) Workplace safety: violations of statutes: enterprise-wide violations: employer retaliation.

Position: OPPOSE

The **Southwest California Legislative Council** is an advocacy coalition comprised of representative members of the Temecula Valley, Murrieta/Wildomar, Lake Elsinore Valley, and Menifee Valley Chambers of Commerce representing more than 3,500 employers dedicated to promoting job growth, economic expansion, and preserving the overall global competitiveness of California.

The **SWCLC** must regretfully **OPPOSE SB 606 (Gonzalez)**. As amended 4/8/2021, SB 606 would greatly broaden Cal/OSHA's scope of enforcement into the Labor Code as well as the Health and Safety Code and create unnecessary anti-retaliation protections that will lead to meritless litigation against employers.

Employers across California are already struggling to comprehend and keep up with rapidly-changing state and local health guidelines related to COVID-19, as well as a new and rapidly evolving COVID-19 ETS. At the same time, Cal/OSHA is already working hard to educate, explain, and enforce the COVID-19 ETS, and is already staffing up due to support in the Governor's Budget. SB 606 will not improve Cal/OSHA's staffing difficulties or COVID-19 enforcement – it will only add confusion and duplication with its myriad of ill-considered changes, and catch well-intentioned employers in its net.

Further, this measure is so exceedingly vague and expansive that even the most well-intentioned employers could be subject to significant penalties. The anti-retaliation provisions are ripe for abuse and run counter to disciplinary provisions in the respective Collective Bargaining Agreements of our business community.

For these and other reasons, the **Southwest California Legislative Council** must regretfully **OPPOSE SB 606 (Gonzalez)**, and ask for your 'NO' vote when it comes before you for consideration.

Respectfully,



Adam A. Ruiz, Chair
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SWCLC Southwest California Legislative Council

April 20, 2021

The Honorable Melissa Melendez
California State Senate

RE: SB 527 (Melendez) Greenhouse Gas Reduction Fund: high-speed rail: Salton Sea restoration.

Position: SUPPORT

The **Southwest California Legislative Council** is an advocacy coalition comprised of representative members of the Temecula Valley, Murrieta/Wildomar, Lake Elsinore Valley, and Menifee Valley Chambers of Commerce representing more than 3,500 employers dedicated to promoting job growth, economic expansion, and preserving the overall global competitiveness of California.

The **SWCLC** is pleased to **SUPPORT SB 527 (Melendez)**. As introduced, SB 527 seeks to redirect funding from the California HSR Authority to the Salton Sea Restoration Fund.

Existing law establishes the Salton Sea Restoration Fund and requires the fund to be administered by the Director of Fish and Wildlife. Existing law requires the moneys deposited in the fund to be expended, upon appropriation by the Legislature, for various purposes relating to the restoration of the Salton Sea.

SB 527 would eliminate the continuous appropriation of 25% of the annual proceeds of Greenhouse Gas Reduction Fund to the High-Speed Rail Authority on June 30, 2022. The bill, beginning with the 2022–23 fiscal year, would annually transfer 25% of the annual proceeds of the Greenhouse Gas Reduction Fund to the Salton Sea Restoration Fund.

If you haven't visited the Salton Sea recently, you should revisit to discover the potential for this single project to enrich an entire area of the state, an area currently fallen on hard times as the quality of the Sea deteriorates. The area poses a public health risk to locals with dry winds spreading dust and chemicals as far west as Los Angeles. What has happened to the Salton Sea has been the work of decades. There is no 'silver bullet' solution, but investing in this restoration with funds administered to the Salton Sea Restoration Fund resulting from the passage of SB 527, will bear dividends to millions of California residents in years to come.

For these and other reasons, the **Southwest California Legislative Council** is pleased to **SUPPORT SB 527**, and ask for your 'YES' vote when it comes before you for consideration.

Respectfully,



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SWCLC Southwest California Legislative Council

April 20, 2021

The Honorable Lena Gonzalez
California State Senate

RE: SB 606 (Gonzalez) Workplace safety: violations of statutes: enterprise-wide violations: employer retaliation.

Position: OPPOSE

The **Southwest California Legislative Council** is an advocacy coalition comprised of representative members of the Temecula Valley, Murrieta/Wildomar, Lake Elsinore Valley, and Menifee Valley Chambers of Commerce representing more than 3,500 employers dedicated to promoting job growth, economic expansion, and preserving the overall global competitiveness of California.

The **SWCLC** must regretfully **OPPOSE SB 606 (Gonzalez)**. As amended 4/8/2021, SB 606 would greatly broaden Cal/OSHA's scope of enforcement into the Labor Code as well as the Health and Safety Code and create unnecessary anti-retaliation protections that will lead to meritless litigation against employers.

Employers across California are already struggling to comprehend and keep up with rapidly-changing state and local health guidelines related to COVID-19, as well as a new and rapidly evolving COVID-19 ETS. At the same time, Cal/OSHA is already working hard to educate, explain, and enforce the COVID-19 ETS, and is already staffing up due to support in the Governor's Budget. SB 606 will not improve Cal/OSHA's staffing difficulties or COVID-19 enforcement – it will only add confusion and duplication with its myriad of ill-considered changes, and catch well-intentioned employers in its net.

Further, this measure is so exceedingly vague and expansive that even the most well-intentioned employers could be subject to significant penalties. The anti-retaliation provisions are ripe for abuse and run counter to disciplinary provisions in the respective Collective Bargaining Agreements of our business community.

For these and other reasons, the **Southwest California Legislative Council** must regretfully **OPPOSE SB 606 (Gonzalez)**, and ask for your 'NO' vote when it comes before you for consideration.

Respectfully,



Adam A. Ruiz, Chair
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SWCLC Southwest California Legislative Council

April 20, 2021

The Honorable James Gallagher
California State Assembly

RE: AB 1249 (Gallagher) Income taxes: gross income exclusions: wildfires.

Position: SUPPORT

The **Southwest California Legislative Council** is an advocacy coalition comprised of representative members of the Temecula Valley, Murrieta/Wildomar, and Lake Elsinore Valley Chambers of Commerce representing more than 3,500 employers dedicated to promoting job growth, economic expansion, and preserving the overall global competitiveness of California.

The **SWCLC** in pleased to **SUPPORT AB 927 (Medina)**. As introduced, AB 1249 provides that 'qualified taxpayers' shall receive an exclusion from gross income for amounts received for costs and losses associated with 'specified wildfires'.

This bill would also authorize the refund of overpayments of tax as a result of the above-described exclusion, in prior tax years, payable out of the Tax Relief and Refund Account.

Our only concern with this bill is in its narrow definition of a "Qualified taxpayer". Under AB 1249, that definition only includes:

- (A) Any taxpayer that currently owns or previously owned real property located in the **County of Amador or Calaveras**, who received amounts, incurred expenses, or received amounts from a settlement arising out of or pursuant to the **2015 Butte Fire**.
- (B) Any taxpayer that currently resides or previously resided within the County of Amador or Calaveras, who received amounts, incurred expenses, or received amounts from a settlement arising out of or pursuant to the 2015 Butte Fire.
- (C) Any taxpayer that currently owns or previously owned real property located in the **County of Napa, Sonoma, Lake, Butte, Mendocino, or Solano** who received amounts, incurred expenses, or received amounts from a settlement arising out of or pursuant to one or more of the 2017 North Bay Fires.
- (D) Any taxpayer that currently resides or previously resided within the County of Napa, Sonoma, Lake, Butte, Mendocino, or Solano who received amounts, incurred expenses, or received amounts from a settlement arising out of or pursuant to one or more of the 2017 North Bay Fires.
- (E) Any taxpayer that currently owns or previously owned real property located in the County of Butte who received amounts, incurred expenses, or received amounts from a settlement arising out of or pursuant to the 2018 Camp Fire.
- (F) Any taxpayer that currently resides or previously resided within the County of Butte who received amounts, incurred expenses, or received amounts from a settlement arising out of or pursuant to the 2018 Camp Fire.

While the SWCLC is in total support of AB 1249 as introduced, we would love to see either this bill amended, or a future bill introduced, that extends the same benefits to victims of wildfires in Riverside, San Diego and Los Angeles Counties, which have also suffered devastating wildfires during the past 3

years. For these and other reasons, the **Southwest California Legislative Council** is please to **SUPPORT AB 1249 (Gallagher)**, and ask for your **'YES'** vote when it comes before you for consideration.

Respectfully,



Adam A. Ruiz, Chair
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