



MEETING AGENDA  
Monday July 19, 2021  
Presiding: Adam Ruiz, Chair

**July:** <https://us02web.zoom.us/meeting/register/tZlpcu6pqT8sGdZCjxb58QVAIDEoO086kVd4>

**2021 Strategic Initiatives**

*Budget, Tax Reform & Economic Recovery / Job Creation and Retention / Healthcare / Infrastructure & the Environment/ Public Safety*

**Call to Order, Roll Call & Introductions: 12:00 p.m.**

**Chair Report**

**Approval of Minutes** **Action**

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**2021 Legislative Report #7** **Action**

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- 1) [AB 310 \(Lee\) Wealth tax. ACA 8 \(Lee\) Wealth tax: appropriation limits.](#)
- 2) [AB 331 \(Jones-Sawyer\) Organized theft](#)
- 3) [AB 511 \(Muratsuchi\) Securities transactions: qualification requirements, exemptions, and liability.](#)
- 4) [AB 616 \(Stone\) Agricultural labor relations: labor representative elections: representation ballot](#)
- 5) [AB 1200 \(Ting\) Plant-based food packaging: cookware: hazardous chemicals.](#)
- 6) [AB 1253 \(Santiago\) Personal income taxes: additional tax.](#)
- 7) [AB 1395 \(Muratsuchi\) Greenhouse gases: carbon neutrality.](#)
- 8) [SB 336 \(Ochoa Bogh\) Public health: COVID-19.](#)
- 9) [SB 500 \(Min\) Autonomous vehicles: zero emissions.](#)
- 10) [SB 555 \(McGuire\) Local agencies: transient occupancy taxes: short-term rental facilitator: collection.](#)
- 11) [SB 660 \(Newman\) Ban on pay per signature gathering for ballot initiatives, recalls, referendums.](#)

**Guest Speaker** Matt Jennings, Riverside County Treasurer/Tax Collector **Information**

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**Chamber Announcements** **Information**

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**Adjourn – Next Meeting August 16, 2021**

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 The Murrieta Temecula Group  
 Southern California Edison  
 The Gas Company  
 California Apartment Association  
 Mt. San Jacinto College  
 Murrieta Spectrum

# SWCLC

## Southwest California Legislative Council

### MEETING MINUTES Monday, June 21, 2021 SRCAR/Zoom

#### **Attendance**

##### Council Representatives Present

Adam Ruiz, Temecula  
Daneen Ashworth, Murrieta/Wildomar  
Adam Eventov, Temecula  
Dennis Frank, Temecula  
Eric McLeod, Murrieta/Wildomar  
Brad Neet, Murrieta/Wildomar  
Chris Sizemore, Temecula  
Jennifer Sevilla, Murrieta/Wildomar  
Ben Benoit, Lake Elsinore  
Joan Sparkman, Temecula  
Alex Braicovich, Lake Elsinore

##### Council Representatives Absent

Greg Morrison, Lake Elsinore  
Ben Diedrich, Murrieta/Wildomar  
Kassen Klein, Menifee

#### Call to Order

The meeting was called to order by Chair Ruiz at 12:05pm.

#### Roll Call

Attendance was called by Chair Ruiz at 12:05pm

#### Approval of Minutes

A motion was made to approve the minutes from May 17, 2021 meeting as written. The motion was seconded. The vote to approve was unanimous.

#### Review of Legislative Items

1. AB 75 (O'Donnell) Education finance: school facilities: Kindergarten-Community Colleges Public Education Facilities Bond Act of 2022.

#### Council Comments:

- Question arose whether Assemblymember Seyarto didn't vote or just did not take a position. Wunderlich stated he just did not vote because he may have been out of the office.

- Question if is this tied to certain educational components like federal bill might be? Wunderlich stated no.

There was a motion to support and a second. The vote to support was unanimous.

2. AB 110 (Petrie-Norris) Fraudulent claims: inmates.

Comments from the council:

- there are other ways to do this as far as providing you're getting rid of the language of talking about replicating the data and providing a means to verify. The EDD can access the portal, provide the data that they have to verify it with the corrections department and not have replicated sensitive data in both departments.
- The EDD is already so taxed as it is, it just requires them to do another step to do another verification where they cant even still get the paperwork out to the employer within the ten day window.
- Question was asked if the coalition will be open to a letter of support but citing the concerns about replicating data.
- A representative from Assemblymember Waldron's office stated that Assemblymember Waldron's office helped work in this bill. He shared that the purpose for the replication is to bump the information against it so that if they do have too many people that have applied with one social security, it just cancels out at that point. He added that this bill was worked on in conjunction with the EDD and they said that this was the best way forward for them.
- The EDD is very overwhelmed. The assumption is they will see a lot more requests from EDD for funding to clear all of this stuff up. Should remain on cautious on how many of them the council supports and how often they bring these up. This will require someone sitting from a high level to determine how to fix deficits within the EDD so there aren't so many parts working together or working against each other in the long run and funding it just being thrown out.

There was a motion to approve while adding comment to focus on data security portion of this bill. The motion was seconded. Vote to support was unanimous.

3. AB 570 (Santiago) Dependent parent health care coverage

There was a motion to oppose and a second. Vote to oppose was unanimous with no discussion.

4. AB 664 (Bigelow) Taxation: Corporation Tax Law: annual tax: small businesses.

There was a motion to support and a second. Vote to support was unanimous with no discussion.

5. AB 1082 (Waldron) California Health Benefits Review Program: extension.

There was a motion to support and a second. Vote to support was unanimous with no discussion.

6. AB 1105 (Rodriguez) Hospital workers: COVID-19 testing.

There was a motion to oppose and a second. Vote to oppose was unanimous with no discussion.

7. AB 1204 (Wicks) Hospital equity reporting

There was a motion to oppose and a second. Vote to oppose was unanimous with no discussion.

8. AB 1422 (Gabriel) Health facilities: critical care units: bed designation program flexibility.

There was a motion to oppose and a second. Vote to oppose was unanimous with no discussion.

9. SB 9 (Atkins) Housing development: approvals.

Comments from the council:

- Sasse stated that they asked for amendments, and they weren't considered. She added that this bill doesn't factor in things that would be needed such as roads for access, etc.
  - Questions surrounding what utilities would be associated with the bill. There were comments that there needs to be alternatives to the bills out there.
- A position of "watch" was recommended. Some members of the council are not comfortable with the watch position. A position to oppose unless amended was proposed
- The hang up is the control issue
- There was a vote on taking a watch position. The motion failed.

There was a vote to oppose unless amended to reinstate local control to allow final approval. Eventov and Benoit abstained. The vote to oppose unless amended was unanimous.

10. SB 410 (Leyva) Occupational safety and health: regulations.

There was a motion to oppose and a second. Vote to oppose was unanimous with no discussion.

11. SB 524 (Skinner) Health care coverage: Patient Steering.

Comments from the council:

- Bill is fraught with error.
- It would not apply if you have a fully integrated managing system, such as Kaiser, who is still in opposition to the bill.
- Wondered what other provisions would be needed so that it is not a race to the bottom of larger corporations going ahead and looking for the cheapest care at the lowest cost independent of what is affecting the patient. Is there anything in place to keep that from occurring?
- Opinions that this is not actually beneficial to the patient

There was a motion to oppose and a second. Vote to oppose was unanimous.

12. SB 637 (Newman) Health facility reporting: staffing.

There was a motion to oppose and a second. Vote to oppose was unanimous.

Adjourn

Chair Ruiz called the meeting to adjourn at 1:18pm.

[AB 310, as amended, Lee. Wealth tax.](#)  
[ACA 8, as introduced, Lee. Wealth tax: appropriation limits.](#)

*Introduced by Assembly Members Lee, Santiago, and Lorena Gonzalez  
 (Principal coauthors: Assembly Members Kalra and Luz Rivas)  
 (Coauthor: Assembly Member Stone)*

**Recommended action: OPPOSE**  
**Presentation: Gene Wunderlich**

**Summary:**

Wealth Tax. Seeks to impose a massive tax increase upon all forms of personal property or wealth, whether tangible or intangible, despite California already having the highest income tax in the country. This tax increase will drive high-income earners out of the State as well as the revenue they contribute to the General Fund.

**Description:**

**Existing law** imposes taxes upon income and real property, as well as taxes upon certain transactions and excise taxes.

**This bill** ~~would~~ *would, for taxable years beginning on or after January 1, 2022*, impose an annual tax at a rate of 1% of a resident of this state's worldwide net worth in excess of \$50,000,000, or in excess of \$25,000,000 in the case of a married taxpayer filing separately. The bill would also impose an additional tax at a rate of 0.5% of a resident's worldwide net worth in excess of \$1,000,000,000, or in excess of \$500,000,000 in the case of a married taxpayer filing separately. The bill would describe worldwide net worth with reference to specific federal provisions and would provide that worldwide net worth does not include specific assets, including *personal property situated out of state*, directly held real ~~property~~ *property*, or liabilities related to directly held real property. The bill would also authorize the Franchise Tax Board to adopt regulations to carry out these provisions, including regulations regarding the valuation of certain assets that are not publicly traded.

**Existing law** requires the Franchise Tax Board to administer the Personal Income Tax Law.

**This bill** would require the Franchise Tax Board to amend or create returns with regard to the Wealth Tax.

**Existing law**, *the False Claims Act, provides that any person who commits specified acts, including, but not limited to, knowingly presenting a false or fraudulent claim for payment or approval or knowingly making or using a false record or statement material to a false or fraudulent claim, is liable to the state or to the political subdivision for 3 times the amount of damages that the state or political subdivision sustained because of the act and for the costs of a civil action brought to recover any penalties or damages, and is subject to a civil penalty. That act requires the Attorney General or the prosecuting authority of a political subdivision to diligently investigate violations of those specific acts involving state funds or political subdivision funds, respectively, and authorizes the Attorney General, the prosecuting authority, or a qui tam plaintiff to bring a civil action against a person who commits those acts. That act does not apply to claims, records, or statements made under the Revenue and Taxation Code.*

**This bill** *would apply the provisions of the False Claims Act to claims, records, or statements made in relation to the wealth tax imposed by the bill, as specified.*

**This bill** would specify that the tax imposed by the bill shall only become operative if a specified constitutional amendment is approved by the voters and takes effect.

**This bill** would include a change in state statute that would result in a taxpayer paying a higher tax within the meaning of Section 3 of Article XIII A of the California Constitution, and thus would require for passage the approval of  $\frac{2}{3}$  of the membership of each house of the Legislature.

~~This bill would take effect immediately as a tax levy.~~

*Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.*

*This bill would make legislative findings to that effect.*

### **ACA 8:**

**The California Constitution** authorizes the Legislature to impose a property tax on any type of tangible personal property, shares of capital stock, evidences of indebtedness, and any interest therein not exempt from taxation pursuant to the California Constitution. The California Constitution authorizes the Legislature, by two-thirds vote of the membership of each house, to classify such personal property for differential taxation or for exemption. The California Constitution limits taxation of certain specified personal property to no more than 0.4% of the value of such property, and limits the tax rate on personal property to no more than the tax rate on real property in the same jurisdiction.

**This measure** would authorize the Legislature to impose a tax upon all forms of personal property or wealth, whether tangible or intangible, and would require any tax so imposed to be administered and collected by the Franchise Tax Board and the Office of the Attorney General as provided in statute. The measure would authorize the Legislature to classify any form of personal property or wealth for differential taxation or for exemption by a majority vote.

**This measure** would require the Legislature to establish a task force on wealth tax administration. The measure would require the task force to determine an adequate level of annual funding and staffing for the administration of a wealth tax imposed by the Legislature. The measure would provide specific guidelines for what constitutes adequate levels of annual funding and staffing for the administration and collection of the wealth tax. The measure would establish two continuously appropriated funds in the State Treasury to cover, for the first two years of collection, the expenses of administration and collection of the wealth tax. The funds would be funded for each of those two years by the greater of either a specified amount or a certain percentage of revenues estimated to be generated by the wealth tax in the each of the first two years of collection.

**The California Constitution** generally prohibits the total annual appropriations subject to limitation of the state and each local government from exceeding the appropriations limit of the entity of government for the prior fiscal year, adjusted for the change in the cost of living and the change in population, and prescribes procedures for making adjustments to the appropriations limit.

**This measure** would remove the limitation on appropriations of the State and of local governments until such time as specified conditions are satisfied. The measure would provide that, upon satisfaction of these specified conditions, the level of appropriations made to achieve those conditions shall be set as the limitation on appropriations.

### **Arguments in support:**

WHEREAS, The State has long-term needs that are not being met using existing revenue sources, including in education, health care, and infrastructure; and

WHEREAS, The State has new needs, such as the need for pandemic recovery and climate change resilience, that are also not being met; and

WHEREAS, Wealth inequality amongst California residents has increased dramatically over the past few decades; and

WHEREAS, California's current tax system generally asks those with the greatest ability to pay and who benefit the most from the protections and services provided by the state's legal and economic systems to pay more, except that the very wealthiest Californians typically pay less because California's existing income tax is realization-based and consequently fails to adequately tax the investment income or wealth accumulations of California's wealthiest residents; and

WHEREAS, A tax on extreme wealth will restore fairness to California's tax system and raise significant revenue to meet new and existing urgent needs; and

WHEREAS, The State's appropriations limit was crafted during another era and needs to be updated so that it restrains the size of state and local government and also permits the state and local government to meet their basic obligations in a changing and more challenging world; now, therefore, be it

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 2021–22 Regular Session commencing on the seventh day of December 2020, two-thirds of the membership of each house concurring, hereby proposes to the people of the State of California that the Constitution of the State be amended as follows:

### **Arguments in opposition**

Both proposals seek to raise taxes on the highest net worth earners in California, which will further encourage them to leave for states with less punitive tax systems. Additionally, ACA 8 proposes to eliminate the two-thirds vote requirement for classifying personal property for tax purposes by the Legislature, thus clearing the way for higher taxes in the future. As Governor Newsom aptly put it at the end of the 2020 legislative session, "In a global, mobile economy, now is not the time for the kind of state tax increases on income we saw proposed at the end of this legislative session and I will not sign such proposals into law." These measures implicitly acknowledge that rates for existing California taxes have reached their practical or political maximums, and proponents now propose to devise an entirely new tax never before considered for our state. Not only is this proposed tax audacious in the amount of new revenue to be raised, it targets individuals who may have only a fleeting connection with the state – reaching across time and space to seize revenues from successful entrepreneurs and business owners who have been the very engine of California's budget growth and who provided the shock absorbing revenue surpluses in the teeth of the pandemic recession.

ACA 8 is a resolution that proposes the people of the State of California amend the Constitution and authorize the Legislature to impose a tax upon all forms of personal property or wealth, whether tangible or intangible. The new tax would be administered and collected by the Franchise Tax Board and the Office of the Attorney General. ACA 8 also in effect repeals the State Appropriations Limit law, which applies some discipline to legislative spending and keeps taxes within some reasonable bounds.

### **Support: (Verified 7/13/2021)**

None on file.

### **Opposition: (Verified 7/13/2021)**

CalChamber

Howard Jarvis Taxpayers Assoc.

**Status:** Assembly Revenue & Taxation

### **Assembly Votes**

[AB 331, as amended, Jones-Sawyer. Organized theft](#)

**Recommended action:** SUPPORT

**Presentation:** Gene Wunderlich

**Summary:**

AB 1065 (Jones-Sawyer) which established organized retail theft as a crime was initially passed in 2018, and included a sunset provision of January 1, 2021. (AB 1065 was SUPPORTED by the SWCLC). The sunset was extended to July 1, 2021 in a budget bill last year. This bill includes an urgency clause in order to allow the bill to take effect immediately, so that this bill can be passed prior to the expiration of the sunset date. This bill will extend the sunset date for four years to January 1, 2026.

**Description:**

**Prior law, until July 1, 2021**, made a person guilty of organized retail theft, punishable as a misdemeanor or a felony, as specified, if the person acted in concert with one or more persons to steal merchandise from one or more merchant's premises or online marketplaces with the intent to sell or return the merchandise for value, acted in concert with 2 or more persons to receive, purchase, or possess merchandise knowing or believing it to have been stolen, acted as an agent of another to steal merchandise from one or more merchant's premises or online marketplaces as part of an organized plan to commit theft, or recruited, coordinated, organized, supervised, directed, managed, or financed another to undertake acts of theft.

**This bill** would reenact the crime of organized retail theft until January 1, 2026. By creating a new crime, this bill would create a state-mandated local program.

**Prior law**, until July 1, 2021, required the Department of the California Highway Patrol to coordinate with the Department of Justice to convene a regional property crimes task force to identify geographic areas experiencing increased levels of property crimes and assist local law enforcement with resources, such as personnel and equipment.

**The bill** would reenact the regional property crimes task force until January 1, 2026.

**Arguments in support:**

According to the author of this bill: In 2018, the Legislature passed AB 1065 (Jones-Sawyer) which created the crime of organized retail theft, as well as established the CHP property crimes task force. Unfortunately, this law will sunset on July 1, 2021. Organized retail crime is defined as theft/fraudulent activity conducted with the intent to convert illegally obtained merchandise, cargo, cash, or cash equivalent into financial gain, often through subsequent online or offline sales. These operations typically involve a criminal enterprise that organizes multiple theft rings at a number of retail stores and employs a fencing operation to sell the illegally-obtained goods for financial gain.

While organized retail crime can also involve the recruitment of others to steal on another's behalf, existing law was crafted to enable law enforcement to target the leaders of these operations as opposed to the individuals recruited to steal who may have been coerced into participating. Since being adopted in 2019, this law has been effective in busting large retail theft rings and recovering millions of dollars in lost revenues, dating as recent as February 2021.

In December 2020, the National Retail Federation (NRF) released their most recent Organized Retail Crime study and found that organized retail theft continues to be a problem with losses averaging \$719,548 per every \$1 billion in sales over the past year. This is the fifth year in a row since 2015 that losses resulted in over \$700,000. Furthermore, among the top 10 cities affected by organized retail crime, three are in California

with Los Angeles ranked first followed by San Francisco and Sacramento at fifth and tenth, respectively. AB 331 extends the sunset date for the existing crime of organized retail theft and the CHP property crimes task force until January 1, 2026, and continues to equip businesses and law enforcement with this necessary tool.

Existing law, until July 1, 2021, creates the crime of organized retail theft which is defined as:

- Acting in concert with one or more persons to steal merchandise from one or more merchant's premises or online marketplace with the intent to sell, exchange, or return the merchandise for value;
- Acting in concert with two or more persons to receive, purchase, or possess merchandise knowing or believing it to have been stolen;
- Acting as the agent of another individual or group of individuals to steal merchandise from one or more merchant's premises or online marketplaces as part of a plan to commit theft; or,
- Recruiting, coordinating, organizing, supervising, directing, managing, or financing another to undertake acts of theft.

According to the California Retailers Association, the sponsor of this bill: [Organized retail crime] ORC is defined as theft or fraudulent activity conducted with the intent to convert illegally obtained merchandise, cargo, cash, or cash equivalent into financial gain, often through subsequent online or offline sales. Organized retail crime typically involves a criminal enterprise that organizes multiple theft rings at a number of retail stores and employs a fencing operation to sell the illegally obtained goods for financial gain. According to a recent survey by the National Retail Federation (NRF), organized retail crime (ORC) is a \$30 billion problem nationwide and rising.

That survey also identified Los Angeles, San Francisco, and Sacramento among the top ten metropolitan areas for ORC in the country. ORC is also harming our communities as these networks recruit minors, homeless persons, and others to steal from retail stores. The organized retail theft statute enables law enforcement to target the leadership of these enterprises with severe criminal sanctions. For instance, in the recent breakup of a major ORC ring in the Bay Area that had recruited numerous individuals, five ringleaders were charged under §490.4. That investigation also netted nearly \$10 million in assets recovered onsite and disrupted an estimated \$50 million operation. Combined with effective enforcement, this law is a vital tool in combating ORC and must be extended.

Investigating and prosecuting ORC is a complex undertaking, involving investigations that can be many months in length and can involve multiple jurisdictions. The [Organized Retail Crime Task Force] ORCTF is a dedicated entity with the resources to conduct these investigations, educate other law enforcement agencies on how to address ORC, and establish relationships with retailers and asset protection professionals. As a statewide task force, the ORCTF is uniquely positioned to coordinate and oversee investigations involving local law enforcement agencies across multiple cities or countries, or to assist in local investigations where needed. California will not stem the tide on ROC without AB 331 this kind of dedicated state-level commitment. This measure sends the message that ORC will not be tolerated in California.

### **Arguments in opposition:**

*None on file*

### **Support: (Verified 7/13/2021)**

*Alameda County District Attorney's Office;  
California Business Properties Association;  
California Chamber of Commerce;  
California District Attorneys Association;  
California Downtown Association;  
California Peace Officers Association;  
California Police Chiefs Association;  
El Dorado County Chamber of Commerce;  
El Dorado Hills Chamber of Commerce;  
Elk Grove Chamber of Commerce;*

*Folsom Chamber of Commerce;  
Home Depot;  
Internet Association;  
Peace Officers Research Association of California;  
Rancho Cordova Chamber of Commerce;  
Roseville Area Chamber of Commerce;  
Technet;  
United Chamber Advocacy Network;  
Yuba Sutter Chamber of Commerce*

**Opposition: (Verified 7/13/2021)**

*None on file*

**Status:** Senate Appropriations

**Assembly Votes** (preliminary): **AYE:** Cervantes, Medina, Seyarto, Waldron

Legislative Item #3	Action
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**[AB 511, as amended, Muratsuchi. Securities transactions: qualification requirements, exemptions, and liability.](#)**

*Introduced by Assembly Member Muratsuchi  
(Coauthor: Assembly Member Bauer-Kahan)*

**Recommended action:** **SUPPORT**

**Presentation:** Gene Wunderlich

**Summary:**

Exempts from state securities qualifications requirements certain crowdfunded equity offerings. Allows start-up and emerging small businesses to help find investors to help capitalize them while providing greater protections for investors participating in crowdfunding.

**Description:**

**The Corporate Securities Law of 1968** requires securities offered or sold in this state in an issuer or nonissuer transaction to be qualified through an application filed with the Commissioner of Business Oversight, unless exempt from the qualification requirements. That law exempts, among other transactions, certain transactions not involving any public offering, as prescribed. That law also makes it unlawful, for a person in connection with the offer, sale, or purchase of a security, to engage in fraudulent or misleading acts or omissions.

**This bill** would establish a new exemption from the qualification provisions for an offer or sale of any security for which the issuer is a California or foreign corporation that is not a “blind pool” company, as defined by the commissioner, not issuing fractional undivided interests in oil or gas rights or other similar mineral rights, is not an investment company subject to the federal Investment Company Act of 1940 and is not subject to certain reporting requirements of the Securities Exchange Act of 1934. The bill would require, among other criteria, that the offer or sale be conducted in accordance with certain requirements of federal law, except as provided, and that the issuer file a notice of transaction at least 15 days prior to the publication of an initial offer of these securities. ~~The bill would authorize the commissioner to assess an administrative penalty of up to \$1,000 against an issuer that fails to file the notice of transaction.~~

**Existing law** provides that any person who violates a condition of qualification of the offer or sale of a security is liable to any person acquiring the security sold in violation, who may sue to recover the consideration paid for the security with interest thereon at the legal rate or for damages, as specified.

**This bill** would provide for the recovery of reasonable attorney’s fees, as specified.

**Existing law** imposes liability on any person who engages in specified unlawful activity to the person who purchases a security from them or sells a security to them, and authorizes the purchaser or seller to sue either for rescission or for damages.

The bill would require the court to award reasonable attorney's fees, as specified.

### **Argument in support:**

According to the author: Small businesses, accounting for over two-thirds of new jobs nationally, often lack access to capital and rely heavily on credit card debt, home equity and limited personal assets for financing. Crowdfunding enables entrepreneurs to prove a concept, build infrastructure necessary to support a business model and take other steps necessary to attract capital investment.

For small businesses and start-ups, however, raising capital frequently can be an overwhelming challenge. AB 511 would allow start-up and emerging small businesses to find investors who can provide capital to help them grow and create jobs, while providing greater protections to California investors participating in crowdfunding. This bill offers both entrepreneurs and investors a safer means of filling the "capital gap" that exists for smaller early-stage seed capital offerings while helping to jumpstart companies so that they can become candidates for larger rounds of financing.

Unlike previous proposals from the sponsor, this bill proposes a modest exemption for small offerings and provides a number of investor protections in return. This bill would enact an exemption from qualification requirements for an offering that followed all of the requirements of Regulation CF, except the bill would allow an offering of less than \$300,000 to include accounting statements certified by management of the corporation to be accurate, rather than accounting statements reviewed by an independent public accountant. Reg CF already allows this for offerings below \$107,000. In exchange for this modest exemption relative to prevailing federal law, this bill prohibits an issuer to require or impose an obligation on any purchaser or potential purchaser to do the following: waive the right to a jury trial, be subject to any law other than California law, or file or resolve any claim or dispute in any forum other than California. The bill also requires a judge to award reasonable attorney's fees to a prevailing investor for specified violations of state securities law, which provides a stronger incentive for attorneys to take on complaints from small investors that would normally be uneconomical without a guarantee of recovering costs via judgment.

Small Business California, as sponsor, and a coalition of small business advocacy groups write in support: AB 511 creates an exemption from qualification to enable a business in California to conduct an offering pursuant to SEC Regulation Crowdfunding, but be exempted from the requirement to provide reviewed financial statements for seed offerings of up to \$300,000. However, companies would be required to adopt the investor protections afforded by AB 511, which presently are absent from the federal JOBS Act.

The investor protections present in the bill are:

- Attorneys' fee provision for prevailing investors
- Prohibits class action waivers
- Prohibits jury trial waivers • Prohibits choice of law provision other than California
- Prohibits forum selection outside of California

This bill offers both entrepreneurs and investors a safer means of filling the "capital gap" that exists for smaller early-stage seed capital offerings while helping to jumpstart companies so that they can become candidates for larger rounds of financing.

### **Arguments in Opposition:**

*None on file.*

### **Support: (Verified 7/13/2021)**

*California Chamber of Commerce  
California Hispanic Chamber of Commerce  
Flasher Barricade Association*

*National Association of Women Business Owners -  
California  
National Association of Women Business Owners  
California - Sacramento Valley Chapter*

**Opposition: (Verified 7/13/2021)**

None on file

**Status:** Senate Appropriations

**Votes** (preliminary): **AYE:** Cervantes, Medina, Seyarto, Waldron

Legislative Item #4	Action
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**AB 616 (Stone) - Agricultural labor relations: labor representative elections: representation ballot**

*Introduced by Assembly Member Stone*

*(Principal coauthors: Assembly Members Gipson, Lorena Gonzalez, and Reyes)*

*(Principal coauthor: Senator Cortese)*

*(Coauthors: Assembly Members Aguiar-Curry, Arambula, Bennett, Berman, ~~Bonta~~, Carrillo, Chiu, Gabriel, Cristina Garcia, Eduardo Garcia, Holden, Jones-Sawyer, Kalra, Lee, Low, McCarty, Medina, Mullin, Quirk, Ramos, Luz Rivas, Robert Rivas, Salas, Santiago, Ting, Wicks, Calderon, Maienschein, Ward, and Wood)*

*(Coauthors: Senators Allen, Becker, Durazo, Gonzalez, Hueso, Laird, Leyva, Limón, Skinner, Stern, Wieckowski, Wiener, Hertzberg, and Pan)*

**Recommended action: OPPOSE**

**Presentation: Gene Wunderlich**

**Summary:**

Permits agricultural employees to select their collective bargaining representative through a representation ballot card election by mailing or delivering directly their sealed ballot to the Agricultural Labor Relations Board (ALRB).

Forced Unionization Process for Agricultural Employees: Limits an employee's ability to independently and privately vote for unionization in the workplace, by essentially eliminating a secret ballot election and replacing it with the submission of representation cards signed by over 50% of the employees, which leaves employees susceptible to coercion and manipulation by labor organizations. Also, unfairly limits an employer's ability to challenge the cards submitted by forcing employers to post an unreasonable bond, and then limits an employee's ability to decertify a union, by forcing them to go through the ballot election process instead of submission of representation cards. Also includes an unnecessary presumption of retaliation that is effectively unlimited in scope because it would apply for the duration of an election campaign, which could last for a year or more.

Identified as a **JOB KILLER** by the CalChamber

**Description:**

**Existing law, the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975**, grants agricultural employees the right to form and join labor organizations and engage in collective bargaining with respect to wages, terms of employment, and other employment conditions, and authorizes employees to elect exclusive bargaining representatives for these purposes.

**Existing law** requires the Agricultural Labor Relations Board to certify the results of an election conducted by secret ballot of employees in a collective bargaining unit to designate a collective bargaining representative,

unless the board determines there are sufficient grounds to refuse to do so. Existing law further provides that if the board refuses to certify an election because of employer misconduct that would render slight the chances of a new election reflecting the free and fair choice of employees, the labor organization shall be certified as the bargaining representative for the bargaining unit.

**This bill** would refer to the secret ballot election as a polling place election. This bill would also permit agricultural employees, as an alternative election procedure, to select their labor representatives through a representation ballot card election by submitting a petition to the board supported by representation ballot cards signed by a majority of employees in the bargaining unit.

**This bill** would require the board to conduct an immediate investigation regarding the validity of the petition and the supporting representation ballot cards and, within 5 days after receiving a petition, to make an administrative decision as to whether the petition meets certain requirements and as to whether the labor organization submitted the requisite number of cards. The bill would require the board to certify the labor organization as the exclusive bargaining representative if the board determines that the labor organization has submitted the required number of representation ballot cards and the cards meet specified criteria.

**Existing law** authorizes a person aggrieved by the final order of the board granting or denying in whole or in part the relief sought for an unfair labor practice, to obtain a review of the order in a specified court of appeal by filing in the court a written petition requesting that the order of the board be modified or set aside.

**This bill** would require an employer who appeals or petitions for a writ of review of any order of the board involving make-whole, backpay, or other monetary awards to employees, to post an appeal bond in the amount of the entire economic value of the order, as specified, and would provide for the bond to be forfeited under specified conditions.

#### **Argument in support:**

The United Farm Workers, sponsor of the bill, states, “In 1975, farm workers won the right to vote for union representation under California’s Agricultural Labor Relations Act. Under the California Agricultural Labor Relations Act, farm worker representation elections were conducted the way other political elections were – at a physical polling place. Since then, the state has updated how Californians vote for their local, state and federal elected officials. AB 616 would similarly update how a farm worker exercises their existing right to vote.”

A coalition of labor organizations and organizations providing assistance to farmworkers argue that the provisions of AB 616 are common-sense updates to the Agricultural Labor Relations Act. These changes would make union organizing more accessible to employees, ensure integrity in elections by empowering the Agricultural Labor Relations Board to investigate allegations of ballot tampering and require an employer who appeals to post a bond that would be forfeited under certain circumstances. Furthermore, proponents argue that while the ALRA required elections take place at a physical polling place, the state has updated how Californians vote in all other elections and AB 616 would similarly update how a farm worker exercises their existing right to vote.

#### **Argument in opposition:**

A coalition of employers, including the Western Growers Association, states in opposition, “Proponents of card check claim that when workers sign cards authorizing a secret ballot election, it is tantamount to choosing the union. This is not the case. Signing an authorization card is an indication of possible interest in union representation, triggering a process whereby the ALRB supervises a secret ballot election. It is not a means of discerning the desire for union representation among the members of a possible bargaining unit. Distribution and collection of signed authorization cards is not subject to any meaningful supervision or scrutiny from any agency. The decision to sign an authorization card or vote for union representation is not of equal weight or validity, which is why the ALRA ensured that secret ballot elections are the exclusive means for recognizing a union.”

A coalition of Agricultural Employers and organizations representing farmers write in opposition: “AB 616 is the latest incarnation of card check legislation which undermines the secret ballot election process that has

been at the core of the Agricultural Labor Relations Act (ALRA) since its inception. The purpose and intent of the ALRA is to guarantee that an employer's employees have the opportunity to express their choice with respect to union representation through a secret ballot election held at a time and place convenient to those employees under the supervision of the Agricultural Labor Relations Board (ALRB)." The coalition goes on to cite a variety of concerns, including union intimidation of voting workers, that authorization cards only indicate interest in a union rather than actual intention to join, and that "distribution and collection of signed authorization cards is not subject to any meaningful supervision or scrutiny from any agency." Finally, the coalition objects to the bonding requirement before pursuing an appeal, arguing that it infringes on employers' due process rights.

Potential Impact of AB 616 AB 616 would create an alternate pathway to the current secret ballot process for union elections involving agricultural employees. Instead of a two-step process of submitting a petition and then holding an election, AB 616 would allow a labor organization to submit "check cards" with their petition for exclusive representation. If the labor organization submits valid check cards exceeding a majority of the farmworkers employed by the employer in question, either with the petition or separately mailed in a sealed envelope, the labor organization will be certified as the exclusive representative of those voting employees.

Similar measures to AB 616 were vetoed under both Governor Schwarzenegger and Governor Brown, who cited concerns about fundamentally altering a worker's right to a secret ballot in a union election. It is worth noting that AB 616 does not prevent workers from deciding to have a secret ballot election if they felt that it would serve them better than a card check election.

#### **Support: (Verified 7/13/2021)**

*United Farm Workers (Sponsor)*  
*AFSCME Local 3299 American Federation of State, County and Municipal Employees*  
*Bend the Arc: Jewish Action*  
*Bet Tzedek Legal Services*  
*California Catholic Conference*  
*California Church Impact*  
*California IATSE Council*  
*California Immigrant Policy Center*  
*California Nurses Association*  
*California Religious Action Center of Reform Judaism*  
*California Rural Legal Assistance Foundation, INC.*  
*California State Council of Service Employees International Union*  
*CA State Leg. Board/Brotherhood of Locomotive Engineers & Trainmen/IBT Rail Conference*  
*California Teachers Association*  
*Central Coast Alliance United for A Sustainable Economy*  
*Coalition for Humane Immigrant Rights*  
*Communication Workers of America*  
*Courage California*

*Dolores Huerta Foundation*  
*Earthjustice*  
*Food Empowerment Project*  
*ILWU Local 26*  
*Iron Workers Local 433*  
*Jewish Center for Justice*  
*National Farm Worker Ministry*  
*National Union of Healthcare Workers*  
*North Bay Jobs With Justice*  
*Opeiu 29*  
*President of The Pacific Area Reform*  
*Rabbis Religious Action Center of Reform Judaism*  
*Riverside Temple Beth El*  
*Supervisor Hilda Solis, Los Angeles County Board of Supervisors*  
*Teamsters Local 399*  
*Teamsters Local 572*  
*Teamsters Local 630*  
*Teamsters Local 986*  
*United Auto Workers*  
*Writers Guild of America West*

#### **Opposition: (Verified 7/13/2021)**

*African American Farmers of California*  
*Agricultural Council of California*  
*Association of California Egg Farmers*  
*California Association of Winegrape Growers*  
*California Chamber of Commerce*  
*Garden Grove Chamber of Commerce*  
*Greater Bakersfield Chamber of Commerce*  
*Greater Coachella Valley Chamber of Commerce*  
*Greater Riverside Chambers of Commerce*  
*Greater San Fernando Valley Chamber of Commerce*  
*North Orange County Chamber of Commerce*  
*Oxnard Chamber of Commerce*  
*Pleasanton Chamber of Commerce*  
*Rancho Cordova Chamber of Commerce*

*Redondo Beach Chamber of Commerce*  
*San Gabriel Valley Economic Partnership*  
*Santa Maria Valley Chamber of Commerce*  
*Simi Valley Chamber of Commerce*  
*South Bay Association of Chambers of Commerce*  
*Tulare Chamber of Commerce*  
*Western Growers Association*  
*California Citrus Mutual*  
*California Cotton Ginners and Growers Association*  
*California Farm Bureau Federation*  
*California Food Producers*  
*California Fresh Fruit Association*  
*California Grain & Feed Association*  
*California Manufacturers & Technology Association*  
*California Pear Growers Association*

California Restaurant Association  
California Retailers Association  
California Seed Association  
California Strawberry Commission  
Construction Employers' Association  
Far West Equipment Dealers Association  
Grower-Shipper Association of Central California

Grower-Shipper Association of Santa Barbara and San Luis Obispo Counties  
Housing Contractors of California  
Nisei Farmers League Official  
Police Garage Association of Los Angeles  
Ventura County Agricultural Association  
Western Agricultural Processors Association  
Wine Institute

**Status:** Senate Public Employment & Retirement

**Votes** (preliminary): **Aye:** Cervantes, Medina **No:** Seyarto, Waldron

<b>Legislative Item #5</b>	<b>Action</b>
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**[AB 1200 \(Ting\) - Plant-based food packaging: cookware: hazardous chemicals.](#)**

*Introduced by Assembly Member Ting  
(Principal coauthor: Assembly Member Friedman)*

**Recommended action:** **OPPOSE**

**Presentation:** Gene Wunderlich

**Summary:**

This bill prohibits the sale of food packaging that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances (PFAS). Requires cookware manufacturers to label their product if it contains chemicals on specified lists and prohibits manufacturers from making a claim that cookware is free of a chemical if the chemical belongs to a chemical group or class.

Chemical Ban and Warning Labels. Would ban intentionally adding any class of PFAS in foodware products by January 1, 2023, and also create a new warning label for all cookware products warning customers of the health and environmental risks associated with a product containing any chemical on DTSC's list of thousands of chemicals, with no thresholds or other scientific basis for establishing when a warning is appropriate.

**Background:**

Perfluoroalkyl and polyfluoroalkyl substances, also known as PFAS chemicals. PFAS chemicals are a man-made class of chemicals that have been used widely in industrial and consumer product applications since the 1940s. Usually they are used as surface coatings and protectants due to their unique ability to repel water, dirt, oil and grease. As a result, PFAS chemicals can be found in consumer products including carpets, clothing, furniture upholstery, paper packaging for food, and other materials (e.g., cookware) that are designed to be waterproof, stain-resistant, or non-stick. They are also very stable, which makes them useful in manufacturing applications because they can withstand high heat and create durable products. What gives them their stability is their defining bond between carbon and fluorine, which is one of the strongest bonds known in organic chemistry. However, this stability also makes PFAS chemicals extremely difficult to break down. They are so persistent in the environment that they are sometimes referred to as "forever chemicals."

Health impacts of PFAS. PFAS chemicals are persistent in the environment – meaning they don't break down – many also accumulate and persist in the human body, in protein-rich tissues such as blood, liver, brain, kidney, lung, and muscle. Several PFAS chemicals have been linked with several adverse health effects, including pregnancy-induced hypertension/pre-eclampsia, liver damage, increased cholesterol, increased risk of thyroid disease, decreased antibody response to vaccines, increased risk of asthma diagnosis, increased risk of decreased fertility, and small decreases in birth weight.

In regards to food packaging, according to DTSC, "PFASs can migrate from food packaging into the packaged food, with migration rates dependent on the temperature, acidity, storage time, and fat content of the food. Used PFAS treated food packaging products are sometimes composted, releasing PFASs into the compost. When used food packaging is sent to a landfill, the PFASs can migrate into landfill leachate, contaminating surface waters and the surrounding environment. When applied to soil as fertilizers, biosolids from wastewater treatment plants that treat PFAS-contaminated landfill leachate can contaminate drinking water sources and food crops. Recycled products made from PFAS-treated paper, paperboard, and molded fiber food packaging can also be a source of PFAS exposure. Harmful PFAS combustion products may also be released when these products are incinerated."

### **Description:**

**Existing law** prohibits the manufacture, sale, or distribution in commerce of any toy or child care article, as defined, that contains phthalates exceeding a specified percentage. Existing law prohibits the manufacture, sale, or distribution in commerce of any bottle or cup that contains bisphenol A, above a specified detectable level, if the bottle or cup is designed or intended to be filled with any liquid, food, or beverage intended primarily for consumption from that bottle or cup by children 3 years of age or younger. Existing law, beginning January 1, 2025, prohibits the manufacture, sale, delivery, hold, or offer for sale in commerce of any cosmetic product that contains any of several specified intentionally added ingredients, such as perfluoroalkyl and polyfluoroalkyl substances (PFAS), except under specified circumstances.

**This bill** would prohibit, beginning January 1, 2023, any person from distributing, selling, or offering for sale in the state any food packaging that contains ~~intentionally added~~ *prohibited* perfluoroalkyl and polyfluoroalkyl substances or PFAS, as defined. The bill would require a manufacturer to use the least toxic alternative when replacing PFAS chemicals. The bill would define "food packaging," in part, to mean a nondurable package, packaging component, or food service ware that is comprised, in substantial part, of paper, paperboard, or other materials originally derived from plant fibers.

**This bill** would require, beginning January 1, 2024, a manufacturer, as defined, of cookware sold in the state that contains one or more intentionally added chemicals, as defined, present on a designated list, as defined, in the handle of the product or in any product surface that comes into contact with food, foodstuffs, or beverages to list the presence of those chemicals on the product label, as defined, and include a statement on the product label and on the product listing for online sales, in both English and Spanish, regarding how a consumer can obtain more information about the chemicals in the cookware, as provided. The bill would exclude cookware that meets specified conditions from the product label requirement, but would still require a manufacturer of exempt cookware to include the required information on the product listing for online sales.

**The bill** would require, beginning January 1, 2023, a manufacturer of this cookware to post on an internet website for the cookware a list of chemicals in the cookware that are present on the designated list, among other information.

**The bill** would prohibit a manufacturer from making a claim, either on the cookware package commencing January 1, ~~2023, 2024~~, or on the internet website for the cookware commencing January 1, ~~2024, 2023~~, that the cookware is free of any specific chemical if the chemical belongs to a chemical group or class identified on the designated list, unless no individual chemical from that chemical group or class is intentionally added to the cookware.

**The bill** would prohibit a person from selling, offering for sale, or distributing in California cookware that does not comply with these provisions.

### **Argument in support:**

According to the author, “AB 1200 would ban the use of intentionally added PFAS from plant-based food packaging, require cookware manufacturers to attach a disclosure label if certain chemicals are found in their cookware, and require truth in advertising when marketing cookware to be free of certain chemicals. Dangerous chemicals should not be wrapped around our food or leaching into our food from our pots and pans at home. By passing AB 1200, California can assess chemicals that our families are ingesting so that they cannot further damage our health and the environment.”

A joint letter from the co-sponsors of this bill argues, regarding PFAS, “The growing and international public, medical, scientific and political concerns about PFAS pollution have risen to unprecedented heights and have recently become even more pointed due to reports that PFAS may reduce the immune system’s response to vaccinations, as we cope with a worldwide pandemic. Federal regulation of food packaging and cookware is woefully inadequate, allowing hazardous chemicals to be used in these products.

The result of this failure is that people and the environment are exposed to hazardous chemicals when food packaging and cookware products are manufactured, used, and thrown away (or recycled).” And regarding cookware labeling, “With no federal requirements for any disclosure of chemicals in cookware, consumers are left in the dark and face a plethora of confusing claims, some of which are misleading or inaccurate, particularly when it comes to non-stick surfaces. This lack of transparency leaves the public to potentially and unwittingly expose themselves to hazardous chemicals. For example, pans may off-gas chemicals when pans are subject to high heat, or pans may expose a consumer to hazardous coatings that are scratched or peeling. Chemicals of concern in cookware may also contribute to pollution both upstream in the manufacturing process and downstream in the disposal phase.”

### **Argument in opposition:**

A joint letter from 9 representatives of manufacturers and retailers argues, regarding PFAS, “DTSC has already spent time and resources in its proposed listing of one or more plant fiber-based food packaging PFAS substances as Priority Products under the Safer Consumer Products (SCP) regulations. According to a timeline of upcoming activities released by DTSC in March 2021 final regulations for this particular priority product is expected this year.

The bill also creates a fast-track for when existing high-quality studies overwhelmingly support DTSC moving quickly to a regulatory response to protect public health.” And regarding cookware labeling, “The inclusion of the phrase “cookware includes, but is not limited to” creates regulatory uncertainty for manufacturers in assessing whether their products are subject to these requirements. These questions would normally be clarified via a regulatory process administered by an appropriate state agency but no such process exists in this bill. We believe certainty is necessary so that manufacturers have a clear understanding of the products subject to any disclosure requirements.”

### **Support: (Verified 7/13/2021)**

*5 Gyres Institute, the Alliance of Nurses for Healthy Environments American Academy of Pediatrics, California American College of Obstetricians and Gynecologists District Ix Association of California Water Agencies (ACWA) Ban Single Use Plastic (SUP) Black Women for Wellness Action Project Breast Cancer Action Breast Cancer Over Time Breast Cancer Prevention Partners CA Coalition for Clean Air California Alliance of Nurses for Healthy Environments California Association of Sanitation Agencies California Health Coalition Advocacy California Healthy Nail Salon Collaborative California Municipal Utilities Association California Product Stewardship Council Californians Against Waste Calpirg Center for Community Action & Environmental Justice Center for Community Action and Environmental Justice Center for Environmental Health (CO-SPONSOR) Center for Food Safety; the Center for Oceanic Awareness, Research, & Education Center for*

*Oceanic Awareness, Research, and Education, the Center for Public Environmental Oversight City/county Association of Governments of San Mateo County Clean Production Action Clean Water Action (CO-SPONSOR) Compost Manufacturing Alliance Consumer Attorneys of California Consumer Federation of California Consumer Reports Consumer Reports Advocacy Courage California Defend Our Health (formerly Environmental Health Strategy Center) East Bay Municipal Utility District Educate. Advocate. Educate. advocate. Environmental Working Group (CO-SPONSOR) Erin Brockovich Foundation Facts: Families Advocating for Chemical & Toxins Safety Families Advocating for Chemical and Toxins Safety Friends Committee on Legislation of California Friends of The Earth Friends of The Earth U.s. Heal the Bay Integrated Resource Management Just Transition Alliance Keep a Breast Los Angeles County Sanitation Districts Made Safe*

Marin Sanitary Service Michael J Fox Foundation National Stewardship Action Council Natural Resources Defense Council (CO-SPONSOR) Natural Resources Defense Council (NRDC) Northern California Recycling Association Orange County Water District Pacoima Beautiful Plastic Oceans International Plastic Pollution Coalition Recology Repurpose, INC. Resource Recovery Coalition of California Rethink Disposable Safer States San Francisco Bay Area Physicians for Social Responsibility San Francisco Bay

Physicians for Social Responsibility San Francisco Baykeeper Save Our Shores Save the Albatross Coalition Science and Environmental Health Network Seventh Generation Advisors Sierra Club California Social Compassion in Legislation The 5 Gyres Institute The Center for Oceanic Awareness, Research, and Education Upstream Wishtoyo Chumash Foundation Women's Voices for The Earth Womens Voices for The Earth Woodland Coalition for Green Schools Worksafe Zero Waste USA

**Opposition: (Verified 7/13/2021)**

American Chemistry Council  
American Forest & Paper Association  
Association of Home Appliance Manufacturers  
California Chamber of Commerce  
California Manufacturers & Technology Association

California Restaurant Association  
California Retailers Association  
Chemical Industry Council of California  
Foodservice Packaging Institute

**Status:** Senate Environmental Quality

**Votes** (preliminary): **AYE:** Medina                      **NO:** Seyarto, Waldron                      **NVR:** Cervantes

<b>Legislative Item #6</b>	<b>Action</b>
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**AB 1253, as amended, Santiago. ~~Personal Income Tax: credits: trusts and estates.~~ Personal income taxes: additional tax.**

*Introduced by Assembly Members [Santiago](#), [Lorena Gonzalez](#), [Kalra](#), and [Lee](#)  
(Coauthors: [Assembly Members Carrillo](#), [Jones-Sawyer](#), and [Wicks](#))*

**Recommended action: OPPOSE**  
**Presentation: Gene Wunderlich**

**Summary:**

Massive personal income tax increase. Increases the state personal income tax rate, which is already the highest in the country, on high wage earners and sole proprietors. This tax increase will drive high-income earners out of the State as well as the revenue they contribute to the General Fund.

**Description:**

***The Personal Income Tax Law and California Constitution** impose taxes based upon taxable income of individuals, estates, and trusts at specified rates.*

***This bill**, for taxable years beginning on or after January 1, 2021, in addition to those taxes, would impose an additional tax of at the rates of 1%, 3%, and 3.5% on that portion of a taxpayer's taxable income over specified thresholds, as provided.*

***This bill** would include a change in state statute that would result in a taxpayer paying a higher tax within the meaning of Section 3 of Article XIII A of the California Constitution, and thus would require for passage the approval of <sup>2</sup>/<sub>3</sub> of the membership of each house of the Legislature.*

**This bill** would take effect immediately as a tax levy.

For each taxable year beginning on or after January 1, 2021, in addition to any other taxes imposed by this part or the California Constitution, an additional tax shall be imposed as follows:

- (1) At the rate of 1 percent on that portion of a taxpayer's taxable income over the adjusted one-million-dollar (\$1,000,000) amount, but not over the adjusted two-million-dollar (\$2,000,000) amount.
- (2) At the rate of 3 percent on that portion of a taxpayer's taxable income over the adjusted two-million-dollar (\$2,000,000) amount, but not over the adjusted five-million-dollar (\$5,000,000) amount.
- (3) At the rate of 3.5 percent on that portion of a taxpayer's taxable income over the adjusted five-million-dollar (\$5,000,000) amount.

**Arguments in support:**

*None on file*

**Arguments in opposition:**

Writing in opposition, the California Chamber of Commerce opposes AB 1253 (Santiago, Gonzalez, Kalra, Lee), as amended on March 25, 2021 as a JOB KILLER, because it seeks to increase California's personal income tax (PIT) rate, already the highest in the country, for sole proprietors and high-income earners. This increase will likely drive their tax dollars and job creation away from state, depleting the General Fund to which this demographic robustly contributes.

**Support: (Verified 7/13/2021)**

*None on file*

**Opposition: (Verified 7/13/2021)**

*CalChamber*

*Howard Jarvis Taxpayers Association*

**Status:** Assembly Revenue & Taxation

**Votes**

Legislative Item #7	Action
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**AB 1395 (Muratsuchi) as amended - Greenhouse gases: carbon neutrality.**

*Introduced by Assembly Members Muratsuchi and Cristina Garcia  
(Principal coauthor: Assembly Member Luz Rivas)  
(Coauthors: Assembly Members McCarty, Robert Rivas, and Stone)  
(Coauthor: Senator Skinner)*

**Recommended action: OPPOSE**

**Presentation: Gene Wunderlich**

**Summary:**

Declares the policy of the state to achieve "carbon neutrality" as soon as possible, but no later than 2045, and to achieve and maintain net negative greenhouse gas (GHG) emissions thereafter. Requires the Air Resources Board (ARB) to work with relevant state agencies to "ensure that by 2045 a minimum of 90 percent

of gross GHG emissions are to be achieved only through emission reductions” and to prioritize the use of “nature-based solutions” in California to achieve carbon neutrality.

Proposes to limit the technology necessary to reach our carbon neutrality goals by imposing a 10% cap on technology-assisted carbon reductions, sending market signal to not develop carbon removal technology.

### **Description:**

**The California Global Warming Solutions Act of 2006** designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The state board is required to approve a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions level in 1990 to be achieved by 2020 and to ensure that statewide greenhouse gas emissions are reduced to at least 40% below the 1990 level by 2030. The act requires the state board to prepare and approve a scoping plan for achieving the maximum technologically feasible and cost-effective reductions in greenhouse gas emissions and to update the scoping plan at least once every 5 years.

~~This bill~~ *bill, the California Climate Crisis Act*, would declare the policy of the state to achieve ~~carbon neutrality~~ *net zero greenhouse gas emissions* as soon as possible, but no later than 2045, and to achieve and maintain net negative greenhouse gas emissions thereafter.

~~The bill~~ would require the state board to work with relevant state agencies *to ensure that by 2045 statewide anthropogenic greenhouse gas emissions are reduced to at least 90% below the 1990 level*, to ensure that updates to the scoping plan identify and recommend measures to achieve these policy goals, ~~to ensure that by 2045 statewide anthropogenic greenhouse gas emissions are reduced to at least 90% below the 1990 level~~, and to ~~prioritize the use of~~ *identify a variety of policies and strategies that support* nature-based *climate* solutions in ~~California to achieve carbon neutrality~~. *California, as specified.*

~~The bill~~ would require the state board to work with relevant agencies to establish criteria for the use of ~~technology-based solutions~~ *carbon dioxide removal technologies and carbon capture and storage technologies* for purposes of achieving these policy goals. The bill would impose other requirements on state ~~agencies relating to working toward these policy goals~~. *agencies, as specified.*

### **Arguments in support:**

According to the author, “Climate change is the defining crisis of our time and it is happening even more quickly than we originally thought. No corner of this state is immune from the devastating consequences of climate change. The rising temperatures are fueling environmental degradation, sea level rise, weather extremes such as drought, food and water insecurity, economic disruption, ocean acidification, and catastrophic wildfires. “According to experts, to avert the most catastrophic impacts of climate change, we must limit atmospheric warming to 1.5 degrees Celsius, which necessitates California reaching net zero emissions by mid-century. “This bill would require the state to achieve net zero emissions as soon as possible, but no later than 2045 and net negative greenhouse gas emissions thereafter. This bill additionally sets up a framework that recognizes the need to maximize emissions reductions and the need to deploy carbon negative strategies as well as nature-based solutions to help the state achieve this goal.”

In a letter of support, The Environmental Defense Fund and The Nature Conservancy argue, “...we must take bold and aggressive action to reduce greenhouse gas emissions. The state has been a leader on climate issues, passing several landmark measures to address pollution, including setting a target to reduce greenhouse gas emissions to 40% below 1990 levels by 2030. But to address a disaster of this scale, we must do more. Because of this, we support AB 1395 and codifying a target for the state to achieve carbon neutrality as soon as possible and by no later than 2045, as well as achieve and maintain net-negative emissions thereafter. By doing these things, AB 1395 would build upon existing climate targets and ensure that the state’s efforts to curb emissions and address climate change are ongoing.” Furthermore, the California league of Conservation Voters argues, “The climate crisis is affecting every corner of California. Rising temperatures are fueling environmental degradation, sea level rise, weather extremes such as drought, food

and water insecurity, economic disruption, ocean acidification, and catastrophic wildfires. To avert the most catastrophic impacts of the climate crisis, we must limit warming to 1.5 degrees Celsius, which necessitates California reaching net zero emissions by the midcentury. This bill would make that a requirement of the state as well as create a framework to help us achieve this.”

### **Arguments in opposition:**

In a letter of opposition, a coalition of 35 organizations representing businesses and industries argues, “AB 1395 would direct the Air Resources Board to establish new climate goals to achieve undefined emission reductions by 2045 with undefined policies and with unknown impacts to California’s economy and its people. AB 1395 directs ARB to establish a new climate reduction target of 90% below 1990 levels by 2045 with no clear understanding of how much emission reductions will be necessary and what policies will be used to reduce those undefined emissions. “AB 1395 would also prematurely codify Governor Brown’s Executive Order requiring the ARB to achieve carbon neutrality by 2045 without taking a holistic view of the role of all sectors-- electricity, transportation, industry, and working lands— and utilizing legislature-commissioned studies to assess cost, environmental justice issues, environmental concerns, and feasibility. CARB is currently developing its Scoping Plan to evaluate the implications of the goal envisioned in AB 1395. Any legislative action should occur after a complete analysis is available.

“At the same time, AB 1395 simultaneously limits the tools for achieving carbon neutrality. Limiting California’s technology-based solutions while simultaneously extending and expanding the state’s climate targets will unnecessarily threaten high-wage jobs, further challenge the reliability of our electric grid, and increase costs for consumer goods for all Californians.”

Apples and oranges – carbon (i.e., CO<sub>2</sub>) neutrality vs. GHG. “Carbon neutrality” is not yet defined in California statute. This bill establishes a definition, but the proposed definition mixes carbon neutrality and GHG and is not consistent with the prevailing use of the term “carbon neutrality.” For example, the IPCC defines “carbon neutrality” as “net zero CO<sub>2</sub> emissions,” which is described as follows:

- Net zero CO<sub>2</sub> emissions are achieved when anthropogenic CO<sub>2</sub> emissions are balanced globally by anthropogenic CO<sub>2</sub> removals over a specified period. Net zero CO<sub>2</sub> emissions are also referred to as carbon neutrality.

### **Support: (Verified 7/13/2021)**

*350 Bay Area Action  
350 Silicon Valley  
Audubon California  
California Interfaith Power & Light  
California League of Conservation Voters  
California Releaf  
Clean Air Task Force  
Clean Water Action  
Climate Action Campaign  
E2 (environmental Entrepreneurs)  
Environmental Defense Fund, Incorporated  
Environmental Justice League*

*Friends Committee on Legislation of California  
Greenbelt Alliance  
Natural Resources Defense Council (NRDC)  
Nature Conservancy; the Nextgen California  
Sacramento Area Congregations Together  
San Diego Green Building Council  
San Diego Green New Deal Alliance  
San Francisco Bay Physicians for Social Responsibility  
Sierra Club California  
Surfrider Foundation  
San Diego Chapter Union of Concerned  
Scientists Voices for Progress*

### **Opposition: (Verified 7/13/2021)**

*Agricultural Council of California  
Agricultural Energy Consumers Association  
Biofuelwatch  
Bizfed  
Central Valley Building Owners and Managers Association of California  
California African American Chamber of Commerce  
California Agricultural Aircraft Association  
California Association of Realtors  
California Building Industry Association  
California Business Properties Association*

*California Cement Manufacturers Environmental Coalition  
California Chamber of Commerce  
California Citrus Mutual  
California Cotton Ginners and Growers Association  
California Farm Bureau Federation  
California Fuels and Convenience Alliance  
California Independent Petroleum Association (CIPA)  
California League of Food Producers  
California Manufacturers and Technology Association  
California Rice Commission  
California State Association of Electrical Workers*

California State Pipe Trades Council  
 California Walnut Commission  
 Calpine Corporation  
 Carlsbad Chamber of Commerce  
 Central Valley Business Federation  
 Far West Equipment Dealers Association  
 Garden Grove Chamber of Commerce  
 Hawthorne Chamber of Commerce  
 Independent Energy Producers Association  
 Industrial Environmental Association  
 International Brotherhood of Boilermakers, Western States  
 Section  
 International Council of Shopping Centers  
 Los Angeles County Business Federation (BIZ-FED)  
 Naip of California, the Commercial Real Estate  
 Development Association

North Orange County Chamber of Commerce  
 Orange County Business Council  
 Redondo Beach Chamber of Commerce  
 Sempra Energy Utilities  
 Simi Valley Chamber of Commerce  
 South Bay Association of Chambers of Commerce  
 State Building and Construction Trades Council of Ca  
 Torrance Area Chamber of Commerce  
 Walnut Creek Chamber of Commerce  
 Western Agricultural Processors Association  
 Western Independent Refiners Association  
 Western States Council Sheet Metal, Air, Rail and  
 Transportation  
 Western States Petroleum Association  
 Yorba Linda Chamber of Commerce

**Status:** Senate Appropriations

**Votes** (preliminary): **AYE:** Medina **NO:** Seyarto **NVR:** Cervantes, Waldron

<b>Legislative Item #8</b>	<b>Action</b>
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**[SB 336, as amended, Ochoa Bogh. Public health: COVID-19.](#)**

*Introduced by Senator Ochoa Bogh  
 (Coauthors: Senators Bates, Borgeas, Dahle, Grove, Jones, Melendez, Nielsen, Roth, and Wilk)*

**Recommended action:** **SUPPORT**

**Presentation:** Gene Wunderlich

**Summary:**

Fair Notice for Local Public Health Orders. Would require at least 72-hours of publication of local public health orders prior to enforcement to allow employers with necessary time to come into compliance, as well as outreach to relevant stakeholders.

Requires the Department of Public Health (DPH) and a local health officer (LHO), when they take measures to prevent the spread of COVID-19, protect public health against the threat of COVID-19, or reopen the state, to publish the measures and date of any sector change or closure will take effect, and create an opportunity for entities to sign up for an email distribution list. Contains an urgency clause to ensure that the provisions of this bill go into immediate effect upon enactment.

**Description:**

**Existing law** authorizes the State Department of Public Health to take measures, such as ordering isolation, quarantine, and disinfection of persons and places, to study and prevent the spread of a communicable disease. Existing law requires a local health officer to take similar measures in the territory under their jurisdiction to prevent the spread of disease. Under existing law, these measures can be issued to be effective immediately and have the force and effect of law.

**This bill** would require that before the State Department of Public Health or a local health official takes measures to prevent the spread of COVID-19, as defined, or takes measures to reopen the state, they publish

the measures and the date that a change or closure would take effect on their internet website, unless there is an immediate danger or an imminent threat to the public requiring immediate action.

**The bill** would also require the department or local health officials to create an opportunity for organizations, communities, nonprofits, and individuals to sign up for an email distribution list relative to changes in related public health orders. By imposing these duties on local officials, the bill would create a state-mandated local program.

**The bill** would remain in effect while a measure taken by either the department or a local health officer related to COVID-19 is in effect, and as of that date is repealed.

### **Arguments in support:**

According to the author, this bill helps to ensure that our local communities are aware of any changes to the state or local public health orders by requiring them to be posted to relevant websites and emailed out on distribution lists. The COVID-19 website has been instrumental in informing our communities about the requirements of each tier in CDPH's Blueprint for a Safer Economy framework. However, there is not currently a requirement for a robust public awareness campaign when it comes to the changes that take effect. This lack of publication and time for compliance leaves both non-profit and for-profit employers scrambling to review and comply with orders that may require significant changes to their operations. We need to standardize this process and provide a reliable structure for communicating to all of our communities.

When there is a change in public health orders or guidance, this bill requires DPH and LHOs to publish new COVID-19 measures on their respective websites in order to ensure that our communities and any impacted industries are aware of and prepared to make any required changes. It also requires DPH and LHOs to create a distribution list for those that would like to sign up for notifications about any change in requirements. The author points out that this bill would only be effective for the duration of this current public health crisis as caused by COVID-19. The author concludes that we need to support our communities during this ever-changing pandemic, and this bill will start to build communication and trust between our government and our constituents.

The California Chamber of Commerce writes that throughout the pandemic, as our understanding of COVID-19 has changed, public health requirements have evolved at an unprecedented pace. What is acceptable one week as a practice may not be so the next - leaving employers across California struggling to keep in compliance. Whether it was a county order requiring temperature screenings begin in 48 hours, or a change to what businesses may remain open, these rapid changes made it difficult for even larger, well-resourced employers to keep up. Smaller businesses had little chance of staying in compliance – despite best efforts – because of the speed of these changes.

California Bankers Association states that this bill takes a common-sense approach by requiring posting of public health orders on local public health websites, and also requiring the potential for businesses to sign up for a simple email update when such changes occur. Some counties already have such email lists, and their utilization is a win-win scenario. Supporters believe that by guaranteeing posting and potential email lists for local businesses to utilize, we improve stakeholders' knowledge of new requirements and will help ensure prompt compliance and improve public health outcomes.

### **Arguments in opposition:**

Opponents write that during an emergency, quick action can save lives. This bill would require life-saving public health orders to be published 72 hours before they can be enforced, meaning that the public may be exposed to disease in the meantime. Superspreader events may take place in the three days between an order and its enforcement. Respiratory viruses like SARS-CoV-2, which causes COVID-19, can spread from person to person exponentially as one person infects another and so on. Stopping this chain of transmission is the only way to stop the virus, and this is why health orders are necessary.

**Support: (Verified 7/13/2021)**

California Chamber of Commerce (sponsor)  
Beaumont Chamber of Commerce  
Big Bear Chamber of Commerce  
California Restaurant Association  
Chino Valley Chamber of Commerce  
Corona Chamber of Commerce  
Fontana Chamber of Commerce  
Greater Coachella Valley Chamber of Commerce  
Greater High Desert Chamber of Commerce  
Greater Ontario Business Council  
Hemet San Jacinto Valley Chamber of Commerce

Highland Area Chamber of Commerce  
Inland Empire Economic Partnership  
Moreno Valley Chamber of Commerce  
Murrieta Wildomar Chamber of Commerce  
Perris Valley Chamber of Commerce  
Pomona Chamber of Commerce  
Rancho Cucamonga Chamber of Commerce  
Redlands Chamber of Commerce  
Temecula Valley Chamber of Commerce  
Upland Chamber of Commerce

**Opposition: (Verified 7/13/2021)**

Health Officers Association of California  
County Health Executives Association of California

**Status:** Assembly Appropriations

**Votes** (preliminary): **AYE:** Jones, Ochoa-Bogh, Roth      **NVR:** Melendez

Legislative Item #9	Action
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**SB 500 (Min) - Autonomous vehicles: zero emissions.**

**Recommended action:** **OPPOSE**  
**Presentation:** Gene Wunderlich

**Summary:**

Unnecessarily Targets New Technology. Proposes to require that Autonomous Vehicles be all electric well in advance of other vehicles, despite great potential to increase safety, efficiency, and other environmental improvements, hindering technological development in the commercial and passenger space. The CalChamber modified their position from OPPOSE to NEUTRAL based on amendments to the bill.

(Among other changes, the amendments would have the bill apply starting January 1, 2030 to AVs that are model year 2031 or later with a gross vehicle weight rating under 8,501 pounds and that are operated pursuant to a deployment permit. While we remain concerned that the compliance deadline would require new AVs to be zero-emission vehicles 5 years before the Governor’s executive order would do so, which may significantly restrict an industry that is largely in the testing stage, these changes would better enable AV entities to operate in the state and bring the substantial benefits of AVs to Californians.)

**Original:** This bill prohibits, beginning January 1, 2025, the Department of Motor Vehicles (DMV) from registering a qualified autonomous vehicle (AV) that is not a zero emission vehicle.

**Amended:** Commencing January 1, 2030, this bill would prohibit the operation of some autonomous vehicles (AVs) that are not zero-emission vehicles (ZEVs) this bill:

- 1) To the extent authorized by federal law, requires that any autonomous vehicle with a model year of 2031 or later and a gross vehicle weight rating of less than 8,501 pounds shall only be operated pursuant to a deployment permit issued by the Department of Motor Vehicles (DMV) if the vehicle is a ZEV.

- 2) Prohibits the DMV from commencing a rulemaking for the adoption of the provisions of this legislation before January 1, 2027.

### **Description:**

**Existing law** authorizes the operation of an autonomous vehicle on public roads for testing purposes by a driver who possesses the proper class of license for the type of vehicle being operated if the manufacturer meets prescribed requirements, including the submission of an application to the Department of Motor Vehicles (DMV) with specified certifications regarding the features of the autonomous vehicle, among other things.

**Existing law** provides for various programs to promote the use of zero-emission vehicles, including the Clean Vehicle Rebate Project, which was established by the State Air Resources Board as a part of the Air Quality Improvement Program, to promote the use of zero-emission vehicles by providing rebates for the purchase of new zero-emission vehicles, and the Charge Ahead California Initiative, which establishes various goals, including the goal of placing in service at least 1,000,000 zero-emission and near-zero-emission vehicles by January 1, 2023.

**This bill**, commencing January 1, 2030, and to the extent authorized by federal law, would ~~also require the application to the DMV, for specified highly autonomous vehicles, as defined, to include a certification by the State Air Resources Board that the autonomous vehicle produces no tailpipe emissions of criteria pollutants, toxic air contaminants, and greenhouse gases when stationary or operating, including idling.~~ *prohibit the operation of certain new autonomous vehicles that are not zero-emission vehicles, as defined.*

*The bill would also prohibit the DMV from commencing rulemaking for the adoption of regulations implementing this provision until January 1, 2027.*

### **Arguments in support”**

Author’s statement. “California has set ambitious and necessary climate goals, namely 5 million zero-emission (ZEVs) by 2030 and all new passenger vehicles to be ZEVs by 2035. Automated vehicles (AVs) can be part of a clean, equitable transportation system provided they are electric, result in increased pooling of trips, and support a multi-modal, high-occupancy transportation system. Smart policies are needed to steer AV deployment, along with other parts of the transportation system, towards a shared, electric future. One important policy is to establish requirements that future AVs be zero-emission. SB 500 helps California move toward this electric future by requiring light-duty autonomous vehicles (AVs) under 8,501 pounds to be ZEVs by 2030.”

In support of the bill, environmental groups including the Union of Concerned Scientists writes that “Automated vehicle, or autonomous vehicle (AV), technology may become the most significant change in transportation since the mass introduction of automobiles early last century. Last year, autonomous vehicles traveled almost 2 million miles on California’s public roads. Without proactive policy, widespread use of AVs could increase global warming emissions and single occupancy trips, worsen vehicle congestion, exacerbate air pollution, and deepen inequalities within our current transportation system.

Fortunately, this new technology also has a tremendous potential to be part of a clean, equitable transportation system provided that they are electric, result in widespread pooling of trips, and support a multimodal, high-occupancy transportation system. Smart policies are needed to steer AV deployment, along with other parts of the transportation system, towards a shared, electric future. One important policy is to establish requirements that future AVs be zero-emission.” Also writing in support, Cruise, Nuro, and Zoox write, “Our electric AV services can play an important role in how the State of California addresses emission reduction in the light-duty vehicle sector. Our vehicles will help reduce emissions and congestion by reducing the number of personal vehicle trips through shared rides or batched deliveries, improved routing, and replacing trips that would otherwise be done with internal combustion engine cars and trucks with autonomous, electric vehicles. We currently have, or plan to have, zero-emission, light-duty AVs operating in California by 2025.”

**Arguments in opposition:**

In opposition, several technology, industry, and trucking organizations, including the Self-Driving Coalition for Safer Streets, write that, “AV technology offers the potential to save lives, enhance mobility, and increase freight efficiency. The National Highway Traffic Safety Administration (“NHTSA”) estimates that more than 36,000 Americans died in motor vehicle crashes in 2018. The overwhelming majority of those crashes occurred due to human error. Fully autonomous vehicles have the potential to reduce fatal traffic crashes and therefore, hold the potential to save lives. In the context of emissions, AVs are helping to lead the way on reducing emissions, with numerous companies already using battery electric vehicles (“EVs”) or gasoline-electric hybrids for their AV fleets, and adoption of EVs is increasing.

Although we anticipate that many companies will increasingly use EVs for AV testing and deployment as they are able to do so from a technology and business strategy perspective—consistent with various companies’ commitments to electrification, sustainability, and reducing emissions— imposing electrification requirements on AV entities within 4 years would impede the ability for numerous AV entities to operate in California...

In addition to delaying the ability for many AV entities to operate in California in the near-term, SB 500’s ambitious goals would entirely restrict operations of automated heavy duty vehicles. Heavy duty long-haul freight trucks play a vital role in California, with nearly 80% of California communities depending exclusively on trucks to bring the things they need most, including food, health care supplies, and consumer goods. SB 500 would require automated trucks to meet the electrification goals 20 years earlier than the Governor’s own ambitious goals, and well before battery technology and charging infrastructure actually exist to support heavy duty freight trucks on long-haul routes.”

**Support: (Verified 7/13/2021)**

*350 Bay Area Action  
American Lung Association in California  
California League of Conservation Voters  
Calstart  
Clean Air Coalition  
Coalition for Clean Air  
Community Action to Fight Asthma  
Community Environmental Council  
Elders Climate Action, Norcal and Social Chapters*

*Electric Vehicle Charging Association  
Environment California  
General Motors LLC  
Plug in America  
Regional Asthma Management and Prevention (RAMP)  
Sierra Club California  
Spur  
The Climate Reality Project Orange County Chapter  
Transform Union of Concerned Scientists*

**Opposition: (Verified 7/13/2021)**

*Alliance for Automotive Innovation  
Alliance of Automobile Manufacturers  
South Bay Association of Chambers of Commerce  
American Trucking Associations, INC.  
Association for Unmanned Vehicle Systems International  
California Chamber of Commerce*

*California Trucking Association  
Internet Association; the Netchoice  
Self-driving Coalition for Safer Streets  
Silicon Valley Leadership Group  
Technet*

**Status:** Assembly Appropriations

**Votes** (preliminary): **AYE:** Roth      **NO:** Jones, Ochoa-Bogh      **NVR:** Melendez

[SB 555, as amended, McGuire. Local agencies: transient occupancy taxes: ~~online~~ short-term rental facilitator: collection.](#)

**Recommended action: SUPPORT**

**Presentation: Gene Wunderlich**

### **Summary:**

This bill establishes a system by which local governments may require short-term rental platforms to collect local charges and contract with the California Department of Tax and Fee Administration (CDTFA) to collect those charges from the short-term rental platforms and remit them to the local governments. The TOT collection and remittance system envisioned by the bill is purely voluntary. Local governments would be free to opt into or out of the system, but would also be free to continue with their own TOT collection efforts and/or voluntarily agreements with short-term rental platforms.

This bill would streamline a statewide system for collecting and dispensing Transient Occupancy Tax (TOT) revenue from short-term rental hosting platforms back to local communities.

### **Background:**

Short-term rental platforms such as Homeaway, VRBO, and Airbnb are increasingly a source of revenue for cities and counties. State law permits cities and counties to levy a tax on the privilege of occupying a room or other space on a short-term basis—known as Transient Occupancy Taxes (TOTs)—but because short-term rental hosts are often unaware they are responsible for collecting and remitting these taxes, cities and counties are likely not receiving all TOT revenue due.

This bill allows a local government to pass an ordinance requiring a short-term rental platform to collect TOTs from purchasers (renters) and contract with the CDTFA to collect the TOTs from those platforms in their jurisdictions. Under such an ordinance, a platform would collect TOTs directly from the renter and the CDTFA would collect the TOTs from the platform and hold them in trust until transmitted to the local agency.

### **Description:**

**Existing law** authorizes a city, county, or city and county to impose taxes within its jurisdiction, as provided, including a transient occupancy tax, which is generally paid by a person for the privilege of occupying a room or rooms, or other living space, in a hotel, inn, tourist home or house, motel, or other lodging for a period of less than 30 days.

**This bill** would authorize a local agency, defined to mean a city, county, or city and county, including a charter city, county, or city and county, to enact an ordinance exclusively delegating its authority to collect any transient occupancy tax imposed by that local agency on short-term rentals to the California Department of Tax and Fee Administration and to enter into a contract with the department for purposes of registration, rate posting, collection, and transmission of revenues necessary to collect and administer any transient occupancy tax imposed on a short-term rental as specified in this bill.

**This bill** would define a short-term rental to mean the occupancy of a home, house, a room in a home or house, or other lodging that is not a hotel or motel in this state for a period of 30 days or less and under any other circumstances specified by the local agency in its ordinance that is facilitated by ~~an online~~ a short-term rental facilitator, as defined.

**This bill** would require the department to perform those functions, as specified, and would require all local charges collected by the department to be deposited in the Local Charges for Short-term Rentals Fund, which

would be created by the bill in the State Treasury. This bill would continuously appropriate all amounts in the fund to the department and would require the department to transmit the funds to the local agencies periodically as promptly as feasible, as provided.

**This bill** would require ~~an online~~ a short-term rental facilitator engaged in business in this state to be responsible for collecting from the purchaser any local charge imposed on a short-term rental by any local agency exclusively delegating its authority to the department pursuant to this bill to collect those charges and would require the ~~online~~ short-term rental facilitator to register with the department. The bill would require the department to administer and collect the local charges pursuant to the Fee Collection Procedures Law. This bill would also make it a misdemeanor for any deputy, agent, clerk, or other officer or employee of the department, or any former officer or employee or other individual, who in the course of that individual's employment or duty has or had access to returns, reports, or documents required to be filed under this bill, to disclose or make known in any manner information as to the amount of any local charges or any particulars, including the business affairs of a corporation, set forth or disclosed therein.

By extending the application of the Fee Collection Procedures Law, the violation of which is a crime, and imposing a new crime, this bill would impose a state-mandated local program.

*Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.*

### **Arguments in support:**

According to the author: SB 555 establishes a new, innovative, and streamlined statewide system for collecting and dispensing Transit Occupancy Taxes (TOT) revenue for vacation hosting platforms. This bill will ensure that cities and counties can receive the revenues collected in their jurisdiction that they are entitled to. This revenue—projected to be in the high hundreds of millions—will be reinvested in fire and police services, local schools, libraries, and economic development projects that will promote healthy economies and safe neighborhoods. This would be a voluntary service available to cities and counties, but they would also be free to continue with their own TOT collection efforts and/or voluntarily agreements they have established with vacation rental platforms.

This bill gives local governments the option to require short-term rental platforms to collect TOTs and contract with the CDTFA to collect those TOTs on behalf of the local agency. Short-term rentals are a thriving business in California. According to the analysis of the Senate Governance and Finance Committee, California has the second-most short-term rental listings in the country, after Florida.

Short-term rentals also make up a significant portion of many cities and counties' revenues. For example, the City of Half Moon Bay, writing in support of the bill, states that TOTs usually make up 40 percent of its local budget. Many short-term rental hosts, however, are unaware that they are required to collect TOTs from renters, so many local governments are likely missing out on substantial amounts of TOT revenue. Under current law, short-term rental platforms are not required to collect TOTs as part of the rental facilitation process, e.g., as a component of the fees collected in an online transaction.

Some local jurisdictions have entered into voluntary collection agreements with short-term rental platforms, wherein the platform agrees to collect TOTs as part of the transaction between the host and the renter. While these voluntary agreements have likely reduced the volume of uncollected TOTs for the local governments who have them, it appears that only a small portion of local governments have such agreements. Moreover, these agreements have to be negotiated individually between each local government and each short-term rental platform, a process that can be expensive and time-consuming; the author also reports that short-term rental platforms are concerned that entering into these voluntary agreements is disadvantageous if their competitors do not also enter into similar agreements, meaning they are less likely to make such agreements going forward.

This bill would allow local governments to level the playing field. Under the bill, a local government may enact an ordinance exclusively delegating its authority to collect TOTs to the CDTFA, and enter into a contract with

the CDTFA for purposes of registration, rate posting, collection, and transmission of revenues necessary to collect and administer the TOTs. Once a local government has completed these steps, the short-term rental platform must collect all TOTs directly from the renter and remit them to the CDTFA as specified. The bill contains additional specifications relating to when and how a local government may opt into our out of the CDTFA-administered system and how a local government may modify TOTs; the analysis by the Senate Governance and Finance Committee discusses these procedures in greater detail, and is incorporated here by reference.

According to bill supporter California Asian Pacific Chamber of Commerce: Currently, hundreds of cities in California do not have any TOT collection agreements with short-term rental platforms. This lack of agreement or collection mechanism often leads to under-collection because of noncompliant operators. Local jurisdictions would benefit from the streamlined process under SB 555 by reducing a local government's administrative costs and increasing the amount of TOT collected. SB 555 would offer all cities and counties, regardless of size or location, a clear and equitable path to ensure their jurisdiction has a path to collect TOT from hosting platforms. This would be a voluntary service available to cities and counties, but they would also be free to continue with existing TOT collection efforts and/or voluntary agreements with short-term rental platforms. We urge swift passage of SB 555 to aid California's post-pandemic economic recovery, to support local governments, small businesses, and vital public services that rely on TOT revenue.

According to bill supporter City of Campbell: TOT revenue is the city's fourth largest revenue source and currently, the City only collects tax from traditional lodging establishments such as hotels and motels. As a result of the pandemic, all of these establishments were significantly impacted as the public health orders have either prohibited or limited leisure travel and lodging for over a year now. As online marketplaces for lodging have become popular search destinations for temporary and leisure lodging, Campbell and other cities will be looking to expand TOT collection to those online platforms. SB 555 will provide a helpful tool for cities to collect the revenues collected in their jurisdiction. The City of Campbell values the abilities for cities to establish policies that are in the best interest of our residents. As such, the City appreciates that SB 555 establishes a voluntary service that would be available to cities and counties but not mandate participation. As some of our neighboring cities have established voluntary agreements with online vacation rental marketplaces, the City would like to maintain the flexibility to create our own TOT collection system if such a system is more advantageous.

Airbnb writes that the bill would "offer an immediate lifeline to cities and counties across the state whose budgets have been impacted by the COVID-19 pandemic, and would create a valuable source of recurring annual income."

The City of Arroyo Grande writes that it is "actively pursuing methods for revenue generation, including increased collection efforts of unpaid TOT from short-term rentals." The city notes that it has been unsuccessful in reaching voluntary collection agreements with short-term rental facilitators and that, even if it could do so with one or two platforms, "it would have captured only rentals using one of several online platforms. SB 555 would resolve all of these issues."

### **Arguments in opposition:**

The League of California Cities (Cal Cities), California Hotel & Lodging Association, and UNITE HERE write in a joint letter of opposition that while, "SB 555 is focused on an important issue of needing to improve collection of local taxes and charges from short-term rental activities across the state . . . [a]s currently drafted, this measure could unfortunately result in less effective and less transparent TOT collection in addition to the swift termination of existing and future voluntary collection agreements. Any option to contract with CDTFA should be effective and transparent.

This measure should be amended to require platforms to provide CDTFA and contracting cities simple rental transaction information to ensure proper collection and protect the option of voluntary collection arrangements." In terms of requested amendments, they argue that short-term rental facilitators should be required to obtain and disclose to CDTFA "real-time information such as the length of a stay, the nightly rate,

and the locations of the rentals to CDTFA and contracting local governments would help to ensure proper collection and auditing.”

**Support: (Verified 7/13/2021)**

Airbnb, Inc.  
Bay Area Council  
California Asian Pacific Chamber of Commerce California  
Hispanic Chambers of Commerce  
City of Campbell  
City of Half Moon Bay  
City of Orange Short-Term Rental Alliance  
Home Share Alliance

Los Angeles Home Sharers Democratic Club Huntington  
Beach Short-Term Rental Alliance  
Long Beach Hosting Club  
Painters & Allied Trades District Council 36  
Rural County Representatives of California  
San Francisco Chamber of Commerce  
Short Term Rental Alliance of San Diego  
Sonoma County Board of Supervisors

**Opposition: (Verified 7/13/2021)**

Booking.com, B.V.  
California Hotel & Lodging Association

League of California Cities  
Unite Here International Union, AFL-CIO

**Status:** Assembly Judiciary

**Votes** (preliminary): **AYE:** Roth, Jones, Ochoa-Bogh      **NVR:** Melendez

<b>Legislative Item #11</b>	<b>Action</b>
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[SB 660 \(Newman\): ban on pay per signature gathering for ballot initiatives, recalls, referendums.](#)

**Recommended action:** **OPPOSE**  
**Presentation:** Gene Wunderlich

**Summary:**

This bill makes it unlawful for a person to pay or to receive money or any other thing of value based on the number of signatures obtained on a state or local initiative, referendum, or recall petition.

**Background:**

About half the states have an initiative process that allows citizens to place proposed laws, or in some circumstances proposed amendments to their constitutions, on the ballot. A popular referendum is substantially similar to an initiative, and similarly requires petitions to change the law. Bringing these proposals to the ballot generally requires an initial filing with the relevant authority and the circulation of a petition to obtain the required number of signatures from qualified, registered voters. Proponents of these processes assert that they are vehicles for direct democracy on a wide range of issues, involving the people in a more direct way on issues that would not otherwise be addressed in a public forum.

However, critics often point to the undue influence of well-financed interests. Of particular relevance to this bill, one practice identified as problematic is the payment-per-signature method of paying signature gatherers. This practice involves initiative/recall sponsors paying circulators on a per-signature basis, which can typically be \$2 to \$5 per signature, but can be as high as \$10 or even more per signature. The vast majority of petitions today involve paid signature gatherers, almost all paid on the basis of the signatures they collect. The author

states that the “determining factor for getting a particular measure on the ballot too often has less to do with its merits and more to do with the depth of the pockets of its proponents.”

Moreover, the per-signature payment method gives professional signature gatherers “powerful incentives to traffic in misleading information and outright falsehoods in order to induce as many voters as possible to sign in the minimum amount of time.” This bill responds to these concerns by making it unlawful to pay anything of value based on the number of signatures obtained on a state or local initiative, referendum, or recall petition. Signature gatherers can still be paid – just not based on the number of signatures gathered. Individuals who violate this provision are subject to significant civil penalties in a civil action brought by the Attorney General or a private, “qui tam” plaintiff. The analysis proposes amendments to allow not just a private plaintiff, but also the Attorney General, when successful, to collect expenses, including attorney’s fees and costs that the court finds to have been reasonably incurred. This bill is similar to bills that have passed the Legislature over the last 15 years, but have been vetoed by three different governors.

There have been many previous attempts to pass very similar legislation, almost all of which have been vetoed. Similar legislation has been attempted for the last 15 years, almost all of which has been vetoed by three different governors.

Similar to this bill, AB 2946 (Leno, 2006) would have made it unlawful for any person to pay or to receive money or any other thing of value based on the number of signatures obtained on a state or local initiative, referendum, or recall petition. Any violation would have been a misdemeanor. The bill passed out of the Legislature but was vetoed by Governor Schwarzenegger.

In 2009, SB 34 (Corbett) would also have prohibited the payment-per-signature practice, making it a misdemeanor and subjecting violators to fines of up to \$25,000. SB 34 also passed the Legislature, but was vetoed by Governor Schwarzenegger. In his veto message, the Governor stated:

*“The California Constitution provides an important system of checks and balance by giving the people direct control over their government through initiative, referendum and recall. This bill would limit the initiative process by prohibiting a person from paying or receiving money or anything of value based on the number of signatures obtained on such petitions. As I have stated when vetoing similar legislation, prohibitions on per-signature payments will make it more difficult for grassroots organizations to gather the necessary signatures and qualify measures for the ballot.”*

After Governor Brown took office, Senator Corbett tried again, introducing SB 168 (Corbett, 2011), which was identical to SB 34. The bill met a similar fate when Governor Brown vetoed the bill, stating:

*“While I understand the potential abuses of the current per-signature payment system, I believe this bill is flawed for two reasons. First, this bill would effectively prohibit organizations from even setting targets or quotas for those they hire to gather signatures. It doesn’t seem very practical to me to create a system that makes productivity goals a crime. Second, per-signature payment is often the most cost-effective method for collecting the hundreds of thousands of signatures needed to qualify a ballot measure. Eliminating this option will drive up the cost of circulating ballot measures, thereby further favoring the wealthiest interests. This is a dramatic change to a long established democratic process in California. After reviewing the materials submitted in support of this bill, I am not persuaded that the unintended consequences won’t be worse than the abuses the bill aims to prevent.”*

## **Description:**

**Existing law** prohibits a person under 18 years of age from circulating a state or local initiative, referendum, or recall petition or nominating paper. Existing law makes it a misdemeanor to offer or give money or other valuable consideration to another in exchange for that person’s signature on a state, county, municipal, or district initiative, referendum, or recall petition.

**This bill** would prohibit a person from paying money or providing any other thing of value based on the number of signatures obtained on a state or local initiative, referendum, or recall petition. The bill would impose a civil penalty for violations of that prohibition, equal to the greater of \$25,000 or \$50 times the number of signatures gathered in exchange for compensation.

**The bill** would authorize the Attorney General to bring a civil action for a violation, and it would also authorize a person, acting as a qui tam plaintiff, to bring a civil action for a violation and to share in the recovery, as

provided. The bill would require specified portions of the proceeds of a civil action or settlement to be distributed to the Attorney General, the qui tam plaintiff, and the Secretary of State.

### **Arguments in support:**

According to the author: California's constitutional provisions for the initiative, referendum, and recall processes can and should play an essential role in our state's politics and governance. Under the current system, which is driven by per signature payments to qualify measures for the ballot, there are scant prospects for deterring bad actors who would willfully mislead voters at the expense of the public good. Coordinated and well-financed groups have become increasingly adept at using the initiative, referendum, and recall processes for their benefit, and an "arms race" of sorts has ensued around the tactics employed to place an issue on the ballot. In response, a highly sophisticated mini-economy has grown up around signature gathering. At its center, a small number of specialized firms with expertise in signature gathering dominate, offering their services to proponents seeking to place a measure on the ballot. One of the principal tactics used by these specialized signature-gathering firms is the deployment of well-trained, professional signature gatherers.

Typically, these signature gatherers are paid on a per-signature or commission basis, also known as a bounty, at a rate determined by the market as it is assessed at the time. Against this backdrop, the determining factor for getting a particular measure on the ballot too often has less to do with its merits and more to do with the depth of the pockets of its proponents. By virtue of the compensation structure under which they work, professional signature gatherers have powerful incentives to traffic in misleading information and outright falsehoods in order to induce as many voters as possible to sign in the minimum amount of time. This collision, between economic self-interest and the public interest, has a direct and damaging impact on the integrity of direct democracy in our state. Other US states have recently examined the issues surrounding petitions and paid signature gatherers and adopted legislation prohibiting per-signature bounties... California should do the same. Our democracy and governance will be the better for it.

In support of the bill, the California Professional Firefighters writes: Initiatives, referendums, petitions, and other items that are placed on the ballot by means of citizen signatures are an integral part of California's electoral process and provide access to direct democracy to millions. These measures can also have outsized, lasting impacts on our state's government, and because of this it is important to ensure that each measure for which signatures are gathered is conducted in a fair, transparent, and honest manner. While it is currently a misdemeanor action to compensate someone directly for their signature on a petition, loopholes exist in current law that allow groups to compensate their employees, contractors, or volunteers in a manner that is directly related to the number of signatures that they obtain. This provides explicit incentive to those individuals to obtain as many signatures in their time working as possible, encouraging potentially dishonest or otherwise fraudulent methods to ensure a higher payout.

### **Arguments in opposition:**

The California Chamber of Commerce writes in opposition that while they appreciate that SB 660 is intended to address election integrity, "the consequences of this bill would limit the public's role in the ballot process by making it prohibitively expensive to circulate an initiative or a recall, and next to impossible to propose a referendum." The Chamber argues there is not compelling evidence there is fraud under current law, citing to data from the Heritage Foundation that indicates there were only eight convictions for ballot related voter fraud in 2020.

The Chamber also argues that this bill is premature because it is the subject of ongoing litigation – *Wilson v. La Jolla Group* (2021) 6 Cal.App.5th 897 – and the Legislature should wait until the issue is judicially resolved first. However, while the plaintiffs in *Wilson v. La Jolla Group* were indeed signature gatherers, the case actually deals with class-action certification and worker misclassification issues, including minimum wage, overtime, and meal and rest breaks. It does not address the elections and First Amendment considerations that this bill does.

The League of Women Voters of California adds: The League believes that impeding compensation for signatures gathered for initiative, referendum, or recall petitions could interfere with and have a chilling effect

on citizens' right of direct legislation through the initiative and referendum process. We are concerned that it would promote inequity by driving up costs of the initiative process in a manner that favors wealthy interests. Finally, we support a system of registration and training for signature gatherers and compensation for time and dedication to civic service. This bill dramatically changes a long-established democratic process with the rationale that it is necessary to protect against fraud. There is, however, no compelling evidence of significant fraud resulting from a per-signature payment system.

**Support: (Verified 7/13/2021)**

*California Professional Firefighters*

**Opposition: (Verified 7/13/2021)**

*California Chamber of Commerce*

*League of Women Voters of California*

**Status:** Assembly Appropriations (suspense)

**Votes** (preliminary): **AYE:** Roth      **No:** Jones, Melendez, Ochoa-Bogh,

**SWCLC**

**2021 Bill Tracker**

Month	Bill #	Author	Party	Intent	Position	Status
1	ACA1	Aguiar-Curry	D	Reduce vote threshold	O	
1	AB 5	Fong	D	HSR\$\$ to K-12	S	
1	AB 12	Seyarto	R	SS #'s - last 4	S	<b>Sen</b>
1	AB 15	Chiu	D	Tenant relief	O	
1	AB 24	Waldron	R	Unemp notice time	S	
1	AB 62	Gray		Income tax/CV costs	S	
1	AB 71	Luz Rivas	D	tax increase/homeless	O	<b>Inact</b>
1	AB 95	Low	D	Bereavement leave	O	
1	AB 115	Bloom	D	P&Z - comm-housing	O	
1	SB 19	Glazer		wine tasting rooms	S	<b>Assem</b>
1	SB 39	Grove	R	EDD fraud-inmates	S	<b>Assem</b>
1	SB 62	Durazo	D	Garment mfg	O	<b>Assem</b>
1	SB 102	Melendez	R	ABC limit	S	
1	SB 218	Jones	R	Corp paperwork	S	<b>Assem</b>
2	AB 20	Lee	D	Clean Money Act	O	
2	AB 48	Gonzalez	D	Law enforcement	O	<b>Sen</b>
2	AB 76	Kiley	R	Interdistrict transfer	S	
2	AB 248	Choi	R	Income tax/CV costs	S	
2	AB 395	Lackey	R	Vehicle breakin	S	
2	AB 513	Bigelow	R	HR clarification/CV	S	
2	SB 30	Cortese	D	Decoarbonization	O	
2	SB 37	Cortese	D	Cortese List	O	<b>Assem</b>
2	SB 220	Skinner	D	Craft distillers	S	
2	SB 238	Melendez	R	Employment/political afil	S	
2	SB 249	Melendez	R	Education/political afil	S	
2	SB 285	McGuire		Tourism recovery act	S	<b>Inact</b>
2	SB 314	Wiener	D	Restaurants/recovery	S	<b>Assem</b>
2	SB 389	Dodd	D	take-out drinks	S	<b>Assem</b>
3	AJR 1	Kalra	D	Abolish ICE	O	<b>Inact</b>
3	AB 93	Budget Cmte		Waive ABC renewals	S	<b>Chpt</b>
3	AB 84	Ting	D	More sick leave	O	<b>Sen</b>
3	SB 95	Skinner	D	More sick leave	O	<b>Chpt</b>
3	AB 946	Lee	D	Eliminate 2nd mtg	O	
3	AB 1028	Seyarto	R	Telework flexibility	S	
3	AB 1084	Low	D	Gender neutral retail	O	<b>Sen</b>

3	AB 1199	Gipson	D	Tax on rentals	O	
3	AB 1400	Kalra	D	Single payer healthcare	O	
3	SB 10	Wiener	D	Housing Density	S	<b>Assem</b>
3	SB 87	Caballero	D	Small bsn grant	S	<b>Chpt</b>
3	SB 223	Dodd	D	Discontinue water sbv	O/a	
3	SB 772	Ochoa Bogh	R	72 hr notice	S/a	<b>Assem</b>
3	SB 358	Jones	R	Porch pirates	S	<b>Assem</b>
3	SB 657	Ochoa Bogh	R	electronic documents	S	<b>Assem</b>
3	SB 772	Ochoa Bogh	R	DHS minor violations	S	
3	SB 761	Bates	R	Road Construction	O	
4	SB 314	Cortese	D	Decarbonization	O	
4	AB 286	Gonzalez	D	Cap on dine delivery	O	<b>Sen</b>
4	SB 623	Newman	D	transit fare	S	
4	SB 662	Archuleta	D	Hydrogen fueling	S	
4	SB 760	Bates	R	State route 241	O	
4	City of Temecula DePortola roundabout				S	
4	City of Temecula interchange landscape				S	
4	AB 1192	Kalra	D	Worker Metrics	O	
4	AB 297	Gallagher	R	Fire prevention	S	
4	AB 927	Medina	D	Baccalaureate pgm	S	<b>Sen</b>
4	AB 1249	Gallagher	R	wildfire tax	S	
4	SB527	Melendez	R	HSR - Salton Sea	S	
4	SB 606	Gonzalez	D	employer retaliation	O	<b>Assem</b>
4	SB 668	Bates	R	inheritance exclusion	S	
4	SB 780	Cortese	D	public investment	S	<b>Assem</b>
5	ACA 9	Kiley	R	Repeal Prop 19	S	
5	AB 13	Chau	D	Auto decision systems	O	<b>Sen</b>
5	AB 701	Gonzalez	D	Warehouses	O	<b>Assem</b>
5	AB 995	Gonzalez	D	Sick days	O	<b>Inact</b>
5	AB 1119	Wicks	D	Discrimination	O	<b>2 year</b>
5	AB 1371	Friedman	D	Recycling	O	<b>Fail</b>
5	SB 82	Skinner	D	Robbery/Theft	O	
5	SB 260	Wiener	D	Climate accountability	O	<b>2 year</b>
5	AB 1316	O'Donnell	D	Charter Schools	O	<b>Inact</b>
5	SB 642	Kamlager	D	Health care	O	
6	AB 75	O'Donnell	D	School Bond	S	<b>Sen</b>

6	AB 110	Petrie-Norris	D	Unemployment fraud	S	Sen
6	AB 570	Santiago	D	Dependent coverage	O	Sen
6	AB 1082	Waldron	R	CHBRP extension	S	Sen
6	AB 1105	Rodriguez	D	Hospital workers	O	Sen
6	AB 1204	Wicks	D	Hospital reporting	O	Sen
6	AB 1422	Gabriel	D	Bed designation	O	Sen
6	SB 9	Atkins	D	Housing dev	O	Assem
6	SB 410	Leyva	D	Osha Regs	O	Assem
6	SB 524	Skinner	D	patient steering	O	Assem
6	SB 637	Newman	D	Health reporting	O	Assem



**2021 Meeting Schedule  
w/ Guest speakers**

~~1/25 Open~~

~~2/20 Open~~

~~3/15 Open~~

~~4/19 Open — DA Mike Hestrin —~~

~~5/17 Open — Juan Perez, Sonia Perez (Fr. Valley tower), Bill Blankenship (redistricting)~~

~~6/21 Open —~~

7/19 Open - Matt Jennings, RivCo Treasurer/Tax Collector

8/16 Open

9/20 Open

10/18 Open

11/15 Closed

12/16 Dark