

# Southwest California Legislative Council

## 2021 Vote Record

This report for the first year of the 2021-2022 legislative session summarizes California legislators' floor votes on **Southwest California Legislative Council** priority bills.

This is the 16th vote record the **SWCLC** has compiled. The **SWCLC** publishes this report in response to numerous requests by member firms and coalition members that would like a gauge by which to measure the performance of their legislators.

### Partial Picture

No vote record can tell the entire story of a legislator's attitude and actions on issues of importance to business. Each year, legislators cast thousands of votes on thousands of proposed laws.

To fully evaluate your legislative representative, consult the legislative journals and examine your legislator's votes in committee and on floor issues. You can view these via links at <http://leginfo.legislature.ca.gov/>

The **SWCLC** adopted positions on 109 state bills this year, down from 91 last year. The Council supported 44 and opposed 55. 31 of those bills made their way through the legislative process and were among some 1,000 that landed on the Governor's desk. Of those 31, **SWCLC** supported 15 and opposed 16.

Some 2,775 bills, constitutional amendments and other measures were introduced this session. Many bills, both **JOB KILLERS** and **JOB CREATORS** were rejected by legislators in policy or fiscal committees, thus stopping proposals before they reached the floor for a vote.

The vote record does not capture these votes. Most bills in this report cover major business bills that are of concern to both small and large companies and especially to companies doing business in Southwest California and fit the *Strategic Initiatives* of the **SWCLC**.

The **SWCLC** recognizes that there are many bills supported or opposed by business that may not be included in this vote record and analysis. A full list of bill positions for **SWCLC** is available at <http://SWCLC.biz>



### Factors Considered

- The bills and votes reflect legislators' attitudes toward private enterprise, fiscal responsibility and the business climate.
- Each bill was a *priority* for the **SWCLC**, a position had been *adopted* by the **SWCLC** and that position had been *communicated* one or more times to the author of the bill, the appropriate committee and to our local legislators.
- The bills were voted upon by the full Senate and Assembly. This year 29 of the 109 met that criteria. Last year 11 of 91 bills met that criteria.
- Unless otherwise noted, final floor votes are shown. Concurrence votes and conference report votes are considered final votes.

### Historical Record

Once again **MOST** Southwest California legislators scored well, but not all. Some scores were abysmal.

As in past years, this is indicative of the fact that Southwest County tends to elect more business-friendly, fiscally conservative legislators who reflect the needs of their constituency. But not all.

The **SWCLC** focused on a broad spectrum of issues in keeping with our *Strategic Initiatives* of *budget & tax reform, job creation & retention, infrastructure & the environment, and healthcare*.

Within that framework, the **SWCLC** weighed in on infrastructure and housing issues, reducing or eliminating tax and regulatory burdens, onerous environmental legislation, as well as healthcare reform, and of course COVID-19.

The Council worked to support issues of local concern like enabling local restaurants and wineries to recover from onerous lockdowns (SB 19, SB 87, SB 314 & SB 389), as well as bills aimed at curbing rampant unemployment fraud (AB 110) and organized retail theft (AB 331). The group opposed several health care bills that will increase cost and exacerbate labor issues (AB 1204, AB 1422, SB 95 & SB 524), as well as bills restricting inland area warehouse growth (AB 701), a bill that will expand a contractors cost liability to include issues with all subcontractors (SB 727) and another that will increase the cost to manufacture garments (SB 62).

### Vote Record

**Senators Melissa Melendez (R)** SD 28 again scored a **perfect 100%** voting records on **SWCLC** priority bills while Sen's Ochoa-Bogh (SD 23) and Jones (SD 28) came in at 97%. **Senator Richard Roth (D)** SD 31, voted in accord half the time - **50%**.

**Assembly Members Marie Waldron (R)** AD75 also voted with the Council **100%** of the time, while Kelly Seyarto (AD 67) logged 97%, differing on only a single issue. **Members Cervantes (D)** AD60 scored **47%** and **Medina (D)** AD61 scored **48%**.

**Governor Gavin Newsom passed all 15 bills supported by the SWCLC and vetoed 3 of the 16 bills we opposed for a 58% vote record.** This represents a significant improvement over the 32% vote record by the Governor in his first outing last year.

In spite of his votes in accord with our issues, there were plenty of 'bad' bills that made it through on issues not pertinent to **SWCLC** strategic initiatives, although many will impact our local business community and/or property rights.

**The Southwest California Legislative Council** considers it a privilege to advocate on behalf of business interests in Southwest Riverside County. **Thanks to our dedicated Legislators and their staffs** for their support and cooperation in 2020.

**Thanks also to our sponsors, supporters and Chamber coalition partners.**

# Southwest California Legislative Council

## 2021 Bill Tracker

Bill #	Author	Party	Intent	Senate					Assembly				Governor
				Melendez	Bogh	Roth	Jones	Waldron	Seyarto	Cervantes	Medina		
AB 12	Seyarto	R	SS #'s - last 4	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
AB 83	Budget Cmte		Waive ABC renewals	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
AB 110	Petrie-Norris	D	Unemployment fraud	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
AB 331	Jones-Sawyer	D	Organized theft	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
AB 332	CMTE		Treated Wood	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
AB 511	Muratsuchi	D	Crowdfunding	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
AB 1082	Waldron	R	CHBRP extension	Y	Y	Y	Y	Y	NVR	Y	Y	Y	Y
SB 10	Wiener	D	Housing Density	NVR	Y	Y	Y	NVR	N	NVR	Y	Y	Y
SB 19	Glazer	D	Wine tasting rooms	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
SB 87	Caballero	D	Small bsn grant	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
SB 314	Wiener	D	Restaurants/recovery	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
SB 336	Ochoa Bogh	R	72 hr notice	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
SB 389	Dodd	D	Take-out drinks	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
SB 657	Ochoa Bogh	R	Electronic documents	NVR	Y	Y	Y	Y	Y	Y	Y	Y	Y
SB 780	Cortese	D	Public investment	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
AB 48	Gonzalez	D	Law enforcement	N	N	NVR	N	N	N	Y	Y	Y	Y
AB 286	Gonzalez	D	Cap on dine delivery	N	NVR	Y	N	N	N	Y	Y	Y	Y
AB 570	Santiago	D	Dependent coverage	N	N	Y	N	N	N	Y	Y	Y	Y
AB 616	Stone	D	Card check	N	N	Y	N	N	N	Y	Y	Y	V
AB 701	Gonzalez	D	Warehouses	N	N	Y	N	N	N	Y	Y	Y	Y
AB 1074	Gonzalez	D	Displaced workers	N	N	Y	N	N	N	Y	Y	Y	V
AB 1084	Low	D	Gender neutral retail	N	N	Y	N	N	N	Y	Y	Y	Y
AB 1204	Wicks	D	Hospital reporting	N	N	Y	N	N	N	Y	Y	Y	Y
AB 1422	Gabriel	D	Bed designation	N	N	Y	N	N	N	Y	Y	Y	Y
SB 9	Atkins	D	Housing dev	N	N	Y	N	N	N	Y	Y	Y	Y
SB 62	Durazo	D	Garment mfg	N	N	Y	N	N	N	Y	Y	Y	Y
SB 95	Skinner	D	More sick leave	NVR	N	Y	N	N	N	Y	Y	Y	Y
SB 500	Min	D	Zero emission AV	N	N	Y	N	N	N	Y	Y	Y	Y
SB 524	Skinner	D	Patient steering	NVR	Y	Y	Y	NVR	N	Y	Y	Y	V
SB 606	Gonzalez	D	Employer retaliation	N	N	Y	N	N	N	Y	Y	Y	Y
SB 727	Leyva	D	Contractor liabilities	N	N	Y	N	N	N	Y	Y	Y	Y
				<b>27/27</b>	<b>29/30</b>	<b>15/30</b>	<b>30/31</b>	<b>29/29</b>	<b>29/30</b>	<b>14/30</b>	<b>15/31</b>	<b>18/31</b>	
NVR = No Vote Recorded				<b>100%</b>	<b>97%</b>	<b>50%</b>	<b>97%</b>	<b>100%</b>	<b>97%</b>	<b>47%</b>	<b>48%</b>	<b>58%</b>	

## 2021 Bill summary

### **SUPPORTED:**

**AB 12 (Seyarto; R-Murrieta)**: An effort to protect the privacy and appropriation of individual social security numbers. This is already common practice for most state agencies and private enterprise but has been overlooked by the state EDD, which has directed billions in fraudulent payment to incarcerated prisoners and others.

**Status: Approved by the Governor**

**AB 83 Committee on Budget and Fiscal Review**: This trailer bill authorizes the Department of Alcoholic Beverage Control to issue renewal fee waivers to specified license types that were active between March 1, 2020, and December 31, 2020.

**Status: Approved by the Governor**

**AB 110 (Petrie-Norris; D-Laguna Beach)**: Requires the Department of Corrections and counties to share the names and Social Security information of current inmates with the Employment Development Department (EDD) to prevent payments on fraudulent claims using inmate information, and require EDD to utilize this information in its screening process. This would bring California up to speed with other states, and also help prevent one of the most widespread types of fraud that was widely-reported during the COVID-19 shutdown from occurring in the future.

**Status: Approved by the Governor**

**AB 331 (Jones-Sawyer; D-South Los Angeles)**: Extends the organized retail theft criminal statutes and the California Highway Patrol's task force to better enforce crimes against retailers.

**Status: Approved by the Governor**

**AB 332 (Committee on Environmental Safety and Toxic Materials)**: Provides an option to manage and dispose of treated wood waste through alternative standards if certain criteria are met, a process that had been in place for decades before sunset in 2020, in order to avoid the unnecessary and cost prohibitive management of these materials as Resource Conservation and Recovery Act (RCRA) hazardous waste materials.

**Status: Approved by the Governor**

**AB 511 (Muratsuchi; D-Torrance)**: Allows start-up and emerging small businesses to help find investors to help capitalize them while providing greater protections for investors participating in crowdfunding.

**Status: Approved by the Governor**

**AB 1082 (Waldron; R-Temecula)**: Extends the sunset date of the California Health Benefits Review Program (CHBRP) and Health Care Benefits Fund (Fund) through July 1, 2027, and authorizes the continued assessment of the annual charge on health care service plans (health plans) and health insurers, as specified. Increases the allowable total annual assessment on health plans and health insurers from \$2 million to \$2.2 million to support CHBRP.

**Status: Approved by the Governor**

**SB 10 (Wiener; D-San Francisco)**: SB 10 addresses one factor in the housing crisis facing California with a bill that does not usurp local authority. Unlike previous bills by this author and others, SB 10 simply **authorizes** a local government to re-zone any parcel for up to 10 units of residential density under specified conditions. It does not 'mandate' that ordinance and it actually prohibits re-zoned parcels from being by-right or ministerially approved.

**Status: Approved by the Governor**

**SB 19 (Glazer; D-Contra Costa)**: Opens new opportunities for increased revenues by allowing wineries to have one additional off-site tasting room.

**Status: Approved by the Governor**

**SB 87 (Caballero; D-Salinas)**: Establishes a \$2.6 billion grant program that offers struggling small businesses a lifeline while they struggle through pandemic-induced shutdowns and regulations.

**Status: Approved by the Governor**

## **SUPPORTED (Cont):**

**SB 314 (Wiener; D-San Francisco):** The Restaurant and Bar Recovery Act, would make permanent some of the 'temporary' pandemic regulations allowing significantly expanded outdoor restaurant seating and continuation of outdoor alcohol service. Among other elements, SB 314 would also allow local governments to create 'open container entertainment zones'.

**Status: Approved by the Governor**

**SB 336 (Ochoa-Bogh; R-Menifee):** SB 336 would require DPH to provide 72 hours notice to businesses and local organizations like Chambers of Commerce of pending measures implemented to prevent the spread of CV-19.

**Status: Approved by the Governor**

**SB 389 (Dodd; D-Napa):** Allows restaurants to sell prepackaged alcohol for off-site consumption.

**Status: Approved by the Governor**

**SB 657 (Ochoa Bogh; R-Yucaipa):** Allows employers to satisfy notice requirements under the Labor Code using electronic means for telecommuting employees.

**Status: Approved by the Governor**

**SB 780 (Cortese; D-Santa Clara):** SB 780 seeks to reform, revitalize and improve a legislative body's ability to implement and/or utilize Enhanced Infrastructure Finance Districts (EIFD's) and Community Revitalization Investment Authorities (CRIA's).

**Status: Approved by the Governor**

## **OPPOSED:**

**AB 48 (Gonzalez, Lorena; D-San Diego):** Proposes to further restrict the options law enforcement personnel have at their disposal to effect crowd control during protests or demonstrations by prohibiting the use of 'kinetic energy projectiles' or tear gas.

**Status: Approved by the Governor**

**AB 286 (Gonzalez, Lorena; D-San Diego):** Prohibits a food delivery platform from charging a customer any purchase price for food or beverage that is higher than the price set by the food facility and prohibits a food delivery platform from retaining any portion of amounts designated as a tip or gratuity.

**Status: Approved by the Governor**

**AB 570 (Santiago; D-Los Angeles):** Requires a group or individual health care service plan (health plan) contract or health insurance policy issued, amended, or renewed on or after January 1, 2022, that provides dependent coverage to make that coverage available to a qualified dependent parent or stepparent. Expands the definition of "dependent" for an individual or small employer health plan contract or health insurance policy to include a qualified dependent parent or stepparent.

Amendments made on May 24, 2021 would require only individual health plans, and not employer sponsored plans, provide coverage to dependent parents and stepparents which facilitated CalChamber change in position to neutral.

**Status: Approved by the Governor**

**AB 616 (Stone; D-Scotts Valley):** Would have limited 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 limited an employer's ability to challenge any order by the Agricultural Labor Relations Board (ALRB) 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 included 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.

**Status: Vetoed by the Governor**

## **OPPOSED (Cont.):**

**AB 701 (Gonzalez, Lorena ; D-San Diego)** Threatens warehouse employers with duplicative costly litigation by creating a duplicative and likely inconsistent regulation from Cal/OSHA regarding appropriate performance levels in warehouses. Also creates rebuttable presumption of retaliation that can be triggered multiple times which will interfere with legitimate discipline, as well as creating a new Private Attorneys General Act (PAGA) claim related to warehouse work speed. Job killer tag removed due to July 15, 2021 amendments narrowing the application of the bill on multiple fronts, including PAGA litigation and injunctive relief.

**Status: Approved by the Governor**

**AB 1074 (Gonzalez, Lorena; D-San Diego):** Prior to amendments, would have imposed an onerous and stringent process that is unlimited in time for specific employers to return employees to the workforce for specified industries, including hotels and restaurants that have been disproportionately impacted by this pandemic, which would have delayed rehiring and employers' ability to re-open after being forced to close or reduce operations due to COVID-19. Job killer tag removed due to April 19, 2021 amendments eliminating COVID-19 related recall provisions from the bill. The remaining provisions had the potential to cause further harm to the hospitality industry by forcing a new service provider for a hotel to hire the previous contracted provider's employees and navigate statutory barriers erected around operational positions, staffing redundancies, technical abilities, and staffs' general ability to meet the hotel's needs. The mandate would have increased operating costs, threatened small businesses, and represented a significant shift in how the law approaches contracting.

**Status: Vetoed by Governor.**

**AB 1084 (Low; D-Silicon Valley):** AB 1084 would fine department stores for separating toys by gender. Last year's AB 2826 (Low) included toys and clothing but was withdrawn by the author in deference to CV-19 bills. AB 2826 was OPPOSED by the SWCLC

**Status: Approved by the Governor**

**AB 1204 (Wicks; D-Oakland):** Adds new categories to the definition of vulnerable communities for community benefits reporting purposes. It would require hospitals and health systems to annually submit an equity report that includes analyses of health status and access to care disparities for patients on the basis of race, ethnicity, and payer, and of employment disparities for employees on the basis of race, ethnicity, and gender. It would also require plans for addressing those disparities.

**Status: Approved by the Governor**

**AB 1422 (Gabriel; D-Woodland Hills):** AB 1422, as amended May 24, would require the California Department of Public Health (CDPH) to hold a 40-day public comment period before it approves or denies a hospital's "bed designation program flexibility request," which is a request to allow the hospital to designate a bed in a critical care unit as requiring a lower nurse-to-patient staffing ratio. Hospitals would be required to submit to CDPH, and make publicly available, supporting documentation establishing the need for program flexibility and that the proposed alternative will not compromise patient care. CDPH would also be required to develop a form for the public to submit a request to review and consider revocation of a bed designation program flexibility request.

**Status: Approved by the Governor**

**SB 9 (Atkins; D-San Diego):** This bill requires ministerial approval of a housing development of no more than two units in a single-family zone (duplex), the subdivision of a parcel zoned for residential use into two parcels (lot split), or both.

**Status: Approved by the Governor**

**SB 62 (Durazo; D-Los Angeles):** Significantly increases the burden on non-unionized employers in the garment manufacturing industry in California, by eliminating piece rate as a method of payment even though it can benefit the employee, creating joint and several liability for contractors for any wage violations or the employer, and shifting the evidentiary standards in a Labor Commissioner hearing to limit the ability for an employer to defend against an alleged wage violation. These additional requirements will encourage companies to contract with manufacturers outside of California, thereby limiting the demand and workforce of garment manufacturers in California.

**Status: Approved by the Governor**

## **OPPOSED (Cont.):**

**SB 95 (Skinner; D-Oakland):** These bills would impose a significant cost onto small employers, who the State has already acknowledged are suffering due to this pandemic. This paid sick leave mandate would essentially negate any financial relief small employers may receive through the proposed grant programs pending in the Budget.

**Status: Approved by the Governor**

**SB 500 (Min; D-Irvine):** 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.

**Status: Approved by the Governor**

**SB 524 (Skinner; D-Berkeley):** Would have increased prescription drugs costs for consumers by preventing certain network designs between employers, health plans, insurers, pharmacy benefit managers, and pharmacies.

**Status: Vetoed by Governor.**

**SB 606 (Gonzalez, Lena; D-Long Beach):** Significantly expands Cal/OSHA authority by creating new “egregious employer” category in Labor Code, creates a new category of “enterprise-wide” citations that face different appeal and abatement practices. Finally, creates multiple new presumptions of retaliation that are duplicative of existing protections and will generate litigation. Job killer tag removed due to March 25 amendments limiting certain overbroad provisions, but CalChamber remains opposed due to structural changes to Cal/OSHA enforcement.

**Status: Approved by the Governor**

**SB 727 (Leyva; D-Chino):** Joint Liability. Expands joint liability within construction industry by expanding a direct contractor's liability to include penalties, liquidated damages, and interest.

SB 727 was designated as a Housing Killer. The purpose of the Housing Killer List is to identify legislation that will further exacerbate the current housing crisis for Californians in dire need of affordable places for them and their families to live

Should the Legislature expand existing joint liability statute to include holding direct contractors liable for any failure of a subcontractor to contribute to Unemployment Insurance, obtain worker's compensation coverage and penalties, interest and liquidated damages for unpaid wage violations?

**Status: Approved by the Governor**

**Coming soon – The 2022 Season with reruns of:**

**Abolish ICE**

**Single Payer Healthcare**

**Climate Change**

**Carbon Neutrality**

**Zero Emission Buildings, Cars, Trucks, Homes**

**Tax the Rich**

**Tax Equity**

**Tax on Rentals**

**Wealth Tax for Housing**

**Wealth Tax for Homeless**

**Eliminate 2<sup>nd</sup> Mortgage Deduction**

**Restrict Law Enforcement**

# SWCLC

Southwest California  
Legislative Council

*A coalition of the  
Temecula Valley, Murrieta-Wildomar, Lake Elsinore Valley, and Menifee Chambers of Commerce*

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