

PANE & PANE ASSOCIATES, INC.

CALIFORNIA BUS ASSOCIATION TWO-YEAR BILLS (UPDATED JUNE 8, 2009)

AB 414 (Galgiani-D) Carl Moyer Memorial Air Quality Standards Attainment Program: heavy-duty fleet modernization projects

(1-2/23/09) Sponsor: author Staff: Jim Collin (916) 319-2084

Summary: This bill would require the Air Resources Board to develop and implement a trade-down program that provides assistance to owners of high-use, newer model, heavy-duty fleet vehicles to convert those vehicles for lower use, commercial operations in a manner that reduces emissions of oxides of nitrogen and particulate matter. The bill would provide that the trade-down program would be eligible for funding under the Carl Moyer program as an eligible heavy-duty fleet modernization project if it meets a specified criterion.

STATUS: Assembly Transportation; Two-Year Bill

AB 709 (Lieu-D) Charter-party carriers of passengers: driver background checks (1-2/25/09)

Sponsor: Greater CA Livery Association Staff: Graciela Castillo (916) 319-2019

Summary: This bill, now authored by Lieu instead of Hill, would require that the rules adopted by the commission do the following: (1) require that each driver, and each applicant who is offered employment as a driver, of a charter-party carrier providing passenger transportation to and from a commercial airport submit fingerprints and other pertinent information for the purpose of obtaining criminal history information, (2) require that a charter-party carrier of passengers only employ as drivers those individuals that have successfully completed the criminal history background investigation, (3) require the charter-party carrier of passengers provide an identification credential to each employee, or applicant that becomes an employee, that successfully completes the criminal background investigation process, and (4) require all drivers that are employed by a charter-party carrier of passengers to carry identification credentials at all times on airport property. The bill would require any applicant for certification or a permit to operate as a charter-party carrier of passengers to certify that its drivers have successfully completed a criminal history background check and have been issued an identification credential in accordance with the above-described requirements. The bill would prohibit the governing body of any airport from imposing requirements on charter-party carriers providing transportation to and from the airport regarding criminal background checks on drivers, but would authorize the governing body to request a list of all drivers to whom identification credentials have been issued. Under existing law, a violation of the Passenger Charter-Party Carriers' Act or an order or direction of the commission pursuant to the act is a crime.

STATUS: Held on Assembly Appropriations Suspense File; Two-Year Bill.

CBA Position: Leg Committee needs to review for possible position

AB 922 (Miller-R) Diesel fuel tax exemption: bio-diesel (1-2/26/09)

Sponsor: author & Biodiesel Alliance Staff Evan Oneto 319-2071

Summary: This bill exempts the imposition of the Diesel Fuel Tax after July 1, 2009 through June 30, 2014 on biomass-based diesel fuel produced with California feedstock (used cooking oil; trap

grease; yellow grease; animal fat; brown grease; plant or fungal crop; algae and FOG which means fat, oil and grease).

STATUS: Held on Assembly Rev & Tax Suspense File; Two-Year Bill.

AB 1000 (Ma-D) Employment: Paid sick days (I-2/27/09) Sponsor: CA Labor Federation Staff: Catalina Hayes-Bautista (916) 319-2012

Summary: This bill would provide that an employee who works in California for 7 or more days in a calendar year is entitled to paid sick days, as defined, which shall be accrued at a rate of no less than one hour for every 30 hours worked. An employee would be entitled to use accrued sick days beginning on the 90th calendar day of employment. The bill would require employers to provide paid sick days, upon the request of the employee, for diagnosis, care, or treatment of health conditions of the employee or an employee's family member, or for leave related to domestic violence or sexual assault. An employer would be prohibited from discriminating or retaliating against an employee who requests paid sick days. The bill would require employers to satisfy specified posting and notice and recordkeeping requirements. The bill would also make conforming changes. This bill would require the Labor Commissioner to administer and enforce these requirements, including the promulgation of regulations, investigation, mitigation, and relief of violations of these requirements. This bill would authorize the Labor Commissioner to impose specified administrative fines for violations and would authorize an aggrieved person, the commissioner, the Attorney General, or an entity a member of which is aggrieved to bring an action to recover specified civil penalties against an offender, as well as attorney's fees, costs, and interest. The bill would specify that it does not apply to employees covered by a collective bargaining agreement that provides for paid sick days, nor does it lessen any other obligations of the employer to employees. This bill would further specify that it does not apply to employees in the construction industry covered by a collective bargaining agreement if the agreement expressly waives the requirements of this article in clear and unambiguous terms. However, the bill would specify that it applies to certain public authorities, established to deliver in-home supportive services, except where a collective bargaining agreement provides for an incremental wage increase sufficient to satisfy the bill's requirements for accrual of sick days.

STATUS: Held on Assembly Appropriations Suspense File; Two-Year Bill.

AB 1421 (Swanson-D) Employment: work hours (A-4/14/09) Sponsor: Author Staff: hasn't been assigned

Summary: This bill would provide that time spent in transit on a facility-provided conveyance from a remote employee parking location to and from the place at which an employee's presence is required by the employer shall be considered to be part of a workday when the employee is employed at an airport, amusement park, sports venue, or entertainment venue, as these places of employment are defined by the North American Industry Classification System or its predecessor.

STATUS: Assembly Floor Inactive File; Two-Year Bill.

SB 287 (Calderon-D) Meal periods (I-2/24/09) Sponsor: author Staff: Rocky Rushing (916) 651-4030

Summary: This bill would revise the statutory requirements for the provision of meal periods to specify that the requirements apply only to employees subject to the meal period provisions of an order of the IWC. The statutory requirements for providing the meal periods would be revised to specify that a meal period based on working more than 5 hours in a workday is required to be provided before the employee completes 6 hours of work, unless the existing

waiver provision is invoked. The waiver provision for the 2nd meal period would be changed to provide an exception for different provisions within IWC wage orders in effect as of January 1, 2009, and to permit the employer and employee to agree to waive either the first or the 2nd meal period if the employee otherwise is entitled to 2 meal periods. The bill also would specify conditions under which on-duty meal periods are permitted rather than meal periods in which the employee is relieved of all duty. The meal period provisions of a valid collective bargaining agreement would be required to be implemented for covered employees rather than the statutory requirements. The bill would require that orders of the IWC be interpreted in a manner consistent with this section, and would require the Department of Industrial Relations to amend and republish specified IWC wage orders to be consistent with the revised meal period requirements.

STATUS: Senate Labor & Industrial Relations; Two-Year Bill.

SB 351 (Huff-R) High-occupancy vehicle lanes (1-2/25/09) Sponsor: author Staff: Kelly Garman (916) 651-4029

Summary: This is a “spot bill” making a technical, non-substantive change to the provision of law relating to preferential use of highway lanes for high-occupancy vehicles.

STATUS: Awaiting committee assignment; Two-Year Bill.

SB 380 (Dutton-R) Meal periods (1-2/26/09) Sponsor: author Staff: Alex Bassar (916) 651-4031

Summary: This bill would revise the statutory requirements for the provision of meal periods to specify that the requirements apply only to employees subject to the meal period provisions of an order of the IWC. The statutory requirements for providing the meal periods would be revised to specify that a meal period based on working more than 5 hours in a workday is required to be provided before the employee completes 6 hours of work, unless the existing waiver provision is invoked. The waiver provision for the 2nd meal period would be changed to provide an exception for different provisions within IWC wage orders in effect as of January 1, 2009, and to permit the employer and employee to agree to waive either the first or the 2nd meal period if the employee otherwise is entitled to 2 meal periods.

STATUS: Awaiting committee assignment; Two-Year Bill.

SB 462 (Strickland-R) Income and corporation taxes: credits: manufacturers of diesel exhaust filters (1-2/26/09)

Sponsor: author Staff: Carrie Yoshida (916) 651-4019

Summary: This bill would authorize a credit against those taxes for each taxable year beginning on or after January 1, 2009, and before December 1, 2019, of \$10,000 for a qualified taxpayer, as defined, that is a manufacturer of verified diesel emission control strategies. This bill would take effect immediately as a tax levy.

STATUS: Held on Senate Rev & Tax Suspense File; Two-Year Bill.

SB 463 (Strickland-R) Income and corporation tax credits: renewable energy projects (A-4/29/09) Sponsor: author

Staff: Carrie Yoshida (916) 651-4019

Summary: The Personal Income Tax Law and the Corporation Tax Law authorize various credits against the taxes imposed by those laws. This bill would, under both laws, for taxable years beginning on or after January 1, 2009, and before January 1, 2017, allow a credit for all taxable years in an amount, not to exceed \$3,000, equal to 30% of the costs paid or incurred for the

purchase and installation of a renewable energy resource project, as defined. This bill would take effect immediately as a tax levy.

STATUS: Held on Senate Rev and Tax Suspense File; Two-Year Bill.

SB 464 (Strickland-R) Income and corporation taxes: credits: diesel particulate matter reduction (I-2/27/09) Sponsor: author

Summary: This bill would allow a credit for taxable years beginning on or after January 1, 2009, and before January 1, 2019, in an amount equal to 5% of the amount paid or incurred for qualified property, as defined, not to exceed \$10,000, that is used to meet diesel particulate matter reduction requirements. This bill would take effect immediately as a tax levy.

STATUS: Held on Senate Rev & Tax Suspense File; Two-Year Bill.