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Legislative Reports for 2005

### **LEGISLATIVE UPDATE: Week of October 7, 2005**

This year's legislative session ended a day early and was not noted for being one of the more productive legislative sessions in history. Senate President Pro Tem Don Perata was quoted saying, "If this were football, we wouldn't be in the playoffs." The good news for CBA is that several bills opposed by CBA have become 2-YEAR bills (AB 1101 and AB 1256 and another, SB 300, was held in the Assembly Appropriations Committee) and will at least be postponed until next year. A two- year bill list is also attached. Unfortunately, a key bill opposed by CBA (AB 765) passed out of both houses of the Legislature and is on its way to the Governor. However, it should be noted that the author made several amendments attempting to satisfy CBA's opposition, including intent language saying that should a private carrier come in that the contract with the district would cease within 120 days. Because of this amendment, the State Chamber of Commerce removed their opposition. We have spoken to one of the Governor's legislative deputies regarding CBA's continued opposition and we have asked members to once again send letters in opposition to this bill. The Governor has until midnight on October 9<sup>th</sup> to sign or veto bills, including AB 765.

### **2005 LEGISLATION**

#### **48 (Lieber) Minimum wage. (A-4/12/05)**

**Summary:** Existing law requires establishment of a minimum wage for all industries of not less than \$5.75 per hour on and after March 1, 1998. Under existing law, the Industrial Welfare Commission is authorized to determine minimum wages in accordance with a prescribed procedure that includes the selection of wage boards to consider and make recommendations regarding wage issues. The current minimum wage for all industries is \$6.75 per hour. This bill would increase the minimum wage to \$7.25 per hour, effective on and after July 1, 2006, and to \$7.75 per hour, effective on and after July 1, 2007, and would provide for the automatic adjustment of the minimum wage on January 1 of each year thereafter, calculated by multiplying the minimum wage by the previous year's rate of inflation, as specified.

**STATUS: VETOED BY THE GOVERNOR.**

**CBA POSITION: None taken**

**AB 765 (Salinas) Rail feeder bus service. (A-8/15/05)**

**Summary:** Existing law authorizes the Department of Transportation to provide funding to Amtrak for the purpose of entering into a contract with a motor carrier of passengers for the intercity transportation of passengers over regular routes for the purpose of providing feeder bus service to rail stations if, among other things, the motor carrier is not a public recipient of specified governmental assistance, except a local public motor carrier that proposes to serve passengers only within its service area is excluded from this restriction. This bill would authorize the department to enter into an agreement with a public motor carrier in the County of Monterey to provide mixed-mode feeder bus service between San Jose and Monterey via Gilroy if there is no private motor carrier providing scheduled bus service, subject to termination within 120 days if a private motor carrier operates a scheduled service on the San Jose-Gilroy-Monterey route.

**STATUS: Enrolled and to the Governor.**

**CBA Position: OPPOSE taken at 1<sup>st</sup> Qtr. Bd. Meeting**

**AB 1052 (Leslie) Vehicles: school transportation vehicles: driver drug and alcohol testing. (I-02/22/05)**

**Summary:** The bill would require a school district or county office of education that employs a driver to drive a school transportation vehicle, and that driver of the vehicle, to participate in a program that is consistent with the federal controlled substance and alcohol use testing requirements that apply to school bus drivers.

**STATUS: Signed. Chapter 324 of the 2005 Statutes.**

**CBA Position: Support (taken at 1<sup>st</sup> qtr bd. Meeting)**

**AJR 16 (Baca) Fair and equitable treatment for truck and bus drivers. (A-5/4/05)**

**Summary:** This measure would memorialize the Congress and the President of the United States to take necessary action to amend the federal statutes in an expeditious manner to allow for the equal treatment of commercial drivers who are off duty and using a private vehicle when they incur a traffic violation.

**STATUS: Chapter 59 of the 2005 Statutes.**

**CBA Position: None taken.**

## **SENATE BILLS**

**SB 300 (Kuehl) Family and medical leave. (A-7/7/05)**

**Summary:** This bill would increase the circumstances under which an employee is entitled to protected leave pursuant to the Family Rights Act by (1) eliminating the age and dependency elements from the definition of "child," thereby permitting an employee to take protected leave to care for his or her independent adult child suffering from a serious health condition, and (2) permitting an employee to take leave to care for a seriously ill grandparent, sibling, or domestic partner, as defined. **STATUS: Assembly Appropriations; held on Suspense**

**File.**

**Position: OPPOSE (taken at 1<sup>st</sup> qtr bd. Meeting)**

**SB 833 (Bowen) Unsolicited advertising faxes (A-06/15/05)**

**Summary:** Existing state law imposes various requirements and prohibitions on different forms of advertising. A violation of the provisions governing advertising is a crime. This bill would make it unlawful for a person or entity, if located in California or if the recipient is located in California, to use any device, or cause any other person or entity to use a device to send, an unsolicited advertisement to a telephone facsimile machine. The bill would authorize the recipient of an unsolicited advertising fax to bring an action for a violation of these provisions for injunctive relief, actual damages or statutory damages of \$500 per violation, whichever is greater, or both injunctive relief and damages, and, if the violation was willful, would authorize a court to award treble damages. The bill would also make it unlawful for a person or entity, if located in California or the recipient is located in California, to initiate a facsimile communication using a machine that does not provide specified identification, or to use a device to send a message via a telephone facsimile machine unless the message is clearly marked with certain identifying information. *September 1<sup>st</sup> amendments added the following: This section shall not apply to a facsimile sent by or on behalf of a professional or trade association that is a tax-exempt nonprofit organization and in furtherance of the association's tax-exempt purpose to a member of the association, provided that all of the following conditions are met: 1) The member voluntarily provided the association the facsimile number to which the facsimile was sent; 2) The facsimile is not primarily for the purpose of advertising the commercial availability or quality of any property, goods, or services of one or more third parties; and 3) The member who is sent the facsimile has not requested that the association stop sending facsimiles for the purpose of advertising the commercial availability or quality of any property, goods, or services of one or more third parties.*

**STATUS: Enrolled and to the Governor.**

**POSITION: OPPOSE (6/27/05) But amendments of Sept. 1<sup>st</sup> may remove opposition (waiting to hear from Leg Committee)**

## **TWO-YEAR BILLS**

**AB 850 (Canciamilla) Toll road agreements. (A-5/3/05)**

**Summary:** This bill implements innovative financing, including public-private partnerships, to pay for building and maintaining California's roads and highways. These partnerships will permit Caltrans to accept private investment and allow private operators to charge tolls to recoup their investment. Specifically, This bill would instead authorize the department to enter into comprehensive development franchise agreements with public and private entities or consortia for specified types of transportation projects, as defined, subject to certain requirements and conditions. The bill would authorize tolls to be collected after the termination of a franchise agreement period, subject to approval of the California Transportation Commission. The bill would require a

franchise agreement to allow the department to open a competitive state facility in the same corridor. The bill would authorize the department to construct and operate high-occupancy vehicle and other preferential lanes as toll facilities.

**STATUS: Assembly Appropriations; 2-YEAR BILL.**

**CBA Position: Support taken at 1<sup>st</sup> Qtr. Bd. Meeting**

**AB 872 (Bogh) School busses: school districts: reporting of driver incidents.** (I-02/18/05)

**Summary:** This bill would require school districts to report to the Department of the California Highway Patrol any incidents in which the actions of a school bus driver may have placed the health, well-being, or safety of the pupils being transported at risk, thereby imposing a state-mandated local program. This bill contains other related provisions and other existing laws.

**STATUS: Assembly Education; 2-YEAR BILL.**

**CBA Position: Oppose taken at 1<sup>st</sup> Qtr. Bd. Meeting**

**AB 1101 (Oropeza) Air Pollution: diesel magnet sources** Summary: This bill would make a facility that is a diesel

magnet source, as defined, subject to The Air Toxics "Hot Spots" Information and Assessment Act of 1987 act. The bill would require the state Air Resources Board, on or before July 1, 2007, in consultation with the air districts, to prepare and make available to the public a list of diesel magnet sources, as prescribed. The bill would include diesel magnet sources in that industry-wide emissions inventory requirement. The bill would require any facility for which a district is preparing an industry-wide emissions inventory or health risk assessment to provide to the district, within 60 days of the date of the request, all information as may be specified by the district as necessary for the preparation of the inventory or assessment. The bill would provide for an extended period for a diesel magnet source to comply with the risk reduction audit and plan requirements. By expanding the types of facilities subject to the act, the bill would impose new duties on air districts, thereby imposing a state-mandated local program.

**STATUS: Assembly Floor Inactive File. 2-YEAR BILL**

**CBA Position: OPPOSE (and any Similar bill 6/27/05)**

**AB 1256 (Bermudez) Vehicles: school bus drivers.** (I-02/22/05)

**Summary:** Existing law requires an applicant for an original or renewal certificate to drive a school bus, school pupil activity bus, youth bus, general public para-transit vehicle, or farm labor vehicle to submit to the Department of Motor Vehicles a report of a medical examination of the applicant given not more than two years prior to the date of the application by a physician licensed to practice medicine. This bill, additionally, would authorize the medical examination to be given by a licensed doctor of chiropractic.

**STATUS: Senate Transportation & Housing. 2-YEAR BILL**

**CBA Position: OPPOSE (taken at 1<sup>st</sup> Qtr Bd. Meeting)**

**AB 1266 (Niello) State highways: design-sequencing contracts. (A-5/4/05)**

**Summary:** Existing law authorizes the Department of Transportation, until January 1, 2010, to conduct a pilot project to award design-sequencing contracts, as defined, for the design and construction of not more than 12 transportation projects, to be selected by the Director of Transportation. This bill would additionally authorize the department, until January 1, 2012, to award design-sequencing contracts for the design and construction of not more than 4 additional transportation projects, to be selected by the director. The bill would extend other provisions relating to the pilot project to January 1, 2012. This bill enables Caltrans to use design sequencing, which jump-starts groundbreaking by allowing construction to begin as soon as the design is finished for each phase of a project.

**STATUS: Assembly Appropriations: TWO-YEAR BILL.**

**CBA Position: SUPPORT taken at 1<sup>st</sup> Qtr. Bd. Meeting**

**SB 178 (Poochigian) Workers compensation: private self-insurance groups. (I-02/09/05)**

**Summary:** This bill would impose various requirements on private self-insured groups, including requirements with respect to the net worth of the members of these groups, the reporting of financial and other information, security deposits, insurance, membership, and administration. The bill would create the Self-Insured Groups' Security Fund for specified purposes related to the payment of the workers' compensation obligations of private self-insured groups. The bill would require that the assets in this fund be maintained separately from those in the Self-Insurers' Security Fund, and that assessments be levied on private self-insured groups for placement in this fund. This bill contains other related provisions and other existing laws.

**Status: Senate Labor & Industrial Relations: TWO-YEAR BILL.**

**CBA Position: Support**

**SB 698 (Poochigian) School bus replacement. (A-5/4/05)**

**Summary:** Existing law, the Katz Safe School Bus Clean Fuel Efficiency Demonstration Program, establishes the Katz School Bus Fund in the State Treasury. Existing law requires the State Energy Resources Conservation and Development Commission to design and administer a clean fuel efficiency demonstration program and to determine which local educational agencies are to receive replacement school buses for participation in the program. This bill would change the name of that program to the Clean Air and School Bus Safety Program. This bill would delete the existing provisions relating to the demonstration program and school bus replacement. This bill would require the State Department of General Services to solicit competitive bids for the purchase of replacement school buses for school districts. This bill would change the name of the Katz School Bus Fund to the Clean Air and School Bus Safety Fund. This bill would require the commission to administer the fund according to a specified order of priority. This bill would make an appropriation by requiring the Controller, for each fiscal year commencing with the 2006-07 fiscal year and ending with the

2010-11 fiscal year, and to the extent that funds are available, to transfer \$50,000,000 from the Proposition 98 Reversion Account to the Clean Air and School Bus Safety Fund.

**STATUS: Senate Appropriations: TWO-YEAR BILL**  
**CBA Position: Watch**

**SB 705 (Runner) Design-build contracts. (I-02/22/05)**

**Summary:** This bill gives Caltrans the ability to use “design-build, a streamlined building process that shortens project delivery. With design-build, Caltrans selects a contractor to design and construct a project under one agreement.

**STATUS: Senate Trans. & Housing on April 5<sup>th</sup>. Testimony taken; CBA in support. Now a two-year bill.**

**NOTE:** All of the Governor’s transportation package of bills (AB 850, AB 1266 and SB 705) became Two-Year bills.

**LEGISLATIVE UPDATE: [Week of September 5, 2005](#)**

The final week of the 2005 legislative session is here. Below is the latest update of bills of interest to the CBA members. The good news is that several bills opposed by CBA have become 2-YEAR bills (AB 1101 and AB 1256 and another, SB 300, was held in the Assembly Appropriations Committee) and will at least be postponed until next year. A two- year bill list is also attached. Unfortunately, AB 765, a key bill opposed by CBA, passed the final hurdle on Friday and is on its way to the Governor. However, it should be noted that the author made several amendments attempting to satisfy CBA’s opposition, including intent language saying that should a private carrier come in that the contract with the district would cease within 120 days. Because of this amendment, the State Chamber of Commerce removed their opposition. We have spoken to one of the Governor’s legislative deputy regarding CBA’s continued opposition and we will be asking members to once again send letters in opposition. Another bill opposed by CBA, SB 833, was amended and may take care of CBA’s opposition. We’re asking the Leg Committee to review the amendments and let us know.

**2005 LEGISLATION**

**AB 48 (Lieber) Minimum wage. (A-4/12/05)**

**Summary:** Existing law requires establishment of a minimum wage for all industries of not less than \$5.75 per hour on and after March 1, 1998. Under existing law, the Industrial Welfare Commission is authorized to determine minimum wages in accordance with a prescribed procedure that includes the selection of wage boards to consider and make recommendations regarding wage issues. The current minimum wage for all industries is \$6.75 per hour. This bill would increase the minimum wage to \$7.25 per hour, effective on and after July 1, 2006, and to \$7.75 per hour, effective on and after July 1, 2007, and

would provide for the automatic adjustment of the minimum wage on January 1 of each year thereafter, calculated by multiplying the minimum wage by the previous year's rate of inflation, as specified.

**STATUS: Senate Floor.**

**CBA POSITION: None taken**

**AB 765 (Salinas) Rail feeder bus service. (A-8/15/05)**

**Summary:** Existing law authorizes the Department of Transportation to provide funding to Amtrak for the purpose of entering into a contract with a motor carrier of passengers for the intercity transportation of passengers over regular routes for the purpose of providing feeder bus service to rail stations if, among other things, the motor carrier is not a public recipient of specified governmental assistance, except a local public motor carrier that proposes to serve passengers only within its service area is excluded from this restriction. This bill would authorize the department to enter into an agreement with a public motor carrier in the County of Monterey to provide mixed-mode feeder bus service between San Jose and Monterey via Gilroy if there is no private motor carrier providing scheduled bus service, subject to termination within 120 days if a private motor carrier operates a scheduled service on the San Jose-Gilroy-Monterey route.

**STATUS: Enrolled and to the Governor.**

**CBA Position: OPPOSE taken at 1<sup>st</sup> Qtr. Bd. Meeting**

**AB 1052 (Leslie) Vehicles: school transportation vehicles: driver drug and alcohol testing. (I-02/22/05)**

**Summary:** The bill would require a school district or county office of education that employs a driver to drive a school transportation vehicle, and that driver of the vehicle, to participate in a program that is consistent with the federal controlled substance and alcohol use testing requirements that apply to school bus drivers.

**STATUS: Enrolled and to the Governor.**

**CBA Position: Support (taken at 1<sup>st</sup> qtr bd. Meeting)**

**AJR 16 (Baca) Fair and equitable treatment for truck and bus drivers. (A-5/4/05)**

**Summary:** This measure would memorialize the Congress and the President of the United States to take necessary action to amend the federal statutes in an expeditious manner to allow for the equal treatment of commercial drivers who are off duty and using a private vehicle when they incur a traffic violation.

**STATUS: Chapter 59 of the 2005 Statutes.**

**CBA Position: None taken.**

## **SENATE BILLS**

**SB 300 (Kuehl) Family and medical leave. (A-7/7/05)**

**Summary:** This bill would increase the circumstances under which an employee is entitled to protected leave pursuant to the Family Rights Act by (1) eliminating

the age and dependency elements from the definition of "child," thereby permitting an employee to take protected leave to care for his or her independent adult child suffering from a serious health condition, and (2) permitting an employee to take leave to care for a seriously ill grandparent, sibling, or domestic partner, as defined. This bill would also provide that an employer violates the act if it fails to grant, or otherwise interferes with an employee's right to take, family care and medical leave for an employee entitled to leave who properly requests the leave. The bill would substitute the term "family member" for parent, grandparent, sibling, child, domestic partner, or spouse, for purposes of authorizing an employee to take leave to care for a family member with a serious health condition. This bill would additionally provide that care for, as used in the act, includes both physical and psychological care, as specified, and that an employee may, but need not, be involved or participating in providing the direct medical care of the family member. The bill would require that an employer that knows or has reason to know that an employee may need family care and medical leave provide the employee with specified information regarding the right to family care and medical leave within 2 business days of the date the employer learns of the need for leave. The bill would authorize an employee who is deprived of his or her right to family care and medical leave as a result of the employer's failure to provide the employee with that information to bring a claim for a violation of the act. The bill would also require the Fair Employment and Housing Commission to develop a form that includes the information that the employer must provide to employees, and require that the department make the form available to employers. Under existing law, the act authorizes an employer to require that an employee's request for leave to care for a child, spouse, or parent with a serious health condition, or for the employee's own serious health condition, be supported by a certification by a health care provider. This bill would prohibit the employer from, as a condition of granting leave, requiring the employee to disclose the underlying diagnosis or course of treatment of the employee or the employee's family member. The bill would also provide that the employee need not disclose his or her diagnosis or course of treatment, or the diagnosis or course of treatment of a family member, as a condition for receiving leave. Existing law prohibits the act and any amendments to the act from being construed to require any changes in existing collective bargaining agreements during the life of the contract or until specified dates, whichever occurs first. This bill would delete those provisions.

**STATUS: Assembly Appropriations; held on Suspense File.**

**Position: OPPOSE (taken at 1<sup>st</sup> qtr bd. Meeting)**

**SB 833 (Bowen) Unsolicited advertising faxes. (A-06/15/05)**

**Summary:** Existing state law imposes various requirements and prohibitions on different forms of advertising. A violation of the provisions governing advertising is a crime. This bill would make it unlawful for a person or entity, if located in California or if the recipient is located in California, to use any device, or cause any other person or entity to use a device to send, an unsolicited advertisement to a telephone facsimile machine. The bill would authorize the recipient of an

unsolicited advertising fax to bring an action for a violation of these provisions for injunctive relief, actual damages or statutory damages of \$500 per violation, whichever is greater, or both injunctive relief and damages, and, if the violation was willful, would authorize a court to award treble damages. The bill would also make it unlawful for a person or entity, if located in California or the recipient is located in California, to initiate a facsimile communication using a machine that does not provide specified identification, or to use a device to send a message via a telephone facsimile machine unless the message is clearly marked with certain identifying information. *September 1<sup>st</sup> amendments added the following: This section shall not apply to a facsimile sent by or on behalf of a professional or trade association that is a tax-exempt nonprofit organization and in furtherance of the association's tax-exempt purpose to a member of the association, provided that all of the following conditions are met: 1) The member voluntarily provided the association the facsimile number to which the facsimile was sent; 2) The facsimile is not primarily for the purpose of advertising the commercial availability or quality of any property, goods, or services of one or more third parties; and 3) The member who is sent the facsimile has not requested that the association stop sending facsimiles for the purpose of advertising the commercial availability or quality of any property, goods, or services of one or more third parties.*

**STATUS: Assembly Floor**

**POSITION: OPPOSE (6/27/05) But amendments of Sept. 1<sup>st</sup> may remove opposition (waiting to hear from Leg Committee)**

## **TWO-YEAR BILLS**

### **AB 850 (Canciamilla) Toll road agreements. (A-5/3/05)**

**Summary:** This bill implements innovative financing, including public-private partnerships, to pay for building and maintaining California's roads and highways. These partnerships will permit Caltrans to accept private investment and allow private operators to charge tolls to recoup their investment.

Specifically, This bill would instead authorize the department to enter into comprehensive development franchise agreements with public and private entities or consortia for specified types of transportation projects, as defined, subject to certain requirements and conditions. The bill would authorize tolls to be collected after the termination of a franchise agreement period, subject to approval of the California Transportation Commission. The bill would require a franchise agreement to allow the department to open a competitive state facility in the same corridor. The bill would authorize the department to construct and operate high-occupancy vehicle and other preferential lanes as toll facilities.

**STATUS: Assembly Appropriations; 2-YEAR BILL.**

**CBA Position: Support taken at 1<sup>st</sup> Qtr. Bd. Meeting**

### **AB 872 (Bogh) School busses: school districts: reporting of driver incidents. (I-02/18/05)**

**Summary:** This bill would require school districts to report to the Department of the California Highway Patrol any incidents in which the actions of a school bus

driver may have placed the health, well-being, or safety of the pupils being transported at risk, thereby imposing a state-mandated local program. This bill contains other related provisions and other existing laws.

**STATUS: Assembly Education; 2-YEAR BILL.**

**CBA Position: Oppose taken at 1<sup>st</sup> Qtr. Bd. Meeting**

**AB 1101 (Oropeza) Air Pollution: diesel magnet sources**

**Summary:** This bill would make a facility that is a diesel magnet source, as defined, subject to The Air Toxics "Hot Spots" Information and Assessment Act of 1987 act. The bill would require the state Air Resources Board, on or before July 1, 2007, in consultation with the air districts, to prepare and make available to the public a list of diesel magnet sources, as prescribed. The bill would include diesel magnet sources in that industry-wide emissions inventory requirement. The bill would require any facility for which a district is preparing an industry-wide emissions inventory or health risk assessment to provide to the district, within 60 days of the date of the request, all information as may be specified by the district as necessary for the preparation of the inventory or assessment. The bill would provide for an extended period for a diesel magnet source to comply with the risk reduction audit and plan requirements. By expanding the types of facilities subject to the act, the bill would impose new duties on air districts, thereby imposing a state-mandated local program.

**STATUS: Assembly Floor Inactive File. 2-YEAR BILL**

**CBA Position: OPPOSE (and any Similar bill 6/27/05)**

**AB 1256 (Bermudez) Vehicles: school bus drivers. (1-02/22/05)**

**Summary:** Existing law requires an applicant for an original or renewal certificate to drive a school bus, school pupil activity bus, youth bus, general public para-transit vehicle, or farm labor vehicle to submit to the Department of Motor Vehicles a report of a medical examination of the applicant given not more than two years prior to the date of the application by a physician licensed to practice medicine. This bill, additionally, would authorize the medical examination to be given by a licensed doctor of chiropractic.

**STATUS: Senate Transportation & Housing. 2-YEAR BILL**

**CBA Position: OPPOSE (taken at 1<sup>st</sup> Qtr Bd. Meeting)**

**AB 1266 (Niello) State highways: design-sequencing contracts. (A-5/4/05)**

**Summary:** Existing law authorizes the Department of Transportation, until January 1, 2010, to conduct a pilot project to award design-sequencing contracts, as defined, for the design and construction of not more than 12 transportation projects, to be selected by the Director of Transportation. This bill would additionally authorize the department, until January 1, 2012, to award design-sequencing contracts for the design and construction of not more than 4 additional transportation projects, to be selected by the director. The bill would extend other provisions relating to the pilot project to January 1, 2012. This bill enables Caltrans to use design sequencing, which jump-starts groundbreaking by allowing construction to begin as soon as the design is finished for each

phase of a project.

**STATUS: Assembly Appropriations: TWO-YEAR BILL.**

**CBA Position: SUPPORT taken at 1<sup>st</sup> Qtr. Bd. Meeting**

**SB 178 (Poochigian) Workers compensation: private self-insurance groups.** (1-02/09/05)

**Summary:** This bill would impose various requirements on private self-insured groups, including requirements with respect to the net worth of the members of these groups, the reporting of financial and other information, security deposits, insurance, membership, and administration. The bill would create the Self-Insured Groups' Security Fund for specified purposes related to the payment of the workers' compensation obligations of private self-insured groups. The bill would require that the assets in this fund be maintained separately from those in the Self-Insurers' Security Fund, and that assessments be levied on private self-insured groups for placement in this fund. This bill contains other related provisions and other existing laws.

**Status: Senate Labor & Industrial Relations: TWO-YEAR BILL.**

**CBA Position: Support**

**SB 698 (Poochigian) School bus replacement.** (A-5/4/05)

**Summary:** Existing law, the Katz Safe School Bus Clean Fuel Efficiency Demonstration Program, establishes the Katz School Bus Fund in the State Treasury. Existing law requires the State Energy Resources Conservation and Development Commission to design and administer a clean fuel efficiency demonstration program and to determine which local educational agencies are to receive replacement school buses for participation in the program. This bill would change the name of that program to the Clean Air and School Bus Safety Program. This bill would delete the existing provisions relating to the demonstration program and school Bus replacement. This bill would require the State Department of General Services to solicit competitive bids for the purchase of replacement school buses for school districts. This bill would change the name of the Katz School Bus Fund to the Clean Air and School Bus Safety Fund. This bill would require the commission to administer the fund according to a specified order of priority. This bill would make an appropriation by requiring the Controller, for each fiscal year commencing with the 2006-07 fiscal year and ending with the 2010-11 fiscal year, and to the extent that funds are available, to transfer \$50,000,000 from the Proposition 98 Reversion Account to the Clean Air and School Bus Safety Fund.

**STATUS: Senate Appropriations: TWO-YEAR BILL**

**CBA Position: Watch**

**SB 924 (Speier) Commercial driver's license: driving test.** (Amended 4/4/05)

**Summary:** This bill was amended on April 4<sup>th</sup> from the above subject (after the CBA Board took a support position); the new subject is **Driving schools: commercial trucks.** Therefore, the CBA leg committee reviewed the

amendments and has changed their position to a neutral/watch at this time.

**STATUS: Senate Transportation & Housing; two-year bill.**

**CBA Position: Support taken at 1<sup>st</sup> Qtr Bd. Meeting but changed to neutral/watch.**

**SB 705 (Runner) Design-build contracts. (1-02/22/05)**

**Summary:** This bill gives Caltrans the ability to use “design-build, a streamlined building process that shortens project delivery. With design-build, Caltrans selects a contractor to design and construct a project under one agreement.

**STATUS: Senate Trans. & Housing on April 5<sup>th</sup>. Testimony taken; CBA in support. Now a two-year bill.**

**NOTE:** All of the Governor’s transportation package of bills (AB 850, AB 1266 and SB 705) became Two-Year bills.

### **LEGISLATIVE UPDATE: Week of June 20, 2005**

**BUDGET UPDATE.** Or the “so close, and yet so far away” budget of 2005-06. The Budget that the Democrats put up for a vote on the Assembly Floor on June 15th was actually closer to a real deal budget plan than any we’ve seen at this early date in years. Once the Dems removed the education component whereby they were asking for an additional \$2 billion (this they said would be dealt with in a separate vehicle), their plan actually closely resembled the Governor’s May revise plan. The Governor’s May revise had general fund expenditures at \$88,500,000,000 while the Democrat controlled Budget Conference Committee version spends \$89,200,000,000, a mere \$700,000,000 difference in a \$115 billion budget.

However, the Republicans refused to put up the votes needed saying they didn’t have time to review the 700-page budget document adequately. Some think it’s because the longer the budget is stalled, the better it looks for the Governor’s budget reform initiative in the fall (see below for initiative update). So the negotiations are still underway, and whether it ends sooner or later is anyone’s guess at this point. Either they’re real close and this could be the first on-time budget in quite awhile, or it could turn into the longest stalemate ever! Stay tuned.

**SPECIAL ELECTION UPDATE.** To no one’s surprise, the Governor called a Special Election to be held on November 8, 2005. This is an initiative ballot only, with no candidates on the ballot. There are now seven ballot initiatives qualified with a final one on electricity re-regulation expected to qualify any day now. Both sides in this initiative war will be spending hundreds of millions of dollars. Brief synopses of the eight initiatives that will appear on the November 8th ballot are outlined below. We’ve used a simplified title for most of them.

1. **Budget Reform or Live Within our Means.** Revises Prop. 98 (guaranteed education funding) and gives the Governor mid-year budget cutting authority. This is one of the Governor's proposals and is backed by Californians to Save California. Official title: School Funding. State Spending.
2. **Teacher Tenure.** Raises from 2 to 5 years the period of service required before a public school teacher could receive tenure. This is also one of the Governor's three proposed initiatives, also backed by Californians to Save California.
3. **Redistricting Reform.** Provides for a retired panel of judges to draw new congressional, legislative and Board of Equalization districts. Supported by the Governor and backed by a group called Californians for Fair Redistricting. Official title: Reapportionment. Initiative Constitutional Amendment.
4. **Union Dues or Paycheck Protection.** Aimed directly at the heart of the unions, this requires all public employee members to annually sign a letter or card agreeing that a part of their union dues can be used for political purposes. The Governor has not officially endorsed this initiative yet but may try to use his possible support as a negotiating ploy in budget negotiations.
5. **Prescription Drugs or "Cheaper Prescription Drugs for California Act"** is a prescription drug program sponsored by consumer groups and Health Access California which is similar to a bill vetoed by Governor Schwarzenegger last year. This initiative is backed by the Democrat-sponsored group, the Alliance for a Better California (ABC).
6. **Prescription Drugs II.** Provides a 40% discount on drugs for seniors, sponsored by the Pharmaceutical Manufacturers Association to counter #5 above.
7. **Electricity Regulation or "Repeal of electricity Deregulation and Blackout Prevention Act.** This takes California back prior to 1995 when the Legislature and Governor deregulated the industry. The Alliance for a Better California (ABC) also sponsors this. (This has not officially been certified but is expected to be before the June 30th deadline)
8. **Termination of a minor's pregnancy or "parental notification.** Prohibits an abortion for a minor until at least 48 hours after a parent has been notified.

As always, please don't hesitate to call us if you need additional information on any of the above initiative or the budget.

## **LEGISLATIVE UPDATE: Week of May 24, 2005**

**GOVERNOR'S MAY REVISE.** The Governor released on May 13<sup>th</sup> his "May Revise" of the 2005-06 budget he first submitted to the Legislature in January. This revised budget of \$115.7 billion takes advantage of \$4 billion in higher than expected revenues, which allowed him to reverse his earlier plans to borrow from the transportation funds and sell bonds to balance the books. Initially the bi-partisan Legislative Analyst Elizabeth Hill called the revised budget "sensible" and praised the efforts to reduce the state's reliance on borrowing. However, she also warned that the budget contains about \$2 billion in

savings that may never materialize. Education groups and the Democrats (Dems) continue to attack the proposal because it does not provide enough additional money for education, although it gives education \$3 billion more than last year. The Dems want an additional @2 billion spent on schools. It most likely will be another long, long summer with no budget adopted by the July 1<sup>st</sup> deadline.

**BALLOT INITIATIVES IN FOR QUALIFICATION.** There are now eight likely ballot initiatives that could be on a potential fall special election ballot. It appears more and more likely that the Governor who has three of his own turned into the county registrars office for signature verification will call a special election. They include: 1) Live Within our Means – to revise Prop, 98 and give the Governor mid-year budget cutting authority; 2) teacher tenure and 3) redistricting reform. Another one that the Governor has not officially endorsed but that his committee contributed over \$500,000 to help qualify is called 4) Paycheck Protection aimed directly at the heart of the unions. It would require public employee labor unions to get members' written approval before spending any of their dues on political activities. This will be a very expensive fight. The Dems, through the Alliance for a Better California (ABC), have turned in the 5) "Cheaper Prescription Drug for California Act" and the 6) "Repeal of electricity Deregulation and Blackout Prevention Act. The last two are the measures to 7) provide 40% discounts on drugs for seniors, sponsored by the Pharmaceutical Manufacturers; and 8) a parental notification measure on abortions primary election ballot.

## **2005 LEGISLATION**

### **AB 48 (Lieber) Minimum wage. (A-4/12/05)**

**Summary:** Existing law requires establishment of a minimum wage for all industries of not less than \$5.75 per hour on and after March 1, 1998. Under existing law, the Industrial Welfare Commission is authorized to determine minimum wages in accordance with a prescribed procedure that includes the selection of wage boards to consider and make recommendations regarding wage issues. The current minimum wage for all industries is \$6.75 per hour. This bill would increase the minimum wage to \$7.25 per hour, effective on and after July 1, 2006, and to \$7.75 per hour, effective on and after July 1, 2007, and would provide for the automatic adjustment of the minimum wage on January 1 of each year thereafter, calculated by multiplying the minimum wage by the previous year's rate of inflation, as specified.

**STATUS: Assembly Appropriations Suspense File May 25<sup>th</sup>.**

**CBA POSITION: None yet taken (bill was amended after 1<sup>st</sup> quarter board meeting).**

### **AB 765 (Salinas) Rail feeder bus service. (A-5/10/05)**

**Summary:** Existing law authorizes the Department of Transportation to provide funding to Amtrak for the purpose of entering into a contract with a motor carrier of passengers for the intercity transportation of passengers over regular routes if, among other things, the motor carrier is not a public recipient of specified governmental assistance, except a local public motor carrier that proposes to serve passengers only within its service area is excluded from this requirement. This bill would authorize the department to enter into an agreement with a public motor carrier in the County of Monterey to provide mixed-mode feeder bus service between San Jose and Monterey via Gilroy if there is no private motor carrier providing scheduled bus service, subject to termination if a private motor carrier operates a scheduled service on the San Jose-

Gilroy-Monterey route.

**STATUS: Assembly Floor Third Reading**

**CBA Position: OPPOSE taken at 1<sup>st</sup> Qtr. Bd. Meeting (We've been working with author's office to amend according to the commitment made by committee chair)**

**AB 850 (Canciamilla) Toll road agreements. (A-5/3/05)**

**Summary:** This bill implements innovative financing, including public-private partnerships, to pay for building and maintaining California's roads and highways. These partnerships will permit Caltrans to accept private investment and allow private operators to charge tolls to recoup their investment. Specifically, This bill would instead authorize the department to enter into comprehensive development franchise agreements with public and private entities or consortia for specified types of transportation projects, as defined, subject to certain requirements and conditions. The bill would authorize tolls to be collected after the termination of a franchise agreement period, subject to approval of the California Transportation Commission. The bill would require a franchise agreement to allow the department to open a competitive state facility in the same corridor. The bill would authorize the department to construct and operate high-occupancy vehicle and other preferential lanes as toll facilities.

**STATUS: Assembly Appropriations Suspense File May 25<sup>th</sup>.**

**CBA Position: Support taken at 1<sup>st</sup> Qtr. Bd. Meeting**

**AB 1052 (Leslie) Vehicles: school transportation vehicles: driver drug and alcohol testing.** (I-02/22/05)

**Summary:** The bill would require a school district or county office of education that employs a driver to drive a school transportation vehicle, and that driver of the vehicle, to participate in a program that is consistent with the federal controlled substance and alcohol use testing requirements that apply to school bus drivers.

**STATUS: Senate Transportation and Housing; no date.**

**CBA Position: Support (taken at 1<sup>st</sup> qtr bd. Meeting)**

**AB 1101 (Oropeza) Air Pollution: diesel magnet sources**

**Summary:** This bill would make a facility that is a diesel magnet source, as defined, subject to The Air Toxics "Hot Spots" Information and Assessment Act of 1987 act. The bill would require the state Air Resources Board, on or before July 1, 2007, in consultation with the air districts, to prepare and make available to the public a list of diesel magnet sources, as prescribed. The bill would include diesel magnet sources in that industry-wide emissions inventory requirement. The bill would require any facility for which a district is preparing an industry-wide emissions inventory or health risk assessment to provide to the district, within 60 days of the date of the request, all information as may be specified by the district as necessary for the preparation of the inventory or assessment. The bill would provide for an extended period for a diesel magnet source to comply with the risk reduction audit and plan requirements. By expanding the types of facilities subject to the act, the bill would impose new duties on air districts, thereby imposing a state-mandated local program.**STATUS: Assembly Appropriations Suspense File May 25<sup>th</sup>.**

**CBA Position: Seeking position from Leg Committee.**

**AB 1256 (Bermudez) Vehicles: school bus drivers.** (I-02/22/05)

**Summary:** Existing law requires an applicant for an original or renewal certificate to drive a school bus, school pupil activity bus, youth bus, general public para-transit

vehicle, or farm labor vehicle to submit to the Department of Motor Vehicles a report of a medical examination of the applicant given not more than two years prior to the date of the application by a physician licensed to practice medicine. This bill, additionally, would authorize the medical examination to be given by a licensed doctor of chiropractic.

**STATUS: Senate Transportation & Housing; no date.**

**CBA Position: Oppose (taken at 1<sup>st</sup> qtr bd. meeting)**

**AB 1266 (Niello) State highways: design-sequencing contracts. (A-5/4/05)**

**Summary:** Existing law authorizes the Department of Transportation, until January 1, 2010, to conduct a pilot project to award design-sequencing contracts, as defined, for the design and construction of not more than 12 transportation projects, to be selected by the Director of Transportation. This bill would additionally authorize the department, until January 1, 2012, to award design-sequencing contracts for the design and construction of not more than 4 additional transportation projects, to be selected by the director. The bill would extend other provisions relating to the pilot project to January 1, 2012. This bill enables Caltrans to use design-sequencing, which jump-starts groundbreaking by allowing construction to begin as soon as the design is finished for each phase of a project.

**STATUS: Assembly Appropriations Suspense File May 25<sup>th</sup>.**

**CBA Position: Support taken at 1<sup>st</sup> Qtr. Bd. Meeting**

**AJR 16 (Baca) Fair and equitable treatment for truck and bus drivers. (A-5/4/05)**

**Summary:** This measure would memorialize the Congress and the President of the United States to take necessary action to amend the federal statutes in an expeditious manner to allow for the equal treatment of commercial drivers who are off duty and using a private vehicle when they incur a traffic violation.

**STATUS: Senate Transportation & Housing; no date.**

**CBA Position: Seeking position (introduced after Bd. Meeting) Recommended SUPPORT (still awaiting word from CBA Leg Committee).**

## **SENATE BILLS**

**SB300 (Kuehl) Family and medical leave. (I-02/16/05)**

**Summary:** This bill would increase the circumstances under which an employee is entitled to protected leave pursuant to the Family Rights Act by (1) eliminating the age and dependency elements from the definition of "child," thereby permitting an employee to take protected leave to care for his or her independent adult child suffering from a serious health condition, (2) expanding the definition of "parent" to include an employee's parent-in-law and (3) permitting an employee to take leave to care for a seriously ill grandparent, sibling, or domestic partner, as defined.

**STATUS: Senate Appropriations Suspense File May 26<sup>th</sup>.**

**CBA Position: Oppose (taken at 1<sup>st</sup> qtr bd. Meeting)**

**SB 698 (Poochigian) School bus replacement. (A-3/29/05)**

**Summary:** This bill would change the name of the Katz Safe School bus Clean Fuel Efficiency Demonstration Program to the Clean Air and School Bus Safety Program. This bill would delete the existing provisions relating to the demonstration program and school bus replacement. This bill would require the State Department of General Services to solicit competitive bids for the purchase of replacement school buses for school districts. This bill would change the name of the Katz School bus Fund to the

Clean Air and School bus Safety Fund. This bill would require the commission to administer the fund according to a specified order of priority. This bill would make an appropriation by requiring the Controller, for each fiscal year commencing with the 2006-07 fiscal year and ending with the 2010-11 fiscal year, and to the extent that funds are available, to transfer \$50,000,000 from the Proposition 98 Reversion Account to the Clean Air and School Bus Safety Fund.

**STATUS: Senate Appropriations Suspense File May 26th.**

**CBA Position: Watch**

**The deadline for bills to be out of their “house of origin” is June 3<sup>rd</sup>. We have moved those that are now considered “two year” bills to a separate list that follows this memo.**

**Please give us a call if you have any questions or concerns about the above list of bills at (916) 447-8982.**

### **TWO-YEAR BILLS**

**AB 872 (Bogh) School busses: school districts: reporting of driver incidents. (I-02/18/05)**

**Summary:** This bill would require school districts to report to the Department of the California Highway Patrol any incidents in which the actions of a school bus driver may have placed the health, well-being, or safety of the pupils being transported at risk, thereby imposing a state-mandated local program. This bill contains other related provisions and other existing laws.

**STATUS: Assembly Education; Two-year bill.**

**CBA Position: Oppose taken at 1<sup>st</sup> Qtr. Bd. Meeting**

**SB 178 (Poochigian) Workers compensation: private self-insurance groups. (I-02/09/05)**

**Summary:** This bill would impose various requirements on private self-insured groups, including requirements with respect to the net worth of the members of these groups, the reporting of financial and other information, security deposits, insurance, membership, and administration. The bill would create the Self-Insured Groups' Security Fund for specified purposes related to the payment of the workers' compensation obligations of private self-insured groups. The bill would require that the assets in this fund be maintained separately from those in the Self-Insurers' Security Fund, and that assessments be levied on private self-insured groups for placement in this fund. This bill contains other related provisions and other existing laws.

**Status: Senate Labor & Industrial Relations: two-year bill**

**CBA Position: Support**

**SB 924 (Speier) Commercial driver's license: driving test. (Amended 4/4/05)**

**Summary:** This bill was amended on April 4<sup>th</sup> from the above subject (after the CBA Board took a support position); the new subject is **Driving schools: commercial trucks**. Therefore, the CBA leg committee reviewed the amendments and has changed their position to a neutral/watch at this time.

**STATUS: Senate Transportation & Housing; two-year bill.**

**CBA Position: Support taken at 1<sup>st</sup> Qtr Bd. Meeting but changed to neutral/watch.**

**SB 705 (Runner) Design-build contracts. (1-02/22/05)**

**Summary:** This bill gives Caltrans the ability to use "design-build, a streamlined building process that shortens project delivery. With design-build, Caltrans selects a contractor to design and construct a project under one agreement.

**STATUS: Senate Trans. & Housing on April 5<sup>th</sup>. Testimony taken; CBA in support. Now a two-year bill.**

**LEGISLATIVE UPDATE: Week of April 4, 2005**

**2005 LEGISLATION**

**AB 461 (Horton, Shirley) Bus-on-shoulder demonstration program was amended on March 31<sup>st</sup> and no longer applies. It now relates to electronic transmissions by the DMV.**

**AB 765 (Salinas) Rail feeder bus service. (1-02/18/05)**

**Summary:** Existing law authorizes the Department of Transportation to provide funding to Amtrak for the purpose of entering into a contract with a motor carrier of passengers for the intercity transportation of passengers over regular routes if, among other things, the motor carrier is not a public recipient of specified governmental assistance, except a local public motor carrier that proposes to serve passengers only within its service area is excluded from this requirement. This bill would also exclude 2 connecting local public motor carriers that propose to serve passengers only within their service areas from the requirement.

**STATUS: Assembly Transportation; author pulled bill off calendar for April 4<sup>th</sup>; now set for April 18<sup>th</sup>.**

**CBA Position: OPPOSE taken at 1<sup>st</sup> Qtr. Bd. Meeting**

**AB 872 (Bogh) School busses: school districts: reporting of driver incidents. (1-02/18/05)**

**Summary:** This bill would require school districts to report to the Department of the California Highway Patrol any incidents in which the actions of a school bus driver may have placed the health, well-being, or safety of the pupils being transported at risk, thereby imposing a state-mandated local program. This bill contains other related provisions and other existing laws.

**STATUS: Assembly Education; tentative April 13th**

**CBA Position: Oppose taken at 1<sup>st</sup> Qtr. Bd. Meeting**

**AB 1052 (Leslie) Vehicles: school transportation vehicles: driver drug and alcohol testing. (1-02/22/05)**

**Summary:** The bill would require a school district or county office of education that employs a driver to drive a school transportation vehicle, and that driver of the vehicle, to participate in a program that is consistent with the federal controlled substance and alcohol use testing requirements that apply to school bus drivers.

**STATUS: Assembly Transportation on April 18<sup>th</sup>.**

**CBA Position: Support**

**AB 1256 (Bermudez) Vehicles: school bus drivers. (I-02/22/05)**

**Summary:** Existing law requires an applicant for an original or renewal certificate to drive a school bus, school pupil activity bus, youth bus, general public para-transit vehicle, or farm labor vehicle to submit to the Department of Motor Vehicles a report of a medical examination of the applicant given not more than two years prior to the date of the application by a physician licensed to practice medicine. This bill, additionally, would authorize the medical examination to be given by a licensed doctor of chiropractic.

**STATUS: Assembly Bus. & Professions; no date.**

**CBA Position: Oppose**

**AJR 16 (Baca) Fair and equitable treatment for truck and bus drivers. (I-**

**03/29/05)Summary:** This measure would memorialize the Congress and the President of the United States to take necessary action to amend the federal statutes in an expeditious manner to allow for the equal treatment of commercial drivers who are off duty and using a private vehicle when they incur a traffic violation.

**STATUS: Assembly Transportation on April 18<sup>th</sup>.**

**CBA Position: None yet taken (introduced after Bd. Meeting) Recommend**

**SUPPORT (awaiting word from CBA Leg Committee).**

**SB 178 (Poochigian) Workers compensation: private self-insurance groups. (I-**

**02/09/05)**  
**Summary:** This bill would impose various requirements on private self-insured groups, including requirements with respect to the net worth of the members of these groups, the reporting of financial and other information, security deposits, insurance, membership, and administration. The bill would create the Self-Insured Groups' Security Fund for specified purposes related to the payment of the workers' compensation obligations of private self-insured groups. The bill would require that the assets in this fund be maintained separately from those in the Self-Insurers' Security Fund, and that assessments be levied on private self-insured groups for placement in this fund. This bill contains other related provisions and other existing laws.

**Status: Senate Labor & Industrial Relations: April 13<sup>th</sup>**

**CBA Position: Support**

**SB 300 (Kuehl) Family and medical leave. (I-02/16/05)**

**Summary:** This bill would increase the circumstances under which an employee is entitled to protected leave pursuant to the Family Rights Act by (1) eliminating the age and dependency elements from the definition of "child," thereby permitting an employee to take protected leave to care for his or her independent adult child suffering from a serious health condition, (2) expanding the definition of "parent" to include an employee's parent-in-law and (3) permitting an employee to take leave to care for a seriously ill grandparent, sibling, or domestic partner, as defined.

**STATUS: Senate Labor & Industrial Relations: April 27<sup>th</sup>**

**CBA Position: Oppose**

**SB 698 (Poochigian) School bus replacement. (A-3/29/05)**

**Summary:** This bill would delete the existing provisions relating to the Katz Safe School Bus Clean Fuel Efficiency Demonstration Program and school bus replacement. This bill would change the name of the Katz School bus Fund to the Clean Air and School bus Safety Fund. This bill would require the commission to administer the fund according to a specified order of priority. This bill would require the Controller, for each

fiscal year commencing with the 2006-07 fiscal year and ending with the 2010- 11 fiscal year, and to the extent that funds are available, to transfer \$50,000,000 from the Proposition 98 Reversion Account to the Clean Air and School Bus Safety Fund.

**STATUS: Senate Rules for assignment.**

**CBA Position: Watch**

**SB 924 (Speier) Commercial driver's license: driving test.** (Amended 4/4/05)

**Summary:** This bill was amended on April 4<sup>th</sup> from the above subject (after the CBA Board took a support position); the new subject is **Driving schools: commercial trucks**. Therefore, the CBA leg committee reviewed the amendments and has changed their position to a neutral/watch at this time.

**STATUS: Senate Transportation & Housing on April 19<sup>th</sup>.**

**CBA Position: Support taken at 1<sup>st</sup> Qtr. Bd. Meeting but changed to neutral/watch.**

### [Go California Legislative Package](#)

**Below are the bills introduced and sponsored by the State Business, Transportation and Housing Agency.**

**AB 850 (Canciamilla) Toll road agreements.** (I-02/18/05)

**Summary:** This bill implements innovative financing, including public-private partnerships, to pay for building and maintaining California's roads and highways. These partnerships will permit Caltrans to accept private investment and allow private operators to charge tolls to recoup their investment.

**STATUS: Assembly Transportation on April 18<sup>th</sup>**

**CBA Position: Support taken at 1<sup>st</sup> Qtr. Bd. Meeting**

**AB 1266 (Niello) State highways: design-sequencing contracts.** (I-02/22/05)

**Summary:** This bill enables Caltrans to use design-sequencing, which jump-starts groundbreaking by allowing construction to begin as soon as the design is finished for each phase of a project.

**STATUS: Assembly Transportation on April 18<sup>th</sup>**

**CBA Position: Support taken at 1<sup>st</sup> Qtr. Bd. Meeting**

**SB 705 (Runner) Design-build contracts.** (I-02/22/05)

**Summary:** This bill gives Caltrans the ability to use "design-build, a streamlined building process that shortens project delivery. With design-build, Caltrans selects a contractor to design and construct a project under one agreement.

**STATUS: Senate Trans. & Housing on April 5<sup>th</sup>. Testimony taken; CBA in support. Vote will be taken on April 19<sup>th</sup> hearing.**

**CBA Position: Support taken at 1<sup>st</sup> Qtr. Bd. Meeting**