

AMENDED IN ASSEMBLY APRIL 12, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2690**

**Introduced by Assembly Member Hancock**

February 20, 2004

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An act to add Section ~~5808.3~~ to the Public Resources Code, relating to watersheds ~~1720.5~~ to the Labor Code, relating to public works.

LEGISLATIVE COUNSEL'S DIGEST

AB 2690, as amended, Hancock. ~~California Watershed Protection and Restoration Act~~ *Public works: funds.*

~~(1)~~ Under the California Watershed Protection and Restoration Act, the Legislature encourages the California Environmental Protection Agency and the Resources Agency to provide assistance and grants under the act to those who choose to participate in watershed restoration and enhancement. The act also makes certain declarations regarding voluntary, local, and collaborative watershed partnerships. *Existing law defines a "public work" as, among other things, construction, alteration, demolition, installation, or repair work done under contract and paid for in whole or in part out of public funds.*

~~This bill would authorize an agency or political subdivision of the state, to the extent that funds are available for these purposes, to grant funds to persons or organizations who choose to undertake watershed, stream, or creek restoration and enhancement projects, whenever the agency or political subdivision determines that the grants will further the work of a collaborative partnership and the purposes of the agency or political subdivision.~~

~~(2) Existing law defines a project as a “public work” if the project involves construction, alteration, demolition, installation, or repair work that is done under contract and paid for in whole or in part out of public funds, as specified. Existing law generally requires that not less than the general prevailing rate of per diem wages, as specified, be paid to workers engaged in a public work, as defined.~~

~~This bill would provide that the work for these watershed projects is not a public work or improvement for purposes of paying the general prevailing rate of per diem wages.~~

*This bill would, to the extent that public funds are available or made available for ecological restoration, watershed-based community outreach, and environmental education projects, require that those funds be expended to preserve the ability for citizens to volunteer and work in concert with workers paid prevailing wages, thereby providing benefits to both community sustainability and the ecological health of the state’s watersheds and natural resources.*

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 ~~SECTION 1. Section 5808.3 is added to the Public Resources~~  
2 ~~Code, to read:~~

3 ~~5808.3. (a) To the extent that funds are available for the~~  
4 ~~purposes of this section, an agency or political subdivision of the~~  
5 ~~state may grant funds to persons or organizations who choose to~~  
6 ~~undertake watershed, stream, or creek restoration and~~  
7 ~~enhancement projects, whenever the agency or political~~  
8 ~~subdivision determines that the grants will further the work of a~~  
9 ~~collaborative partnership and help meet the purposes of the agency~~  
10 ~~or political subdivision.~~

11 ~~(b) No work under this section is a public work or a public~~  
12 ~~improvement, and the work is not subject to Chapter 1~~  
13 ~~(commencing with Section 1720) of Part 7 of Division 2 of the~~  
14 ~~Labor Code.~~

15 *SECTION 1. Section 1720.5 is added to the Labor Code, to*  
16 *read:*

17 *1720.5. To the extent that public funds are available or made*  
18 *available for ecological restoration, watershed-based community*  
19 *outreach, and environmental education projects, the funds shall be*



1 *expended to preserve the ability for citizens to volunteer and work*  
2 *in concert with workers paid prevailing wages, thereby providing*  
3 *benefits to both community sustainability and the ecological*  
4 *health of the state's watersheds and natural resources.*

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