

**Introduced by Senator Dutton**

February 22, 2005

---

An act to add Section 25218.3 to the Public Resources Code, relating to energy resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 628, as amended, Dutton. State Energy Resources Conservation and Development Commission: procedure.

The Warren-Alquist State Energy Resources Conservation and Development Act requires the State Energy Resources Conservation and Development Commission to perform numerous functions in connection with energy resources.

This bill would, in addition, require the commission to allow *an applicant or interested party* to present testimony and documentary evidence concerning any alleged misuse of administrative procedures to exert economic pressure on a party to enter a labor agreement with respect to a project within the jurisdiction of the commission.

*This bill would require the commission to allow an applicant or interested party to submit evidence, data, or other information with regard to the intervention or participation in any proceeding by a party or person to involve the commission in a labor dispute, as specified. The bill would require the commission to take steps to maintain its neutrality in that labor dispute and would specify certain actions that the commission may take in that respect.*

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 25218.3 is added to the Public  
2 Resources Code, to read:

3 25218.3. (a) The commission shall allow ~~interested parties~~  
4 *an applicant or interested party* to present testimony and  
5 documentary evidence concerning any alleged misuse of  
6 administrative procedures to exert economic pressure on a party  
7 to enter a labor agreement with respect to a project within the  
8 jurisdiction of the commission.

9 (b) *The commission shall allow an applicant or interested*  
10 *party to submit evidence, data, or other information with regard*  
11 *to the intervention or participation in any proceeding by a party*  
12 *or person to involve the commission in a labor dispute, including*  
13 *the exercise of rights and privileges before the commission to*  
14 *coerce an applicant or interested party, or an entity or person*  
15 *affiliated with an applicant or interested party, to enter into an*  
16 *agreement for labor, including, but not limited to, a collective*  
17 *bargaining agreement with a labor organization or a project*  
18 *labor agreement for a specific project within the jurisdiction of*  
19 *the commission.*

20 (c) *The commission shall take steps to maintain its neutrality*  
21 *in a labor dispute described in subdivision (b) and, for that*  
22 *purpose, may do any of the following:*

23 (1) *Issue an order or perform another administrative action to*  
24 *deny intervention upon an application for certification of an*  
25 *entity or person that may involve the commission in a labor*  
26 *dispute.*

27 (2) *Restrict the rights of a party to a proceeding when the*  
28 *exercise of those rights appears to burden, harass, or delay a*  
29 *project for purposes of coercion in a labor dispute.*

30 (3) *Weigh the relevancy and appropriateness of an*  
31 *intervention and action by an intervenor against the burden that*  
32 *intervention places on a party to a labor dispute. If the*  
33 *commission determines that the burden outweighs the relevancy*  
34 *and appropriateness of an intervention, the commission may*  
35 *restrict the intervention and action as appropriate.*

O