

AMENDED IN ASSEMBLY APRIL 23, 2008

AMENDED IN ASSEMBLY APRIL 2, 2008

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2084**

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**Introduced by Assembly Member Ma**

February 19, 2008

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~~An act to add Part 8.8 (commencing with Section 2250) to Division 2 of the Labor Code, relating to prevailing wages. An act relating to theatrical and technical services.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2084, as amended, Ma. ~~Theatrical and technical services: state prevailing wages: services: state property.~~

*The California State Library performs various functions, including research services through its California Research Bureau.*

*This bill would require the bureau to prepare and submit a report to the Legislature on for-profit shows and theatrical events on state property, with recommendations for increasing the number of shows and events and for establishing standards to ensure their professional production and the proper compensation of workers, and would require state agencies to provide any information that the bureau requests.*

*The bill would require the bureau to provide an estimated schedule for completion of the report to the appropriate labor policy committees of the Assembly and of the Senate by December 1, 2009.*

*This bill also would state the intent of the Legislature to enact legislation that would establish basic standards for workers providing theatrical and technical services on state property to ensure that these events and shows are produced in a professional manner that continues*

*California’s reputation as the center of the creative economy and that workers are properly compensated.*

~~Existing law requires contractors and subcontractors performing work on public works, as defined, that cost more than \$1,000 to pay workers performing work on the project not less than the general prevailing rate of per diem wages, as specified, and not less than the general prevailing rate of per diem wages for holiday and overtime work, as provided.~~

~~This bill would provide that theatrical and technical services, as defined, performed by workers in connection with the presentation of a show, as defined, on property owned by the state, that costs more than \$1,000, will be compensated at not less than the general prevailing rate of per diem wages, and not less than the general prevailing rate of per diem wages for holiday and overtime work.~~

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. It is the intent of the Legislature to enact*
- 2     *legislation that establishes basic standards for workers engaged*
- 3     *in theatrical and technical services on state property. These*
- 4     *standards shall ensure that for-profit theatrical events and shows*
- 5     *on California state property are produced in a professional manner*
- 6     *that continues California’s reputation as the center of the creative*
- 7     *economy and that workers are properly compensated.*
- 8     *SEC. 2. The California Research Bureau of the California State*
- 9     *Library shall prepare, and submit to the Legislature, a report on*
- 10    *existing for-profit shows and theatrical events on state property,*
- 11    *with recommendations for increasing the number of shows and*
- 12    *for establishing standards to ensure that for-profit theatrical events*
- 13    *and shows on California state property are produced in a*
- 14    *professional manner that continues California’s reputation as the*
- 15    *center of the creative economy and that workers are properly*
- 16    *compensated. By December 1, 2009, the bureau shall provide the*
- 17    *appropriate labor policy committees of the Assembly and of the*
- 18    *Senate with an estimated schedule for completion of this report.*
- 19    *The Department of General Services, Department of Industrial*
- 20    *Relations, and other state agencies shall cooperate with the bureau*
- 21    *by providing information the bureau requests for this report.*

1 SECTION 1. ~~Part 8.8 (commencing with Section 2250) is~~  
2 ~~added to Division 2 of the Labor Code, to read:~~

3  
4 PART 8.8. THEATRICAL AND TECHNICAL SERVICES

5  
6 2250. ~~(a) Workers performing services related to the~~  
7 ~~presentation of a show on property owned by the state performed~~  
8 ~~under contract between the state and a person for the use of that~~  
9 ~~property shall be paid not less than the general prevailing rate of~~  
10 ~~per diem wages for work of a similar character in the locality in~~  
11 ~~which the show is performed, and not less than the general~~  
12 ~~prevailing rate of per diem wages for holiday and overtime work.~~

13 ~~(b) This part shall not apply to services related to the~~  
14 ~~presentation of a show where the expenditure for those services is~~  
15 ~~one thousand dollars (\$1,000) or less.~~

16 2251. ~~(a) The provisions of Article 2 (commencing with~~  
17 ~~Section 1770) of Chapter 1 of Part 7 of Division 2 of the Labor~~  
18 ~~Code, other than the provisions of Sections 1771 and 1771.5, shall~~  
19 ~~apply to the services described in Section 2250, but each reference~~  
20 ~~to a public work or a public work project shall be deemed a~~  
21 ~~reference to the presentation of a show on property owned by the~~  
22 ~~state performed under contract between the state and a person for~~  
23 ~~the use of that property.~~

24 ~~(b) For purposes of this part, all of the following definitions~~  
25 ~~apply:~~

26 (1) ~~“Contract” includes a contract, lease, franchise, permit, or~~  
27 ~~agreement awarded, let, issued, or granted by the state for the use~~  
28 ~~of property owned by the state.~~

29 (2) ~~“Locality in which the show is performed” means the county~~  
30 ~~in which the show is performed.~~

31 (3) ~~“Person” means an individual, a proprietorship, a partnership,~~  
32 ~~a joint venture, a corporation, a limited liability company, a trust,~~  
33 ~~an association, or any other entity that may employ individuals or~~  
34 ~~enter into contracts, or any combination thereof.~~

35 (4) ~~“Services related to the presentation of a show” means~~  
36 ~~theatrical or technical services, including, but not limited to,~~  
37 ~~rigging, sound, projection, theatrical lighting, videos, computers,~~  
38 ~~draping, carpentry, special effects, and motion picture services.~~

39 (5) ~~“Show” means any live act, play, review, pantomime, scene,~~  
40 ~~music, song, dance act, song and dance act, or poetry recitation~~

- 1 ~~provided in front of a live audience or recorded for the purpose of~~
- 2 ~~later presentation, but shall not include an event where a person~~
- 3 ~~solely plays prerecorded music or prerecorded performances so~~
- 4 ~~long as no other live performance is provided.~~