

Introduced by Senator AckermanFebruary 22, 2008

An act to add Section 1744 to the Labor Code, relating to public works.

LEGISLATIVE COUNSEL'S DIGEST

SB 1631, as introduced, Ackerman. Public works: environmental complaints: fines and penalty.

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, in the case of a public works project that is to be performed on real property owned or leased by the state or a political subdivision, any person that files or threatens to file, or to fund, any environmental complaint or protest regarding any permit, map, or other entitlement related to the use or development of that land, where the purpose or objective is to obtain or extract money or other thing of value from the person seeking such permit, map, or entitlement, is guilty of a misdemeanor, as specified. By creating a new crime, this bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. Section 1744 is added to the Labor Code, to read:
2 1744. (a) In the case of a public works project that is to be
3 performed on real property owned or leased by the state or a
4 political subdivision, it shall be unlawful for any person to file or
5 threaten to file, or to fund, any environmental complaint or protest
6 regarding any permit, map, or other entitlement related to the use
7 or development of that land, where the purpose or objective of the
8 complaint or protest is to obtain or extract money, or other thing
9 of value, from the person seeking such permit, map, or entitlement,
10 unless the money or other thing of value is paid to the owner of
11 the real property for the purpose of remediating an environmental
12 issue on that real property.

13 (b) Any person who is found to have violated subdivision (a)
14 is guilty of a misdemeanor punishable by a fine in an amount not
15 to exceed one thousand dollars (\$1,000) or imprisonment in a
16 county jail for a period not exceeding six months, or by both fine
17 and imprisonment.

18 (c) "Person" means an individual, privately owned corporation,
19 association, or partnership, or a trust, nonprofit entity, trade group,
20 or sole proprietorship.

21 SEC. 2. No reimbursement is required by this act pursuant to
22 Section 6 of Article XIII B of the California Constitution because
23 the only costs that may be incurred by a local agency or school
24 district will be incurred because this act creates a new crime or
25 infraction, eliminates a crime or infraction, or changes the penalty
26 for a crime or infraction, within the meaning of Section 17556 of
27 the Government Code, or changes the definition of a crime within
28 the meaning of Section 6 of Article XIII B of the California
29 Constitution.