

AMENDED IN ASSEMBLY APRIL 25, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 356

Introduced by Assembly Member Hill

February 10, 2011

An act to add Section 53087.7 to, and to add Chapter 13 (commencing with Section 4590) to Division 5 of Title 1 of, the Government Code, relating to public works projects.

LEGISLATIVE COUNSEL'S DIGEST

AB 356, as amended, Hill. Public works projects: local hiring policies.

Existing law authorizes state agencies to enter into public works projects, as defined, and imposes various requirements with respect to the contracting and bidding process.

~~This bill would exempt any public works project that is funded, in whole or in part, with state funds from a policy imposed by a local agency that mandates that any portion or percentage of project work hours be performed by local residents.~~

This bill would also prohibit any local agency, as defined, from mandating that any portion or percentage of work on a public works project be performed by local residents *or persons residing within particular geographic areas* if any portion of that public works project will take place outside the geographical boundaries of the local agency. *The bill would also require a local agency to fund any increase in cost of a public works project that is located entirely within the geographical boundaries of the local agency where the public works project is funded with state funds and the local agency implements a local resident hiring policy, as specified.*

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

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

1 ~~SECTION 1. Chapter 13 (commencing with Section 4590) is~~
2 ~~added to Division 5 of Title 1 of the Government Code, to read:~~

3
4 ~~CHAPTER 13. LOCAL HIRING POLICY EXEMPTION FOR~~
5 ~~STATE-FUNDED PUBLIC WORKS PROJECTS~~
6

7 ~~4590. As used in this chapter, the following terms have the~~
8 ~~following meanings, unless the context otherwise requires:~~

9 ~~(a) “Local agency” means a city, county, or any other local~~
10 ~~public agency.~~

11 ~~(b) “Local resident” means an individual who is domiciled, as~~
12 ~~defined in Section 349 of the Elections Code, within the jurisdiction~~
13 ~~of the local agency.~~

14 ~~(c) “Public works project” means the acquisition and~~
15 ~~improvement of sites, construction, modification, and alteration~~
16 ~~of public buildings, airports, water supply systems, and other~~
17 ~~publicly owned and operated facilities.~~

18 ~~4591. A public works project that is funded, in whole or in~~
19 ~~part, entirely or partially funded with state funds shall be exempt~~
20 ~~from a policy imposed by a local agency that mandates that any~~
21 ~~portion or percentage of project work hours be performed by local~~
22 ~~residents.~~

23 ~~SEC. 2.~~

24 ~~SECTION 1.~~ Section 53087.7 is added to the Government
25 Code, to read:

26 53087.7. (a) As used in this section, the following terms have
27 the following meanings, unless the context otherwise requires:

28 (1) “Local agency” means a city, county, city and county, or
29 any other local public agency.

30 (2) “Local resident” means an individual who is domiciled, as
31 defined in Section 349 of the Elections Code, within the jurisdiction
32 of the local agency.

33 (3) “Public works project” means the acquisition and
34 improvement of sites, construction, modification, and alteration

1 of public buildings, airports, water supply systems, and other
2 publicly owned and operated facilities.

3 (b) A local agency shall not mandate that any portion or
4 percentage of work on a public works project be performed by
5 local residents *or persons who reside within particular geographic*
6 *areas* if any portion of that public works project will take place
7 outside the geographical boundaries of the local agency.

8 (c) *If a local agency receives funding from the state for a public*
9 *works project located entirely within the geographical boundaries*
10 *of the local agency, and the local agency implements a policy of*
11 *hiring only local residents, any increase in the cost of the public*
12 *works project that is attributable to the local resident hiring policy*
13 *shall be funded with local funds.*