

AMENDED IN ASSEMBLY MAY 27, 2011
AMENDED IN ASSEMBLY FEBRUARY 28, 2011
CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 436

Introduced by Assembly Member Solorio

February 14, 2011

An act to add Section 1720.5 to the Labor Code, relating to public works.

LEGISLATIVE COUNSEL'S DIGEST

AB 436, as amended, Solorio. Public works: prevailing wages.

Existing law defines “public works,” for purposes of regulating public works contracts, 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. Existing law further requires that, except as specified, not less than the general prevailing rate of per diem wages be paid to workers employed on public works and imposes misdemeanor penalties for a violation of this requirement. Existing law provides that for the purposes of provisions of law relating to the payment of prevailing wages, “public works” includes specified types of construction, alteration, demolition, installation, and repair work.

This bill would revise the definition of “public works” for these purposes to include the construction, alteration, demolition, installation, and repair work done under private contract when ~~specified conditions are met, including the requirement that~~ the work is performed in connection with the construction or maintenance of renewable energy generation capacity, located on property wholly or partially owned by

a school district or community college district, or on public property, specifically to serve a school district or community college district.

Because the violation of prevailing wage requirements by local public entities when engaged in these public works projects would result in the imposition of misdemeanor penalties, this bill would impose 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 1720.5 is added to the Labor Code, to
2 read:

3 1720.5. For the limited purposes of Article 2 (commencing
4 with Section 1770), “public works” also means the construction,
5 alteration, demolition, installation, and repair work done under
6 private contract when ~~both of the following conditions are met:~~

7 ~~(a) The~~ *the* work is performed in connection with the
8 construction or maintenance of renewable energy generation
9 capacity, located on property wholly or partially owned by a school
10 district or community college district, or on public property,
11 specifically to serve a school district or community college district.

12 ~~(b) The work is performed in connection with a long-term~~
13 ~~arrangement for the purchase of partially or fully exported power~~
14 ~~by or for the benefit of the school district or community college~~
15 ~~district. For purposes of this section, a “long-term arrangement”~~
16 ~~means an arrangement that will last at least five years.~~

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

1 the meaning of Section 6 of Article XIII B of the California
2 Constitution.

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