

AMENDED IN ASSEMBLY AUGUST 22, 2011

AMENDED IN ASSEMBLY AUGUST 15, 2011

AMENDED IN ASSEMBLY JUNE 22, 2011

AMENDED IN SENATE MAY 19, 2011

AMENDED IN SENATE APRIL 28, 2011

**SENATE BILL**

**No. 136**

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**Introduced by Senator Yee**

*(Principal coauthor: Assembly Member Solorio)*

January 31, 2011

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An act to add Section ~~1720.5~~ 1720.6 to the Labor Code, relating to public contracts.

LEGISLATIVE COUNSEL'S DIGEST

SB 136, as amended, Yee. Public contracts: 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 expand the definition of "public works," for the purposes of provisions relating to the prevailing rate of per diem wages, to also include any construction, alteration, demolition, installation, or

repair work done under private contract that satisfies specified conditions related to energy, as prescribed.

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 1720.6 is added to the Labor Code, to  
2 read:

3 1720.6. For the limited purposes of Article 2 (commencing  
4 with Section 1770) of this chapter, “public work” also means any  
5 construction, alteration, demolition, installation, or repair work  
6 done under private contract when ~~all~~ of the following conditions  
7 exist:

8 (a) The work is performed in connection with the construction  
9 or maintenance of renewable energy generating capacity or energy  
10 efficiency improvements.

11 (b) The work is performed on the property of the state or a  
12 political subdivision of the state.

13 (c) Either of the following conditions exists:

14 (1) More than 50 percent of the energy generated is purchased  
15 or will be purchased by the state or a political subdivision of the  
16 state.

17 (2) The energy efficiency improvements are primarily intended  
18 to reduce energy costs that would otherwise be incurred by the  
19 state or a political subdivision of the state.

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

1 for a crime or infraction, within the meaning of Section 17556 of  
2 the Government Code, or changes the definition of a crime within  
3 the meaning of Section 6 of Article XIII B of the California  
4 Constitution.

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