

AMENDED IN SENATE MAY 5, 2015

SENATE BILL

No. 581

Introduced by Senator Cannella
(Principal coauthor: Senator Leyva)

February 26, 2015

An act to ~~amend Section 65583 of the Government Code, relating to land use;~~ *add Section 1720.8 to the Labor Code, relating to public contracts, and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

SB 581, as amended, Cannella. ~~Land use: housing element. Public contracts: prevailing wage.~~

Existing law defines "public works," for purposes of regulating public works contracts, to include, 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.

This bill would expand the definition of "public works," for the purposes of the payment of prevailing wages, to also include any construction, alteration, demolition, installation, or repair work done under public or private contract that satisfies specified conditions related to the construction or maintenance of solar photovoltaic energy generating capacity, as prescribed.

Because the violation of prevailing wage requirements 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.

This bill would declare that it is to take effect immediately as an urgency statute.

~~The Planning and Zoning Law requires each city, county, and city and county to prepare and adopt a general plan that contains certain mandatory elements, including a housing element. The law requires the housing element to contain specified information.~~

~~This bill would revise references to redevelopment agencies within those housing element provisions to instead refer to successor housing agencies and would make other nonsubstantive changes to the housing element requirement.~~

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: ~~no~~^{yes}. State-mandated local program: ~~no~~^{yes}.

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

1 SECTION 1. Section 1720.8 is added to the Labor Code, to
2 read:

3 1720.8. For the limited purposes of Article 2 (commencing
4 with Section 1770), “public work” also means any construction,
5 alteration, demolition, installation, or repair work done under
6 public or private contract when the following conditions exist:

7 (a) The work is performed in connection with the construction
8 or maintenance of solar photovoltaic energy generating capacity.

9 (b) (1) The contracted installer, or a subcontracted entity of
10 the contracted installer, receives benefits from any state or local
11 program incentivizing the construction of photovoltaic energy
12 generating capacity, including, but not limited to, Net Energy
13 Metering, the California Solar Initiative, the New Solar Homes
14 Partnership, the Single-Family Affordable Solar Homes Program,
15 the Multifamily Affordable Solar Housing Program, and the
16 Self-Generation Incentive Program.

17 (2) For the purposes of this subdivision, “benefits” means funds,
18 rebates, subsidies, loans, credits, or other financial assistance
19 derived from public moneys.

1 *SEC. 2. No reimbursement is required by this act pursuant to*
2 *Section 6 of Article XIII B of the California Constitution because*
3 *the only costs that may be incurred by a local agency or school*
4 *district will be incurred because this act creates a new crime or*
5 *infraction, eliminates a crime or infraction, or changes the penalty*
6 *for a crime or infraction, within the meaning of Section 17556 of*
7 *the Government Code, or changes the definition of a crime within*
8 *the meaning of Section 6 of Article XIII B of the California*
9 *Constitution.*

10 *SEC. 3. This act is an urgency statute necessary for the*
11 *immediate preservation of the public peace, health, or safety within*
12 *the meaning of Article IV of the Constitution and shall go into*
13 *immediate effect. The facts constituting the necessity are:*

14 *In order to ensure that affected workers are paid the prevailing*
15 *wage as soon as possible, it is necessary that this act take effect*
16 *immediately.*

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**All matter omitted in this version of the bill
appears in the bill as introduced in the
Senate February 26, 2015. (JR11)**