

ASSEMBLY BILL

No. 302

Introduced by Assembly Member Floyd

February 8, 1999

An act to amend Sections 1720 and 1720.3 of the Labor Code, relating to public works.

LEGISLATIVE COUNSEL'S DIGEST

AB 302, as introduced, Floyd. Public works: prevailing wages.

(1) Existing law defines the term “public works” for purposes of requirements regarding the payment of prevailing wages, the regulation of working hours, and the securing of workers’ compensation for public works projects. 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 add the hauling of sand, gravel, crushed rock, concrete mix, asphalt, or other similar materials for use or incorporation in a public works project to the definition of “public works” for purposes of these provisions.

(2) Existing law provides that for the purposes of provisions of law relating to the payment of prevailing wages, “public works” also means the hauling of refuse from a public works site to an outside disposal location with respect to contracts involving any state agency, including the California State University and the University of California.

This bill would revise the definition of “public works” for these purposes to mean the hauling of refuse from a public works site to an outside disposal location, thereby requiring the payment of prevailing wages in connection with all such contracts, including contracts involving any local public entity.

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.

(3) 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 of the Labor Code is
2 amended to read:

3 1720. As used in this chapter, “public works” means:

4 (a) Construction, alteration, demolition, or repair
5 work done under contract and paid for in whole or in part
6 out of public funds, except work done directly by any
7 public utility company pursuant to order of the Public
8 Utilities Commission or other public authority.

9 (b) Work done for irrigation, utility, reclamation, and
10 improvement districts, and other districts of this type.
11 “Public work” shall not include the operation of the
12 irrigation or drainage system of any irrigation or
13 reclamation district, except as used in Section 1778
14 relating to retaining wages.

15 (c) Street, sewer, or other improvement work done
16 under the direction and supervision or by the authority
17 of any officer or public body of the state, or of any political
18 subdivision or district thereof, whether the political



1 subdivision or district operates under a freeholder's
2 charter or not.

3 (d) The laying of carpet done under a building
4 lease-maintenance contract and paid for out of public
5 funds.

6 (e) The laying of carpet in a public building done
7 under contract and paid for in whole or part out of public
8 funds.

9 (f) Public transportation demonstration projects
10 authorized pursuant to Section 143 of the Streets and
11 Highways Code.

12 (g) *The hauling of sand, gravel, crushed rock, concrete*
13 *mix, asphalt, or other similar materials for use or*
14 *incorporation in a public works project.*

15 SEC. 2. Section 1720.3 of the Labor Code is amended
16 to read:

17 1720.3. For the limited purposes of Article 2
18 (commencing with Section 1770), "public works" also
19 means the hauling of refuse from a public works site to an
20 outside disposal location, ~~with respect to contracts~~
21 ~~involving any state agency, including the California State~~
22 ~~University and the University of California.~~

23 SEC. 3. No reimbursement is required by this act
24 pursuant to Section 6 of Article XIII B of the California
25 Constitution because the only costs that may be incurred
26 by a local agency or school district will be incurred
27 because this act creates a new crime or infraction,
28 eliminates a crime or infraction, or changes the penalty
29 for a crime or infraction, within the meaning of Section
30 17556 of the Government Code, or changes the definition
31 of a crime within the meaning of Section 6 of Article
32 XIII B of the California Constitution.

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