

AMENDED IN ASSEMBLY MARCH 25, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 302

Introduced by Assembly Member Floyd

February 8, 1999

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

LEGISLATIVE COUNSEL'S DIGEST

AB 302, as amended, 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~~

~~Existing law provides that for the purposes of provisions of law relating to the payment of prevailing wages, “public works” also means, among other things, 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~~ *include* the hauling of refuse from a public works site to an outside disposal location *with respect to contracts involving any political subdivision of the state*, 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~~

(2) *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.~~



1 ~~(e) Street, sewer, or other improvement work done~~
 2 ~~under the direction and supervision or by the authority~~
 3 ~~of any officer or public body of the state, or of any political~~
 4 ~~subdivision or district thereof, whether the political~~
 5 ~~subdivision or district operates under a freeholder's~~
 6 ~~charter or not.~~

7 ~~(d) The laying of carpet done under a building~~
 8 ~~lease-maintenance contract and paid for out of public~~
 9 ~~funds.~~

10 ~~(e) The laying of carpet in a public building done~~
 11 ~~under contract and paid for in whole or part out of public~~
 12 ~~funds.~~

13 ~~(f) Public transportation demonstration projects~~
 14 ~~authorized pursuant to Section 143 of the Streets and~~
 15 ~~Highways Code.~~

16 ~~(g) The hauling of sand, gravel, crushed rock, concrete~~
 17 ~~mix, asphalt, or other similar materials for use or~~
 18 ~~incorporation in a public works project.~~

19 ~~SEC. 2.—~~

20 ~~SECTION 1.~~ Section 1720.3 of the Labor Code is
 21 amended to read:

22 1720.3. For the limited purposes of Article 2
 23 (commencing with Section 1770), “public works” also
 24 means the hauling of refuse from a public works site to an
 25 outside disposal location, *with respect to contracts*
 26 *involving any state agency, including the California State*
 27 *University and the University of California, or any*
 28 *political subdivision of the state.*

29 ~~SEC. 3.—~~

30 ~~SEC. 2.~~ No reimbursement is required by this act
 31 pursuant to Section 6 of Article XIII B of the California
 32 Constitution because the only costs that may be incurred
 33 by a local agency or school district will be incurred
 34 because this act creates a new crime or infraction,
 35 eliminates a crime or infraction, or changes the penalty
 36 for a crime or infraction, within the meaning of Section
 37 17556 of the Government Code, or changes the definition



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

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