

AMENDED IN ASSEMBLY MAY 19, 2022

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 1717

Introduced by Assembly Member Aguiar-Curry

January 27, 2022

An act to amend Section 1720 of the Labor Code, relating to public works.

LEGISLATIVE COUNSEL'S DIGEST

AB 1717, as amended, Aguiar-Curry. Public works: definition.

Existing law requires that, except as specified, not less than the general prevailing rate of per diem wages, determined by the Director of Industrial Relations, be paid to workers employed on public works projects. Existing law defines the term “public works” for purposes of requirements regarding the payment of prevailing wages to include construction, alteration, demolition, installation, or repair work done under contract and paid for using public funds, except as specified. Existing law makes a willful violation of laws relating to the payment of prevailing wages on public works a misdemeanor.

This bill would expand the definition of “public works” to include fuel reduction work *done under contract and* paid for in whole or in part out of public funds performed as part of a fire mitigation project, as specified. By expanding the scope of a crime, the 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 of the Labor Code is amended to
 2 read:
 3 1720. (a) As used in this chapter, “public works” means all of
 4 the following:
 5 (1) Construction, alteration, demolition, installation, or repair
 6 work done under contract and paid for in whole or in part out of
 7 public funds, except work done directly by a public utility company
 8 pursuant to order of the Public Utilities Commission or other public
 9 authority. For purposes of this paragraph, “construction” includes
 10 work performed during the design, site assessment, feasibility
 11 study, and other preconstruction phases of construction, including,
 12 but not limited to, inspection and land surveying work, regardless
 13 of whether any further construction work is conducted, and work
 14 performed during the postconstruction phases of construction,
 15 including, but not limited to, all cleanup work at the jobsite. For
 16 purposes of this paragraph, “installation” includes, but is not
 17 limited to, the assembly and disassembly of freestanding and
 18 affixed modular office systems.
 19 (2) Work done for irrigation, utility, reclamation, and
 20 improvement districts, and other districts of this type. “Public
 21 works” does not include the operation of the irrigation or drainage
 22 system of an irrigation or reclamation district, except as used in
 23 Section 1778 relating to retaining wages.
 24 (3) Street, sewer, or other improvement work done under the
 25 direction and supervision or by the authority of an officer or public
 26 body of the state, or of a political subdivision or district thereof,
 27 whether the political subdivision or district operates under a
 28 freeholder’s charter or not.
 29 (4) The laying of carpet done under a building lease-maintenance
 30 contract and paid for out of public funds.
 31 (5) The laying of carpet in a public building done under contract
 32 and paid for in whole or in part out of public funds.
 33 (6) Public transportation demonstration projects authorized
 34 pursuant to Section 143 of the Streets and Highways Code.

1 (7) (A) Infrastructure project grants from the California
2 Advanced Services Fund pursuant to Section 281 of the Public
3 Utilities Code.

4 (B) For purposes of this paragraph, the Public Utilities
5 Commission is not the awarding body or the body awarding the
6 contract, as defined in Section 1722.

7 (8) Tree removal work done in the execution of a project under
8 paragraph (1).

9 (9) Fuel reduction work *done under contract and* paid for in
10 whole or in part out of public funds performed as part of a fire
11 mitigation project, including, but not limited to, residential
12 chipping, rural road fuel breaks, fire breaks, and vegetation
13 management.

14 (b) For purposes of this section, “paid for in whole or in part
15 out of public funds” means all of the following:

16 (1) The payment of money or the equivalent of money by the
17 state or political subdivision directly to or on behalf of the public
18 works contractor, subcontractor, or developer.

19 (2) Performance of construction work by the state or political
20 subdivision in execution of the project.

21 (3) Transfer by the state or political subdivision of an asset of
22 value for less than fair market price.

23 (4) Fees, costs, rents, insurance or bond premiums, loans, interest
24 rates, or other obligations that would normally be required in the
25 execution of the contract, that are paid, reduced, charged at less
26 than fair market value, waived, or forgiven by the state or political
27 subdivision.

28 (5) Money loaned by the state or political subdivision that is to
29 be repaid on a contingent basis.

30 (6) Credits that are applied by the state or political subdivision
31 against repayment obligations to the state or political subdivision.

32 (c) Notwithstanding subdivision (b), all of the following apply:

33 (1) Private residential projects built on private property are not
34 subject to this chapter unless the projects are built pursuant to an
35 agreement with a state agency, a redevelopment agency, a successor
36 agency to a redevelopment agency when acting in that capacity,
37 or a local public housing authority.

38 (2) If the state or a political subdivision requires a private
39 developer to perform construction, alteration, demolition,
40 installation, or repair work on a public work of improvement as a

1 condition of regulatory approval of an otherwise private
2 development project, and the state or political subdivision
3 contributes no more money, or the equivalent of money, to the
4 overall project than is required to perform this public improvement
5 work, and the state or political subdivision maintains no proprietary
6 interest in the overall project, then only the public improvement
7 work shall thereby become subject to this chapter.

8 (3) (A) If the state or a political subdivision reimburses a private
9 developer for costs that would normally be borne by the public,
10 or provides directly or indirectly a public subsidy to a private
11 development project that is de minimis in the context of the project,
12 an otherwise private development project shall not thereby become
13 subject to this chapter.

14 (B) (i) For purposes of subparagraph (A), a public subsidy is
15 de minimis if it is both less than six hundred thousand dollars
16 (\$600,000) and less than 2 percent of the total project cost.

17 (ii) Notwithstanding clause (i), for purposes of subparagraph
18 (A), a public subsidy for a project that consists entirely of
19 single-family dwellings is de minimis if it is less than 2 percent
20 of the total project cost.

21 (iii) This subparagraph shall not apply to a project that was
22 advertised for bid, or a contract that was awarded, before July 1,
23 2021.

24 (4) The construction or rehabilitation of affordable housing units
25 for low- or moderate-income persons pursuant to paragraph (5) or
26 (7) of subdivision (e) of Section 33334.2 of the Health and Safety
27 Code that are paid for solely with moneys from the Low and
28 Moderate Income Housing Fund established pursuant to Section
29 33334.3 of the Health and Safety Code or that are paid for by a
30 combination of private funds and funds available pursuant to
31 Section 33334.2 or 33334.3 of the Health and Safety Code do not
32 constitute a project that is paid for in whole or in part out of public
33 funds.

34 (5) Unless otherwise required by a public funding program, the
35 construction or rehabilitation of privately owned residential projects
36 is not subject to this chapter if one or more of the following
37 conditions are met:

38 (A) The project is a self-help housing project in which no fewer
39 than 500 hours of construction work associated with the homes
40 are to be performed by the home buyers.

1 (B) The project consists of rehabilitation or expansion work
2 associated with a facility operated on a not-for-profit basis as
3 temporary or transitional housing for homeless persons with a total
4 project cost of less than twenty-five thousand dollars (\$25,000).

5 (C) Assistance is provided to a household as either mortgage
6 assistance, downpayment assistance, or for the rehabilitation of a
7 single-family home.

8 (D) The project consists of new construction, expansion, or
9 rehabilitation work associated with a facility developed by a
10 nonprofit organization to be operated on a not-for-profit basis to
11 provide emergency or transitional shelter and ancillary services
12 and assistance to homeless adults and children. The nonprofit
13 organization operating the project shall provide, at no profit, not
14 less than 50 percent of the total project cost from nonpublic
15 sources, excluding real property that is transferred or leased. Total
16 project cost includes the value of donated labor, materials, and
17 architectural and engineering services.

18 (E) The public participation in the project that would otherwise
19 meet the criteria of subdivision (b) is public funding in the form
20 of below-market interest rate loans for a project in which
21 occupancy of at least 40 percent of the units is restricted for at
22 least 20 years, by deed or regulatory agreement, to individuals or
23 families earning no more than 80 percent of the area median
24 income.

25 (d) Notwithstanding any provision of this section to the contrary,
26 the following projects are not, solely by reason of this section,
27 subject to this chapter:

28 (1) Qualified residential rental projects, as defined by Section
29 142(d) of the Internal Revenue Code, financed in whole or in part
30 through the issuance of bonds that receive allocation of a portion
31 of the state ceiling pursuant to Chapter 11.8 (commencing with
32 Section 8869.80) of Division 1 of Title 2 of the Government Code
33 on or before December 31, 2003.

34 (2) Single-family residential projects financed in whole or in
35 part through the issuance of qualified mortgage revenue bonds or
36 qualified veterans' mortgage bonds, as defined by Section 143 of
37 the Internal Revenue Code, or with mortgage credit certificates
38 under a Qualified Mortgage Credit Certificate Program, as defined
39 by Section 25 of the Internal Revenue Code, that receive allocation
40 of a portion of the state ceiling pursuant to Chapter 11.8

1 (commencing with Section 8869.80) of Division 1 of Title 2 of
2 the Government Code on or before December 31, 2003.

3 (3) Low-income housing projects that are allocated federal or
4 state low-income housing tax credits pursuant to Section 42 of the
5 Internal Revenue Code, Chapter 3.6 (commencing with Section
6 50199.4) of Part 1 of Division 31 of the Health and Safety Code,
7 or Section 12206, 17058, or 23610.5 of the Revenue and Taxation
8 Code, on or before December 31, 2003.

9 (e) Notwithstanding paragraph (1) of subdivision (a),
10 construction, alteration, demolition, installation, or repair work on
11 the electric transmission system located in California constitutes
12 a public works project for the purposes of this chapter.

13 (f) If a statute, other than this section, or a regulation, other than
14 a regulation adopted pursuant to this section, or an ordinance or a
15 contract applies this chapter to a project, the exclusions set forth
16 in subdivision (d) do not apply to that project.

17 (g) For purposes of this section, references to the Internal
18 Revenue Code mean the Internal Revenue Code of 1986, as
19 amended, and include the corresponding predecessor sections of
20 the Internal Revenue Code of 1954, as amended.

21 (h) The amendments made to this section by either Chapter 938
22 of the Statutes of 2001 or the act adding this subdivision shall not
23 be construed to preempt local ordinances requiring the payment
24 of prevailing wages on housing projects.

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



RURAL COUNTY REPRESENTATIVES
OF CALIFORNIA

February 24, 2022

The Honorable Ash Kalra
California State Assembly
1021 O St, Suite 5130
Sacramento, CA 95814

**RE: Assembly Bill 1717 — OPPOSE
As Introduced January 27, 2022**

Dear Assembly Member Kalra:

On behalf of the Rural County Representatives of California (RCRC), I am writing to express our opposition to Assembly Bill 1717, authored by Assembly Member Cecilia Aguiar-Curry, which would expand the definition of “public works” to include fuel reduction work paid for in part or whole by public funds, thereby, requiring payment of prevailing wage. RCRC is an association of thirty-eight rural California counties, and the RCRC Board of Directors is comprised of elected supervisors from each of those member counties.

Over the past several years, California’s wildfire seasons have grown both longer and more severe each year, as climate change has exacerbated the decades-overdue need for better vegetation management and fuels treatment strategies around communities in the wildland urban interface (WUI). Many of these communities are socioeconomically disadvantaged, with all 26 of California’s economically disadvantaged counties containing lands designated as high or very high fire hazard severity zones, and depend on public funding such as grants from the Greenhouse Gas Reduction Fund (GGRF) to implement community fuels treatment and fire mitigation projects to safeguard their communities from wildfires. One of the most impacted counties is Lake County, which suffers from disastrous wildfire events almost annually, yet has precious little resources to dedicate to fire mitigation efforts.

The ability to utilize GGRF and other public dollars through programs like California Climate Investments has afforded rural local governments the ability to undertake such vital projects as clearing dead and dying trees from critical infrastructure and residential properties during California’s recent tree mortality epidemic, as well as completing community wildfire mitigation projects in concert with local fire prevention organizations

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to help safeguard residents from the impacts of devastating wildfires. Even still, many rural counties in socioeconomically disadvantaged areas could benefit from assistance accessing public, competitive grant funding to help initiate fire mitigation projects because they lack the staffing and financial ability to compete with more robustly resourced counties.

As fire-prone counties continue to seek ways to maximize their ability to safeguard their residents from the devastation of wildfires, it seems ill-timed to introduce additional barriers to implementation of fire mitigation projects in communities that desperately need public funds to complete these projects. AB 1717 would increase the cost of crucial fire mitigation projects around communities and critical infrastructure by including these projects in the definition of "public works," thus subjecting them to prevailing wage. RCRC has long advocated for increased training and development of a local forest management and wildfire prevention workforce. AB 1717 would simply drive up costs of the scarce forest workforce currently in place, while shrinking the pace and scale of vegetation treatment projects on the ground, particularly in disadvantaged communities.

For the above reasons, RCRC opposes AB 1717 and respectfully requests your "no" vote. Please do not hesitate to contact me at sheaton@rcrcnet.org to discuss our concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Staci Heaton", with a large, sweeping flourish extending to the right.

STACI HEATON
Senior Policy Advocate

cc: The Honorable Cecilia Aguiar-Curry, Member of the State Assembly
Members of the Assembly Labor and Employment Committee
Megan Lane, Chief Consultant, Assembly Labor and Employment Committee
Lauren Prichard, Consultant, Assembly Republican Caucus

ASSEMBLY THIRD READING
AB 1717 (Aguiar-Curry)
As Amended May 19, 2022
Majority vote

SUMMARY

Expands the definition of "public works," for the purpose of the payment of prevailing wages, to also include fuel reduction work done under contract and paid for in whole or in part by public funds performed as part of a fire mitigation project, including, but not limited to, residential chipping, rural road fuel breaks, fire breaks, and vegetation management.

Major Provisions

See summary.

COMMENTS

Fuel Reduction Projects

According to the National Park Service, "Fuel reduction projects and vegetation treatments have been proven as a means of lessening wildfire hazards, catastrophic fire and its threat to public and firefighter safety, and damage to property. The objective is to remove enough vegetation (fuel) so that when a wildfire burns, it is less severe and can be more easily managed. When vegetation, or fuels, accumulate, they allow fires to burn hotter, faster, and with higher flame lengths. When fire encounters areas of continuous brush or small trees, it can burn these 'ladder fuels' and may quickly move from a ground fire into the treetops, creating a crown fire."¹

According to California Department of Forestry and Fire Protection (CAL FIRE), "Fuels reduction work is done by dedicated CAL FIRE Fuels Reduction Crews, California National Guard, California Conservation Corps, California Department of Corrections and Rehabilitation, and CAL FIRE fire suppression resources including firefighter hand crews and engine crews when they are not responding to other emergencies."²

"In addition, CAL FIRE funds millions of dollars of local projects through its grant's programs. Fuels reduction projects are planned, implemented and funded by several CAL FIRE programs, including: The California Fire Plan, Vegetation Management Program, Forest Health Grants, and Fire Prevention Grants. Some projects may also be completed under the California Vegetation Treatment Program (CalVTP). The CAL FIRE-Office of the State Fire Marshal, Community Wildfire Preparedness & Mitigation Division also has a role in planning these fuels reduction projects that focus on increasing the protection of people, structures, and communities."³

Prevailing Wages in the Construction Industry

In California, the prevailing wage rate is an hourly rate paid on public works projects that is often set in the terms of a collective bargaining agreement. According to DIR, the wage rate relies upon such factors as "the particular craft, classification or type of work within the locality

¹U.S. National Park Service. *Wildland Fire: What is Hazard Fuel Reduction?* May 2017.

² CAL FIRE Webpage. *Fuel Reduction*. March 2022

³ Ibid.

and in the nearest labor market area (if majorities of such workers are paid at a single rate). If there is no single rate paid to a majority, then the single or modal rate being paid to the greater number of workers is prevailing."⁴

On the federal level, under the Davis-Bacon Act⁵, contractors and subcontractors who perform work on federally funded contracts in excess of \$2,000 for the construction, alteration, or repair (including painting and decorating) of public buildings or public works must pay a prevailing wage to mechanics and laborers. The prevailing wage must be at least equal to locally prevailing wages and fringe benefits for corresponding work on similar projects in the area. The federal Department of Labor determines locally prevailing wage rates.

The policy behind paying a prevailing wage is to ensure that contractors are not awarded public works contracts by virtue of paying low wages and undercutting competitors who provide higher compensation. Prevailing wage creates a level playing field by requiring an across-the-board rate for all bidders on publically subsidized projects.

According to the Author

"Catastrophic wildfires have unfortunately become an annual occurrence in California. In 2021 alone the state saw 8,786 active wildfires that burned approximately 2,568,941 acres of land, destroyed 3,629 structures, and, most devastating of all, took the lives of three California citizens. Given this new reality, the state has placed a strong emphasis on wildfire mitigation work as a means to reduce the intensity of wildfire season. While wildfire mitigation is often talked about as a mechanism to protect houses from wildfires, wildfire mitigation is also a critical component of protecting various public works, including transportation infrastructure, public schools, and public buildings. In this sense, wild-fire mitigation can and should be seen as a 'maintenance activity' that is desperately needed to ensure the safety and functionality of existing public works. Legislation is needed [to] ensure that contracted-out wildfire mitigation work is considered a public works, which in return would ensure the fair payment of the workers participating in these projects and provide apprenticeship opportunities for aspiring trades[men]. In an often dangerous environment, better-paid and trained workers will also prevent injury and provide a better, more efficient work product, delivering the wildfire prevention benefit that is the purpose of this work."

Arguments in Support

The California-Nevada Conference of Operating Engineers, sponsor of this bill, states "Wildfire mitigation involves the implementation of a variety of precautionary measures to protect communities from the spread of wildfires. Specifically, wildfire mitigation tasks typically include but are not limited to residential chipping, rural road fuel breaks, fire breaks, and vegetation management. Simply put, successful wildfire mitigation involves the removal or thinning of natural fuels, including brush, and dead or dying trees in order to limit the uncontrolled spread of a wildfire. These project are essential to protecting communities. Legislation is needed [so] that contracted out wildfire mitigation work is considered a public works, which in return would ensure the fair payment of the workers participating in these projects and provide apprenticeship opportunities for aspiring tradesman. By providing this

⁴ California Department of Industrial Relations Webpage. *Frequently asked questions-Prevailing Wage*. March 2022.

⁵ Pub. Law 107-217-Aug. 21, 2002

change, the State will additionally be providing clarity to contractors, awarding bodies, and labor compliance groups who participate in these projects."

Arguments in Opposition

The Rural County Representatives of California (RCRC), in opposition, state "As fire-prone counties continue to seek ways to maximize their ability to safeguard their residents from the devastation of wildfires, it seems ill-timed to introduce additional barriers to implementation of fire mitigation projects in communities that desperately need public funds to complete these projects. [This bill] would increase the cost of crucial fire mitigation projects around communities and critical infrastructure by including these projects in the definition of 'public works,' thus subjecting them to prevailing wage. RCRC has long advocated for increased training and development of a local forest management and wildfire prevention workforce. [This bill] would simply drive up costs of the scarce forest workforce currently in place, while shrinking the pace and scale of vegetation treatment projects on the ground, particularly in disadvantaged communities."

FISCAL COMMENTS

According to the Assembly Appropriations Committee:

- 1) Costs of approximately \$137,000 in the first year and \$127,000 ongoing to the Department of Industrial Relations (DIR) for increased oversight of new public works projects (Labor Enforcement and Compliance Fund). The Division of Labor Standards Enforcement investigates complaints and imposes penalties, while DIR's Office of the Director's Legal Unit hears appeals. Although DIR cannot estimate the number of fuel reduction projects that may become public works as a result of this bill, DIR anticipates additional complaints and resulting enforcement activities.
- 2) Costs of an unknown, but potentially significant, amount to the Department of Forestry and Fire Protection (CAL FIRE) if CAL FIRE is responsible for ensuring grantees comply with public works law (Greenhouse Gas Reduction Fund [GGRF]). CAL FIRE administers and manages grants for local fuel reduction projects and it is unclear whether CAL FIRE would be responsible for keeping and submitting certified payroll records on behalf of the grantee. Additionally, to the extent prevailing wage requirements increase costs for grantees and results in fewer acres treated, this bill may increase General Fund or GGRF cost pressures to fund more fuel reduction projects.
- 3) To the extent locally funded fuel reduction work projects are not currently paying prevailing wage, this bill may cause an increase in local government contract costs (non-reimbursable).

VOTES

ASM LABOR AND EMPLOYMENT: 6-0-1

YES: Kalra, Jones-Sawyer, Reyes, Chen, Ward, Carrillo

ABS, ABST OR NV: Bigelow

ASM APPROPRIATIONS: 13-3-0

YES: Holden, Bryan, Calderon, Carrillo, Davies, Mike Fong, Gabriel, Eduardo Garcia, Levine, Quirk, Robert Rivas, Akilah Weber, Wilson

NO: Bigelow, Megan Dahle, Fong

UPDATED

VERSION: May 19, 2022

CONSULTANT: Martin Vindiola / L. & E. / (916) 319-2091

FN: 0002549

Date of Hearing: April 27, 2022

ASSEMBLY COMMITTEE ON APPROPRIATIONS
Chris Holden, Chair
AB 1717 (Aguiar-Curry) – As Introduced January 27, 2022

Policy Committee: Labor and Employment

Vote: 6 - 0

Urgency: No

State Mandated Local Program: Yes

Reimbursable: No

SUMMARY:

This bill expands the definition of public works, for which prevailing wage must be paid to workers, to include publicly funded fuel reduction work performed as part of a fire mitigation project.

FISCAL EFFECT:

- 1) Costs of approximately \$137,000 in the first year and \$127,000 ongoing to the Department of Industrial Relations (DIR) for increased oversight of new public works projects (Labor Enforcement and Compliance Fund). The Division of Labor Standards Enforcement investigates complaints and imposes penalties, while DIR's Office of the Director's Legal Unit hears appeals. Although DIR cannot estimate the number of fuel reduction projects that may become public works as a result of this bill, DIR anticipates additional complaints and resulting enforcement activities.
- 2) Costs of an unknown, but potentially significant, amount to the Department of Forestry and Fire Protection (CAL FIRE) if CAL FIRE is responsible for ensuring grantees comply with public works law (Greenhouse Gas Reduction Fund [GGRF]). CAL FIRE administers and manages grants for local fuel reduction projects and it is unclear whether CAL FIRE would be responsible for keeping and submitting certified payroll records on behalf of the grantee. Additionally, to the extent prevailing wage requirements increase costs for grantees and results in fewer acres treated, this bill may increase General Fund or GGRF cost pressures to fund more fuel reduction projects.
- 3) To the extent locally funded fuel reduction work projects are not currently paying prevailing wage, this bill may cause an increase in local government contract costs (non-reimbursable).

COMMENTS:

- 1) **Prevailing Wage for Public Works.** Existing law requires payment of prevailing wage to all workers employed on a public works project valued over \$1,000, such as publicly funded construction, alteration, demolition, installation, maintenance or repair work done under contract. The prevailing wage rate is determined by DIR and generally based on the basic hourly rate paid on public works projects to a majority of workers engaged in a particular craft or classification within a locality. Requiring an across-the-board rate ensures bidders are not awarded public works contracts by virtue of paying low wages and undercutting competitors who provide higher compensation.

- 2) **Purpose.** According to the author, wildfire mitigation work is not only a mechanism to protect houses from wildfires, but “also a critical component of protecting various public works, including transportation infrastructure, public schools and public buildings.” Thus, the author contends wildfire mitigation is “a ‘maintenance activity’ that is desperately needed to ensure the safety and functionality of existing public works” and contracted-out wildfire mitigation work should be considered public works.
- 3) **Support and Opposition.** This bill is sponsored by the California-Nevada Conference of Operating Engineers, stating “the state’s investment in wildfire mitigation work presents an opportunity for apprentices to learn a trade, while also making a living wage and contributing in a positive manner to the health and safety of their communities.” This bill is opposed by rural county and timber industry associations, stating the requirement to pay prevailing wage will increase project costs and reduce the number of projects that can be completed with limited public funds.
- 4) **Scope of This Bill?** Although the author and sponsor specify “[l]egislation is needed [to] ensure that contracted out wildfire mitigation work is considered public works” and also a “maintenance activity,” this bill’s scope is not limited to work done under contract or performed to maintain existing public works. According to CAL FIRE, state fuel reduction work is undertaken by its own Fuels Reduction Crews, firefighter hand crews and engine crews, as well as partnerships with the California National Guard, California Conservation Corps and California Department of Corrections and Rehabilitation. CAL FIRE also oversees millions of dollars in grant funds for ongoing local fuel reduction projects, which include the removal or reduction of overgrown vegetation through the use of prescribed fire, tree thinning, pruning and roadway clearance, amongst other strategies. This bill includes all types of publicly funded fuel reduction work, performed as part of a fire mitigation project, as public works.
- 5) **Related Legislation.** AB 1851 (R. Rivas) expands the definition of public works to include the on-hauling of paving, grading and fill materials onto a public works site. AB 1851 is pending hearing in this committee.

AB 1886 (Cooper) expands the definition of public works to include street sweeping maintenance of a public street, road or highway. AB 1886 is pending on the Assembly Floor.

AB 2463 (Lee) extends, for another 10 years, the exemption of volunteer work from the definition of public works. AB 2463 is pending hearing in this committee.

- 6) **Prior Legislation.** AB 1768 (Carrillo), Chapter 719, Statutes of 2019, expanded the definition of “public works” to include preconstruction work.

AB 1066 (Aguiar-Curry), Chapter 616, Statutes of 2017, expanded the definition of “public works” to include tree removal work when done in execution of a public works project.

AB 219 (Daly), Chapter 739, Statutes of 2015, expanded the definition of “public works” to include the hauling and delivery of ready-mixed concrete to carry out a public works contract.

Analysis Prepared by: Irene Ho / APPR. / (916) 319-2081