

**ASSEMBLY BILL**

**No. 2107**

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**Introduced by Assembly Member Valadao**

February 23, 2012

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An act to add Section 35169 to the Education Code, relating to public works.

LEGISLATIVE COUNSEL'S DIGEST

AB 2107, as introduced, Valadao. Public works: prevailing wages: school districts.

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 projects, and imposes misdemeanor penalties for a violation of this requirement. Existing law exempts certain projects from the prevailing wage requirements.

This bill would exempt from the prevailing wage requirements the governing board of a school district with regard to the construction, reconstruction, or rehabilitation of school facilities for which the state or any political subdivision pays less than 50% of the total payment under the contract directly to or on behalf of the contractor, subcontractor, or developer executing the contract, as provided.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

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

1 SECTION 1. Section 35169 is added to the Education Code,  
2 to read:  
3 35169. (a) The governing board of a school district is not  
4 required to comply with the wage requirements of Section 1771  
5 of the Labor Code, or the successor to that section or any other  
6 requirement for the payment of prevailing wages, with regard to  
7 the construction, reconstruction, or rehabilitation of school facilities  
8 where the state or any political subdivision pays a cumulative  
9 amount of less than 50 percent of the total payment under the  
10 contract directly to or on behalf of the contractor, subcontractor,  
11 or developer executing the contract, except to the extent required  
12 by federal law.  
13 (b) If a change order or other contract amendment increases the  
14 amount paid by the state or any political subdivision to 50 percent  
15 or more of the total payment, this section shall not apply to work  
16 performed under that contract, as amended by the change order or  
17 other contract amendment, beginning on the date that the change  
18 order or other contract amendment is effective.  
19 (c) If a change order or other contract amendment decreases the  
20 cumulative amount paid by the state or any political subdivision  
21 thereof to less than 50 percent of the total payment, this section  
22 shall not apply to work performed under that contract, as amended  
23 by the change order or other contract amendment beginning on  
24 the date that the change order or other contract amendment is  
25 effective.