

Frequently Asked Questions: AB 1497(Chapter 823, Statutes of 2003)

Chapter 823, Statutes of 2003 ([AB 1497](#), Montanez) as explained in a [November 5, 2003, all LEA message](#), became effective January 1, 2004. The bill added Public Resources Code section 43501.5, and amended sections 44004 and 45011.

To assist with the comprehensive review of the new requirements the [attached document](#) compares chaptered bill language to existing statutory language.

This page addresses questions and answers related to PRC sections 43501.5 (Labor Transition Plan) and 44004 (Public Hearing [Informational Meeting] Requirements).

Labor Transition Plan (PRC Section 43501.5)

Question: Must the operator include provisions for independent contractors in the Labor Transition Plan?

Answer: Labor law is not an area in which CIWMB has expertise. Please consult with your legal counsel regarding how to carry out AB 1497's requirements for Labor Transition Plans. In response to this question, however, note that "independent contractors" are distinguished from "employees." While there are several characteristics that differentiate them, the primary distinction is that employers have the right to control what their employees do and how they do it, whereas employers only control the results of the work their independent contractors do, not the means by which they do it.

Note: Additional guidance related to the Labor Transition Plan requirements is available on the [Local Enforcement Agency Correspondence page](#).

Public Hearing (Informational Meeting) Requirements (PRC Section 44004)

To view frequently asked questions regarding PRC section 44004, please go to [FAQs, Permit Implementation Regulations](#). Information related to Permit Implementation regulations and rulemaking history is provided on the CIWMB's [Permit Implementation Regulations page](#).

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