



STATE CAPITOL
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Assembly
California Legislature
Committee on Rules

RICHARD S. GORDON
CHAIR

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LING LING CHANG

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PATTY LOPEZ (D-ALT.)
JAY OBERNOLTE (R-ALT.)

Thursday, June 18, 2015
8:50 AM
State Capitol, Room 3162

CONSENT AGENDA

Referrals

1. Consent Bill Referrals

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Resolutions

2. HR 9 (Irwin) Relative to 4th of July.
3. SCR 57 (Pan) Relative to Hmong History Month.

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Request to Add Urgency Clause

4. SB 159 (Nielsen) Relative to California Disabled Veteran Business Enterprise Program: goal achiev.....

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REFERRAL OF BILLS TO COMMITTEE

06/18/2015

Pursuant to the Assembly Rules, the following bills were referred to committee:

Assembly Bill No.	Committee:
ACR 86	TRANS.
AJR 22	HUM. S.
AJR 23	RLS.
HR 25	RLS.
SB 140	G.O.
SB 151	G.O.
SB 251	JUD.
SB 251	REV. & TAX.
SB 295	REV. & TAX.
SB 326	HEALTH
SB 350	U. & C.
SB 350	NAT. RES.
SB 359	ED.
SB 365	E. & R.
SB 367	AGRI.
SB 367	NAT. RES.
SB 369	ED.
SB 376	HIGHER ED.
SB 376	A. & A.R.
SB 377	H. & C.D.
SB 377	REV. & TAX.
SB 379	L. GOV.
SB 388	HEALTH
SB 396	B. & P.
SB 396	HEALTH
SB 398	NAT. RES.
SB 400	NAT. RES.
SB 400	TRANS.
SB 405	PUB. S.
SB 405	TRANS.
SB 406	L. & E.
SB 417	E. & R.
SB 421	JUD.
SB 424	PUB. S.
SB 424	P. & C.P.
SB 434	H. & C.D.
SB 434	L. GOV.
SB 435	HEALTH

<u>SB 441</u>	H. & C.D.
<u>SB 441</u>	L. GOV.
<u>SB 443</u>	PUB. S.
<u>SB 447</u>	HEALTH
<u>SB 460</u>	ED.
<u>SB 461</u>	TRANS.
<u>SB 463</u>	ED.
<u>SB 465</u>	B. & P.
<u>SB 466</u>	B. & P.
<u>SB 467</u>	B. & P.
<u>SB 468</u>	B. & P.
<u>SB 469</u>	A.,E.,S.,T. & I. M.
<u>SB 469</u>	B. & P.
<u>SB 471</u>	NAT. RES.
<u>SB 477</u>	L. GOV.
<u>SB 477</u>	REV. & TAX.
<u>SB 478</u>	HUM. S.
<u>SB 479</u>	B. & P.
<u>SB 484</u>	HUM. S.
<u>SB 497</u>	ED.
<u>SB 499</u>	ED.
<u>SB 500</u>	REV. & TAX.
<u>SB 501</u>	JUD.
<u>SB 503</u>	HEALTH
<u>SB 504</u>	PUB. S.
<u>SB 507</u>	PUB. S.
<u>SB 513</u>	TRANS.
<u>SB 518</u>	PUB. S.
<u>SB 519</u>	PUB. S.
<u>SB 524</u>	HUM. S.
<u>SB 526</u>	REV. & TAX.
<u>SB 536</u>	A. & A.R.
<u>SB 536</u>	V.A.
<u>SB 538</u>	B. & P.
<u>SB 541</u>	U. & C.
<u>SB 541</u>	PUB. S.
<u>SB 543</u>	V.A.
<u>SB 546</u>	HEALTH
<u>SB 548</u>	L. & E.
<u>SB 549</u>	G.O.
<u>SB 551</u>	W.,P. & W.
<u>SB 552</u>	E.S. & T.M.

<u>SB 555</u>	W.,P. & W.
<u>SB 556</u>	PUB. S.
<u>SB 573</u>	A. & A.R.
<u>SB 573</u>	P. & C.P.
<u>SB 574</u>	HIGHER ED.
<u>SB 579</u>	L. & E.
<u>SB 586</u>	HEALTH
<u>SB 588</u>	L. & E.
<u>SB 588</u>	JUD.
<u>SB 599</u>	L. & E.
<u>SB 605</u>	HIGHER ED.
<u>SB 610</u>	HEALTH
<u>SB 612</u>	E.S. & T.M.
<u>SB 613</u>	HEALTH
<u>SB 613</u>	AGING & L.T.C.
<u>SB 614</u>	HEALTH
<u>SB 621</u>	PUB. S.
<u>SB 635</u>	PUB. S.
<u>SB 637</u>	W.,P. & W.
<u>SB 640</u>	REV. & TAX.
<u>SB 641</u>	B. & F.
<u>SB 641</u>	JUD.
<u>SB 643</u>	B. & P.
<u>SB 644</u>	P.E.,R. & S.S.
<u>SB 645</u>	ED.
<u>SB 646</u>	JUD.
<u>SB 654</u>	E.S. & T.M.
<u>SB 655</u>	H. & C.D.
<u>SB 660</u>	U. & C.
<u>SB 664</u>	W.,P. & W.
<u>SB 670</u>	REV. & TAX.
<u>SB 673</u>	E.S. & T.M.
<u>SB 674</u>	PUB. S.
<u>SB 682</u>	JUD.
<u>SB 685</u>	G.O.
<u>SB 686</u>	HIGHER ED.
<u>SB 690</u>	P. & C.P.
<u>SB 694</u>	PUB. S.
<u>SB 695</u>	ED.
<u>SB 696</u>	INS.
<u>SB 696</u>	JUD.
<u>SB 703</u>	A. & A.R.

<u>SB 707</u>	PUB. S.
<u>SB 708</u>	ED.
<u>SB 710</u>	L. GOV.
<u>SB 710</u>	REV. & TAX.
<u>SB 722</u>	PUB. S.
<u>SB 725</u>	ED.
<u>SB 731</u>	HUM. S.
<u>SB 734</u>	NAT. RES.
<u>SB 736</u>	B. & F.
<u>SB 758</u>	W.,P. & W.
<u>SB 759</u>	PUB. S.
<u>SB 763</u>	E.S. & T.M.
<u>SB 763</u>	B. & P.
<u>SB 765</u>	U. & C.
<u>SB 767</u>	L. GOV.
<u>SB 767</u>	TRANS.
<u>SB 773</u>	TRANS.
<u>SB 780</u>	P.E.,R. & S.S.
<u>SB 794</u>	HUM. S.
<u>SB 795</u>	PUB. S.
<u>SB 798</u>	W.,P. & W.
<u>SB 801</u>	REV. & TAX.
<u>SB 802</u>	U. & C.
<u>SB 802</u>	REV. & TAX.
<u>SB 803</u>	REV. & TAX.
<u>SB 804</u>	HEALTH
<u>SCR 54</u>	RLS.
<u>SCR 56</u>	RLS.
<u>SCR 58</u>	RLS.
<u>SCR 66</u>	RLS.
<u>SCR 67</u>	RLS.
<u>SCR 68</u>	RLS.



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Memo

To: Rules Committee Members
From: Mukhtar Ali, Bill Referral Consultant
Date: 6/17/2015
Re: Consent Bill Referrals

Since you received the preliminary list of bill referrals, the referrals for SB 434 and SB 549 have changed. SB 350 has been added.


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House Resolution

No. 9

Introduced by Assembly Member Irwin

February 24, 2015

House Resolution No. 9—Relative to the 4th of July .

1 WHEREAS, July 4, 2015, marks the 239th anniversary of the
2 signing of the Declaration of Independence, and by the adoption
3 of that document — formally entitled, “The unanimous Declaration
4 of the thirteen United States of America” — the nation we today
5 know as the United States of America officially came into being,
6 an occasion forever memorialized by President Abraham Lincoln
7 in the words of his Gettysburg Address as when “... our fathers
8 brought forth upon this continent a new nation, conceived in liberty,
9 and dedicated to the proposition that all men are created equal”;
10 and

11 WHEREAS, On June 7, 1776, in Philadelphia, Pennsylvania,
12 at a location today known as Independence Hall, Virginia delegate
13 Richard Henry Lee brought the following resolution before the
14 Second Continental Congress of the United Colonies: “Resolved,
15 That these United Colonies are, and of right ought to be, free and
16 independent states, that they are absolved from all allegiance to
17 the British Crown, and that all political connection between them
18 and the state of Great Britain is, and ought to be, totally dissolved
19”; and

20 WHEREAS, On June 8, 1776, Lee’s resolution was referred to
21 a committee of the whole of the Continental Congress, at which
22 time they spent most of that day, as well as June 10, debating
23 independence; and

1 WHEREAS, On June 11, 1776, a “Committee of Five” — with
2 Thomas Jefferson of Virginia being picked unanimously as its first
3 member, and also including John Adams of Massachusetts,
4 Benjamin Franklin of Pennsylvania, Robert R. Livingston of New
5 York, and Roger Sherman of Connecticut — was charged with
6 drafting a declaration of independence for consideration by the
7 Continental Congress; and

8 WHEREAS, The members of the “Committee of Five” assigned
9 Jefferson the task of producing a draft declaration, and on June
10 28, 1776, he produced a draft that, with minor changes by the
11 committee members, was forwarded to the Congress for its further
12 consideration; and

13 WHEREAS, On July 2, 1776, the Second Continental Congress
14 adopted the Lee resolution upon the affirmative vote of 12 of the
15 13 colonial delegations, an occasion that delegate and future
16 President John Adams detailed to his wife Abigail in a letter written
17 July 3, 1776, as follows: “Yesterday the greatest Question was
18 decided, which ever was debated in America, and a greater perhaps,
19 never was or will be decided among Men”; and

20 WHEREAS, On July 4, 1776, after further debate and changes
21 to the committee document, the Continental Congress adopted the
22 Declaration of Independence establishing the United States of
23 America, to which John Hancock that day affixed his signature,
24 with 55 other delegates representing the 13 colonies — now states
25 of the newly created nation — signing the declaration within the
26 next several weeks; and

27 WHEREAS, July 4 is a day unlike any other — in the history
28 of the United States of America, and indeed, the world — in that
29 not only is it the day that an infant nation formally defied the most
30 powerful empire on earth in a quest for freedom, liberty, and
31 independence, but even more importantly because on that day this
32 new nation declared as a “self-evident truth” — known and
33 knowable to all persons at all times in all places throughout the
34 world — the radical notion that “all men are created equal ...
35 endowed by their Creator with certain unalienable rights, that
36 among these are life, liberty and the pursuit of happiness”; and

37 WHEREAS, Since its adoption and bold pronouncement more
38 than two centuries ago, the Declaration of Independence and the
39 principles which animate that timeless document have inspired
40 literally billions of persons around the world to pursue freedom in

1 their own nation, for themselves and their own loved ones, and for
2 their fellow men and women, and remain today an imperfectly
3 unrealized goal to which all Americans and all who cherish liberty
4 must rededicate themselves, just as the drafters and signers of the
5 Declaration of Independence did by declaring: “with a firm reliance
6 on the protection of divine Providence, we mutually pledge[d] to
7 each other our Lives, our Fortunes and our sacred Honor”; and

8 WHEREAS, On this and every July Fourth, it is both proper
9 and fitting that the institutions of California government, and
10 indeed all Californians, express heartfelt gratitude and indebtedness
11 to those men and women who have served in the Armed Forces
12 of the United States, and in particular to those who have suffered
13 the injuries of battle and who have made the ultimate sacrifice in
14 protecting freedom and liberty around the world, recalling the
15 words of President Abraham Lincoln that, as a result of their
16 profound sacrifice, “... this nation, under God, shall have a new
17 birth of freedom — and that government of the people, by the
18 people, for the people, shall not perish from the earth”; now,
19 therefore, be it

20 *Resolved by the Assembly of the State of California,* That the
21 Assembly of the State of California does — and intends to every
22 year immediately preceding the 4th of July — take this opportunity
23 to recognize and celebrate July 4, 2015, and the 239th anniversary
24 of the birth of our great nation and the signing of the Declaration
25 of Independence that this day represents; and be it further

26 *Resolved,* That the Assembly of the State of California calls
27 upon all the people of the great State of California, and the United
28 States of America, to take the opportunity of the 4th of July holiday
29 to obtain a greater knowledge and understanding of the facts and
30 circumstances that compelled the 13 original colonies to declare
31 their independence, and of the timeless principles of liberty,
32 equality, and self-determination that rest at the heart of the
33 Declaration of Independence; and be it further

34 *Resolved,* That the Assembly of the State of California, on behalf
35 of a grateful citizenry, hereby expresses its heartfelt thanks,
36 appreciation, and prayers to all who have served — and who
37 currently serve — in the Armed Forces of the United States, in
38 recognition of the countless sacrifices and the indispensable role
39 these brave men and women have played even before the founding
40 of our nation on July 4, 1776, in preserving, protecting, and

1 defending the freedoms and liberties of all Americans, and
2 expanding freedom throughout the world; and be it further
3 *Resolved*, That the Chief Clerk of the Assembly shall make
4 available suitable copies of this resolution for distribution by
5 Members of the Assembly of the State of California.

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Date of Hearing: June 18, 2015

ASSEMBLY COMMITTEE ON RULES
Richard Gordon, Chair
HR 9 (Irwin) – As Introduced February 24, 2015

SUBJECT: 4th of July.

SUMMARY: Recognizes and celebrates the 4th of July, and the 239th anniversary of the birth of our nation and the signing of the Declaration of Independence; calls upon all Californians and Americans to obtain a greater knowledge and understanding of the facts, circumstances, and principles that led to the Declaration of Independence; and expresses thanks, appreciation and prayers to those who served and currently serve in the Armed Forces of the United States in recognition of the sacrifices and the role they have placed in preserving, protecting and defending the freedoms and liberties of all Americans. Specifically, **this resolution** makes the following legislative findings:

- 1) July 4, 2015, marks the 239th anniversary of when the United States of America officially came into being by the signing of the Declaration of Independence; and it is the day when the new nation declared as a "self-evident truth" the radical notion that "all men are created equal endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness."
- 2) On June 7, 1776, Richard Henry Lee brought forth a resolution which resolved that the colonies "ought to be, free and independent states...and that all political connection between them and the state of Great Britain, is, and ought to be, totally dissolved..."; and after several days of debate, a "Committee of Five" which included Thomas Jefferson of Virginia, John Adams of Massachusetts, Benjamin Franklin of Pennsylvania, Robert R. Livingston of New York, and Roger Sherman of Connecticut, was charged with drafting a declaration of independence for consideration by the Continental Congress.
- 3) On July 4, 1776, after much debate and changes to the committee document, the Continental Congress adopted the Declaration of Independence establishing the United States of America; and John Hancock signed the declaration that day with 55 other delegates representing the 13 colonies – now states of the newly created nation – signing within the next several weeks.
- 4) Since its adoption, the Declaration of Independence has inspired persons around the world to pursue freedom in their own nation and remains an unrealized goal to which all Americans must rededicate themselves just as the drafters and signers of the Declaration of Independence did more than two centuries ago.
- 5) On this and every July Fourth, it is proper and fitting that all Californians express gratitude and indebtedness to those who have served in the Armed Forces of the United States, and in particular, to those who have suffered injuries and who have made the ultimate sacrifice in protecting freedom and liberty around the world.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Nicole Willis / RLS. / (916) 319-2800

Senate Concurrent Resolution

No. 57

Introduced by Senator Pan

May 5, 2015

Senate Concurrent Resolution No. 57—Relative to Hmong History Month.

LEGISLATIVE COUNSEL'S DIGEST

SCR 57, as amended, Pan. Hmong History Month.

This measure would recognize the ~~amount~~ *month* of September 2015 as Hmong History Month, urge all citizens to join in celebrating the accomplishments of the Hmong people during Hmong History Month, and encourage the people of California to recognize the many talents, achievements, and contributions that the Hmong people bring to ~~their communities~~; *communities in this state*.

Fiscal committee: no.

- 1 WHEREAS, The history of the Hmong people here in the United
2 States, as well as throughout the ages, is indeed unique and vibrant,
3 and it is appropriate to celebrate this history during the month of
4 September 2015, which has been recognized as Hmong History
5 Month; and
6 WHEREAS, The Lao-Hmong, or free people, are greatly
7 respected and admired for their dedicated service and valiant
8 support of the United States Armed Forces and its allies during
9 the Vietnam ~~war~~; *War*; and
10 WHEREAS, Many Lao-Hmong served in the “Secret Army,”
11 which was funded by the ~~CIA~~ *United States Central Intelligence*
12 *Agency* and included Special Guerilla ~~units~~ *Units* and other ~~Special~~

1 Forces, *special forces*, to thwart the Pathet Lao and North
2 Vietnamese Army in Laos, Cambodia, and Thailand from 1960 to
3 1975; and

4 WHEREAS, The members of this Laotian hill tribe are known
5 for their warrior traditions, loyalty, and bravery, as evidenced by
6 their contributions to guarding United States personnel and Air
7 Force radar installations, gathering critical intelligence on enemy
8 movement and operations, performing rescue missions to save
9 downed United States pilots, and fighting in conventional and
10 guerilla combat against overwhelming forces, including several
11 North Vietnamese divisions, to disrupt the flow of troops and
12 supplies along the Ho Chi Minh Trail; and

13 WHEREAS, A conservative estimate of over 35,000 brave
14 Lao-Hmong men, women, and children lost their lives; more than
15 50,000 were wounded; and more than 2,500 are missing in action;
16 and

17 WHEREAS, These numbers do not include the devastating loss
18 of 30,000 lives when the Lao-Hmong fell victim to retributive
19 ethnic cleansing starting in 1975 and continuing to this day, nor
20 the thousands forced into reeducation camps or who perished
21 attempting to cross the Mekong River into Thailand; and

22 WHEREAS, In addition to the devastation to their homes and
23 way of life, thousands of Lao-Hmong soldiers and their families
24 became a countryless people when they commenced their perilous
25 flight to seek safe refuge in other countries, such as Argentina,
26 Canada, China, France, Japan, New Zealand, and the United
27 States—a mass exodus that continues to this day; and

28 WHEREAS, The Lao-Hmong's heroic and significant
29 contributions to the United States during their fighting efforts in
30 Laos and the positive influence they have since had upon the
31 American way of life will not be forgotten; now, therefore, be it

32 *Resolved by the Senate of the State of California, the Assembly*
33 *thereof concurring*, That the Legislature takes great pleasure in
34 recognizing the ~~amount~~ *month* of September 2015 as Hmong
35 History Month, extends deep appreciation to the Hmong men,
36 women, and children who served the United States with loyalty
37 and bravery, urges all citizens to join in celebrating the
38 accomplishments of the Hmong people during Hmong History
39 Month, and encourages the people of California to recognize the

- 1 many talents, achievements, and contributions that the Hmong
- 2 people bring to our communities; and be it further
- 3 *Resolved*, That the Secretary of the Senate transmit copies of
- 4 this resolution to the author for appropriate distribution.

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Date of Hearing: June 18, 2015

ASSEMBLY COMMITTEE ON RULES
Richard Gordon, Chair
SCR 57 (Pan) – As Amended June 15, 2015

SENATE VOTE: 38-0

SUBJECT: Hmong History Month.

SUMMARY: Recognizes September 2015 as Hmong History Month, and urges all citizens to join in celebrating the accomplishments of the Hmong people during Hmong History Month, and encourages the people of California to recognize the many talents, achievements, and contributions that the Hmong people make to their communities. Specifically, **this resolution** makes the following legislative findings:

- 1) The history of the Hmong people here in the United States, as well as through the ages, is indeed unique and vibrant.
- 2) The Lao-Hmong, or free people, are greatly respected and admired for their dedicated service and valiant support of the United States Armed Forces and its allies during the Vietnam war.
- 3) The Lao-Hmong's heroic and significant contributions to the United States during their fighting efforts in Laos; which an estimated 35,000 brave Lao-Hmong men, women, and children lost their lives; more than 50,000 were wounded; and more than 2,500 are missing in action.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Nicole Willis / RLS. / (916) 319-2800

AMENDED IN SENATE MARCH 23, 2015

SENATE BILL

No. 159

Introduced by Senator Nielsen

February 3, 2015

An act to amend Section ~~14839~~ 10111 of the ~~Government~~ *Public Contract Code*, relating to state government.

LEGISLATIVE COUNSEL'S DIGEST

SB 159, as amended, Nielsen. ~~Office of Small Business and Disabled Veteran Business Enterprise Services. California Disabled Veteran Business Enterprise Program: goal achievement.~~

Existing law establishes statewide participation goals that apply to the overall dollar amount expended each year by an awarding department, as defined, to facilitate the participation of disabled veteran business enterprises in state contracts, and establishes the California Disabled Veteran Business Enterprise Program for this purpose. Existing law requires the Department of General Services to make available a report on contracting activity containing specified information, including a statistical summary detailing each awarding department's goal achievement under the California Disabled Veteran Business Enterprise Program and a statewide total of those goals.

This bill would specify that an awarding department's goal achievement under the California Disabled Veteran Business Enterprise Program, and statewide total of those goals, be measured as specified. The bill would also make a legislative finding that this bill is clarifying and declaratory of existing law.

~~Existing law provides for various programs to encourage the participation of small businesses, as certified by the Department of General Services, in state agency contracts, and sets forth the duties of~~

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~~the Office of Small Business and Disabled Veteran Business Enterprise Services in this regard.~~

~~This bill would make nonsubstantive changes to that provision.~~

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 10111 of the Public Contract Code is*
2 *amended to read:*

3 10111. Commencing January 1, 2007, the department shall
4 make available a report on contracting activity containing the
5 following information:

6 (a) A listing of consulting services contracts that the state has
7 entered into during the previous fiscal year. The listing shall
8 include the following:

9 (1) The name and identification number of each contractor.

10 (2) The type of bidding entered into, the number of bidders,
11 whether the low bidder was accepted, and if the low bidder was
12 not accepted, an explanation of why another contractor was
13 selected.

14 (3) The amount of the contract price.

15 (4) Whether the contract was a noncompetitive bid contract,
16 and why the contract was a noncompetitive bid contract.

17 (5) Justification for entering into each consulting services
18 contract.

19 (6) The purpose of the contract and the potential beneficiaries.

20 (7) The date when the initial contract was signed, and the date
21 when the work began and was completed.

22 (b) The report shall also include a separate listing of consultant
23 contracts completed during that fiscal year, with the same
24 information specified in subdivision (a).

25 (c) The information specified in subdivisions (a) and (b) shall
26 also include a list of any contracts underway during that fiscal year
27 on which a change was made regarding the following:

28 (1) The completion date of the contract.

29 (2) The amount of money to be received by the contractor, if it
30 exceeds 3 percent of the original contract price.

1 (3) The purpose of the contract or duties of the contractor. A
2 brief explanation shall be given if the change in purpose is
3 significant.

4 (d) The level of participation, by agency, of disabled veteran
5 business enterprises in statewide contracting and shall include
6 dollar values of contract award for the following categories:

7 (1) Construction.

8 (2) Architectural, engineering, and other professional services.

9 (3) Procurement of materials, supplies, and equipment.

10 (4) Information technology procurements.

11 Additionally, the report shall include a statistical summary
12 detailing each awarding department's goal achievement and a
13 statewide total of those goals. *An awarding department's goal*
14 *achievement is to be measured pursuant to subdivision (a) of*
15 *Section 999.2 of the Military and Veterans Code and subdivision*
16 *(c) of Section 10115 of this code.*

17 (e) The level of participation by small business in state
18 contracting including:

19 (1) Upon request, an up-to-date list of eligible small business
20 bidders by general procurement and construction contract
21 categories, noting company names and addresses and also noting
22 which small businesses also qualify as microbusinesses.

23 (2) By general procurement and construction contract categories,
24 statistics comparing the small business and microbusiness contract
25 participation dollars to the total state contract participation dollars.

26 (3) By awarding department and general procurement and
27 construction categories, statistics comparing the small business
28 and microbusiness contract participation dollars to the total state
29 contract participation dollars.

30 (4) Any recommendations for changes in statutes or state
31 policies to improve opportunities for small businesses and
32 microbusinesses.

33 (5) A statistical summary of small businesses and
34 microbusinesses certified for state contracting by the number of
35 employees at the business for each of the following categories:
36 0–5, 26–50, 51–75, and 76–100.

37 (6) To the extent feasible, beginning in the year 2008, the
38 number of contracts awarded by the department in the categories
39 specified in paragraph (5).

1 (7) The number of contracts and dollar amounts awarded
2 annually pursuant to Section 14838.5 of the Government Code to
3 small businesses, microbusinesses, and disabled veteran business
4 enterprises.

5 (f) The level of participation of business enterprises, by race,
6 ethnicity, and gender of the owner, in contracts to the extent that
7 the information has been voluntarily reported to the department.
8 In addition, the report shall contain the levels of participation of
9 business enterprises, by race, ethnicity, and gender of the owner,
10 and whether the business is a lesbian, gay, bisexual, or transgender
11 owned business for the following categories of contracts, to the
12 extent that the information has been voluntarily reported to the
13 department:

- 14 (1) Construction.
- 15 (2) Purchases of materials, supplies, or equipment.
- 16 (3) Professional services.

17 (g) In the years 2011 and 2012, any errors reported to the
18 department by an awarding agency as required by Sections 10302,
19 10344, and 12104.5, in the previous fiscal year.

20 (h) The amendments made to this section by ~~the act adding this~~
21 ~~subdivision Chapter 861 of the Statutes of 2012~~ shall apply on and
22 after January 1, 2013.

23 *SEC. 2. The Legislature finds and declares that the amendments*
24 *made by this act to Section 10111 of the Public Contract Code are*
25 *clarifying and declaratory of existing law.*

26 ~~SECTION 1. Section 14839 of the Government Code is~~
27 ~~amended to read:~~

28 ~~14839. There is hereby established within the department the~~
29 ~~Office of Small Business and Disabled Veteran Business Enterprise~~
30 ~~Services. The duties of the office shall include:~~

31 ~~(a) Compiling and maintaining a comprehensive bidders list of~~
32 ~~qualified small businesses and disabled veteran business~~
33 ~~enterprises, and noting which small businesses also qualify as~~
34 ~~microbusinesses.~~

35 ~~(b) Coordinating with the Federal Small Business~~
36 ~~Administration, the Minority Business Development Agency, and~~
37 ~~the Office of Small Business Development of the Department of~~
38 ~~Economic and Business Development.~~

39 ~~(c) Providing technical and managerial aids to small businesses,~~
40 ~~microbusinesses, and disabled veteran business enterprises by~~

1 conducting workshops on matters in connection with government
2 procurement and contracting.

3 ~~(d) Assisting small businesses, microbusinesses, and disabled~~
4 ~~veteran business enterprises in complying with the procedures for~~
5 ~~bidding on state contracts.~~

6 ~~(e) Working with appropriate state, federal, local, and private~~
7 ~~organizations and business enterprises in disseminating information~~
8 ~~on bidding procedures and opportunities available to small~~
9 ~~businesses, microbusinesses, and disabled veteran business~~
10 ~~enterprises.~~

11 ~~(f) Making recommendations to the department and other state~~
12 ~~agencies for simplification of specifications and terms in order to~~
13 ~~increase the opportunities for small business, microbusiness, and~~
14 ~~disabled veteran business enterprise participation.~~

15 ~~(g) Developing, by regulation, other programs and practices~~
16 ~~that are reasonably necessary to aid and protect the interest of small~~
17 ~~businesses, microbusinesses, and disabled veteran business~~
18 ~~enterprises in contracting with the state.~~

19 ~~(h) Making efforts to develop, in cooperation with associations~~
20 ~~representing counties, cities, and special districts, a core statewide~~
21 ~~small business certification application that may be adopted by all~~
22 ~~participating entities, with any supplemental provisions to be added~~
23 ~~as necessary by the respective entities.~~

24 ~~(i) The information furnished by each contractor requesting a~~
25 ~~small business or microbusiness preference shall be under penalty~~
26 ~~of perjury.~~

O

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STATE CAPITOL
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California State Senate



**SENATOR
JIM NIELSEN**

FOURTH SENATE DISTRICT

COMMITTEES
APPROPRIATIONS
BUDGET & FISCAL REVIEW
VICE CHAIR
HEALTH
VETERANS AFFAIRS
CHAIR

June 15, 2015

The Honorable Richard S. Gordon
Chair, Committee on Rules
California State Assembly
Room 3016, State Capitol
Sacramento, California 95814

Dear Mr. Chairman:

I request that the Assembly Committee on Rules approve amendment of an urgency clause into my Senate Bill 159, which pertains to the Disabled Veteran Business Enterprise (DVBE) Program. The urgency clause is necessitated by the following facts:

1. California State Auditor Report 2013-115 found that during fiscal year 2012-13, 83 percent of the DVBE contract award amounts went to only 30 DVBE firms and that a lack of standardized reporting by awarding agencies may be distorting accurate assessment of whether the program is meeting the Legislature's intent.
2. The Auditor recommended that, in order to ensure accuracy and consistency in reporting requirements, it is necessary for the Legislature to clarify that an awarding department's goal achievement be measured by the overall dollar amount expended each fiscal year. Senate Bill 159 would effect this recommendation.
3. Since the DVBE Program comprises a minimum of three percent of all state contracts awarded each fiscal year, and, according to the Department of General Services, that three percent totaled over \$299 million for fiscal year 2013-14, the sheer magnitude of the program necessitates urgency in establishing accurate and consistent reporting across all awarding departments.

Thank you for your consideration of this request. Should your staff have questions regarding the request's substantive matters, please have them contact Wade Teasdale in the Senate Committee on Veterans Affairs at (916) 651-1503 or Mary Grundman in my Capitol Office at (916) 651-4004.

Sincerely,

A handwritten signature in blue ink that reads "Jim Nielsen".

JIM NIELSEN
Senator, 4th District

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