

BILL NUMBER: AB 1829 INTRODUCED
BILL TEXT

INTRODUCED BY Assembly Member Liu

JANUARY 20, 2004

An act to add Chapter 3.55 (commencing with Section 12140) to Part 2 of Division 2 of the Public Contract Code, relating to public contracts.

LEGISLATIVE COUNSEL'S DIGEST

AB 1829, as introduced, Liu. Public contracts: services: domestic workers.

Existing law requires a state agency to comply with specified procedures in awarding agency contracts. Existing law authorizes a state agency to prohibit a person that is convicted of committing specified crimes from bidding on or being awarded agency contracts, as specified.

This bill would prohibit a state agency from contracting for services with a contractor or subcontractor unless that contractor or subcontractor certifies under penalty of perjury in his or her bid for the contract that the contract, and any subcontract performed under that contract, will be performed solely with workers within the United States. This bill would also specify that these provisions do not apply if the contractor or subcontractor certifies under penalty of perjury in his or her bid for the contract that the services to be performed under the contract are so specialized that there are not workers within the United States that are trained to perform the services.

By requiring contractors and subcontractors to make these certifications under penalty of perjury, this bill would create a new

crime and thereby 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:

SECTION 1. Chapter 3.55 (commencing with Section 12140) is added to Part 2 of Division 2 of the Public Contract Code, to read:

CHAPTER 3.55. OFFSHORING STATE SERVICE CONTRACTS

12140. (a) Notwithstanding any other provision of law and except as otherwise provided in subdivision (b), a state agency may not contract for services with a contractor or subcontractor unless that contractor or subcontractor certifies under penalty of perjury in his or her bid for the contract that the contract, and any subcontract performed under that contract, will be performed solely with workers within the United States.

(b) The prohibition in subdivision (a) does not apply if the contractor or subcontractor certifies under penalty of perjury in his or her bid for the contract that the services to be performed under the contract are so specialized that there are not workers within the United States that are trained to perform the services.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the

Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.