

**Assembly Bill No. 619**

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Passed the Assembly August 25, 2010

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*Chief Clerk of the Assembly*

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Passed the Senate August 12, 2010

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*Secretary of the Senate*

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This bill was received by the Governor this \_\_\_\_\_ day  
of \_\_\_\_\_, 2010, at \_\_\_\_\_ o'clock \_\_\_\_M.

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*Private Secretary of the Governor*

## CHAPTER \_\_\_\_\_

An act to add Article 14 (commencing with Section 10482) to Chapter 2 of Part 2 of Division 2 of the Public Contract Code, and to add Section 185034.5 to the Public Utilities Code, relating to transportation.

## LEGISLATIVE COUNSEL'S DIGEST

AB 619, Blumenfield. Transportation projects: high-speed rail.

Existing law, the California High-Speed Rail Act, creates the High-Speed Rail Authority to develop and implement a high-speed train system in the state, with specified powers and duties. Existing law gives the authority the power to, among other things, enter into contracts with private or public entities for the design, construction, and operation of high-speed trains. Existing law, the Safe, Reliable, High-Speed Passenger Train Bond Act for the 21st Century, approved by the voters as Proposition 1A at the November 4, 2008, general election, provides for the issuance of \$9.95 billion in general obligation bonds for high-speed rail and related purposes.

This bill would require any entity applying for a contract with the authority for goods or services related to the high-speed train network, as specified, to affirmatively certify whether it had any direct involvement in the deportation of any individuals to extermination camps, work camps, concentration camps, prisoner of war camps, or any similar camps between specified dates during World War II. The bill would also require the authority to acknowledge and note the importance of complying with this certification, as provided.

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

SECTION 1. The Legislature finds and declares the following:

(a) In November 2008, California voters approved Proposition 1A, the Safe, Reliable, High-Speed Passenger Train Bond Act for the 21st Century. Proposition 1A provided \$9 billion for high-speed rail development. In January 2010, California was awarded \$2.25 billion by the federal government to construct the statewide high-speed rail system.

(b) High-speed rail will reduce travel time between population centers; remove millions of tons of carbon and other greenhouse gasses from the atmosphere; provide jobs in engineering, construction, operations, and maintenance; and allow California to maintain its leadership as a national model for policy and social responsibility.

(c) California's high-speed rail network will be funded with public moneys provided by federal and state taxpayers, and with bond sales, and private partnerships. Design, engineering, operation, and maintenance of the rail lines will be provided by any number of entities following competitive bidding processes.

(d) The California High-Speed Rail Authority and the citizens of California should have the benefit of appropriate and complete disclosure by all entities competing for high-speed rail grants. Such disclosure and related due diligence is essential to California's regulation and oversight of the contracting process and expenditure of state funds.

(e) It has come to the Legislature's attention that certain entities that have expressed interest in competing for high-speed rail grants in California have engaged in conduct which the Legislature believes requires public disclosures. For instance, between 1942 and 1944, many thousands of persons, including current residents of California, were deported to concentration camps on trains.

SEC. 2. Article 14 (commencing with Section 10482) is added to Chapter 2 of Part 2 of Division 2 of the Public Contract Code, to read:

#### Article 14. California High-Speed Rail Act Procedures

10482. This article establishes proper procedures for entities that intend to bid or submit a proposal to contract with the California High-Speed Rail Authority for goods or services related to the high-speed train network, as contemplated by the California High Speed Rail Act (Division 19.5 (commencing with Section 185000) of the Public Utilities Code).

10483. (a) Notwithstanding any other law, any entity applying for a contract with the authority related to the high-speed train network, including, but not limited to, the engineering, construction, manufacture, or operation of a high-speed rail

network or any components thereof, shall affirmatively certify in advance of submitting a formal bid the following:

(1) Whether it had any direct involvement in the deportation of any individuals to extermination camps, work camps, concentration camps, prisoner of war camps, or any similar camps during the period from January 1, 1942, through December 31, 1944.

(2) If an entity responds that it has had a direct involvement in the deportation of any individuals, as described in paragraph (1), the entity shall certify all of the following:

(A) Whether the entity has any records (whenever created) in its possession, custody, or control related to those deportations.

(B) Whether the entity has taken any remedial action concerning those deportations, and whether the entity has provided restitution to all identifiable victims of those deportations.

(3) An entity that certifies to its direct involvement under this subdivision may, at its own discretion, provide any mitigating circumstances in narrative and documentary form.

10484. The authority shall acknowledge the information provided as required by Section 10483 when awarding contracts. The authority in its procurement solicitation documents shall note the importance of complying with Section 10483.

10485. For the purposes of this article, the following definitions apply:

(a) “Authority” means the California High-Speed Rail Authority.

(b) “Direct involvement” means ownership or operation of the trains on which persons were deported to extermination camps, work camps, concentration camps, prisoner of war camps, or any similar camps during the period from January 1, 1942, through December 31, 1944.

(c) “Entity” means any corporation, affiliate, or other entity that controls, is controlled by, or is under common control with, or that is a member of a partnership or a consortium with, an entity affected by this article. An entity shall be presumed to be in control of another corporation or entity if it owns or directly or indirectly controls more than 50 percent of the voting securities or more than 50 percent of any other ownership interest of the other corporation or entity. This definition of “entity” shall apply irrespective of whether or not the equity interest in the entity was owned by a foreign state.

SEC. 3. Section 185034.5 is added to the Public Utilities Code, to read:

185034.5. Any bids or proposals submitted to the authority for a goods or services contract related to the high-speed train network shall conform to the procedures set forth in Article 14 (commencing with Section 10482) of Chapter 2 of Part 2 of Division 2 of the Public Contract Code.





Approved \_\_\_\_\_, 2010

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*Governor*