

AMENDED IN ASSEMBLY APRIL 16, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1067

Introduced by Assembly Member Medina
(Coauthors: Assembly Members Brown, Fox, and V. Manual Pérez)

February 22, 2013

An act to add Chapter 4.2 (commencing with Section 6315) to Division 7 of Title 1 of the Government Code, relating to economic development.

LEGISLATIVE COUNSEL'S DIGEST

AB 1067, as amended, Medina. Economic development: foreign trade.

The Governor's Office of Business and Economic Development serves as the Governor's lead entity for economic strategy and the marketing of California on issues relating to business development, private sector investment, and economic growth. The office, among others, makes recommendations to the Governor and the Legislature regarding policies, programs, and actions to advance statewide economic goals.

This bill would establish the California Foreign Investment Program. The bill would require the Governor's Office of Business and Economic Development to serve as the lead state entity ~~under specified provisions of the federal Immigration and Nationality Act for overseeing the state's participation with the U.S. Citizenship and Immigration Services' EB-5 Investment Program.~~ The bill would authorize the office take all necessary action to assist individuals seeking to invest in this state through the EB-5 Program including, but not limited to, providing a support letter for regional center applications to the United States

~~Citizenship and Immigration Service. The bill would require the Director~~
~~director of the office to, among other things, establish reporting and~~
~~monitoring requirements, as specified~~ *set the terms and conditions for*
issuing a state designation letter for target employment areas within
the structure and scope of the EB-5 Investment Program and to post
on the office’s Internet Web site a list with the contact information for
each regional center, as specified. ~~The bill would authorize specified~~
~~public or private corporation to establish, operate, and maintain a~~
~~regional center, as specified.~~ *The bill would require a regional center*
operating in the state to provide the office with, among other things,
information on the number of clients served, the location of investments,
and the number of direct and indirect jobs created. The bill would
authorize the office to provide a support letter for regional center
applications to the U.S. Citizenship and Immigration Service. The bill
would authorize a public corporation, as defined, that is authorized to
establish, operate, and maintain a regional center to provide for
indemnity or assurance to the federal government, as specified, and to
deposit moneys with the federal government, as specified. The bill would
apply only to EB-5 activities of the state relating to the EB-5 Investment
Program occurring on or after January 1, 2014.

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

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

1 SECTION 1. Chapter 4.2 (commencing with Section 6315) is
 2 added to Division 7 of Title 1 of the Government Code, to read:
 3
 4 CHAPTER 4.2. CALIFORNIA FOREIGN INVESTMENT PROGRAM
 5
 6 6315. (a) This chapter shall be known and may be cited as the
 7 California Foreign Investment Program.
 8 (b) For purposes of this chapter:
 9 (1) “Director” means the Director of the Governor’s Office of
 10 Business and Economic Development.
 11 (2) “Office” means the Governor’s Office of Business and
 12 Economic Development.
 13 (3) “Public corporation” means the state, any political
 14 subdivision thereof, any incorporated municipality therein, any
 15 public agency of the state, of any political subdivision thereof, or

1 of any municipality therein, or any corporate municipal
2 instrumentality of this state or of this state and one or more other
3 states.

4 (4) “EB-5 *Investment* Program” and the “Foreign Investment
5 Program” means Section 203(b)(5) of the Immigration and
6 Nationality Act (8 U.S.C. Sec. 1153(b)(5)).

7 6315.1. (a) The office shall serve as the lead state entity for
8 overseeing the state’s participation with the United States
9 Citizenship and Immigration Service’s EB-5 *Investment* Program.

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11 (b) *The* director shall set the terms and conditions for issuing a
12 state designation letter *for target employment areas* within the
13 structure and scope of the EB-5 *Investment* Program.

14 (b)

15 (c) (1) ~~An applicant for federal designation as a~~ A regional
16 center *operating in the state* shall register with the office and
17 provide the office with appropriate contact information and other
18 information determined by the office as relevant to the operation
19 of the EB-5 Program in this state *for the center and the geographic*
20 *region and industry sector or subsectors recognized by the United*
21 *States Citizenship and Immigration Services (USCIS) for that*
22 *center.*

23 (2) A regional center operating within this state shall annually
24 provide information to the office on the number of clients served,
25 location of investments, and number of direct and indirect jobs
26 created. *The regional center may satisfy this requirement by*
27 *submitting a copy of Form I-9224A of the (USCIS) to the office.*

28 (c) (1) An applicant for a visa from the United States
29 Citizenship and Immigration Service under the EB-5 Program may
30 register with the office.

31 (2) The office may provide assistance to an applicant, registered
32 with the office pursuant to this subdivision, with the applicant’s
33 EB-5 visa application.

34 (3) The office may charge a fee for these services.

35 (d) ~~(1)~~ The office may provide a support letter for regional
36 center applications to the ~~United States Citizenship and~~
37 ~~Immigration Service (USCIS).~~

38 ~~(2) The director shall, consistent with federal and state~~
39 ~~requirements, at a minimum establish reporting and monitoring~~
40 ~~requirements that identify the number of businesses assisted, the~~

1 ~~size of those businesses by number of employees and gross~~
2 ~~revenues, and the number of jobs created and retained.~~

3 ~~(3)~~

4 (e) The director shall post on the office’s Internet Web site a
5 list with contact information for each regional center applicant that
6 ~~receives a designation letter from the director where information~~
7 ~~is readily available to the office. The list shall be updated when~~
8 ~~new information is made available on at least an annual basis.~~

9 6315.2. (a) Any public or private corporation authorized by
10 ~~this chapter to apply to establish, operate, and maintain a regional~~
11 ~~center whose application is granted pursuant to the terms of the~~
12 ~~Immigration and Nationality Act may establish, operate, and~~
13 ~~maintain the regional center subject to the conditions and~~
14 ~~restrictions of the EB-5 Investment Program, and any amendments~~
15 ~~thereto, and any conditions and restrictions established by the~~
16 ~~director pursuant to this chapter.~~

17 (b) If authorized to establish, operate, and maintain a regional
18 center, a public corporation may, in addition to its other powers,
19 do either of the following:

20 (1) Provide for indemnity or assurance to the federal government
21 or its agencies as they may request.

22 (2) Deposit moneys with the federal government, as the federal
23 government or its agencies may request, provided those moneys
24 are available by direct appropriation or otherwise.

25 ~~6315.3. The office may take all necessary action to assist~~
26 ~~individuals seeking to invest in this state through the EB-5~~
27 ~~Program, including, but not limited to, collaborating with the~~
28 ~~United States Department of Justice in assisting applicants in~~
29 ~~obtaining the necessary security background checks for the~~
30 ~~program.~~

31 ~~6315.4.~~

32 6315.3. This chapter shall apply only to EB-5 activities of the
33 state relating to the EB-5 Investment Program occurring on or after
34 January 1, 2014.

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