

AMENDED IN SENATE APRIL 1, 2013

SENATE BILL

No. 399

Introduced by Senator Wright

February 20, 2013

An act to ~~amend~~ *add* Section ~~10101~~ of the ~~Public Contract~~ 927.14 to the Government Code, relating to state contracts.

LEGISLATIVE COUNSEL'S DIGEST

SB 399, as amended, Wright. State contracts: ~~toxic substances:~~ expedited payment procedure.

~~The State Contract Act prescribes the procedures and requirements applicable to various state agency contracts. The act excludes contracts made for specified emergency toxic substance work or remedial measures from the procedures and requirements of the State Contract Act, if the work is immediately necessary to protect the health, safety, and welfare of the general public, as specified.~~

The California Prompt Payment Act provides that a state agency that fails to make a timely payment for goods or services acquired pursuant to a contract with a specified business or organization is subject to a late payment penalty.

~~This bill would require an expedited payment procedure for work that is successfully performed for contracts made for specified emergency toxic substances or remedial measures~~ *require, if a state agency receives an invoice for the successful completion of a contract for which emergency work or remedial measures were necessary to immediately avert, alleviate, repair, or mitigate destruction of property, the state agency to submit the invoice to the Controller for payment not more than 15 days from receipt of the invoice.*

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. Section 927.14 is added to the Government Code,
2 to read:
3 927.14. Notwithstanding any other provision of law, except
4 where payment is made directly by a state agency pursuant to
5 Section 927.6, if a state agency receives an invoice for the
6 successful completion of a contract for which emergency work or
7 remedial measures were necessary to immediately avert, alleviate,
8 repair, or mitigate destruction of property, the state agency shall
9 submit the invoice to the Controller for payment not more than 15
10 days from receipt of the invoice.

11 ~~SECTION 1. Section 10101 of the Public Contract Code is~~
12 ~~amended to read:~~
13 ~~10101. (a) Contracts for the purchase of supplies or materials,~~
14 ~~which are purchased pursuant to Chapter 2 (commencing with~~
15 ~~Section 10290), are not subject to this chapter, even though the~~
16 ~~seller is required to perform some incidental work or service in~~
17 ~~connection with the delivery of the material or supplies.~~
18 ~~(b) Contracts for which emergency work or remedial measures~~
19 ~~are required are not subject to this chapter if the work or remedial~~
20 ~~measures are necessary to immediately avert, alleviate, repair, or~~
21 ~~mitigate destruction of property caused by the accidental or~~
22 ~~unplanned release of toxic substances and are necessary to protect~~
23 ~~the health, safety, and welfare of the general public. Work that is~~
24 ~~successfully performed pursuant to a contract under this subdivision~~
25 ~~shall be paid pursuant to an expedited payment procedure.~~