

Assembly Bill No. 865

CHAPTER 583

An act to add Section 25230 to the Public Resources Code, relating to the State Energy Resources Conservation and Development Commission.

[Approved by Governor October 8, 2015. Filed with
Secretary of State October 8, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

AB 865, Alejo. State Energy Resources Conservation and Development Commission: contracts, grants, and loans: diversity.

The Warren-Alquist State Energy Resources Conservation and Development Act establishes the State Energy Resources Conservation and Development Commission. Existing law requires the State Energy Resources Conservation and Development Commission to administer various grant and loan programs.

This bill would require the State Energy Resources Conservation and Development Commission to develop and implement an outreach program to inform the most qualified loan and grant applicants, and contractors, including, but not limited to, women, minority, disabled veteran, and LGBT business enterprises, as defined, about workshops, trainings, and funding opportunities. The bill would require that one component of the outreach program be a process for tracking the diversity of contractors, loan recipients, and grant recipients. The bill would require the outreach program to include a strategy to encourage the participation of certified women, minority, disabled veteran, and LGBT business enterprises in the commission's relevant programs and consider including them in capacity building activities. The bill would authorize the commission to consider establishing a Diversity Task Force to consider and make recommendations about diversity in the energy industry, including diversity of corporate governing boards and procurement from diverse businesses, and addressing and promoting local and targeted hiring.

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

SECTION 1. Section 25230 is added to the Public Resources Code, to read:

25230. (a) For purposes of this section, the following terms have the following meanings:

(1) "Certified" means a business enterprise that is certified by the Public Utilities Commission, the Department of General Services, or other nonprofit

organizations that verify or certify women, minority, disabled veteran, and LGBT business enterprises.

(2) “Control” means exercising the power to make policy decisions.

(3) “Disabled veteran business enterprise” has the same meaning as defined in Section 999 of the Military and Veterans Code.

(4) “LGBT business enterprise” means a business enterprise that is at least 51 percent owned by a lesbian, gay, bisexual, or transgender person or persons, or, in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more lesbian, gay, bisexual, or transgender persons, and whose management and daily business operations are controlled by one or more of those individuals.

(5) “Minority business enterprise” means a business enterprise that is at least 51 percent owned by a minority group or groups, or, in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more minority groups, and whose management and daily business operations are controlled by one or more of those individuals. The contracting utility shall presume that minority includes African Americans, Hispanic Americans, Native Americans, and Asian Pacific Americans.

(6) To “operate” means to be actively involved in the day-to-day management. It is not enough to merely be an officer or director.

(7) “Women business enterprise” means a business enterprise that is at least 51 percent owned by a woman or women, or, in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more women, and whose management and daily business operations are controlled by one or more of those individuals.

(b) (1) The commission shall develop and implement an outreach program to inform the most qualified loan and grant applicants, and contractors, including, but not limited to, women, minority, disabled veteran, and LGBT business enterprises, about workshops, trainings, and funding opportunities. The purpose of the program is to ensure that the commission recognizes the demographic shifts of the California marketplace and is nurturing the new and next generation of energy technology leaders.

(2) One component of the outreach program shall be a process for tracking the diversity of contractors, loan recipients, and grant recipients. The commission may rely on existing sources for locating information on certified women, minority, disabled veteran, and LGBT business, which may include, but is not limited to, the clearinghouse database maintained by the Public Utilities Commission, the list of Disabled Veteran Business Enterprises certified by the Procurement Division of the Department of General Services, as well as information on other nonprofit organizations that verify or certify women, minority, and LGBT business enterprises.

(3) The outreach program shall include a strategy to encourage the participation of certified women, minority, disabled veteran, and LGBT business enterprises in the commission’s relevant programs and shall consider including them in capacity building activities.

(c) The commission may consider establishing a Diversity Task Force to consider and make recommendations about diversity in the energy

industry, including diversity of corporate governing boards and procurement from diverse businesses, and addressing and promoting local and targeted hiring.

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