

Introduced by Senator Huff

February 27, 2009

An act to amend Section 999.5 of the Military and Veterans Code, relating to veterans.

LEGISLATIVE COUNSEL'S DIGEST

SB 548, as introduced, Huff. California Disabled Veteran Business Enterprise Program.

Under existing law, the Department of General Services, except in the case of contracts for professional bond services, is the administering agency of the California Disabled Veteran Business Enterprise Program, which requires state agencies and all other state entities contracting for materials, supplies, equipment, alteration, repair, or improvement to have at least 3% participation goals for disabled veteran business enterprises. Existing law specifies the duties of the Department of General Services and the Department of Veterans Affairs in meeting that requirement, and sets standards for meeting the program's participation goals, as provided.

This bill would require an awarding department to require any prime contractor that enters into a subcontract with a disabled veteran business enterprise to certify to the awarding department, under penalty of perjury, that all payments under the contract have been made to the disabled veteran business enterprise. This bill would also require an awarding department to keep that certification on file.

By requiring a prime contractor make a certification under penalty of perjury, this bill would expand the scope of the existing crime of perjury, 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:

1 SECTION 1. Section 999.5 of the Military and Veterans Code
2 is amended to read:

3 999.5. (a) The administering agency for the California Disabled
4 Veteran Business Enterprise Program is the Department of General
5 Services, except in the case of contracts for professional bond
6 services. The Department of General Services shall consult with
7 the California Disabled Veteran Business Enterprise Program
8 Advocate, appointed by the Department of Veterans Affairs
9 pursuant to Section 999.11, on all matters relating to the California
10 Disabled Veteran Business Enterprise Program. The Director of
11 General Services shall adopt written policies and guidelines
12 establishing a uniform process for state contracting that would
13 provide a disabled veteran business enterprise participation
14 incentive to bidders. The incentive program shall be used by all
15 state agencies when awarding contracts.

16 (b) The Department of Veterans Affairs shall do all of the
17 following:

18 (1) Establish a method of monitoring adherence to the goals
19 specified in Sections 999.1 and 999.2.

20 (2) Promote the California Disabled Veteran Business Enterprise
21 Program to the fullest extent possible.

22 (3) Maintain complete records of its promotional efforts.

23 (4) Establish a system to track the effectiveness of its efforts to
24 promote the California Disabled Veteran Business Enterprise
25 Program, which shall include regular, periodic surveys of newly
26 certified disabled veteran business enterprises to determine how
27 they learned of the program, why they became certified, and what
28 their experience with awarding departments has been.

29 (c) An awarding department shall not credit toward the
30 department's 3-percent goal state funds expended on a contract

1 with a disabled veteran business enterprise that does not meet and
2 maintain the certification requirements.

3 *(d) An awarding department shall require any prime contractor*
4 *that enters into a subcontract with a disabled veteran business*
5 *enterprise to certify to the awarding department, under penalty of*
6 *perjury, that all payments under the contract have been made to*
7 *the disabled veteran business enterprise. An awarding department*
8 *shall keep that certification on file.*

9 ~~(d)~~

10 *(e) The administering agency shall adopt rules and regulations,*
11 *including standards for good faith efforts, for the purpose of*
12 *implementing this section. Emergency regulations consistent with*
13 *this section may be adopted.*

14 SEC. 2. No reimbursement is required by this act pursuant to
15 Section 6 of Article XIII B of the California Constitution because
16 the only costs that may be incurred by a local agency or school
17 district will be incurred because this act creates a new crime or
18 infraction, eliminates a crime or infraction, or changes the penalty
19 for a crime or infraction, within the meaning of Section 17556 of
20 the Government Code, or changes the definition of a crime within
21 the meaning of Section 6 of Article XIII B of the California
22 Constitution.