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AB-2543 Small Business Procurement and Contract Act: eligibility. (2023-2024)

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Assembly Bill No. 2543

CHAPTER 407

An act to add Section 14836.1 to the Government Code, relating to small business.

[Approved by Governor September 22, 2024. Filed with Secretary of State September 22, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2543, Arambula. Small Business Procurement and Contract Act: eligibility.

Existing law, the Small Business Procurement and Contract Act, requires state agencies to take certain actions in order to facilitate the participation of small businesses and microbusinesses in the provision of goods, information technology, and services to the state, and in the construction of state facilities. Existing law gives the Department of General Services sole responsibility for certifying and determining the eligibility of small businesses and microbusinesses under the act. Existing law requires the department to require an applicant or certified firm to submit a written declaration, under penalty of perjury, that information submitted to the department is true and correct, as specified.

Existing federal law provides that certain aliens are not eligible for any state or local public benefit, except as provided. Existing federal law authorizes a state to provide that an alien who is not lawfully present in the United States is eligible for a state or local public benefit for which the alien would otherwise be ineligible under these provisions only through the enactment of a state law after August 22, 1996, which affirmatively provides for that eligibility.

This bill would specify that the act is a state law that provides assistance and services for persons regardless of immigration status within the meaning of the federal law described above. By expanding the scope of the crime of perjury, this bill would 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 reimbursement is not required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 14836.1 is added to the Government Code, to read:

14836.1. The Legislature finds and declares that this chapter is a state law that provides assistance and services for persons regardless of immigration status within the meaning of Section 1621(d) of Title 8 of the United States Code.

SEC. 2. Reimbursement is not required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.