

AMENDED IN SENATE APRIL 17, 2017

AMENDED IN SENATE FEBRUARY 16, 2017

**SENATE BILL**

**No. 30**

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**Introduced by Senator Lara**

December 5, 2016

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An act to add Chapter 15 (commencing with Section 8900) to Division 1 of Title 2 of the Government Code, *and to amend Section 1103 of the Public Contract Code*, relating to infrastructure.

LEGISLATIVE COUNSEL'S DIGEST

SB 30, as amended, Lara. California-Mexico border: federally funded infrastructure.

Existing law establishes the border between the United States and Mexico, which includes the southern border of California.

~~This bill would require any federally funded infrastructure project along California's southern border that exceeds a cost of \$1 billion to first be approved by a majority of the voters voting on the issue at a statewide general election. The bill also would make related findings and declarations: *declarations related to a wall on the border between California and Mexico.*~~

This bill would ~~additionally~~ prohibit the state, commencing January 1, 2018, from awarding or renewing ~~a any contract for goods or services~~ with any person, as defined, that at the time of bid or proposal for a new contract or renewal of an existing contract is providing or has provided goods or services to the federal government for the construction of a federally funded ~~infrastructure project~~ *wall, fence, or other barrier* along California's southern border.

*Existing law defines "responsible bidder" for the purposes of public works contracts as a bidder who has demonstrated the attribute of*

*trustworthiness, as well as quality, fitness, capacity, and experience to satisfactorily perform the public works contract.*

*This bill would provide that, for purposes of contracts with the state, the term “responsible bidder” does not include a bidder who, at the time of the bid or proposal for a new contract or renewal of an existing contract, is providing or has provided goods or services to the federal government for the construction of a federally funded wall, fence, or other barrier along California’s southern border.*

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 15 (commencing with Section 8900) is  
 2 added to Division 1 of Title 2 of the Government Code, to read:

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4 CHAPTER 15. FEDERALLY FUNDED INFRASTRUCTURE ON THE  
 5 CALIFORNIA-MEXICO BORDER

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7 8900. ~~(a)~~—The Legislature finds and declares all of the  
 8 following:

9 ~~(1)~~

10 (a) California and Mexico share more than 130 miles of an  
 11 international border. The border region is home to tremendous  
 12 cultural history and economic commerce between the United States  
 13 and Mexico.

14 ~~(2)~~

15 (b) In 2015, the value of California’s exports to Mexico was  
 16 twenty-six billion eight hundred million dollars (\$26,800,000,000),  
 17 making up 17.4 percent of the state’s total exports, and  
 18 approximately 177,000 California jobs are related to the  
 19 commercial relationship with Mexico. Commerce, tourism, and  
 20 foreign direct investment from Mexico support more than 200,000  
 21 jobs in California.

22 ~~(3)~~

23 (c) California’s border region is also home to numerous  
 24 threatened and endangered species of plant and animal life,  
 25 including California’s official state amphibian, the California  
 26 red-legged frog, and the endangered arroyo toad.

27 ~~(4)~~

1 (d) A recent binational agreement between the United States  
2 and Mexico aims to address pollution, including sewage, waste  
3 tires, and polluted stormwater, in the Tijuana River watershed.  
4 The river flows through both California and Baja California,  
5 impacting bird and wildlife habitat and water quality at local  
6 beaches.

7 ~~(5)~~

8 (e) A proposed border wall between California and Mexico  
9 would do serious economic, social, and environmental harm to the  
10 state.

11 ~~(6) A federally funded infrastructure project along California's~~  
12 ~~southern border that exceeds a cost of one billion dollars~~  
13 ~~(\$1,000,000,000) may cause harm to California's precious~~  
14 ~~environmental resources and cause social and economic impacts.~~

15 ~~(b) Any federally funded infrastructure project along California's~~  
16 ~~southern border that exceeds a cost of one billion dollars~~  
17 ~~(\$1,000,000,000) shall first be approved by a majority of the voters~~  
18 ~~voting on the issue at a statewide general election.~~

19 ~~(c) For purposes of this section, separate infrastructure projects~~  
20 ~~that are physically connected or adjacent to each other shall be~~  
21 ~~deemed to constitute a single project.~~

22 8900.1. (a) The term "person," as used in this section, means  
23 any individual, partnership, joint venture, or association or any  
24 other organization or any combination thereof, whether situated  
25 within or outside the state.

26 (b) Notwithstanding any other law, commencing January 1,  
27 2018, the state shall not award or renew ~~a any contract for goods~~  
28 ~~or services~~ with any person that, at the time of bid or proposal for  
29 a new contract or renewal of an existing contract, is providing or  
30 has provided goods or services to the federal government for the  
31 construction of a federally funded ~~infrastructure project~~ *wall, fence,*  
32 *or other barrier* along California's southern border.

33 *SEC. 2. Section 1103 of the Public Contract Code is amended*  
34 *to read:*

35 1103. (a) "Responsible bidder," as used in this part, means a  
36 bidder who has demonstrated the attribute of trustworthiness, as  
37 well as quality, fitness, capacity, and experience to satisfactorily  
38 perform the public works contract.

39 The Legislature finds and declares that this section is declaratory  
40 of existing law.

1     ***(b) For purposes of a contract with the state, a “responsible***  
2     ***bidder” does not include a bidder who, at the time of the bid or***  
3     ***proposal for a new contract or renewal of an existing contract, is***  
4     ***providing or has provided goods or services to the federal***  
5     ***government for the construction of a federally funded wall, fence,***  
6     ***or other barrier along California’s southern border.***

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