

AMENDED IN SENATE SEPTEMBER 5, 2013

AMENDED IN SENATE JULY 8, 2013

AMENDED IN SENATE JUNE 24, 2013

AMENDED IN ASSEMBLY MAY 24, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 199

Introduced by Assembly Member Holden
(Coauthor: Assembly Member Alejo)

January 29, 2013

An act to add *and repeal* Chapter 7 (commencing with Section 58595) to Part 1 of Division 21 of the Food and Agricultural Code, and to ~~amend~~ *amend, repeal, and add* Sections 4330 and 4331 of the Government Code, relating to institutional purchasers of agricultural products.

LEGISLATIVE COUNSEL'S DIGEST

AB 199, as amended, Holden. Institutional purchasers: sale of California produce.

Under existing law, price, fitness, and quality being equal, any body, officer, or other person charged with the purchase, or permitted or authorized to purchase supplies for the use of the state, or of any of its institutions or offices, or for the use of any county or city, is required to always prefer supplies, defined to include produce, that are grown, manufactured, or produced in the state, and is required to next prefer supplies partially manufactured, grown, or produced in the state.

This bill would, *until January 1, 2017*, remove supplies grown or partially grown in the state from this requirement, and produce from

the definition of supplies. The ~~bill~~ *bill, the Choose California Act*, would *until January 1, 2017*, require all California state-owned or state-run institutions, except public universities, public schools, ~~or~~ *and* school districts, to purchase agricultural products grown in California *to the extent possible* from a California company ~~to the extent possible~~ before those that are grown outside of the state, as specified. The bill would, *until January 1, 2017*, encourage all public universities, public schools, and ~~schools~~ *school districts* in California to purchase agricultural products grown in California to the greatest extent possible.

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. All public universities, public schools, and school~~
2 ~~districts in California are encouraged to purchase agricultural~~
3 ~~products grown in California to the greatest extent possible.~~

4 *SECTION 1. This act shall be known, and may be cited, as the*
5 *Choose California Act.*

6 SEC. 2. Chapter 7 (commencing with Section 58595) is added
7 to Part 1 of Division 21 of the Food and Agricultural Code, to read:

8
9 CHAPTER 7. INSTITUTIONAL PURCHASERS OF AGRICULTURAL
10 PRODUCTS

11
12 58595. (a) All California state-owned or state-run institutions,
13 except public universities, public schools, ~~or~~ *and* school districts,
14 shall purchase agricultural products grown in California to the
15 extent possible from a California company before those that are
16 grown outside the state as long as both of the following are met:

17 (a)
18 (1) The bid or price is equal to or less than the bid or price for
19 agricultural products produced outside the state.

20 (b)
21 (2) The availability and delivery schedule of the agricultural
22 products is acceptable.

23 (b) *This section shall only apply to a contract to purchase*
24 *agricultural products for a value that is less than the value of the*
25 *threshold for supplies and services for which California has*

1 *obligated itself under the Agreement on Government Procurement*
2 *of the World Trade Organization.*

3 58596. *All public universities, public schools, and school*
4 *districts in California are encouraged to purchase agricultural*
5 *products grown in California to the greatest extent possible.*

6 58597. *This chapter shall remain in effect only until January*
7 *1, 2017, and as of that date is repealed, unless a later enacted*
8 *statute, that is enacted before January 1, 2017, deletes or extends*
9 *that date.*

10 ~~SEC. 3.~~

11 SEC. 3. Section 4330 of the Government Code is amended to
12 read:

13 4330. (a) As used in this article, “supplies” includes goods,
14 wares, merchandise, and manufactures.

15 (b) *This section shall remain in effect only until January 1, 2017,*
16 *and as of that date is repealed, unless a later enacted statute, that*
17 *is enacted before January 1, 2017, deletes or extends that date.*

18 SEC. 4. Section 4330 is added to the Government Code, to
19 read:

20 4330. (a) As used in this article, “supplies” includes goods,
21 wares, merchandise, manufactures, and produce.

22 (b) *This section shall become operative on January 1, 2017.*

23 ~~SEC. 4.~~

24 SEC. 5. Section 4331 of the Government Code is amended to
25 read:

26 4331. (a) Price, ~~fitness~~ *fitness*, and quality being equal, any
27 body, officer, or other person charged with the purchase *of*, or
28 permitted or authorized to purchase, supplies for the use of the
29 state, or of any of its institutions or offices, or for the use of any
30 county or city, shall always prefer supplies manufactured or
31 produced in the state, and shall next prefer supplies partially
32 manufactured or produced in the state.

33 (b) *This section shall remain in effect only until January 1, 2017,*
34 *and as of that date is repealed, unless a later enacted statute, that*
35 *is enacted before January 1, 2017, deletes or extends that date.*

36 SEC. 6. Section 4331 is added to the Government Code, to
37 read:

38 4331. (a) Price, *fitness*, and quality being equal, any body,
39 officer, or other person charged with the purchase *of*, or permitted
40 or authorized to purchase, supplies for the use of the state, or of

1 *any of its institutions or offices, or for the use of any county or*
2 *city, shall always prefer supplies grown, manufactured, or*
3 *produced in the state, and shall next prefer supplies partially*
4 *manufactured, grown, or produced in the state.*

5 *(b) This section shall become operative on January 1, 2017.*

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