

AMENDED IN SENATE APRIL 7, 2021

SENATE BILL

No. 808

Introduced by Senator Roth

February 19, 2021

An act to amend Section ~~12096.3~~ 12098.10 of the Government Code, relating to economic development.

LEGISLATIVE COUNSEL'S DIGEST

SB 808, as amended, Roth. GO-Biz: ~~business resources~~. *Made in California Program.*

Existing law establishes the Made in California Program within the Governor's Office of Business and Economic Development for the purposes of encouraging consumer product awareness and fostering purchases of high-quality products made in this state. Existing law requires, in order to be eligible under the program, a company to establish that the product is substantially made by an individual located in the state and that the finished product could lawfully use a "Made in U.S.A." label, as provided.

This bill would remove the requirement that a company establish that the finished product could lawfully use a "Made in U.S.A." label in order to be eligible under the program.

Existing law requires the office to require each company to register with the office for use of the Made in California label and requires a company filing for registration to submit a qualified third-party certification, as defined, at least once every 3 years, as specified.

This bill would remove the requirement that the certification described above be a qualified third-party certification.

~~Existing law establishes the Governor's Office of Business and Economic Development, known as "GO-Biz," within the Governor's~~

office to serve the Governor as the lead entity for economic strategy and the marketing of California on issues relating to business development, private sector investment, and economic growth. In this regard, existing law authorizes GO-Biz to make recommendations to the Governor and the Legislature on new state policies and to provide data, information, and assistance, as specified.

This bill would further authorize the GO-Biz to provide information and resources specific to online businesses and businesses recovering from a global pandemic. The bill would also make nonsubstantive changes to these provisions.

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. Section 12098.10 of the Government Code is
2 amended to read:

3 12098.10. (a) The Made in California Program, a public and
4 private collaboration, is hereby created within the Governor’s
5 Office of Business and Economic Development. The purposes of
6 the program are to encourage consumer product awareness and to
7 foster purchases of high-quality products made in this state.

8 (b) (1) The office shall develop a program that permits a
9 company to represent that a product is made in this state. To be
10 eligible under the program, a company shall establish ~~all of that~~
11 ~~the following:~~ *product is substantially made by an individual*
12 *located in the state.*

13 ~~(A) The product is substantially made by an individual located~~
14 ~~in the state.~~

15 ~~(B) The finished product could lawfully use a “Made in U.S.A.”~~
16 ~~label and not violate Section 17533.7 of the Business and~~
17 ~~Professions Code.~~

18 (2) For purposes of this section, “substantially made” means
19 completing an act that adds at least 51 percent of a final product’s
20 wholesale value by manufacture, assembly, fabrication, or
21 production to create a final, recognizable product. “Substantially
22 made” does not include the act of packaging a product.

23 (c) The program shall not apply to those agricultural products
24 subject to the Buy California Program described in Section 58750
25 of the Food and Agricultural Code.

1 (d) In accordance with the provisions of Chapter 1 (commencing
2 with Section 58601) of Part 2 of Division 21 of the Food and
3 Agricultural Code, the office may issue and make effective a
4 marketing agreement, including, but not limited to, issuance of a
5 Made in California label, and be advised by those California
6 businesses willing to participate in the program on a voluntary
7 basis via funding or in-kind contributions in a manner defined
8 under the agreement.

9 (e) (1) As part of the Made in California Program, the office
10 shall require each company to register with the office for use of
11 the Made in California label.

12 (2) The company filing the registration shall submit a ~~qualified~~
13 ~~third-party~~ certification at least once every three years that the
14 product is made in accordance with this section.

15 ~~(3) For purposes of this section, “qualified third-party” means~~
16 ~~an individual, group, or association that possesses a professional~~
17 ~~license, certification, or other equivalent documentation indicating~~
18 ~~sufficient training, education, or expertise to perform a regulatory~~
19 ~~compliance audit.~~

20 ~~(4)~~

21 (3) The office may require a fee to accompany the registration.
22 The fee shall be determined by the office, and shall not exceed the
23 reasonable costs to the office in providing the services for which
24 it is charged, including, but not limited to, the costs to implement
25 the marketing program. Proceeds from the fee shall be deposited
26 in the Made in California Fund established in subdivision (h).

27 (f) The office may accept monetary donations or other donations
28 from businesses, nonprofit organizations, or individuals for the
29 purpose of implementing the Made in California Program. These
30 donations shall be deposited in the Made in California Fund
31 established in subdivision (h).

32 (g) (1) Notwithstanding Section 10231.5, the office shall report
33 to the Legislature on January 1, 2015, and each successive January
34 1, regarding its expenditures, progress, and ongoing priorities with
35 this program.

36 (2) The plan submitted to the Legislature pursuant to paragraph
37 (1) shall be submitted pursuant to Section 9795.

38 (h) The Made in California Fund is hereby created as a fund
39 within the State Treasury. Notwithstanding Section 13340, funds
40 deposited and maintained in the Made in California Fund that were

1 donated pursuant to subdivision (f) are continuously appropriated,
2 without regard to fiscal years, to the director, for the purposes of
3 implementing the Made in California Program. Any other funds
4 deposited and maintained in the Made in California Fund are
5 available, subject to appropriation by the Legislature, for purposes
6 of implementing the program.

7 SECTION 1. ~~Section 12096.3 of the Government Code is~~
8 ~~amended to read:~~

9 ~~12096.3. The office shall serve the Governor as the lead entity~~
10 ~~for economic strategy and the marketing of California on issues~~
11 ~~relating to business development, private sector investment, and~~
12 ~~economic growth. In this capacity, the office may:~~

13 ~~(a) Recommend to the Governor and the Legislature new state~~
14 ~~policies, programs, and actions, or amendments to existing~~
15 ~~programs, advance statewide economic goals and respond to~~
16 ~~emerging economic problems and opportunities, and ensure that~~
17 ~~all state policies and programs conform to the adopted state~~
18 ~~economic and business development goals.~~

19 ~~(b) Coordinate the development of policies and criteria to ensure~~
20 ~~that federal grants administered or directly expended by state~~
21 ~~government advance statewide economic goals and objectives.~~

22 ~~(c) Market the business and investment opportunities available~~
23 ~~in California by working in partnership with local, regional, federal,~~
24 ~~and other state public and private institutions to encourage business~~
25 ~~development and investment in the state.~~

26 ~~(d) Provide, including, but not limited to, all of the following:~~

27 ~~(1) Economic and demographic data.~~

28 ~~(2) Financial information to help link businesses with state and~~
29 ~~local public and private programs.~~

30 ~~(3) Workforce information, including, but not limited to, labor~~
31 ~~availability, training, and education programs.~~

32 ~~(4) Transportation and infrastructure information.~~

33 ~~(5) Assistance in obtaining state and local permits.~~

34 ~~(6) Information on tax credits and other incentives.~~

35 ~~(7) Permitting, siting, and other regulatory information pertinent~~
36 ~~to business operations in the state.~~

37 ~~(8) Information and resources specific to online businesses and~~
38 ~~businesses recovering from a global pandemic.~~

39 ~~(e) Establish a well-advertised telephone number, an interactive~~
40 ~~internet website, and an administrative structure that effectively~~

1 supports the facilitation of business development and investment
2 in the state.

3 (f) Encourage collaboration among research institutions, startup
4 companies, local governments, venture capitalists, and economic
5 development agencies to promote innovation.

6 (g) In cooperation with the federal government, foster
7 relationships with overseas entities to improve the state's image
8 as a destination for business investment and expansion.

9 (h) Conduct research on the state's business climate, including,
10 but not limited to, research on how the state can remain on the
11 leading edge of innovation and emerging sectors.

12 (i) Support small businesses by providing information about
13 accessing capital, complying with regulations, and supporting state
14 initiatives that support small business.

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